Responsible Police Use of Facial Recognition Technology – Challenges of the Ethics of The Face

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FACIAL RECOGNITION

the ability to identify an individual from gazing only at their face, or an image of their face (Puce, 2001)

human and technological process (or a combination)

Technology – Verify or Identify

. Image Unsplash in collaboration with Nik Fancher

Five Steps to Facial Recognition

1. **Capture image**

2. **Find face in image**

3. **Extract features** (to generate template)

4. **Compare templates**

5. **Declare matches**

Image taken from: Woodward, Jr., J.D Horn, C. Gatune J, & Thomas A (2003). Biometrics A Look at Facial Recognition.
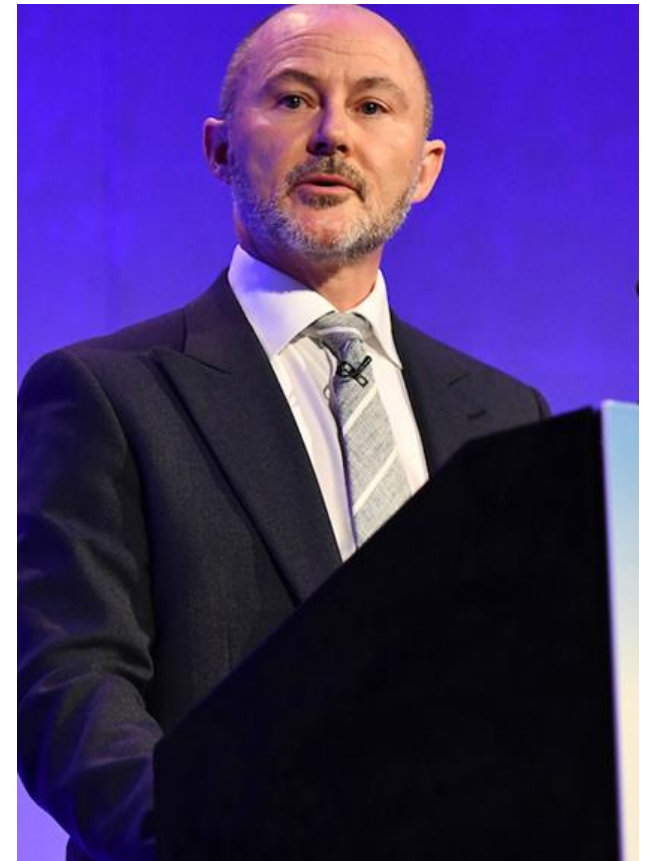
image: Freepik.com"

Photo: Guardian 29 Oct 23. Ian Davidson/ Alamy

Police Use of FRT

- Police use FRT to operationally to Identify
  - Retrospectively
  - Real time 'live'
  - Use of App (OIFR)

Importance & Benefits of FRT to Police

- Seen as a "Gamechanger."
  - "We are galvanising our commitment to be an effective science-led service and there is no doubt the significant role facial recognition technology has and will continue to play in this
    (NPCC Chair, CC Gavin Stevens 15 Nov 2023)

  - Vital tool in their duty to prevent and detect crime and keep public safe in addition to freeing up police time and resources:

Growth of Use of FRT in Policing

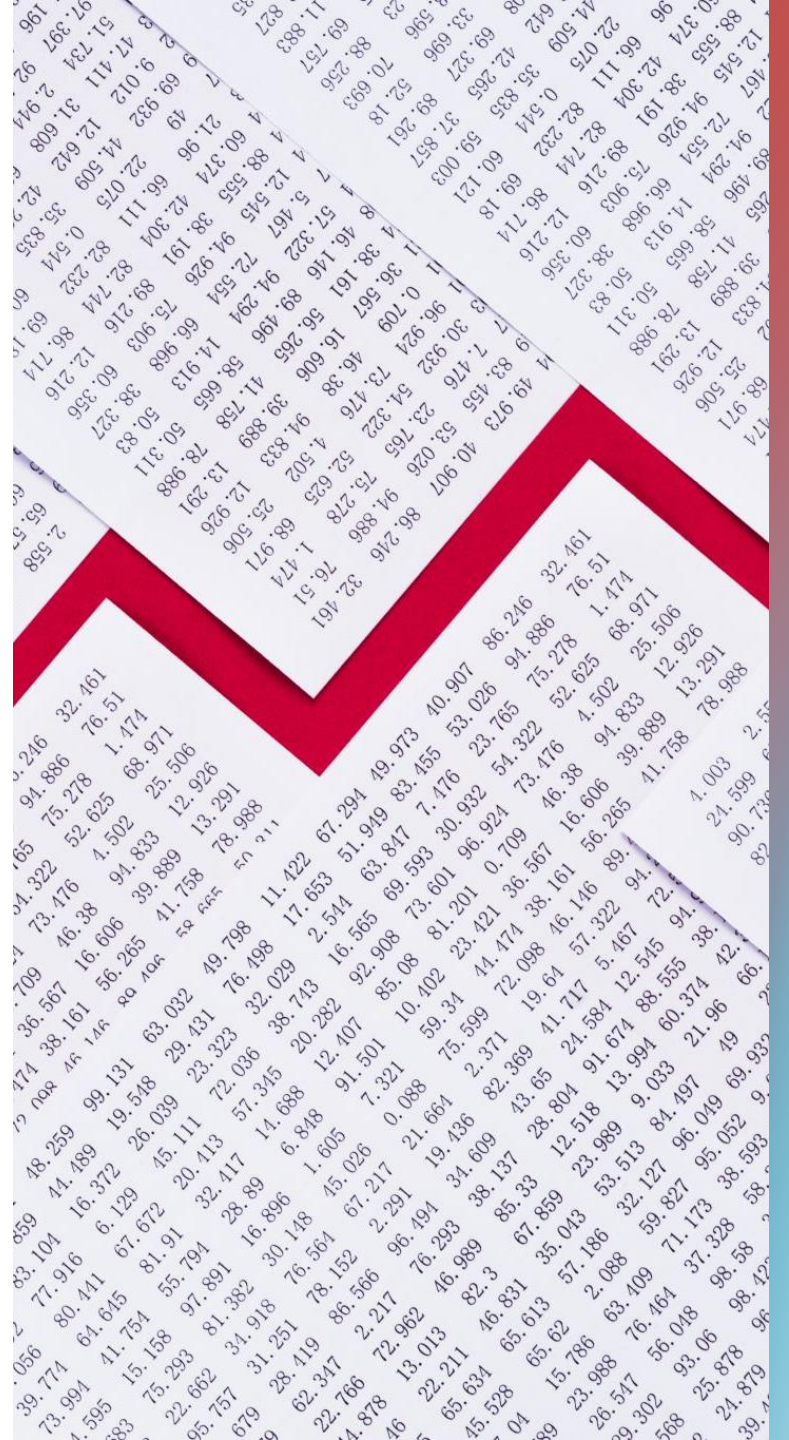85,158 face searches (2022) —up 330 percent on the previous year.

