



## Board Summary Report

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**File #:** 23-432

**Agenda Date:** 7/18/2023

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**To:** Board of County Commissioners

**Through:** Tyler S. Brown, Sheriff

**Prepared By:**

Dawn Johnson, County Attorney

**Presenter:** Travis Stewart, Public Safety Bureau  
Matthew Walker, Public Safety Bureau  
Dawn Johnson, County Attorney

**Subject:**

2:00 PM \*Notice of Intent to Use Facial Recognition Service

**Purpose and Request:**

This Board Summary Report is intended to serve as the Arapahoe County Sheriff's Office (ACSO)'s notice of intent to use Lumen's facial recognition service (FR) pursuant to C.R.S. § 24-18-302(1). ACSO further requests authorization to proceed to the public review and comment period on the draft Accountability Report regarding the Lumen FR.

**Background and Discussion:** The Lumen FR compares a probe image of an unknown suspect to a collection of images, consisting of booking photos, provided by the Colorado Information Sharing Consortium (CISC). Lumen software previously offered facial recognition technology in 2017, and ACSO successfully used the FR technology to solve crime in our service area from 2018 until July 2020, when Lumen disabled the FR technology pending passage of legislation providing clear guidelines for the use of facial recognition technology. Senate Bill 22-113, which was signed into law in June 2022, provides that guidance, and Lexis-Nexis, the vendor of the Lumen software, has re-enabled the FR component of the Lumen software. In light of the agency's prior success with using Lumen's FR technology, ACSO wishes to resume its use in accordance with the requirements of Senate Bill 22-113 to assist in solving crime.

As stated above, ACSO had been successfully using FR technology to identify previously unknown suspects involved in criminal activity in our service area. The images used in this technology were open-source images obtained from publicly available resources. In response to several societal changes surrounding law enforcement, the companies that normally provided this service in Colorado placed the software on hold pending legislature from the Colorado State Senate.

In 2022, the Senate approved SB 22-113 which outlined, in detail, the steps agencies would need to follow moving forward to adopt and implement FR technology. In accordance with the Bill, ACSO staff has developed a comprehensive FR use policy that will govern the agency's use of any type of FR technology. ACSO has also prepared a draft accountability report, as required by SB 22-113, to address its intended use of the Lumen product specifically. The policy addresses several measures the agency would take to ensure that comparison images are accurate and used to *assist* with developing probable cause but do not stand alone as probable cause to make an arrest. The policy is in line with the Senate Bill, which requires that probable cause to arrest be developed through further investigation. The FR technology would simply be a supporting factor in determining a suspect's identity and comparison images would continue to be obtained from open-source sites.

Before implementing this technology, SB 22-113 requires that the agency adopt policies for the use of FR technology, provide the Board with a notice of intent to use a particular FR technology, that the agency prepare a draft accountability report and make the draft available for public review and comment, and that the agency take those comments under consideration as ACSO finalizes the accountability report. The Bill requires that such feedback be solicited from the public in at least three public meetings to solicit community feedback. ACSO members have worked tirelessly to ensure that our procedures will be accurate, transparent and have several checks/balances to ensure no implicit bias is involved in the use of the FR technology.

Also attached to this report for additional reference, is an analysis of law enforcement implementation of FR that was prepared for ACSO by Matt Walker as part of a Capstone project through the University of Colorado Denver.

**Fiscal Impact:** There is no additional fiscal impact as the software used for this technology is paid for by the CISC (Colorado Information Sharing Consortium).

**Alternatives:** The alternative is to not approve the technology leaving police services far behind the times and leaving ACSO without a key avenue for investigating and solving crime. In a world where many of the crimes committed in society are caught on camera this would make identifying suspects increasingly difficult.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:** N/A.

**Concurrence:** The Sheriff's Office Administration and Public Safety Bureau are in concurrence with this decision.