



# Department of Public Safety and Correctional Services

## Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020  
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

December 1, 2017

LARRY HOGAN  
GOVERNOR

The Honorable Edward J. Kasemeyer  
Chair, Senate Budget and Taxation Committee  
3 West, Miller State Building  
Annapolis, Maryland 21401-1911

BOYD K. RUTHERFORD  
LT. GOVERNOR

STEPHEN T. MOYER  
SECRETARY

The Honorable Maggie McIntosh  
Chair, House Appropriations Committee  
Room 121, House Office Building  
Annapolis, Maryland 21401-1911

WILLIAM G. STEWART  
DEPUTY SECRETARY  
ADMINISTRATION

J. MICHAEL ZEIGLER  
DEPUTY SECRETARY  
OPERATIONS

DAVID N. BEZANSON  
ASSISTANT SECRETARY  
CAPITAL PROGRAMS

RE: Joint Chairmen's Report – Department of Public Safety and Correctional Services- Office of the Secretary- Q00A- Maryland Image Repository System's facial recognitions software, policies, procedures and oversight process

Dear Chairman Kasemeyer and Chairman McIntosh:

The 2017 Joint Chairmen's Report requires the Department to submit a report on Maryland Image Repository System's facial recognitions software, policies, procedures and oversight process. The following language requirements can be found on pages 118-119 of the 2017 Joint Chairmen's Report.

**Facial Recognition:** The Maryland Image Repository System is facial recognition software that allows law enforcement officers to compare images of unidentified individuals to images from State motor vehicle records and mugshots. The software has drawn criticism over privacy concerns. The Department of Public Safety and Correctional Services (DPSCS) should report on the following items by December 1, 2017:

- the audit and review process for the software, its use, and user involvement;
- the facial recognition system and process;
- the cost of maintaining the system;
- the number of authorized user logins per year since fiscal 2015;
- the number of users authorized to access the system;
- how user access is determined;

- all DPSCS written policies, procedures, and regulations related to the Maryland Image Repository System;
- the steps taken to create an oversight process and standards for the system that, to the extent possible, includes the new Maryland Police Training and Standards Commission; and
- the steps taken to protect citizen privacy.

I hope this letter and the attachments meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or the Director of Legislative Affairs, Rachel Sessa at 410-339-5022.

Sincerely,

A handwritten signature in blue ink that reads "Stephen T. Moyer". The signature is fluid and cursive, with the first name being the most prominent.

Stephen T. Moyer  
Secretary

Attachment: Report on the Maryland Image Repository System

cc: Senator James E. DeGrange, Sr., Chair, Senate Public Safety, Transportation,  
and Environment Subcommittee  
Delegate Keith Haynes, Chair, House Subcommittee on Public Safety and  
Administration  
Members of the Senate Budget and Taxation Committee  
Members of the House Committee on Appropriations  
Mr. Matthew Clark, Chief of Staff, Governor's Office  
Mr. Christopher Shank, Governor's Chief Legislative Officer  
Ms. Kenneth Weaver, Policy Analyst, Department of Legislative Services  
Mr. Kyle Mansfield, Budget Analyst, Department of Budget and Management  
Mr. Matthew Bennett, Counsel to the Budget and Taxation Committee  
Mr. Matthew Jackson, Counsel to the Appropriations Committee  
Ms. Cathy Kramer, Department of Legislative Services  
Ms. Sarah Albert, Department of Legislative Services

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**DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

The Maryland Image Repository System

December 2017

Governor Larry J. Hogan  
Lt. Governor Boyd K. Rutherford  
Secretary Stephen T. Moyer

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## I. INTRODUCTION

In the 2017 Joint Chairman's Report, in the language on pages 118-119, the Budget Committees made the following request:

**Facial Recognition:** The Maryland Image Repository System is facial recognition software that allows law enforcement officers to compare images of unidentified individuals to images from State motor vehicle records and mugshots. The software has drawn criticism over privacy concerns. The Department of Public Safety and Correctional Services (DPSCS) should report on the following items by December 1, 2017:

- the audit and review process for the software, its use, and user involvement;
- the facial recognition system and process;
- the cost of maintaining the system;
- the number of authorized user logins per year since fiscal 2015;
- the number of users authorized to access the system;
- how user access is determined;
- all DPSCS written policies, procedures, and regulations related to the Maryland Image Repository System;
- the steps taken to create an oversight process and standards for the system that, to the extent possible, includes the new Maryland Police Training and Standards Commission; and
- the steps taken to protect citizen privacy.

## II. OVERVIEW

The Maryland State Department of Public Safety and Correctional Services' (DPSCS) Information, Technology and Communications Division (ITCD) has housed and maintained the Maryland Image Repository System (MIRS) since 2011. MIRS is a digitized mug shot book used by law enforcement agencies throughout Maryland in the furtherance of their law enforcement investigation duties.

