



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1826	SUBJECT <p style="text-align: center;">Facial Recognition Program</p> <hr/> CHIEF OF POLICE <p style="text-align: center;"><i>Signature on File</i></p>	 Nationally Accredited 1986	
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AUTHORITY/RELATED REFERENCES

General Order 17 – Records Management
 General Order 77 - Computer, Cellular Telephone and Data Utilization

ACCREDITATION REFERENCES

CALEA Chapter 11, 41,
 CFA Chapter 26

KEY WORD INDEX

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POLICY

It is the purpose of this policy to provide agency personnel with guidelines and principles for the use of facial recognition technology. This policy will verify that all facial recognition uses are consistent with authorized purposes while not violating the privacy and civil rights of individuals.

DEFINITIONS

Clearview AI: Agency authorized facial recognition software vendor.

FACESNXT: Facial Analysis Comparison and Examination System.

Facial Recognition Technology: A computer program/application capable of comparing specific physical features of a person depicted in an image against a database of images of persons identified through other means.

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Facial Recognition Search Result: An image returned by facial recognition technology that represents a potential investigative lead based on an algorithmic similarity to the submitted image.

Identification: A positive facial recognition search result which alone does not constitute probable cause for arrest. The search result shall be evaluated by the assigned member and requires investigative follow-up to corroborate the lead before any action is taken.

Member: Any department employee who may be granted access to facial recognition technology.

Program Administrator: A member assigned to manage, moderate, and monitor the facial recognition technology program and function as the agency point of contact.

PROCEDURES

I. AUTHORIZED USES

Facial recognition technology must only be used for legitimate law enforcement purposes. Specifically, the following are the only authorized uses for employing facial recognition technology:

A. FACESNXT

1. 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;
2. 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;
3. To identify a deceased person;
4. To identify a person who is incapacitated or otherwise unable to identify themselves;
5. 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;
6. To mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism scheme or plot, etc.);
7. To support law enforcement in critical incident responses; or

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8. To investigate and/or corroborate tips and leads on authorized criminal investigations.

B. Clearview AI

1. May be used for the above listed FACESNXT authorized uses; and
2. To investigate or corroborate information when objectively reasonable and necessary for an assigned law enforcement task (e.g., issuance of trespass warnings, traffic related incidents, sex offender verifications, etc.).

II. INVESTIGATIONS

- A. The results of a facial recognition search are only to be advisory in nature and utilized as an investigative lead to obtain other, admissible evidence of identity. Facial recognition search results shall not be 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.
- B. If a search yields a potential identity, the member shall confirm the subject's identity using independent investigative means.
- C. Per a memorandum of understanding with the FACESNXT host agency (Pinellas County Sheriff's Office), FACESNXT is an investigative tool and any law enforcement action taken based on a submission to FACESNXT shall be based on a member's own identity determination and not solely the results of a FACESNXT search.
- D. Original images shall not be altered, changed, or modified to protect the integrity of the image. Any enhancements made to an 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 the change.
- E. Agency personnel shall not detain individuals without legal justification for the sole purpose of capturing an image to be used in facial recognition technology.
- F. Facial recognition technology shall only be used for official law enforcement purposes and shall not be used for:
1. Personal-use queries not related to legitimate agency duties,

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2. The sharing, copying, or passing of information to unauthorized personnel,
 3. Any purpose that violates Federal, Florida, or local laws or regulations, or
 4. Any other access, use, disclosure, or retention that would violate applicable law or agency policy.
- G. For tracking purposes, if the FACESNXT or Clearview AI program is used, a case number shall be documented within the program.

III. ACCOUNTABILITY

A. Supervisors

1. Supervisors reviewing cases where facial recognition technology is used to provide an investigative lead shall confirm the member has conducted investigative follow-up to corroborate the lead before any action is taken.
2. Supervisors shall notify the Program Administrator or designee when a member has completed their training and is authorized to use the system.
3. Report any questions or concerns about usage of the system to the appropriate chain of command.

B. Program Administrator (or designee)

1. Review and approve members to access the facial recognition program.
2. Ensure agency approved facial recognition programs have a user activity logging system that is subject to audit for statistical reporting and accountability. When applicable, the facial recognition program's log shall identify the department member who conducted the search, a case number and the date/time the search took place.
3. Conduct a quarterly audit of the online logs to ensure the permitted uses comply.
4. Conduct an annual review of commercial facial recognition technology usage by authorized users.

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5. Handle public requests for facial recognition information in accordance with General Order 17 – Records Management and Florida State Statute Chapter 119.
6. Report any unauthorized attempts to access, alter, remove, disclose, or destroy stored information.
7. Remove access to the program for unauthorized personnel as soon as possible, but no more than 24 hours after the discovery.
8. Conduct maintenance as required on the program.

C. Members

1. Obtain supervisor approval to access agency-authorized facial recognition software programs:
 - a. FACESNXT, and
 - b. Clearview AI.
2. Complete required training.
3. Properly utilize and document usage of the facial recognition program.

IV. TRAINING

- A. New users, authorized to use FACESNXT or Clearview AI by the Program Administrator, must complete the online user training (accessed through the link on CJNET provided by the Pinellas County Sheriff's Office) prior to using the program(s).
- B. Authorized users shall forward a copy of their certificate of completion of online training to the Training Section and Employee Resources to be placed in their files, as well as maintain a copy for discovery purposes.
- C. Usernames and passwords to facial recognition technology programs shall not be shared by agency personnel and must be kept confidential.

History: 04/09/21, 04/25/2022 and 10/30/2023