

The Ethics of Facial Recognition in Police Practice: Beyond the Usual Concerns.

Introduction

In a Times Newspaper interview (Ellery and Willoughby, 2024), Lindsey Chiswick, Director of Intelligence for London Metropolitan Police Service (MPS), described facial recognition technology (FRT) as a “game-changer”. Live facial scanning resulted in just under one arrest for every two hours deployment. AI, underpinning FRT, offers enhanced law enforcement capabilities “to deliver precise community-based crime fighting tactics”, Chadwick (2023). In the UK, the Government aim is to integrate several government databases including the police national database and the UK Passport office database to provide access to 45-50 million images for facial image identification (Flood, 2023).

Deployment of live facial recognition has substantially increased since 2020. Between 2020 and 2022 for example, there were nine deployments by London Metropolitan Police (MPS, 2022), while between April 2023 and May 2024 there were ninety-six deployments (MPS, 2024). Besides London Metropolitan Police, South Wales Police was an early force to officially deploy live facial recognition (Skelton, 2024), carrying out 35 deployments in 2023 (South Wales Police, 2024). It can be expected that such deployments will likely escalate in the light of UK government encouragement for the police to increase the application of AI facial recognition technology for retrospective searches (HO, 2023) and a commitment to provide £55.5 million pounds over a four-year period (Say, 2024).

Such increased use may amplify concerns about the moral and legal frameworks within which FRT deployment occurs. Concerns are raised by live facial recognition deployment in surveillance exercises in public spaces. The use of LFR raises several data protection issues including governance, individual choice and control, transparency, technology system accuracy, potential for bias, discrimination and the governance of watch lists (ICO, 2021).

It is not clear what the legal framework for automated facial recognition technology deployment should be. The UK House of Lords' Justice and Home Affairs Committee considered that there was no clear legal foundation for LFR (Clark, 2024). The UK's rapid advance in the use of LFR was not matched by advances in guardrails and legal protection; insufficient supervision and caution was being exercised. However, Giray (2023) argues that existing law is adequate, while loopholes can be filled using an incremental approach. But the imprecise nature of the legal framework may leave the door open for a tick box approach which could undermine human rights (Purshouse and Campbell, 2021). In contrast to an incremental approach, it may be argued that significant reform is needed to avoid the patchwork of laws and that greater

accountability and certainty is required around the police use of AI based biometric techniques (Loideain, 2024).

In the absence of specific legal guidance for facial recognition technology, there is a reliance on the standard data protection regulatory practice enshrined in the GDPR and supported by the concepts of privacy by design. This requires the development of a data protection impact assessment (DPIA). Facial recognition data is characterized as special category personal data, which uniquely identifies an individual, and is grouped along with other biometric data such as DNA profiles and fingerprints (Almeida et al, 2022). We will argue that the specific characteristics of the face and the nature of facial recognition differentiate it from standard biometric data and substantially amplify the instructional and individual responsibility when handling facial recognition data.

Public attitudes to automatic facial recognition and its deployment in a live environment vary according to purpose and context. There is more support for police use than private use, and this is contingent on accuracy (Richie et al, 2021). In a UK study (Ada Lovelace Institute, 2019) there was 70% support for police use in criminal investigation. But this was not unconditional, 55% of respondents thought the government should limit police use of facial recognition to specific circumstances. Meithe et al (2023) in a US study, similarly found 70% support for the use of automated facial recognition by police. Beliefs about FRT increasing public safety were significantly correlated with higher support for FRT in all areas of policing. The purpose of the deployment was also important, for example in identifying terrorists.

Despite calls for banning live facial recognition by police (Minderoo, 2022; Grierson, 2023), including calls by non-governmental organisations such as Amnesty International and Liberty, facial recognition is likely to become embedded in standard police practice. As police priorities and interests are increasingly portrayed as served by FRTs, their use becomes irreversible, embedded in police culture, and the technology assumes the status of a black box whose reliability is taken for granted. In such circumstances, the cultivating of ethical sensitivity and responsibility needs to develop hand-in-hand with technical and process advances. This requires the growth of an awareness of ethical obligations associated with FRT within police practice.

