

# Live Facial Recognition

## Policy Workbook and Equality Impact Assessment Review



This should be completed with your Force Diversity and Inclusion lead. Considering the aims of the [Public Sector Equality Duty, 2011](#) will enable you to demonstrate due consideration of the legislative duties to:

- **Foster good relations,**
- **eliminate discrimination** and
- **promote equality of opportunity,** with people identifying with a protected characteristic

### SECTION 1: EQUALITY IMPACT ASSESSMENT REVIEW

Title:	Live Facial Recognition
Department Responsible:	Local Policing
Completed By:	CI [REDACTED]
Date:	30/09/2025
Version:	1.0

The purpose of this Equality Impact Assessment (EIA) is to ensure that the use of Live Facial Recognition (LFR) technology in Surrey and Sussex is only done in a manner that has due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the Equalities Act.
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic.
- foster good relations between people who share and people who do not share a relevant protected characteristic.

### Purpose of LFR

LFR is a live-time deployment which compares live camera images of members of the public against a predetermined reference image database to locate persons of interest. In addition, LFR may help to deter or disrupt the attendance of those who pose a threat to the relevant critical national infrastructure and/or to public safety.

Before any deployment of equipment, a specific watchlist database is created, which is bespoke for that deployment and the rationale for the make-up of the database must be intelligence led, justified, proportionate and necessary, with the nature of the database recorded prior to each deployment. The deployment of LFR must be to a specified location(s), which are intelligence led, and consideration is given (in accordance with Force LFR documents) to the location and the impact of the deployment on local communities and organisations, as well as to the impact on individuals seeking to avoid the LFR deployment. The criteria for the construction of watchlists for use with LFR, and the deployment location, must be approved by the Authorising Officer (the 'AO').

The database that is used for images will primarily be compiled from custody images on the Surrey and Sussex Records Management System. There may be times when a custody image, from another police force, is used where they are suspected of committing a relevant offence for the LFR deployment. Alternatively other sources could include crime-scene imagery such as CCTV provided to police by third parties, as well as images of a missing person provided by friends or family. Wherever it is both possible and appropriate to do so custody images will be used given the known quality and consistency of such images, but not all individuals will

have a custody image, or they may have one but it is not appropriate to be used (e.g. where it is long out of date). Once an operator is notified by the LFR system of a potential match to the database, it is the responsibility of that operator in line with their training, the law and all applicable policies to make a decision as to whether the potential match should be disregarded or, alternatively that they should request that officers either engage with that individual to establish their identity, or instead (due to the associated risk) monitor that person whilst awaiting further instruction, in line with Surrey and Sussex policies and procedures.

Once identity is confirmed the engagement officer has a range of options which can include no further action through to arrest. Where the identification is to ensure an individual's safeguarding, it may also involve implementing safeguarding referrals or notification to responsible carers.

The cameras utilised by the operator will initially be mounted on a marked vehicle. LFR is not used as a covert technology and during operational deployments vehicles and locations will have clear signage identifying the use of the technology and leaflets explaining its use.

## Benefits of LFR

At the time of initiating this EIA Surrey and Sussex are planning the deployment of LFR, but extensive experience has been gained by other forces, such as the Metropolitan Police and South Wales Police, who view LFR as an effective and valuable tool.

LFR allows for the identification of offenders to take place faster, in a more privacy conscious manner than other traditional methods and, in some cases, makes identifications where no identification would otherwise have been made using other methods. This can improve the quality of investigations, and the delivery of the core purposes of the Police including both law enforcement and safeguarding responsibilities. This can result in victims seeing the perpetrators of crime brought to justice in a timelier fashion, which frees up resources to allow further understanding and increased responding to the needs of the community.

LFR has several advantages over other systems currently used across Surrey and Sussex, such as CCTV. LFR allows Surrey and Sussex to deploy its resources more efficiently. For example, the LFR system will actively alert officers to the potential presence of sought persons rather than requiring large numbers of officers to be briefed and supplied with watchlist information, and then watch a busy CCTV feed etc. LFR has the capacity to assist officers where the number of people passing officers (or a CCTV system) makes identifications challenging, when the number of individuals sought to be identified is significant.

LFR also provides the ability to locate persons outside of a particular borough or division. During their deployments, Metropolitan Police analysis for 1 January 2024 – 31 July 2024 confirmed that:

- Out of all arrests made, 57% of arrests were made outside of the BCU with responsibility for seeking to locate the Sought Person – with 87% of those arrested outside of the BCU being wanted for a recordable offence which is capable of a year or more in prison.
- 20% of all arrests made were for those sought by the MPS outside of the BCU seeking to locate them where they were suspected of having committed a crime or where there were reasonable grounds to suspect that the individual was about to commit or was in the process of committing a crime.
- 37% of all arrests made were for those sought by the MPS outside of the BCU seeking to locate them in relation to an outstanding court warrant for their arrest.

## The Purpose of the Equality Impact Assessment

### Public Sector legal responsibilities - Equality Act 2010

It is an important objective of all projects within Surrey and Sussex Police, including those under the Facial Recognition umbrella, to be compliant with Public Sector Equality Duty 2010 (PSED). The purpose of this Equality Impact Assessment (EIA) is to assess this proposal for equality impact against staff and service users effected by the proposal's implementation. Conducting this assessment aims to identify disadvantages suffered by any individual and/or group safeguarded by a protected characteristic, and by those who are not (for example, 'socio-economic' groups). The aim is to mitigate any identified disadvantage by eliminating the impact, reducing the impact or excepting the impact. If elimination and/or reduction is not possible, Surrey and Sussex Police are required to implement a positive action strategy or provide a justification rationale for not doing so under the criterion of 'Proportionality, Legality, Accountability and Necessity'. The purpose of conducting EIAs is to meet the legal requirements set out in the 'Public Sector Equality Duty (PSED), and specifically, in relation to the 3 Aims and 3 Specific Duties under section 149 of the Equality Act 2010 (the Act).

'A public authority must, in exercise of its functions, have due regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or

under this Act.

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The law requires that public authorities demonstrate they have had ‘due regard’ to the aims of the equality duty in their decision making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices by completing this EIA is one of the key ways in which public authorities can demonstrate that they have had ‘due regard’.

<b>Surrey Consultation Log</b>			
<b>Name of Business Group / Unit, Association, Stakeholder</b>	<b>Reason for the consultation</b>	<b>Date and method of consultation</b>	<b>Outcome of consultation</b>
Surrey Police Ethics Committee	To update the committee on project progress and the software/algorithm to be used during deployments.	25/09/2025 – verbal	Committee updated on the project in general, the command structure for deployments and authorisation process. Update also provided on the software provider, including algorithm threshold to be set during deployments. The fair use of LFR was raised across all policing situations, and reassurance given on CIA process. Overall, the view of the Committee was positive, and a request made to bring a review of deployments back to the Committee in approx. 12 months’ time.
Surrey Police Race Advisory Group	To update the group on project progress and the software/algorithm to be used during deployments.	Verbal and email	Ongoing dialogue.  Further in person update planned for Nov 25.
Surrey County Council Chief Executive	Provide an overview of LFR.	Verbal and email	Ongoing dialogue
Surrey Borough/District Council Chief Executives	Provide an overview of LFR.	Verbal and email	Ongoing dialogue
Surrey Minority Ethnic Forum	Provide an overview of LFR.	Verbal and email	Ongoing dialogue
Surrey Business Improvement District Managers	Town centres across Surrey will be a potential deployment location, and BID Managers are a key voice in representing the town centres, and those who in, or visit, them.	08/10/2025 - verbal	Attendees updated on the project and the potential for LFR vans to be deployed in or close to town centre, and retail, locations. Overall, the view of attendees was that LFR would prevent crime and make the locations safer. Reassurance given on ongoing scrutiny and oversight and seeking to understand and mitigate any local community impact.

