

MEMORANDUM

July 20, 2022

TO: Public Safety Committee
FROM: Christine Wellons, Senior Legislative Attorney
SUBJECT: Bill 14-22, Police – Private Security Camera Incentive Program – Established
PURPOSE: Worksession – recommendation expected

Bill 14-22, Police – Private Security Camera Incentive Program – Established, sponsored by Lead Sponsors Councilmembers Rice and Katz and Council President Albornoz, with Co-Sponsors Councilmembers Jawando, Navarro, Hucker, and Friedson, was introduced on June 14, 2022. A public hearing was held on July 12, 2022.¹

Bill 14-22 would:

- (1) establish a private security camera incentive program within the Montgomery County Police Department;
- (2) specify eligibility rules and administrative requirements for the program; and
- (3) generally amend the law regarding policing and programs to support public security.

BACKGROUND

The purpose of Bill 14-22 is to deter and solve crime by incentivizing the installation of security cameras in geographic areas experiencing relatively high incidences of crime. The District of Columbia has a similar program.

BILL SPECIFICS

Bill 14-22 would establish a private security camera incentive program within the Montgomery County Police Department. Under the program, an individual or business could apply to MCPD in order to receive a voucher or rebate to offset the cost of a security camera on the individual's or business's property. The property must be within a "priority area" designated by the Police Chief.

The bill would define "priority area" as "one or more police districts identified by the Chief as needing additional security cameras based upon public safety indicators, including crime levels." The Chief could promulgate regulations to carry out the program.

¹ #SecurityCameras #SecurityIncentives

Under the bill, the Chief also would be required to report to the Council annually regarding the implementation of the program, including the number and amount of rebates and vouchers awarded, and the efficacy of the program.

SUMMARY OF PUBLIC HEARING

The NAACP and the Greater Silver Spring Chamber of Commerce (GSSCC) submitted testimony in support of the intent of Bill 14-22. Each organization posed several questions and insights for the Council's consideration, which are discussed in greater detail below.

SUMMARY OF IMPACT STATEMENTS

1. **Fiscal Impact.** The fiscal impact will depend upon the appropriation for this incentive program. OMB has estimated that the appropriation of \$500,000 would result in the purchase of approximately 1,400 security cameras. The appropriation of \$1 million would result in the purchase of approximately 2,800 cameras. Councilmember Rice's office has pointed out that federal grants also are available, which could help fund the security camera incentive program.

2. **Economic Impact.** Not available as of the time this staff report is due.

3. **Racial Equity and Social Justice Impact.** Not available as of the time this staff report is due.

ISSUES FOR THE COMMITTEE'S CONSIDERATION

1. Recordings of Public or Private Spaces

The NAACP made the following global points regarding Bill 14-22:

- The NAACP recognizes the important role that video evidence recorded on private cameras can play in the effort to reduce criminal activity and bring about justice. One need look no further than the recordings made by civilians in recent high profile criminal actions, such as the death of George Floyd, to know and recognize that video recordings can provide important evidence....
- However, because this bill involves the use of government funds and contemplates the establishment of a regulatory regime to determine the location of cameras purchased with the use of government funding, we believe that the implementing regulations put forth by the Montgomery County Police Department (MCPD) must contain some basic guidelines....

One of the basic guidelines that the NAACP supported was:

- An assurance that the placement of cameras by residential or business users only cover public spaces or spaces owned by the resident or business. The regulations should be clear that no camera purchased with public funding

should be directed to record activity on private property that is not owned by the business or individual.

Council staff suggests that, if the Committee wishes to prevent the use of the publicly subsidized cameras for private areas not owned by the camera owner, it should consider amending the bill instead of leaving the question to future regulations. A potential amendment would be:

Amend lines 18-27 as follows.

(c) Criteria to receive a rebate or voucher. An owner or lessee of a property may qualify to receive a rebate or voucher under the program if:

(1) the applicant is an individual, business, or nonprofit organization;

(2) the property is located within a priority area;

(3) the applicant agrees in writing that the security camera must not be used for the purpose of recording private property not owned by the applicant;

~~[(3)]~~ (4) the rebate or voucher is used solely to offset the costs of a security camera;

~~[(4)]~~ (5) the application is submitted in the form and manner prescribed by the Chief; and

~~[(5)]~~ (6) the security camera is purchased and installed after the effective date of this Section.

Inevitably, the private property of others will be captured incidentally on the security cameras, but they should not be used for the purpose of recording others' private property.

2. Notices to Patrons

Another guideline recommended by the NAACP, which Council staff believes is better-suited to an amendment than to future regulations, would be to require that recipients of the security camera funds be required to post notices to patrons regarding the use of the cameras. A potential amendment for the Committee's consideration would be:

Amend lines 18-27 as follows.

(c) Criteria to receive a rebate or voucher. An owner or lessee of a property may qualify to receive a rebate or voucher under the program if:

- (1) the applicant is an individual, business, or nonprofit organization;
- (2) the property is located within a priority area;
- (3) if the applicant is a business or a non-profit organization, the applicant agrees in writing to post notice prominently to alert visitors of the existence of the security camera;
- ~~[(3)]~~ (4) the rebate or voucher is used solely to offset the costs of a security camera;
- ~~[(4)]~~ (5) the application is submitted in the form and manner prescribed by the Chief; and
- ~~[(5)]~~ (6) the security camera is purchased and installed after the effective date of this Section.

3. Publication of “Priority Areas”

The NAACP also recommended that the “priority areas” should be published. This would assure that members of the public understand the scope of the grant program. An amendment to require the publication of the priority areas would be:

Amend lines 8-10 as follows.

Priority area means one or more police districts identified and published by the Chief as needing additional security cameras based upon public safety indicators, including crime levels.

4. Regulatory Framework

In general, the NAACP noted a number of subject matters that would be appropriate for the regulations that implement the security camera program. The GSSCC also favored guidance on how camera footage would be monitored or used by MCPD. Based upon these comments, the Committee might wish to consider the following amendment.

Amend lines 35-36 as follows.

(e) Regulations. The Chief ~~[[may]]~~ must promulgate Method (2) regulations to implement the requirements of this Section. The regulations must address:

- (1) the methodology used to identify a priority area;

- (2) the permissible collection, dissemination, use, and disposal of images recorded by a security camera purchased under the program; and
- (3) minimum standards for security cameras purchased under the program.

