|	
From:	Sprouse, Douglas B. (CJIS) (FBI) <dbsprouse@fbi.gov>
Sent:	Thursday, February 28, 2019 12:53 PM
To:	Marla McHughes
Subject:	FBI CJIS Division FACE Services Unit
Attachments:	Arkansas_FACE_MOU.pdf

Marla,

It was nice to speak with you today. I have a few things for you...

1. The MOU is attached. The original MOU was signed in 2013. This MOU was renewed in 2017. An internal requirement for us is to revisit all agreements every three years. Facial recognition is ever evolving, so we renewed the template to address information security and privacy.
2. The MOU states that we send 6 requests per week, however, Misty and company has agreed to process up to 5 per day. I understand that this rarely happens, so I was wondering if we can keep the status quo until it becomes a problem.
3. I intend to email Juanita this afternoon to introduce ourselves, to obtain her LEO email address, and to let her know that requests will be sent to her. Is that ok? May I copy you on the email?
4. The FACE Services had a major success story that involved the AR DFA back in 2015. Long story short, we were able to apprehend a 19 year FBI fugitive with information you provided us.

Please let me know when you would like to sit down with everyone in the virtual room to discuss this facial recognition operation.

Have a Great Day!!
Doug

Douglas B. Sprouse
FBI CJIS Division
FACE Services Unit
304.625.2111
dbsprouse@fbi.gov
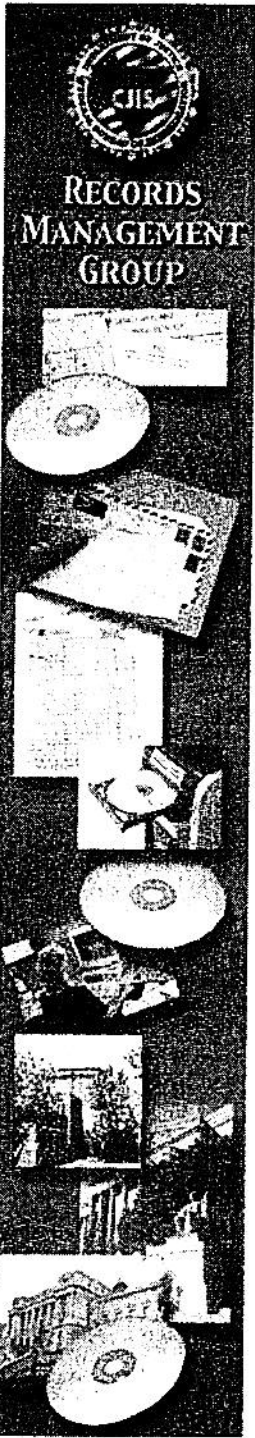
CJIS AGREEMENT ROUTING SLIP

Sponsoring Office: _FACE_ Section: _BSS_ Date _3/13/2017_
Author: _Mack A Carvelli_ Extension _2797_
New Agreement _____ Renewal Agreement _✓_ Amendment _____
Entered into the CJIS Agreement Summary Database: Yes _✓_ No_____
OGC Reviewed/Approved email attached: Yes _✓_ No _____
****

Sponsoring Office Review:

Unit Secretary: _Stacey Blackhurst_	Date _3/13/17_	☐ NA
Section Secretary: _____	Date _____	☐ NA
Supervisor: _Nicholas Brownell_	Date _3/20/17_	☐ NA
Unit Chief: _Ellis_	Date _3/15/17_	☐ NA
Section Chief: _____	Date _____	☐ NA
DAD: _X_____	Date _4/4/2017_	☐ NA
Other: _Sonya Bennett_	Date _3/13/17_	☐ NA
Other: _____	Date _____	☐ NA
Other: _____	Date _____	☐ NA

****

Additional Section Review:

Other Section Review Required   Yes_____ No_____

Unit Secretary: _____	Date _____	☐ NA
Section Secretary: _____	Date _____	☐ NA
DAD Secretary: _____	Date _____	☐ NA
Supervisor: _____	Date _____	☐ NA
Unit Chief: _____	Date _3/21/17_	☐ NA
Section Chief: _MQ 3/16_	Date _____	☐ NA
DAD: _____	Date _____	☐ NA
Other: _____	Date _____	☐ NA
Other: _____	Date _____	☐ NA
Other: _____	Date _____	☐ NA

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If additional Section Review required please print
additional routing slip and attach
****

