



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the House 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: February 13, 2024

RE: **HB 338 Criminal Procedure - Facial Recognition Technology -
Requirements, Procedures, and Prohibitions**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 338. 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. MCPA and MSA are pleased to support HB 338 as it strikes the correct balance.

As introduced, HB 338 is identical to the amended version of the bill from last year that was agreed upon in conference committee, but unfortunately did not achieve final passage in the final minutes of the Session. The bill in this form represents a compromise and is broadly supported. HB 338 authorizes the use of facial recognition technology for the identification of people whose images have been recorded on-camera committing robberies, burglaries, car jacking's, assaults, rapes, sexual assaults, shootings, homicides, kidnappings, hate crimes, human trafficking, sexual exploitation, threats of mass violence and other serious crimes. The technology can also be used to identify missing persons, deceased persons, incapacitated persons who can't identify themselves and to mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism scheme or plot).

HB 338 will also allow matches to take place with multiple databases to allow law enforcement investigators to use FRT to possibly identify individuals with no prior criminal history, do not have an ID card or driver's license, non-MD residents or minors, who are suspects or unidentified victims.

Individuals committing crimes in Maryland may not have a mug shot or a driver's license. They could be from out of state, another the country, or too young to have one.

Lastly, due to the complexity of investigating crimes such as human trafficking and child sexual exploitation, using more than one facial recognition system to conduct searches of databases beyond driver's license, identification cards and booking photos may be necessary. People who engage in criminal activity often travel from out of state to commit crimes. HB 338 authorizes the use of multiple technologies to leverage legally obtained photos such as photos from other states and open-source photos which could assist with the identification of human trafficking/sexual exploitation victims, and individuals traveling from far outside the area to commit crime, as we saw with the unrest at the U.S. Capitol on January 6 three years ago.

For these reasons, MCPA and MSA SUPPORT HB 338 and respectfully request a FAVORABLE Committee report.