5. Reimbursable Costs

The GSSCC noted in its testimony the myriad costs associated with security cameras:

- Home security camera systems can be purchased for a few hundred dollars. However outdoor systems for businesses can cost tens of thousands of dollars. It’s worth noting that inexpensive systems will retain recordings for maybe a week, but most businesses will want systems that record and keep data for 30 days or more. Add to that the cost of installation by professionals. And, finally, there’s the personnel cost to assure that the cameras are working, recordings are reviewed, and memory is cleared to allow for new recordings....

The Committee may wish to discuss whether to allow the program to reimburse costs other than the cost of the security cameras themselves. Doing so might allow for the installation of more sophisticated security systems. On the other hand, limiting reimbursements to the costs of the cameras would be more straight-forward to implement and, thus, have fewer implementation costs. Limiting the reimbursements to the costs of the cameras also would result in the deployment of a greater number of cameras.

Council staff intends to supplement this report once the EIS and RESJ Statements are available.

<u>This packet contains:</u>	<u>Circle #</u>
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Linda Plummer, NAACP	10

Bill No. 14-22
Concerning: Police – Private Security
Camera Incentive Program -
Established
Revised: 6/6/2022 Draft No. 1
Introduced: June 14, 2022
Expires: December 13, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Rice and Katz and Council President Albornoz
Co-Sponsor: Councilmembers Jawando, Navarro, Hucker, and Friedson

AN ACT to:

- (1) establish a private security camera incentive program within the Montgomery County Police Department;
- (2) specify eligibility rules and administrative requirements for the program; and
- (3) generally amend the law regarding policing and programs to support public security.

By adding

Montgomery County Code
Chapter 35, Police
Section 35-13C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 35-13C is added as follows:**

2 **35-13C. Private Security Camera Incentive Program.**

3 (a) Definitions. In this Section, the following terms have the meanings
 4 indicated.

5 Chief means the Montgomery County Police Chief or the Chief's
 6 designee.

7 Department means the Montgomery County Police Department.

8 Priority area means one or more police districts identified by the Chief
 9 as needing additional security cameras based upon public safety
 10 indicators, including crime levels.

11 Program means the private security camera incentive program
 12 established under this Section.

13 Security camera means an outdoor surveillance camera system, with
 14 functioning digital video recording capability, that is installed on property
 15 owned or leased by an individual, business, or nonprofit organization.

16 (b) Program established. There is a private security camera incentive
 17 program within the Department.

18 (c) Criteria to receive a rebate or voucher. An owner or lessee of a property
 19 may qualify to receive a rebate or voucher under the program if:

20 (1) the applicant is an individual, business, or nonprofit organization;

21 (2) the property is located within a priority area;

22 (3) the rebate or voucher is used solely to offset the costs of a security
 23 camera;

24 (4) the application is submitted in the form and manner prescribed by
 25 the Chief; and

26 (5) the security camera is purchased and installed after the effective
27 date of this Section.

28 (d) Funding and limitations.

29 (1) The amount of a rebate or voucher under the program must not
30 exceed the purchase cost of a security camera.

31 (2) Rebates and vouchers provided under the program are subject to
32 appropriation.

33 (3) The Department may seek federal or state funding to support the
34 program.

35 (e) Regulations. The Chief may promulgate Method (2) regulations to
36 implement the requirements of this Section.

37 (f) Annual report. The Chief must report to the Council annually regarding
38 the implementation of the program, including the number and amount of
39 rebates and vouchers awarded, and the efficacy of the program.

LEGISLATIVE REQUEST REPORT

Bill 14-22

Police – Private Security Camera Incentive Program - Established

DESCRIPTION:	The bill would create a private security camera incentive program within the County Police Department.
PROBLEM:	Crime against persons and property
GOALS AND OBJECTIVES:	Deter crime through the incentivization of security camera installation in police districts designated by the chief as “priority areas”.
COORDINATION:	Montgomery County Police Department
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	To Be Completed
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To Be Completed
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	District of Columbia
SOURCE OF INFORMATION:	Christine Wellons, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Yes; applies within municipalities
PENALTIES:	N/A

Fiscal Impact Statement
Bill 14-22 Police – Private Security Camera Incentive Program – Established

1. Legislative Summary

Bill 14-22 creates an incentive program for individuals and businesses to purchase private security cameras. The vouchers or rebates would not exceed the purchase cost of a security camera, and funding for the program is subject to appropriation by Council. The bill will also require the Chief of Police to send an annual report to Council about the program’s implementation, the number and cost of incentive awards, and the overall results of the program.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Expenditures under this bill will be limited to the amount that Council appropriates for this program. Demand for the program is contingent on the number of eligible individuals, businesses and non-profit organizations, and the purchase price of a security camera which is defined as an outdoor surveillance system with functioning digital video recording capability.

According to the most recent data from the United States Census Bureau, Montgomery County had 256,200 single family attached/detached houses¹ in July 2021 and 27,498 employer establishments² in 2020.³ It is presumed that multi-family housing units are included in the number of employer establishments. This total of 283,698 units represents the total number of individuals, businesses, and non-profit organizations that could elect to participate, if located in a priority area identified by the Montgomery County Police Chief.

Because rebates and vouchers under this program will be subject to appropriation, the fiscal impacts of this program, and the numbers of businesses and residences served, will depend upon the amount appropriated in each fiscal year. The table below illustrates the numbers of businesses and residences that could be served under various program funding levels.

The purchase price of an outdoor surveillance system varies significantly based on technology and can range from \$50 to \$3,000. This estimate assumes cameras purchased for private use cost \$350.

Annual Funding Amount	# of Cameras Purchased	% of Potentially Interested Properties Served Annually
\$500,000	1,428	0.5%
\$1,000,000	2,857	1.0%

¹ The U.S. Census Bureau defines a housing unit as a house, apartment, mobile home, a group of rooms, or a single room that is occupied or intended to be occupied as separate living quarters.

² The U.S. Census Bureau defines an employer establishment as a single physical location at which business is conducted or where services or industrial operations are performed.

³ [U.S. Census Bureau QuickFacts: Montgomery County, Maryland](#)

Under the assumption of a limited appropriation for incentives, management and administration of this program can be absorbed into the existing MCPD staffing complement. However, if the program operates at a higher funding level for multiple years, new software and significant staffing increases could be needed.

