Summary Report on Surveillance Technology Equipment Procured by Virginia Law Enforcement Agencies, 2024

Background

HB 1496 was passed by the 2024 Virginia legislature. In the final version of the bill, each Virginia law enforcement agency is required to report the types of surveillance technology equipment their agency has procured. The bill listed seventeen specific types of surveillance technology equipment and provided definitions about which types of surveillance technology should and should not be included in the reports. The bill was enacted as § 9.1-116.10 of the Code of Virginia.

> **§ 9.1-116.10. Surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.**
>
> A. For purposes of this section, "surveillance technology" means any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual, group, or place or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
>
> "Surveillance technology" includes (i) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (ii) automatic license plate readers; (iii) electronic toll readers; (iv) closed-circuit television cameras; (v) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (vi) mobile DNA capture technology; (vii) gunshot detection and location hardware and services; (viii) x-ray vans; (ix) video and audio monitoring or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (x) surveillance enabled or capable lightbulbs or light fixtures; (xi) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (xii) social media monitoring software; (xiii) through-the-wall radar or similar imaging technology; (xiv) passive scanners of radio networks; (xv) long-range Bluetooth and other wireless-scanning devices; (xvi) radio-frequency I.D. (RFID) scanners; and (xvii) software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any law-enforcement entity.
>
> "Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, surveillance technology as defined above: (a) routine office hardware, such as televisions, computers, and printers, that is in widespread use and will not be used for any surveillance-related functions; (b) parking ticket devices; (c) manually operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) databases not intended to store or compile surveillance data; and (f) manually operated technological devices used primarily for internal

communications and not designed to surreptitiously collect surveillance data, such as radios and email systems.

B. All state and local law-enforcement agencies and sheriff's departments shall provide to the Department a list of all surveillance technologies procured by such agencies and departments on an annual basis by November 1 of each year. The Department shall also provide such information to the Virginia State Crime Commission and the Joint Commission on Technology and Science.

2024, c. 614.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Data Collection

In the summer of 2024, all Virginia law enforcement agencies were contacted and informed of the mandate and the planned reporting process[1]. The Department of Criminal Justice Services (DCJS) developed an online data collection method and provided agencies with the bill language including what surveillance tech to include and not include.

The statute includes a list of seventeen specific surveillance technology items. Law enforcement agencies were asked to indicate which of the listed equipment their department has procured and to provide information about any additional surveillance tech not on the list.[2]

Data collection began on October 2, 2024, when the agencies were contacted and provided with a link and password with which to access the online reporting form.

The reporting form asked them to:

- provide basic contact information
- review the list of surveillance tech equipment listed in the Code and indicate yes or no as to whether their agency has procured each item; and
- list any other qualified surveillance tech that their agency has that was not on the list.

Data collection ended in early November 2024. By the end of the data collection period, DCJS had received responses from 275 of 335 qualified Virginia law enforcement agencies. This represents a response rate of 82%.

[1] After all Virginia law enforcement agencies were contacted, DCJS was advised that this mandate does not apply to private police departments or police departments at private universities and colleges. Any responses received from these departments are not included in the final aggregated totals.

[2] One item, "(v) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and database," was split into two separate items: "facial recognition technology" and "other biometric surveillance technologies, including voice, iris, and gait-recognition" to assist with another mandated data collection specific to facial recognition.