<b>Sussex Consultation Log</b>			
<b>Name of Business Group / Unit, Association, Stakeholder</b>	<b>Reason for the consultation</b>	<b>Date and method of consultation</b>	<b>Outcome of consultation</b>
Sussex Police Ethics Committee	To update the committee on project progress and the software/algorithm to be used during deployments.	23/09/2025 - verbal	Committee updated on the project in general, the command structure for deployments and authorisation process. Committee updated on the software provider, including algorithm threshold to be set during deployments.

Sussex Police Race Advisory Group	Provide an overview of LFR.	Briefed in February 2025.	Ongoing dialogue
Sussex MPs	Provide an overview of LFR.	Verbal	Ongoing dialogue
Police and Crime Commissioner	Provide an overview of LFR	Verbal and email	Ongoing dialogue
Sussex County Council Chief Executive	Provide an overview of LFR.	Verbal and email	Ongoing dialogue
Sussex Borough/District Council chief Executives	Provide an overview of LFR.	Will be consulted in line with CIA as deployments are arranged.	Ongoing dialogue

Protected characteristics		Internal relevant to staff / working practices	External relevant to service delivery
A	Age	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
B	Disability	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
C	Gender Reassignment (Gender identity and expression)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
D	Marriage and Civil Partnership (employment only)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
E	Pregnancy and Maternity	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
F	Race	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
G	Religion or Belief	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
H	Sex (Gender)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
I	Sexual Orientation	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>

Other characteristics or factors		Internal relevant to staff / working practices	External relevant to service delivery
J	Neurodiversity	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
K	Mental Wellbeing	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
L	Socio Economic	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
M	Caring Responsibilities	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
N	Other – please describe:	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>

In the first instance you should contact your Diversity and Inclusion Lead, they will advise and support you through the equality impact assessment process.

If the answer is **No** to all questions above, progress to **Section 2**.

## Examination of available information

### Surrey and Sussex Police LFR Policy Document

Access via: [Live Facial Recognition | Sussex Police](#) and [Live Facial Recognition | Surrey Police](#)

The Policy Document provides Surrey and Sussex personnel with advice on the overt use of LFR in a legally compliant and ethical manner to enable Surrey and Sussex Police to achieve legitimate policing aims. This includes information about the present strategic, operational and technology objectives for the overt use of LFR, establishing the governance structure for the deployments of LFR, and providing an overview of the technology.

### Surrey and Sussex Police LFR Legal Mandate

Access via: [Live Facial Recognition | Sussex Police](#) and [Live Facial Recognition | Surrey Police](#)

The Legal Mandate outlines the legal basis for Surrey and Sussex Police's use of LFR technology.

### Surrey and Sussex Police LFR Data Protection Impact Assessment (DPIA)

Access via: [Live Facial Recognition | Sussex Police](#) and [Live Facial Recognition | Surrey Police](#)

The DPIA:

- Describes the nature, scope, context and purposes of the processing.
- Assesses the necessity, proportionality and compliance measures.
- Identifies and assesses risks to individuals; and
- Identifies any additional measures to mitigate those risks.

The DPIA will be created for deployment of the LFR system generally, it will be kept under ongoing review as a living document and updated as necessary and appropriate, especially as regards feedback from deployments.

### Surrey and Sussex Police LFR Community Impact Assessment (CIA)

Access via: Here [Live Facial Recognition | Sussex Police](#) and [Live Facial Recognition | Surrey Police](#)

There will be a CIA for each deployment. Each will set out an assessment of the effects associated with the use of LFR to help predict the impact that its use may have on the local community.

### Surrey and Sussex Police LFR Training Documents

The training documents provide mandatory training for the Authorising Officer, Gold, Silver, Bronze, LFR Engagement Officers and LFR Operators. The documents cover points for Authorising Officers, the legal basis, how LFR may be adopted and the management of data.

The College of Policing published publicly its APP on Live Facial Recognition in March 2022.

### Code of Ethics

The College of Policing [Code of Ethics and supporting Code of Practice for Ethical Policing](#) set and define the exemplary standards of behaviour for everyone who works in policing. The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position. The Code's principles include "Challenging unprofessional behaviour and practice" which requires officers to "challenge all prejudice, discriminatory behaviour and any activity that undermines the impartiality of policing", and "In ensuring that everyone is treated equally and fairly, regardless of background or circumstance, we recognise the need to tailor our response to ensure that we are being responsive to individual needs and acting with integrity and respect".

### Surrey and Sussex Police LFR website:

The Force has a dedicated website [Live Facial Recognition | Sussex Police](#) and [Live Facial Recognition | Surrey Police](#) which is a public-facing website sharing information about LFR and Surrey and Sussex use of it. The site supplies information such as FAQ's, truths about the system, accuracy information and who they are seeking with this technology. The website also lists future locations where the technology is due to be deployed. To aid transparency it also links to statistical pages where the public can examine the results of each Deployment.

### Factors which could contribute or detract from the intended outcomes:

The level of public interest in the use of the technology is not underestimated and is often supported by media coverage.

LFR has raised concerns amongst civil libertarian groups who have called the Deployment of the technology “dangerously authoritarian”. It has been covered in various press articles and publications, with key concerns centring around a lack of legislation and legal framework underpinning the technology, how it is another step to the state impinging on the rights and freedoms of the public, and racial bias that had been present in previous versions of the technology. Links to such articles, and the Home Office response to such concerns, are in Annex A.

### How is it used in England and Wales?

It is an operational decision for individual police forces in England and Wales whether to use LFR.

Since the Metropolitan Police conducted ten trials of the technology between 2016 and 2018, other police forces – such as South Wales Police, Northamptonshire Police, Bedfordshire Police, Hampshire Police and Essex Police – have used LFR in England and Wales. The technology has been deployed at the Coronation of HM King Charles III, music concerts, major sporting events, Notting Hill Carnival and in shopping centres.

In comparison, LFR technology has not been used in Scotland or Northern Ireland.

There are no official statistics on the use of LFR in England and Wales, though its use appears to be increasing. For example, according to data compiled by a group of London Assembly Members, the Metropolitan Police used LFR 117 times between January 2024 and August 2024, compared with 32 times between 2020 and 2023.

### Why has it generated controversy?

Some have also criticised the accuracy of the technology and its impact on civil liberties.

Some studies have also shown that there is a racial bias in the way the LFR computer generates matches. This has resulted in some cases where Black people have been more likely to be incorrectly matched with watch list individuals because of bias in computer learning from available datasets. Some have argued that there is a risk of this technology “perpetuating existing disproportionate policing practices” and “exacerbating racial profiling and discrimination”.