Changes to revenues are not expected from implementation of this bill.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Expenditures for the next six years will depend upon the amount Council appropriates under this bill. Assuming an annual funding level in the range of \$500,000 to \$1,000,000, it is not expected that additional operational or administrative expenditures would be required. A higher funding level that provides for greater participation in the program could likely have additional ongoing expenditures for personnel, software, and ancillary operating expenses for management and administration.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

The bill is not expected to impact retiree pension or group insurance costs.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Assuming an annual funding level in the range of \$500,000 to \$1,000,000, it is not expected that changes to IT systems would be required. A higher funding level that provides for greater participation in the program could require software enhancements to collect and compile program applicants, approvals and denials of applications, reimbursement amounts, and relevant program user data.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

This bill does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

Under the assumption of a limited appropriation for incentives, management and administration of this program can be absorbed into the existing MCPD staffing complement. However, if the program operates at a higher funding level for multiple years, new software and significant staffing increases could be needed.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

See answer to Question 7.

9. An estimate of costs when an additional appropriation is needed.

Expenditures are dependent on the appropriation provided to support this program.

10. A description of any variable that could affect revenue and cost estimates.

Several unknowns make expenditure estimates difficult to project, and variables that would change cost estimates include:

- The actual amount of funds appropriated by Council for rebates or vouchers under the program.
- A determination by the Chief of Police to add or change priority areas, thereby increasing the number eligible program applicants and users.
- The number of residents/businesses that choose to participate in the program.
- Unestablished limitations on the maximum cost or quantity of cameras that are reimbursable by the program.
- The presence of safeguards to ensure that purchased cameras are intended for installation in Montgomery County.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Expenditures will be limited by approved appropriation authority. Actual costs will also vary based on program participation rates by County residents and businesses, which are inherently difficult to project. If this program exists in perpetuity, it would be expected that over time users will have purchased the maximum number of useable cameras except for replacements of old or damaged cameras.

12. Other fiscal impacts or comments.


None.

13. If a bill is likely to have no fiscal impact, why that is the case.


Not applicable.

14. The following contributed to and concurred with this analysis:

Taman Morris, Office of Management and Budget
Gary Nalven, Office of Management and Budget
Assistant Chief Darren Francke, Department of Police
Karla Thomas, Department of Police



Jennifer Bryant, Director
Office of Management and Budget



Date



OUR MISSION:

Working to enhance the economic prosperity of greater Silver Spring through robust promotion of our member businesses and unrelenting advocacy on their behalf.

July 8, 2022

The Honorable Gabe Albornoz
and Members of the Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

RE: Bill 14-22, Police – Private Security Camera Incentive Program – Established

Dear Council President Albornoz and Members of the Council:

On behalf of the Greater Silver Spring Chamber of Commerce, representing some 300 employers, mostly small businesses, and several non-profit organizations in greater Silver Spring, we submit the following comments on **Bill 14-22, Police – Private Security Camera Incentive Program – Established**.

Public safety and security are paramount to the stability and success of any business community. That's why the Greater Silver Spring Chamber has worked diligently, especially during the past year, to urge County leaders to undertake efforts to address the increase in violent crime in our community. We are encouraged that recent efforts seem to be yielding some success. As an example: the mobile security cameras monitored by 3rd District Police on Georgia Avenue and at Bonifant/Fenton Streets seem to be effective as deterrents and in identifying criminal activity in those areas.

Having worked closely with 3rd District Police on public safety matters for many years, we recognize the role that a good security camera system can play in both deterring and solving crime. That's why we really want to support this legislation. However, we also have seen some of the shortcomings of security camera systems that are not properly installed, monitored, or are insufficient to capture useful information.

Among the stories shared over the years: There was a camera at the business, but it wasn't working; the camera was on, but it wasn't recording because the memory was full and no one on the staff knew how to download the data; no one on the staff reviewed the recordings before deleting them; the camera was positioned so that it captured only the top of the intruders head; and more. We note these situations to point out that simply having a camera that records is only part of the equation for an effective security camera system.

The bill proposes to provide a rebate or voucher "solely to offset the costs of the security camera." It does not mention the cost of the installation, the cost for recording equipment that would retain data for a proscribed period of time, or the cost of regular monitoring and maintenance, all of which can be substantial.

To reiterate, we would like to support this measure, but the fact that the program is proposed "subject to appropriation," concerns us. We fear that it raises unrealistic expectations among businesses and residents for rebates that cannot be funded. Have Councilmembers considered the cost of this program?

Home security camera systems can be purchased for a few hundred dollars. However outdoor systems for businesses can cost tens of thousands of dollars. It's worth noting that inexpensive systems will retain recordings for maybe a week, but most businesses will want systems that record and keep data for 30 days or more. Add to that the cost of installation by professionals. And, finally, there's the personnel cost to assure that the cameras are working, recordings are reviewed, and memory is cleared to allow for new recordings.

Again, we applaud the intent of this legislation and want to support it. What would be ideal would be a program that supports businesses in the purchase of security camera systems that would be linked into a central system and monitored by police, creating a real time picture when crime is occurring in identified priority areas. Such a program would provide eligible businesses with specifications on the types of cameras included and include a requirement for them to link to the police monitoring system, or provide real time access when necessary. This kind of modern system would greatly enhance crime prevention and improve the ability of police to respond to, and stop crime more quickly.

One last point that was raised in our Chamber's discussions of this bill: What about businesses that have just recently purchased or upgraded their security camera systems? Would they be eligible for at least some financial assistance, especially if they agreed to link into the monitoring system I described in the previous paragraph?

We thank you for considering these comments and suggestions. Should you have questions, don't hesitate to contact us.

Sincerely,

Jane Redicker
President & CEO

NAACP Statement on Bill 14-22, Private Security Camera Incentive Program

July 12, 2022

The Montgomery County Branch of the NAACP urges the County Council to use the regulatory process to provide a clear framework for the implementation of Bill 14-22.

If enacted, Bill 14-22 would establish a private security camera incentive program within the Montgomery County Police Department. Under the program, an individual or business could apply to MCPD to receive a voucher or rebate to offset the cost of installing a security camera on the individual's or business's property.

Under the terms of the bill, the property must be within a "priority area" designated by the Police Chief. The bill would define "priority area" as "one or more police districts identified by the Chief as needing additional security cameras based upon public safety indicators, including crime levels." The Chief could promulgate regulations to carry out the program.

The regulatory framework would be reviewed by the County Council under County Method 2, which permits the County Council to review, amend or reject proposed recommendations.

The NAACP recognizes the important role that video evidence recorded on private cameras can play in the effort to reduce criminal activity and bring about justice. One need look no further than the recordings made by civilians in recent high profile criminal actions, such as the death of George Floyd, to know and recognize that video recordings can provide important evidence.

