

LONDON POLICING ETHICS PANEL
INTERIM REPORT ON LIVE FACIAL RECOGNITION

JULY 2018

The 'London Policing Ethics Panel' (LPEP) is an independent panel set up by the Mayor of London to provide ethical advice on policing issues that may impact on public confidence.

LPEP complements the existing structures in place in the capital to oversee the way London is policed, and provides in-depth consideration of ethical issues around current and future policing practice in London.

This document, on Live Facial Recognition, is their first interim report.

INTRODUCTION

Facial recognition technology is one of a potentially larger set of tools associated with emerging digital policing technologies. This report specifically concerns Live Facial Recognition technology (LFR), which is the real-time application of facial recognition technology in a public space. The term Automated Facial Recognition (AFR) has also been used by commentators, but AFR can also refer to associated technologies that do not necessarily involve automated identity checks in public places in real time. We have chosen to use the term LFR as this report focuses on the LFR technology currently being trialled by the Metropolitan Police Service. We believe LFR raises significant questions about how the Metropolitan Police may in future interact with individual Londoners and with private companies or individuals using facial recognition technologies. The Panel therefore believes that both the current and future potential uses of LFR should be subject to ethical scrutiny.

Additionally, LFR provides an exemplar for considering some of the wider issues associated with police use of new digital technologies that involve the automatic capture, analysis and storage of personal data from large numbers of individuals. In future such technologies could potentially affect the way citizens are identified as they use various forms of public space such as London's streets and parks, quasi-public spaces such as travel hubs, and private spaces such as shopping centres.

The Metropolitan Police Service is currently trialling a specific form of LFR that we describe below. The Service has shared information with the Ethics Panel about its current technology, about the trials that are presently underway, and its emerging plans. We are appreciative of the Service's engagement with the Panel during our consideration of LFR, and its responsiveness to the questions we have raised.

The Panel is issuing this Interim Report in order to comment on the current trials of LFR, and also to provide an indication of further ethical issues that we believe should be considered before LFR is adopted more widely. The Panel is continuing to work on LFR. We will take further evidence from interested parties, and will be conducting a public opinion survey over the coming months. This Interim Report will be followed by a fuller report later in 2018.

What is special about Live FR?

LFR provides a mobile platform for police to act on 'matches' between facial images that are automatically captured as people pass by a dedicated camera, and facial images with identifying details drawn from police databases. Live facial recognition potentially enables the police to conduct automated identity checks in public places in real time. The police could potentially in future also co-operate with private bodies (for example retail consortia) that are using the same technology for carrying out automated identity checks in private places in real time.

The public is already accustomed to the widespread use of closed circuit video recording (CCTV) in both public and private spaces. CCTV records images of people and activities with varying degrees of precision and efficiency, and requires substantial human input to identify individuals. The public is also accustomed to the use of automated number plate recognition (ANPR). ANPR automatically captures information, with a reasonably high degree of accuracy, regarding the movement of vehicles. These vehicles are in turn traceable to their owners, although this will not necessarily identify who was the driver at the time.

However, while LFR has some features in common with both CCTV and ANPR it is in other respects quite different. Like CCTV it can be used to identify individuals of interest, and like ANPR it can be used to capture information automatically from recognisable features. But by comparison with CCTV, LFR is potentially more far reaching because it partially automates the process of identifying and tracking individuals through their facial features. And use of LFR raises questions that ANPR does not, because LFR is not identifying disposable and transferable objects registered to owners, but more or less permanent identifying characteristics of individuals.

The use of LFR technology is still in its infancy in UK policing. There are currently significant limitations in terms of how and where the technology can be used, and the types of outcomes it might produce. In its deliberations to date, the Ethics Panel has pursued two related, but separable, lines of inquiry:

- Do the current trials of LFR by MPS raise ethical issues that need to be addressed in order for the trials to continue on a sound footing?
- What are the ethical issues that could arise if MPS sought to deploy LFR more widely in future?

In this interim report we are focusing on the first of these questions.

SUSTAINING TRUST: THE CURRENT METROPOLITAN POLICE SERVICE TRIALS

In this report, we consider the ongoing trials of AFR and the critical importance of sustaining trust during police evaluation of potential new technologies.

