

Facial Recognition Technology Working Group

Inaugural Meeting

1:00 PM on November 30, 2023

1st Floor Conference Room, Justice and Public Safety Cabinet

Members Present:

- Kerry B. Harvey, Secretary of the Justice and Public Safety Cabinet
- Nicolai Jilek, Commissioner of the Department of Criminal Justice Training
- PJ Burnett, Commissioner of Kentucky State Police
- Damon Preston, Public Advocate for the Department of Public Advocacy
- James D. Chaney, Kentucky League of Cities
- Phil Crumpton (Jim Henderson designee), Kentucky Association of Counties
- Shawn Butler, Kentucky Association of Chiefs of Police
- Jerry Wagner, Kentucky Sheriffs Association

Guests Present:

- Meredith Bales
- Amy Hess
- Peter Dooley
- Morgan Hall
- Natalie Burikhanov
- Nicole Megles
- Josh Nacey

Secretary Harvey called the first meeting of the Facial Recognition Technology Work Group and asked the members for comment on the draft that had been circulated. The members discussed the model policy, which had been circulated and consensus was reached on the following alterations to the draft policy:

- Section I (A) “to produce investigative leads which may assist in the:” added.
- Section I (A) (1) “basis to believe” changed to “good faith basis”.
- Section I (A) (1-6) “to identify” changed to “Identification of”.
- Section I (B) “in the event of a criminal investigation” added.
- Section I (B) “the suspect identified” changed to “the result provided”.
- Section II (C) “received” changed to “completed”.
- Section III (F) (4) “A description of any changes made to the probe photo” added.
- Section III (F) (4) “A summary of the result of the search, including if no results were returned” added.
- Section III (G) “The technology used shall have a [INSERT % HERE] minimum accuracy rate standard for face matches in all demographic groups to ensure nondiscrimination against any demographic group with reference to a Face Recognition Vendor Test Conducted by the National Institute of Standards and Technology” added.
- Section DISCLAIMER “However, KRS 61.9305(4) does require that prior to the use of facial recognition technology, a law enforcement agency shall have a use policy in place and that policy and any revisions to that policy be forwarded to the Justice and Public Safety Cabinet within 30 days of its adoption or revision before an agency may utilize facial recognition technology” added.

Staff will make these proposed changes and circulate a new draft to the Work Group. The next Work Group meeting will be a virtual meeting and will be scheduled at a later time.