Law enforcement officials can use MIRS to compare images of unidentified individuals to images from Motor Vehicle Administration (MVA) records, DPSCS inmate case records, and mugshot photos sent into the DPSCS Criminal Justice

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System-Central Repository (CJIS-CR) from law enforcement agencies throughout the State at the time of an offender's arrest and booking. The sharing and use of these photos for law enforcement is provided for by law.<sup>1</sup> No uploaded images are saved and any images uploaded are only used to determine the highest probability that the uploaded image may relate to an MVA and/or DPSCS image within MIRS. In other words, MIRS does not provide "hits" or "matches" to the uploaded image of the unidentified individual.

### **1. The audit and review process for the software, its use, and user involvement**

The uploaded images are not stored in the MIRS database. The user's search results are saved under their session and are not available to any other user.

### **2. The facial recognition system and process**

MIRS is an off-the-shelf software program developed by Dataworks Plus. Images are uploaded into the system from MVA, DPSCS inmate case records, and mugshot photos sent into the DPSCS Criminal Justice System-Central Repository (CJIS-CR) from law enforcement agencies throughout the State at the time of an offender's arrest and booking. Members of law enforcement are able to upload an image to MIRS and that image is compared to the images within the system to determine the highest probability that the uploaded image may relate to an MVA and/or DPSCS image within MIRS.

### **3. The cost of maintaining the system**

In Fiscal Year 2017 the Department paid Dataworks Plus a total of \$185,124.24 to maintain the system.

### **4. The number of authorized user logins per year since fiscal 2015**

The MIRS system is only accessible via the Maryland Criminal Justice Dashboard (Dashboard). Dashboard is only available to law enforcement users with certain National Crime Information Center (NCIC) credentials. DPSCS/ITCD does not maintain the information of law enforcement user with the above credentials; rather, DPSCS/ITCD just validates the credentials of a user accessing the Dashboard to ensure that user is entitled to access the information contained within, up to and including MIRS. Therefore, DPSCS/ITCD does not have this information.

### **5. The number of users authorized to access the system**

The MIRS system is only accessible via the Maryland Criminal Justice Dashboard (Dashboard). Dashboard is only available to law enforcement users with certain

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<sup>1</sup> See Md. Code Ann., Gen. Prov., §4-320 (f) (1); Md. Code Ann., Corr. Servs., §§3-601-3-602; and 92 Opinions of the Attorney General 26, 28 (2007); ("public record" includes police mug shots).

National Crime Information Center (NCIC) credentials. DPSCS/ITCD does not maintain the information of law enforcement user with the above credentials; rather, DPSCS/ITCD just validates the credentials of a user accessing the Dashboard to ensure that user is entitled to access the information contained within, up to and including MIRS. Therefore, DPSCS/ITCD does not have this information.

#### **6. How user access is determined**

The MIRS system is only accessible via the Maryland Criminal Justice Dashboard (Dashboard). Dashboard is only available to law enforcement users with certain National Crime Information Center (NCIC) credentials. DPSCS/ITCD does not maintain the information of law enforcement user with the above credentials; rather, DPSCS/ITCD just validates the credentials of a user accessing the Dashboard to ensure that user is entitled to access the information contained within, up to and including MIRS. Therefore, DPSCS/ITCD does not have this information.

#### **7. All DPSCS written policies, procedures, and regulations related to the Maryland Image Repository System**

Since it is required that a user has certain NCIC credentials to access MIRS for law enforcement investigatory purposes, DPSCS/ITCD does not provide policy direction. Local law enforcement agencies in the State are responsible for establishing a policy regarding the use of MIRS and decide when, where, and how it is used.

#### **8. The steps taken to create an oversight process and standards for the system that, to the extent possible, includes the new Maryland Police Training and Standards Commission**

Since it is required that a user has certain NCIC credentials to access MIRS for law enforcement investigatory purposes, DPSCS/ITCD does not provide policy direction. Local law enforcement agencies in the State are responsible for establishing a policy regarding the use of MIRS and decide when, where, and how it is used.

#### **9. The steps taken to protect citizen privacy**

The steps taken to protect citizen's privacy are inherent in the photos that are uploaded into the system and the way that the system is accessed. DPSCS/ITCD only uploads photos that it is authorized to have and authorized to share pursuant to law and/or related to the duties of the Department. The law enforcement users accessing MIRS are entitled to the photos contained therein pursuant to law and/or related to the duties of their respective agencies. Lastly, as stated, access is only by law enforcement users with the necessary NCIC credentials and for law enforcement investigatory purposes.

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