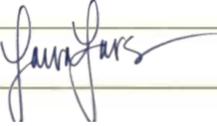


FROM	NAME & TITLE	Laura Larsen, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	City Council Bill 23-0377– Surveillance Technology - Procurement		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

November 14, 2023

Position: Support

The Department of Finance (DOF) is herein reporting on City Council Bill 23-0377, Surveillance Technology - Procurement, the purpose of which is to regulate the forms and uses of surveillance technology as defined in the bill. The legislation creates a Community Advisory Commission on Surveillance which will produce an annual report entitled the Surveillance Technology Community Equity Impact Assessment and Policy Guidance. It mandates that agencies seeking to purchase the technologies defined as surveillance technology need to complete a Surveillance Impact Report and a Surveillance Use Policy for the prior use of the technologies.

Background

The subject of surveillance technology has been before the City Council through hearings and proposed ordinances on several occasions. Surveillance Technology was discussed mainly in the context of the Baltimore City Aerial Investigation Research Program, commonly known as the “spy plane” on three occasions during legislative oversight hearings and Council Resolutions, LO16-0142, LO16-0144, LO18-0042, and 20-0254R. These hearings generally focused on the “spy plane,” its costs, its potential effectiveness, and its legality. The Council heard and adopted 22-0122R Informational Hearing - Public Safety and Surveillance Technology. This brought relevant agency representatives and members of the public together to discuss the acquisition and use of facial recognition surveillance technology by the Baltimore City government. Councilmember Burnett also presented the research that he and his office had conducted into facial recognition surveillance technology.

This is the third proposal to regulate surveillance technology that the Council has considered. The first piece of legislation that the Council considered was introduced in 2020 with 20-0606: Banning Face Surveillance Technology in Baltimore. This would have prohibited the Baltimore City government as well as any person or corporation from obtaining, retaining, accessing, or using certain face surveillance technology or any information obtained from certain face surveillance technology within the City of Baltimore. It remained in committee and failed at the end of the term, December 2020. The second piece of legislation was introduced in 2021: 21-0001 Surveillance Technology in Baltimore. 21-0001 was introduced to be substantively like 20-0606. 21-0001 was heavily amended in committee to temporarily ban face surveillance technology. The ban could be extended should the City Council so choose, if a study as well as public hearings show that it is in the City’s best interest to continue the ban.

Fiscal Impact Analysis

The Finance Department expects minimal fiscal impact from this legislation. Certain agency users of surveillance technology will have to designate staff to complete the regulatory requirements set forth under this legislation. However, it is unlikely that these agencies will have to hire more staff. There will be

minimal material costs associated with the Community Advisory Commission on Surveillance. These will primarily take the place of office supplies to carry out the responsibilities as laid out in the legislation.

Conclusion

The legislation is designed to bring transparency to the use of and the forms of surveillance technologies used by the City of Baltimore. It requires documentation on what, how and why these technologies were used and by which department. The legislation also creates the Community Advisory Commission on Surveillance, to help steer future surveillance technology-related policy and use. The Finance Department anticipates minimal staff costs and some materials costs associated with the implementation of this ordinance.

For the reasons stated above, the Department of Finance supports City Council Bill 23-0377.

cc: Nina Themelis
Michael Moiseyev