

MEMORANDUM OF UNDERSTANDING
between the
LINCOLN POLICE DEPARTMENT
and the
NEBRASKA DEPARTMENT OF MOTOR VEHICLES

I. Parties

This Memorandum of Understanding (MOU) is an agreement between the Lincoln Police Department (LPD), and the Department of Motor Vehicles (DMV), hereinafter the Parties. The purpose of this MOU is to specify the terms and conditions for LPD access to and use of the Facial Recognition System (FRS) to carry out functions of the LPD.

II. Purpose

This MOU is intended to enhance law enforcement and the working relationship between the LPD and the DMV Driver and Vehicle Records Division to assist those individuals who are victims of identity theft and for investigation of criminal activity using images and signatures stored in FRS. Authorized employees of the LPD and the DMV will carry out the requirements of the MOU.

III. Legal Authority

The statutes provided for in this MOU include, but are not limited to, the following:
Nebraska Revised Statute § 60-484.02; Uniform Motor Vehicle Records Disclosure Act,
Nebraska Revised Statutes §60-2901 through 60-2912.

This MOU shall be interpreted to incorporate any amendments to the above statutes by the Nebraska Legislature as may be applicable during the term of the MOU.

III. Implementation

A. The LPD:

1. Agrees to restrict the access to the DMV FRS images to two employees of the LPD and to provide the DMV with the name, address, and contact information for these employees. Access to and use of images and signatures of individuals stored in DMV databases shall be used solely to carry out the purposes of this MOU as assigned by the DMV to LPD pursuant to the terms and conditions of this MOU. Any access, disclosure, or use of any image or signature for any other purpose beyond the terms and conditions of this MOU is prohibited and shall be considered a breach of the MOU.
2. Agrees to make no facial recognition comparison request except for a case being investigated and /or prosecuted in a criminal manner.
3. Understands that the FRS results provided by the DMV are to assist in furthering an ongoing investigation or criminal matter and cannot be used as the sole reason for arrest.

Jarvis, Kenny

From: Baylor, John
Sent: Thursday, March 02, 2017 2:46 PM
To: LPD1178@lincoln.ne.gov
Cc: Jarvis, Kenny
Subject: Facial Recognition MOU
Attachments: 0531_001.pdf

JJ,
Here's the MOU extension. Let me (and Kenny) know what happens.

John Baylor, Attorney
Department of Motor Vehicles
402-471-3870

4. Agrees to adhere to the requirements of Neb.Rev. Stat. §60-484.02 and §60-2901 through 60-2912 and agrees that no employee, contractor, or agent of LPD shall allow disclosure of images and signatures except to federal, state or local law enforcement agencies or a certified law enforcement officer employed in an investigative position by a federal state, or local agency for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions or as otherwise may be authorized by action of the Nebraska Legislature.
5. Agrees to enforce all applicable laws and security protocols for handling and processing of images and signatures accessed pursuant to this MOU to prevent any access, use, or disclosure other than as provided in this MOU.

B. The DMV agrees to:

1. Provide two FRS and VPN user IDs and passwords to be used to access images and signatures in the FRS for the sole use of the two identified employees of LPD referred to in paragraph III, A, 1 above.
2. Provide LPD with access to FRS and the available DMV images and signatures subject to the conditions of this MOU.
3. Provide LPD with the names, addresses, and telephone numbers of contact persons within the DMV regarding any questions or problems which may arise in connection with the FRS.
4. Provide to LPD training and assistance necessary to use FRS.

IV. Effective Date and Term of the MOU

This MOU is effective upon the date the authorized representatives of both parties have signed the MOU. This MOU shall expire in four years from that date. This MOU may be extended in writing signed by the authorized representatives of both parties for two four-year terms.

V. Modification.

This MOU may be modified in writing signed by the authorized representatives of both parties.

VI. Costs

DMV and LPD will each be responsible for costs incurred by the respective agency in furtherance of this MOU.

VII. Termination

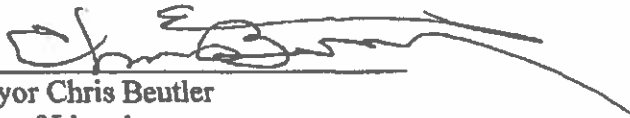
This MOU may be terminated by either party upon 30 days prior written notice to the other party. DMV may terminate this MOU without prior notice if deemed necessary because of a requirement of law or policy, upon a determination by DMV that there has been a breach of this MOU, upon a determination by DMV that there has been a breach of system integrity or security

by LPD, upon a failure by LPD to comply with established procedures or legal requirements, or for reasons of government necessity.

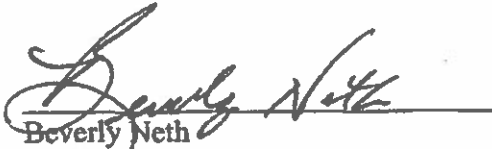
Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the State of Nebraska, its agencies, officers, or employees or against DMV or LPD or employees or officers of DMV or LPD.

The foregoing constitutes the full agreement on this subject between the LPD and the DMV.

The undersigned represent that they are authorized to enter into this MOU on behalf of the Lincoln Police Department and the DMV, respectively.