Policing minister Chris Philp wants the number of searches to double by May 2024.
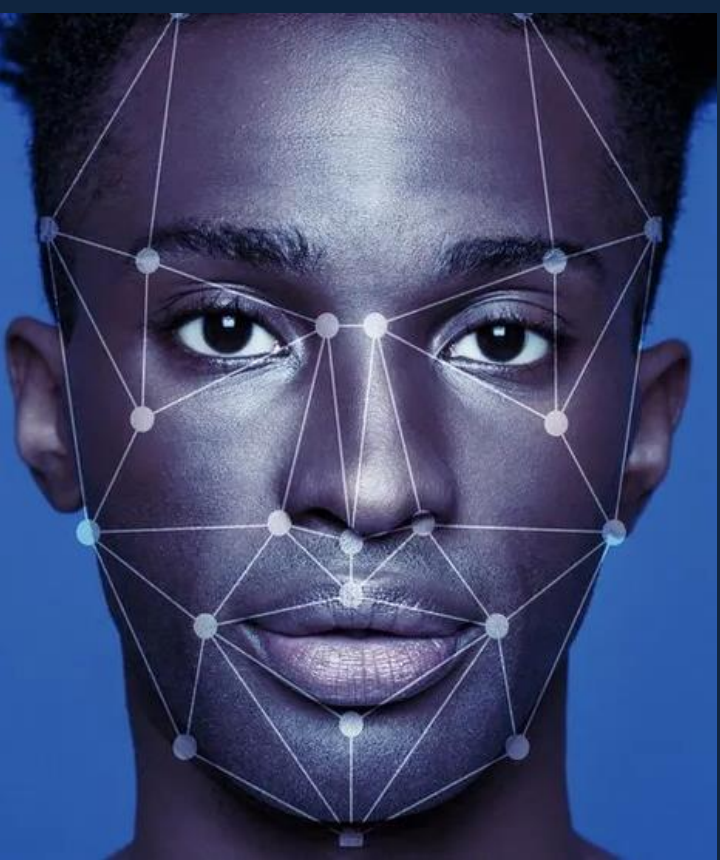
Associated Problem:

PND - stores 16M image

Potentially millions of images that should not be there

Problem exists partly because police ageing computer systems that don't allow bulk deletion

Concerns around FRT

Centres around

- Potential of super Effectiveness of technology with far reaching consequences for fundamental HR, principally Privacy & Liberty

- Imperfectness arising from implicit technological deficiencies/ bias leading to unfair /discriminatory outcomes

  - (LPEP, 2018)

- Potential to bestow private and public organisations with disproportionate power to surveil the population, potentially leading to worrying consequences for rights such as freedom of expression and association.

  - (CDEI, n.d)
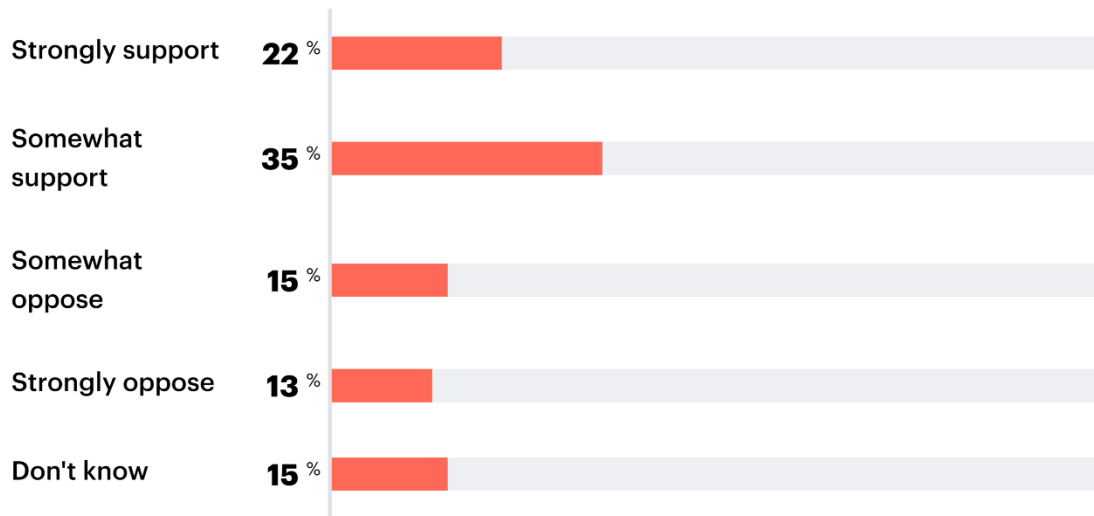
Public Expectations

- Police should have should have advanced technologies to help them do their job

- Technology should enable the police to analyse different types of information so as to achieve appropriate results.

- Should have sufficient tools and polices and practices to protect sensitive personal information and handle them efficiently

(Johnston, 2007, p. 68)

Public Support /Opposition to LFR

Do you support or oppose allowing police to use live facial recognition technology in public spaces?

