



Department of Justice

STATEMENT

OF

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BEFORE THE

**SUBCOMMITTEE ON PRIVACY, TECHNOLOGY AND THE LAW
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

AT A HEARING ENTITLED

**“WHAT FACIAL RECOGNITION TECHNOLOGY MEANS FOR
PRIVACY AND CIVIL LIBERTIES”**

PRESENTED

JULY 18, 2012

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**Subcommittee on Privacy, Technology and the Law
Committee on the Judiciary
United States Senate**

**“What Facial Recognition Technology Means for Privacy and Civil Liberties”
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History of the Criminal Justice Information Services Division

The Criminal Justice Information Services (CJIS) Division, the largest division in the FBI, was established in February 1992 to serve as the focal point and central repository for criminal justice information services. Collection of fingerprints by the FBI had begun 70 years earlier with the creation of the FBI’s Identification Division in 1924. Prior to 1924, states maintained individual repositories of fingerprints and shared information at the state level. It was not until 1924, with the creation of the FBI’s Identification Division, that fingerprints were shared on a national level. From 1924 until 1999, fingerprints and associated criminal history information, including mug shot photographs, were received in the U.S. mail and processed manually. In 1999, with the launching of the Integrated Automated Fingerprint Identification System (IAFIS), fingerprints and associated criminal history information were searched, processed, and stored.

Next Generation Identification

The FBI initiated the Next Generation Identification (NGI) Program in response to advances in technology, FBI customer requirements, growing demand for IAFIS services, and growing obsolescence of the IAFIS Information Technology infrastructure. The NGI Program, which is on scope, on schedule, on cost, and 60 percent deployed, is enabling the FBI to meet its criminal justice mission and continue to build its reputation as the global leader in biometrics. The NGI Program is dramatically improving the major features of the current IAFIS, including system flexibility, storage capacity, accuracy and timeliness of responses, and interoperability with other systems. The NGI Program is addressing the increase in identification requests, in the form of biometric submissions, and the rapidly expanding database of biometric information and new biometric identifiers concomitant with evolving tribal, local, state, federal, international, and intelligence requirements. NGI improvements and new capabilities are being introduced across a multi-year time frame through a phased, incremental approach, resulting in a flexible framework of core capabilities that will serve as a platform for multimodal functionality.

General Authority for Next Generation Identification Initiatives

28 U.S.C. § 534 authorizes the FBI to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records. 28 U.S.C. § 534 further enables the exchange of the aforementioned records and information with, and for the official use of, authorized officials of Federal, State, local, and tribal criminal and noncriminal justice departments and agencies. In addition, 42 U.S.C. § 3771 authorizes the Director of the FBI to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice.

Status of Next Generation Identification Incremental Deployment

NGI is being deployed in 7 separate increments to balance operational needs and technical feasibility. Increment 0 (Advanced Technology Workstations (ATWs)) was completed in March 2010. Increment 1 (the Initial Operating Capability) was completed in February 2011. Increment 1 provided more accurate fingerprint searches, increasing the true match rate to 99.6 percent, and improving support for processing flat and less than 10 fingerprints. Increment 2 (Repository for Individuals of Special Concern (RISC) and Initial Infrastructure) was completed in August 2011. RISC provides mobile fingerprint identification operations on a national level, in time-critical situations, to assist with the identification of: wanted persons; known or appropriately suspected terrorists; sex offenders; and persons of special interest.

NGI currently has 3 Increments in progress (Increments 3, 4, and 5). Increment 3 (Palm Print Searching & Latent Print Searching) is scheduled to deploy in the spring of 2013. Increment 3 will establish the National Palm Print System, provide enhanced latent fingerprint matching, and provide cascaded searches of incoming transactions against unsolved latent and palm prints. Increment 4 (Rap Back, Facial, and Scars, Marks, and Tattoo (SMT) Search Capabilities and Migration of Remaining IAFIS Functionality to NGI) is targeted to deploy in the Summer of 2014. Increment 4 will provide a National Rap Back Service for notification of the criminal activity of enrolled individuals and access to a national repository for Facial and SMT searches for investigative purposes. Increment 5 (the Iris Pilot) is scheduled for late Summer or Fall of 2013 and will implement a new iris recognition capability. Increment 6 (Technology Refreshment of the NGI system) is slated for 2014.

Next Generation Identification Success

In addition to increased fingerprint accuracy of 99.6 percent, deployment of Increment 1 (AFIT) has allowed operations to reduce the dependency on a supplemental name check, resulting in a 90 percent (weekly) decrease in the number of manual fingerprint reviews required by CJIS Division service providers.

