



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chairman**

PUBLIC HEARING

**Wednesday, February 24, 2021
1:00 PM**

**Council Bill: 21-0001
Surveillance Technology
In Baltimore**

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BILL SYNOPSIS

Committee: Public Safety and Government Operations

Bill 21-0001

Surveillance Technology in Baltimore

Sponsor: Councilmember Kris Burnett

Introduced: January 11, 2021

Purpose:

For the purpose of prohibiting Baltimore City government from purchasing or obtaining certain face surveillance technology; prohibiting Baltimore City government from contracting or subcontracting with another for the purpose of face surveillance technology; prohibiting any person in Baltimore City from obtaining, retaining, accessing, or using certain face surveillance technology or any information obtained from certain face surveillance technology; requiring the Director of Baltimore City Information and Technology to submit an annual report to the Mayor and City Council regarding the use of surveillance by the Mayor and City Council; providing for certain termination dates; providing for certain penalties; and defining certain terms.

Effective: 30 days after the date of enactment

Agency Reports

Law Department	No Objection
Baltimore City Office of Information Technology	No Objection
Police Department	
Office of Neighborhood Safety and Engagement	
Department of Transportation	
Department of Finance	No Objection



Proposed Law:

Article 5 – Finance, Property, and Procurement; Section(s) 41-4; Baltimore City Code (Edition 2000)

Article 19 – Police Ordinances; Section(s) 18-1 through 18-6, to be under the new subtitle, “Subtitle 18. Surveillance”; Baltimore City Code (Edition 2000)

Analysis

Background

What is facial recognition technology?

It refers to software that is embedded onto computer programs and devices that scan and analyze images of human faces for the purpose of identifying them. It has been designed to use artificial intelligence to compare facial images and determine whether there is a match. This technology has the ability to determine whether two facial images are of the same person, and whether a facial image matches any of the facial images contained in a particular database. Facial recognition software is being built into all sorts of applications, from airport surveillance kiosks to social media engines.

Benefits of Facial Recognition Technology		Disadvantages of Facial Recognition
Smart Advertising	Locating Missing Persons	Variations in compared images
Protection of Law Enforcement	Identification of People on Social Media Platforms	Its accuracy is less than 100%
Diagnose Diseases	Protect Learning Institutions from Threats	Privacy
Tracking of School Attendance	Facilitation of Secure Transactions	Spoofing
To Recognize Drivers		

A major concern associated with facial recognition software is that the usage of this technology raises concerns regarding security versus privacy rights, and how these facial recognition applications can be safely and equitably applied.

The American Civil Liberties Union has published numerous position papers across the country in opposition to the usage of facial recognition technology. Their position is that facial recognition can be used for general surveillance in combination with public video cameras that doesn’t require the knowledge, consent, or participation of the subject. They go on to offer that the biggest danger is that this technology will be used for general, suspicionless surveillance systems used for identification and tracking.

Researchers from the National Institute of Standards and Technology (NIST) conducted a study which evaluated face recognition algorithms submitted by industry and academic

developers on their ability to perform different task. During this study 189 software algorithms were evaluated from 99 developers. To evaluate each algorithm’s performance on its task, the team measured the two classes of error the software can make: false positives and false negatives. A false positive means that the software wrongly considered photos of two different individuals to show the same person, while a false negative means the software failed to match two photos that, in fact, do show the same person. These test showed a wide range in accuracy across developers, with the most accurate algorithms producing many fewer errors. While the study’s focus was on individual algorithms, the research group pointed out five broader findings:

1. For on-to-one matching, the team saw higher rates of false positives for Asian and African American faces relative to images of Caucasians.
2. Among U.S. – developed algorithms, there were similar high rates of false positives in one-to-one matching for Asians, African Americans and native groups.
3. There was no such dramatic difference in false positives in one-to-one matching between Asian and Caucasian faces for algorithms developed in Asia.
4. For one-to-many matching, the team saw higher rates of false positives for African American females.

