

# United States Senate

WASHINGTON, DC 20510

July 27, 2018

Jeffrey Smith  
Chief of Police  
U.S. Supreme Court Police  
One First Street NE  
Washington, DC 20543

Dear Chief Smith:

We write to you today to request information regarding your use of facial recognition technologies. As these technologies have increased in availability and accuracy, and decreased in cost, we understand that as a law enforcement tool this technology would appear attractive.

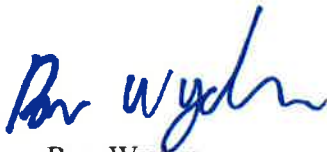
However, this technology comes with inherent risks, including the compromising of Americans' right to privacy, as well as racial and gender bias. As such, in exercising its oversight role, it is important for Congress to better understand the degree to which federal law enforcement agencies may be employing these new technologies. We would like additional information regarding federal law enforcement use. Please answer the following questions at your earliest convenience, and please respond no later than September 12, 2018.

1. Does your agency use, or has it used, any type image matching software capable of facial recognition?
  - a. Please provide as an addendum any relevant guidance your agency may have on the use of this software.
2. Please describe all circumstance where you use facial recognition, and what you hope to accomplish.
3. Please identify the databases that you run facial recognition searches against (e.g. mugshots from the FBI's NGI-IPS database, passport photos, and Florida drivers' licenses).
4. Do you conduct audits to determine the accuracy of facial recognition technology, if you use it? If so, please specify if those audits assess whether search results are biased on the basis of race, gender, ethnicity, or age. Please also provide the results of all audits.
5. Do you contract out to, or request assistance from, any entity regarding facial recognition? Which entities or agencies?
  - a. Please provide any relevant guidelines or memoranda outlining this relationship, including any audits or analysis you have undertaken to verify the use of facial recognition.
6. If you have purchased the use of facial recognition technology, please list the companies you have purchased this technology from.
7. Do you permit other federal, state, or local agencies to use your facial recognition capabilities? Which agencies?
  - a. Please provide any relevant policies or memoranda of understanding related to this.
8. Do you use facial recognition in public places or from photos obtained from public places?

9. Do you use facial recognition in real-time, or in any other configuration in which the system attempts to identify every individual captured in a live or recorded video?
10. Does your agency plan to use any type of image matching software capable of facial recognition in the future?

Thank you for your prompt attention to this matter. For any questions, please contact Zarinah Mustafa on Senator Wyden's staff at 202-224-5244.

Sincerely,



Ron Wyden  
United States Senator



Cory A. Booker  
United States Senator

Edward J. Markey  
United States Senator