



Commonwealth Fusion Center

Standard Operating Procedure

Effective Date	Number
September 27, 2019	CFC-10
Subject: CFC Use of Massachusetts Registry of Motor Vehicles Facial Recognition System for Investigative Purposes	

GENERAL

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. This technology can be a valuable investigative tool to detect and prevent criminal activity, reduce an imminent threat to health or safety, and help in the identification of persons unable to identify themselves or deceased persons. The Commonwealth Fusion Center (CFC) has access to the Massachusetts Registry of Motor Vehicles (MA-RMV) facial recognition system via a memorandum of agreement to support the investigative efforts of law enforcement and public safety agencies both within and outside the Commonwealth of Massachusetts.

PURPOSE

It is the purpose of this policy to provide CFC personnel with guidelines and principles for the collection, access, use, dissemination and retention of images and related information applicable to the implementation of a facial recognition (FR) program directly related to the MA-RMV facial recognition system. The requirements imposed by this policy are in addition to any policies, procedures, requirements, restrictions or directives imposed by the MA-RMV related to utilization of their facial recognition system. This policy will ensure that all CFC MA-RMV facial recognition system uses are consistent with authorized purposes while not violating the privacy, civil rights, and civil liberties of individuals.

All utilizations of the MA-RMV facial recognition system are for official use only.

APPLICABILITY

These guidelines apply only to the CFC's use of the MA-RMV facial recognition system in the process of supporting public safety and conducting investigations. They do not apply to, or limit other CFC or department wide activities related to the investigation or detection of unlawful conduct, the preservation of the peace and public safety, or other legitimate law enforcement activities.

PERMITTED CFC USE OF MA-RMV FACIAL RECOGNITION SYSTEM

- A. The CFC's use of the MA-RMV facial recognition system is strictly limited to law enforcement and public safety purposes only. The CFC does not perform any facial recognition services for members of the general public. The following are valid law enforcement and public safety purposes:
- Criminal investigations;
 - Crime analysis;
 - Criminal intelligence;
 - To mitigate an imminent threat to health or safety;
 - To assist in the identification of a deceased person or any individual unable to identify themselves due to incapacitation or otherwise;
 - For comparison to determine whether an individual may have obtained one or more official state driver's licenses, temporary driver's licenses, learners permits or identification cards that contain inaccurate, conflicting, false or fraudulent information;
 - To support law enforcement in critical incident responses;
 - To reduce a threat to health, homeland security or public safety.
- B. CFC personnel will only utilize the MA-RMV facial recognition system to seek or retain information that:
- a. Is based on a criminal predicate or threat to public safety; or
 - b. Is based upon reasonable suspicion that an individual or organization has committed an identifiable criminal offense or is involved in or is planning criminal conduct or criminal activity; or

- c. Is relevant to the investigation and prosecution of suspected criminal incidents; the resulting justice system response; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or
 - d. Is useful in the investigative process, crime analysis or situational assessment reports for the administration of criminal justice and public safety.
- C. CFC personnel will not utilize the MA-RMV facial recognition system to seek or retain information about:
 - a. Individuals or organizations solely on the basis of their religious, political, social views or activities; or
 - b. An individual's or organization's participation in a particular non-criminal organization or lawful event; or
 - c. An individual's age, race, ethnicity, citizenship, place of origin, disability, gender, or sexual orientation unless such information is relevant to the individual's criminal conduct or activity or if required to identify the individual.
- D. Using or requesting use of the MA-RMV facial recognition system for personal use is strictly prohibited and considered employee misconduct as well as a violation of this policy. Unauthorized access and dissemination of driver license images for unofficial purposes constitutes a violation of the Drivers Privacy Protection Act (DPPA) 18 U.S.C. § 2721.

E. [REDACTED]
[REDACTED]
[REDACTED]

PROCEDURES FOR CFC USE OF MA-RMV FACIAL RECOGNITION SYSTEM

- A. Trained CFC authorized users may utilize the MA-RMV facial recognition system pursuant to this policy [REDACTED]
[REDACTED] These users shall only consist of CFC personnel that have been trained by and authorized for access to the MA-RMV facial recognition system by the MA-RMV. Furthermore, authorized access to

the MA-RMV facial recognition system will be granted only to CFC personnel whose positions and job duties require such access. [REDACTED]

[REDACTED]

a. [REDACTED]

[REDACTED]

b. [REDACTED]

[REDACTED]

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

f. [REDACTED]

g. [REDACTED]

B. [REDACTED]

C. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- D. The CFC's facial recognition search information will not be sold, published, exchanged, or disclosed to commercial or private entities/individuals unless required by law. Nor will it be disclosed to unauthorized individuals or for unauthorized purposes.

COMPLAINTS, MISCONDUCT & AUDITS

Personnel will report violations or suspected violations of this directive to their supervisor who will determine the appropriate course of conduct or disciplinary action. The respective supervisor shall immediately report violations or suspected violations related to utilization of the MA-RMV facial recognition system to the MA-RMV.

[REDACTED]
[REDACTED]

RESERVATIONS

These guidelines are set forth solely for the purpose of internal CFC guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the Commonwealth Fusion Center, Massachusetts State Police, or the Commonwealth of Massachusetts.

Promulgated By: *Major Richard S. Range*

[REDACTED]