On the other side of the argument is the National Institute of Justice (NIJ) which has over 25 years of research in supporting the use of facial recognition technology. NIJ assumed a central role in moving facial analysis algorithms from a hit-or-miss tool set to a widely deployed, rapidly advancing array of products for criminal justice, national defense, homeland security, and intelligence uses, as well as for various commercial applications. Researchers from NIJ have reported that facial recognition technology is no longer confined to well-lit, head-on mugshots snapped at short range, but the technology can now detect images captured from a distance of hundreds of meters, sometimes in poor light or at an off-angle, or where the subject’s face is partially masked or otherwise obscured.

If enacted, Bill 21-0001 Surveillance Technology in Baltimore would prohibit a person from obtaining, retaining, or accessing facial surveillance technology. Surveillance technology would include the following items:

International mobile subscriber identity catchers and other cell site simulators	Automatic license plate readers
Closed circuit television cameras	Gunshot detection hardware and services
Video and audio monitoring or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras	Mobile DNA capture technology
Biometric software or technology, including face surveillance systems and voice, iris, and gait-recognition software and database	Software designed to monitor social media services

X-Ray vans	Software designed to forecast criminal activity or criminality, radio frequency I.D. (RFID) scanners
Tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network	

The passage of this ordinance would add Baltimore to the list of other cities that have recently banned the usage of facial recognition technology such as Minneapolis, San Francisco, Portland, Oakland and Boston just to name a few.

Additional Information

Fiscal Note: Not Available

Information Source(s): National Institute of Justice, American Civil Liberties Union, Tech Funnel, Techopedia, New York Post, The Guardian, National Institute of Standards and Technology

Analysis by: Samuel Johnson, Jr.
 Analysis Date: February 23, 2021

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE
COUNCIL BILL 21-0001
(First Reader)**

Introduced by: Councilmembers Burnett, Cohen, Dorsey, Bullock

Introduced and read first time: January 11, 2021

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Information Technology, Police Department, Mayor's Office of Criminal Justice, Department of Transportation, 9-1-1 Dispatch, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Surveillance Technology in Baltimore**

3 FOR the purpose of prohibiting Baltimore City government from purchasing or obtaining certain
4 face surveillance technology; prohibiting Baltimore City government from contracting or
5 subcontracting with another for the purpose of face surveillance technology; prohibiting any
6 person in Baltimore City from obtaining, retaining, accessing, or using certain face
7 surveillance technology or any information obtained from certain face surveillance
8 technology; requiring the Director of Baltimore City Information and Technology to submit
9 an annual report to the Mayor and City Council regarding the use of surveillance by the
10 Mayor and City Council; providing for certain termination dates; providing for certain
11 penalties; and defining certain terms.

12 BY adding

13 Article 5 - Finance, Property, and Procurement
14 Section(s) 41-4
15 Baltimore City Code
16 (Edition 2000)

17 BY adding

18 Article 19 - Police Ordinances
19 Section(s) 18-1 through 18-6, to be under the new subtitle,
20 "Subtitle 18. Surveillance"
21 Baltimore City Code
22 (Edition 2000)

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 Laws of Baltimore City read as follows:

25 style="text-align:center">**Baltimore City Code**

26 style="text-align:center">**Article 5. Finance, Property, and Procurement**

27 style="text-align:center">**Subtitle 41. Prohibited Contracts**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 21-0001

1 **§ 41-4. FACE SURVEILLANCE TECHNOLOGY.**

2 (A) *SCOPE OF SECTION.*

3 NOTHING IN THIS SECTION APPLIES TO ANY CONTRACT, AGREEMENT, OR MEMORANDUM OF
4 UNDERSTANDING FOR THE ACCESS TO OR USE OF THE MARYLAND IMAGE REPOSITORY
5 SYSTEM.

6 (B) *DEFINITIONS.*

7 (1) *IN GENERAL.*

8 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

9 (2) *FACE SURVEILLANCE.*

10 “FACE SURVEILLANCE” MEANS AN AUTOMATED OR SEMI-AUTOMATED PROCESS THAT
11 ASSISTS IN IDENTIFYING OR VERIFYING AN INDIVIDUAL BASED ON THE PHYSICAL
12 CHARACTERISTICS OF THE INDIVIDUAL’S FACE.

