



# MINNESOTA CHIEFS OF POLICE ASSOCIATION

DEDICATED TO THE IDEALS OF PROFESSIONAL POLICING

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February 23<sup>rd</sup>, 2026

## **Re: MCPA Letter of Opposition for House File 3661**

Dear Co-Chairs and Members of the Committee,

The Minnesota Chiefs of Police Association (MCPA) represents over 300 police chiefs and over 150 command staff members from police agencies across the State of Minnesota. The MCPA respectfully submit this letter in opposition House File 3661.

Minnesota's police chiefs are committed to the responsible, transparent, and constitutional use of technology. However, the sweeping ban proposed in this legislation would eliminate an important investigative tool that, when properly used, can help solve serious crimes, identify victims, and enhance public safety.

**A Total Prohibition Is Overbroad:** The bill prohibits any government entity or official from obtaining, retaining, accessing, or using a "face surveillance system," and further prohibits agreements with private entities for such use. This blanket ban applies regardless of the seriousness of the crime under investigation or the circumstances surrounding its use.

Facial recognition technology is commonly used as an investigative lead-generating tool—not as sole evidence for arrest or prosecution. In cases involving homicide, sexual assault, child exploitation, financial crimes, and missing persons, it can significantly narrow suspect pools and identify unknown individuals when traditional methods are insufficient. Prohibiting its use outright would place Minnesota law enforcement at a disadvantage compared to other states and federal partners.

**Exclusionary and Civil Liability Provisions Create Significant Risk:** Subdivision 3 would render inadmissible any evidence derived from the prohibited use of facial recognition and require deletion of related data. It also creates a private cause of action with mandatory liquidated damages and attorney fees.

These provisions would:

- Create substantial litigation exposure for local governments;
- Increase financial liability for municipalities already facing resource constraints;
- Discourage proactive policing and interagency cooperation; and
- Risk suppression of reliable evidence in serious criminal cases.

The mandatory minimum damages and fee-shifting provisions, combined with broad definitions, could subject agencies to liability even for good-faith actions taken in rapidly evolving investigations.

Public safety and civil rights are not mutually exclusive. Minnesota's Chiefs of Police strongly support accountability and transparency. However, Section 1's complete ban on government use of facial recognition technology is overly broad, operationally restrictive, and financially risky for local governments. We respectfully urge the Committee to oppose this provision.

Respectfully,

A handwritten signature in blue ink that reads "Jeff Potts". The signature is written in a cursive style with a large initial "J".

Chief Jeff Potts (ret.)  
Executive Director  
Minnesota Chiefs of Police Association