The Panel takes the view that ethical policing in a global city rests on a sound and enduring relationship of trust between the Metropolitan Police Service and those who live in, work in, or visit the city. Trust is the foundation on which the Service builds in order to fulfil its purposes of protecting the public, maintaining individual freedoms, and serving justice. Trust is a complex relationship, and we will comment on it more fully in our main report.

For current purposes, we note that trust involves meeting the hopeful expectations that members of the public hold about how the Police Service does, and should, conduct itself. Trust is also affected by how the Police Service responds when these hopeful expectations are disappointed. We would note that trust in policing varies across London's communities, with some communities holding lower levels of trust in policing than others.

Judging by our initial Panel discussions, consultations with others, and our reading and research, we believe there are some misconceptions emerging about how LFR works and in particular how it is being deployed in the current trials. We are exploring Londoners' perceptions of facial recognition and other surveillance technologies in a specially commissioned survey and will report the results in due course.

Notwithstanding, it is clear that anxieties about LFR arise from two sources. One source of anxiety is visions of a technology that works far more effectively than LFR appears to do at present and which would have alarming reach. A second source of anxiety is visions of a technology that works imperfectly, perhaps in biased ways, which would introduce damaging levels of error in deployment.

On the first, understandable concerns arise from the potential threat to liberty afforded by a technology that works perfectly at scale in a wide variety of situations, can track any citizen of interest to state agencies with precision and efficiency, and would be implemented free of any form of legal control.

On the second, the use of imperfect technologies could result, for example, in high numbers of 'false positive' identifications. These could be difficult to contest because they emanated from an apparently 'objective' technological judgement. They would be particularly damaging to trust if functional limitations intrinsic to the technology (for instance poor quality images from darker skin tones, or biased algorithms) generated a disproportionate number of false positives among Black and Minority Ethnic Londoners. False positives in general, and false positives arising out of technological bias, have the potential to jeopardise relationships between some of London's communities and policing services.

We therefore set out in detail here how the current technology works and how it is being tested. We accept that the facial recognition technology may work differently in future, and will be considering the implications of technological development and expansion in our full report. However, our concern in this interim report is with the current trials.

How LFR works in the current trials

In the trials currently being undertaken by the Metropolitan Police Service, LFR takes a specific, limited form.

Fixed cameras are deployed with utilising software, so as to scan the faces of people walking past the camera. This means that to capture facial identity people have to be channelled past the camera(s), and that standard issues in filming such as light come into play. Images are captured temporarily, and automatically checked in real time against a 'bespoke' watch-list.

A limited watch list is created specifically for each deployment of the technology. This watch list draws from the Metropolitan Police Service's databases of photographs. The majority of photographs used to compile the watch list are those taken when a suspect is in custody, but other sources have also been used. (We discuss the sources of images for the watch list later in this report.)

Potential matches are flagged to a nominated police officer, who conducts a visual check and assesses the alert. If the officer holds a reasonable belief in the credibility of the match, and judges that an intervention is warranted, police action may then be taken. It is important to note that no action is taken until after a police officer has visually assessed the accuracy of the match. In some operations, one officer may assess the initial alert while a second officer on the ground will receive information regarding a possible match. The second officer will then make the operational decision whether to intervene, for instance, whether to enter a crowd to engage with the person concerned.

During the current technology trials, a video recording is made of the people passing by the camera in order to support technical analysis of the trial data. This recording is retained for 30 days, whilst the technical assessment is carried out. The recording is then deleted. No images are extracted from this video.

The MPS aim to have completed a total of ten AFR trials by the end of 2018. At the date of writing the MPS had evaluated three of these trials: the first at Notting Hill Carnival in 2016, a further trial at Notting Hill Carnival in 2017, and a trial at the Remembrance Day ceremony at the Cenotaph in 2017. The MPS has since announced further trials.

Issue 1: Engaging the public in technology trials

Engaging citizens in trials of policing technology requires an ethical foundation. We can start by drawing an analogy with the conventional ethical principles that underpin social and medical research. These emphasise the importance of valid, ongoing consent; or, alternatively, require compelling arguments presented to an oversight body for why consent may be dispensed with. But the analogy is limited, because the LFR trials are not pure research. Rather, they involve testing technology in live policing operations where LFR is augmenting conventional and legitimate methods.