13 (3) *FACE SURVEILLANCE SYSTEM.*

14 (I) *IN GENERAL.*

15 “FACE SURVEILLANCE SYSTEM” MEANS ANY COMPUTER SOFTWARE OR
16 APPLICATION THAT PERFORMS FACE SURVEILLANCE.

17 (II) *EXCLUSION.*

18 “FACE SURVEILLANCE SYSTEM” DOES NOT INCLUDE A BIOMETRIC SECURITY
19 SYSTEM DESIGNED SPECIFICALLY TO PROTECT AGAINST UNAUTHORIZED ACCESS TO
20 A PARTICULAR LOCATION OR AN ELECTRONIC DEVICE.

21 (C) *PURCHASE PROHIBITED.*

22 THE CITY OF BALTIMORE MAY NOT PURCHASE OR OTHERWISE OBTAIN A FACE
23 SURVEILLANCE SYSTEM OR FACE SURVEILLANCE SYSTEMS.

24 (D) *CONTRACTOR USE PROHIBITED.*

25 THE CITY OF BALTIMORE MAY NOT CONTRACT WITH ANOTHER ENTITY OR INDIVIDUAL,
26 EITHER DIRECTLY OR AS A SUBCONTRACT, FOR THE USE OF FACE SURVEILLANCE IN THE
27 CITY.

28 (E) *TERMINATION OF SECTION.*

29 THIS SECTION AUTOMATICALLY EXPIRES ON DECEMBER 31, 2022, UNLESS THE CITY
30 COUNCIL, AFTER CAUSING AN APPROPRIATE STUDY TO BE UNDERTAKEN, CONDUCTING
31 PUBLIC HEARINGS, AND HEARING TESTIMONIAL EVIDENCE, FINDS THAT THE PROHIBITIONS

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1 SET FORTH IN THIS SECTION REMAIN IN THE PUBLIC INTEREST, IN WHICH CASE THIS
2 SECTION MAY BE EXTENDED FOR 5 MORE YEARS.

3 **Article 19. Police Ordinances**

4 **SUBTITLE 18. SURVEILLANCE**

5 **§ 18-1. DEFINITIONS.**

6 (A) *IN GENERAL.*

7 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

8 (B) *FACE SURVEILLANCE.*

9 “FACE SURVEILLANCE” MEANS AN AUTOMATED OR SEMI-AUTOMATED PROCESS THAT
10 ASSISTS IN IDENTIFYING OR VERIFYING AN INDIVIDUAL BASED ON THE PHYSICAL
11 CHARACTERISTICS OF AN INDIVIDUAL’S FACE.

12 (C) *FACE SURVEILLANCE SYSTEM.*

13 (1) *IN GENERAL.*

14 “FACE SURVEILLANCE SYSTEM” MEANS ANY COMPUTER SOFTWARE OR APPLICATION
15 THAT PERFORMS FACE SURVEILLANCE.

16 (2) *EXCLUSIONS.*

17 “FACE SURVEILLANCE SYSTEM” DOES NOT INCLUDE:

- 18 (I) A BIOMETRIC SECURITY SYSTEM DESIGNED SPECIFICALLY TO PROTECT AGAINST
19 UNAUTHORIZED ACCESS TO A PARTICULAR LOCATION OR AN ELECTRONIC
20 DEVICE; OR
21 (II) THE MARYLAND IMAGE REPOSITORY SYSTEM.

22 (D) *INCLUDES; INCLUDING.*

23 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
24 LIMITATION.

