



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

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October 30, 2025

The Honorable Scott Surovell
Chair, Senate Courts of Justice Committee
General Assembly Building
201 North 9th Street
Richmond, VA 23219

The Honorable Marcus B. Simon
Chair, House Public Safety Committee
General Assembly Building
201 North 9th Street
Richmond, VA 23219

Re: Report on Use of Facial Recognition Technology by Virginia Law Enforcement Agencies

Attached is a report produced by the Virginia Department of Criminal Justice Services (DCJS) on the Use of Facial Recognition Technology by Virginia Law Enforcement Agencies as directed by SB741 of the 2022 session of the Virginia General Assembly.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson H. Miller
Director

Attachment

Use of Facial Recognition Technology by Virginia Law Enforcement Agencies 2025 Report



Virginia Department of Criminal Justice Services
www.dcjs.virginia.gov

November 2025

Table of Contents

Executive Summary	3
Introduction	4
Legislative Mandate.....	4
Definition of Facial Recognition Technology	5
FRT Use Information to be Reported by Law Enforcement Agencies	5
FRT Use Data Reporting and DCJS Collection of FRT Use Information	6
Virginia State Police FRT Use Data Reporting.....	6
Local and Campus Police FRT Use Data Reporting	6
Findings From Electronic Reporting of FRT Use Data to DCJS	7
DCJS Survey of Police Departments on FRT Use	7
Survey Findings	7
Reasons FRT Was Not Used	8
Recommendations Concerning FRT Use by Law Enforcement	11

Executive Summary

The *Code of Virginia* § 52-4.5, § 15.2-1723.2, and § 23.1-815.1 require the Virginia State Police, and local and campus police chiefs to collect and publicly post, by April 1 of each year, specified information on their use of Facial Recognition Technology (FRT). Furthermore, SB741 (2022 Reconvened General Assembly Session), directed the Virginia Department of Criminal Justice Services (DCJS) to analyze the specified FRT use data posted by police departments (PDs) and to then produce a report on such use by November of 2025, including recommendations regarding various aspects of FRT use. This report is submitted by DCJS in response to the SB741 directive.

To gather FRT use data, DCJS established a site at which PDs could electronically report their required data. Additionally, DCJS examined PD websites where departments could publicly post their FRT use data. In May of CY2025, DCJS examined FRT use data reported by PDs for CY2023–2024.

This examination showed that no Virginia police departments had reported using FRT during CY2023–CY2024. Because no PDs reported using FRT, no analysis of FRT use information is presented in this report, nor does DCJS present any recommendations regarding the use of FRT by PDs.

Because no PDs reported using FRT, DCJS sought additional information to determine possible reasons why this was the case. It was thought that understanding why PDs chose not to use FRT, given that its use was now authorized by *Code*, would be useful for any future policy or legislative considerations regarding the use of FRT.

In May–June of 2025, DCJS electronically surveyed 199 Virginia local and campus PDs asking them to provide information about their use (or lack of use) of FRT and their reasons for not using FRT. 164 (82%) PDs responded to the survey. Ten unusable surveys were deleted, leaving 154 PDs in the analysis presented in this report.

The major finding of the survey was that the vast majority, 151 (97%) of the 154 PDs, stated that they did not use FRT during CY2023–2024. Three of the 154 PDs stated that they had used FRT during CY2023–CY2024. Two of these PDs stated that they did not electronically report their FRT use data because it involved ongoing investigations and reporting the data could jeopardize the investigation (*Code* allows PDs to withhold reporting for this reason). The one remaining PD stated that it was unaware of the requirement to report its FRT use data.

The most frequent reasons PDs gave for not using FRT during CY2023–CY2024 were:

- 1) Not having the financial resources
- 2) No particular reason, simply never considered using FRT
- 3) Not having the personnel resources
- 4) Did not think FRT would be useful or necessary for types of investigations the department typically conducts

Other less frequently cited reasons for not using FRT included having other priorities, difficulty complying with Commonwealth’s FRT policy and reporting requirements, and negative public perceptions of surveillance technology.

132 PDs stated that they probably would not consider or investigate using FRT within the next 24 months, and 26 PDs stated that they might consider using FRT within the next 24 months.