Ethical deployment of any policing technology requires balancing citizens' interests in protecting their freedoms, protecting the public from harm, and protecting the integrity of the justice system. Effective technology used appropriately can help to serve these aims. Conversely, ineffective technology used disproportionately and unnecessarily will compromise them. Technological questions – for example, whether AFR identifies people from different ethnic groups with equal accuracy – raise ethical questions.

The Panel is supportive of the development of evidence-based policing. Our starting point is that trials are ethically acceptable if they are of societal and scientific value, there is a legitimate basis on which individuals are engaged in them, and no harm arises purely from being a participant in a trial. Put another way, there should be a balance of social benefit in favour of carrying them out; they should be conducted in a manner that respects the dignity of individual persons; and protections should be in place for anyone vulnerable to their effects.

Limited trials are of value to test whether a technology can effectively serve valid policing aims, whether expenditure on it is likely to be a good use of public funds, and whether it supports economical use of limited policing resources. However, trials should take place within clear and appropriate constraints and without any prior assumption that testing the technology justifies future deployment.

Scientific value: the purpose of the current LFR trials

The Panel has had some difficulty understanding the purposes of the current LFR trials, and how far these purposes require and justify the participation of the general public.

The MPS has described the trials as an operational evaluation to assess the integration of facial recognition into a policing deployment. This implies that questions pertaining purely to the functioning of the technology – for example, how well it works in different light settings – would already have been resolved. However it is apparent that, in part, what the MPS is evaluating is indeed how the technology itself functions, albeit in a range of natural conditions.

The Panel's view is that if a primary purpose for trialling the technology has been simply to ascertain how effectively facial recognition can identify individuals on a watch list in a crowd situation, this could in principle have been achieved in simulated conditions. The technology would then have been tested on people who had consented to participate in a simulation, rather than on the public at large. This could have provided the required baseline data on, for instance, the rate of false positives and false negatives, without involving members of the public in trials associated with police operations.

The Panel is aware that the technology has been tested in controlled experimental situations, and that operational conditions are likely to be more challenging. But if the argument is that LFR must be tested in natural conditions, a better justification for trialling it on the public at large would have been that all options for testing and refining it in simulated natural conditions had been exhausted. The MPS has not presented this claim to the public. In consequence, what has been discovered during the MPS operational trials regarding the effectiveness of the technology appears to be of value, but this knowledge has been bought at the price of some public disquiet.

It also appears to be the case however, that the MPS is aiming to evaluate how far the technology is operationally useful. This is a different question. For example: can LFR help to bring about a worthwhile intervention, such as an arrest of a wanted suspect, whilst utilising fewer police resources or creating less inconvenience to the public than conventional methods?

The overall aim of evaluating operational deployments raises the question of what would constitute success. This is a conundrum found in other areas of police work, such as stop and search operations: that either the presence or the absence of arrests or other criminal justice outcomes can be counted as success. For example LFR may be described as having 'worked' at a public order event because there were fewer arrests (people liable to be arrested stayed away) or it may be described as having 'worked' because there were more arrests (people on the watch list were intercepted).

Any lack of clarity about the criteria for evaluating LFR in operational deployments undermines the value of the trials. It also raises questions about the terms on which the public are being invited to participate. Are they becoming involved in something akin to research; or are they being policed? This is an important distinction, and we discuss the implications later in this section.

Societal value: the selection of LFR trial situations

To date, the trials have been conducted in public order policing, and the selection of events has raised some unease. Deployment of the technology for the first time at Notting Hill Carnival has raised anxiety that this technology might be disproportionately used to police minority ethnic communities, or communities where stop and search is already a prevalent policing tactic.

However, the potential uses of LFR are much broader. For instance, the Panel is aware that LFR may be believed to be of value in retrieving vulnerable missing persons. The operational requirements and ethical justifications for using LFR in this situation will be different from those in public order policing. It should not be assumed that the conclusions from trials of LFR in one context would necessarily apply to its use in another.