The NAACP also recognizes that as the cost of such equipment has decreased and the ease of installation has increased, many homeowners and businesses have installed video cameras on their respective premises and voluntarily supply the recordings from these devices to law enforcement to help identify individuals involved in criminal conduct.

In recognition of these facts, the NAACP supports the use of video cameras by members of the public to assist law enforcement.

However, because this bill involves the use of government funds and contemplates the establishment of a regulatory regime to determine the location of cameras purchased with the use of government funding, we believe that the implementing regulations put forth by the Montgomery County Police Department (MCPD) must contain some basic guidelines.

Therefore, if this bill is enacted, we urge the Council to use its authority under County Method 2 to assure that the regulatory framework used to implement the law include:

- 1) An assurance that the placement of cameras by residential or business users only cover public spaces or spaces owned by the resident or business. The regulations should be clear that no camera purchased with public funding should be directed to record activity on private property that is not owned by the business or individual.
- 2) A requirement that each business installing such a camera prominently post a notice alerting patrons of the existence of the camera.
- 3) Upon purchase, each camera and its location must be registered with MCPD to permit the rapid retrieval of any relevant video evidence.
- 4) A written narrative description and public dissemination of the methodology which will be used by MCPD to determine "priority" areas.
- 5) The publication of a listing of the "priority areas".
- 6) A written narrative description of the process which will be used by MCPD to review any footage obtained from the cameras.
- 7) An assurance that the contents of the video footage will only be used to provide evidence in on-going criminal investigations.
- 8) The policy regarding the collection, dissemination and disposal of any images gained from the video cameras.

In essence, the NAACP supports the need to protect public safety and security. We know that a regulatory regime that protects the rights of the individual need not conflict with legitimate interests of law enforcement. However, we also know that without a regulatory framework that seeks to assure the protection of the individual at the outset, processes and protocols may inadvertently be used to create systems which harm the rights of all individuals. For instance, without adequate and clear guidance, such a video camera system could be used to populate databases with facial images of innocent people. Such a practice could easily lead to racial profiling or other unconstitutional policing practices.

A system which provides strong protections for the individual while providing clear guidance for law enforcement leads to the kind of transparency that increases trust in the community. Ultimately, it is that community trust which is law enforcement's greatest asset in the quest to assure public safety.

Montgomery County, NAACP
1-888-649-5991
Naacpmont7@aol.com

MEMORANDUM

July 22, 2022

TO: Public Safety Committee

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 14-22, Police – Private Security Camera Incentive Program – Established

PURPOSE: Worksession – recommendation expected

The purpose of this addendum is to enclose and discuss the Economic Impact and Racial Equity and Social Justice Impact Statements, which became available after the July 20, 2022 Staff Report was submitted.

SUMMARY OF THE IMPACT STATEMENTS

Economic Impact Statement (EIS). According to the EIS, it is uncertain whether Bill 14-22 would have a net positive or net negative effect upon the local economy. On the one hand, businesses and individuals would benefit from subsidized security systems, and from potentially modest reductions in crime. In addition, businesses selling security cameras would benefit. On the other hand, the outflow of money to purchase cameras from outside of the County could result in a potentially negative net economic impact.

Racial Equity and Social Justice Impact Statement (RESJIS). The RESJIS concludes that Bill 14-22 would have negative RESJ outcomes due to underlying over-policing of BIPOC communities. Recommendations include rewriting the bill with diverse community input; evaluating new policing technologies through a RESJ lens; and considering joining the ACLU's Community Control Over Police Surveillance (CCOPS) effort.

ISSUES FOR THE COMMITTEE'S CONSIDERATION

1. Potentially Require the Purchase of Security Cameras from Local Businesses

As a result of the EIS, the Committee might wish to consider whether to require that the incentive program apply only to security cameras purchased from businesses located within Montgomery County. A potential amendment would be as follows.

Amend lines 18-23 as follows.

(c) Criteria to receive a rebate or voucher. An owner or lessee of a property may qualify to receive a rebate or voucher under the program if:

- (1) the applicant is an individual, business, or nonprofit organization;
- (2) the property is located within a priority area;
- (3) the rebate or voucher is used solely to offset the costs of a security camera purchased from a business located within the County;

* * *

2. Racial Equity and Social Justice Analysis

The Committee might wish to consider the following questions in connection with the RESJ analysis.

- The RESJIS recommended that MCPD be asked to convene a group of diverse stakeholders to recraft the bill and to craft regulations. How does OLO envision this process would proceed, and what would be the timeline? Has OLO identified any specific amendments to the bill that it believes would be beneficial?
- The purpose of the bill is to prevent and solve crimes and, disproportionately, crime victims in the County are African American/Black. According to the FBI, the victims of violent crimes in the County in 2020 were 38.4% Black, but the County population was 20.4% Black. Is this data relevant to consideration of the RESJ impacts of the bill?
- What data is available about whether privately owned security cameras – as opposed to police-controlled surveillance tools - exacerbate racial inequities? In its testimony supporting the bill, the NAACP noted that cameras in the hands of private citizens have played a crucial role in exposing crimes and police misconduct against people of color.
- Can the MCPD monitor the race and ethnicity of grantees under the incentive program? Are there other ways to track and monitor the outcomes of the program, and whether BIPOC individuals are being positively or negatively impacted by the program?

This addendum contains

Circle #

EIS
RESJIS

A1
A7

Economic Impact Statement

Office of Legislative Oversight

Bill 14-22

Police – Private Security Camera Incentive Program – Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 14-22 would have either a net positive or negative overall impact on economic conditions in the County depending on conditions discussed in this analysis. By creating a private security camera incentive program, the Bill would positively impact certain private organizations and residents in terms of economic indicators prioritized by the Council in several ways: First, covering the purchasing cost of security cameras likely would reduce net household expenses and net operating costs for residents and businesses that take advantage of the program. Second, certain County-based businesses likely would experience a net increase in business income due to security camera sales and/or installations that otherwise would not have occurred in the absence of the incentive program. Third, certain residents and private organizations that use the rebate/voucher to purchase “active monitoring” security cameras could experience a modest (at best) reduction in the economic costs of crime. However, it is uncertain the extent to which these potential economic benefits would mitigate—and perhaps outweigh—the capital outflow induced by the Bill in the form of residents and private organizations using the voucher/rebate to import security cameras from online retailers and other vendors based outside the County.