Approaches to the ethics of facial recognition have tended to focus on cataloging ethical issues. Brey (2004) highlighted error, function creep and privacy, but offers no theoretical foundation. Introna (2005) suggested a disclosive ethics in which political underpinning, power structures and nature of technology is laid open to inspection and critique. Gentzel (2021) offers an argument against the use of bias facial recognition systems in liberal democracies, because its use is inconsistent with the principle of all citizens being equal before the law. This suggests an illegality for all AI driven facial recognition systems, since limits to dataset will inevitably permit some, if small, bias.

The Biometrics and Forensic Ethics Group (BFEG, 2019) raised issues concerning the accuracy, biased outputs and decision making of LFT use in policing. Waelen (2023) draws on a Hegelian thesis concerning recognition in the family, law and society as shaping a person's identity; hence misrecognition hampers a person's well-being, affecting self-esteem and self-respect. Consequently, misrecognition is seen as an ethical issue as impactful as privacy and bias.

Beyond the identification of ethical issues surrounding police facial recognition, there is a need to develop more fundamental cultural and ethical attitudes to it which, promulgated in training and practice, ensure that usage in the field and the criminal justice process is appropriate and responsible. And significantly that the governance of police use of facial recognition extends beyond the legal obligations to encompass the moral obligations.

To achieve this, we introduce concepts from Levinas' Ethics of the Face to identify ethical obligations in the police deployment of FRT. We suggest that facial recognition technologies and their application are categorially distinct from other biometric identification applied in policing and that a greater level of rigor and responsibility is required which involves governance of the end-to-end justice process, a heightened sensitivity to data protection and rigorous data management.

Following a brief overview of technology and process, a brief critique of current standard operation practice is offered, the specific nature of the face is discussed and Levinas' concepts of alterity and the face explained. This leads to a practical interpretation and an agenda for evolving police practice.

Police use of facial recognition technology

Facial recognition technology (FRT) focuses on developing software systems capable of analysing the similarity between the face in images and video that transform the face image into numerical expressions to make comparisons, (Crumpler & Lewis, 2021). The technology enables the ability to identify or verify a person from their face and, with ongoing lightning advancements in artificial intelligence, at remarkable speed and levels of accuracy (NCCS no date). Consequently, it provides police with surveillance and identification capability in a range of policing duties in real ('live') near real and retrospective time(Radia Dixit, 2022).

Retrospective facial recognition (RFR) compares still images of faces of unknown subjects against a reference image database in order to identify them (SWP, no date). The images of faces are typically supplied from CCTV and other facial image capture devices and searched for comparison against images typically taken when a person has been arrested and held on police databases including the Police National Database (HO, 2019)

Live facial recognition (LFR) is used by the police in public spaces (LPEP, 2018) whereby cameras are focused on a specific area to take digital images of people passing through it and streamed as live feed directly to an LFR system that then detects the face within the image and compares it to a pre-determined watchlist of other facial images (COP, 2023; SWP, no date). The watchlist is normally a subset of a much larger collection of images (from the reference image database) and will have been created specifically for the LFR deployment use (SWP, 2024).

Near real time facial recognition technology to Operator Initiated Facial Recognition or (OIFR) installed as an app on a mobile device allows officers to take a photograph of a person and submit it in real time to have it immediately searched for comparison against facial images on other databases (HO, 2023).

