OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich
County Executive

Tiffany Ward
Director and Chief Equity Officer

MEMORANDUM

February 16, 2024

To: Jennifer Bryant, Director
        Office of Management and Budget

From: Tiffany Ward, Director
        Office of Racial Equity and Social Justice

Re: Racial Equity Impact Assessment (REIA) Supplemental Appropriations (SA)
        #24-54 Bethesda Parking Security Camera Surveillance System ($2,008,000)
        #24-57 Wheaton Parking Security Camera Surveillance System ($339,000)
        #24-58 Silver Spring Parking Security Camera Surveillance System ($2,418,000)

I.   **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that *Supplemental Appropriations #24-54, #24-57, #24-58 – Bethesda, Wheaton, and Silver Spring Parking Security Camera Surveillance System* is unlikely to advance racial equity and social justice in Montgomery County. There is a need to provide a safe parking environment for County residents, workers, patrons, and businesses. However, the trend of increased surveillance tools being deployed throughout the County, as well as reliance on emerging and existing technologies–with a history of accuracy and bias issues–has the potential to lead to greater instances of contact with law enforcement and a reduction in privacy and civil liberties. While some degree of surveillance for security purposes is warranted, it should be judiciously applied with strong oversight, community input, and safeguards against over-policing and discrimination.

II. **BACKGROUND:** The purpose of Supplemental Appropriations #24-54, #24-57, and #24-58 is to provide funding in the Bethesda, Silver Spring, and Wheaton County Parking Lot Districts (PLD) to increase camera and surveillance coverage to address public safety concerns. The current systems, installed originally for the protection of County property, are focused on access points, lobbies, and payment stations. Increased security incidents and requests from the Montgomery County Police Department (MCPD) for video footage to investigate criminal incidents in the garages were indicated as a need for these funding

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requests. MCPD reports the number of police cases supported by garage videos has
increased by 115% in two years. The current camera systems are aging and beyond their
useful life, which has resulted in increased maintenance costs. Additionally, the legacy
software system is only accessible on the County network.

Generally, funding will expand camera coverage to stairwells, lobbies, decks, rooftops, and
all pedestrian and vehicular entrances across County garages in Bethesda, Silver Spring, and
Wheaton. Additionally, the funding will increase video retention and security capabilities to
support security patrols and law enforcement agencies. These features include expanded
fields of view, increased storage, cloud-based access, person of interest alerts, and vehicle
and people analytics, including license plate recognition (LPR) at entrances and exits. An
equipment breakdown from each PLDs project description form (PDF) is provided below.[1]

Item	Bethesda	Silver Spring	Wheaton
Garages	9	10	3
Upgrade Existing Cameras	124	150	16
Additional Cameras for Stairwell and Lobby	206	286	40
Deck Cameras	120	120	23
LPR Cameras for Entrances and Exits	20	23	unknown*

The number of LPR cameras was not listed in the PDF.

Supplemental funding will also allow the Montgomery County Department of
Transportation (MCDOT) to engage a contractor to conduct a security audit to phase
project installation, which is estimated to take place over seven years. This plan is meant to
phase installation to prioritize high-incident, high-traffic areas. The PDFs, as well as maps
for each PLD, are available at the following:

Bethesda
- https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy25/ciprec/P5024 09.pdf

- https://www.montgomerycountymd.gov/DOT-Parking/Resources/Files/PLDBethesda.pdf

Silver Spring
- https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy25/ciprec/P5024 10.pdf
- https://www.montgomerycountymd.gov/DOT-Parking/Resources/Files/PLDSilverSpring.pdf

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[1] The Montgomery County Department of Transportation-Parking Lot Districts program operates more than half of the public (publicly available) parking in three of its largest central business districts: Bethesda, Silver Spring, and Wheaton. These public inventories provide a shared pool of parking resources for the benefit of all area businesses, patrons, and commuters. They also provide a viable alternative to on-site parking requirements in return for payment of an annual Ad Valorem tax that provides significant program funding underwriting PLD costs. Additionally, the County's large parking market share provides numerous opportunities to mitigate traffic levels, affect commuter patterns, and promote alternative transportation modes, including the use of parking revenues to market and provide transit services and benefits. Available at: https://www.montgomerycountymd.gov/DOT-Parking/Parking-Info/ProgramDescription.html.