All adults (3012 GB adults - 6 October 2023)

Strongly support	**22** %
Somewhat support	**35** %
Somewhat oppose	**15** %
Strongly oppose	**13** %
Don't know	**15** %

YouGov | What the world thinks

yougov.co.uk

Survey of Londoners Attitudes to Police Use of LFR

- Purpose makes a difference
  - More than half of 1092 particpants stated general support But..
  - Views on using it too identify wanted persons where did according to seriousness of the crime with more support for its use for serious crimes than minor ones or ASB
  - Half thought make thme feel safer
  - A third worried about its impact on privacy
  - Half thought LFR technology would lead to personal information
  - Younger people, Participants from Asian & Black ethnic groups less accepting than Older or those from White groups

Ethical Tension

Police duty to protect the public and prevent and detect crime
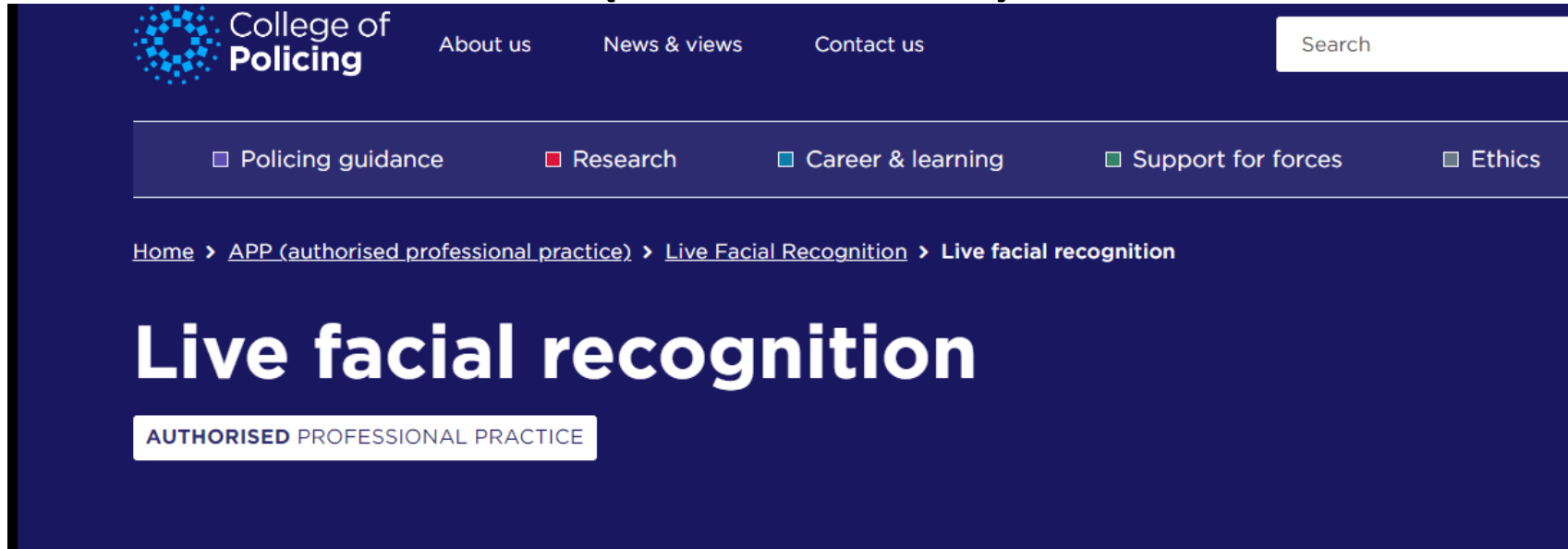
V

Moral obligation to do so in a manner that protects the individual rights of citizens to privacy and freedom

And

ensure that their intervention is necessary proportionate, fair, accountable and of course legal

Legal and Regulatory Framework (COP APP)

https://assets.college.police.uk/s3fs-public/2022-04/Legal-framework-and-governance-Appendix-A.pdf

https://assets.college.police.uk/s3fs-public/2022-04/LFR-Appendix-B.pdf

APP ...

