

**Comments from the Maryland Office of the Public Defender for Baltimore City
Enforcement Technology & Equipment Procurement Disclosure Draft Policy
May 2019**

The Office of the Public Defender (OPD) provides the recommendations below to proposed Policy 606 – Enforcement Technology and Equipment Procurement Disclosure. This policy is an important component of the consent decree priority of improved transparency and directly relates to actions taken in response to the need identified by Judge Bredar, the BPD, and the other parties for technology upgrades.

I. Policy 606 – Enforcement Technology & Equipment Procurement Disclosure

Recommendation 1: Consistently require disclosure when the technology or equipment is sought, not when it is acquired.

Suggested language: Revise the Policy Statement as follows:

It is the policy of the Baltimore Police Department (BPD) to publicly disclose, in a timely fashion, any new type of technology or equipment that the Department ~~acquires, or~~ seeks to acquire through the public procurement process, for law enforcement activities or for the oversight of those activities.

Revise the second sentence of Core Principle 1, Transparency, as follows:

Therefore, it is the obligation of the Department to inform the public of any new technology or equipment that ~~it seeks to~~ will be purchased and utilized to promote public safety.

Revise General ¶¶ 1 and 3 as follows:

1. The BPD shall publicly disclose to the public any new type of technology or equipment that it seeks to ~~acquires~~ for enforcement or oversight functions

3. Public disclosure of new technology shall be made prior to its acquisition deployment in accordance with BOE transparency.

Revise the last sentence of Required Action 1.2 as follows:

Approval shall identify the new equipment or technology on the website and provide a hyperlink to any associated RFP or BOE procurement information ~~prior to the acquisition at the time that the request is initially made or otherwise consistent with~~ BOE disclosure timing.

Recommendation 2: Set clear timing for disclosure, consistent with notice provided to Board of Estimates when approval is required.

As noted in the prior recommendation, disclosure should be made prior to acquisition, so that the public has an opportunity to express their support or opposition to new technologies in local policing. For purchases utilizing city funds, advance disclosure to the Board of Estimates (BOE) is already required and BPD should make the information publicly available on its website at the same time it is providing it to the BOE.

For private purchases that do not require BOE approval, BPD should conform to the same timing for public disclosure. For purchases requiring approval, BPD must submit its information to the BOE by the Thursday before the Wednesday meeting and cannot act upon the request until at least five business days after the BOE hearing. Thus, requiring disclosure at least ten business days prior to acquisition is consistent with the transparency currently required for city-funded purchases.

Suggested language: Review General ¶ 3 as follows:

Disclosures shall be made on the BPD website **at least 10 business days prior to acquisition and shall remain on the website throughout its acquisition and deployment.**

Recommendation 3: Make the locations for disclosure mandatory.

The current language for placing the disclosure on BPD's website suggests that the location is voluntary or otherwise may change. This directive should be mandated so that the location is clear and consistent and members of the public are assured of the location of information about BPD's anticipated technology and equipment purchases.

Suggested action: Revise Required Actions ¶¶ 3.1 and 3.2 as follows:

3.1 Disclosures of new technology or enforcement equipment **shall may** be placed on the following page: <https://www.baltimorepolice.org/transparency/newtechnologyinitiatives>

3.2. Disclosures of plans and/or reports related to the Department's technology **shall may** be placed on the following page:
<https://www.baltimorepolice.org/transparency/resources-and-reports>.

Recommendation 4: Require that the disclosure include the anticipated cost and source of funding.

Sufficient transparency requires disclosure of all relevant information. The cost and source of funding are important factors in acquiring and deploying technology and this information should be publicly shared along with the type of technology and intended use.

Suggested action: Add to General ¶ 4 the following:

4.4 The anticipated cost and source of funding for the technology or equipment sought.