25 (E) *PERSON.*

26 “PERSON” MEANS:

- 27 (1) AN INDIVIDUAL;
28 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
29 KIND;

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1 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
2 REPRESENTATIVE OF ANY KIND; OR

3 (4) EXCEPT AS USED IN § 18-3 {"PENALTIES"} OF THIS SUBTITLE FOR THE IMPOSITION
4 OF CRIMINAL PENALTIES, THE MAYOR AND CITY COUNCIL OF BALTIMORE OR AN
5 INSTRUMENTALITY OR UNIT OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

6 **§ 18-2. USE OF FACE SURVEILLANCE TECHNOLOGY PROHIBITED.**

7 A PERSON MAY NOT OBTAIN, RETAIN, ACCESS, OR USE IN BALTIMORE CITY:

8 (1) ANY FACE SURVEILLANCE SYSTEM; OR

9 (2) ANY INFORMATION OBTAINED FROM A FACE SURVEILLANCE SYSTEM.

10 **§ 18-3. PENALTIES.**

11 (A) *IN GENERAL.*

12 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
13 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
14 IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT.

15 (B) *EACH DAY A SEPARATE OFFENSE.*

16 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

17 **§ 18-4. {RESERVED}**

18 **§ 18-5. ANNUAL REPORT AND ASSESSMENT.**

19 (A) *DEFINITIONS.*

20 (1) *IN GENERAL.*

21 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

22 (2) *SURVEILLANCE TECHNOLOGY.*

23 (I) *IN GENERAL.*

24 "SURVEILLANCE TECHNOLOGY" MEANS ANY SOFTWARE, ELECTRONIC DEVICE,
25 SYSTEM UTILIZING AN ELECTRONIC DEVICE, OR SIMILAR DEVICE USED, DESIGNED,
26 OR PRIMARILY INTENDED TO COLLECT, RETAIN, PROCESS, OR SHARE AUDIO,
27 ELECTRONIC, VISUAL, LOCATION, THERMAL, BIOMETRIC, OLFACTORY, OR SIMILAR
28 INFORMATION SPECIFICALLY ASSOCIATED WITH, OR CAPABLE OF BEING
29 ASSOCIATED WITH, ANY INDIVIDUAL OR GROUP.

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1 (II) *INCLUSIONS.*

2 “SURVEILLANCE TECHNOLOGY” INCLUDES THE FOLLOWING:

- 3 (A) INTERNATIONAL MOBILE SUBSCRIBER IDENTITY (IMSI) CATCHERS AND
4 OTHER CELL SITE SIMULATORS;
- 5 (B) AUTOMATIC LICENSE PLATE READERS;
- 6 (C) CLOSED-CIRCUIT TELEVISION CAMERAS;
- 7 (D) GUNSHOT DETECTION HARDWARE AND SERVICES;
- 8 (E) VIDEO AND AUDIO MONITORING OR RECORDING TECHNOLOGY, SUCH AS
9 SURVEILLANCE CAMERAS, WIDE-ANGLE CAMERAS, AND WEARABLE BODY
10 CAMERAS;
- 11 (F) MOBILE DNA CAPTURE TECHNOLOGY;
- 12 (G) BIOMETRIC SOFTWARE OR TECHNOLOGY, INCLUDING FACE SURVEILLANCE
13 SYSTEMS AND VOICE, IRIS, AND GAIT-RECOGNITION SOFTWARE AND
14 DATABASES;
- 15 (H) SOFTWARE DESIGNED TO MONITOR SOCIAL MEDIA SERVICES;
- 16 (I) X-RAY VANS;
- 17 (J) SOFTWARE DESIGNED TO FORECAST CRIMINAL ACTIVITY OR CRIMINALITY;
18 RADIO-FREQUENCY I.D. (RFID) SCANNERS; AND
- 19 (K) TOOLS, INCLUDING SOFTWARE AND HARDWARE, USED TO GAIN
20 UNAUTHORIZED ACCESS TO A COMPUTER, COMPUTER SERVICE, OR
21 COMPUTER NETWORK.

