

PRESS RELEASE

Media Contact: Ciara Cooney | press@Thiru2020.com | (443) 219-6923

Vignarajah asks Council President to release draft agreement on aerial surveillance program

BALTIMORE, March 31, 2020

Following the postponement by the Board of Estimates on voting for the aerial surveillance agreement, mayoral candidate and former Deputy Attorney General Thiru Vignarajah continued his call for transparency by sending a letter to City Council President Brandon Scott requesting that he share the draft legal agreement between the city and the program operator before Wednesday's Board of Estimates' vote.

Vignarajah is calling for the Board, should Scott refuse, to publish the agreement with the public, as it has been apparently shared with the media, and to give members of the public one week to review and provide input. In the letter, Vignarajah writes:

“There is apparently a draft agreement between the City and the operator of an aerial surveillance program that has been reviewed by you and other members of the Board of Estimates, but has not been released to the public...This could be a potent and promising tool in the fight against violent crime, which currently we are losing.

[F]or the public to evaluate this program, the draft legal agreement must immediately be made available for inspection and public comment.

This is a context in which we should all be able to agree that full transparency and public disclosure is vital. The public should discuss and gauge the agreement before the Board of Estimates votes on the matter. And especially with the many challenges we face right now, it is only appropriate to give the public at least a week to inspect the agreement and provide comment. Then, with public input, the Board of Estimates can in good conscience cast their vote for or against this program.

If you have the right, as I believe you do, to share this agreement with the public, please do so promptly.”

Vignarajah was the first public figure to support a transparent aerial surveillance program, first in an Op-Ed in October of 2018 before he was even a candidate, and was the first mayoral candidate to call for its return in September of 2019.

###



Brandon M. Scott
Baltimore City Council President
100 Holliday Street, Suite 400
Baltimore, Maryland, 21202

Dear Mr. Scott,

I hope you, your colleagues, and loved ones are all remaining safe and healthy. Thank you for your hard work and public service during this time of unprecedented crisis. No matter our disagreements in the course of the campaign, I hope you know I appreciate and recognize your commitment and sacrifice.

There is a topic upon which I believe we disagree coming before the Board of Estimates tomorrow. There is apparently a draft agreement between the City and the operator of an aerial surveillance program that has been reviewed by you and other members of the Board of Estimates, but has not been released to the public. As you no doubt know, I have long been an advocate of the “Eye in the Sky” program, provided community privacy and constitutional rights are adequately protected. This could be a potent and promising tool in the fight against violent crime, which currently we are losing. You are, as I understand it, against the program. This is a complicated question and one upon which reasonable people can disagree.

But for the public to evaluate this program, the draft legal agreement must immediately be made available for inspection and public comment. Under the law, you may not be *required* to release the agreement, but nothing forbids you from exercising your prerogative to share it with the public. If there is a confidentiality clause that bars disclosure until the Board of Estimates vote occurs, that would be news to me and would be an unusual provision in a public contract. Nevertheless, only those of you who have seen it can decide whether to disclose it or not. I certainly encourage you to confirm with the City Solicitor that while you are not obligated to release it in response, for example, to a public information request, you are permitted to do so if you so choose.

This is a context in which we should all be able to agree that full transparency and public disclosure is vital. The public should discuss and gauge the agreement before the Board of Estimates votes on the matter. And especially with the many challenges we face right now, it is only appropriate to give the

public at least a week to inspect the agreement and provide comment. Then, with public input, the Board of Estimates can in good conscience cast their vote for or against this program.

As you may know, I wrote an opinion piece in The Baltimore Sun back in October 2018 (even before I was a candidate) explaining my view of the program. I support the program only if it is launched under very different conditions than it was in 2016. The program should be (1) limited to violent crime investigations beginning with homicides, shootings, and carjackings; (2) police should be required to obtain a warrant each time they seek information except in exigent situations such as a kidnapping or an active shooter scenario; (3) it should be subject to public oversight, a public audit, and a stringently enforced restriction that the data may not be shared or sold to anyone, public or private, under any circumstances. It appears from media reports that some of these conditions may in fact be satisfied. On other key issues, however, the terms of the agreement remain unclear or unknown.

If you have the right, as I believe you do, to share this agreement with the public, please do so promptly.

Thank you again for your service, I look forward to our continued constructive debate on this subject and others.

Sincerely,

A handwritten signature in black ink, appearing to be 'TV' followed by a stylized flourish.

Thiru Vignarajah