Centralized Office Final Review/Routed to AD or Designated Approver

Name _Anna K Mayers_ Date _4/25/17_
Renewal: 8190-HQ-A1487718-CJIS 1083

CARVELLI, MARK A. (CK) (FBI)

From:	WELCH, VANESSA A. (OGC) (FBI)
Sent:	Thursday, March 09, 2017 2:51 PM
To:	CARVELLI, MARK A. (CK) (FBI)
Cc:	BOKEY, LORI L. (CK) (FBI); TAYLOR, BETSY C. (CK) (FBI); PANARELLA, ROXANE (CK) (FBI); CHANEY, CHRISTOPHER (CK) (FBI)
Subject:	FW: Arkansas MOU --- UNCLASSIFIED
SentinelCaseId:	TRANSITORY RECORD

Classification: UNCLASSIFIED
==
TRANSITORY RECORD

All –

Please find attached to this email the approved FACE/Arkansas MOU. I failed to correctly attach it to my legal sufficiency email sent earlier this afternoon.

Please let me know if you have any questions.

Best,

Vanessa

From: CARVELLI, MARK A. (CK) (FBI)
Sent: Thursday, March 09, 2017 1:42 PM
To: WELCH, VANESSA A. (OGC) (FBI)
Subject: Arkansas MOU --- UNCLASSIFIED

Classification: UNCLASSIFIED
==
TRANSITORY RECORD

Vanessa,

Attached is the final version of the Arkansas MOU. Can you please have it reviewed and the ok for sufficient email for signature.

Let me know if I need to do anything else.

Arkansas_FR_MO
J_03092017_Final..

Mark A. Carvelli,
Management and Program Analyst
FACE Services unit

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CARVELLI, MARK A. (CK) (FBI)

From:	WELCH, VANESSA A. (OGC) (FBI)
Sent:	Thursday, March 09, 2017 1:48 PM
To:	CARVELLI, MARK A. (CK) (FBI)
Cc:	CAVIS, LESLIE L. (CK) (FBI); PANARELLA, ROXANE (CK) (FBI); TENNANT, DEBRA L. (CK) (FBI); CHANEY, CHRISTOPHER (CK) (FBI); BOKEY, LORI L. (CK) (FBI)
Subject:	RE: Arkansas MOU --- UNCLASSIFIED
Follow Up Flag:	Follow up
Flag Status:	Flagged
Categories:	Red Category
SentinelCaseId:	TRANSITORY RECORD

Classification: UNCLASSIFIED
===
TRANSITORY RECORD

Mark -

The Office of the General Counsel (OGC) has reviewed the attached MOU for the Arkansas Department of Finance and Administration and deems it to be legally sufficient. As with all MOUs, please keep in mind the recordkeeping requirements set forth in Section 4 of the FBI Memoranda of Understanding & Non-Contractual Agreements Policy Implementation Guide (O273PG). Each original MOU (bearing the original signatures) must be sent to the CJIS Division Records Management Group (RMG) for serializing and uploading. Also, any changes to the document will require review and approval by OGC.

Vanessa Welch

From: CARVELLI, MARK A. (CK) (FBI)
Sent: Thursday, March 09, 2017 1:42 PM
To: WELCH, VANESSA A. (OGC) (FBI)
Subject: Arkansas MOU --- UNCLASSIFIED

Classification: UNCLASSIFIED
===
TRANSITORY RECORD

Vanessa,

Attached is the final version of the Arkansas MOU. Can you please have it reviewed and the ok for sufficient email for signature.

Let me know if I need to do anything else.

<< File: Arkansas_FR_MOU_03092017_Final.docx >>

Mark A. Carvelli,

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION

AND

THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

CONCERNING THE SEARCH OF FBI PHOTOS AGAINST THE
THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION FACIAL
RECONGNITION DATABASE

I. **PURPOSE**

The purpose of this Memorandum of Understanding (MOU) is to document the agreed responsibilities and functions of the Parties with respect to conducting searches of the ARKANSAS (AR) DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) face recognition (FR) database, which contains driver's license (DL) photos. These searches will be performed for the purpose of comparing Federal Bureau of Investigation (FBI) investigative photos against photos housed in the AR DFA FR database to obtain information that will advance active FBI investigations, apprehend wanted fugitives or known or suspected terrorists, and locate missing persons nationwide.