In this regard it is particularly worth noting the Ada Lovelace Institute report “Beyond face value: public attitudes to facial recognition technology” which was in September 2019. The report summarises the main messages from a survey of public attitudes to the use of LFR in the UK. This survey shows that the British public are prepared to accept use of facial recognition technology in some instances, when there is a clear public benefit and where appropriate safeguards are put in place, but they also want the government to impose restrictions on its use. Most people think facial recognition technology should be permitted for use by police in criminal investigations (70%).

### How is it regulated?

There is no dedicated legislation in the UK on the use of facial recognition technologies. Instead, LFR use by law enforcement is regulated by a combination of common law and statutes such as the Police and Criminal Evidence Act (PACE) 1984, the Human Rights Act 1998, Equality Act 2010, UK General Data Protection Regulation and the Data Protection Act 2018.

The Home Office states that facial recognition use is “strictly governed by data protection, equality, and human rights laws, and can only be used for a policing purpose where it is necessary and proportionate. However, some human rights and civil liberties organisations believe that the legal and oversight framework for LFR in England and Wales is too weak.

In the EU, the European Parliament recently introduced rules heavily restricting the use of LFR through the Artificial Intelligence Act 2024 (AIA). The act prohibits the use of LFR in publicly accessible spaces for the purposes of law enforcement, unless such use is “strictly necessary” to search for specific suspects, missing persons, or victims of exploitation, or to prevent threats of terrorism or physical safety of people. A judicial authority or an independent administrative authority must also grant authorisation before LFR can be deployed by the police.

In an open letter to the Prime Minister in August 2024, several human rights and civil liberties organisations suggested that following the new restrictions introduced in the EU, England and Wales could become “an outlier in the democratic world” should police forces continue to increase their use of LFR.

### The view of the ICO:

The ICO has issued a report titled “ICO opinion on the use of live facial recognition technology by law enforcement in public places” <https://ico.org.uk/media/about-the-ico/documents/2616184/live-frt-law-enforcement-opinion-20191031.pdf> which covers a number of points including:

- The public expect the highest standards of compliance by the police and other law enforcement authorities when processing sensitive data on a large scale and which occurs when using LFR in public areas. The Information Commissioner views such high standards, reflected in this Opinion, as critical to maintaining public confidence in the technology and what it is seeking to achieve. In the Information Commissioner’s view, the case for effectiveness should not be based on the ratio of matches compared to false matches, although that may be an indicator of effectiveness. Nor should effectiveness be based simply on the number of arrests enabled by LFR. Measures of effectiveness should include demonstrable benefit to the public. A possible example is where LFR results in the location and conviction of a serious offender leading to a reduction in that

individual's ability to commit serious crime.

- From the perspective of transparency, the Information Commissioner believes that law enforcement agencies should ensure that sufficient information is made available to the public so that the public, and directly affected individuals, are able to understand how the law enforcement agency's measures of effectiveness inform the evolution and duration of pilot phases, as well as operational Deployments.
- In order to mitigate the risk of bias within the technology against gender or ethnic groups, agencies considering Deployment of LFR should:
  - complete an Equality Impact Assessment with consideration to the Equality Act 2010; and
  - regularly review this against legal developments (as the High Court noted in the case of *Bridges v South Wales Police*).

This was followed in 2021 with an [Opinion on the use of LFR in public places](#), setting out key requirements for those considering using this technology.

### **Core Legal Precedent - Judicial Review of *Bridges v South Wales Police***

In May 2019 the pressure group Liberty brought a judicial review challenging the legality of South Wales Police use of an LFR programme. The case concerned SWP use of Automated Facial Technology (AFR) in two Deployments where SWP allegedly recorded an image of the Claimant. Once on 21<sup>st</sup> December 2017 at Queen Street Cardiff and another at the Defence Procurement, Research, Technology and Exportability Exhibition ("the Defence Exhibition") on 27<sup>th</sup> March 2018.

On 4<sup>th</sup> September 2019 in the Administrative Court (Haddon-Cave LJ and Swift J) handed down the judgment that 'The Court' held that it was lawful for the police to use AFR. in *R (on the application of Edward Bridges) v The Chief Constable of South Wales Police* [2019] EWHC 2341 (Admin)

The Claimant contested that the use of AFR was unlawful as under s149(1) Equality Act 2010 that SWP failed to take account of the fact that the use of AFR would result in a disproportionately higher rate of false-positive matches for women and minority ethnic groups. Therefore, the use of the technology would indirectly discriminate. Accordingly, arguing that SWP failed to consider the relevant considerations from s149(1)(a)-(c) of the Act.

The claim relied upon s149(1) of the Equality Act 2010 which prescribes that public authorities are required to put in place systems to eliminate discrimination, advance equality of opportunity and foster good relations between those who have protected characteristics.

In adherence to the requirements, SWP had prepared an Equality Impact Assessment prior to any LFR Deployment of the technology and prior to the two Deployments concerned, showing SWP had considered its obligations at an early stage. This was criticised by the Claimant on the basis that it failed to consider that the AFR technology may produce results which were indirectly discriminatory due to results that state it is more likely to falsely match female and minority ethnic faces.

The Court noted that there was no firm evidence that AFR produces indirectly discriminatory results. The Court placed reliance on the safeguard of having an officer make their own determination of any match the system provides. Accordingly, the Claimants arguments as to the equality ground failed.

The Claimant's claim for judicial review was dismissed on all grounds. The case was then appealed to the Court of Appeal.

The Court of Appeal found that SWP did not pay due regard to the public sector equality duty. They had not updated their equality impact assessment from its initial issue and SWP had not taken measures to assure themselves as to whether their system had a gender or race bias in it prior to its use. Forces will need to reasonable steps to satisfy itself, either directly or by way of independent verification, that the algorithm does not have an unacceptable bias

In the Court of Appeal these are the points which were detailed which policing needs to follow to demonstrate due regard under the PSED:

- The PSED must be fulfilled before and at the time when a particular policy is being considered.
- The duty must be exercised in substance, with rigour, and with an open mind.
- The duty is non-delegable.
- The duty is a continuing one.
- If the relevant material is not available, there will be a duty to acquire it and this will frequently mean that some further consultation with appropriate groups is required.
- Provided the court is satisfied that there has been a rigorous consideration of the duty, so that there is a proper appreciation of the potential impact of the decision on equality objectives and the desirability of promoting

them, then it is for the decision-maker to decide how much weight should be given to the various factors informing the decision.

### **LFR System adopted by Surrey and Sussex Police**

The LFR software that Surrey and Sussex Police will be using is NEC NeoFace V6.3.2.12 with algorithm version M40 using HD5 Face Detector.

The LFR system has an algorithm threshold setting which affects the accuracy of its facial matching. Fixing this value too low or too high can, respectively, create risks of a high False Alert Rate (incorrect match alert identified by the software) or a high False Negative rate (software has failed provide an alert when someone on the watchlist has passed by the LFR cameras). As set out in the Surrey and Sussex LFR Policy, forces will use a threshold setting of 0.64. This is a higher threshold setting than the minimum threshold setting recommended by the National Physical Laboratory, and SWP's experience of using of this threshold setting is that its LFR system has reliably resulted in no false alerts / matches.