Wheaton
- https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy25/ciprec/P502411.pdf

- https://www.montgomerycountymd.gov/DOT-Parking/Resources/Files/WheatonPLD.pdf

III.   **ANALYSIS**: The need for enhancements to the security camera surveillance system has arisen due to increased reports of instances of vandalism, theft, assaults, and other criminal activities at the parking facilities. Crime data for each PLD was not provided for this analysis. However, having detailed data on the number and types of criminal incidents occurring in County parking facilities over time would be useful for MCDOT and MCPD to closely measure, monitor, and analyze any potential changes or trends in parking garage crime statistics as the project commences through completion. This will be useful throughout the 7-year plan since the phasing of installation is planned to have a deterring effect on criminal and behavioral issues.

In 2022, MCPD convened a workgroup to facilitate technology-driven policing.[2] One outcome of this workgroup was MCPD piloting the creation of a Violent Crime Information Center (VCIC),[3] which is also commonly known as a Real Time Crime Center. The VCIC is intended to access and integrate information from various technologies, systems, and software to allow for surveillance monitoring, data analysis, and information-sharing capabilities. MCPD expects the VCIC pilot to become a permanent program, and the expanded surveillance camera systems and video analytics software deployed in the County parking facilities will likely interface with the VCIC.

MCPD currently has adopted policies for several policing and surveillance technologies, some of which include:

- Automatic License Plate Recognition System
  https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20424_Automatic%20License%20Plate%20Recognition%20System.pdf

- Electronic And Photographic Surveillance Equipment
  https://www.montgomerycountymd.gov/POL/Resources/Files/PDF/Directives/400/FC450_Surveillance%20Equipment_ksp.pdf

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[2] MCPD defines Technology-driven policing (TDP) as the process of using technology to proactively disrupt or reactively, but immediately, investigate crime. TDP is arguably the future of law enforcement, and with that comes the need to have a centralized group to manage the technology. Although it can be performed through a dispatch center or with officers on the street, maximizing effectiveness requires a dedicated unit. Tools like Automated License Plate Reader cameras, police drones, remotely viewed cameras, and others are not new, but layering these tools together to fight crime is rapidly becoming the standard. Available at: https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/CrimeandSafety/2022%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety.pd
[3] IBID.

- Use of Facial Recognition Technologies
  https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/FC%20627_Facial%20Recognition_March%202022.pdf
- Unmanned Aircraft Systems (Drones)
  https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/0400/FC%200460%20Unmanned%20Aircraft%20Systems.09192023.pdf

Technologies such as license plate readers, facial recognition, drones, and other surveillance equipment are frequently being invested in for use in the County to address public safety concerns. Pilot programs for the VCIC and Drone as First Responder (DFR) are indicative of an emphasis on carceral forms of law enforcement that use policing, surveillance, monitoring, criminalization, and other forms of state-sanctioned punishment to address social problems.[4] These investment trends continue to divert resources away from community-based safety programs that could address the root causes of crime or take a systemic approach to creating safe spaces.

The Stanford Center for Comparative Studies in Race and Ethnicity (CCSRE) Race and Surveillance Brief explored the intersection of race and surveillance, focusing on the carrot-and-stick nature of surveillance as punitive or disciplinary depending on race and other socio-economic structures and hierarchies.[5] The CCSRE analysis identified clearly that issues related to disproportionate levels of surveillance are "especially acute in urban areas, where factors such as density, segregation, migration, economic inequality, and real estate speculation together drive significant investment and innovation in surveillance technologies."