Introduction

Legislative Mandate

SB741 (2022 reconvened GA session) directed the Virginia State Police (VSP) to establish and post a [State Police Model Facial Recognition Technology Policy](#) by January 1, 2023, and to update the policy annually thereafter. SB741 also authorized local law enforcement agencies to use facial recognition technology (FRT) after January 1, 2023, provided that the agency either adopts the VSP FRT model policy or develops its own FRT policy that meets or exceeds the standards set forth in the VSP model policy.

Furthermore, SB741 required VSP and local and campus police chiefs to publicly post, by April 1 of each year, specified information on their use of FRT. This reporting requirement is effective until July 1, 2026.

The above requirements, and other requirements regarding law enforcement use of FRT, were codified in § 52-4.5 (VSP), § 15.2-1723.2 (local police departments), and § 23.1-815.1 (campus police departments).

Finally, SB741 directed the Virginia Department of Criminal Justice Services (DCJS) to analyze the FRT use data posted by police departments and to produce, by November of 2025, a report on law enforcement's use of FRT:

2. That the Department of Criminal Justice Services (the Department) shall analyze and report on the usage data of facial recognition technology reported and published by local law-enforcement agencies, campus police departments, and the Department of State Police pursuant to the provisions of this act. The Department shall include in its report an analysis of and recommendations for (i) improving the use of facial recognition technology as it relates to demographics associated with race, skin tone, ethnicity, and gender; (ii) specialized training, data storage, data retention, and the use of a second examiner pursuant to the State Police Model Facial Recognition Technology Policy established by § 52-4.5 of the Code of Virginia, as created by this act; and (iii) investigations and investigative outcomes related to the accuracy of identification across different demographic groups. The Department shall submit its report to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025.

This report is submitted to fulfill the DCJS requirement to analyze the facial recognition technology use data reported and published by police departments. The report describes information reported to DCJS by police departments on their use of FRT during CY2023 and CY2024, and the findings of the DCJS survey of these departments on their use of FRT conducted in May-June of 2025.

Definition of Facial Recognition Technology

§ 15.2-1723.2 defines facial recognition technology as follows:

“Facial recognition technology” means an electronic system or service for conducting an algorithmic comparison of images of a person’s facial features for the purpose of identification. “Facial recognition technology” does not include the use of an automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

FRT Use Information to be Reported by Law Enforcement Agencies

The *Code of Virginia* § 52-4.5, § 15.2-1723.2 and § 23.1-815.1 specify that law enforcement agencies using FRT shall collect and publicly post, by April 1 of each year, the following information regarding their use of FRT:

- (i) a complete history of each user’s queries;
- (ii) the total number of queries conducted;
- (iii) the number of queries that resulted in a list of possible candidates;
- (iv) how many times an examiner offered an investigative lead based on his findings;
- (v) how many cases were closed due to an investigative lead from facial recognition technology;
- (vi) what types of criminal offenses are being investigated;
- (vii) the nature of the image repository being compared or queried;
- (viii) demographic information for the individuals whose images are queried;
- (ix) if applicable, any other entities with which the department shared facial recognition data;
- (x) all instances of unauthorized access of the facial recognition technology, including any unauthorized access by employees of the campus police department;
- (xi) vendor information, including the specific algorithms employed; and
- (xii) if applicable, data or links related to third-party testing of such algorithms, including any reference to variations in demographic performance.

Law enforcement agencies were allowed to exclude from public disclosure any information or data which:

(a) contains an articulable concern for any person’s safety; (b) is otherwise prohibited from public disclosure by federal or state statute; or (c) if disclosed, may compromise sensitive criminal justice information.

FRT Use Data Reporting and DCJS Collection of FRT Use Information

Per the SB741 directive, DCJS reviewed any FRT use data reported by VSP and by local and campus police departments. The results of these reviews are discussed as follows.

Virginia State Police FRT Use Data Reporting

The Virginia State Police fulfilled its requirement to publicly post FRT use data by posting on the VSP website its *Virginia State Police Facial Recognition Technology Annual Report*. VSP published an annual report for CY2022, CY2023 and CY2024. DCJS reviewed data published in these reports for information to include in this report.

The DCJS review of VSP's *Virginia State Police Facial Recognition Technology Annual Report* for CY2022, CY2023 and CY2024 found that VSP reported no use of FRT during these periods. Therefore, no analysis of VSP FRT use is contained in this report. Although VSP reported no use of FRT, its annual reports did state that VSP was equipped with facial recognition technology.

