

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 58
Judiciary

(Delegate Conaway)

Baltimore City - Police Tactics and High Crime Zone Notification

This bill requires the Police Commissioner of Baltimore City to report to the mayor, the city council, and the Baltimore City Delegation to the General Assembly on the existence and use of “emerging or innovative tactics, technologies or devices” within 30 days after implementation. The police commissioner must also report to the mayor, the city council, and the Baltimore City delegation within 30 days after the establishment, relocation, or modification of a “high crime zone,” a “stop and frisk zone,” a “police zone perimeter,” or any similarly designated area under any other name, as specified.

Fiscal Summary

State Effect: None.

Local Effect: Potential significant increase in local expenditures for the Baltimore City Police Department to comply with the bill’s reporting requirements. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The report by the police commissioner regarding the establishment, relocation, or modification of a “high crime zone,” a “stop and frisk zone,” a “police zone perimeter,” or any similarly designated area under any other name, must include (1) the geographic area encompassed by the designation; (2) the anticipated duration of the designation; and (3) what effects the designation will have on any law enforcement operations within the designated area.

“Emerging or innovative tactics, technologies or devices” include (1) aerial surveillance of any portion of Baltimore City and (2) procurement, deployment, or use of a cell-site simulator device.

Current Law: Although the Baltimore City Police Department is a State agency, the State does not control the appointment or removal of the police commissioner and is not responsible for providing funding for the operations of the police department. However, the State retains the ability to amend the law relating to the department in order to implement policy changes.

Under Public Local Laws for Baltimore City, authority vested with the Baltimore City Police Commissioner includes the following:

- to determine and establish the form of organization of the department;
- to create bureaus, divisions, districts, sections, units, squads, or other subordinate organizational subdivisions or segments within the department, including departmental boards and commissions, and to determine and define the functions, duties, and responsibilities of each;
- to assign, reassign, allocate, and reallocate members of the department to those duties, and to those organizational subdivisions of the department as the commissioner in his judgment may deem necessary to best serve the interests of the public and the department;
- to regulate attendance, conduct, training, discipline, and procedure for all members of the department and to make all other rules, regulations, and orders as may be necessary for the good government of the department and of its members; and
- to suspend, amend, rescind, abrogate, or cancel any rule, regulation, order, or other department directive adopted by the commissioner or by any former police commissioner and to adopt all other reasonable rules, regulations, and orders as the commissioner may deem necessary to enable the department effectively to discharge the duties imposed upon it by this subtitle.

Background: Across the nation, state and local law enforcement agencies utilize new technologies to investigate crimes in ways once thought impossible or impractical. In a number of states, lawmakers are debating and enacting legislation that addresses how police can use these innovative tools to maximize public safety while complying with the Fourth Amendment’s prohibition against unlawful search and seizure.

On August 26, 2016, Bloomberg Businessweek revealed that the Baltimore City Police Department, with funding from a private donor, had authorized the firm Persistent Surveillance to conduct aerial surveillance of a large portion of Baltimore City. Persistent Surveillance utilizes an array of wide-angle cameras mounted to a small Cessna airplane to monitor an area of roughly 30 square miles and continuously transmit real-time images to analysts on the ground. The footage is then stored and archived on hard drives for review later if necessary. According to reports, the program began in early 2016.

Public concern over the program and the lack of notice provided to the public has been compounded by revelations that the Baltimore City Council, Mayor Stephanie Rawling-Blake, and many other city and State leaders were not made aware of the department's activity until many months after the program began. A main concern regarding the technology is the breadth of what is captured. Rather than just focusing on suspects, the outdoor activity of every citizen in a 30-mile radius is recorded and stored.

Persistent Surveillance and other proponents of the technology claim that, as currently designed, very little detail is captured by the cameras. Individuals appear as little more than a pixel and cannot be personally identified because of the low quality of the images. Opponents and privacy experts indicate that, in a competitive market, it may only be a matter of time until highly detailed, high resolution, real-time aerial surveillance becomes a reality. What information may be stored and for how long also remains an open question.

Local Expenditures: Expenditures for the Baltimore City Police Department may increase to hire staff to prepare and submit the required reports. The magnitude of any such increase depends on the number of reports the department must complete and submit, but it could be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Department of Legislative Services

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