The Panel has been eager to find out from the Service what they anticipate future uses of LFR may be, and what safeguards will be put in place to avoid 'mission creep'. We will return to this issue in our full report.

A legitimate basis for engaging the public: how the current LFR trials secure participation

To the extent that the trials are akin to field research, they should be governed by the ethical precepts that apply to research. As we noted above, the conventional basis for engaging participants in research is either through consent; or a compelling justification for dispensing with consent, generally requiring the research to be in the interests of each individual involved. On the other hand, to the extent that the trials are a police operation, they should be governed by the usual principles that apply to policing interventions, including accountability, legality, necessity and proportionality.

The MPS trials have been proceeding on the basis that the public should be told when trials are taking place around them, and be invited to email the Service if they have a view, but beyond this any more active consent to facial scanning is not required. The Panel has some concerns about the current approach.

Consider first the question of what would happen if an individual declined to walk past the AFR camera, having been informed that it was there. From a research perspective, they are exercising their right not to be involved. From a policing perspective they may be refusing a reasonable request. Would this be sufficient ground for further action, e.g. a stop and search?

As we understand it, the MPS view is that police officers are routinely entrusted to decide whether a citizen's behaviour raises legitimate suspicion, and that a person's choice to avoid an LFR camera is no different to any other circumstance in which an officer would have to make a judgement. This suggests that, without guidance to the contrary, a reasonable refusal to participate in a technology trial – perhaps because the individual is of a view that such technologies are unreliable or intrusive - may indeed be viewed as grounds for suspicion.

A further difficulty arises if a trial event space were to have restricted entry and exit points, so that the only means of entering or exiting the event entails passing by the camera. If the primary purpose behind facial scanning is to test the equipment, then individuals who decline to be scanned should be permitted to enter and exit at will. However, if the primary purpose of facial scanning is a police operation aimed at protecting everyone using the venue, then logic suggests that – subject to legitimacy, necessity and proportionality – all should be scanned.

We acknowledge that information leaflets have been handed out during the trials and interest groups including Big Brother Watch and Liberty have been invited to observe use of the technology. However, these forms of engagement have been limited and they do not address the issues we raise above.

Doing no harm: minimising risk in the current LFR trials

The most evident harms that could be incurred by individuals in the course of the trials are those associated with unwarranted police intervention, and with misuse of personal data. Above we have drawn attention to our concern that declining to participate in a trial could have adverse consequences for the individual. In the next section, Issue 2, we discuss the problem of false positives and false negatives, which could give rise to misdirected police action. The Panel is of the view that the current MPS trials have sought to minimise this risk. Under Issue 3, we touch on the integrity of the databases on which LFR relies. This recalls some already existing concerns.

Issue 2: The problem of inaccurate identification

One important consideration regarding use of automated recognition technologies by state agencies is the prospect of inaccurate or biased systems triggering unwarranted action by powerful authorities. There is a reasonable concern that people may find themselves subject to police action on the basis of mis-identification by a recognition system. Although that is perhaps the greater concern for members of the public, an important consideration for police services is the prospect of the technology failing to generate a match on occasions that it should. This undermines the effectiveness and efficiency of policing operations and the aims associated with them.

Accuracy

It has become clear during our work that rates of false positives (a match based on misidentification) are being calculated in different ways by different interested parties. For this reason, the MPS is reporting a far lower rate of false positives from their trials than have been reported by civic interest groups and the national press.¹

The Panel are aware of the disagreement surrounding the reported rates of false positives and how they are calculated. However, we are less concerned with how the rate is calculated than we are with the consequences of inaccuracy.

We have noted above that the MPS trials have two purposes. The first purpose is to ascertain how accurately a facial recognition system can identify individuals in a crowd situation. Taken on its own, and devoid of any other context or purpose, this is a largely technical question. However, the second purpose of the trials is to evaluate how well a facial recognition system will work when it is implemented by human actors in policing operations. When the technical question of accuracy is linked to human capability and policing purpose in this way it ceases to be a purely technical question, because inaccuracy has potentially serious consequences for citizens and police alike.