II. **PARTIES**

A. The FBI, Criminal Justice Information Services (CJIS) Division, Biometric Services Section (BSS), FACE Services Unit provides investigative support to FBI field offices and headquarters divisions. The CJIS Division's Assistant Director is the FBI's point of contact (POC) for this MOU. For day-to-day operations of the activities described within this MOU, the FBI POC is the FACE Services Unit's management and its Management and Program Analysts.

B. DFA Office of Driver Services Facial Recognition Section (FR Section) provides facial recognition background reviews on every DL and identification card issued in Arkansas. The FR Section also provides investigative support to law enforcement when requested.

For the purposes of this MOU, the Arkansas DFA POC is the Administrator of the Office of Driver Services. For certain day-to-day operations of the activities described by this MOU, the FACE Services Unit will contact the Arkansas DFA Office of Driver Services Administrator, Tonie Shields.

III. **AUTHORITIES**

A. The FBI enters into this MOU pursuant to Title 28, United States Code (U.S.C.), Sections 533 and 534; Title 28, Code of Federal Regulations, § 0.85, and 18 U.S.C. § 2721.

B. The State of Arkansas is authorized to share DL information with the FBI pursuant to Title 18, U.S.C. Section 2721 (b) (1).

IV. BACKGROUND INFORMATION

The FACE Services Unit provides a face recognition service in which authorized FBI personnel submit a photo (probe) of a subject of interest in an active FBI investigation. These probe photos are searched against databases authorized for use by the FBI, which results in a photo gallery of potential matches (candidates). The FACE Services Unit performs comparisons of candidate photos against the probe photo to determine a candidate's value as an investigative lead. If a most-likely candidate is found, it is provided to the requesting FBI personnel. This service does not provide positive identification, but rather, an investigative lead and analysis to support that lead.

Under the terms of this MOU, the AR DFA will search the FBI-submitted probe to the AR DFA FR database, and candidates produced as a result of the search will be sent by the AR DFA to the FACE Services Unit. The number of candidates provided to the FACE Services Unit is dependent upon the searching threshold set by the AR DFA.

V. SPECIFIC RESPONSIBILITIES

A. The FBI will:

1. Submit probe photos via Law Enforcement Online (LEO)-to-LEO e-mail to the AR DFA for the purpose of comparing the probe photos with photos in AR DFA FR database. The LEO is accredited and approved by the FBI for Sensitive-but-Unclassified law enforcement information.

2. Manually analyze, compare, and evaluate the returned candidate photo gallery against the probe photo to determine the existence of a most-likely candidate.

3. Request additional biographical information associated with each photo determined to be a most-likely candidate via a secure email communication according to the requirements of AR DFA.

4. Submit the photo(s) of any most-likely candidate(s) to be searched against the FBI's Next Generation Identification Interstate Photo System in order to locate any additional photos and associated arrest

information relating to the most-likely candidate(s) and/or identify additional potential candidates.

The results of this search will be compared and analyzed against the original probe photo(s). Once the analysis is complete, the most-likely candidate photo(s), along with any associated information, will be provided to the requesting FBI personnel as an investigative lead.

5. Store photo images and information associated with any most-likely candidate(s) in the FBI case management system for record keeping purposes.

6. Immediately destroy all other photos and information not associated with a most-likely candidate.

B. The AR DFA will:

1. Apply for a LEO e-mail account through the LEO Operations Unit.

   Search FACE Services Unit-submitted probe photos against the AR DFA FR database. AR DFA will process 6 probe photo requests per week. Any additional requests will be addressed on a case by case basis. The number of face recognition requests per week will be reviewed periodically and adjusted as necessary to meet the needs of both parties.

2. Return electronic photos and DL/ID card number of all candidates to the FACE Services Unit via LEO e-mail in a timely and prompt manner.

3. Upon request, return additional biographical information associated with each photo determined by the FACE Services Unit to be a most-likely candidate.

4. Ensure that only authorized AR DFA personnel will handle requests submitted by the FBI. Authorized AR DFA personnel refers to personnel who are currently trained to perform FR queries against the AR DFA FR database for law enforcement purposes. Names of these predetermined personnel will be submitted to the FACE Services Unit for the purpose of establishing and maintaining communications with those AR DFA personnel.

VI. PROTECTION OF FBI INFORMATION

The probe photos submitted by the FACE Services Unit constitute federal information on loan from the FBI that must be returned to the FBI upon request and which may only be utilized with the FBI's express, written consent. Federal law governing access to federal information supersedes conflicting state laws. These probe photos are exempt

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from disclosure under the Freedom of Information Act. To further the protection of FBI information:

A. The probe photo images and data received from the FACE Services Unit shall not be further disseminated or used, including electronic transmission by any internal or external AR DFA system, except as necessary to effectuate this agreement.

