

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: FACIAL RECOGNITION TECHNOLOGY (FACESNXT)

NUMBER: 32-6

EFFECTIVE: 5/22

REFERENCE: Memorandum of Understanding, Pinellas County Sheriff's Office

RESCINDS/ AMENDS:

REVISED:

ATTACHMENTS:

A. PURPOSE

The purpose of this Directive is to establish procedures for the use of and access to the Face Analysis Comparison & Examination System (FACESNXT) by officers of the New Smyrna Beach Police Department.

B. POLICY

It is the policy of the New Smyrna Beach Police Department to ensure that the use of facial recognition technology is consistent with an authorized use while balancing the privacy and civil rights of individuals.

C. DISCUSSION

The Face Analysis Comparison & Examination System (FACESNXT) is a facial recognition network maintained and hosted by the 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 personnel's own identity determination and not solely the results of a FACESNXT search.

D. DEFINITIONS

FACIAL RECOGNITION PROGRAM – A software application capable of comparing specific physical features of an individual depicted in an image against an existing database of images.

FACE ANALYSIS COMPARISON & EXAMINATION SYSTEM (FACESNXT) - A facial recognition network hosted by the Pinellas County Sheriff's Office, which provides biometric search capabilities, subject information, face image comparison tools, face image analysis, and training through the Florida Criminal Justice Network (FCJNet).

FACIAL RECOGNITION ADMINISTRATOR – A member who is designated by the Police Chief and is responsible for facial recognition network oversight and serves as the technical point of contact.

E. PROCEDURE-AUTHORIZATION

32.6.1 Only officers assigned to the Criminal Investigations Unit or those officers authorized by the Chief of Police or his designee will be allowed to access the FACESNXT system.

32.6.2 The FACENEXT system is authorized for identification of individuals for the following reasons:

1. Identification of suspects, victims or witnesses during criminal investigations.
2. Individuals lawfully detained who refuse to identify themselves who cannot be identified by other means.
3. Identification of individuals when there is a reasonable belief that they pose a threat to public safety or public health (for threats to public health the Chief of Police or his designee will be notified before attempting identification).
4. Identification of an individual who is unable to identify themselves (incapacitated, deceased, or at-risk).

F. CONSIDERATION DURING INVESTIGATION

32.6.3 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.

32.6.4 If a search yields a potential identity, the officer shall confirm the subject's identity using independent investigative means.

G. PROHIBITED USE OF FACIAL RECOGNITION TECHNOLOGY AND FACESNXT

32.6.5 Facial recognition technology shall be used for official law enforcement/criminal justice purposes only and shall not be used for:

1. Personal use, queries not related to legitimate agency duties, sharing, copying, or the passing of information to unauthorized personnel.
2. Harassing and/or intimidating any individual or group.
3. To conduct surveillance of persons or groups based solely on their religious, political, or other constitutionally protected activities, their race, ethnicity, gender, sexual orientation, sexual identity, or other constitutionally protected class membership.
4. Any other purpose, access, use, disclosure, or retention that would violate applicable local, state, or federal law or agency policy.

H. DOCUMENTATION OF USE

32.6.6 Whenever the FACESNXT system (or any other facial recognition system) is utilized in an attempt to identify an individual, no matter the reason, its use will be fully documented in an incident report, and will contain the following information:

1. Type of Investigation.
2. Reason for the utilization of the FACESNXT system.
3. Name of officer who conducted the FACESNXT system search.

4. Results, and if successful the name of the individual identified.
5. If the FACESNXT system is utilized to attempt to identify an individual believed to be a threat to public health, the report will note that the Chief of Police or his designee was notified before the FACESNXT system search was conducted.

I. ACCOUNTABILITY

32.6.7 Supervisors reviewing cases where FACESNXT is used to provide an investigative lead shall confirm that the officer has conducted investigative follow-up to corroborate the lead (e.g. executing a photo line-up, compared a DAVID photograph, compared a booking photograph, etc.) before additional action is taken in the case such as making an arrest, contacting the witness, or making next of kin notification.

32.6.8 All facial recognition systems shall log user activity.

32.6.9 The Facial Recognition Administrator assigned by the Chief of Police or designee shall conduct an audit, on an annual basis, using the FACESNXT system user logs and other reporting capabilities to ensure that FACESNXT is only utilized by authorized members for authorized uses.

32.6.10 The New Smyrna Beach Police Department shall immediately deactivate user's access/permissions, following separation, or negligent, improper, or unauthorized use or dissemination of any information.

J. TRAINING

32.6.11 Face Analysis Comparison & Examination System (FACESNXT)

1. New users must obtain approval from the Chief of Police or designee for access to FACESNXT.
2. New users must complete the online user training prior to its use.
 - NOTE: FACESNXT program training and access is provided online and requested through the Pinellas County Sheriff's Office.
3. Usernames and passwords to FACESNXT will not be shared by agency personnel and must be kept confidential.

K. PUBLIC RECORDS

32.6.12 Public records requests for facial recognition information shall be handled in accordance with [FSS 119](#) and Directive 26-1 Records.

Rev:

Approved: Signature on File
Chief Mike Coffin