When persons pass through the LFR recognition zone not every person that is captured via the live CCTV camera feed will be enrolled into the LFR system. The captured image of a person's face must be of sufficient 'quality' to be enrolled into the LFR system. The level of enrolment rate will be dependent on many environmental factors, the more significant of these include crowd density, individual movements, face angle and lighting.

When the LFR system provides an alert on a potential match the LFR Operator will always decide as to whether they believe it is the same person. No action will be taken against an individual without a determinative human consideration of a valid match. On making that decision the LFR operator will be provided with:

- The two images for comparison side by side.
- A numerical score.
- An indication of the quality of the image on the watchlist.
- An indication of how long ago the watchlist photo was taken.
- The watchlist colour, the image is contained in, and the corresponding record management system reference.

Where the LFR operator believes the two images to be the same person they will notify the Engagement Officer who will then independently decide whether to engage the individual, ask for identification and take any subsequent appropriate policing action.

### **Detail any adverse impact or relevant data, including what actions can be taken to mitigate the impact and any consultation completed.**

(Where impact identified, you should complete a more detailed consultation and assessment)

#### **AGE**

Facial images uploaded will be sourced primarily from existing Surrey and Sussex records (usually custody images) or, where necessary and authorised in accordance with Force LFR policy documents, from other sources, such as from family and friends of persons reported as missing. The reference image database used during any deployment, consequently, may have images of subjects that were taken a number of years ago where it is appropriate to do so, albeit that all images must meet minimum quality standards, and the proposed inclusion of non-police sourced images is the subject of specific consideration.

The age of criminal responsibility in the UK is 10 years old. Image capture via Custody Imaging on which FRT technology is primarily reliant, is dependent on the age, date and time at which the custody image was taken. In addition, the European Union's Agency for Fundamental Rights 'Facial Recognition Technology Fundamental Rights Considerations in the Context of Law Enforcement Report 2019' highlights that as a child grows and time passes, the accuracy of a biometric match can diminish. The risk of a failure to match increases when facial images recorded at a young age are compared more than five years after they were collected. The report further indicates that the accuracy of FRT is in general significantly lower for children younger than 13 years old. They associate this to "rapid growth and change in facial appearance".

It is noted that the NPL report tested for the impact of age on efficacy and equitability but did not combine age with gender and ethnicity. Children approaching the LFR zone of recognition may be less likely to effectively engage with or understand transparency measures.

Research by Age UK suggests that 1 in 3 people over the age of 65 lack the basic skills to use the internet successfully, and therefore transparency measures such as the publication of Force LFR policy documents and/or prior notification of LFR deployments on

the Force website and social media channels may not reach these groups, who may also face greater challenges in seeking to avoid LFR deployments by taking alternative routes. Almost a third of NHS outpatient appointments are taken by individuals in the 60-79 age group, and such individuals may be more significantly affected should an LFR deployment be in the vicinity of a health facility access to which requires them to enter the LFR zone of recognition.

### **Mitigation action**

The standard operating procedure for LFR has additional safeguards included when an image is of someone under 18 years old, such as ensuring that the image is as current as possible. While this is something that applies to all images, it is particularly relevant in relation to the protected characteristic of age. Watchlists will also be compiled as close to the deployment as possible, and no earlier than 24 hours in advance, therefore contributing to ensure the most accurate and up to date images of persons being added are uploaded.

Where an individual under the age of 18 is anticipated to be included in a watchlist, this is required to be identified in the LFR Application and explicitly authorised in the LFR authorisation, with consideration being given to whether any additional safeguards or adjustments are required as a consequence. This includes specific regard to the importance of locating the subject on a risk-based approach in line with authorisation documents and the law with a particular focus on ensuring the necessity case is fully made out and crowd flow / occlusion risk such as where shorter subjects may otherwise be blocked from the camera's line of sight.

There will be an officer reviewing identified images before deploying officers to engage. When an alert of someone under 18 years old takes place, the LFR Operator will be notified that it is someone under 18 years old, and this will help inform their decision making. LFR is a tool that assists police officers and does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether age is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest)

A threshold of 0.64, as required by the Force LFR policy documents, will be set, and the NPL confirm testing shows that at this level the false positive identification rate was equitable between all age groups tested. This threshold level will be required to be always used.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

It is anticipated that the advance publication of proposed deployments on the Force website and social media platforms may lead to publicity in more traditional forms of media such as local news and radio, which may be more likely to be read by older people. Most social media services require individuals to be of at least 13 years of age to use the service and therefore it is feasible that individuals in the 13-17 age group could be exposed to Surrey and Sussex transparency notices.

While younger children are likely to be accompanied by their parents, some may not. In respect of such individuals, police officers and staff deployed at the perimeter of the LFR zone may be able to engage with them. In any event, due to the positioning of LFR cameras, children's images may not be captured. In accordance with the Force LFR policy documents, consideration is given when determining an appropriate LFR location to the businesses and organisations, such as schools, which may be in the vicinity to ensure that appropriate locations are identified for the deployment which do not adversely impact individuals with a protected characteristic.

### **DISABILITY**

People can undergo facial change for several reasons. They may suffer facial disfigurements through trauma or a medical intervention or their face may have reconstructive surgery which would result in a significant change to their facial features. Genetic conditions such as neurofibromatosis also cause progressive facial change. Consequently, the images on the database may not accurately reflect their present facial appearance. Where it is known that the image proposed to be used is likely out of date or otherwise non-representative it should not be used for failing to meet the quality standards. However, there will likely be cases where the fact that an individual has undergone a facial change since the date of the reference image.

Persons who are partially sighted or visually impaired maybe unaware of the 'overt' use of LFR as they approach the LFR zone as they may be unable to see the LFR signage.

Individuals may face greater challenges in avoiding the LFR deployment zone by taking an alternative route. For example, if the

alternative route is only accessible via stairs, then this may adversely impact someone who uses a wheelchair as they may be unable to use the alternative route so would be forced through the deployment zone

[Need a section on mental incapacity and learning difficulties and impact on understanding the signage and significance of LFR and their consent etc]

The accuracy and efficacy of LFR can also be affected simply by the positioning of LFR CCTV cameras and the density of crowds, which may make it harder for disabled people, particularly individuals in wheelchairs, who may not be picked up as well or at all on camera. Individuals in this group may also face greater challenges in seeking to avoid LFR deployments by taking alternative routes.

#### **Mitigation action**

There will be an officer reviewing identified images before deploying officers to engage. When an alert of someone with a disability takes place, the LFR Operator will be notified as such if this forms part of the watchlist information, and this will help inform their decision making. LFR is a tool that assists police officers and does not qualify as formal identification, and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether disability is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest)

Accessibility issues should be considered when identifying the deployment zone and thus suitable alternative routes to not adversely impact on individuals who might otherwise be affected by this.

The camera panning angle/range will not disadvantage persons due to their height and/or being seated in a wheelchair or mobility scooter.

The Surrey and Sussex LFR public website has been built to improve accessibility for users, and this is particularly relevant for persons with a disability who want to view information on upcoming LFR deployments, particularly if they do want to avoid them. It is anticipated that the advance publication of proposed deployments on the Force website and, at appropriate times, social media platforms, will also lead to publicity in more traditional forms of media such as local news and radio, which may increase accessibility.