CCSRE further called attention to the need for developing alternative systems and approaches focused on social justice imperatives that move beyond just the application of surveillance tools to foster community safety and well-being, given the oppressive history and nature that surveillance technologies have played and continue to reinforce within marginalized communities. The need to address root causes mentioned previously, such as investments in education, housing, and community welfare, is needed to cultivate practices of mutual aid and community care, improving safety and security, which are often conflated.[6]

The PDFs indicate new security cameras will include three enhancement features that rely on artificial intelligence software. These include person of interest alerts, vehicle and people analytics, and license plate reading technologies, which use algorithms to automatically

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[4] Available at: https://nationalequityatlas.org/us-carceral-spending/faqs
[5] Stanford Center for Comparative Studies in Race and Ethnicity (CCSRE). Race and Surveillance Brief. August 2023. Available at: https://ccsre2023-prod.stanford.edu/sites/ccsre2023/files/media/file/race_and_surveillance_brief_final.pdf
[6] IBID.

analyze video footage and identify, track, and extract information from video footage.
Additional questions arise related to data storage and sharing. Who will have access to
surveillance camera footage in PLDs? How long will camera footage be stored?

Several research studies, media stories,[7] and documentaries such as Coded Bias,[8] have
repeatedly demonstrated that these AI-powered technologies are prone to accuracy
problems, embedded bias, and misidentification issues along gender and racial lines. The
Electronic Privacy Information Center (EPIC) defines algorithmic racism as occurring when
the use of AI, machine learning, and other big data practices, generate outcomes that
reproduces racial disparity and exacerbate inequities.[9] They add that "even if not intentional,
structural racism is embedded in the design and implementation of technology through
under representative data sets, biased training data, implicit bias of coders and designers,
and a lack of transparency and accountability."[10]

The County may benefit from considering approaches taken by jurisdictions with
frameworks for, or reviews of, the use of artificial intelligence and surveillance technology–
even going so far as to codify requirements in legislation. For instance, the Metropolitan
Council of Nashville and Davidson County,[11] and the City of Seattle[12] passed surveillance
ordinances. The laws arose from concerns surrounding privacy and a lack of process and
oversight for acquiring surveillance technologies, such as drones, the installation of cameras,
and new and evolving surveillance technologies. A related example is from the City of
Chicago Office of the Inspector General, which audited the use of cameras and surveillance
technology. [13]

In Seattle, existing and new surveillance technologies are required to undergo a privacy and
surveillance review. The law requires the Chief Technology Officer to submit a Surveillance
Technology Community Equity Impact Assessment and Policy Guidance Report.
Additionally, an annual surveillance usage review summarizing the various uses of
surveillance technology, data sharing, the impact on civil liberties, data management, and a

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[7] Available at: https://www.cbsnews.com/news/facial-recognition-60-minutes-2021-05-16/

[8] Available at: https://www.pbs.org/independentlens/documentaries/coded-bias/

[9] Electronic Privacy Information Center. Available at: https://epic.org/issues/democracy-free-speech/privacy-and-racial-justice/.

[10] IBID.

[11] Available at: https://documents.nashville.gov/Request/Open/e2113932-cf0a-4de4-87d2-3f75da24db9b_MC-Legis20190722_89400_1

[12] Available at: https://seattle.legistar.com/View.ashx?M=F&ID=5366954&GUID=8D294BC8-F9B7-4EB0-A86B-BF9F6C487558

[13] City of Chicago Office of the Inspector General. April 2018 and December 2016. Office of Emergency Management and Communications Public Safety Cameras and Follow-Up Inquiry. Available at: https://igchicago.org/publications/office-of-emergency-management-and-communications-public-safety-cameras-follow-up-inquiry/ and https://igchicago.org/publications/audit-of-oemc-public-safety-cameras/.

summary of complaints are produced annually. The City of Seattle also requires departments to complete a Surveillance Impact Report (SIR) accompanied by an abbreviated racial equity tool with a civil liberties assessment before the acquisition of new technologies. An SIR[14] for Parking Enforcement identified the following potential impacts on civil liberties associated with the implementation of automated license plate reader (ALPR) technologies:

