Dear **Members of the Judiciary Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs. I am a resident of District 40, living in Medfield. **I am testifying against SB182 / HB338 - Facial Recognition Technology - Requirements, Procedures, and Prohibitions.**

Facial recognition technology (FRT) is increasingly proliferating, and it's past time to regulate it. This bill does set some important limits, such as preventing the use of FRT by law enforcement for dealing with minor crimes, or for surveilling people engaged in protests and other forms of protected speech. However, I have three major objections to this bill.

First, the bill contains no requirements for the accuracy of systems used. While FRT tends to work well for white men in middle age, their effectiveness declines sharply for women, juveniles, the elderly, and people of color.[1] As someone who works in the tech industry, I know that **firms will oversell the effectiveness of their products, high effectiveness rates are only found in optimal conditions, and that FRT is fallible because it is built and used by human beings with unconscious biases.**

Unfortunately, cases of misidentification via FRT have already occurred; in one recent case, Alonzo Sawyer was wrongly charged and held for assault of an MTA bus operator, when the assault was actually perpetrated by someone 20 years younger.[2] Communities of color in Maryland are already subject to more surveillance and discrimination than their white counterparts; FRT usage has the potential to make this problem worse. **We absolutely must set minimum standards so that we can trust law enforcement is only using technology of proven quality.**

Second, the bill does not set safeguards to govern how FRT data is collected, stored, and shared. It merely provides that the State Police develop a model FRT use policy and that each agency using FRT post their data use and management policy to their website. There are no minimum standards set, which leaves the details to the discretion of law enforcement agencies. Law enforcement should not be allowed to collect data for FRT databases without the knowledge or permission of citizens, store it indefinitely, or sell or share it with private companies or other law enforcement agencies that may have far looser policies on how such information is used. **Without a robust data collection, use, and storage policy, FRT could be used to routinely invade our privacy with no oversight.**

Third, and perhaps the biggest problem, is that it has a preemption clause that would explicitly ban any locality from having stricter regulation than what the state has set. This wouldn't be a problem if the regulations in this bill were comprehensive and sufficiently protective, but they are not -- this bill is merely a starting point for regulation of FRT. **Until Maryland is ready to conduct the research and discussion needed to create comprehensive legislation on the use of FRT, the General Assembly should not prevent local jurisdictions from deciding how FRT will be used by their police departments.**

Again, the stakes are high when FRT is used by law enforcement agencies, making robust regulations around accuracy, storage, sharing and collection essential to protecting the public's rights. It is for these reasons that I am encouraging you to vote **against Senate Bill 182 / House Bill 338.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Bell (formerly Nemphos)
1301 W 42nd St., Baltimore, Md 21211
Showing Up for Racial Justice Baltimore

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[1] https://privacysos.org/blog/five-fast-facts-from-the-federal-study-of-demographic-bias-in-facial-recognition/
[2] https://www.newyorker.com/magazine/2023/11/20/does-a-i-lead-police-to-ignore-contradictory-evidence