B. No logs of FBI requests shall be kept or notations made on an individual's record or elsewhere regarding information provided to the FBI.

C. The sharing and/or dissemination of any information associated with the FACE Services Unit's requests beyond authorized personnel is prohibited.

D. All probe photo images and data submitted by the FACE Services Unit shall be destroyed once the search has been completed and the response has been sent to the FACE Services Unit via LEO.

E. Upon receipt of a request for FBI information provided under this MOU, AR DFA will immediately notify the FACE Services Unit.

VII. PRIVACY AND SECURITY

A. The information exchanged under this MOU may identify U.S. persons whose information is protected by the Privacy Act of 1974. The FBI will ensure that all such information is handled lawfully pursuant to the provisions thereof. The AR DFA will comply with its own state privacy laws.

B. For purposes of this MOU, Personally Identifiable Information (PII) is defined as information which can be used to distinguish or trace an individual's identity, including any personal information which is linked or linkable to a specific individual. Examples of PII are name, social security number, date of birth, place of birth, citizenship, mother's maiden name, face images, fingerprints, and other biometrics.

C. Each party that discloses PII is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.

D. Each party will immediately report to the other party each instance in which information received from the other party is used, disclosed, or accessed in an unauthorized manner (including any information losses or breaches).

E. All transmissions of probe photos submitted by the FACE Services Unit to the AR DFA and responses returned to the FACE Services Unit will be made through a LEO-to-LEO e-mail connection.

F. The AR DFA will ensure user accounts and authorities granted to its personnel are maintained in a current and secure "need-to-know" status.

G. The FACE Services Unit will use the information provided by AR DFA only for lawful and authorized purposes.

H. Each party shall be responsible for the safeguarding of any equipment used by it to access records under this MOU, and shall limit access to authorized users and to members within each chain of command who have been properly instructed as to their duties and responsibilities under this MOU, on a need to know the information basis.

I. Each party shall implement procedures to ensure that such equipment is located in a secure area and to prevent information, including any printed copies of records, from being viewed by individuals not authorized to use the equipment and/or not authorized to have access to this information.

VIII. EFFECT OF THIS AGREEMENT

A. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable by law or otherwise against any of the parties, their parent agencies, the United States, or the officers, employees, agents, or other associated personnel thereof. The parties will seek to resolve any disputes regarding this MOU by mutual consultation.

B. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties of the matters described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the language in this MOU in no way implies that funds will be made available for such expenditures.

C. This MOU does not constitute an agreement for any party to assume or waive any liability or claim under any applicable law.

D. This MOU does not change or limit any legal discovery obligations that otherwise apply in any particular case.

E. Each party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing party, and that information is only made available to the receiving party as may be permitted by law, regulation, policy, or procedure applicable to the disclosing party.

F. Each party will provide appropriate training regarding the responsibilities under this MOU to individuals whose responsibilities are covered by the provisions of this MOU.

IX. **EFFECTIVE DATE, MODIFICATION, AND TERMINATION**

A. This agreement shall be effective when executed by all of the parties and will continue in effect until terminated. This agreement may be modified at any time by written consent of all parties.

B. This MOU may be terminated, with respect to any party, at any time upon written notice of withdrawal to all other parties. Any party desiring to withdraw from this MOU will endeavor to provide such written notification to all parties at least thirty (30) days prior to withdrawal. This MOU will be reviewed annually to ensure that the terms remain current, complete, and relevant.

C. This MOU, in nine distinct sections, is the exclusive statement of the parties with respect to its subject matter and supersedes any and all prior agreement, negotiations, representations, and/or proposals, written or verbal, relating to its subject matter.
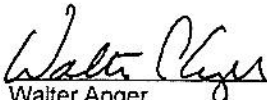
FOR THE FEDERAL BUREAU OF INVESTIGATION

_____   4/25/17
Douglas E. Lindquist   Date
Assistant Director
Criminal Justice Information
Services Division

FOR THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

_____   4/28/17
Walter Anger   Date
Commissioner of Revenue
The Arkansas Department of Finance and Administration

From:	Sprouse, Douglas B. (CJIS) (FBI) <dbsprouse@fbi.gov>
Sent:	Thursday, May 23, 2019 9:49 AM
To:	Marla McHughes
Subject:	RE: Arkansas Driver License Oaths

Thank you so much for researching that topic for me.

