



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings 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 2, 2021

RE: **SB 587 Facial Recognition Privacy Protection Act**

POSITION: **OPPOSE**

The Maryland Sheriffs' Association (MSA) and the Maryland Chiefs of Police Association (MCPA) **OPPOSE SB 587**. This bill would 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. 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.

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 use of facial recognition is only a tool or a pointer system like other crime fighting tools. While MCPA and MSA agrees there should be restrictions on constitutional protected activities, 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, MCPA and MSA **OPPOSE SB 587** and urge an **UNFAVORABLE** report.