> *Without appropriate policy, license plate data could be paired with other identifiable information about individuals that could be used to identify individuals without reasonable suspicion of having committed a crime, or to data mine for information that is not incidental to any active investigation. SPD Policy 16.170 mitigates this concern by limiting operation to solely routine patrol or criminal investigation. An additional potential civil liberties concern is that the SPD would over-surveil vulnerable or historically targeted communities, deploying ALPR to diverse neighborhoods more often than to other areas of the city.*

Regarding the most important racially equitable community outcomes related to the implementation of ALPR technology, the SIR indicated:

> *As it relates to ALPR, it is important that SPD continue to follow its policy of limiting the use of the technology to strictly routine patrol or criminal investigation, as well as limiting access to ALPR data to only instances in which it relates to a specific criminal investigation. Further, continuing to audit the system regularly provides a measure of accountability. In doing so, SPD can mitigate the appearance of disparate treatment of individuals based on factors other than true criminal activity. The desired outcome is to ensure that Parking Enforcement occurs throughout the City equitably in areas where parking restrictions exist, without over-surveilling areas where historically targeted communities reside or congregate.*

The District of Columbia also issued an executive order for an AI Values and Strategic Plan. The values consist of the following: Ensure there is a clear benefit to the people, Safety and Equity, Accountability, Transparency, Sustainability, and Privacy and Cybersecurity. The executive order requires any agency planning to deploy an AI tool to verify whether such deployment aligns with the District's AI Values, assess impacts to the AI Values, consider what controls might be used to mitigate negative impacts and document its review.[15]

The District AI Values program also established an advisory group to work with internal and external stakeholders on the intersection of the District's AI values and emerging and future AI technologies. A task force of District employees will also be established to provide AI strategy and governance expertise and support to the mayor and agency leadership to coordinate efforts to meet the AI Strategic Benchmarks. This approach is further supported by the Facebook Civil Rights Audit, which recommended investing in a dedicated team to

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[14] 2018 Surveillance Impact Report Parking Enforcement Systems (Including Automated License Plate Readers). Available at: https://www.seattle.gov/documents/departments/tech/2018-10-08%20draft%20sir%20-%20parking%20enforcement%20-%20for%20public%20comment.pdf
[15] Available at: https://techplan.dc.gov/aivalues

focus on studying responsible Artificial Intelligence methodologies and building stronger internal systems to address algorithmic bias.[16]

In closing, these supplementals are situated within a larger context of over-policing and surveillance of Black and Brown communities. Though the full history of policing is beyond the scope of this REIA, it's nonetheless relevant to how we think about security cameras in public spaces. For additional background, research, and analysis on policing, criminal justice, and public safety supplemental funding requests, please refer to our previous REIAs on these topics.

- REIA #23-69 – Amendment to the FY23-28 Capital Improvements Program for the Construction of a New 6th District Police Station: https://www.montgomerycountymd.gov/ore/Resources/Files/23-69.pdf

- REIA #23-70 & #23-94 – FY23-28 Capital Improvements Program for the Public Safety Communications Center Phase II: https://www.montgomerycountymd.gov/ore/Resources/Files/23-94.pdf

- REIA #23-28 – Police Accountability and Community Transparency (PACT) Grant Award: https://www.montgomerycountymd.gov/ore/Resources/Files/23-28.pdf

- REIA #24-21 – Drone as First Responder Pilot Program: https://www.montgomerycountymd.gov/ore/Resources/Files/24-21.pdf

Additional background and analysis can also be found in the following Racial Equity and Social Justice Impact Statements (RESJIS) from the Office of Legislative Oversight.

- RESJIS Bill 14-23 –Police – Late Night Business Safety Plan: https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2023/Bill14-23.pdf

- RESJIS BILL 14-22 – Police-Private Security Camera Incentive Program – Established: https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2022/Bill14-22.pdf

- RESJIS Bill 18-21 – Police-Internal Affairs Procedures and Reporting Requirements: https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill18-21-RESJ.pdf

- RESJIS Bill 45-20 – Police-Community Policing- Data: https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2020/RESJ-Bill45-20.pdf

cc: Christopher R. Conklin, Director, Department of Transportation
     Marcus Jones, Chief, Montgomery County Police Department
     Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

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[16] Available at: https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf.