



## **TESTIMONY ON BILL 4-25 Surveillance Technology - Acquisition and Use by the County**

My name is Joanna Silver, and I am submitting this testimony regarding Bill 4-25, Surveillance Technology - Acquisition and Use by the County on behalf of the Silver Spring Justice Coalition.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by law enforcement officers, establishing transparency and accountability for officer conduct, and redirecting public funds toward community needs. We carefully considered Bill 4-25 and based on the mixed views of our Coalition members, we have chosen not to take a position either in favor or against the bill at this time. However, we would like to suggest several amendments that we believe would strengthen the bill from its current form.

1. Expand the bill's coverage to require the Council to review technologies that were in use prior to 2020. This is recommended by the American Civil Liberties Union's model legislation on surveillance oversight.
2. Under the "Definitions" section, "Surveillance technology includes," should be modified to clarify that the proposed list is not exclusive, by adding language such as, "includes but is not limited to," or "includes without limitation." This is consistent with feedback we understand was provided to the bill sponsors from the ACLU.
3. The section prohibiting the use of surveillance technology to investigate or enforce federal laws and laws of other states related to immigration and reproductive or gender-affirming healthcare should be expanded to ensure that it protects against the use of surveillance technology targeted at certain religious, racial, and ethnic groups and political speech more broadly, under the guise of national security. The current federal administration has made it clear that it will use its law enforcement power to investigate and punish people who express views contrary to theirs. We must ensure that our County does nothing to further these repressive and undemocratic uses of law enforcement. Towards that end, we recommend these sections be broadened to prohibit using technology solely for the enforcement of *any* federal laws or policies or the laws or policies of another state, and should prohibit the disclosure, without court order, of surveillance data in furtherance of *any* federal investigation or the an investigation of any other state.

4. Remove the section incorporating the current state law on the use of facial recognition technology. We do not support the use of facial recognition technology as it has proven to be unreliable, particularly when used to identify people of color. We do not believe the current state law is protective/restrictive enough to address these concerns. In addition, we do not believe exceptions allowing for the use of facial recognition technology should be based on broad categories of suspected criminal conduct. If there are concerns regarding an expansion of the right to use facial recognition technology under state law, the Council can, at a future time if needed, take up its own approach to regulating the use of this technology.

We thank you in advance for considering these suggestions.