



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
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**POSITION ON PROPOSED LEGISLATION**

**DATE:** March 2, 2021

**BILL NUMBER:** Senate Bill 587      **POSITION:** Oppose

**BILL TITLE:** Facial Recognition Privacy Protection Act

This legislation seeks to prohibit the use of Facial Recognition Systems by law enforcement agencies until the agency, which uses the System, creates and submit a bi-annual report related to the development, procurement or use of facial recognition. Each agency would be required to hold public hearings and receive comments as part of the reporting process. This legislation also requires each governmental unit to perform testing of facial recognition services prior to their use, as well as many prohibitions on the use of facial recognition.

Currently, the Facial Recognition System managed by the Department of Public Safety and Correctional Services (DPSCS), is used by 90% of law enforcement agencies in Maryland. Very few agencies are actually using the Facial Recognition application without using the Maryland Coordination and Analysis Center (MCAC) to oversee the use and dissemination of the data. The DPSCS already creates an annual report as to the access and use of its facial recognition application.

The DPSCS system has been in use for years. SB 587 would prohibit the continued use of the system until each agency who used the system to complete an "Accountability Report". Requiring every unit using that platform to create and submit the same report would be duplicative. Instead of one report by the DPSCS, there could potentially be in excess of fifty reports.

The DPSCS has validated the Facial Recognition System platform and manages access to and use of the platform. For each unit of government who needs to access and use the platform to validate its use is impractical and unnecessary, since it has already been validated and is provided as a useful tool to law enforcement.

The use of facial recognition is only a tool or a pointer system like other crime fighting tools. While the Department agrees there should be restrictions on constitutional protected activities; such as marches and protests, there are many valid reasons for its use. A "timely" notification to the person subject to the use of the technology could jeopardize ongoing criminal investigations. Evidentiary disclosure should be done by the State's Attorney. Also, the identification of the officer and unit making the application undermines the use of confidential sources on prolonged investigations and puts the officer who may be undercover at risk.

For these reasons the Department of State Police urges the Committee to give SB 587 an unfavorable report.