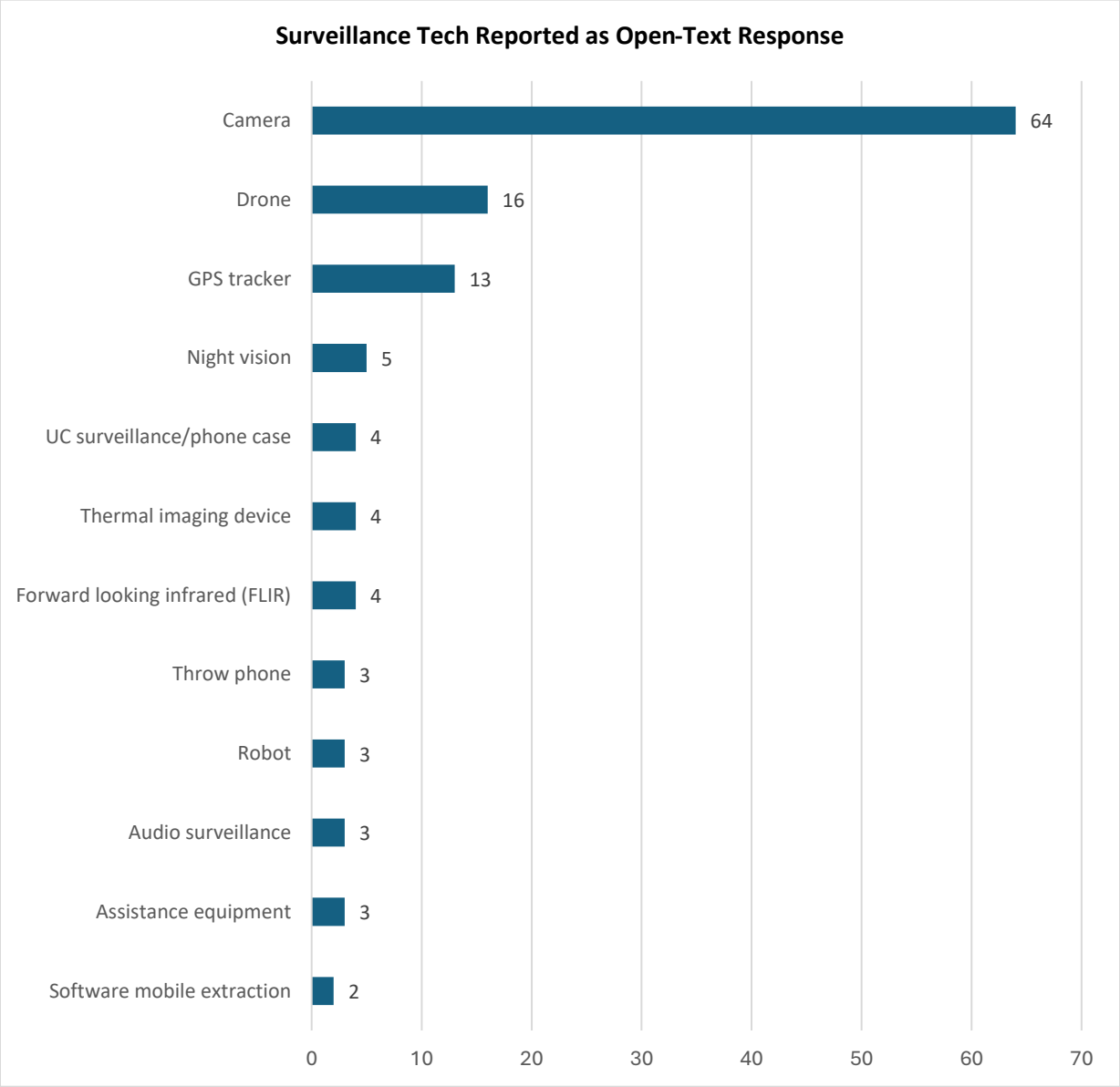
Findings

The 275 responding law enforcement agencies reported whether their department had procured each of the listed surveillance tech equipment. The number and percentage of agencies indicating that they have each tech item are shown in the table below.

Surveillance Items	**#**	**%**
Video and audio monitoring or recording technology	240	87%
Closed-circuit television cameras (CCTV)	141	51%
Automatic license plate readers (LPR)	140	51%
Tools used to gain unauthorized access to a computer, computer service, or network	43	16%
Software designed to integrate or analyze data from surveillance technology	28	10%
Radio-frequency I.D. (RFID) scanners	14	5%
Gunshot detection and location hardware and services	14	5%
Social media monitoring software	10	4%
Through-the-wall radar or similar imaging technology	7	3%
Surveillance enabled or capable lightbulbs or light fixtures	7	3%
Facial recognition technology	7	3%
Passive scanners of radio networks	6	2%
International mobile subscriber identity (IMSI) catchers and other cell site simulators	5	2%
Long-range Bluetooth and other wireless-scanning devices	3	1%
X-ray vans	3	1%
Mobile DNA capture technology	2	1%
Other biometric surveillance technologies, including voice, iris, and gait-recognition	2	1%
Electronic toll readers	2	1%

