



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Delores Kelley, Chair and
Members of the Finance Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 11, 2020

RE: **SB 857 Facial Recognition Services - Moratorium**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 857.

SB 857 would impose a moratorium on law enforcement's use of facial recognition programs. Law enforcement currently has access to the Maryland Image Repository System ("MIRS"), which is managed by the Department of Public Safety and Correctional Services. Access to and use of MIRS is limited in the same way as access to other criminal records through the National Crime Information Center ("NCIC"). Using MIRS, law enforcement agencies can upload an image (such as from a store surveillance system) and receive back information about *possible* individuals who *might* be the person in the image. Audits are conducted on MIRS requests.

MIRS plays a limited but important role in investigating crimes. To give but one example, every year Marylanders are the victims of identity fraud. Investigators may have surveillance footage from a business showing the person using the victim's information but no other leads. A MIRS inquiry may tell an investigator, "Consider looking at this person." MIRS does nothing more than that – suggest an avenue for investigation. Investigators must still make their own determination of whether there is sufficient similarity between the surveillance image and the suggested person to warrant further investigation. The further investigation, *not* the MIRS information, determines whether charges are filed. Without MIRS, however, there may not be any investigative leads to follow, crimes go unsolved, and victims suffer.

For these reasons, MCPA and MSA OPPOSE SB 857 and urge an UNFAVORABLE Committee report.