79.1 PUPOSE

.1 The purpose of this policy is to establish guidelines for the use of facial recognition technology (FRT) by the Hagerstown Police Department (HPD) ensuring compliance with applicable laws, transparency, accountability, and protection of individual privacy.

.2 Facial Recognition Technology (FRT) refers to computer programs or services used by HPD to analyze facial features for identification, verification, or tracking in still or video images.

.3 Regarding FRT, this Department shall adhere to the Criminal Procedure Article, Title 2, Subtitle 5 of the Annotated Code. If any conflicts occur between the State law and this policy, the State law shall supersede.

79.2 EXCLUSIONS TO POLICY

This policy does not apply to:

- technology used solely for granting/denying access to electronic devices, or
- technology for redacting images or recordings to protect individual privacy.

79.3 PERMITTED USES

.1 As evidence in criminal proceedings – FRT results may be used to establish probable cause or positive identification for issuing a warrant or at a preliminary hearing. FRT results may not serve as the sole basis for probable cause or positive identification. Additional independent evidence is required.

.2 In criminal investigations: FRT may be used in the investigation of the following crimes only:

- Crimes of violence (§14-101 Criminal Law Article).
- Human trafficking (Title 3, Subtitle 11 Criminal Law Article).
- 1st & 2nd degree child abuse (§3-601 Criminal Law Article).
- Child pornography offenses (§11-207 Criminal Law Article).
- Hate crimes (§10-304 Criminal Law Article).
- Weapon crimes (Various sections of Criminal Law and Public Safety Articles).
- Aggravated animal cruelty (§10-606 and §10-607 Criminal Law Article).
- Fentanyl importation (§5-614(A)(1)(XII) Criminal Law Article).
- Stalking (§3-802 Criminal Law Article).
- Threats to public safety or national security.
- Crimes in other states substantially equivalent to the crimes listed.

.3 HPD personnel utilizing FRT in criminal investigations shall document same in an incident or supplement report. If the use of FRT leads to an individual being charged, the investigating officer shall ensure the State's Attorney's Office is aware of the use. At a minimum, the following information shall be included in the incident or supplement report:

- Names of FRT systems used.
- Databases searched.
- Results that led to investigative actions, if any.

.4 Missing, deceased, or incapacitated persons: FRT may be used to identify missing, deceased, or incapacitated individuals.

.5 Forensic Analysis: FRT technology may be used for analyzing electronic media without targeting individuals for charges.

.6 Security Enhancements: FRT may be used to prevent unauthorized access to secure areas/materials.

79.4 PROHIBITED USES

The following uses of FRT are prohibited:

.1 Investigating crimes not listed in the Authorize Uses section of this policy.

.2 Analyzing individuals engaged in constitutionally protected activities without reasonable suspicion of criminal activity.

.3 Using sketches or manually produced images for analysis.

.4 Disclosing FRT-based identification to a witness in live or photo array identifications.

.5 Conducting live or real-time identification.

.6 Any other use prohibited by law.

79.5 PERMITTED DATABASES FOR COMPARISON

.1 Driver's license and identification card photos (Maryland Motor Vehicle Administration or other state DMVs).

.2 Mugshot databases from local, state, federal, or foreign law enforcement agencies.

79.6 TRAINING AND OVERSIGHT

.1 The Chief of Police shall designate an HPD member to serve as the FRT Compliance Officer to oversee and manage this Department's use of FRT. The FRT Compliance Officer shall be responsible for all administrative functions related to FRT use, including but not limited to:

- Training users.
- Preparing, publishing, and sharing audits, reviews, analyses, and reports as required by law and HPD policy.
- Coordinating with HPD, City, and State personnel to ensure compliance with FRT-related data management security requirements.

.2 Before being authorized to use FRT, HPD personnel must complete initial training. Authorized personnel are also required to complete annual FRT training. At a minimum, training shall include:

- Review of HPD policy.
- Review of State law and regulations.
- Use of FRT applications.