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Good afternoon, Subcommittee Chair Booker, Ranking Member Cotton, and Subcommittee Members. I am Armando Aguilar, Assistant Chief of Police at the Miami Police Department. I am also currently serving a 3-year term as a member of the Law Enforcement Subcommittee of the National Artificial Intelligence Advisory Committee (NAIAC-LE). I would, however, like to point out that I am speaking today on behalf of the Miami Police Department and not on behalf of NAIAC-LE.

I am proud to say that the Miami Police Department's story is among the greatest turnaround stories in law enforcement. In 1980, Miami was America's murder capital. That year, Miami – with a residential population of under 347,000 – logged 220 murders, a rate comparable to that of Honduras. I became a Miami Police officer in 2001 and a Homicide detective in late 2004, a year when 69 people would be murdered in Miami and another 6,392 would fall victim to violent crime. By this time, we had the audacity to “high five” each other, as we were no longer among the nation's top five most violent cities. We were, though, perennially listed among America's 25 most violent cities. You see, Jack Maple, former Deputy Commissioner at the NYPD once described the story of crime in America as the “story of the 600-pound man”: if he loses 200 pounds and you hadn't seen him in a few years, you would think he looks amazing, but if you hadn't seen him since you were children, you'd be terribly concerned over his wellbeing. There was certainly good reason to be concerned about Miami's wellbeing.

Fast forward to 2023, the City of Miami – with a residential population of over 450,000 – ended the year with 31 murders. Our murder clearance rate (the rate at which cases are solved) was 68 percent, not including an additional 9 prior year murders which were solved that year. Using the legacy summary crime reporting system, which was used by the FBI until very recently, the 9 prior year cases would have boosted our murder clearance rate to 97 percent. Our violent crime clearance rate last year was 58 percent. For most of my career, Miami's murder clearance rate hovered at just below 45 percent, and our violent crime clearance rate, below 38 percent. So what changed? A great deal.

I will begin by stating that I have the pleasure of leading the best generation of officers, detectives, and professional staff to serve people of Miami. Through the years, the members of MPD have built an exceptional degree of trust with the communities we serve. Violent crime – especially unsolved violent crime – is among the greatest threats which serves to undermine that trust. A shooting takes place. A community member calls our anonymous

tip line and gives us the shooter's name. Absent any other evidence to support the tip, the investigation goes cold. People stop reporting gunfire. The police, in turn, do not respond to gunfire we do not know about. The perception among the community is that the police are, at best, unable to keep them safe; or at worst, unwilling to. Artificial intelligence complements, but will never replace, the human interaction which is at the foundation of community-oriented policing.

The Miami Police Department has successfully leveraged artificial intelligence in the past few years, to great effect. We use gunshot detection systems, public safety cameras, facial recognition, video analytics, license plate readers, social media threat monitoring, and mobile data forensics. We use ballistic evidence to connect the dots between shootings and the violent actors victimizing our communities. A recent BJA-funded study by Florida International University found that violent crimes where one such resource was used by our detectives had a 66 percent greater likelihood of being solved when compared against similar cases where no such resource was used. I am happy to discuss any of the technologies we employ, but I am going to take this time to discuss how we came to develop our policy governing the use of FR in criminal investigations.

It started in January 2020, when *The New York Times* ran an article by Kashmir Hill. The article was critical of the use of law enforcement facial recognition and of one vendor, in particular. Ms. Hill posed several questions which resonated with me, as I do spend my time out of uniform as a private citizen. Without proper safeguards in place, Ms. Hill asked, what would stop police from using facial recognition to identify peaceful protest organizers or cyberstalking an attractive stranger at a café? And what about the public, whose biometric data (i.e., our faces), would be analyzed by police? My team and I set out to establish an FR policy that would address these and other concerns. We were not the first law enforcement agency to use facial recognition or to develop FR policy, but we were the first to be completely transparent about it. We did not seek to impose our policy on the public – we asked them to help us write it.

We started out by meeting with local privacy advocates. They hated it. But we wanted to know why they hated it, so they told us. We found many of their critiques to be thoughtful and reasonable, so we heard their objections, took it upon ourselves to treat them as *recommendations*, and incorporated several of them into our policy. We then engaged our local media to cover cases where FR had assisted in solving crimes and to help us spread the word about town hall-style meetings which would be held that March, where we would be soliciting feedback from our stakeholders in finalizing our FR policy. The pandemic would ultimately keep us from hosting in-person town hall meetings, so we instead held them via Facebook Live. We held one session in English; and another, in Spanish, taking public

questions and comment during both. Each session had roughly 1,300 live views and about 3,600 total views.

The policy which resulted from our efforts created a narrow framework within which we would come to use FR. Most importantly, our policy emphasizes that FR matches do not constitute probable cause to arrest. Matches are treated like anonymous tips, which must be corroborated by physical, testimonial, or circumstantial evidence. We laid out five allowable uses: identifying suspects, victims, and witnesses in criminal investigations; identifying principal officers or other persons involved in Internal Affairs investigations; and identifying cognitively impaired persons, deceased persons, persons who are lawfully detained and whose identities cannot be established. We use FR retrospectively, i.e., we do not use it on a “live” or “real time” basis to identify persons going about their business in public spaces, and we do not use it to identify persons who are carrying out constitutionally protected activities. We established a policy limiting who has access to our FR platforms, we disclose our use of FR to defense counsel in criminal cases, and we do not substantively manipulate or alter probe photographs, use composite sketches as probe photographs, or any other technique which has not been scientifically validated.

Our use of FR and artificial intelligence, coupled with our community-oriented policing efforts and our traditional investigative and preventive efforts, has resulted in a Miami that is safer today than in any other time in our history. I thank you for inviting me to speak before the Subcommittee, and I am happy to answer any questions you may have.