



NORTH MIAMI POLICE DEPARTMENT



STANDARD OPERATING PROCEDURES

FACE ANALYSIS COMPARISON & EXAMINATION SYSTEM NEXT (FACESNXT) 400.23

EFFECTIVE DATE: 07-08-22

APPROVED:

SUPERSEDES: N/A

CFA: N/A

Litman
Chief of Police

CONTENTS:

- I. Purpose
- II. Policy
- III. Scope
- IV. Definitions
- V. Procedure
- VI. Queries
- VII. Auditing
- VIII. Authorized use for FACESNXT
- IX. Prohibited use for FACESNXT

I. PURPOSE

To establish guidelines, criteria, and accountability for member use, monitoring, and management in conjunction with the Pinellas County Sheriff's Office (PCSO) of the Florida's Recognition Network's (FR-Net) Face Analysis Comparison & Examination System Next (FACESNXT) system.

II. POLICY

The North Miami Police Department recognizes the need within the law enforcement function to utilize facial biometric search capabilities, facial image comparison tools, and facial image analysis methods to investigate criminal activity and assist persons in need of assistance whom are unable to identify themselves.

The Department will utilize the FACESNXT system pursuant to federal, state, and local laws. This policy will ensure that all facial recognition system uses are consistent with authorized purposes only, while protecting individuals' privacy, civil rights, and civil liberties. Additionally, the Department will ensure that the system's performance, usage, and access are continuously monitored.

III. SCOPE

This policy applies to all members of the Department.

IV. DEFINITIONS

- A. **FACIAL RECOGNITION TECHNOLOGY** - A computer software/ application capable of comparing specific physical features of a person depicted in a probe photograph against a database of images of persons identified through other means.
- B. **BIOMETRICS** - Distinctive and measurable human characteristics that can be used to identify people apart from demographic data like name and date of birth. Fingerprints and facial features are examples of commonly used biometrics. Since biometrics are unique to individuals, they are more reliable in verifying identity than knowledge-based methods.
- C. **FACIAL IDENTIFICATION** - A task where the face comparison system searches a database for a reference matching a submitted face image (probe photograph) and, if found, returns an array of possible biometrically similar identities.
- D. **PROBE PHOTOGRAPH** - The photograph submitted for comparison to driver's license photographs and arrest booking photographs.
- E. **AUTOMATED FACE COMPARISON** - The automated search of a facial image in a biometric database, which typically results in a group of facial images ranked by computer-evaluated similarity.
- F. **GALLERY** - The result of an automated facial comparison search. The gallery is a rank-ordered grid of potential matching candidates to the face image (probe photograph) submitted for comparison.
- G. **FACIAL VERIFICATION** - Manual verification is the process by which a user

conducts a one-to-one comparison between a probe photograph and gallery result. Automated verification is the process by which the facial comparison system compares a known and unknown face pair to generate a resulting similarity score.

- H. FACIAL RECOGNITION SEARCH RESULT - An image returned by FACESNXT that represents a potential investigative lead based on an algorithmic similarity to the submitted image.
- I. PERSONAL IDENTIFIABLE INFORMATION (PII) – Information about an individual by the biometric facial analysis system, which may include, but is not limited to, the driver's license photograph, customer number, name, address (city, state, and zip only), gender, date of birth, height, driver's license number, driver's license issue date, and race.
- J. OTHER LANGUAGE CLARIFICATION:
 - Should: Indicates a general or expected action, absent a rational basis for failing to conform.
 - Shall or Will: Indicates a mandatory action.

V. PROCEDURES

- A. Members shall utilize FACESNXT in accordance with the system's specific user agreement. Members will not register for FACESNXT without prior approval of their assigned supervisor and the Investigative Section Commander.
- B. Authorized members of the Department may use FACESNXT for law enforcement investigations requiring identification or verification of subjects where a digital image is available.
- C. Under no circumstances shall any member utilize, access, view, or transmit information obtained from FACESNXT for personal use or any reason other than law enforcement purposes in connection with their official duties.
- D. Any member violating this Standard Operating Procedure is subject to revocation of privileges and may result in disciplinary action.