Mayor Chris Beutler
City of Lincoln




Beverly Neth
Director
Nebraska Dept. of Motor Vehicles

Feb. 7, 2013
Date

Jan 18, 2013
Date

LEGAL REVIEW COMPLETED

Date 4/18/13

Signature 

MEMORANDUM OF UNDERSTANDING
Between the
LINCOLN POLICE DEPARTMENT and the DEPARTMENT OF MOTOR VEHICLES

EXTENSION 1

INTRODUCTION

This extension of the above agreement is entered into by and between the Nebraska Department of Motor Vehicles (hereinafter "DMV") and the Lincoln Police Department (hereinafter "LPD"). The purpose is to continue the MOU between the parties first effective on February 7, 2013. Its purpose is to specify the terms and conditions for LPD access to and use of the DMV Facial Recognition System to carry out functions of the LPD.

TERM

This extension shall take effect upon February 7, 2017 and remain in effect for four years or until amended or terminated as provided in the original MOU.

SCOPE OF EXTENSION

The MOU is extended as specified in the TERM provision above, pursuant to subsection IV of the original MOU.

All provisions of the original MOU shall remain in full force and effect.

EXECUTED by the duly authorized representatives of the parties on the dates indicated below.

BY: Rhonda K. Lahm
Rhonda Lahm, Director
State of Nebraska
Department of Motor Vehicles

BY: Chris Beutler
Mayor Chris Beutler
City of Lincoln

DATE: 1 Mar 2017

DATE: March 30, 2017

LEGAL REVIEW COMPLETED

Date Feb 26, 2017

Signature J. Baugher

17R-89

Introduce: 3-20-17

RESOLUTION NO. A- 90330

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
 2 That Extension 1 to the Memorandum of Understanding between the City of
 3 Lincoln, on behalf of the Lincoln Police Department, and the Nebraska Department of
 4 Motor Vehicles for the use of the Department of Motor Vehicles' Facial Recognition
 5 System for a four-year term, upon the terms and conditions set forth in said Extension 1
 6 to the Memorandum of Understanding, a copy of which is attached hereto marked as
 7 Attachment "A" and made a part hereof by reference, is hereby accepted and approved
 8 and the Mayor is authorized to execute said Memorandum of Understanding on behalf
 9 of the City.

10 The City Clerk is directed to send an executed copy of Extension 1 to the
 11 Memorandum of Understanding to Tonya Peters, Lincoln Police Department, for
 12 transmittal to the Nebraska Department of Motor Vehicles.


Introduced by:



Approved as to Form & Legality:

AYES: Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm,
Raybould; NAYS: None;
ABSENT: Camp.


City Attorney

Approved this 30th day of March, 2017:

 Mayor

ADOPTED
MAR 27 2017
BY CITY COUNCIL

CITY OF LINCOLN REQUEST FORM

Submit one original to City Clerk

REQUEST FOR (please check one): ORDINANCE RESOLUTION

DESIRED DOCKET DATE: 3/13/17

REQUEST MADE BY: Michele Salvage

DEPARTMENT: Police

TO BE COMPLETED BY CITY CLERK	
BILL #:	17R-89
DATE:	3/10
INTRO:	3/20
P.H.:	3/27

EMERGENCY MEASURE REQUIRED: No Yes
 IF EMERGENCY, GIVE REASON (See Art. 5, Sec. 2 of Charter):

DIRECTOR'S EST'D TIME/TESTIMONY, please check one:

0 - No Hearing (Consent Agenda) 1 - Short 2 - Average 3 - Long

REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION:

Approval of extension of Memorandum of Understanding between the State of Nebraska Department of Motor Vehicles and City of Lincoln, Police Department, for the use of DMV's Facial Recognition System. The extension is for four years there is still one option to renew. Original MOU was approved under resolution A87197 2/4/13 and signed by Mayor 2/7/13.

Send executed copy back to Michele Salvage to get to NE DMV.

FILED
MAR 10 2017
 CITY CLERK'S OFFICE

DOES REQUESTOR WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION?

DOES DOES NOT



DIRECTOR'S SIGNATURE

3-8-2017

DATE

TO BE USED BY THE FINANCE DEPARTMENT

BUDGET REVIEW:

DATE:

ACCOUNT NUMBER AND APPROPRIATE BALANCES:

DATE:

FUND AVAILABILITY APPROVED

DATE:



FINANCE DIRECTOR'S SIGNATURE

3-10-2017

DATE

City Council Introduction:

BILL NUMBER:

17R-89

Public Hearing:

Date Factsheet Prepared: 3/8/17

FACTSHEET

Instructions: If a question does not apply, just put "NA". Please try to keep it to ONE page only. Submit one original, with your Request Form, to City Clerk.

TITLE: MOU extension with DMV

BOARD/COMMITTEE: N/A

APPLICANT: Lincoln Police Department

RECOMMENDATION:

**STAFF
RECOMMENDATION:**

**OTHER DEPARTMENTS
AFFECTED:** N/A

SPONSOR: Lincoln Police Department

OPPONENTS:

REASON FOR LEGISLATION

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DISCUSSION / FINDINGS OF FACT:

POLICY OR PROGRAM CHANGE: ___ Yes No

OPERATIONAL IMPACT ASSESSMENT: None

COST OF TOTAL PROJECT: N/A

RELATED ANNUAL OPERATING COSTS: N/A

SOURCE OF FUNDS: N/A

CITY: N/A

NON CITY: N/A

FACTSHEET PREPARED BY: Michèle Selvage

DATE: 3/8/17

REVIEWED BY: Tonya Peters

DATE: 3/8/17