



Morningside Police Department

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Daniel J. Franklin
Chief of Police

TO: Senate Judicial Proceedings Committee
The Honorable Senator William C. Smith, Jr. – Chair

FROM: Chief Daniel J. Franklin #0255
Morningside Police Department

RE: Written Testimony Opposing SB 0381
Motor Vehicles - Automated Enforcement Programs - Privacy Protections

DATE: January 30, 2025

Greetings Chairman Smith and the members of the Maryland Senate Judicial Proceedings Committee.

My name is Daniel Franklin, and I am the Chief of Police for the Morningside Police Department in Prince George's County, Maryland. After careful review of SB 0381 sponsored by Senator Love, I am submitting this written testimony **STRONGLY OPPOSING** the passage of the bill.

The Town of Morningside currently operates two automated speed enforcement cameras on Suitland Road near the intersection with Poplar Road within Town limits. The camera system is owned by and deployed in cooperation with Redspeed, LLC, a private corporation under contract to provide the equipment and services of automated speed enforcement to the Town of Morningside.

I believe that continuing to allow Police agencies to access the data captured by automated speed enforcement cameras is very important for investigative purposes, and I can personally speak to two homicide cases that we have been involved in that had very important information discovered from our speed camera captured data. In one case, we were able to identify a carjacked vehicle that contained three suspects who shot and killed an individual on Suitland Road. Those individuals were apprehended almost immediately after we relayed vehicle information captured by our speed camera system to officers in a neighboring sector. Had we not been able to access that data in the time frame that we did, the suspect vehicle is not identified, and the suspects would have continued their crime spree. Those suspects had violently carjacked another vehicle earlier in the day which they lit on fire prior to violently carjacking the vehicle used to commit the homicide mentioned above.

In another case, Officers responded to a motor vehicle collision that turned into a shooting homicide prior to their arrival. I was able to access captured data from the same speed camera system that quickly identified another vehicle containing involved parties that witnesses did not reveal. Because of this discovery, the parties involved were quickly located and the case was able to be solved in short order.

In either case above, there would have been a significant amount of time elapsed prior to Police receiving valuable information which allowed for swift resolution of those cases with no further danger to the public. The captured data was obtained by the automated speed enforcement camera system and confirmed by vehicle registration checks that are conducted every day by Police officers without a warrant or subpoena. The courts have long ruled that "An individual has been held to have a significantly reduced expectation of privacy when

passing along a public way, particularly in a motor vehicle” (People v. Weaver, 2009, 12 NY3d at 436). Using data, video, images, and information captured by automated speed enforcement camera systems is no more invasive than the routine checks conducted by Police in the performance of their everyday duties. The Driver’s Privacy Protection Act of 1994 (DPPA) was established to prevent release of a drivers’ personal information in many circumstances but has several exceptions which allow release of that information with no further intervention from the Courts or prosecutors. The DPPA asserts “A driver’s personal information may be obtained from the department of motor vehicles for any federal, state or local agency use in carrying out its functions; for any state, federal or local proceeding if the proceeding involves a motor vehicle.” In the spirit of this act specifically established to protect driver information, the captured data from an automated speed enforcement camera would still be disclosed without any further permission if the data were obtained in any other manner.

For all the reasons that I have listed above, I respectfully request your consideration of my position of **STRONGLY OPPOSING** the passage of SB 0381.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Chief Daniel J. Franklin #0255". The signature is written in a cursive style.

Chief Daniel J. Franklin #0255
Morningside Police Department