PATROL GUIDE



Section: Command Operations Procedure No: 212-129

FACIAL RECOGNITION TECHNOLOGY

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PURPOSE To ensure the use of facial recognition technology balances the need for effective, accurate law enforcement investigations, and the need to respect the privacy of citizens.

- **SCOPE** Facial recognition technology enhances the ability to investigate criminal activity and increases public safety. The facial recognition process does not by itself establish probable cause to arrest or obtain a search warrant, but it may generate investigative leads through a combination of automated biometric comparisons and human analysis.
- **DEFINITIONS** <u>AUTHORIZED USES</u> Facial recognition technology must only be used for legitimate law enforcement purposes. Specifically, the following are the <u>only</u> authorized uses for employing facial recognition technology:
 - a. To identify an individual when there is a basis to believe that such individual has committed, is committing, or is about to commit a crime,
 - b. To identify an individual when there is a basis to believe that such individual is a missing person, crime victim, or witness to criminal activity,
 - c. To identify a deceased person,
 - d. To identify a person who is incapacitated or otherwise unable to identify themselves,
 - e. To identify an individual who is under arrest and does not possess valid identification, is not forthcoming with valid identification, or who appears to be using someone else's identification, or a false identification, or
 - f. To mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism scheme or plot, etc.).

<u>PROBE IMAGE</u> - An image of an unidentified person obtained by the assigned investigator from witnesses, victims, or other reliable sources.

<u>PHOTO REPOSITORY</u> - The controlled and limited group of images against which the probe image is compared. The photo repository only contains arrest and parole photographs. It is stored in a designated, and approved, law enforcement database, and access is restricted to authorized users.

<u>BACKGROUND CHECK</u> - A Real Time Crime Center, Facial Identification Section (RTCC-FIS) investigator evaluates the reliability of a potential match between the probe image and an image from the photo repository. This includes an assessment of available information about the potential match, and relevant details of the investigation.

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VISUAL COMPARISON - A RTCC-FIS investigator visually compares the **DEFINITIONS** differences and similarities between a probe image and a potential match from the (continued) photo repository for the purpose of evaluating whether they represent the same person. In general, during this process, an investigator/supervisor compares facial characteristics (e.g., eyes, ears, nose, chin, mouth, hair, overall facial structure, any scars, marks, blemishes, or tattoos, etc.) and general characteristics, such as overall complexion, gender, and age.

> POSSIBLE MATCH CANDIDATE - A potential suspect who is identified through a complete facial recognition analysis, which includes facial recognition technology, visual comparison, background investigation and supervisory review. A possible match candidate shall be treated as an investigative lead only. It does not by itself establish probable cause to make an arrest, or obtain an arrest or search warrant. Corroborating information must be developed through additional investigation by the assigned investigator.

When an investigator obtains an image depicting the face of an unidentified suspect, PROCEDURE victim or witness, and intends to identify the individual using facial recognition technology, which includes any digital comparison of the probe image to photos stored in the photo repository, the assigned investigator must submit a request to the RTCC-FIS for facial recognition analysis:

FACIAL IDENTIFICATION SECTION PERFORMS FACIAL RECOGNITION ANALYSIS:

ASSIGNED	1.	Obtair	n image(s)/video(s) of individual to be identified.
INVESTIGATOR		a.	If video is submitted, include associated softwar

- If video is submitted, include associated software/player. a.
- If image is from internet/social media, include site link. b.
- Upload image(s) to Enterprise Case Management System (ECMS) and 2. submit request to Real Time Crime Center-Facial Identification Section (RTCC-FIS) for facial recognition analysis via an FIS Request DD5.

NOTE

Investigators who do not have access to the Enterprise Case Management System (ECMS) may contact RTCC-FIS via phone or email. Investigators must provide a case or COMPLAINT REPORT (PD313-152) number. RTCC-FIS will generate an FIS Request DD5.

RTCC-FIS 3. Assign FIS number to request upon receipt of FIS Request DD5 via ECMS, and direct RTCC-FIS investigator to review request. **SUPERVISOR**

RTCC-FIS INVESTIGATOR

4.

- Confirm underlying basis for request is in compliance with authorized uses of facial recognition technology.
- Document confirmation in ECMS. a.
- Select probe image of individual to be identified from images submitted. 5.
 - If image quality is unsuitable for facial recognition comparison, a. notify the assigned investigator via FIS Image Rejection Report.
 - Permit assigned investigator to submit additional images. b.

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RTCC-FIS INVESTIGATOR (continued)	6.			ogy for comparison of prob and generate pool of possibl
7 8	7. 8. 9.	Perform detailed b possible match can	6	nfirm reliability of match, i
RTCC-FIS SUPERVISOR	10. 11. 12.	Direct RTCC-FIS in investigator via FIS Direct RTCC-FIS i candidate, if not in a a. Direct RTC	vestigator to provide possi Possible Match Report , in nvestigator to continue in greement with findings of C-FIS investigator to repo	ate, and approve, if appropriate ble match candidate to assigne f in agreement with findings. avestigation for possible matc RTCC-FIS investigator. bort negative results to assigne t, if possible match candidate if
RTCC-FIS INVESTIGATOR	13. 14.	Prepare FIS Possib ECMS case file, if su a. FIS Possib notification alone does r an arrest or establish pro b. Forward FI submit reques law enforcer Retain all records of	upervisor confirms possible of Match Report shall stating that determination not constitute probable cau search warrant, and that fue bable cause. S Possible Match Report est for facial recognition and nent agency. Search was requested, of	load to assigned investigator
ASSIGNED INVESTIGATOR	15. 16.	Conduct further invois connected to, or in FIS Possible Match	estigation to determine whinvolved in, incident unde Report in order to establi	nether possible match candidat r investigation, upon receipt of sh probable cause. nal suitable images for anothe

submission to RTCC-FIS), if no possible match candidate was determined, or image was rejected.

ADDITIONALThe use of facial recognition technology that compares probe images against images outsideDATAthe photo repository is prohibited, unless approval is granted for such analysis in a specific
case for an articulable reason by the Chief of Detectives or Deputy Commissioner,
Intelligence and Counterterrorism.

RTCC-FIS and Detective Squad supervisors shall comply with P.G. 219-14, "Department Computer Systems" to evaluate and monitor compliance with this procedure by investigators who utilize facial recognition technology.

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ADDITIONAL DATA (continued)	All records related to facial recognition requests and results will be subject to privacy, confidentiality, and dissemination restrictions, as per P.G. 212-76, "Information Concerning Official Business of Department," as well as all related procedures and applicable local and federal laws/rules.
	Members of the Detective Bureau should direct all requests from outside agencies to RTCC- FIS on an "FIS Outside Agency Form." A copy of a complaint report from another law enforcement agency must be submitted with the "FIS Outside Agency Form."
	The Intelligence Bureau shall also follow an analogous procedure when Intelligence Bureau investigators utilize facial recognition technology and will abide by Handschu Guidelines whenever they apply.
RELATED	Department Confidentiality Policy (P.G. 203-22)
PROCEDURES	Information Concerning Official Business of Department (P.G. 212-76) Department Computer Systems (P.G. 219-14)
FORMS AND REPORTS	COMPLAINT REPORT (PD313-152) FIS Request DD5 FIS Possible Match Report FIS No Match Report FIS Image Rejection Report