

Good Moring Chairman Bogner and members of the committee. Thank you for the opportunity to participate in this hearing, and to assist the Committee in its consideration of this important area of technology, and its role in modern society as you seek to protect the privacy rights of all Montanans.

The Department of Justice views its role in this process as a resource for your committee from which objective information can be obtained. Ultimately, the DOJ will defer to the legislative branch as it develops legislation in this complicated and sensitive area.

Anne Dormady, Lauri Bakri, and Jennifer Viets are also on-line today and available to ask any technical questions that I are beyond the scope of my knowledge, or expertise.

Q1: **Motor vehicle Division (MVD)** uses one-to-one matching and has done so since 2008.

**Montana Analysis and Technical Information Center (MATIC)** use both one-to-one and facial identification depending upon the state being queried. First known use was 2015 in conjunction with nation wide search in the case of a homicide in southeast Montana when there was no body found.

Q2: MVD: would rely on manual process for driver Identification and verification- Photographs/fingerprints/eyewitness.

LEO- would rely on traditional methods of investigation using personal identification methods

Q3: DOJ recognizes both the inherent conflict presented while attempting to balance the Constitutional right to privacy enjoyed by Montanans with the wise and prudent use of technology to detect crime and apprehend perpetrators to protect both victims and the public. The included crimes appear appropriate if the intent is to protect people. It is respectfully suggested that the following crime be added:

**Crime types** appear to be appropriate based on what we know now, and technology availability.

Add: robbery 45-5-401

malicious intimidation 45-5-221

hate Crime sentence enhancement 45-5-222

The Warrant requirement is a time-tested check on the police power of the executive branch as the interests of the people's government is balance against the rights guaranteed to the people.

Assuming that the same information technology is utilized by the judicial branch, enabling law enforcement to efficiently apply for and receive warrants, including telephonic warrants, the DOJ views the requirement as reasonable.

Q4: Balancing the legitimate interests of the government in the exercise of its police power with the rights of the people to a reasonable expectation of privacy is difficult at best. Limiting the crime types to those offenses most likely to directly effect a person, or a group of people appears reasonable.

The efficacy of the warrant requirement requires a mechanism which allows law enforcement to efficiently apply for and obtain a warrant in a timely manner. So long as the judicial branch is properly equipped and willing to review the applications of law enforcement officers any difficulties can likely be overcome.

Q5: Ease of compliance is dependent upon the scope of restrictions contained in any legislation. As envisioned by this committee compliance would not be burdensome.

If automated systems of driver verification in the area driver's license issuance, renewal, did not exist, that process could only take place during normal business, and would become expensive and slow.

MATIC: Use of FRT by MATIC is very limited. As technology advances, and use becomes more prevalent timey response may require something other than a normal business hours approach. hours unless the legislature chose to fund a 24/7 operation.

Q6: **Warrants:** technology to ensure electronic processing and telephonic capability to ensure access when time is of the essence and requires a telephonic application.

Fiscal and Staff: Any legislation that introduces the human interface element will increase the burden on existing staff and resources.

Q7: See #3 for those suggested

Q8: The use of FRT is a powerful tool for law enforcement in a mobile society. The passage if time is critical when responding to abductions, human trafficking, and drug distribution. Limiting the ability of law enforcement to use technology in a timely manner hampers the effectiveness of efforts to combat crime and save lives when time counts.

Q9: The DOJ, as one of many stakeholders, would defer to the legislative process, and would adhere to the requirements of any resulting legislation.

Q10: A moratorium on MVD use of FRT in its licensing issuance and verification process would bring it to a crawl. Use by law enforcement would cease.

Q11: Resort to manual processing and traditional methods of criminal detection and investigation. Time, money, resources all increase over time.