



TESTIMONY IN OPPOSITION TO BILL 14-23 - LATE NIGHT BUSINESS SAFETY PLAN

My name is Dr. Robert Veiga. I have been a resident of Silver Spring for 47 years and I am testifying on behalf of the Silver Spring Justice Coalition. SSJC represents community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing.

In furtherance of this goal, we oppose Bill 14-23 because it imposes a coercive regime that gives far too much power to police – power that would be exerted over the Black and brown business community and its customers. This bill is not evidence based or tailored to meet the asserted safety need, and it will increase surveillance over communities already overpoliced and at risk of police harm.

The problems with this bill are many. First, this bill gives MCPD the extraordinary power to decide whether Black and immigrant owned businesses can operate by allowing MCPD to approve each business' safety plan. The bill also gives the police the power to decide which businesses will be subject to the bill's requirements by entrusting the police to designate a location as a "priority area." And, there are no checks on this power because missing from the bill is any appeal process if a plan is rejected or if a business objects to being included in the priority area. Nor is there a plan for oversight or data collection.

Second, we know that "priority area" is shorthand for "high crime area," which is shorthand for areas frequented by Black and other marginalized community members. This bill is not going to impact late night businesses in downtown Bethesda. Instead, it will subject the predominantly Black and brown customers of businesses in areas like Silver Spring to even more surveillance than they already experience just living day to day in our community, as we've seen in data from traffic enforcement and use of force.

Third, the bill has an outsized focus on surveillance video as a core component of the safety plans and creates an unnecessary and unwarranted exception to the rule that police must get a court order before seizing video footage from a business. This infringement on the rights of the businesses and deputizing of private businesses as agents of the government is troubling from

a constitutional standpoint¹ and reveals the bill to be more about making it easier for the police to investigate crimes after the fact than it is about preventing crime in the first place. This aspect of the bill also lacks any oversight mechanism, with no way to track how often police are demanding video-footage and no way for businesses to challenge these requests.

Fourth, this incredible grant of power to our police is not supported by the available data and is not tailored to meet the asserted need to address rising rates of violent crime associated with late night businesses in Silver Spring. [An examination of crime data in the County reveals that violent crime is highest from 3 pm to midnight](#), dropping significantly during the very hours the late night businesses operate. In informal remarks at a community meeting in downtown Silver Spring, Captain McBain admitted this fact to be true for that particular area of the county. Moreover, [as reported in a 2022 article in the New York Times](#), an examination of 40 years of data on security cameras revealed that surveillance cameras do not have an impact on violent crime. Thus, the core component of this bill is unlikely to have its intended effect.

While we do not want to see any businesses, especially Black and immigrant-owned businesses, at risk of not being permitted to operate at all because their neighbors are concerned with the nuisance they may cause and the small possibility of violent crime, we reject this bill as the solution. This bill reflects a lack of imagination in advancing positive multicultural/multiethnic growth that has attracted businesses that are not “traditional” in the mindset of some. Our county can and must do better; we must grow and accommodate the needs of all businesses regardless of their optimal working hours.

We also understand that the Black-owned businesses targeted by this bill actually wanted the county to address the external safety of their surrounding streets and alleys, not just safety within their businesses. If the county wants to require safety plans for late night businesses to operate, these views and others should be included in the approval of each plan, with a board or commission composed of a range of interests making the decision, not the police. And any required plans should be required equitably, regardless of the business location, so that members of traditionally over-policed communities are not subjected to greater surveillance than others.

However, SSJC believes that participatory and voluntary incentive-based plans are more in line with reimagining public safety than the coercive model set forth in this bill. Solutions to problems like those presented by late-night businesses should be evidence-based and not police-controlled; they should not require businesses to act as agents of the government without court oversight; they should come from the community and reflect the needs of the community; and they should focus on making the business environments safe for everyone. Thank you.

¹The government surveillance that results from this bill is reminiscent of the types of programs prohibited by Fourth Amendment jurisprudence in recent years. See, e.g., *Leaders of a Beautiful Struggle v. Baltimore Police Department*, 2 F.4th 330 (4th Cir. 2021).