

Facial Recognition Technology Use

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by authorized department members to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Members - The use of FRT to assist with investigative leads should only be used by members of the Criminal Investigations Division (CID). Neighborhood Services Division (NSD) personnel may request approval for an FRT request as denoted in this policy.

Facial Recognition Technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe Image - A search image submitted to FRT for comparison with images contained within an image database.

610.2 POLICY

It is the policy of the Fargo Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

610.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

610.4 FRT COORDINATOR

The Criminal Investigations Division (CID) commander serves as the Department's FRT coordinator and should evaluate and recommend any new FRT system or service to the Chief. The responsibilities of the FRT coordinator include:

- (a) Evaluating and recommending policy updates to ensure the use of FRT by members conforms to applicable laws, regulations, and best practices.
- (b) Conducting periodic audits and reporting of department FRT use.
 1. The audit should include a monthly review of FRT use, documentation of those uses, and case outcomes.
- (c) Confirming that authorized users have completed department-approved FRT training.

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- (d) Coordinating with the Training and Development Unit (TDU) Lieutenant to develop, identify, and update FRT training for members who utilize the FRT system.

610.5 AUTHORIZED USES OF FRT

FRT may be used by authorized members as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

- (a) Unknown suspects in any felony or serious misdemeanor crime where attempts at identification through other means have been exhausted or ineffective.
- (b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material) in order to facilitate an investigation and/or protect vulnerable victims from additional harm.
- (c) Deceased individuals where all other means of identification have been exhausted.
- (d) Unknown individuals pursuant to any other legitimate law enforcement purpose not contemplated in this policy, but reviewed and approved by the FRT coordinator.

Neighborhood Services Division members may request to submit evidence for FRT analysis, in conformity with this policy, by submitting a request through their chain of command to the CID Special Operations Unit Lieutenant for review and approval.

610.6 ACCESS AND REPORTING REQUIREMENTS OF FRT

Only members authorized by the Department may submit FRT requests.

Prior to submitting an FRT request, members seeking authorization shall review the case with their unit supervisor. If deemed appropriate, the unit supervisor may approve the request and notify the unit commander who is responsible to track and report all FRT submissions on a monthly basis and forward that data to the CID commander.

The request should, at a minimum, include the following:

- (a) The nature of the investigation.
- (b) The reason the member believes that FRT use is necessary.
- (c) An explanation of how FRT may assist with the development of investigative leads.
- (d) A case identification number.

Members should submit all probe images of an incident in order to allow for thorough analysis and broader pool of potential suspects.

Requests for FRT submissions to department-approved intelligence centers (NDSLIC, MOCIC, FBI, DHS, etc.) shall be documented in the investigative report. Requests made to the North Dakota State and Local Intelligence Center (NDSLIC) shall be made via the NDSLIC request form for tracking purposes.

[See attachment: NDSLIC_Request_For_Information_Form.pdf](#)

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610.7 FRT SEARCHES

Authorized members may submit a probe image for analysis and comparison in conformity with this policy and the Criminal Investigations SOP (600).

Only lawfully obtained probe images shall be submitted for FRT comparison.

610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

610.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

- (a) The requesting officer's name and position.
- (b) Confirmation that the search was pre-approved pursuant to department procedures.
- (c) The purpose of the search.
- (d) Identification of the agency that performed the FRT comparison (NDSLIC, etc.).
- (e) The results of the search, including the number of investigative leads produced.
- (f) The additional means used to further substantiate the identify any person (e.g., interviews, phone data, bank records, review of open social media accounts, etc.).

Prior to submitting a case involving the use of FRT to a prosecutor, the investigating member shall review the case with their unit supervisor to ensure all practical investigative steps have been taken or attempted and that the use of FRT is further supported by additional independent investigative steps and evidence.

610.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

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610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

- (a) For the arrest of individuals based solely on FRT results.
- (b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.
- (c) For any non-law enforcement purpose.
- (d) As the sole basis for identification to establish probable cause in a criminal investigation.
- (e) To harass or intimidate any individual or group.
- (f) In any other manner that would violate applicable law, regulation, or policy.

Members shall only submit FRT requests to department-approved intelligence centers (e.g. NDSLIC, MOCIC, FBI, DHS, etc.). Members shall not utilize other independent police agencies or third party FRT entities.

610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy (804).

610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

610.12 TRAINING

Members whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

- (a) Capabilities and limitations of FRT.
- (b) FRT system functions and interpretation of results.
- (c) Data security and privacy concerns.
- (d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests).
- (e) Digital media handling and protections.

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- (f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching).
- (g) Principles of comparison.
- (h) Cognitive bias, confirmation bias, implicit bias, and automation bias.
- (i) Applicable policy, procedure, and federal and state law requirements.

The FRT coordinator shall maintain a record of each authorized member's training and ensure it is also forwarded to the Training and Development Unit (TDU) as part of the member's complete training record.

610.13 INITIAL ISSUANCE DATE 03/25/2026

Attachments

NDSLIC_Request_For_Information_Form.pdf



NORTH DAKOTA STATE AND LOCAL INTELLIGENCE CENTER

Request For Information (RFI) Form

Mon. – Fri. 0800 – 1700hrs. CST / Ph. 701-328-8172 / Email: ndslic@nd.gov

Requestor Name:

Agency:

Duty / Title:

City & State:

Email:

Contact Number:

REQUEST INFORMATION:

Case Number and Criminal Predicate¹:

Subject Information / Vehicle Information / Phone Information, etc.:

DATABASE / RECORDS / LAW ENFORCEMENT CHECKS:

CRIMINAL HISTORY ^{2,3} :	BORDER CROSSINGS ² :	FACIAL RECOGNITION ² :	FIREARMS ² :
COMMERICAL REPORTS:	HUMAN TRAFFICKING:	ND CJIS ² :	ND COURTS ² :
DRIVER REGISTRATION ² :	OFFLINE SEARCH ² :	LICENSE PLATE READER ² :	FinCEN ^{2,3} :
VEHICLE REGISTRATION ² :	OPEN SOURCE:	LAW ENFORCEMENT CONTACTS ² :	

The Release Forms must be downloaded directly from the web browser, after selection to save entered information.

- **CRIMINAL HISTORY RELEASE**
- **FinCEN RELEASE**

REQUEST URGENCY: ROUTINE:

***IMMEDIATE:**

**A phone call is required before or after an IMMEDIATE RFI is submitted with an explanation. If a call is not received the RFI will be handled as ROUTINE.*

ADDITIONAL COMMENTS:

By checking this box, you agree to abide by the following: All related information is based on the "need to know" and the "right to know". Misuse of information may adversely affect an individual's civil rights and violate state and federal laws and/or policies. By receiving Criminal Justice Information (CJI) you agree to comply with applicable law, rules, regulations, policies, and practices (i.e., FBI CJIS policy and Safeguarding For Official Use Only (FOUO), Controlled Unclassified Information (CUI), and Sensitive but Unclassified (SBU) Information) regarding its usage and dissemination.

¹ Criminal Predicate: What crime did the subject commit / being investigated for?

² Case Number and Criminal Predicate are required.

³ A Release Form must be completed and submitted before any queries or record checks will be completed.