Use of FRT and LFR has been spearheaded in the UK mainly by the MPS and SWP South Wales (Chiswick, no date). Both forces regularly promote its undoubted success when deployed in identifying suspects in all types of crime including murder, terrorism and sexual offences. However, such use also causes tension between police and civil liberty organisations concerned about intrusion and potential interference with the rights of the individual and civil liberties (Radia-Dixit, 2022). This was most notably brought to a head in a landmark legal case, *R (Bridges) v Chief Constable South Wales Police* (2020) EWCA Civ 1058. This case exposed the lack of a legal framework for the police on the use LFR finding SWP's deployments unlawful but also noted the benefits such deployments brought to policing (Tomlinson, 2020). Consequently, the Court refrained from any banning of it. Following the case, the College of Policing (COP) has since issued national guidelines of authorised professional practice (APP) to which we now turn.

Police practice in use of LFR

Divided into five sections the CoP APP seeks to provide guidance to police nationally on the generation and management of watchlists, *the date*, time, location and duration of deployments and minimum requirements and additional relevant metrics or indicators suitable for collation and analysis for operational deployment to ensure consistency on its use across all police forces in England & Wales (COP, 2022). Notably, it does not apply to facial recognition in near real time when OIFR is used nor to any covert use of LFR. Also out of scope are instances where police may receive CCTV footage from systems operated by other non-police private/ public sector organisations for purposes of running LFR on CCTV feedback or tracking a person's movements around the country across several systems. (COP, 2022).

Notwithstanding these omissions, the document places strong emphasis on the legal requirements and obligations for police forces together with ethical requirements to ensure LFR deployment is used in a proportionate, appropriate, necessary, transparent and fair way. For example, it states that compilations of watchlists must be based on the intelligence case and that notice of deployment needs to be given before it takes place and in sufficient time to enable members of the public to be able to not walk into the area of deployment unknowingly. Additionally, it highlights need for internal and external governance for example, the need to consider deployment using the police 'bronze, silver and gold' command and control structure and formulation of a policy document on the handling sensitive data under the Data Protection Act (DPA) 2018 relating LFR that should be made available to the Independent Commissioner's Office upon request (COP,2022). Privacy and human rights concerns are addressed by emphasising the need to demonstrate necessity for deployment in specific contexts having regard individual rights, for example, the impact a deployment have may have on expectations of a missing persons right to privacy where such a person is on a watchlist. (COP, 2022).

Despite such well-structured professional practice put in place and developed by the police themselves to demonstrate and ensure their authority and responsible use of LFR technology, significant ethical and civil liberty concerns on its continued use remain accompanied by calls for its halt. These are well documented elsewhere and outside the scope of this paper. Instead, motivated by Wood (2020) treatise on ethical policing requiring delicate balance between legal and procedural obligations and the need to embed ethical reasoning into operational police work with theories and approaches within moral philosophy; we develop below, using Levinas' work, an argument extending beyond well repeated ethical concerns of privacy, bias in use, consent and individual human rights to what we consider to be a higher level ethical challenge-the ethical responsibility owed to the capture, retention and use of the facial image of each person captured in LFR.

The nature of the Face

In this section we develop the argument the face is unique as a biometric. The human face should be viewed as categorically distinct from other biometrics. While other biometrics such as fingerprints, iris images and DNA profiles are essentially static, bounded and isolated, the face is dynamic, complex and connected. Illustrating some of

the characteristics of the face will be considered as support for the need for responsible treatment of the collection, storage, usage and disposal of facial images.

Firstly, the face is dynamic. It changes not only with age, but also with context. Everyday life, illness, personal situation and internal state all shape the face and its presentation which can be influenced by masking, make-up and performance. Such influences do not generally affect other biometrics.

Secondly, the face expresses emotion. It is a source of information in a way fingerprints, for example, are not. Emotion can distort and disguise the image. Sad or happy, the range of expressions is immense. The face supports an entire language of emotional meaning, presenting the inner state. Beyond consciously expressed emotions, the face leaks internal emotions, such as anxiety, which the subject may not be aware of.

Thirdly, the face is relational. Social structure is maintained through face-to-face interaction, whether in person or mediated digitally. The structuring of relationships is mediated by the face and the meaning attached to it. Social relationships concerning power, authority and collaboration are similarly dependent on facial communication.

Fourthly, the face is interpreted. Social judgements are made by observing the face and this influences interaction. An angry face will elicit a different interpretation to a scared face and elicit different responses. However, interpretation is subjective. Scared might be interpreted as aggressive. Furthermore, interpretation will be influenced by aesthetics: attraction to a pretty face, recoil from a disfigured face. Such interpretation includes the potential for racial bias and cultural assumptions; the image is not neutral; its interpretation is in the context of a relationship.

The interpretation of the face extends as a technological issue. Facial recognition technology requires attention to the complexity of extracting the facial image from the collected image. Variations in algorithm may affect identification and interpretation unless standards are adhered to, or a particular supplier used.

Fifthly, the face is vulnerable. It is the naked presentation of the self. While effort may be made to look a certain way, to perform, as, for example, Trump did in his arrest photograph (Matza & Epstein, 2023), the face essentially gives away a person's emotional state. For example, algorithms can be used to measure levels of pain which can be correlated with standard pain scales (Kaltwang et al, 2012). Access to the face raises privacy issues because of the vulnerability of the face and the information interpreted in the context of the image, which is of a personal nature.

Finally, the face is sentient and temporal, located in the present. It is an expression of consciousness. Awake and alert, the face is the mode of communication of the self, reflecting actions, occasions and experiences, distinctly in time and space.

Taken together, the face and hence the biometric captured by facial recognition technology is different from other biometrics.

Hence there is a need to treat the image and the information differently; to take precautions in its capture and use and to recognise the extended responsibility incurred in managing facial recognition technology practice. This requires the development of an ethics which addresses the distinctive characteristics of the face. To do this we next explore the ethics of the face, drawing on the French philosopher Levinas.

The Ethics of the Face

To understand the significance of the face, the effect on ethics and the development of an underlying practical responsibility, we turn to the work of Levinas, particularly *Totality and Infinity* and *Otherwise Than Being*. Levinas' Ethics of the Face is a study in the phenomenological tradition. Phenomenology is the study of lived experience (Neubauer et al, 2019). We explore a phenomenon from the perspective of the subject who experiences it. We are interested in how the phenomenon is experienced by the individual consciousness. For Levinas, philosophy starts with ethics. Ethics is more than codes of ethics, regulations, processes, rules. Indeed, reading Levinas' ethics does not lead us to a Kantian ethics driven by obligation, although he identifies an infinite obligation, nor to utilitarian calculation of benefit or harm, nor even to the practice developing virtuous character. Rather Levinas establishes an ethical orientation, within the context of human relationships. This ethical orientation leads to a realization of a responsibility which Levinas casts as impossibly infinite, but which can be developed within practical constraints.

Since policing concerns human relationships: relationships to colleagues, victims, perpetrators and witnesses, Levinas' ideas bring deep understanding, but also challenge, to the development of ethics in our relationships. These particularly relate to the nature of the face and the role of the face in ethical interaction. Further, the application of Levinas' ethics of the face in relation to police practice of facial recognition should both underpin police training and elicit a heightened awareness of the status of the facial image and the responsibility involved in curating images and applying them in the pursuance of justice.

Alterity

Underpinning this ethics of the face is an addressing of an ethics which arises from facing the other and hence being aware of our self-centeredness. Whereas many ethical frameworks and ways we engage in policing are constructed around sameness, Levinas

highlights difference and separateness. A key concept concerns the self and the other, the 'I and thou'. When encountering or facing another human being, we encounter the other who cannot be pinned down, classified or really known. Levinas considers the other, metaphysically, transcendent or infinite. We can never really understand the thoughts and internal nature of any person, even in the most intimate relationship. Hence, we are always faced with difference, the other, whose interiority can never be fully grasped. All we see is an exterior, the face through which moral demands and resistance are expressed. And this engagement Levinas characterizes as responsibility for the other.

