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POSITION ON PROPOSED LEGISLATION

BILL: SB 583 Public Safety - Law Enforcement Agencies - Acquisition and Use of Surveillance Technology

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 3/7/23

The Maryland Office of the Public Defender respectfully requests that this committee issue a favorable ruling on Senate Bill 583.

I have been a Public Defender in Maryland since 2010, and most of that time has been in the Forensics Division. Since, I have been here, the number of cases where surveillance technology has been used has risen exponentially. However, the increase is immeasurable, because often, the use is not disclosed or is couched in oblique language. In the case of cell site simulators, more commonly known as Stingray, officers and prosecutors were explicitly told not to disclose the use of this technology, pursuant to an NDA signed by their respective bosses and the company that manufactured Stingray devices.

The use of surveillance technology by law enforcement shows no sign of waning. A recent MPIA request of the Baltimore Police Department showed that there approximately 811 facial recognition match reports generated in the last year. Our office had only been made aware of a small fraction of these.

The fundamental problem is that these technologies which may be highly invasive, of limited efficacy, or some combination of both, being used before they have been fully vetted and their limitations and shortcomings are understood.

Rather than ineffectively and reactively legislating these technologies on a piecemeal basis, this bill seeks to establish a framework through which to handle the issues surrounding the use of these technologies. Not only will it streamline the process of regulating these technologies, but it also adds trust and transparency to the use of these types of technologies, which will allay suspicions of their misuse. It is modeled on a similar ordinance out of Oakland, which appears to have been effective in curtailing technology abuses in this area.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 583.

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