STATE OF MAINE
Department of Public Safety
Maine State Police
42 State House Station
Augusta, Maine
04333-0020

JANET T MILLS
GOVERNOR
MICHAEL SAUSCHUCK
COMMISSIONER

COL. JOHN E COTE
CHIEF
LTC. WILLIAM S HARWOOD
DEPUTY CHIEF

Testimony of Lieutenant Michael Johnston
Maine State Police
Department of Public Safety

Neither For Nor Against LD 1585

**An Act To Increase Privacy and Security by Prohibiting the Use of
Facial Surveillance by Certain Government Employees and Officials**

Sponsored by Representative Lookner
Criminal Justice and Public Safety Committee

Senator Deschambault, Representative Warren and other distinguished members of the joint standing committee on Criminal Justice and Public Safety. My name is Lieutenant Michael Johnston and I am here to represent the Maine State Police and the Maine Department of Public Safety to testify neither for nor against LD 1585.

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. This technology can be a valuable investigative tool to detect and prevent criminal activity, reduce an imminent threat to health or safety, and help in the identification of persons unable to identify themselves or deceased persons. The result of a face recognition search is only used as an investigative lead and is not to be considered a positive identification of any subject. Any possible connection or involvement of any subject to the investigation must be determined through further investigation and investigative resources.

While the Department of Public Safety and the Maine State Police do not currently own or operate a facial recognition system. There have been instances where we have utilized other state's systems who do use it to support criminal investigations and aid in the identification of a victim of violent crimes in Maine.

In reviewing the bill and in talking with the bill's sponsor it is our understanding that the purpose of this is to create an outright ban on the use of facial surveillance or facial

recognition software by certain government officials, namely law enforcement and public safety officials. However, it is also our understanding that it does create some important exceptions to that ban pursuant to Section 6001(2)(B).   We feel the language for these exceptions could be reworded and more prescriptive to make it clear there are allowable uses for this technology.

We recognize that with new and emerging investigative technologies there can be concerns surrounding privacy, civil rights, and civil liberties. We believe those concerns can be balanced with the value that these technologies can have on criminal investigations and public safety and to ensure we are making the most effective use of public resources allocated to public safety agencies. We feel that this can be addressed by ensuring that agencies who do own and operate these technologies have polices and principles in place governing the collection, access, use, dissemination, and retention of images and related information applicable to the implementation of a face recognition (FR) program. These policies will ensure that all facial recognitions use is consistent with authorized purposes.   We urge the committee to look a statutory rule already codified in Maine law pursuant to 29-A MRS Section 1401(9) which was passed by the 129th legislature.

On behalf of the State Police and the Department of Public Safety we appreciate your careful consideration of these issues. Thank you for your time, I would be happy to answer any question you have.

Respectfully,

Lieutenant Michael Johnston