22 (III) *EXCLUSIONS.*

23 “SURVEILLANCE TECHNOLOGY” DOES NOT INCLUDE THE FOLLOWING DEVICES,
24 HARDWARE, OR SOFTWARE:

- 25 (A) OFFICE HARDWARE, SUCH AS TELEVISIONS, COMPUTERS, CREDIT CARD
26 MACHINES, COPY MACHINES, TELEPHONES, AND PRINTERS, THAT ARE IN
27 COMMON USE BY CITY AGENCIES AND USED FOR ROUTINE CITY BUSINESS
28 AND TRANSACTIONS;
- 29 (B) CITY DATABASES AND ENTERPRISE SYSTEMS THAT CONTAIN INFORMATION
30 KEPT IN THE ORDINARY COURSE OF CITY BUSINESS, INCLUDING HUMAN
31 RESOURCE, PERMIT, LICENSE, AND BUSINESS RECORDS AND DATA;
- 32 (C) CITY DATABASES AND ENTERPRISE SYSTEMS THAT DO NOT CONTAIN ANY
33 DATA OR OTHER INFORMATION COLLECTED, CAPTURED, RECORDED,

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1 RETAINED, PROCESSED, INTERCEPTED, OR ANALYZED BY SURVEILLANCE
2 TECHNOLOGY, INCLUDING PAYROLL, ACCOUNTING, OR OTHER FISCAL
3 DATABASES;

4 (D) INFORMATION TECHNOLOGY SECURITY SYSTEMS, INCLUDING FIREWALLS
5 AND OTHER CYBERSECURITY SYSTEMS INTENDED TO SECURE CITY DATA;

6 (E) PHYSICAL ACCESS CONTROL SYSTEMS, EMPLOYEE IDENTIFICATION
7 MANAGEMENT SYSTEMS, AND OTHER PHYSICAL CONTROL SYSTEMS;

8 (F) INFRASTRUCTURE AND MECHANICAL CONTROL SYSTEMS, INCLUDING THOSE
9 THAT CONTROL OR MANAGE STREET LIGHTS, TRAFFIC LIGHTS, ELECTRICAL,
10 NATURAL GAS, OR WATER OR SEWER FUNCTIONS;

11 (G) MANUALLY-OPERATED TECHNOLOGICAL DEVICES USED PRIMARILY FOR
12 INTERNAL CITY COMMUNICATIONS, WHICH ARE NOT DESIGNED TO
13 SURREPTITIOUSLY COLLECT SURVEILLANCE DATA, SUCH AS RADIOS,
14 PERSONAL COMMUNICATION DEVICES, AND EMAIL SYSTEMS;

15 (H) MANUALLY-OPERATED AND NON-WEARABLE HANDHELD CAMERAS, AUDIO
16 RECORDERS, AND VIDEO RECORDERS, THAT ARE NOT DESIGNED TO BE USED
17 SURREPTITIOUSLY AND WHOSE FUNCTIONALITY IS LIMITED TO MANUALLY
18 CAPTURING AND MANUALLY DOWNLOADING VIDEO OR AUDIO RECORDINGS;

19 (I) SURVEILLANCE DEVICES THAT CANNOT RECORD OR TRANSMIT AUDIO OR
20 VIDEO OR BE REMOTELY ACCESSED, SUCH AS IMAGE STABILIZING
21 BINOCULARS OR NIGHT VISION EQUIPMENT;

22 (J) MEDICAL EQUIPMENT AND SYSTEMS USED TO RECORD, DIAGNOSE, TREAT,
23 OR PREVENT DISEASE OR INJURY, AND USED AND KEPT IN THE ORDINARY
24 COURSE OF PROVIDING CITY SERVICES;

25 (K) PARKING TICKET DEVICES;

26 (L) COMPUTER AIDED DISPATCH (CAD), RECORDS AND CASE MANAGEMENT,
27 LIVE SCAN, BOOKING, 9-1-1 AND RELATED DISPATCH AND OPERATION OR
28 EMERGENCY SERVICES SYSTEMS;

29 (M) EARLY WARNING SYSTEMS; AND

30 (N) COMPUTERS, SOFTWARE, HARDWARE, OR DEVICES INTENDED TO BE USED
31 SOLELY TO MONITOR THE SAFETY AND SECURITY OF CITY FACILITIES AND
32 CITY VEHICLES, NOT GENERALLY ACCESSIBLE TO THE PUBLIC.

