



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable Luke Clippinger, Chair and  
Members of the Senate Judiciary Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** April 1, 2024

**RE:** **SB 182 Criminal Procedure - Facial Recognition Technology -  
Requirements, Procedures, and Prohibitions**

### **POSITION: SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 182 WITH AMENDMENTS**. This bill establishes reasonable safeguards and audit protocols for the use of facial recognition technology.

Facial recognition technology is a valuable time savings investigatory tool for law enforcement. Understanding the concerns with its use, MCPA and MSA have proactively worked with the bill sponsor over the past two sessions to put reasonable safeguards in place for government use of the technology to ensure there is no intrusion on constitutionally protected activities. As introduced, MCPA and MSA supported SB 182 as it strikes the correct balance.

As amended by the Senate, MCPA and MSA are concerned with the demographic data being added to the reporting requirement language on page 9, lines 19-22 of the bill. This language is extremely broad and would require the reporting of this data from initial searches, prior to when matches are narrowed down to possible suspects and an arrest is made. It would be impossible to know this data from an initial search that could generate hundreds of matches. There is also a concern with asking a suspect for this information if it is not readily known. Asking demographic related questions could unnecessarily escalate a situation.

MCPA and MSA have been working with the sponsor of the House crossfile and other advocates on language to address the data reporting concerns. See amendment language below.

On page 9, strike lines 19-22, and in line 15 after "SEARCHED" insert **AS WELL AS THE AGE, RACE AND GENDER OF EACH INDIVIDUAL ASSOCIATED WITH EACH POSSIBLE MATCH, TO THE EXTENT AVAILABLE FROM GOVERNMENT RECORDS.**

MCPA and MSA are also supportive of the local preemption language that was included in SB 182's crossfile, HB 338, on page 2 in lines 20-25. MCPA and MSA respectfully requests this language be amended into SB 182.

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