

## Facial Recognition

### 346.1 PURPOSE AND SCOPE

The purpose of San Mateo County Sheriff's Office facial recognition systems policy is to assist designated personnel and partner law enforcement agencies in the identification of persons associated with criminal investigations and the identification of missing persons. A criminal investigation is an official investigation regarding a suspected violation of California law. Facial recognition systems will be used in accordance with California law, including the California Values Act [Government Code Section 7282.5]. Although a search warrant is generally not required to utilize facial recognition software, a search warrant shall be obtained if it is legally required.

Facial recognition analysis systems shall work by scanning a static photograph and comparing it to a law enforcement mugshot arrestee database or other lawfully accessed database to locate a possible match.

The Sheriff's Office recognizes that facial recognition analysis systems are only one investigative step and, when feasible, the results shall not be exclusively relied upon to provide a definitive identification of an individual. Facial recognition analysis systems should be used in conjunction with other investigative steps to identify individuals associated with a criminal or missing persons investigation. Facial recognition analysis resources are tools that may only be utilized for a legitimate law enforcement or public safety purpose.

### 346.2 AUTHORIZED AND PROHIBITED USE

Only designated Sheriff's Office personnel may have authorized access to perform facial recognition searches utilizing facial recognition systems for the lawful purpose of:

- Assisting in the identification of subjects lawfully sought by law enforcement, where reasonable suspicion has been established that an identifiable individual has committed a criminal offense or is involved in or planning criminal conduct or activity, and that the information is relevant to the criminal conduct or activity.
- Assisting in the identification of victims or witnesses to a criminal offense.
- Assisting in the identification of missing persons.
- Assisting in the identification of the owners of lost or stolen property.

In all instances, access to the software shall require security identification, password authentication, and incident number documentation.

The following describes the San Mateo County Sheriff Office's automated face recognition search procedure, which is to be conducted in accordance with a valid law enforcement purpose and this policy:

- Authorized personnel will submit a probe image of a subject of interest.

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- Authorized personnel will initially run probe images without filters, using a filtered search as a secondary search, if needed. In some cases, enhancements may be considered after running an image as-is against the image repository.
  - Original probe images will not be altered, changed, or modified to protect the integrity of the image. Any enhancements made to a probe image will be made on a copy, saved as a separate image, and documented to indicate what enhancements were made, including the date and time of change.
- The results, if any, are then manually compared with the probe images and examined by the authorized submitter. Sheriff's Office personnel shall conduct the comparison of images, biometric identifiers, and biometric information in accordance with their training.
- Sheriff's Office personnel are strongly recommended to seek a peer review of the probe and candidate images for verification by other authorized personnel for peer review when feasible.
- All entities receiving the results of a facial recognition search, must be cautioned that the resulting candidate images do not provide positive identification of any subject, are considered advisory in nature as an investigative lead only, and do not establish probable cause, without further investigation, to obtain an arrest warrant or other legal process. The following statement will accompany any shared information of released most likely candidate image(s) and any related records:

"The San Mateo County Sheriff's Office is providing this information as a result of a search, utilizing facial recognition analysis software. This information is provided only as an investigative lead and **IS NOT TO BE CONSIDERED A POSITIVE IDENTIFICATION OF ANY SUBJECT**. Any possible connection or involvement of any subject to the investigation must be determined through further investigation and investigative resources."

- Facial recognition analysis software and systems shall not be used for personal or non-law-enforcement purposes.
- Facial recognition analysis software and systems shall not be integrated into license plate recognition technology.

### 346.3 DATA

#### 346.3.1 DATA RETENTION

The probe images and results must be maintained and purged according to applicable San Mateo County Sheriff's record policies and state laws.

The Sheriff's Office will maintain a log/audit trail of requested, accessed, searched, or disseminated facial recognition information. The information pertaining to facial recognition requests will consist of the following details:

- Date

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- Name of Sheriff's Office Personnel Accessing the Facial Recognition System
- Case Number
- Requestor Name, Title, Agency, Email, Phone
- Facial Recognition System Used
- Results (Positive/Negative)
- Dissemination (Who, What, Where, When, How?)
- Notes (Enhancements used?)

#### 346.3.2 DATA DISSEMINATION

The Sheriff's Office may only disseminate information related to facial recognition analysis to:

- Other law enforcement agencies as part of a specific criminal or administrative investigation.
- A District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence.
- A Public Defender's Office or criminal defense attorney via the District Attorney's Office in according with California discovery laws.
- Personnel designated by a California or Federal Court in response to a court order.

#### 346.3.3 DATA PROTECTION

**Sheriff's Office personnel shall only have access to Facial Recognition Software on approved Sheriff's Office computers or secured networks, which require a secure log-in and an authenticated password. Access to the software shall require security identification, password authentication, and incident number documentation.**

#### 346.4 TRAINING AND OVERSIGHT

Training for the use of the facial recognition systems shall be provided by Sheriff's Office personnel or the vendor for authorized users. Sheriff's Office personnel utilizing facial recognition systems shall be provided a copy of this policy. Designated Sheriff's Office managers and supervisors shall ensure compliance with this policy and conduct periodic audits as deemed necessary of data access and dissemination to ensure policy compliance.

The Training Unit shall be provided with certification of the training which will be kept in the employee's training file.

#### 346.5 REVISIONS

- Adopted January 1, 2020