E. General Procedures:

1. Pursuant to the Memorandum of Understanding (MOU) between the North Miami Police Department (NMPD), the Sheriff of Pinellas County, Florida (Sheriff), and the Florida Department of Highway Safety and Motor Vehicles (DHSMV), the Sheriff will grant access to FR-Net hosted by the Pinellas County Sheriff's Office and make information available to NMPD, including access to digital images of full-face driver's license photographs, to perform automated facial recognition searches and biometric comparisons through FACESNXT.
2. FACESNXT results are investigative leads to assist in subject identification and/or verification. Any information found through facial comparison search is for lead purposes only. Members are responsible for final identity determination and will take law enforcement action based upon their own subject identity determination.
3. Authorized members will complete the FACESNXT online training prior to being granted user access.
4. FACESNXT user activity is logged within the system and will be subject to monitoring and auditing.

VI. QUERIES

- A. The use of FACESNXT is limited to members of the Investigative Section, Accident Investigative Unit (AIU), and any other member approved by the Chief of Police or his/her designee.
- B. When conducting queries, members will include the associated case number for the query of the facial comparison search. Members will determine if there is a match between the probe image and the gallery image(s).
- C. The use of FACESNXT will be documented in the appropriate case report noting the reason for the search and whether a positive facial comparison match was made or not.
- D. Members conducting the query will evaluate the results. In addition, the member will review all relevant reports, conduct interviews, present

photographic line-ups, and examine all other evidence (i.e., latent prints and DNA) in addition to evaluating the FACESNXT results.

E. FACESNXT will not be used as the sole determinant to establish probable cause or to obtain an arrest or search warrant.

VII. AUDITING

- A. Auditing of the FACESNXT system shall be conducted to ensure members are in compliance with the Memorandum of Understanding (MOU) between the Pinellas County Sheriff's Office and the North Miami Police Department, and ensure members are adhering to the policy herein.
- B. On a monthly basis, the Investigative Section Commander will generate and review a FACESNXT report containing data relating to searches, user activity, database query activity, and substantiation required inquiries.
- C. On a quarterly basis, the Investigative Section Commander shall conduct a quarterly audit of the system and will submit a memorandum to the Investigative Section Major documenting the audit's findings.
- D. Any discrepancies and/or inaccuracies discovered during the monthly review or auditing process will be addressed by the Investigative Section Commander.
- E. The Investigative Section Commander will be responsible for managing user accounts and will immediately deactivate the account of any member who has:
 - 1. Separated from service.
 - 2. Transferred from the Unit.
 - 3. Conducted negligent, improper, or unauthorized use of the system.
 - 4. Disseminated information to unauthorized personnel.

VII. AUTHORIZED USE FOR FACESNXT

- A. FACESNXT shall only be used for the identification of the following:
 - 1. Potential suspects, witnesses, and/or victims in a criminal investigation.

2. Lawfully detained persons refusing to identify themselves or whose identity cannot be established.
3. Principal officers, witnesses, or other involved person(s) in an Internal Affairs investigation.
4. Persons in need of assistance from law enforcement and who lack the physical, mental, emotional, or cognitive capacity to identify themselves or are otherwise unable to identify themselves.
5. Unidentified deceased persons.

IX. PROHIBITED USE OF FACESNXT

- A. FACESNXT shall be used for official law enforcement purposes only and shall not be used for:
 1. Personal use.
 2. Queries not related to legitimate Department duties.
 3. Sharing, copying, or disseminating information to unauthorized personnel.
 4. Harassing and/or intimidating any individual or group.
 5. Conducting surveillance of persons or groups based solely on their religious, political, or other constitutionally protected activities, such as their race, ethnicity, gender, sexual orientation, sexual identity, or other constitutionally protected class.
 6. Any other purpose, access, use, disclosure, or retention that would violate applicable local, state, or federal law or Department policy.
 7. Violations of this policy will result in the member's user access being revoked and the member may be subject to disciplinary action.