

# Cobb County Police Department

## Policy 3.19

### FACIAL RECOGNITION

<b>Effective Date:</b> August 27, 2020	<b>Issued By:</b> Chief C.T. Cox
<b>Rescinds:</b> N/A	<b>Page 1 of 4</b>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The purpose of this policy is to establish procedures for the acceptable use of the images, information, and tools within facial recognition systems. This policy applies to all sworn and civilian law enforcement personnel.

#### I. POLICY

It is the policy of the Cobb County Police Department to utilize Facial Recognition only to identify specific persons of interest in criminal cases or other specific law enforcement investigations. Cobb County Police Department will require investigators to seek corroborating evidence on any person of interest developed from a Facial Recognition identification.

#### II. DEFINITIONS

- A. Facial Recognition:** An automated process of matching face images utilizing algorithms and biometric scanning technologies.
- B. Probe Image:** An image of an unidentified suspect or victim that is submitted for comparison against the facial recognition database of gallery images.
- C. Gallery Image:** An image housed in a facial recognition database used to identify possible matches of probe images submitted into the system by investigators.

#### III. BACKGROUND

The Cobb County Police Department seeks to continually balance the use of technology based investigative tools against privacy concerns to ensure that the constitutional rights and the safety of all individuals are both protected. The department seeks to assess the potential benefits of the technology against potential community concerns to determine which technologies to utilize and what procedures and policies to enact.

Facial Recognition software is intended to assist officers and investigators with identifying criminal actors while ensuring that improper or incorrect visual identification does not lead to the arrest of an innocent individual. It is intended to provide investigators with tools to develop possible suspects in certain crimes based upon similarities in facial characteristics with known suspected offenders.

Facial Recognition may be used as a piece of evidence in an investigation. However, it is the investigator's obligation and responsibility to ensure that the necessary level of additional supporting evidence exists to establish needed legal standards to pursue criminal charges.

Any results from a facial recognition system shall be used only as a guide for the investigation. The information provided may not constitute probable cause for an arrest without corroborating evidence.

#### **IV. DEPARTMENT PROCEDURES**

- A.** In accordance with this policy, employees should only utilize departmentally authorized Facial Recognition systems, as maintained by the Technology Special Projects Unit Commander.
- B.** The following are to be followed by any department member who utilizes Facial Recognition:
  - 1. Any CCPD Facial Recognition user shall, prior to utilizing such tool:
    - a. Receive departmentally approved training.
    - b. Receive a unique user name and password from a departmental administrator.
  - 2. When utilizing Facial Recognition systems, any user shall:
    - a. Only utilize Facial Recognition for official and legitimate law enforcement business.
    - b. Log in with their assigned unique user name and password.
    - c. Record the case number in the incident report and, if applicable, in the investigative database.
    - d. Record the legitimate law enforcement reason for the search in the incident report and, if applicable, in the investigative database.
    - e. Only utilize probe images that have been collected in accordance with state and federal law and constitution.
    - f. Only use facial recognition services authorized by the Cobb County Police Department as maintained by the Technology Special Project Commander. Any use of other Facial Recognition services is prohibited except with prior expressed permission from the employee's supervisor and unit commander, Lieutenant or above. Supervision and unit command should authorize such use only in

cases where all other reasonable leads have been exhausted and the seriousness or frequency of the crime justifies its use. Such authorization and reasons shall be documented in the incident report.

## **V. INVESTIGATIVE STEPS**

Investigators should conduct thorough investigations to clear the innocent and establish evidence to determine the viability of leads on potential suspects. The following investigative steps should be utilized, as applicable. Investigators are encouraged to communicate with supervision, crime analysts, and prosecutors for assistance as needed.

### **A. Facial Identification Process Level One**

Level One Identification seeks to identify a potential suspect through visual verification by the investigator and his peers. Level One merely identifies a suspect and should be accompanied by Level Two verification prior to charging an individual.

1. Visual verification by the investigator shall be conducted in compliance with authorized departmental training.
2. Evidence of the match shall be documented by the investigator.
3. The investigator shall utilize a peer review in all cases utilizing facial recognition.
  - a. The peer review shall be conducted in accordance with departmentally authorized training.
  - b. The peer review shall be documented within the incident report.

### **B. Facial Identification Process Level Two**

Level Two Identification seeks to verify the identity of the individual is accurate and to gain corroborating evidence.

1. Investigators should be cognizant that names, dates of birth, and other identifiers in the Facial Recognition system should be verified for accuracy.
2. Investigators shall seek to obtain corroborating or exculpatory evidence as appropriate, such as:
  - a. Offender Location
  - b. Physical evidence
  - c. Witness/Other Involved interviews
  - d. Suspect interview
  - e. Suspect social media interrogation
  - f. Other investigative steps as appropriate.

3. When relying on facial recognition leads, investigators shall consult with supervisor prior to seeking charges.
- C. This policy shall not require the exhaustion of all listed investigative steps prior to arrest or warrant procurement. Such decision shall be made in consultation with supervision based on the totality of the circumstances for each case.

**VI. PROHIBITED ACTIONS**

- A. Employees shall not utilize facial recognition in live streamed or recorded video of the general public.
- B. Facial Recognition shall not be utilized to surveil the general public.

**VII. RELEASING FACIAL RECOGNITION DATA TO OTHER AGENCIES**

The Cobb County Police Department will not allow direct access to its facial recognition system to outside agencies except for active task force participation. Outside agencies may request assistance on cases that may involve Cobb County. Requests must meet all requirements of this policy to be considered and approved. Approval of such requests shall be by a unit commander, Lieutenant or higher, and all relative policy requirements of this department shall be documented.