



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

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**BILL: SENATE BILL 762**

**POSITION: OPPOSE**

**EXPLANATION:** This bill establishes requirements and procedures relating to the use of facial recognition. Further, the bill requires the Department to adopt and publish a statewide model policy and develop and administer a training program regarding the use of facial recognition.

#### **COMMENTS:**

- The Department of Public Safety and Correctional Services operates the State's prisons that house individuals sentenced to serve 18 months or longer. The Department also oversees the Division of Parole and Probation, which supervises individuals who are on parole or probation in the community. The Department also runs the Baltimore City Pretrial Complex that houses individuals awaiting trial.
- The Department houses the facial recognition program. The approximately 150 law enforcement agencies in the State use this tool to aid in the investigation of unknown individuals. It is up to each law enforcement agency to determine the circumstances of its use.
- Section 2-506 of the bill will require the Department to:
  - Adopt and publish a model statewide policy regarding the use of facial recognition.
  - Develop and administer a training program as well as proficiency testing as it pertains to the use of facial recognition technology in the courts and criminal investigations - including training and testing on cultural diversity and implicit bias.
  - **Review and approve a single facial recognition technology for use by law enforcement agencies in the State.**
- **The Department is concerned with the language in Section 2-506 as it is not in a position to determine the best and sole facial recognition technology for the approximately 150 law enforcement agencies in the State; especially as the Department is not aware of the**

technology maintained by each agency and its compatibility with existing facial recognition technology.

- Additionally, the bill states a law enforcement agency may not use or contract for the use of facial recognition technology for use in criminal investigations unless the technology is currently approved for use by the Department. As stated previously, the Department does not have knowledge of the technological capabilities of various law enforcement agencies nor is the Department able to determine what is the best resource for EACH agency when conducting criminal investigations.
- The Department of Public Safety and Correctional Services is NOT a law enforcement agency. As such, the Department should not drive policy on how law enforcement agencies use facial recognition, including approving what technology is used.
- The Department understands amendments to the bill may be forthcoming that would address the Department's concerns and could be supported.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee vote **UNFAVORABLE** on Senate Bill 762.