

Bill Number: HB 223
Scott D. Shellenberger, States Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 223
FACIAL RECOGNITION PRIVACY PROTECTION ACT

House Bill 223 greatly hampers the ability of the police to use modern technology to locate possible suspects in crimes by using publicly accessible databases that have been used for years.

The best way to understand how this technology works is with an example of how it was used to solve an armed robbery in Towson.

On Monday, December 7, 2015 two suspects armed with guns walked into a Towson liquor store and announced a robbery.

Claude Mayo aimed his handgun at the 68 year old clerk. The clerk fearing for his life pulled out a gun and shot Mayo. Mayo was pronounced dead at the scene. Mayo had a previous conviction for armed robbery.

The second suspect got away.

The police then went to work to identify the second suspect. The police through social media were able to find a picture of a friend of Mayo's who they believed was the other armed robber. Generally matching the description the police entered this photograph into facial recognition software that scanned that picture and ran it through various databases.

The facial recognition technology was able to return to the detective approximately 702 photographs of possible matches. Some of those were duplicates.

It was then that the detective had to use old fashion police work, look through the pictures and find the one, or ones that most matched the second armed robber to the original picture. The facial recognition technology is just a starting point much like an anonymous tip that you have to investigate to include or exclude someone as a suspect.

Once they found the match they were able to compare it to a surveillance video of the two armed robbers found in the Towson area when the robbers were together just before the crime.

Hayes Sample was convicted of attempted robbery and was sentenced to twenty years in jail.

That is how law enforcement is using facial recognition technology to solve violent crimes.

For decades people have looked through books of mug shots. No one complained. For quite some time police have been able to access MVA photos. No one complained.

But now because we have a computer to do it faster suddenly it is a privacy violation. You still have to do the old-fashioned police work to get the case in court. We are not using the software in court for the judge or jury it is only a way to locate suspects.

We still have to prove it was you in a courtroom.

This Bill makes me get a court order to access databases. It is like requiring a court order to look at mug shots.

What constitutional right are we protecting here? What privacy interest do you have when the MVA has been keeping your photo that you voluntarily submit for years?

Think of some of the things House Bill 223 would prevent. The use of this technology in airports like BWI. You subjecting your face to the public should not the police be able to use the best technology to find the next shoe bomber.

This bill makes me get a court order to help me find missing persons or identify the body we have found in the woods. What Constitutional right are we protecting there?

House Bill 223 is too restrictive and does not allow the police to do their job. It is merely a way to speed up the universe of those who may be suspects but the State must still prove its case.

I urge an unfavorable report.