33 (B) *SCOPE OF SECTION.*

34 THIS SECTION ONLY APPLIES TO THE USE OF SURVEILLANCE TECHNOLOGY BY THE MAYOR
35 AND CITY COUNCIL OF BALTIMORE CITY.

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1 (C) *ANNUAL SURVEILLANCE REPORT.*

2 (1) *IN GENERAL.*

3 ON OR BEFORE JUNE 30 OF EACH YEAR, THE DIRECTOR OF BALTIMORE CITY
4 INFORMATION AND TECHNOLOGY OR ANY SUCCESSOR ENTITY, IN CONSULTATION WITH
5 THE DEPARTMENT OF FINANCE, SHALL SUBMIT A REPORT TO THE MAYOR AND CITY
6 COUNCIL DETAILING:

7 (1) EACH PURCHASE OF SURVEILLANCE TECHNOLOGY DURING THE PRIOR FISCAL
8 YEAR, DISAGGREGATED BY THE PURCHASING AGENCY;

9 (2) AN EXPLANATION OF THE USE OF THE SURVEILLANCE TECHNOLOGY.

10 (2) *POSTING TO WEBSITE.*

11 BALTIMORE CITY INFORMATION AND TECHNOLOGY SHALL POST THE REPORTS
12 REQUIRED BY THIS SECTION PROMINENTLY ON ITS WEBSITE.

13 **§ 18-6. TERMINATION OF SUBTITLE.**

14 THIS SUBTITLE AUTOMATICALLY EXPIRES ON DECEMBER 31, 2022, UNLESS THE CITY
15 COUNCIL, AFTER CAUSING AN APPROPRIATE STUDY TO BE UNDERTAKEN, CONDUCTING PUBLIC
16 HEARINGS, AND HEARING TESTIMONIAL EVIDENCE, FINDS THAT THE PROHIBITIONS AND
17 REQUIREMENTS SET FORTH IN THIS SUBTITLE REMAIN IN THE PUBLIC INTEREST, IN WHICH CASE
18 THIS SECTION MAY BE EXTENDED FOR 5 MORE YEARS.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
20 are not law and may not be considered to have been enacted as a part of this or any prior
21 Ordinance.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
23 after the date it is enacted.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

AGENCY REPORTS

February 11, 2021

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Bill 21-0001 –Surveillance Technology in Baltimore

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0001, which is similar to past City Council Bill 20-0606. The bill would add two sections to the City Code concerning facial recognition software. The bill does not apply to facial recognition software “designed specifically to protect against unauthorized access to a particular location or electronic device.” Additionally, the Maryland Image Repository System is specifically exempt.

First, the bill would add Section 41-4 to Article 5 (Finance, Property and Procurement) to the City Code that would sunset at the end of 2022 unless the law is renewed for another five years. It would prohibit the City from purchasing, obtaining or contracting for the use of a face surveillance system. The City Code can ban the City’s use and purchase of materials. City Charter, Art. II, § (47); Art. VII, §2(a). However, it should be noted that this law would not apply to the Baltimore City Police Department as its ability to purchase, obtain, contract or use a particular product could not be impeded by an ordinance of the Mayor and City Council of Baltimore. Charter, Art. II, § (27); Public Local Law 16-7 (11), (12).

Next, the bill would add Subtitle 18 to Article 19 (Police Ordinances) of the City Code to prohibit anyone in the City from obtaining, retaining, accessing or using a face surveillance system. Finally, this bill, unlike its predecessor 20-0606, requires the Mayor and City Council to submit a report on the reason for its purchase of “surveillance technology” as that term is specifically defined in that Section.


There was a necessary amendment to the prior bill, 20-0606, which is now in the First Reader version of this bill. Therefore, the Law Department can approve this bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Nina Themelis
Nikki A. Thompson
Matthew Stegman
Elena DiPietro
Victor Tervalá
Ashlea Brown

F R O M	NAME & TITLE	Todd Carter Chief Information Officer	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Baltimore City Office of Information and Technology (BCIT) 401 E Fayette Street, 3 rd floor		
	SUBJECT	City Council Bill 21-0001 – Surveillance Technology in Baltimore		

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

February 16, 2021

Todd A. Carter

The Baltimore City Office of Information & Technology (BCIT) has reviewed Council Bill 21-0001. The purpose of this bill is to prohibit Baltimore City government from purchasing or obtaining certain face surveillance technology; to prohibit Baltimore City government from contracting or subcontracting with another for the purpose of face surveillance technology; and to prohibit any person in Baltimore City from obtaining, retaining, accessing, or using certain face surveillance technology or any information obtained from certain face surveillance technology.