Douglas B. Sprouse
FBI CJIS Division
FACE Services Unit
304.625.2111
dbsprouse@fbi.gov

From: Marla McHughes <Marla.Mchughes@dfa.arkansas.gov>
Sent: Thursday, May 23, 2019 10:47 AM
To: Sprouse, Douglas B. (CJIS) (FBI) <dbsprouse@fbi.gov>
Subject: FW: Arkansas Driver License Oaths

Good Morning,

After reviewing the oaths in Arkansas, there is nothing telling the citizen that their photo will or will not be shared with law enforcement for the purposes of an investigation.

Thanks,

Marla McHughes, Interim Administrator
Arkansas Office of Driver Services
1900 West 7th Street Room 2067
Little Rock, AR 72201
501-682-7061

http://mydmv.arkansas.gov

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Marla McHughes

From:	Sprouse, Douglas B. (CJIS) (FBI) <dbsprouse@fbi.gov>
Sent:	Friday, July 12, 2019 9:25 AM
To:	Marla McHughes
Subject:	FBI Facial Recognition

Marla,

I am following up on a letter that was recently sent to you by the FBI CJIS Division Assistant Director. Congress has recommended that the FBI learn more about its partners' systems, so a questionnaire was created that contains approximately 10 questions. Should you have any questions or would like to discuss the contents of the letter, please feel to contact me at your convenience.

The FBI FACE Services Unit looks forward to a continued productive facial recognition relationship with you.

Sincerely,

Douglas B. Sprouse
FBI CJIS Division
FACE Services Unit
304.625.2111
dbsprouse@fbi.gov

July 20, 2019
Arkansas Facial Recognition Algorithm Questions and Answers:

1) What facial recognition algorithm do you currently use within your system (e.g., algorithm vendor and version number)?
Vendor is IDEMIA Identity and Security North America Solution is Biometric Identification (BI) 4.10 with algorithm ███

2) Is your facial recognition system configured to always return a candidate list of a fixed (or specified) size or does it return candidates over a given match score threshold.
The system deployed returns candidates with similarity values over a specific threshold.

3) Was the algorithm tested to verify it met defined system performance requirements before your purchase (e.g., National Institute of Science and Technology Facial Recognition Vendor Test, or your organization's internal regression tests)? If so, please provide your defined system performance requirements (e.g., false negative identification rate, false positive identification rate, true positive identification rate, etc.) as it applies to your system configuration.
IDEMIA participates each year in NIST's FRVT tests. Our algorithms consistently perform in the top levels of results in these tests and specific performance data from the most recent test can be obtained at https://nvlpubs.nist.gov/nistpubs/ir/2018/NIST.IR.8238.pdf. Reports for previous years are also available on the NIST website.
IDEMIA also performs extensive regression tests on each new version of our algorithm to confirm accuracy and speed improvements

4) If the system was tested prior to purchase, what were the results of the test in comparison to your established system performance requirements?

The system performed up to the expectations of the Department. Our current system performs in the top levels each year in NIST's FRVT test.

5) Was your algorithm procured with a federal grant? No

Organizational Questions:

1) When did your organization first implement automated facial recognition technology? 2007

2) Have all your staff who perform facial recognition comparison completed facial recognition training?
   a. If so, what training did they take?
      Employees were trained by IDEMIA our current vendor for the current system.
   b. Is this training based on Facial Identification Scientific Working Group (FISWG) standards?
      I am unsure if the IDEMIA training was based on the FISWG standards.
   c. Did in-house staff, a vendor of the FBI perform the training? Vendor
   d. Was the training specifically intended to increase accuracy of candidates found? Yes
   e.

3) **How does your organization measure successes resulting from facial recognition searches performed against your DMV repository (e.g., fraud detection, support of criminal investigations, etc.)?**

Success is measured by the Facial Recognition Analysists that discover people who are trying to commit identity theft by getting credentials in someone else's name whether it is by having their photo on someone's record that isn't theirs or they have more than one record in our system under more than one name. Besides fraud, Facial Recognition Analysists look for errors on individuals records and correct them.

4) **Would you share statistics on your facial recognition use?** No

5) **Has your use of automated facial recognition technology in criminal fraud cases let to prosecution? If so, How many?**

Yes. There has been at least one who has been prosecuted and at least two more open cases with two different law enforcement agencies.