The VSP's *2022 Annual Report* stated that VSP was equipped with Face Plus Case Management Facial Recognition Technology provided by DataWorks Plus, a vendor located in Greenville, South Carolina. At that time, DataWorks Plus used only algorithms developed and maintained by Rank One Computing (specifically, the algorithm RankOne-014). The algorithms are automatically updated during routine system maintenance.

The VSP's *2023 Annual Report* stated that VSP was again equipped with Face Plus Case Management Facial Recognition Technology provided by DataWorks Plus, and using the algorithm Rank One Version 2.4.4, algorithm RankOne-01, developed and maintained by Rank One Computing.

The VSP's *2024 Annual Report* stated that VSP continued to be equipped with Face Plus Case Management Facial Recognition Technology provided by DataWorks Plus, and using the algorithm Rank One Version 2.4.4, algorithm RankOne-015, developed and maintained by Rank One Computing. VSP discontinued the use of this technology in March 2024 and has not initiated the use of another technology product as of April 1, 2025. During CY2022–CY2024, VSP's quality assurance testing was conducted periodically by the National Institute of Standards and Technology.

Local and Campus Police FRT Use Data Reporting

The Virginia State Police and DCJS published the [Virginia State Police & Department of Criminal Justice Services Facial Recognition Technology Guide for Agency Reporting Requirements](#) to provide local and campus police departments with a guide for reporting their FRT use data. This guide provided agencies with a definition of the items to be reported, formats and values to be reported for individual items, and a general explanation of how to report the data.

The *State Police Model Facial Recognition Technology Policy* provided instructions to law enforcement agencies to submit their FRT use data to DCJS by April 1 of each year:

1. In addition to the public posting requirements outlined in §§ 15.2-1723.2(F), 23.1-815.1(F), and 52-4.5(F), the [Insert SO or LEA Name] shall enter into an MOU with the Department of Criminal Justice Services (DCJS) assuring the security and non-release of its data. Upon entering into a mutually satisfactory MOU, the [Insert SO or LEA Name] will submit FRT use data to DCJS by April 1 of each year following the reporting process and standards outlined in the Facial Recognition Technology Guide for Agency Reporting Requirements. The Data submitted by April 1 should span records queried during the previous calendar year (January through December). The annual posting and the FRT use data shall be retained in accordance with Records Retention and Disposition Schedules promulgated by the Library of Virginia.

DCJS established an email address to which departments could electronically send their FRT use data for the previous year as a mechanism for reporting by local and campus police departments. FRT use conducted during CY2023 would be reported by April 1, 2024, and FRT use conducted during CY2024 would be reported by April 1, 2025 of the following year.

Findings From Electronic Reporting of FRT Use Data to DCJS

DCJS examined the results of the electronic FRT use reporting by local and campus police departments after the April 1 deadline had passed. **The results were that no Virginia police departments had reported using FRT during CY2023 or CY2024.** Additionally, DCJS did an online review of the reports published on the websites, and on the online public media accounts (such as Facebook) of local and campus police departments that maintain such content. As with the online reporting to DCJS, no departments were found to have reported using FRT during CY2023 or CY2024.

Because no local or campus police departments reported FRT use (and therefore no data regarding the information specified in the *Code of Virginia* § 15.2-1723.2 and § 23.1-815.1), no such data is presented in this report.

Therefore, DCJS offers no recommendations regarding: (i) improving the use of FRT as related to demographics associated with race, skin tone, ethnicity, and gender; (ii) specialized training, data storage, data retention, and the use of a second examiner pursuant to the VSP Model Facial Recognition Technology Policy, or (iii) investigations and investigative outcomes related to the accuracy of identification across different demographic groups.

DCJS Survey of Police Departments on FRT Use

DCJS sought additional information to determine possible reasons why no police departments reported using FRT. It was thought that understanding why PDs chose not to use FRT, given that its use was now authorized by the *Code of Virginia*, would be useful for any future policy or legislative considerations regarding the use of FRT.

In May–June of 2025, DCJS sent an electronic survey to 199 Virginia local and campus police departments asking them to provide information about their use of FRT and their experiences with its use. PDs were not asked to again submit any FRT use data which they may have already submitted to DCJS electronically per the *Code of Virginia* § 15.2-1723.2 and § 23.1-815.1.

Survey Findings

Of the 199 PDs that received the survey, 164 (82%) PDs responded to the survey. Ten surveys were deleted from the analysis as duplicates from the same PD, or contained obvious errors, leaving 154 PDs in the analysis presented in this report.

