



FACIAL RECOGNITION USE

INDEX CODE: 1674
EFFECTIVE DATE: 07-08-25

Contents:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Authorized Use of Technology
- V. Prohibited Use
- VI. Facial Recognition Services
- VII. Investigative Leads
- VIII. Process to Request Facial Recognition
- IX. Proponent Unit
- X. Cancellation

I. PURPOSE

To provide transparent guidelines for access to facial recognition technology and to ensure all facial recognition uses are consistent with authorized law enforcement purposes while not violating the privacy, civil rights, and civil liberties (P/CRCL) of individuals. This policy assists the police department and its personnel in: Increasing public safety and improving security, Minimizing the threat and risk of injury to the public, Minimizing the threat and risk of physical injury or financial liability to law enforcement and others responsible for public protection, safety, or health, Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests, Protecting the integrity of criminal investigations, criminal intelligence, and justice system processes, Minimizing the threat and risk of damage to real or personal property, Fostering trust by strengthening transparency, oversight, and accountability, and Making the most effective use of public resources.

II. POLICY

This policy governs the use of facial recognition technology in furtherance of criminal investigations being conducted by the Anne Arundel County Police Department. It is the policy of the Anne Arundel County Police Department to consider any results of a facial recognition search to be advisory in nature and the results are to serve as an investigative lead only. Facial recognition search results are not considered positive identification of a subject and do not on their own establish probable cause without further investigation. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods.

The Anne Arundel County Police Department is committed to the impartial enforcement of the law and to the protection of constitutional rights. The Anne Arundel County Police Department prohibits the use of racial and bias-based profiling in law enforcement actions including the use of facial recognition technology. This policy will ensure transparency and that all facial recognition request and or uses are consistent with valid law enforcement purposes while not violating the privacy, civil rights, and civil liberties of our citizens.

III. DEFINITIONS

A. **FACIAL RECOGNITION** software compares patterns within the field of computer vision. Such approaches do not rely upon intrinsic models of what a face is, how it should appear, or what it may represent. The matching is not based on biological or anatomical models of what a face or its features look like. The patterns used in facial recognition algorithms do not correlate to obvious anatomical features such as the eyes, nose, or mouth in a one-to-one manner, although they are affected by these features.

B. **CANDIDATE IMAGES**—the possible results of a facial recognition search. When facial recognition software compares a probe image against the images contained in a repository, the result is a list of most likely candidate images determined by the software to be sufficiently similar to or most likely resemble the probe image to warrant further analysis. A candidate image is an investigative lead only and does not establish probable cause to obtain an arrest warrant without further investigation.

C. **FACIAL RECOGNITION SOFTWARE/TECHNOLOGY**—Third-party software that uses specific proprietary algorithms to compare facial features from one specific picture—a probe image—to many others (one-to-many) stored in an image repository to determine most likely candidates for further investigation.

D. **INVESTIGATIVE LEAD**—any information which could potentially aid in the successful resolution of an investigation but does not imply positive identification of a subject or that the subject is guilty of a criminal act.

E. **ONE-TO-MANY FACE IMAGE COMPARISON**—the process whereby a probe image from one subject is compared with the features of reference images contained in an image repository, generally resulting in a list of most likely candidate images.

F. **VALID LAW ENFORCEMENT PURPOSE**— Facial recognition is to be used for criminal investigative purposes as defined in Section IV of this policy.

IV. AUTHORIZED USE OF TECHNOLOGY

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face using biometric algorithms contained within a software application. This technology is 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 be identified by other means.

The Anne Arundel County Police Department has established access to the Maryland Coordination & Analysis Center (MCAC) for facial recognition to support investigative efforts. To ensure proper use of facial recognition technology, members will primarily use facial recognition services provided by the MCAC. The MCAC has access to the Maryland Image Repository System (MIRS) which is a static facial recognition system maintained and housed by the Department of Public Safety and Correctional Services (DPSCS). The system stores digital photographs consisting of FBI and DPSCS arrest photos, MVA photos, and associated records, in accordance with applicable laws and NCIC rules. The MCAC documents justification and proper procedure for each search it conducts using facial recognition technology on behalf of allied agencies. This information may be used in the future to respond to inquiries concerning the police department's use of facial recognition technology. All deployments of facial recognition are for official use only/law enforcement sensitive and for valid law enforcement purposes.

