



CITY COUNCIL BILL: 23-0377
BILL REPORT
SURVEILLANCE TECHNOLOGY –
PROCUREMENT

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
THRU: Nina Themelis, Director, Mayor’s Office of Government Relations
ANALYST: Ty’lor Schnella, Leg. Liaison & Policy Analyst, Office of Equity and Civil Rights
DATE: 11/14/2023
POSITION: **Favorable**

Introduction

The Office of Equity and Civil Rights is herein reporting on City Council Bill 23-0377 – Surveillance Technology Procurement, the purpose of which is to create the Community Advisory Commission on Surveillance. Additionally, this bill would prohibit the City government enterprise (Mayor & City Council) from purchasing or using certain surveillance technology without the approval of the Baltimore City Council.

Community Advisory Commission on Surveillance

The Community Advisory Commission on Surveillance, referred to as "the Commission," is a body comprised of eleven (11) members appointed by the Mayor. The Mayor's appointments to the Commission must adhere to specific criteria: two (2) members must represent organizations focused on government reform, two (2) members must be from organizations specializing in civil rights (such as the National Association for the Advancement of Colored People), two (2) members must be from organizations focused on police oversight and accountability (like the American Civil Liberties Union), two (2) members must represent local community organizations (such as the Broadway East Community Association), two (2) members must be chosen from city residents nominated by City Council members, and one (1) member must be a professional with expertise in the intersection of technology and ethics.

The primary responsibility of the Commission is to develop and present a set of guiding principles to the City Council. These principles will aid the City Council in making informed decisions regarding the use of surveillance technology purchased by city agencies. The Commission members serve a four-year term, coinciding with that of the Mayor and City Council. The Commission is required to hold at least one quarterly meeting, typically totaling four (4) meetings per year, but they can convene more frequently if necessary. All Commission meetings must adhere to the regulations outlined in the [State Open Meetings Act](#).

By September 5th each year, the Commission is obligated to create and submit a Surveillance Technology Community Equity Impact Assessment and Policy Guidance report to the City Council. This report evaluates any adverse effects the use of surveillance technology by city agencies may have had on communities of color. It also suggests measures to address any identified negative impacts.



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Racial Equity Impact #1

The establishment of the Community Advisory Commission on Surveillance through City Council Bill 23-0377 will likely improve the ability of Black residents, Indigenous residents, and other residents of color in providing increased public input regarding the acquisition and potential utilization of surveillance technology within their communities and throughout Baltimore City.

Surveillance Impact Reports

City Council Bill 23-0377 required city agencies to author a publicly released and legally enforceable report regarding the proposed use of surveillance technology that includes:

1. A description of the surveillance technology and how it works;
2. The proposed purpose or purposes of the use of the surveillance technology;
3. If the surveillance technology will not be uniformly deployed or targeted throughout the city, the factors that the agency will use to determine where the technology is deployed or targeted;
4. The fiscal impact of the use of surveillance technology; and
5. A legal assessment specifying:
 - a. Any potential adverse impacts the surveillance technology, if deployed, might have on civil liberties and civil rights; and
 - b. The specific, affirmative measures the agency will implement to safeguard the public from potential adverse impacts on civil liberties and civil rights.

Racial Equity Impact #2

The implementation of Surveillance Impact Reports (SIRs) in the City of Baltimore represents a significant leap toward fostering transparency in the utilization and prospective deployment of surveillance technology. By mandating the creation of these comprehensive reports, the city can provide residents with a clear and detailed understanding of the purpose, implications, and safeguards associated with the use of surveillance tools.

Surveillance Impact Reports offer Baltimore an invaluable mechanism for informed decision-making. These reports will equip city officials and policymakers with a holistic view of the technologies being considered, facilitating decisions that align with both the security needs of the community and the preservation of individual rights. By ensuring decision-makers are well-informed, SIRs contribute to a balanced and thoughtful approach to the implementation of surveillance technology.

Moreover, these reports serve as a powerful tool for public awareness and engagement. City residents will have access to comprehensible information about the city's surveillance initiatives, empowering them to actively participate in discussions about the trade-offs between security and privacy. This approach allows residents to voice their concerns, preferences, and expectations, thereby influencing the shaping of policies related to surveillance technology within their community.



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A crucial aspect of SIRs in Baltimore lies in their ability to conduct thorough risk assessments and propose mitigation strategies. This process ensures that potential privacy, security, and ethical concerns are identified and addressed proactively. By implementing safeguards outlined in the reports, the city can demonstrate a commitment to responsible and ethical use of surveillance technology, thereby fostering trust among its residents.

In terms of accountability and oversight, the Surveillance Impact Reports become a vital record of the decision-making process. The reports outline the rationale behind deploying specific technologies, the alternatives considered, and the safeguards in place. This transparent documentation enhances accountability, allowing both the public and legislative bodies to assess the adherence to legal and ethical standards, and it sets a precedent for other cities striving to strike a balance between security and individual rights.

Continued evaluation and adaptation are inherent in the SIR process, allowing the City of Baltimore to stay responsive to evolving community values and technological advancements. Periodic updates and reassessments ensure that the use of surveillance technology remains aligned with the changing landscape, reinforcing the city's commitment to staying at the forefront of responsible technology deployment.

Ultimately, the adoption of Surveillance Impact Reports positions the City of Baltimore as a leader in transparency and responsible governance in the realm of surveillance technology.

Conclusion

The Office of Equity and Civil Rights supports a favorable committee recommendation.