What matters ethically is not whether LFR in principle has the technical capacity to identify individuals in a crowd, which is all that pure false positive and pure false negative rates tell us. What matters ethically is what happens when LFR is used for a purpose, whether by the police or anyone else. There can be significant implications when LFR is used by a police service, and when LFR generates a match or fails to generate a match in police operations. What these depend on are how LFR's technical capacity is utilised, and for what purpose.

1. www.independent.co.uk *Metropolitan Police's facial recognition technology 98% inaccurate, figures show.* 13 May 2018; www.theguardian.com *Facial recognition is not just useless. In police hands, it is dangerous.* 16 May 2018.

Consequences

In the current MPS trials, when an alert is triggered against the watch list it is assessed by a police officer. Action is taken only if the match appears credible to that officer, and an intervention is judged appropriate.

The most immediate and pressing concern for citizens is therefore likely to be the prospect of false alerts where a police officer relying on LFR does indeed conclude a match is credible, resulting in police action of some sort. This type of false alert is evidently of significance from a civil liberties perspective and should therefore be subject to rigorous evaluation and public scrutiny.

Across the 3 trials to date, the MPS system has generated a total of 104 alerts. 8 were assessed as credible by police officers, and an intervention made. In 6 cases it was established that the person was not who they were thought to be, and 2 were correctly identified. We understand that so far the false alerts have resulted in a police stop and request for identification, with no further consequences. However, these examples indicate that false alerts do indeed have the potential to give rise to police actions that may be regarded as interference by affected individuals.

Alerts assessed by officers not to be a reasonable match do not result in police action against innocent individuals. However, they call the technology into question by undermining its effectiveness. Deployment in other industries has established how this type of false alert can raise a host of issues in practice: for instance technology users can become prone to 'automation bias'² and trust technology to be right even against their own judgement; conversely users can respond to high levels of false alerting by ignoring the technology. We would expect evaluation of the prospects for LFR adoption in policing to take this into account.

2. Cummings, Mary. "Automation bias in intelligent time-critical decision support systems."

AIAA 1st Intelligent Systems Technical Conference. 2004.

Parasuraman, Raja, and Victor Riley. "Humans and automation: Use, misuse, disuse, abuse." *Human factors* 39.2 (1997): 230-253.

Issue 3: Composition of the watch-list and data protection

We noted above that current LFR technology requires a bespoke watch-list to be created for each occasion that it is used. A watch-list will be built according to the policing purpose to be served by use of the technology, and this in turn sets the threshold for inclusion on the watch-list. The integrity of the watch-list will also depend on the integrity of the databases from which images are drawn. Why and how the watch-list is compiled are therefore questions of central importance.

The policing purpose behind the current trials has been to secure the safety of members of the public or of the royal family. Watch-lists during the trials conducted to date have comprised individuals with outstanding arrest warrants, individuals believed likely to carry out crimes of violence, and individuals known to the police thought likely to present a threat to safety of public figures. Every deployment of the technology in a trial will be subject to policing policy decisions, but the MPS has not determined a threshold at which use of the technology or inclusion on a watch-list is believed to be justifiable.

As the technology currently stands, compiling a watch-list for each deployment requires purpose, judgement and significant time and thus significantly limits the reach of LFR. This limitation might be regarded as, in some respects, protective of civil liberties. The limitation may not be an enduring feature of the technology, however, and cannot alone be relied upon to constrain future uses.

Integrity of the databases from which the watch-list is compiled

We share the concerns that others have expressed about the integrity of the databases from which images are drawn. There is longstanding controversy about the MPS custody photograph database, the legitimacy of which has been subject to challenge in the courts and has yet to be finally addressed.³

We note that whilst most images are drawn from the custody databases they have also been drawn from other sources available to the MPS. This is a matter of concern to the Panel, as it raises questions about the legitimacy, retention and use of images included on the watch-list when LFR is deployed in future.

Furthermore the quality of images used to compile the watch list affects the operation of the technology. We note that according to press reports the South Wales police have reported a high number of false positives in their trials of the technology, attributing this in part to the poor quality of images provided by the partner agencies.⁴ As we noted above, the rate of false positives is a matter of ethical concern.