Training to officers includes being aware of the disabled (including the blind) and seeking to render assistance / ensure awareness prior to any decision to pass through the Zone of Recognition. Respect for Diversity Awareness input embedded into LFR Training Delivery.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

Should a person's face have changed for any of the reasons above (or an additional / different reason) between their image being taken / provided and an LFR deployment, it would ultimately mean that the LFR software would be less likely to highlight a match between the image taken during deployment and that on the database. Should a match be highlighted, this is checked by the operator for accuracy before additional activity is considered. The reality is that if we were trying to locate someone for safeguarding purposes, wanted persons etc, the software may not highlight a match due to a facial change. There are no actions that can be undertaken to stop this from happening.

When the database lists are created there will be a manual review of the watchlist images prior to uploading, with particular attention being paid to individuals that have visible disabilities that may make a facial match less likely. The review will include consideration of their continued inclusion and removal where it is not believed to be appropriate to include them. Where the manual review of the individuals / images results in the continued inclusion in the list the pre-deployment briefing of LFR system Operators and Engagement Officers will make them aware, enabling them to pay due regard when reviewing and determining the veracity of matches flagged by the LFR system.

All LFR deployments are required to be overt and will be identified through signage at the perimeter of the LFR deployment zone, which will also be staffed by police officers and staff to enable individuals to be aware of and understand the fact and nature of the LFR deployment. This will enable individuals to either avoid the LFR deployment by adopting an alternate route or, where individuals are unwilling or potentially unable to take alternate routes, to take measures to evade the cameras while traversing the LFR zone of recognition.

## **GENDER/GENDER REASSIGNMENT**

The facial recognition probe image is based on the mapping of key facial indicators when comparing a reference image database

image for an individual. Therefore, the functionality, accuracy and performance of facial recognition technology may be less effective if changes to facial appearance have occurred between the time the reference image database image was taken, and the time a comparison is made.

This may impact people who are transitioning from one gender to another if gender presentation differs from the time the comparator image was taken. It may also affect trans, non-binary and gender-fluid people who may flex between gender presentations. Scientific research conducted by researchers from Ben-Gurion university of the Negev in Israel published in 2021, suggested that facial contouring using cosmetic make-up application adversely impacted upon the efficacy of the ArcFace model against which it was tested, a different model to that proposed to be deployed by Surrey and Sussex Police.

#### **Mitigation action**

A threshold of 0.64, as required by the Force LFR policy documents, will be set which is the configuration at which the National Physical Laboratory's scientific testing found equitability of the FPIR and TPIR was achieved across all demographics

There will be an officer reviewing identified images before deploying officers to engage, and it does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether gender reassignment is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest)

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

Should a person's face have changed for any of the reasons above (or an additional / different reason) between their image being taken / provided and an LFR deployment, it would ultimately mean that the LFR software would be less likely to highlight a match between the image taken during deployment and that on the database. Should a match be highlighted, this is checked by police personnel for accuracy. The reality is that if we were trying to locate someone for safeguarding purposes, wanted persons etc, the software may not highlight a match due to a facial change. There are no actions that can be undertaken to stop such false negatives from happening.

## **RACE**

It is important to ensure that the technology is not seen to cause division between persons of different race/ethnicity.

Facial recognition technology is based on the mapping of key facial indicators. It is also dependent on the ability of the algorithm to determine the key facial indicators within an image. This can be impacted by environmental factors such as ambient light and shadows factors. This may also be impacted by the depth of skin pigmentation and the use of contouring make up.

To date ethnicity biases have received considerable attention, particularly from academics and government bodies. Relevant studies include Klare et al (2012), NIST (2018) and Buolamwini and Gebru (2018). The findings from Buolamwini and Gebru's study were widely reported, as they found algorithms were particularly biased in terms of gender and ethnicity: performance was best for men and white individuals, and poor for women and Black people.

#### **Mitigation action**

A threshold of 0.64, as required by the Force LFR policy documents, will be set which is the configuration at which the National Physical Laboratory's scientific testing found equitability of the FPIR and TPIR was achieved across all demographics

There will be an officer reviewing identified images before deploying officers to engage and LFR is a tool that assists police officers, and does not qualify as formal identification, and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether race is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest) Respect for Diversity Awareness input embedded into LFR Training Delivery.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

The NPL findings show that with a threshold setting of 0.64 and above, as required by the Force LFR policy documents, the false positive identification rate and the true positive identification rate between different ethnicities were equitable.

While the NPL report did find a differential in performance between the Asian-Female group and the Black-Female group, the report stated that the difference was not statistically significant “at the 0.05 significance level”.

In accordance with the Force LFR policy documents, consideration is given when determining an appropriate LFR location to the businesses and organisations, such as religious or cultural organisations, which may be in the vicinity as well as to local demographics to ensure that appropriate locations are identified for the deployment which do not adversely impact individuals with a protected characteristic. LFR will typically deploy to town centres and as such will be in better lit areas should deployments take place during the hours of darkness, but LFR vans have lighting inbuilt to the cameras to aid their vision.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

## **RELIGION**

The wearing of religious headwear or coverings and the growing of facial hair may have an impact on the effectiveness of facial recognition technology. In addition, certain cultures or sexes within a religion i.e. Amish, refuse to allow themselves to be photographed. Sensitivity therefore needs to be taken with cross-community dialogue to ensure the deployment is both necessary and proportionate, and that individuals have opportunities not to participate.

### **Mitigation action**

There will be an officer reviewing identified images before deploying officers to engage, and LFR is a tool that assists police officers, and does not qualify as formal identification, and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether faith or religion is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest) Respect for Diversity Awareness input embedded into LFR Training Delivery.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

Respect for Diversity Awareness input is embedded into LFR Training Delivery so that officers are aware of this potential impact when on deployment.

Should a person be wearing some form of headwear or covering, it could mean that the LFR software would be less likely to highlight a match between the image taken during deployment and that on the watchlist. The reality is that if we were trying to locate someone for safeguarding purposes, wanted persons etc, the software may not highlight a match in such circumstances. There are no actions that can be undertaken to stop such false negatives from happening. Additionally, it is important to note that police officers and staff have no power to require individuals to remove such items while traversing the LFR zone of recognition absent some other justification.

In accordance with the Force LFR policy documents, consideration is given when determining an appropriate LFR location to the businesses and organisations, such as religious or cultural organisations, which may be in the vicinity as well as to local demographics to ensure that appropriate locations are identified for the deployment which do not adversely impact individuals with a protected characteristic. The timings of deployments will also be considered to minimise any impact, and through the publication of deployments on the force websites persons will have an opportunity to avoid the LFR deployment altogether and attend another location.

## **SEX**

As set out in a previous section, to date, gender and ethnicity (and age) biases have received considerable attention, particularly from academics and government bodies. Relevant studies include Klare et al (2012), NIST (2018) and Buolamwini and Gebru (2018). The findings from Buolamwini and Gebru’s study were widely reported, as they found algorithms were particularly biased in terms of gender and ethnicity: performance was best for men and white individuals, and poor for women and black individuals. Showing an intersectional effect, performance was worst for black women. In addition to finding similar biases, Klare et al also

identified age as a factor determining algorithmic performance, with findings indicating poorest performance for people aged 18-30 (2012).