BACKGROUND

Bill Description

The goal of Bill 14-22 is to deter crime.¹ The Bill would attempt to achieve this goal by establishing a private security camera incentive program within the Montgomery County Police Department (MCPD).² Under the program, an individual or private organization could apply to MCPD to receive a voucher or rebate to offset the cost of purchasing a security camera on their property, if it is located within a “priority area” designated by the Police Chief. As noted in the Bill, “The amount of a rebate or voucher under the program must not exceed the *purchase cost* of a security camera [emphasis added].” Thus, the program would not cover the installation cost.

Primary Economic Stakeholders

By establishing a subsidy for the purchasing cost of security cameras, Bill 14-22 would primarily impact the following stakeholders in terms of certain economic indicators prioritized by the Council:

- residents and private organizations that receive a rebate/voucher for purchasing security cameras;

¹ Wellons, Christine to County Council, [Memorandum](#).

² Bill [14-22](#).

Economic Impact Statement

Office of Legislative Oversight

- County-based businesses that sell and/or install security cameras to clients who otherwise would not have patronized them in the absence of the change in law; and
- *if the Bill achieved its goal of deterring property crime*, residents and private organizations who do not incur economic costs from deterred property crimes.³

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess Bill 14-22's impacts on County-based private organizations and residents in terms of the Council's priority economic indicators.⁴

The Bill would involve a transfer from the County to certain residents and private organizations. As discussed below, this transfer could economically impact certain residents and private organizations in three ways:

1. Cover the purchasing cost of security cameras;
2. Increase demand for security camera purchases and/or installations from County businesses; and
3. Reduce economic costs from deterred property crimes.

In this analysis, OLO accomplishes the following analytical objectives: First, this analysis identifies how these potential economic impacts could affect the primary economic stakeholders in terms of the indicators prioritized by Council. Second, this analysis assesses the conditions under which these impacts could result in a net increase and net decrease in economic activity in the County. OLO does not offer a prediction of the net economic impact of the Bill because of important regulatory/programmatic details that would be established later (e.g., definition of "priority areas") and uncertainty regarding critical economic factors (e.g., average cost of security cameras). Also note this analysis does not account for the economic impacts of alternative government spending with revenues used to fund the security camera incentive program.

To accomplish these objectives, OLO relies on the following sources of information:

1. OMB's fiscal impact statement for Bill 14-22

2. Systematic Review: This analysis also draws on findings from a systematic review of the primary research on the impact of closed-circuit television (CCTV) surveillance cameras on property crimes. A systematic review provides a critical appraisal of the primary research on a specific topic using explicit and reproducible procedures and standards.⁵ As a

³ Cohen, [The Cost of Crime and Justice](#).

⁴ Montgomery County Code, [Sec. 2-81B](#).

⁵ Guides.temple.edu, [Systematic Reviews & Other Review Types](#); Peričić and Tanveer, "[Why systematic reviews matter](#)."

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valuable tool for evidenced-based policy analysis,⁶ a systematic review can indicate the extent to which there is high-quality evidence demonstrating a policy's effect on outcomes.

Using the Google Scholar database,⁷ OLO identified the following systematic review of the peer-reviewed literature on paid parental leave policies:

Piza, Eric L, et al, "[CCTV surveillance for crime prevention: A 40-year systematic review with meta-analysis](#)," *Criminology & Public Policy* 2019: 135-159.

OLO selected the 2018 systematic review for two reasons. First, it is the most recent systematic review on the impact of security cameras on property crime. The authors reviewed a total of 76 studies on the crime deterring effects of security cameras between 2007 and 2017. Second, OLO is confident in the systematic review's conclusions given its focus on identifying studies that use experimental and quasi-experimental methods⁸ These are distinguished from standard regression approaches by their ability to better identify the causal effects of a policy intervention from outcomes correlated with, but unrelated to, the intervention due to unmeasured confounding and other threats to causal inference. Thus, the authors' conclusions from the systematic review are based on high-quality empirical studies.

VARIABLES

The primary variables that would affect the economic impacts of enacting Bill 14-22 are the following:

- Total annual value of vouchers/rebates;
- Percentage of security cameras imported from businesses outside the County; and
- Total economic costs from crime in priority areas.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO anticipates that enacting Bill 14-22 would have positive impacts on certain private organizations in the County in terms of operating costs and income. Establishing a private security camera incentive program could impact these indicators in three ways:

⁶ Haddaway and Pullin, "[The Policy Role of Systematic Reviews](#)."

⁷ The article was identified using the following search term: "cctv" and "systematic review"

⁸ The quasi-experimental methods used are difference-in-difference, regression discontinuity, and pre-post and interrupted time series design. Three of the papers used only model-based approaches.

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1. Cover the purchasing cost of security cameras: Private organizations that use the voucher/rebate to purchase a security camera would experience a net decrease in operating costs associated with security. In its fiscal impact statement, OMB found, “The purchase price of an outdoor surveillance system varies significantly based on technology and can range from \$50 to \$3,000.” OMB assumed security cameras purchased for private use would cost \$350. Based on OMB’s analysis, OLO expects the Bill to reduce net operating costs for private organizations who use the voucher/rebate between \$50 and \$3,000 per camera, with the average per camera savings being closer to the low point.

2. Increase demand for security camera purchases and/or installations from County businesses: By covering the purchasing cost of security cameras, the Bill likely would result in security camera purchases and installations that otherwise would not have occurred in the absence of an incentive program. While many residents and private organizations likely would purchase security cameras from vendors based outside the County, in particular online retailers, some would use County-based businesses to purchase and/or install security cameras. Holding all else equal, these County-based businesses would experience a net increase in business income.

3. Reduce economic costs from deterred property crimes: Bill 14-22 could also impact certain private organizations by reducing economic costs associated with property crime.

The 2019 systematic review concluded that CCTV surveillance cameras are “associated with a significant and modest decrease” in property, vehicle, and drug crimes (not violent or “disorder” crime). However, the effectiveness of the technology depends on the following factors:

- *Type of CCTV security cameras* – The results are significant only for CCTV cameras with “active monitoring” capabilities—that is, when a third-party monitoring operator will respond when the camera sees certain activity. The systematic review found no statistically significant effect for “passive monitoring” cameras in which no third-party is notified.
- *Setting* – The results are significant for parking lots/garages as well as residential areas, not city centers or public transport.
- *Complementary interventions* – CCTV security cameras are most effective when used with multiple interventions.
- *Geography* – The study found no significant effects in the United States. However, this may be a result of U.S.-based studies having given little attention to the impacts of CCTV cameras on crime in parking lots/garages and the effects of technology when coupled with multiple interventions.