Data protection

We acknowledge that Privacy Impact Assessments are in place setting out the principles for use of personal data in the trial and that these have been shared in advance with relevant Commissioners. We recognise that steps have been taken to ensure that data collected as part of the trial are securely stored, with access only to those conducting the evaluation, and that trial images are destroyed within one month after the end of the trial.

Issue 4: Overt and covert surveillance

We note that whilst the current trials set out to deploy LFR overtly, there is clearly scope to use LFR in covert operations. Covert operations are, at present, subject to more rigorous scrutiny and challenge, through the Regulation of Investigatory Powers Act 2000, than is overt use of surveillance technology.

The different treatment of overt and covert surveillance raises the question for the Panel whether, indeed, this should continue to be the case. Arguably, given the potentially far-reaching effects of LFR, it should be subject to greater scrutiny and be at least equivalent to that required in covert operations.

We understand that LFR is not being trialled in covert operations, so this issue is one for future consideration. The Panel will return to it in our fuller report.

Issue 5: Limited trials have the potential to become unlimited adoption

It is clear from our consultations to date that the trials of LFR represent a 'slippery slope' to some observers. While the current trials themselves might be viewed as marginally acceptable (we recognise that for some people, the trials themselves are unacceptable) some argue there is a threat to liberty because the trials could be followed by large scale and unrestricted implementation. This argument presents

challenges to those who support the testing of LFR, as the Panel is inclined to do.

The first question is how, if the technology in its current state proves effective, its routine use will be governed. It is widely recognised that there is at present a regulatory lacuna. LFR does not fall squarely under the remit of any of the Biometrics, Surveillance or Information Commissioners, although each has an interest in aspects of it.

Second, as the capacity of the technology develops then how will future uses be constrained? Some have argued that, with its current limited capacities, LFR provides no greater ethical challenges than does use of super-recognisers, Football Intelligence Officers, ANPR and other policing activity. However, the potential for the technology to do much more is apparent, starting with a shift in the speed and efficiency of processing from human to machine timescales and ending, perhaps, with routine monitoring of public space and large-scale retention of personal data for use by police and other public bodies.

We intend to deal with both of these questions in our final Report. We are, however, clear that whatever the outcome of the trials LFR should not be extended to operational use unless appropriate legal and governance frameworks are in place.

3. www.gov.uk Review of the use and retention of custody images. February 2017. 'In 2012, the High Court ruled, in the case of RMC and FJ v Commissioner of Police for the Metropolis and Secretary of State for the Home Department [2012] EWHC 1681 (Admin) 1 ('RMC'), that the retention of images from unconvicted individuals...was unlawful. In response to this judgment, the Government commissioned a review of the current framework for the acquisition, retention and deletion of custody images as well as their operational uses and governance arrangements.' A deletion on request policy has been instigated pending the publication of the Home Office Biometrics Strategy.

4. www.south-wales.police.uk

IMPROVING GOVERNANCE OF THE TRIALS

We are conscious that there has been criticism of the conduct of the trials, as well as arguments that LFR should not be used at all in public policing.

However, it is the view of the Panel that well-designed trials are of value. First, judgements about the technology's use and future implementation have to be based on evidence of efficacy and efficiency. Second, LFR technology is increasingly widely used elsewhere than in policing and is attractive to those seeking to provide security (for example, against persistent theft) in the private sector. This context means that decisions on whether or how it should be adopted by public police services need to be justified following full consideration of its advantages, threats, and regulation. And finally, trials provide an opportunity for engaging with Londoners about how the technology works and exploring their views on its acceptability.

We are therefore recommending a number of measures to promote ethical governance of the trials, build citizen engagement and sustain public trust.

Recommendation regarding communication of information

If members of the public are to be engaged in the trials there should be open, honest and transparent communication about the trials. Information should supply an even-handed account of the purpose of the trials and the risks and benefits associated with them.

1. Any member of the public seeking information about the MPS trials should be able to locate the MPS's own communications about it quickly and easily by a simple internet search. The information that we recommend be made readily available to the public throughout the period of the trials (see below) could be provided on a dedicated web page, as is common practice in fields of research such as clinical trials which rely on public participation.

Recommendations regarding the legal and regulatory framework for the trials

There is currently lack of clarity about the legal basis for use of the technology, and the regulatory framework that applies to it.