Social observation indicates women change their appearance more frequently and significantly than men which may impact the performance of LFR. Reports suggest that facial contouring using cosmetic make-up application may impact on the LFR system's performance.

#### **Mitigation action**

A threshold of 0.64, as required by the Force LFR policy documents, will be set which is the configuration at which the National Physical Laboratory's scientific testing found equitability of the FPIR and TPIR was achieved across all demographics

There will be an officer reviewing identified images before deploying officers to engage, and LFR is a tool that assists police officers, and does not qualify as formal identification, and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the alert using their experience and training before the Engagement Officer makes any decision to engage with a person. This includes consideration about whether a person's sex is a factor in generating an alert. Even where an engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest) Respect for Diversity Awareness input embedded into LFR Training Delivery.

Ongoing monitoring of the efficacy and equitability of the Force LFR deployments, with the input of appropriate stakeholders, will be carried out as part of the governance and oversight of the operation.

#### **Further mitigation information**

A particular concern is that the technology can be used disproportionately against certain ethnic groups or gender demographics. It is important to note that the vendor of the software, for deployment in Surrey and Sussex, is NeoFace Watch which has been subject to testing by the National Physical Laboratory commissioned by the Home Office. Their report gave confidence that it was impartial, was scientifically underpinned and gave evidence-based analysis revealing that no statistically significant bias existed to any race or gender in the software.

The NPL Equitability Study is available via the link: [frt-equitability-study\\_mar2023.pdf](https://science.police.uk/frt-equitability-study_mar2023.pdf) (science.police.uk)

- This study shows TPIR (true positive identification rate) of the system at face-match threshold 0.6 is equitable across gender and ethnicity groups but continues to demonstrate statistically significant differences when comparing under 21-year-olds and over 42-year-olds.
- FPIR (false positive identification rate) is equitable between gender and ethnicity and age at face-match threshold 0.6 and above
- At face-match thresholds lower than 0.6 FPIR equitability will depend on settings of the operational deployment, including size and composition of the watchlist, and the number of crowd subjects passing through the zone of recognition during the deployment.
- 

Given the observations on the demographic variation in FPIR, NPL would recommend, where operationally possible, the use of a face-match of 0.6 or above to minimise the likelihood of any false positive and adverse impact on equitability.

With the above findings in mind, the LFR threshold when deployed in Surrey and Sussex will be set at 0.64 in accordance with the Force LFR policy documents, as this is the level whereby equitability of the rate of false positive identification across all demographics is achieved.

Live facial recognition has been subject of scrutiny in the Government Digital Service- Department for Science, Innovation and Technology (DSIT) with responsibility for Algorithm Transparency Recording Standards. They recommended that it is important that police reveal data to the public about the results emanating from live facial recognition deployments so that understanding is built, and concerns are reduced. This will be undertaken locally and forms part of our communications strategy. This will also be helpful for Freedom of Information Requests which are frequent already in this arena.

DSIT also recommend that the crucial human element (police officer) in this process is specifically publicly communicated. The software runs automated matching processes against the information it is supplied in terms of the watchlist and the live feed, but it is the police officer who makes any decision, using their discretion, on whether and how any engagement/intervention is conducted. Any notion that the artificial intelligence is the decision maker is incorrect. This is doubly important as the LFR software

is only as good as the data accuracy in the source information it is supplied with.

How we manage our data is key to public confidence. Images of people captured in deployments that do not result in a match are immediately deleted.

We take care to ensure transparency of our processes in LFR to ensure we maintain public trust and confidence. There is a clear governance and authorisation structure to an LFR deployment, with reports and updates, that will be posted on the Surrey and Sussex Police websites, following a deployment, to inform the public of activity undertaken. Persons who are stopped because of the alert, or those who generally engage with officers, will be offered a leaflet with further information on LFR.

The intention is to include LFR deployments under the scrutiny of the stop search and use of force scrutiny panel, with independent members, to provide additional scrutiny. This enforces the need to ensure all our documentation and policy are fit for purpose, that training is provided to ensure our officers understand the related issues and that senior commanders truly understand LFR deployment objectives.

The generation of watchlists is important because the setting of the deployment is considered. The watchlist for policing a violence against women and girls (VAWG) situation in Guildford, on a Friday night, is different to policing a football match, where the purpose is to catch people on football banning orders. Each deployment is authorised by a superintendent who will also carefully consider which watchlist is utilised.

## Detail any positive impact, including what actions can be taken to share this as good practice

The deployment of LFR can:

- Provide a method of locating individuals that delivers enhanced privacy protections over existing methods that involve the wide dissemination of personal data to many individuals whether this be through publication of wanted person information to the world or through targeted deployments where photographs are shared with large numbers of police officers to help them recognise and engage wanted persons at events etc
- Prevent improper contact with individuals where this might be based on bias & subjectivity.
- Lead to timelier investigations. And so, speeds up justice for victims.
- Use resources more efficiently.
- Reduce crime and disorder in localities where it is deployed.

Improve community confidence through the high visibility policing in locations where crime and issues are most prevalent. This is in keeping with the neighbourhood policing guarantee and putting officers back on the beat. Although concerns have been identified, the core purposes of lawful operational policing are detailed below and on balance justify the importance of facial recognition technology.

- Protecting life and property
- Preserving order
- Preventing, detecting and investigating the commission of offences
- Bringing offenders to justice

These principles are consistent with the definition of law enforcement purposes under Part 3, section 31 DPA: 'the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'.

The legal framework which contributes to the use of the FRT, includes:

- Common Law
- Equality Act 2010
- Police and Criminal Evidence Act 1984
- Human Rights Act 1998
- Data Protection Act 2018
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Regulation of Investigatory Powers Act 2000

## **Operational impact on staff**

### **Disability**

The roles of Engagement Officers, LFR Operators and others within the LFR Deployment Team are operationally active and require 'current' Officer Safety and first aid training. Any officer or staff with a disability that's unable to perform an operationally active role will be given consideration to perform other roles within the LFR Deployment Team which are not limited to these restrictions as a 'reasonable adjustment'

Personnel which have a disability where their physical and/or mental impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities will be supported via an Occupational Health Referral where reasonable adjustments will be recommended and the appropriate risk assessments completed. Training Provision:

A PowerPoint Training Presentation has been created covering the operational use of LFR. For personnel with a visual impairment, adaptations can be made within the presentation to enlarge/expand/adapt font.

For personnel with dyslexia, the presentation can be adapted to change the background colour upon request.

### **Religion**

Practicing Islamic staff and officers are required to pray five times a day as part of religious practice. There is an obligatory requirement within Islam to attend Friday Prayers (preferably in a Mosque as part of a congregation). Although there is no legal obligation to facilitate religious prayer, Surrey and Sussex Police prides itself on being an inclusive employer, and understands the importance of maintaining a diverse representation to reflect the community in which we serve. Therefore, any staff or officer within the LFR Deployment Team that requires flexibility for religious observance will be considered and reasonable adjustments made where possible dependant on operational necessity factors.

## SECTION 2: HUMAN RIGHTS REVIEW

Section 2.1: This should be completed with your Force Diversity and Inclusion Lead. Will the policy restrict anyone's rights, set out in the Human Rights Act 1998? Does this policy have implications, either for the public or for Surrey Police or Sussex Police staff?

