


F R O M	NAME & TITLE	Todd Carter Chief Information Officer	CITY of  BALTIMORE  M E M O	
	AGENCY NAME & ADDRESS	Baltimore City Information & Technology 401 E. Fayette Street, 3rd floor		
	SUBJECT	<b>City Council Bill 23-0377 Surveillance Technology - Procurement</b>		

October 28, 2024

TO: The Honorable President and  
Members of the City Council  
Room 400 City Hall  
c/o Natawna Austin, Executive Secretary

**Position:** No Recommendation

**Background:**

The Baltimore City Information and Technology (BCIT) has completed its review of version VI of Council Bill 23-0377 Surveillance Technology - Procurement. The purpose of this bill is to create a Community Advisory Commission on Surveillance; provide for the membership and duties of the Commission; and require City agencies to submit certain reports.

**Analysis**

BCIT interprets this legislation to cover agencies that “use surveillance technology”. BCIT is a supporting partner to all city agencies including the Baltimore Police Department (BPD), Baltimore City Recreation and Parks (BCRP) and the Department of Transportation (DOT), and as such, is a steward of certain surveillance technologies including cameras at various DOT facilities such as the towing yards, BCRP cameras for one of their facilities and DOT’s License Plate Reader technology.

BCIT also maintains the technology for CitiWatch, a collaborative initiative with the BPD to provide closed-circuit television cameras which assist with public safety initiatives. As the business owner, BPD grants access to the technology to other law enforcement agencies and determines locations for new cameras.

From reviewing version VI of Council Bill 23-0377 Surveillance Technology – Procurement, § 42-5 would require BCIT to take the lead in developing the surveillance use policies; composing biannual surveillance reports for each specific surveillance technology; and, convening at least biannual community engagement meetings to discuss the reports. These actions would be across at least the three distinct agencies.

**Fiscal Impact**

BCIT does not have internal capacity to absorb these additional responsibilities. In order to comply with the requirements, BCIT would likely need to hire a consultant to work with the agencies to develop said policies, draft the reports and manage the convening the public hearings. As the work will vary by fiscal year, we estimate the cost ranging based on new surveillance technologies being procured and whether reports are due in a given fiscal year. The cost will likely range from \$15,000 to \$25,000 annually.

### **Amendments**

BCIT provides technical oversight and support of the closed-circuit television cameras at various facilities. This includes the maintenance of certain equipment and the network the technologies are housed within. Given our role in surveillance technologies, the bill would place primary responsibility on BCIT to create policies and ensure reporting compliance for programs that are not administered by our agency.

BCIT recommends amending the section § **42-5(B)(1) *Responsibility of the Lead Agency*** to reflect the lead agency as the agency who uses the technology for their business operations rather than the agency who maintains the surveillance technology. Policies and reports, as well as the responsibility for convening public hearings, should be maintained by the agency who functions as the business owner for the surveillance program because they provide strategic oversight for the program and have insight into day-to-day operations.

As the bill lists “video and audio monitoring and recording technology, such as surveillance cameras” within its scope, BCIT respectfully suggests an amendment excluding routine security cameras from the requirements from this bill. A report which analyzes disparate impacts and complaints for each routine security camera operated by the City of Baltimore would create an undue burden for agencies. This could also necessitate the recruitment of multiple forensic video/audio analysts to review and produce reports in accordance with the mandates of Council Bill 23-0377 Surveillance Technology – Procurement. BCIT believes this would divert resources away from mission critical initiatives and would not provide meaningful insight to the proposed Community Advisory Commission on Surveillance or the general public.

Finally, it is unclear whether version VI of Council Bill 23-0377 Surveillance Technology - Procurement includes a distinction between previously approved existing surveillance technology or whether this bill solely relates to the acquisition of new technology. Further clarification is needed in order for BCIT to complete a full report on the scope and impact of the legislation.

BCIT respectfully requests a no recommendation report on Council Bill 23-0377 Surveillance Technology – Procurement. We look forward to attending the upcoming hearing. If you have any questions, please contact Leyla Layman, Chief of Staff, at (443) 202-4511.

cc: Ms. Nina Themelis, Director, Mayor’s Office of Government Relations