



# Office for Civil Rights and Civil Liberties

## Summary of CRCL Recommendation Memorandum and ICE's Response *Use of Facial Recognition Databases*

On January 30, 2023, U.S. Customs and Immigration Enforcement (ICE) responded to a *Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about ICE's use of databases containing facial images and other sensitive personal information. ICE concurred with one of CRCL's recommendations and non-concurred with two.

### Background

In February 2020, CRCL opened a complaint based on a [Washington Post article](#) that reported that ICE had conducted facial-recognition searches on millions of driver's license photos in a Maryland database without receiving approval from either the state or a court. According to the article, immigrant rights groups alleged that ICE was conducting enforcement actions on undocumented noncitizens by accessing their driver's license photos in this database. The article alleged concerns about a potential chilling effect on noncitizens seeking drivers' licenses in Maryland.

### Investigation

CRCL reviewed information from Enforcement and Removal Operations (ERO) and Homeland Security Investigations (ICE) related to their access to the Maryland Dashboard, a central access point which includes access to the Maryland Image Repository System (MIRS), and ICE's policies regarding the use of databases containing facial images. CRCL concluded that both ERO and HSI had access to the Maryland Dashboard and that officers would only access MIRS to advance a lead in a specific investigation, not to generate a lead in an enforcement action. ICE also informed CRCL that facial-recognition was removed from the Maryland Dashboard in July 2021 and that ERO did not have access to any other facial-recognition software. CRCL found that ERO's use of the Maryland Database specifically and facial-recognition software more generally lacked procedures for oversight and accountability.

### Recommendations

On September 30, 2022, CRCL issued ICE a *Recommendation Memorandum* with three recommendations regarding ICE's use of facial-recognition databases. On January 30, 2023, ICE concurred with one recommendation and non-concurred with two.

ICE agreed that HSI should fulfil supervisory audit requirements that are established in HSI's policy that governs the use and access of facial-recognition database. ICE did not agree with CRCL's recommendations related to ERO's oversight and access of facial-recognition databases.

*CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

April 24, 2023