Facial Recognition Technology Use

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

610.1.1 DEFINITIONS

Definitions related to this policy include the following:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

610.2 POLICY

It is the policy of the Allan Hancock Community College Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

610.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

610.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

a. Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:
    1. A process for submitting and assessing officer requests to use FRT.
    2. Requirements related to processing and reviewing results generated from the use of FRT.
b. Establishing procedures for collecting, processing, and storing FRT data.
c. Establishing procedures for access and security controls for department FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

d. Establishing a procedure for submitting images to the image database. The procedure should include:
    1. A requirement that officers submit images.
    2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).
e. Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).
f. Conducting periodic audits of department FRT use.
    1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
g. Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.
h. Coordinating with the Training Sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.
i. Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.
j. Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.
k. Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

610.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

a. Unknown suspects where attempts at identification through other means have been exhausted or ineffective
b. Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)
c. Deceased individuals
d. Individuals who are incapacitated or do not know their identities
e. Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)
f. Suspects in unsolved crimes
g. Missing or endangered persons
h. Unknown individuals pursuant to any other legitimate law enforcement purpose

610.6 ACCESS TO FRT

Only officers authorized by the Department may use FRT.

Prior to using FRT, an officer seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

a. The nature of the investigation
b. The reason an officer believes that FRT use is necessary
c. An explanation of how FRT may assist with the development of investigative leads
d. A case identification number

610.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

610.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

a. The requesting officer's name and position.
b. Confirmation that the search was pre-approved pursuant to department procedures.
c. The purpose of the search.
d. The search parameters, if any.
e. The date and time of the search.
f. A list of any image databases searched.
g. The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.
h. The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

610.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

a. For the arrest of individuals based solely on FRT results.
b. For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.
c. For any non-law enforcement purpose.
d. As the sole basis for identification to establish probable cause in a criminal investigation.
e. To harass or intimidate any individual or group.
f. In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

610.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

a. Capabilities and limitations of FRT

b. FRT system functions and interpretation of results
c. Data security and privacy concerns
d. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)
e. Digital media handling and protections
f. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)
g. Principles of comparison
h. Cognitive bias, confirmation bias, implicit bias, and automation bias
i. Applicable policy, procedure, and federal and state law requirements

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.