The major finding of the survey was that the vast majority, 151 (98%) of the 154 PDs stated that they did not employ FRT during CY2023 or CY2024 (See Table 1).

Table 1. Did your department employ the use of an FRT system or service (including another law enforcement agency, an organization such as the RISS* program, a HIDTA** program, or a commercial vendor) anytime between January 1, 2023 and December 31, 2024?

Response	Number	Percent
No	151	98%
Yes	3	2%
<i>Total</i>	<i>154</i>	<i>100%</i>

*RISS is the Regional Information Sharing Systems program, a network that supports information sharing among criminal justice agencies, including access to FRT systems.

**HIDTA is the High Intensity Drug Trafficking Areas program, which assists Federal, State, local and tribal law enforcement agencies in high drug-trafficking regions.

Interestingly, although no PDs reported using FRT by publicly posting their FRT use data or by electronically reporting FRT use data to DCJS, three of the 154 PDs responding to the survey stated that they had used FRT during CY2023 or CY2024.

Two of these three PDs stated that they did not report this use because it involved ongoing investigations and reporting the required data could jeopardize the investigation (*Code of Virginia* § 15.2-1723.2(F) and § 23.1-815.1(F)) allows PDs to withhold reporting for this reason). The one remaining PD stated that it was unaware of the requirement to report its FRT use data.

Reasons FRT Was Not Used

The remainder of this report is devoted to providing information the PDs provided about why they chose not to use FRT. The 151 PDs that stated that they *did not* employ FRT were asked a series of questions to identify *why* they chose not to use FRT. Specifically, they were asked:

- Even though your department did not use FRT during this time, did your department ever consider or investigate the possibility of using FRT during this time?
- Why did your department not consider or investigate using FRT?
- Do you think that your department would consider or investigate using FRT within the next 24 months? If yes, why would you consider it? If you would not consider it, why not?
- If your department considered the use of FRT, but ultimately decided not to use FRT, why did you decide not to?

The responses received to the above question are shown in the following tables.

The 151 PDs that did not use FRT were asked if they had ever considered or investigated the possibility of using FRT during CY2023–CY2024 (see Table 2).

Table 2. *Even though your department did not employ the use of an FRT system/service during this time, did your department ever consider or investigate the possibility of using an FRT system/service during this time?*

Response	Number	Percent
No	132	87%
Yes	19	13%
<i>Total</i>	<i>151</i>	<i>100%</i>

The majority of the 151 PDs (132, 87%) stated that they did not consider or investigate using FRT during CY2023–CY2024. These PDs were then asked why they had not considered or investigated using FRT. DCJS provided a selection of potential reasons from which PDs could select, or the PDs could write in their own other reasons. Their responses are shown in Table 3. Each PD could provide multiple reasons why they never considered or investigated using FRT, so the number of reasons shown in the table may be greater than number of PDs that responded.

Table 3. *Why did your department not consider or investigate using an FRT system/service?*

Reason	Number	Percent
Did not have the necessary financial resources	67	33%
No particular reason; simply never considered the idea of employing FRT	57	28%
Did not have the necessary personnel resources	37	18%
Did not think FRT would be useful or necessary for types of investigations our department typically conducts	22	11%
Other Reasons	11	5%
Difficulty complying with all requirements of the <i>VSP & DCJS Facial Recognition Technology Guide for Agency Reporting</i>	5	3%
Difficulty complying with all requirements of the <i>VSP Model Facial Recognition Technology Policy</i>	3	2%
<i>Total</i>	<i>202</i>	<i>100%</i>

The most frequent reasons PDs gave for not considering or investigating the use of FRT were: 1) not having the financial resources (67, 33%), 2) no particular reason, simply never considered it (57, 28%), 3) not having the personnel resources (37, 18%), and 4) did not think FRT would be useful or necessary for types of investigations our department typically conducts (22, 11%).

Eight PDs cited difficulty complying with the requirements of the *VSP Model Facial Recognition Technology Policy* and/or the *VSP and DCJS Facial Recognition Technology Guide for Agency Reporting*. One agency stated: “The amount of time it is taking to implement any technology and legal requirements on all fronts is making it difficult to consider these programs. It is a moving target and I will not expend tax dollars on unknown moves by the legislature. Because of this we will rely on traditional policing approaches.”

