375.01
Use of Facial Recognition Technology
02-13-2023

PURPOSE

The purpose of this general order is to establish guidelines for the acceptable use of the images, information, and tools within a facial recognition system.

POLICY

It shall be the policy of the Sacramento Police Department to utilize facial recognition technology solely as a tool during investigations and active law enforcement incidents, while recognizing the established privacy rights of the public. This policy applies to all law enforcement personnel who are granted direct access to any facial recognition system as well as personnel who are permitted to request facial recognition searches.

PROCEDURE

A. DEFINITIONS
   1. Facial recognition technology - The automated comparison of a facial image for the purpose of obtaining the personal identifying information (PII) of the person depicted in the subject image, against a known person database, publicly available social media accounts, publicly available Internet websites, and/or open-source photo databases, resulting in a list of candidates generated by algorithmic search comparisons used by commercial facial recognition platforms.
   2. Facial recognition search result - An image returned by a facial recognition system that represents a potential investigative lead based on algorithmic similarity to the submitted image.
   3. Identification - The action or process of identifying a person. A positive facial recognition search result is not considered a positive identification.

B. GENERAL
   1. Facial recognition technology shall only be used when there is reasonable suspicion that such use will provide information relevant to an active investigation, imminent threat to health or safety, or to help in the identification of deceased persons or persons unable to identify themselves.
   2. Facial recognition technology must be used in accordance with all federal and state laws, and all department policies.
   3. Potential matches returned by facial recognition systems are to be considered investigative leads only and shall not be used as the sole basis for a detention, arrest, identification, or requesting a warrant of any kind.

C. RESTRICTIONS OF USE
   The department and its personnel shall not perform or request facial recognition searches on individuals or organizations if those searches would violate applicable laws and/or other legal rights of the individual(s) including, but not limited to, searches that are conducted based solely on race, religion, ethnicity, citizenship, nation of origin, age, disability, gender, gender identification, sexual orientation, or other protected classification.

D. REPORTING
   Department employees who use facial recognition software shall document its use in an associated report or on the dispatched call incident.