

Climate Assessment

Office of Legislative Oversight

Bill 4-25: Administration - Surveillance Technology – Acquisition and Use by the County

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 4-25 will have no impact on the County's contribution to addressing climate change as the Bill proposes actions to establish a transparent process for the County's acquisition and use of any new surveillance technology.

BACKGROUND AND PURPOSE OF BILL 4-25

Surveillance technologies are becoming increasingly common in local government, especially within police departments. For instance, one recent survey found that almost two-thirds of large police agencies across the U.S. use automatic license plate readers – ¹ “high-speed, computer-controlled camera systems...that automatically capture all license plate numbers that come into view.”² Examples of other surveillance technologies include video surveillance, face recognition, and social media monitoring.³ Advocates and scholars note that unchecked use of surveillance technologies by local governments can pose a considerable threat to civil rights and civil liberties.^{4,5}

The purpose of Bill 4-25 is to establish a transparent process for the County to acquire and use surveillance technologies. If enacted, Bill 4-25 would require County agencies that want to acquire and use a new surveillance technology to:^{6,7}

- **Publish a surveillance technology impact report.** For the desired surveillance technology, the report would describe how it works, its proposed uses, and where it would be deployed, among other things. The report would also assess the potential adverse impacts of technology on civil rights and civil liberties and safeguards that would be implemented to protect against those impacts. The agency would have to publish and submit the report to the County Executive and County Council at least 30 days before proposing regulations for the technology.
- **Propose Method (1) regulations for the use of surveillance technology.** For the desired surveillance technology, the proposed regulations would have to address its purpose, authorized and prohibited uses, and measures to minimize unauthorized collection and access to surveillance data, among other things. The agency would also have to submit a report from the Office of Racial Equity and Social Justice that describes the anticipated impact of the proposed regulations on RESJ. The County Executive would be required to hold a public hearing on the proposed regulations at least 60 days after they are published. Method (1) regulations must be approved by the Council before they are adopted.⁸

- **Submit an annual report for approved surveillance technologies.** The annual report would describe each type of surveillance technology, how they were used, and complaints and concerns on their use, among other things. The Council would be required to hold a public hearing on each annual report.

Bill 4-25 also includes guidelines on contracting requirements, contractor privacy policies, and prohibited discriminatory uses of surveillance technologies. It also includes guidelines on the use of facial recognition technology for criminal investigations.⁹

If Bill 4-25 is enacted, the County Executive would be required to publish an inventory of surveillance technologies that were acquired and used before the Bill's effective date. Agencies must submit Method (1) regulations for any technologies acquired between January 1, 2020, and before the Bill's effective date. Agencies would have to stop using surveillance technologies if their regulations are not submitted or if the Council disapproves their regulations.¹⁰

The Council introduced Bill 4-25, Administration – Surveillance Technology – Acquisition and Use by the County, on February 11, 2025.

ANTICIPATED IMPACTS

As the Bill proposes actions to establish a transparent process for the County's acquisition and use of any new surveillance technology, OLO anticipates Bill 4-25 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹¹ OLO does not offer recommendations or amendments as Bill 4-25 is likely to have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ Christopher Slobogin and Sarah Brayne, "[Surveillance Technologies and Constitutional Law](#)," Annual Review of Criminology, September 2022 citing Mariana Oliver and Matthew B. Kugler, "[Surveying Surveillance: A National Study of Police Department Surveillance Technologies](#)," Arizona State Law Journal, 2022.

² [Automated License Plate Readers](#), Street Level Surveillance, Electronic Frontier Foundation.

³ [Street Level Surveillance](#), Electronic Frontier Foundation.

⁴ [Community Oversight of Surveillance - D.C.](#), American Civil Liberties Union of DC.

⁵ Christopher Slobogin, *Privacy at Risk: The New Government Surveillance and the Fourth Amendment* (University of Chicago Press, 2008).

⁶ [Introduction Staff Report for Bill 4-25](#), Montgomery County Council, Introduced February 11, 2025.

⁷ Bill 4-25, Introduction Staff Report for Bill 4-25.

⁸ [Montgomery County Code § 2A-15](#)

⁹ Ibid.

¹⁰ Introduction Staff Report for Bill 4-25.

¹¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022