“Other Reasons” cited by 11 PDs for not considering or investigating the use of FRT included:

- “Current state of public perception on law enforcement’s use of “surveillance” technology, evidenced by resistance to LPR [License Plate Reader] technology, which in no way directly involves a person’s individual personal characteristics.”
- “We feel we need to better research and prepare for the use of such technology and also socialize the idea with our community.”
- “Concerns from our community.”
- “Conflicting views of the use by leadership.”
- “ROI [Return on Investment] of the technology was insufficient.”
- “We have access through partner agencies if the need should arise.”

The 19 PDs that stated that they had considered or investigated using FRT, but ultimately decided not to use FRT, were asked to state why they ultimately chose not to use FRT. Their responses are shown in Table 4. Each PD could provide multiple reasons why they decided not to use FRT, so the number of reasons shown in the table may be greater than number of PDs that responded.

Table 4. For what reasons(s) did your department decide not to employ an FRT system/service?		
Reason	Number	Percent
Did not have the necessary financial resources	13	54%
Did not have the necessary personnel resources	4	17%
Other Reasons	4	17%
Did not think FRT would be useful or necessary for types of investigations our department typically conducts	2	8%
Difficulty complying with all requirements of the VSP Model Facial Recognition Technology Policy	1	4%
Difficulty complying with all requirements of the VSP and DCJS Facial Recognition Technology Guide for Agency Reporting	0	0%
<i>Total</i>	<i>24</i>	<i>100%</i>

The most frequent reasons PDs gave for deciding *not* to use FRT were: 1) not having the financial resources (13, 54%), 2) not having the personnel resources (4, 17%), and 3) other reasons (4, 17%).

“Other Reasons” cited above included:

- “We currently have Verkada¹ cameras throughout Town, just have not put in place the FRT.”
- “Paused during policy creation due to change in department leadership.”
- “Looking for best options of possible vendors.”
- “Still researching its effectiveness and caselaw.”

¹ Verkada is a commercial vendor that provides a variety of camera types for surveillance purposes.

The 132 PDs that stated that they had not ever considered or investigated the possibility of using FRT during this time were asked if they might consider doing so within the next 24 months. Their responses are shown in Table 5.

Table 5. Do you think that your department would consider or investigate using an FRT system/service within the next 24 months?		
Response	Number	Percent
No	106	80%
Yes	26	20%
<i>Total</i>	<i>132</i>	<i>100%</i>

The majority of the 132 PDs (106 PDs, 80%) stated that they *would not* consider using FRT during the next 24 months. The 106 PDs that stated that they would not consider or investigate using FRT within the next 24 months provided the following comments as to why they would not:

- Not feasible financially/financially unaffordable; Budget constraints; No financial resources; Do not have the funding available; Lack of financial resources; Not financially feasible even with matching grant opportunities.
- Continued staff and financial challenges; Funding and manpower; Financial/personnel resources.
- The accuracy and cost of the technology is a great concern.
- No current plan.
- Small town. Almost everyone travels by vehicle. Not many public places. We use Flock ALPRs to good effect.
- Not a high priority; too many other priorities at this time.
- I don't think our department has the resources to purchase and/or maintain this technology.
- Financial constraints, other areas of focus at this time.
- Unlikely, due to the type of calls for service and investigations that we conduct.

The 26 PDs that stated that they *would* consider or investigate using FRT within the next 24 months provided the following comments:

- If we had the capability to use with our video surveillance platform.
- Maybe if budgeting allowed; If funding is available; If we had the financial opportunity to obtain.
- We are researching the use of FRT in our security camera system.
- The technology could be useful in investigations.
- We plan to investigate FRT as an option for future law enforcement projects.
- Need to understand full value of what FRT offers to make informed decision. Do not anticipate implementation in next 24 months.
- Possibly, but we don't have any current plans. The right system would need to become available, one that meets state and federal requirements without adding to our employees' workload.
- We have never looked into how the technology could be useful to our department. If we had more information that it would improve our investigations we would look into the technology.
- We may consider it.
- Still working towards it.

Recommendations Concerning FRT Use by Law Enforcement

SB741 directed the Virginia Department of Criminal Justice Services (DCJS) to examine law enforcement-reported FRT information and, based on the data reported, make FRT use recommendations regarding Specialized Training, Data Storage and Data Retention, Use of a Second Examiner, and Outcomes Related to the Accuracy of Identification Across Different Demographic Groups.

There was no data reported to DCJS on FRT use or experience during CY2023–CY2024. Therefore, DCJS was unable to develop any recommendations on the topics previously listed.