

2016

Facial Recognition Matching System Annual Report

OCTOBER 2016

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Under RCW 46.20.0371, the Department of Licensing is required to submit a report to the Governor and the legislature on investigations based on Facial Recognition Matching System (FRMS) results and related data during the previous fiscal year by October 1 of each year. This report is for the fiscal year beginning on July 1, 2015.

Item	Number
1. Total number of potential matches identified by FRMS	270,834
2. Investigations initiated by the department due to FRMS	1,035 ⁱ
3. Determinations that a person committed a prohibited practice under RCW 46.20.0921	269 ⁱⁱ
4. Informal administrative review requested	60
5. Determinations confirmed by informal review	50
6. Determinations that were overturned by an informal review	7
7. Formal hearings requested	8
8. Determinations that were confirmed by a hearings examiner	7
9. Determinations that were overturned by a hearings examiner	0
10. Number of cases where a person declined an informal review or hearing or did not attend a scheduled informal interview or hearing	97
11. Number of determinations that were referred to law enforcement	6 ⁱⁱⁱ

ⁱ All 270,834 potential matches were visually inspected by DOL staff. The vast majority of potential matches were found to be false matches and no further investigation was done. Further investigation was initiated where matches were confirmed to be the same person. *It is important to note that this number represents potential matches that the system returns. None of them are considered to be fraud simply because they are returned as potential matches.*

Many of the confirmed matches were determined not to involve fraud. For example, a person formerly licensed in Washington State may have moved to another state and legally changed their name due to marriage or other circumstances. Upon later returning to Washington, the person may have applied for a license under their new name and simply neglected to notify DOL of an existing record under a previous name.

Disposition of prohibited practices

ⁱⁱ Of the 269 cases where it was determined that a prohibited practice was committed, 154 resulted in a driver's license suspension. The remaining 115 were not recommended for suspension at this time for one of the following reasons:

- **Identicard fraud** – DOL does not have the authority to take suspension action against a person who commits a prohibited practice relating to Identicards. In lieu of suspension action, a formal notice was mailed to the person that the person submit additional documentation proving identity. Failure to prove identity resulted in the cancellation of the Identicard.

- **The prohibited practice occurred more than 6 years ago** – The statute of limitations for criminal prosecution in a case involving a prohibited practice is six years. Under that basis, DOL does not have actively pursue administrative action in a case that is more than six years old.
- **Habitual Traffic Offenders (HTO)** – Since the driving privileges of a person who has been determined to be an HTO (Revoked in the First Degree) are revoked for several years, investigators complete an abbreviated case to document the prohibited practice, but do not recommend further suspension action. The records are combined under the person's true name and noted as such. This provides a notation on the record that an alias exists.
- **21-year old age-related cases** – if the prohibited practice occurred as a result of a person under the age of 21 attempting to obtain an identity document misrepresenting the person's age, DOL generally prevents the document from being produced and issued when possible, and sends a letter to the person requiring the person to return the temporary document, or permanent document if it has already been mailed, within 15 days. If the person fails to respond within the 15 days, an investigative report is completed and appropriate administrative action follows.
- **Unable to identify** – If DOL is unable to identify the true identity for the person the document is cancelled rather than suspended.
- **Backlog** – 52 of the 115 fraud cases identified have not been assigned to an investigator at this time as a result of a backlog of cases.

ⁱⁱⁱ Six determinations that a prohibited practice occurred as a result of facial recognition were forwarded to Washington State Patrol (WSP) for law enforcement action.

In all cases where it is determined that a prohibited practice was committed involving an Enhanced Driver's License or Identicard (EDL/ID), the cases are forwarded to law enforcement. For cases that do not involve an EDL/ID, the following criteria are used to determine whether a specific case should be forwarded to a law enforcement agency:

- Generally two or more identifiable identity theft victims. WSP may pursue charges if there is only one victim, provided there is financial loss.
- Identity theft has occurred within last 6 years where a written application has been submitted.
- A prohibited practice has been determined to have been committed in connection with a Commercial Driver's License (CDL) application which involves interstate criminal activity.