- Addresses primary legislation and secondary legislative instruments and policy

Includes
includes data protection impact, assessments equality impact, assessments community impact assessment and it's overseen by a variety of governing bodies such as a surveillance camera commissioners the also requires a light facial recognition operation risk assessment

Covers legal requirements identifies institutional responsibilities addresses required date accountability identifies organisation risk defines the process very well before during and after process focuses on compliance and references the code of ethics and national decision model so

So...

- APP
    - addresses legal obligations
    - Protect Institution Reputation (to some extent)
    - Informs Citizens regarding proposed deployments
    - carries out potential Impact assessments
    - Makes reference to Code of Ethics in moving forward and deployment of FRT

But does it comply with the Ethics of the Face & Ethical Policing ?
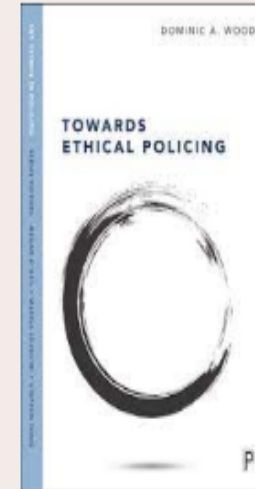
Ethical Policing of Facial Recognition

Police practice tendency to focus on legal obligation.

Legal Obligation
- Safe, easy to define,
- Clear processes
- Rules and codes
- Defines practice to follow
- Requiring administrative leadership
- Suggests certainty

Moral Obligation
- Challenging
- Requiring reflexivity
- Gained out of practice
- Requiring moral leadership
- Uncertain and exploratory

DOMINIC A. WOOD

TOWARDS
ETHICAL POLICING

P

Finding a facial Recognition Ethics

What is the ethics of the face?

How might it differ from other biometrics?

How can we understand the nature of the face?

What new responsibilities does FRT demand.?

The Nature of the Face of the Face

Dynamic and changing

Relational

Vulnerable

Present

Emotional

Revealing

Levinas' Ethics of the Face

The face as a focus of ethics.

A window into the other.
Essentially unknowable.
Demanding an ethical response.
Triggers infinite responsibility
Experience in encounter

Alterity

Concept of the other.
Irreducible.
Infinite (Judaic studies)
Cannot be boxed.
Characterised by difference, not sameness.
Exterior

Resistance of the Face

Cannot be objectified
"the face resists possession, resists my powers. In its epiphany, in expression, the sensible, still graspable, turns into total resistance to the grasp.

Responsibility

Infinite not practical.
But cannot equally deny responsibility
Imposition of moral obligation.
Ultimately failure to deliver.

For Levinas, this lays on the subject an infinite responsibility for the other. Encounter with the face of the other is uncomfortable because it makes us aware of difference. Our response, faced with the impossibility of an infinite representation. is to reduce classify and force the other into a category we can superficially connect with and categorise.

FRT & Ethics of the Face

The image captured looses some meaning.
  Context.
  State of the person
  Interiority
  Inadequacy of representation

The coding of the image.
  Categorising.
  Totalising.
  Objectifying
  Excluding.

The digital image is not the person.
The mathematical expression is not the image.

Each step of processing moves us away from the encounter with the infinite to the totalisation and ownership of an object.

From relational collaboration to institutional control.

Conclusions and Summary

- FRT is a 'gamechanger' for policing but it needs a special consideration to address the moral obligation that is owed to the face

- It is not and should not be treated as any other biometric such as DNA / fingerprints and the data ethics around FRT needs more serious consideration of **end to end process** both in content management, dissemination and use. We believe a new data ethics is required for facial recognition

- Whilst humans are always involved in decision making and the ultimate judge of FRT return, it is not clear the training received by officers to assist them in this but in any case, we argue that training needs to include officers' on knowledge in the moral obligations owed to the face and skills to be able to reflect on the ethics of it

- It is particularly important to emphasise the human aspect of FRT and exercise a human-centred approach. Levinas's philosophy at the least suggests that the facial image carries more weight, elicits more ethical consideration, and brings more responsibility than more traditional biological markers such as fingerprints and DNA profiles.