Based on these findings, OLO anticipates that Bill 14-22 likely would result in negligible to, at best, modest reductions in the economic costs associated with property crimes.

Beyond these potential impacts, OLO does not expect the Bill to affect private organizations in terms of the Council’s other priority indicators.

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Residents

OLO anticipates that enacting Bill 14-22 would have positive impacts on certain residents in the County in terms of discretionary household income.

By covering the purchasing cost of security cameras, the Bill would reduce discretionary household expenses for certain residents. Holding all else equal, these residents would experience a net increase in discretionary income. In addition, Bill 14-22 could reduce economic costs of crime for certain residents. However, the findings of the 2019 systematic review suggest that the cost reduction would be negligible to, at best, modest.

Beyond this potential impact, OLO does not expect the Bill to affect residents in terms of the Council's other priority indicators.

Net Impact

Bill 14-22 likely would have both positive and negative impacts on economic conditions in the County.

As previously discussed, the Bill's potential positive economic impacts would occur through covering purchasing costs of security cameras to residents and private organizations, increasing security camera sales and installations from County-based businesses, and reducing the economic costs of crime.

The Bill's potential negative economic impacts would occur through residents and private organizations using the voucher/rebate to purchase security cameras from vendors based outside the County. Of the total annual amount of County revenues used to fund the program, the portion used to import security cameras would result in a capital outflow. While OLO cannot estimate the amount of capital outflow, it is expected to be significant due to the likelihood of many residents and private organizations using online retailers to acquire security cameras.

It is uncertain the extent to which the economic benefits of Bill 14-22 would mitigate—and perhaps outweigh—the economic costs from the capital outflow it would induce.

DISCUSSION ITEMS

Given the likelihood that the private security camera incentive program would result in a negligible to, at best, modest reduction in the economic costs of crime, the Council may want to consider requiring MCPD to conduct a randomized controlled trial of the program to assess whether its economic benefits would be sufficient to outweigh the capital outflow the program likely would induce.

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In addition, to limit potential capital outflow, the Council may want to consider restricting the use of the voucher/rebate to purchase security cameras from County-based businesses. The Reforest Montgomery coupon, in which participating businesses are all based in the County, offers a potential model for Councilmembers to consider.⁹

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CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. 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.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

⁹ See Montgomeryplanning.org, [Native Tree Discount](#).

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 14-22: POLICE – PRIVATE SECURITY CAMERA INCENTIVE PROGRAM – ESTABLISHED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 14-22 could widen racial and social disparities in policing as it broadens the Montgomery County Police Department’s authority to increase police surveillance in communities of color through private security cameras. Available research suggests that increased community surveillance could place Black and Latinx residents at greater risks for police contact that could widen existing racial disparities in law enforcement interactions. The magnitude of the impact of the Bill on racial equity and social justice (RESJ) in the County cannot be quantified with existing data. To reduce the potential harm of Bill 14-22 on RESJ, OLO offers recommended amendments for Council consideration.

PURPOSE OF RESJ IMPACT STATEMENT

The purpose of racial equity and social justice (RESJ) impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 14-22

The purpose of Bill 14-22 is to increase police surveillance in communities that the Montgomery County Police Department (MCPD) deems to be high crime areas. Toward this end, Bill 14-22 authorizes the establishment of a program that incentivizes residents and businesses in “priority areas” to install private security cameras. MCPD encourages current residents and business owners with private security cameras to join the Nextdoor platform to “provide real-time crime updates.” Presumably, the intent of Bill 14-22 is to encourage more residences and businesses to join Nextdoor by offsetting the cost of private security cameras in areas where they are less ubiquitous.

Bill 14-22 states that an individual, business, or nonprofit organization could apply to MCPD to receive a voucher or rebate to offset the cost of installing a security camera on their property within policing districts identified as “needing additional security cameras based upon public safety indicators, including crime levels.”³ Available data on crimes and dispatch calls suggests that Bill 14-22 would authorize the private security voucher program in two policing districts: District 3 (Silver Spring/Burtonsville) and District 6 (Gaithersburg/Montgomery Village). Residents of color account for a majority of residents in each of these districts; thus, the net effect of Bill 14-22 is to authorize an increase in the use of police surveillance via private security cameras in communities of color (see Table A in Appendix).

Of note, the Bill does not designate a funding source for private camera vouchers nor does it specify how the program will be implemented. This Bill allows MCPD to seek federal and state funding to support program costs and develop regulations for implementation via Method 2 regulations that would ultimately require County Council approval. Further, while Bill 14-22 requires the Police Chief to provide an annual report to the Council that describes the Bill’s implementation and efficacy, the actual components and reporting requirements are left to the discretion of the Police Chief.⁴ Bill 14-22 was introduced to the Council on June 14, 2022.

(A7)

RESJ Impact Statement

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POLICING, SURVEILLANCE, AND RACIAL EQUITY

As noted by Laura Moy, Professor at the Georgetown University Law Center and Director of its Communications and Technology Law Clinic, “(p)olice technologies are adopted by police agencies operating in broader context of structural inequity – the chief cause of racial inequity in policing.”⁵ Structural racism refers to “a network of social relations at social, political, economic, and social levels that shape the life chances of the various races” with structural inequity permeating every aspect of American society. According to Moy, racial inequities resulting from structural inequities that are most germane to police technology include race-based residential segregation, a criminal justice system that disadvantages Black and Latinx people, political disenfranchisement of people of who have been convicted of crimes, a culture that ties crime to blackness, and a legal system that insulates police behavior from scrutiny and accountability.⁶

Modern policing in the U.S. emerges from a legacy of racial inequity. The earliest policing efforts, slave patrols, apprehended escaped Africans to instill fear and deter slave revolts.⁷ The first municipal police forces, beginning in Boston in 1838, were principally focused on controlling people in response to public intoxication, gambling, and population growth rather than on public safety.⁸ Post-Reconstruction racism in law enforcement persisted via the creation of Jim Crow laws that criminalized inconsequential activities such as vagrancy to maintain control of the formerly enslaved through convict leasing and chain gangs.⁹

Today, racial inequities in policing persist with harsher treatment of Black, Indigenous, and Other People of Color (BIPOC) in the criminal justice system, mass incarceration, and the collateral punishment of incarceration on BIPOC families and communities.¹⁰ Nationally, Latinx and Black residents are incarcerated at rates that are respectively three and five times higher than White residents.¹¹ In Maryland, Black people account for 30 percent of the population but:

- 54 percent of arrests for marijuana use;¹²
- 71 percent of the state’s correctional population;¹³
- 77 percent of the maximum-security correctional population and prisoners serving life sentences;¹⁴ and
- 100 percent of exonerated individuals across the state.¹⁵

Further, Black people account for 18 percent of the County’s population but 32 percent of MCPD traffic stops, 44 percent of MCPD arrests, and 55 percent of MCPD use of force incidents.¹⁶

Racial bias in policing extends into the over surveillance of communities of color, which has historical roots in U.S. policy. Even before World War II, the U.S. government monitored the Japanese American community, including tracking private communications and bank accounts, and using census data to locate and detain thousands of people in internment camps.¹⁷ In the 1950s and 1960s, the FBI used its Racial Matters and COINTELPRO programs to track and collect intimate personal details – often unrelated to law enforcement - on Martin Luther King, Jr., Malcolm X, and other civil rights activists.¹⁸ For six years following the September 11, 2001 terrorist attacks, the New York Police Department and the CIA surveilled Muslim neighborhoods, establishments, and mosques.¹⁹

More recently, the government’s surveillance of public protests, especially when primarily focused on communities of color, has raised concerns about racial profiling and the appropriate use of technology.²⁰ In 2015, for example, it was reported that the Baltimore Police Department used aerial surveillance, location tracking, and facial recognition to identify individuals protesting the death of Freddie Gray.²¹ In all these instances, law enforcement’s stated goals in using surveillance tactics have been maintaining public safety, preventing crime, and protecting Americans. Yet in practice, surveillance has often been used to monitor and control the lives of BIPOC rather than to promote public safety.

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ANTICIPATED RESJ IMPACTS

Within the context of racial inequity in policing and police surveillance, it is important to consider two questions when considering the anticipated impact of Bill 14-22 on RESJ in the County:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the demographics of residents and business owners in the County that could be eligible for security camera vouchers. Data in Table 1 shows that White residents are over-represented as homeowners across the County and the geographic areas served by Police Districts 3 and 6.

Table 1: Percent of Residents Compared to Percent of Owner-Occupied Housing Units by Race and Ethnicity, Silver Spring, Gaithersburg, Montgomery Village, and Germantown*

Race and ethnicity ²²	Residents	Owner-Occupied Housing Units				
	All Residents	Montgomery County	Silver Spring CDP	Gaithersburg City	Montgomery Village CDP	Germantown CDP
Asian	15.4	15.6	7.0	24.2	11.4	22.8
Black	18.6	11.2	16.6	10.9	17.6	14.6
White	43.1	64.8	67.0	57.2	60.1	52.1
Latinx	20.5	11.4	12.0	13.1	20.5	18.3

Source: 2020 Decennial Census (Table P1, P2), Census Bureau.

Source: 2020 American Community Survey (Table S2502).

*Census Designated Place (CDP) data used to represent police district data

While White residents account for 43 percent of all County residents, they accounted for 65 percent of homeowners across the County and between 52 percent and 67 percent of the homeowners across the four census areas comprising Districts 3 and 6. Similarly, White residents are over-represented among business owners, accounting for 75 percent of firms with employees across the County (see Table 2). As such, White residents are the most likely to receive vouchers from the program, despite residents of color accounting for the majority of residents in the County and especially in Districts 3 and 6 communities (see Appendix, Table B for the racial and ethnic demographics of Silver Spring, Burtonsville, Gaithersburg, and Montgomery Village residents).

Table 2: Percent of Residents v. Firms with Employees by Race and Ethnicity, Montgomery County

Race and ethnicity	Percent of County Residents	Percent of Employer Firms, All Sectors (NAICS 00)
Asian	15.4	19.7
Black	18.6	5.5
White	43.1	74.7
Latinx	20.5	7.4

Source: 2020 Decennial Census (Table P1, P2), Census Bureau.

Source: 2017 American Business Survey (Table AB1700CSA01), Census Bureau.

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The corollary to the first question is which groups could be most harmed by the bill. The history of inequity in policing and current racial inequities in interactions with law enforcement suggest that Black and Latinx residents could be most harmed by Bill 14-22. As aptly noted by the American Civil Liberties Union (ACLU) regarding police surveillance:

“Increased community surveillance always leads to increased encounters between residents and the police, and as we know all too well, more police encounters with Black people lead to more injury and death. In other words, the rise in this kind of persistent surveillance will help maintain or further increase the racial disparities in whom police officers harass, arrest, and kill.”²³

Observers warn that racial bias that shows up on police dispatch calls might be magnified by home security cameras and video doorbells that digitize racial profiling, including apps such as Neighbor and Nextdoor.²⁴ Already, MCPD stops and searches Black drivers far more often than drivers from other racial groups.²⁵ MCPD also issues more citations to Latinx drivers per traffic stop compared to other drivers.²⁶

Concerns raised by civil rights leaders and racial justice organizations suggest that use of private cameras for surveillance and other technology tools can aggravate racial inequity in policing and thus widen disparities by race and ethnicity. As noted in a letter to the Color of Change, “(n)ew technological tools that amplify police power can amplify existing biases in policing.”²⁷ The ACLU describes the potential shift from “racist human-driven policing” to “racist, surveillance tech-driven policing” as the “Law Enforcement 2.0 Problem” with three components:²⁸

- Policing 2.0, where tech-dependent police forces surveil community of color more invasively and constantly than ever before.
- Stop and Frisk 2.0, where the police are able to surreptitiously monitor potential suspects looking for any reason to engage them in the same racist and violent matter that led to the current policing crisis. This increases the number of false positives:²⁹ innocent people who are likely to be flagged and harassed.
- Mass Incarceration 2.0, where constant surveillance leads to more arrests in overpoliced communities and more persons of color being imprisoned for activities that go unnoticed in White communities.