The provisions of this policy are provided to support the following authorized uses of facial recognition:

- A. Assist with the identification of a person(s) when a reasonable suspicion is established that leads a reasonable officer to believe the individual(s) has committed a criminal offense or is involved in or planning a criminal offense.
- B. An active or ongoing criminal investigation.
- C. Mitigate an imminent threat to health or safety of the community.
- D. Assist in the identification of a person who is unable to identify themselves (such as an incapacitated, deceased, or otherwise at-risk person).
- E. For a person who an officer reasonably believes is concealing his or her true identity and has a reasonable suspicion the individual has committed a misdemeanor or felony crime other than concealing his or her identity.
- F. For a person who lacks the capacity or are otherwise unable to identify themselves and who are a danger to themselves or others.

- G. All facial recognition search requests require a case number to be associated with the outlined criteria. A "quick search" option for facial recognition is not allowed.

V. PROHIBITED USE

The Anne Arundel County Police Department will prohibit requested use of the face recognition system, including dissemination of face recognition search results, for the following purposes:

- A. Non-Law Enforcement (including but not limited to personal purposes).
- B. Any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and Fourteenth Amendments.
- C. Prohibiting or deterring lawful individual exercise of other rights, such as freedom of association, implied by and secured by the U.S. Constitution or any other constitutionally protected right or attribute.
- D. Any other access, use, disclosure, or retention that would violate applicable law, regulation, or policy.
- E. Will not connect a facial recognition system to any interface that performs live video surveillance, including surveillance cameras, drone footage, and body-worn cameras (BWC).

VI. FACIAL RECOGNITION SERVICES

The Anne Arundel County Police Department will:

- A. Primarily utilize those facial recognition services provided by MCAC.
- B. Contract with secondary facial recognition software service companies approved by the Chief to provide software for the Homeland Security & Intelligence Unit whose use of facial recognition adheres to this policy.
- C. For valid law enforcement purposes, enable the Homeland Security & Intelligence Unit to perform secondary facial recognition searches utilizing mug-shot images, also known as booking photos. The booking photos are lawfully obtained from known offenders when they are arrested and booked by law enforcement.

VII. INVESTIGATIVE LEADS

- A. The Anne Arundel County Police Department considers facial recognition search results:
 - 1. To be advisory in nature as an investigative lead only.
 - 2. Not positive identification of a subject and do not on their own establish probable cause without further investigation.
- B. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods.
- C. The requester should complete a basic visual comparison of the candidate images received from MCAC to the subject and make a visual judgment, as well as use standard investigative techniques to determine whether the subject is the same person as a candidate image.
- D. Investigative leads need to be vetted with supervisory oversight.
 - 1. Personnel need to establish their own probable cause before making an arrest.

2. In any case where facial recognition software was used as an investigative lead, the employee's supervisor will review the case in order to ensure the facial recognition search was used as an investigative lead and not solely to establish probable cause for an arrest.

VIII. PROCESS TO REQUEST USE OF FACIAL RECOGNITION

The MCAC is available 24-7, including weekends and holidays. In order to request a facial recognition search for a valid law enforcement purpose listed in this policy, Anne Arundel County Police Department personnel will contact MCAC using the below information.

When contacting MCAC, a case number is required and personnel should be prepared to provide MCAC with a brief synopsis of the case and why facial recognition is needed. MCAC employees will utilize the facial recognition system in a manner consistent with all applicable laws, regulations, and their internal policies.

MCAC employees will not determine probable cause relating to any potential matches through the use of the facial recognition system. The determination of probable cause and the corroboration of information provided will be made by the requesting officer or detective.

MARYLAND COORDINATION & ANALYSIS CENTER (MCAC)

1-800-492-TIPS (8477)

Email: mdwatch@mcac.maryland.gov

IX. RANDOM AUDIT OF FACIAL RECOGNITION REQUESTS FOR SERVICE

The Homeland Security & Intelligence Unit will conduct random inspections of facial recognition requests for service to MCAC to deter and/or discover any abuse or misuse of the Facial Recognition System. The audit shall be maintained for three years and consist of the following:

- A. The member initiating the query
- B. Case Number
- C. Type of Crime/Incident
- D. Date and Time of the request
- E. Associated Offence Report

X. PROPONENT UNIT: Homeland Security and Intelligence Unit

XI. CANCELLATION: *This directive cancels Index Code 605.C, dated 07-15-21.*