2. The MPS should publish its view on the legal basis for the use of the technology before the trials proceed further.
3. Given the current regulatory lacuna, the MPS (working with the NPCC) should continue its dialogue with the relevant Commissioners to identify the fundamental principles believed necessary for proper oversight of LFR. It should bind itself to these principles.
4. The views of the Home Office Biometrics and Forensics Ethics Group Working Party on LFR should, when published, be taken into consideration.

Recommendations regarding the scientific and societal value of the trials

The trials are justifiable to the extent that they create worthwhile new knowledge with minimal intrusion on the lives of citizens. The Panel is of the view that more active citizen involvement in the planning, design, execution and governance of the trials could enhance both the trials themselves, and public understanding and trust in them.

5. The MPS should ensure there is a robust oversight group specifically for the conduct of the remaining trials. There are many members of the public who are well informed about police surveillance, new technologies, and governance (for instance through academic research activity), and the oversight group should seek to draw on their expertise as well as engage further with groups from civil society. The service has indicated an initial willingness to engage with a specialist academic research group to look at the trials from a social perspective, and we strongly support this initiative. The involvement of academic researchers may also support the functioning of the trial oversight group.
6. We are glad to note that there is now a governance group concerned with the potential future development of LFR in the MPS. A member of the LPEP has attended this group and the Panel would welcome continuing inclusion.

7. The MPS should clarify and inform the public of the questions the trials are intended to address, and why public participation is necessary. It should be apparent how the trials are designed to answer these questions. The oversight group we propose could assist in this process of clarification by providing a lay perspective.
8. For avoidance of further confusion, MPS should clarify and define all terminology used in relation to facial recognition technology and should justify how it is defining and calculating false positive rates. It would be helpful for all police forces to adopt standardised terminology and definitions, so that the public can gain a consistent and clear understanding of data arising from trials of facial recognition technology.
9. Trial sites should be selected so as to minimise perceptions of bias against certain communities, and to maximise new knowledge.
10. The trial design and evaluations should be shared with other forces so as to avoid unnecessary duplication.

FUTURE LPEP REPORT

Recommendations regarding expectations of public participation in the trials

11. When informing the public about the trials, the MPS should state that declining to be scanned would not in itself be viewed as grounds for suspicion. We look to the MPS to make this principle workable and meaningful when selecting sites for AFR trials that have controlled entry and exit points.
12. The MPS should publish the Privacy Impact Statement(s) it has developed for the LFR trials, so as to demonstrate and allow public scrutiny of how it is applying data protection principles.

Recommendations in respect of future decisions to deploy LFR

The Panel is strongly of the view that conducting trials cannot justify future implementation of AFR. We are aware that some critics of LFR trials view them as a further step towards ever more intrusive state surveillance. We understand these concerns, but would favour fostering an informed public debate based on evidence and insight from the trials themselves. Our position thus rests upon there being appropriate opportunity for the public to contribute to future decisions on implementing LFR.

13. The MPS should set out, as a condition of continuing with the trials, how it will go about making future decisions on implementation; including how it intends to engage citizens in those decisions.

This report on LFR is intended as an interim report in order to comment on the ongoing trials. We are continuing to liaise with MPS to build further understanding of the issues associated with LFR. We have been impressed by commitment to engaging in dialogue with us, and believe there is scope for learning on all sides about the risks and benefits that LFR affords.

In our forthcoming report we intend to discuss, amongst other issues: the source and use of images, particularly where there may be an interface with private sector use of LFR; the potential 'chilling effect' of AFR on freedom of association and public protest; and the future use of LFR technologies in arenas beyond public order policing.

Dr Suzanne Shale *Chair*
Professor Deborah Bowman
Dr Priya Singh
Professor Leif Wenar
July 2018

MEMBERSHIP: APPOINTED 2017

DR SUZANNE SHALE - CHAIR

Suzanne Shale works as an independent ethics consultant. She develops ethical policy and guidance, undertakes commissioned research, provides education and training, and offers one-to-one support for people seeking ethical direction. She has an international reputation for her work helping health care organisations to respond well when patients have suffered harm in their care.

