

Senate Judiciary Committee
Hearing on
“AI in Criminal Investigations and Prosecutions”
January 24, 2024
Questions for the Record

Armando Aguilar, Assistant Chief of Police, Miami Police Department

In your written testimony you discussed how your police department developed responsible technology policies which govern the use of facial recognition technologies. This includes procedures to ensure that facial recognition matches are not used as probable cause to arrest, ensuring that facial recognition matches are treated as “tips” and followed up the type of police-work that generates court-admissible evidence, and limiting access to who can use facial recognition technologies.

- Can you speak to the importance of implementing responsible technology policies? *In law enforcement, public trust is our capital. This is, by no means, a novel concept. Sir Robert Peel, who founded the London Metropolitan Police Service (the first “police department” in the modern sense) almost 200 years ago, developed nine principles for policing that are just as relevant today as they were when they were first penned. The first two of those principles most appropriately addresses this question: 1) the basic mission for which the police exist is to prevent crime and disorder, and 2) the ability of the police to perform their duties depends on public approval of police actions. Our authority to enforce the law in a democratic society is derived from the consent of the people we serve. Technology companies have their role in delivering public safety, but they do not carry the same sworn duty to balance the delivery of public safety with the safeguarding of civil liberties. It is, therefore, incumbent upon law enforcement agencies to harness the power of these technologies while ensuring that they are used within a framework rooted in constitutional principles.*
- How do these policies allow police departments to use facial recognition technology to aid their public safety mission while also respecting the rights of the public they serve? *We rely on sound policy and training to ensure that we use facial recognition technology in a manner that is limited to a handful of allowable use cases. In developing our policy, we went to great lengths to ensure that our desire that FR not be used arbitrarily or as a tool to suppress constitutional rights (including but not limited to free speech, freedom of*

religion, and freedom of the press) was codified into policy and that our personnel were adequately trained in the requirements and intent of that policy.

- Are your department's policies available to the public or can you discuss how your office treats requests for information about A-I usage, to enhance public trust of the system and ensure accountability? A copy of the Miami Police Departmental Orders is available online at https://www.miami-police.org/DeptOrders/MPD_Departmental_Orders.pdf. Our policies are made available to the public, including our facial recognition policy, which begins on page 908. Our use of facial recognition in criminal cases is not withheld from defendants, and our facial recognition searches are subject to Chapter 119 of the Florida Statutes, which governs public records. Florida has very broad public records laws, but certain records (including, but not limited to, information pertaining to open criminal investigations) are exempt from public disclosure.