This bill would require that the Director of the Baltimore City Office of Information & Technology or any successor entity, in consultation with the Department of Finance, submit a report to the Mayor and City Council detailing:

1. Each purchase of surveillance technology during the prior fiscal year, disaggregated by the purchasing agency;
2. An explanation of the use of the surveillance technology;

This bill would also require that the Baltimore City Office of Information & Technology post the reports required in the above section prominently on its website.

BCIT has reviewed this legislation and as no objection to this bill. BCIT would coordinate with the agencies to collect the requested information for the aforementioned report and post it on the website.

If you have any questions, please contact Leyla Layman, Chief of Staff, at (443) 202-4511.

cc: Ms. Natasha Mehu, Mayor's Office of Government Relations
Ms. Nina Themelis, Mayor's Office of Government Relations

BaltAC

FROM	NAME & TITLE	Robert Cenname, Budget Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 21-0001 – Surveillance Technology in Baltimore		

TO

DATE:

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

February 23, 2021

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 21-0001, Surveillance Technology in Baltimore, the purpose of which is to prohibit Baltimore City from purchasing or obtaining certain face surveillance technology and contracting or subcontracting with an entity using face surveillance technology. In addition, the bill prohibits any person in Baltimore City from obtaining, retaining, accessing, or using certain face surveillance technology or any information obtained from this technology.

Background

The Baltimore Police Department (BPD) and Department of Transportation (DOT) currently utilize some systems that may fall under the definition in this legislation. BPD utilizes the Maryland Image Repository System (MIRS) as part of their investigation process. MIRS, which is maintained by the Maryland Department of Public Safety and Correctional Services, is facial recognition software that allows certified officers to compare images of unidentified suspects to State and FBI mugshots, as well as motor vehicle records. DOT utilizes a variety of automated cameras in their ATVES Division, which are used to enforce traffic laws related to speeding, red lights, and oversized commercial vehicles. Speed and red-light cameras have brought in \$15 million to \$20 million in General Fund annually, with approximately \$15.9 million in Fiscal 2018 and \$26.3 million in Fiscal 2019. In addition, DOT utilizes closed-circuit television cameras to monitor traffic.

In the past year, several municipalities have implemented some form of ban on surveillance technology, specifically facial recognition technology, including Minneapolis, San Francisco, Boston, and Oakland. Numerous studies have documented inaccuracies from facial recognition technology, particularly among certain groups such as women and people of color. Multiple cases of facial recognition misidentifications have led to wrongful police action, which have come to light in recent years. Additionally, surveillance technologies, including facial recognition, are often disproportionately deployed in Black and Brown communities.

Fiscal Impact

The Department of Finance does not anticipate a cost for the City as a result of this legislation.

Other Considerations

This legislation allows the City to reassess, and possibly renew, the prohibition every five years beginning December 31, 2022. This reassessment will be based on an assessment of studying changes in the technology, conducting public hearings, and other evidence, which will allow the City to end the prohibition should the technology become a more important and accurate tool.

In addition, the legislation requires the Director of Baltimore City Information and Technology to submit an annual report to the Mayor and City Council regarding the use of surveillance by the Mayor and City Council, which the Department of Finance Bureau of Procurement will assist with, as necessary.

Conclusion

This legislation will prohibit the City from purchasing, obtaining, retaining, accessing, or using certain face surveillance technology or contracting with an entity using face surveillance technology. The prohibition will be reviewed on a five-year basis, beginning December 2022, to assess the need for changes or renewals. There is no anticipated fiscal impact for this legislation.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 21-0001.

cc: Henry Raymond
Natasha Mehu
Nina Themelis