Related to the Policing 2.0 problem is the loss of anonymity in public spaces.³⁰ This loss of privacy is experienced by individuals and communities. As Andrew Ferguson notes, “surveillance capacity presents a real threat to privacy because in order to collect ... data (over-time) on a particular suspect, the rest of the population must also be recorded. Associational freedoms can be threatened by the mere possibility of such mass surveillance.”³¹ He notes that big data police surveillance “presents a stark privacy problem” because it changes the traditional physical limitations of policing and in doing so “distorts the constitutional protections of citizens.”³²

Some might argue that the loss in constitutional rights is worth the increased surveillance if it reduces crime. Yet, there is no evidence that police use of surveillance cameras significantly reduces crime, particularly violent crime.³³ The limited evidence that surveillance cameras can reduce crime focuses on property crimes in parking lots or locations where “they are most likely to capture criminal activity or generate evidence, such as footage of people fleeing crime scenes.”³⁴

Further, it is important to understand the consequences of increased harassment against Black and Latinx residents. As demonstrated in evaluations of New York City’s Stop and Frisk Program and other “broken windows” policies, increased surveillance of communities of color served to make residents of color feel more unsafe in their own communities because they were more fearful of the police.³⁵ This undermines the entire goal of community policing to have communities of color and law enforcement partner so they can work together to increase public safety.³⁶

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RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.³⁷ OLO anticipates that Bill 14-22 could widen racial and social disparities in policing as it broadens MCPD's authority to increase police surveillance in communities of color through private security cameras.

Available research suggests that increased community surveillance could place Black and Latinx residents at greater risks for interactions with MCPD that widen existing racial disparities in law enforcement interactions. The magnitude of the impact of Bill 14-22 on RESJ in the County cannot be quantified with existing data. To reduce the potential harm of Bill 14-22 on RESJ, OLO offers three recommendations for Council consideration.

- **Assemble a group of diverse stakeholders to update Bill 14-22, draft its Method 2 regulations, and develop annual reporting requirements to the Council to prioritize RESJ.** The County Council has increasingly adopted strategies aimed at promoting civilian oversight in policing and decision-making to advance RESJ. Council action has included creating the Policing Advisory Commission and the Police Accountability Board and enacting legislation to increase transparency in policing data and operations. OLO recommends the Council task MCPD to convene community stakeholders representative of BIPOC communities to craft a revised Bill that explicitly seeks to advance RESJ with public safety. OLO also recommends the Council task MCPD to partner with BIPOC community stakeholders to draft Method 2 regulations and annual reporting requirements to the Council that reflect the priorities of disproportionately impacted communities.
- **Require MCPD to work with community partners to evaluate all new policing technologies through a RESJ lens with technology impact statements before enacting them.** Laura Moy finds that with an increased awareness of racial inequity in policing and increased scrutiny of police technologies, “an explanation of how police technology aggravates inequities” is warranted.³⁸ She recommends that police agencies complete technology and algorithmic impact statements to evaluate new technology tools before seeking legislative approval to adopt new technologies. She proposes a taxonomy for these impact statements that help police agencies and policymakers analyze how proposed police technologies may: (a) replicate inequity in policing; (b) mask inequity in policing; (c) transfer inequity from elsewhere to policing; (d) exacerbate inequitable policing harms; and/or (e) compromise oversight of inequity in policing. As MCPD works with community partners to strengthen the potential RESJ impact of Bill 14-22, OLO recommends the Council also task MCPD to partner with BIPOC community groups and the Police Advisory Commission to conduct a more in-depth RESJ assessment of this Bill using Moy's taxonomy for technology and algorithmic impact statements.
- **Consider joining the ACLU's Community Control Over Police Surveillance (CCOPS) effort.** The ACLU finds that police surveillance technology presents significant threats to civil rights and liberties that disproportionately impact BIPOC and low-income communities. They also find that most jurisdictions have adopted these technologies without any community input or control. The CCOPS effort seeks to have local jurisdictions enact laws that mandate meaningful opportunities for local communities to review and participate in all decisions about if and how surveillance technologies are acquired and used locally. CCOPS offers model legislation³⁹ and guiding principles⁴⁰ that jurisdictions can adopt to advance RESJ and protect the civil rights of citizens with new policing technologies. To date, 14 jurisdictions have joined CCOPS. To systematize the recommendations offered with this RESJ impact statement around ensuring meaningful community engagement in the development and deployment of all new policing technologies, the Council may want to consider having the County join CCOPS as well.

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CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than 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.

CONTRIBUTIONS

OLO staffers Elaine Bonner-Tompkins, Senior Legislative Analyst, Chitra Kalyandurg, Legislative Analyst, and Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

APPENDIX TABLES

Table A: Population and Per Capita Crime Rate in Montgomery County Police Districts, Sorted by Highest to Lowest Crime Rate

Police District	Population	Crime rate per 100,000 residents
3 rd - Silver Spring	163,266	3962.2
6 th - Gaithersburg/Montgomery Village	156,064	3449.2
5 th - Germantown	141,113	2916.8
4 th - Wheaton	216,176	2502.6
2 nd - Bethesda	190,506	2439.3
1 st - Rockville	156,848	2413.8

Source: 2020 Annual Report on Crime and Safety, MCPD.

Table B: Percent of Residents by Race and Ethnicity, Montgomery County, Silver Spring, Gaithersburg, Montgomery Village, and Germantown*

Race and ethnicity	Montgomery County	Silver Spring CDP	Gaithersburg City	Montgomery Village CDP	Germantown CDP
Asian	15.4	7.5	19.1	11.0	20.4
Black	18.6	28.7	16.6	23.4	25.9
White	43.1	35.0	34.8	27.9	28.7
Latinx	20.5	26.9	28.5	36.9	23.1

Source: 2020 Decennial Census (Table P1, P2), Census Bureau.

*Census Designated Place (CDP) data used to represent police district data

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid.

³ Bill 14-22, Police – Private Security Camera Incentive Program – Established, Montgomery County Council

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⁵ Laura M. Moy, How Police Technology Aggravates Racial Inequity: A Taxonomy of Problems and a Path Forward, February 24, 2019

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- ¹⁷ <https://www.brookings.edu/research/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² Latinx is an ethnicity rather than a race. Therefore, Latinx people are included in multiple racial groups throughout this impact statement, unless where otherwise noted.
- ²³ Chad Marlow and Gillian Ganesan, “Stop the Police Surveillance State Too,” ACLU News and Commentary
- ²⁴ For example, see Grace Baek, “Are Video Doorbells and Neighborhood Watch Apps Generating More Fear Than Security?” CBS Reports, February 24, 2020 or Will Oremus, “A Detroit Community College Profession is Fighting Silicon Valley’s Surveillance Machine. People Are Listening” The Washington Post, September 17, 2021
- ²⁵ Bonner-Tompkins and Carrizosa.
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- ³⁵ Research summarized by Dan Keating and Harry Stevens, “Bloomberg said ‘stop and frisk’ decreased crime. Data suggests it was wasn’t a major factor in cutting felonies.” The Washington Post, February 27, 2020.
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