Suzanne is a Visiting Professor at the Department of Security and Crime Science, University College London. She was formerly a Fellow of New College Oxford, University Lecturer in Law, and Director of the Oxford Learning Institute. She holds higher degrees in law and medical ethics, and qualifications in mediation and conflict resolution. She now works with NHS and independent sector care providers, medical Royal Colleges, the General Medical Council, medical defence organisations, charities, and universities in the UK and overseas.

Suzanne chairs the UK's leading patient safety charity, Action against Medical Accidents, sits on the Department of Health's Independent Reconfiguration Panel, and is a member of the Healthcare Safety Investigation Branch Advisory Panel. She was a 2016 Winston Churchill Memorial Fellow. Her book *Moral Leadership in Medicine: Building Ethical Healthcare Organizations* was published by Cambridge University Press in 2012. Her website is www.clearer-thinking.co.uk. Suzanne spent her twenties discovering south London, where she set up a low-cost housing co-operative. In 1996 she moved north of the river to live in Islington.

PROFESSOR DEBORAH BOWMAN

Deborah Bowman is Professor of Bioethics and Clinical Ethics and Deputy Principal (Institutional Affairs) at St. George's, University of London. Her background and qualifications are in law and philosophy. Professor Bowman's academic interests concern the application of ethics to professional and practice environments, emotion in ethical decision-making, moral distress, public involvement in ethical debate, theatre and medicine, and therapeutic relationships between professionals and those they serve. She is also a mediator and provides clinical ethics support to the NHS. Professor Bowman has published extensively and she has participated in many international projects in the field of applied ethics and the moral dimensions of public policy and professional regulation.

Deborah Bowman has worked with many national and public organisations. She is currently the Chair of the General Medical Council working group reviewing national consent guidance for doctors. She also serves as an external member of the General Optical Council's Standards Committee. Deborah has a commitment to public engagement and has worked with festivals, theatres, arts organisations, charities and broadcasters. She is an external member of the Wellcome Trust's Public Engagement Committee. She is a broadcaster and regular commentator in the media, particularly for BBC radio. Recent projects include developing and presenting a second series of *Test Case* for Radio 4 and collaborating with Love Productions on a documentary exploring clinical ethics support in the UK for Channel 4.

Prof Bowman is the former Chair of The Deafinitely Theatre Company and Sutton High School Governing Body. In 2016, she was awarded an MBE for Services to Medical Ethics. Deborah has lived and worked in South West London since 1992.

DR PRIYA SINGH

Priya Singh's medical career began in general practice, following which she specialised in legal medicine. She has broad strategic and operational executive experience in healthcare and ethics, international member services, professional indemnity and risk. During her career she has advised healthcare professionals on the legal, ethical and regulatory standards underpinning practice in the UK and internationally, including in Ireland, South Africa, Hong Kong, Malaysia, Singapore, New Zealand, Israel, Bermuda, Jamaica, Barbados and Trinidad.

She is a trained mediator and trainer in communication skills, managing change, decision making under pressure and in resolving team conflict. She has particular expertise in quality assurance and governance in the delivery of safe, empathetic and effective patient care. Priya is President (board chair) of the Society for Assistance of Medical Families, a mutual provident fund with charity status, a Non-Executive Director of Guy's and St Thomas' NHS Foundation Trust and an Associate with Working With Cancer, a social enterprise helping those with cancer remain in or return to work. She has lived and worked in Westminster since 1996.

PROFESSOR LEIF WENAR

Leif Wenar is Professor at the School of Law, King's College London, where he holds the Chair of Philosophy and Law. His degrees in Philosophy are from Stanford and Harvard, and he has been a visiting professor at Stanford and Princeton and the Carnegie Council Program on Justice in the World Economy. He is an editor of The Ethics of Philanthropy, and the author of Blood Oil: Tyrants, Violence, and the Rules that Run the World. Since first moving to London in 1998 he has lived in Chelsea and Brixton, and since 2004 in Camden near King's Cross.



- 1. Dr Suzanne Shale
- 2. Professor Deborah Bowman
- 3. Dr Priya Singh
- 4. Professor Leif Wenar.

LONDON POLICING ETHICS PANEL
INTERIM REPORT ON LIVE FACIAL RECOGNITION

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