Since deployment of Increment 2 (RISC), 9 states, representing over 500 agencies, have begun participation in the national service; 10 additional states are in the process of implementing RISC. Over 500 transactions are processed daily with a response time of less than 7 seconds and an average weekly hit rate of 6-10 percent.

Facial Recognition

Next Generation Identification Facial Recognition

NGI Increment 4 includes a new facial recognition system. It was deployed as a pilot in February 2012 and is scheduled for full operational capability in the Summer of 2014. The objective of the NGI Facial Recognition Pilot is to conduct image-based facial recognition searches of the FBI's national repository and provide investigative candidate lists to agencies submitting queries. The goals of the Facial Recognition Pilot are to test the facial recognition processes, resolve policy and processing issues, solidify privacy protection procedures, and address user concerns.

The Facial Recognition Pilot provides a search of the national repository of photos consisting of criminal mug shots, which were taken at the time of a criminal booking. Only criminal mug shot photos are used to populate the national repository. Query photos and photos obtained from social networking sites, surveillance cameras, and similar sources are not used to populate the national repository. The national repository is updated as transactions, including enrollments and deletions, are submitted by law enforcement users. The national repository contains approximately 12.8 million searchable frontal photos.

The Facial Recognition Pilot permits authorized law enforcement agencies to submit queries for a facial recognition search of the national repository of mug shots. The national repository can be queried by authorized criminal justice agencies for criminal justice purposes. Access to the national repository is subject to all rules regarding access to FBI CJIS systems information and subject to dissemination rules for authorized criminal justice agencies. Query requests are processed "lights out" (without human intervention), and the results are returned to the submitting agency as an investigative lead in the form of a ranked candidate list.

The investigative response provided to a submitting agency will include the number of candidates requested, in ranked order. The FBI Number/Universal Control Number of each candidate will also be returned, along with a caveat noting that the response should only be used as an investigative lead. Upon receipt of an investigative response from the FBI, the submitting agency will be responsible for conducting a full investigation of potential matching candidates.

Facial Recognition Privacy Documentation

In accordance with Section 208 of the E-Government Act of 2002, facial recognition was initially addressed by the FBI's June 9, 2008 Interstate Photo System Privacy Impact Assessment (PIA). In coordination with the FBI's Office of the General Counsel, the 2008 Interstate Photo System PIA is currently in the process of being renewed by way of Privacy Threshold Analysis (PTA), with an emphasis on Facial Recognition. An updated PIA is planned and will address all evolutionary changes since the preparation of the 2008 IPS PIA.

Participating States and Agencies

Initial pilot participants are states or agencies that already have established facial recognition systems. Following completion of the pilot and implementation of the full facial recognition operating capability, additional federal, state, local, and tribal partners and agencies, with or without established facial recognition systems, will be eligible for participation.

Appropriate Use of Next Generation Identification Facial Recognition Technology

Searches of the national repository of mug shots are subject to all rules regarding access to FBI CJIS systems information (28 U.S.C. § 534, the FBI security framework, and the CJIS Security Policy) and subject to dissemination rules for authorized criminal justice agencies. Queries submitted for search against the national repository must be from authorized criminal justice agencies for criminal justice purposes.

Each participating pilot state or agency is required to execute a Memorandum of Understanding (MOU) that details the purpose, authority, scope, disclosure and use of information, and the security rules and procedures associated with piloting. Pilot participants are advised that all information is treated as “law enforcement sensitive” and protected from unauthorized disclosure.

Pilot participants are informed that Information derived from pilot search requests and resulting responses is to be used only as an investigative lead. Results are not to be considered as positive identifications.

Current Facial Recognition Pilot Participants

In February 2012, the State of Michigan successfully completed an end-to-end Facial Recognition Pilot transaction and is currently submitting facial recognition searches to CJIS. MOUs have also been executed with Hawaii and Maryland; and South Carolina, Ohio, and New Mexico are engaged in the MOU review process for Facial Recognition Pilot participation. Kansas, Arizona, Tennessee, Nebraska, and Missouri are also interested in Facial Recognition Pilot participation.

Summary

The FBI’s Next Generation Identification Program is on scope, on schedule, on cost, and sixty percent deployed. The Facial Recognition Pilot which began operation in February 2012 searches criminal mug shots and provides investigative leads. The Facial Recognition Pilot is evaluating and solidifying policies, procedures, and privacy protections. Full operational capability for facial recognition is scheduled for the summer of 2014.