Articles	If yes, describe who will be affected
<p><b>Article 2: Right to life.</b></p> <p>A person has the right to have their life protected by law. There are only certain very limited circumstances where it is acceptable for the state to take away someone's life, e.g. if a police officer acts justifiably in self-defence.</p>	<p>No – the deployment of LFR will not restrict anyone's right to life.</p>
<p><b>Article 3: Prohibition of torture.</b></p> <p>A person has the absolute right not to be tortured or subjected to treatment or punishment which is inhuman or degrading</p>	<p>No – the deployment of LFR will not infringe the prohibition of torture. Police have a positive duty to investigate serious allegations in a timely and efficient manner to uphold an individual's Article 3 rights.</p>
<p><b>Article 4: Prohibition of slavery and forced labour.</b></p> <p>A person has the absolute right not to be treated as a slave or to be required to perform forced or compulsory labour.</p>	<p>No – the deployment of LFR will not infringe the prohibition of slavery or forced labour. Conversely, depending on the circumstances, LFR can lead to the arrest of persons wanted for modern day slavery offences, and safeguard MDS victims.</p>
<p><b>Article 5: Right to liberty and security.</b></p> <p>A person has the right not to be deprived of their liberty – 'arrested or detained' – except in limited cases specified in the article (e.g., where they are suspected or convicted of committing a crime) and provided there is a proper legal basis in UK law.</p>	<p>No – the deployment of LFR will not infringe the right to liberty and security. Though the deployment of LFR is intended to identify offenders and lead to their prompt arrest such arrests will be those authorized by law which are compliant with this right as an acknowledged exception.</p>
<p><b>Article 6: Right to a fair trial.</b></p> <p>A person has the right to a fair and public hearing within a reasonable period of time. This applies both to criminal charges against them and to cases concerning their civil rights and obligations. Hearings must be carried out by an independent and impartial tribunal established by law</p>	<p>No – the deployment of LFR will not infringe the right to a fair trial. It initiates engagement with a person, that may lead to their arrest, but the arrest and subsequent criminal justice process will be based on evidence obtained in the wider investigation, not LFR.</p>

<p><b>Article 7: No punishment without law.</b></p> <p>A person normally has the right not to be found guilty of an offence arising out of actions which at the time they committed them were not criminal. They are also protected against later increases in the maximum possible sentence for an offence.</p>	<p>No – the deployment of LFR will not infringe the right to no punishment without law. The deployment of LFR initiates engagement with a person, that may lead to their arrest, but the arrest and subsequent criminal justice process will be based on evidence obtained in the wider investigation, not LFR. The fact that a person may be engaged by officers because of a match is not itself a punishment, additionally such engagements will only take place where there is an underlying legal basis that exists separate and in addition to the LFR potential match.</p>
<p><i>NOTE: Apart from the right to hold particular beliefs, the rights in Articles 8 to 11 may be limited where that is necessary to achieve an important objective</i></p>	
<p><b>Article 8: Right to respect for private and family life.</b></p> <p>A person has the right to respect for their private and family life, their home and their correspondence. This right can be restricted only in specified circumstances.</p>	<p>This has been considered in the LFR legal mandate document and Article 8 is detailed here in the Legal Mandate and DPIA documents.  <a href="#">Live Facial Recognition   Sussex Police</a> and  <a href="#">Live Facial Recognition   Surrey Police</a></p> <p>As a qualified right, any interference with an individual's Article 8 rights because of LFR activity is only permissible if:</p> <ul style="list-style-type: none"> <li>- there is a legal basis for the interference with the qualified right that the public can understand.</li> <li>- the use of LFR (which creates the interference) seeks to achieve a legitimate aim.</li> <li>- carrying out the LFR in the manner proposed is necessary for the purposes of that aim in a democratic society; and</li> <li>- the use of LFR is proportionate to the legitimate aim being sought.</li> </ul> <p>The use of LFR will, in line with the requirements of the LFR</p>

	<p>documentation, always be for a purpose that meets one or more of these aims. For example, this may be for the law enforcement purpose of preventing crime through using LFR to locate wanted violent offenders.</p> <p>The means by which SY/SX may use LFR will be an operational decision within the parameters of the law and the LFR Documents. It will need to be driven by the policing issue at hand. This may vary from the need to locate those wanted in connection with criminality or otherwise pose a risk of harm, to more preventative tactics designed to bring reassurance to communities and enable the use of precision technology to more proactively focus policing resources. It may also be the case that a single deployment serves several compatible purposes such as where the deployment watchlist is in part relating to the locating of persons with outstanding warrants and is in part in relation to locating vulnerable missing persons and additionally the deployment of the LFR system itself serves the purpose of deterrence and visible policing (regardless of the watchlist context).</p>
<p><b>Article 9: Freedom of thought, conscience and religion.</b></p> <p>A person is free to hold a broad range of views, beliefs and thoughts, and to follow a religious faith. The right to manifest those beliefs may be limited only in specified circumstances.</p>	<p>The clothing people wear can be an act of thought, conscience and religion and in normal circumstances, the police do not have the legal power to require a person to remove clothing (including any headdress) simply because they are passing the LFR system. Additionally, the location where people may pass the LFR system may also engage Article 9.</p> <p>Public safety considerations will need to be balanced against the need to use LFR at a location. If the threat that makes it necessary</p>

	<p>to site LFR near to a place of worship, Authorising Officers will need to determine if the infringement on Article 9 rights is disproportionate to the likely benefits of using LFR.</p>
<p><b>Article 10: Freedom of expression.</b></p> <p>A person has the right to hold opinions and express their views on their own or in a group. This applies even if those views are unpopular or disturbing. This right can be restricted only in specified circumstances.</p>	<p>Article 10 is pertinent should people have reservations about expressing themselves because of an LFR Deployment. Similar to Article 11, below, consideration should be given to factors which could minimise the impact of LFR e.g. adjusting the location, and/or limiting time and scope to the minimum needed to ensure safety. In many deployments Article 10 unlikely to be an issue, such as individuals wishing to go shopping. There are certain circumstances, such as a protest, where it is relevant. The Surrey and Sussex Police documentation takes particular care to consider such a deployment, and measures are taken to ensure no breach.</p>
<p><b>Article 11: Freedom of assembly and association.</b></p> <p>A person has the right to assemble with other people in a peaceful way. They also have the right to associate with other people, which includes the right to form a trade union. These rights may be restricted only in specified circumstances.</p>	<p>Article 11 is also relevant should the use of LFR deter people from attending an assembly or demonstration at all or otherwise cause people to minimise their involvement. The watchlist will be relevant to that deployment, and only wanted persons, or those subject to orders, will be on the list. During the authorisation process this will be considered by the authorising officer, should an assembly or protest be known, and during a deployment the silver and gold commander will keep spontaneous events under review.</p> <p>The use of LFR can assist in policing an assembly or demonstration, particularly where there is an intelligence</p>