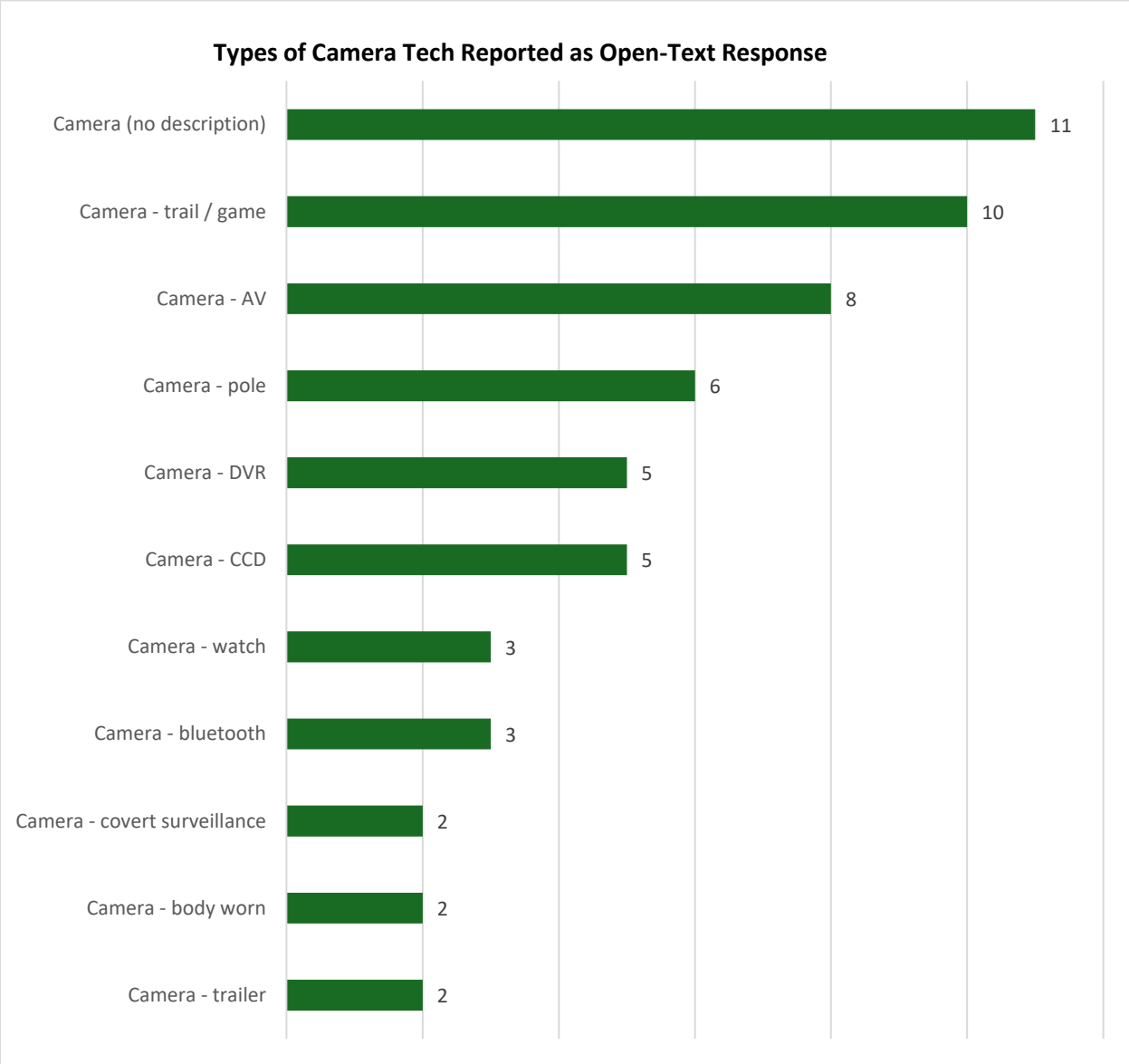
Respondents were also asked if there were any other surveillance technologies not on the list that their agency had acquired. Their responses to this question were provided in an open-text format. The responses received were content coded into simplified terms for analysis.

Forty-six agencies provided open-text information in which 132 individual surveillance technology items were specified. The following graph summarizes the type of tech by the number of agencies reporting it.



Not included on the graph are items that were reported by only one agency: access control door, body scanner, LED light, scope, surveillance camera search software, tracker air tags, money trackers, and Wifi detection.

Sixty-four types of surveillance cameras were reported. These were coded by the various types of cameras reported. The following graph summarizes the type of camera by the number of agencies reporting it.



Camera tech reported by only one agency are not included in the graph. These include smart glasses, sunglasses, security, necklace, clock radio, backpack, speed camera, bus arm camera, high sensitivity, still image, PTZ with retractable boom, and micro camera.