	<p>case supporting there being a risk to public safety. Specifically, LFR can support police officers by efficiently searching for perpetrators of violence in crowded locations where it might otherwise be difficult to locate them. In deciding the use of LFR is necessary and proportionate, regard should be had to an individual's Article 10 and 11 rights – noting there may be expectations of anonymity in a crowd and that individuals may choose to alter their means of demonstration because of the LFR Deployment. Article 10 and 11 rights must be weighed against the need to use LFR to enable an assembly that might otherwise be disrupted by the risk to public safety. In making this decision, consideration should be given to factors which could minimise the impact of LFR. These include limiting the use of LFR in time and scope to the minimum needed to ensure safety. They could also include there being focus placed on ensuring the public understand the use of LFR is to help them safety undertake their assembly.</p>
<p><b>Article 12: Right to marry.</b></p> <p>Men and women have the right to marry and start a family. National law will still govern how and at what age this can take place.</p>	<p>N/A</p>
<p><b>Article 14: Prohibition of discrimination.</b></p> <p>In the application of the Convention rights, a person has the right not to be treated differently because of their race, sex or other protected characteristic.</p>	<p>This has been covered above in the EIA under the various protected characteristic sections.</p>
<p>For more information on the Human Rights Act, visit <a href="http://gov.uk">gov.uk</a>. If the answer is No to all Questions above, progress to <b>Q3</b>.</p>	

Section 2.2: Answer the following questions in respect of each restriction / interference with a right, providing an explanation.

<p>What is the <b>legal basis</b> for the restriction?</p>	<p>As set out above, Surrey and Sussex Police do not consider that the operation of LFR will restrict these rights. The power to operate LFR is contained in Common Law and The Police and Criminal Evidence Act 1984, and detailed in the Legal Mandate, and where there could be an actual or potential interference the policies and other documents ensure action is taken to sufficiently mitigate the risk so there is no breach.</p>
<p>Is the restriction <b>necessary</b>?</p>	<p>As set out above, the rights in Articles 8 to 11 may be limited where it is necessary to achieve an important objective.</p> <p>Article 8 – it is necessary because persons on the watchlist are wanted, or outstanding suspects, or there is a safeguarding risk, and the processing of their data is necessary and proportionate for law enforcement, and to prevent harm. For those not on the watch list it is necessary otherwise those who are wanted, or need safeguarding, won't be located, but is conducted in such a way that any infringement is minimised as much as possible, for example signage, communication, the right to avoid an LFR zone etc.</p> <p>Article 9 – Public safety considerations will need to be balanced against the need to use LFR at a location. If the threat that makes it necessary to site LFR near to a place of worship, Authorising Officers will need to determine if the infringement on Article 9 rights is disproportionate to the likely benefits of using LFR.</p> <p>Article 10 – the policy documents ensure there will not be a deployment of LFR where there is not a need or requirement. The Authorising Office will carefully consider this, and if there is a necessity to fulfil legitimate policing aims this will be weighed against any infringement, force guidance and measures provide necessary assurance.</p> <p>Article 11 - the right must be weighed against the need to use LFR to enable an assembly that might otherwise be disrupted by the risk to public safety. In making this decision, consideration will be given to factors which could minimise the impact of LFR. These include limiting the use of LFR in time and scope to the minimum needed to ensure safety. They could also include there being focus placed on ensuring the public understand the use of LFR is to help them safety undertake their assembly.</p> <p>Article 14 – this has been covered above in the EIA under the various protected characteristic sections.</p>
<p>Is the interference <b>proportionate</b>?</p>	<p>As set out above the rights are not engaged. If a person is on a watchlist it is because they are wanted, a suspect, or a person of interest. The deployments are managed as such so that no one is forced through an LFR zone. Data processing is minimised, and this, versus arrest and sustained public protection, is a proportionate approach.</p>

Section 2.3: Having considered the above points, do you consider that the policy

<b>Breaches a convention right?</b> (if yes, please explain why)	None of rights are breached.
<b>Is vulnerable to challenge?</b> (if yes, please explain why)	Yes, it is realistic to note that this is new technology, still being developed, and recent litigation, and some interest groups, are keen to test LFR use. There have been two Judicial Reviews. However, Surrey and Sussex Police believe particular care has been taken to mitigate and minimise challenges, but both Forces will continue to keep this under review as this evolves.

Note: Interference with a right does not equal a breach - if an interference is justified, there is no breach. If the policy DOES breach, or is vulnerable to challenge, this should be raised with the respective Force solicitor and recorded on the Force Risk Register.

### 3: IMPLEMENTATION and MONITORING PLAN

Section 3.1: State how this policy will be implemented (e.g. routine orders, Force's wide email etc):

Live Facial Recognition is being delivered via a DDAT led project, with SRO and Corporate Communications roles to support.
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Section 3.2: State how this policy will be monitored

For compliance	As part of the LFR project this document will be circulated amongst the delivery group for comment and review.  There will be assigned responsibility for oversight and scrutiny, including 6-month reviews, but Surrey and Sussex Police are also flexible and responsive to feedback and issues in the meantime.
For effectiveness	As part of the LFR project this document will be circulated amongst the delivery group for comment and review.  There will be assigned responsibility for oversight and scrutiny, including 6-month reviews, but Surrey and Sussex Police are also flexible and responsive to feedback and issues in the meantime.
For satisfaction and impact on communities	This will be considered as part of the effectiveness, community impact assessment process and understanding of the benefits of LFR.
Who will be responsible for this monitoring?	Neighbourhood Policing Tactical Lead

### SECTION 4: FREEDOM OF INFORMATION (FOI) REVIEW

Section 4.1: Are there any elements of the policy or procedures / appendices that should be redacted for external publication? **NO**

N/A

## Annex A

National Press articles relating to LFR:

### **Privacy International:**

[UK government announces tender for live facial recognition technology | Privacy International](#)

The article highlights the current tendering process for establishing a multi-supplies framework for LFR, but doing so *‘while there is no legal framework in place pertaining to the use of FRT’*.

The BBC has a page dedicated to news articles on the subject:

[Facial recognition - BBC News](#)

### **The Guardian**

[Starmer’s live facial recognition plan would usher in national ID, campaigners say | Facial recognition | The Guardian](#)

The article highlights the Govt’s support for LFR but that it *‘would amount to the effective introduction of a national ID card system based on people’s faces’*.

The article has information facial recognition used at the British Grand Prix for the past two years, scanning hundreds of thousands, after Just Stop Oil protesters ran on to the track during the first lap of the Formula One in 2022. It goes on to detail that in a ruling in 2020, a court found South Wales police had failed to properly investigate whether the software exhibited any race or gender bias. *‘Police say there has been a “substantial improvement” in its accuracy, with Met-commissioned research suggesting the chance of a false match was now one in 6,000 people’*.

### **Liberty**

[Facial Recognition - Liberty](#)

Liberty is an independent campaign group and has written this article expressing concerns.

### **New York Times**

<https://www.nytimes.com/2019/12/19/technology/facial-recognition-bias.html>

Although somewhat dated, this international piece is reporting that most algorithms tested have racial and gender bias, and people will be arrested because of misidentification. Facial recognition systems used globally are racist and sexist and could lead to false arrests, according to a major US government study. The study analysed the performance of 189 algorithms provided by 99 developers of facial recognition technology around the world.

**Home Office** – In response to concerns the Home Office have published this briefing in November 2024

[Police use of live facial recognition technology – House of Commons Library](#)