Levinas used the word 'alterity' to express the otherness of the person we might face up to. Levinas derived ethics from the difference of the other from myself. Whatever I do to classify, name, document the person facing me is in the end inadequate and, regardless of intention or motive, to some extent dehumanising. The otherness is unbridgeable (Perpich, 2008). Facing the other, whether as a constable on the street, or the custody officer in the station, incurs an appeal for action, a response to expressed or implied needs.

But the otherness is not relative to the officer, grounded in differences. This is an absolute alterity whereby the other cannot be controlled by classifying. The person the officer encounter is, in Levinas' terms, transcendent and unknowable. Levinas connects the concept of alterity, being the other who is not me and fundamentally separate and disconnected from me, and hence cannot be controlled or owned, with the idea of transcendence where the other is completely unknowable. However, transcendence is not seen in terms of other worldliness, but firmly embodied, concretely represented by the suspect in front of us. The transcendence, the unknowable difference, is concrete and firmly located in the body confronting the officer.

This absolute alterity excludes differences which are relative, based on authority, tribalism, or racial distinction which depend on any quality which would distinguish the officer from the subject (Levinas, 1980, p184). In Levinas' terms the person the officer encounters, the Other, is infinitely transcendent and infinitely foreign. The person who faces me in the street is essentially irreducible. I cannot dominate the other person, possess them, control them. The person that faces me, in having consciousness, is more than different, but rather singular:

"The other is not an absolutely different being but is an absolutely singular being. Singularity expresses the idea that each human being is a unique, irreplaceable self, irreducible self, irreducible to any of the attribute or qualities that could be used to describe her and that would inevitably reduce her to what she has in common with others." (Perpich, 2008, p188)

The officer's attempts to absorb the subject into his or her world, to classify through biometrics, to write up a case, is bound to fail because of the transcendent nature of the subject's 'Otherness'. Attempts to absorb the subject into the expressed world of the

criminal justice system are limited due to the infinity of this absolute alterity of the other. Biometric classification, arrest, and charging are attempts to totalise, which leave the subject essentially untouched. Levinas thesis concerns this contrast between the totalising attempt to control and classify, and the infinite otherness of human nature. The person whom the officer encounters cannot be possessed.

In looking at the Other, a shift occurs from absorbing what is the same and trying to own similarities to sensitising to what is different and encountering the relationship as differences and acknowledging differences. The singularity of the other points to a requirement for a humility which puts aside assumption, which resists the temptation to either absorb and control the other through flagging similarities or push away the other in disgust at perceived differences. It requires an ethical move to resist the temptation to totalise, to classify and allocate the other to prejudicial boxes and rather to engage with the transcendent infinity of the other and enter into a journey of discovery of the singularity of the person the officer encounters in the street or station. The subject cannot be categorised. In encountering the other, the officer is thrown into an ethical relationship with, Levinas suggests, infinite responsibility for the other. And this ethical relationship is driven and grounded through the medium of the face.

The Demands of the Face

In any engagement between the police and public, whether a visit, stop and search, or questioning, the first engagement is with the person's face, to communicate a message, or ask a question, or even just to observe the state of the person. The face is the point of contact with the other person's singularity, accessed in a limited way through facial expression and more extensively through language. This point of encounter Levinas refers to as the Epiphany of the Face. The face is simultaneously vulnerable in its nakedness, the source of communication through speaking and language, and a source of resistance (Levinas, 1980, p197). Levinas emphasizes the proximity in which this relationship with the person occurs. The engagement with the face is not abstract but within concrete situations, an encounter in which ethical actions are rooted.

Levinas regards the face as a source of ethical demand. Rooted in his experience of the horrors of the holocaust, he sees the face as a window into the person, but one that resists representation, reduction and control: *"the face resists possession, resists my powers. In its epiphany, in expression, the sensible, still graspable, turns into total resistance to the grasp"* (Levinas, 1980, p197). Hence a face-to-face encounter is an ethical epiphany: the face demands response and imposes an ethical obligation. Facing the other makes an ethical demand and triggers a responsibility. Levinas portrays the responsibility, triggered by engagement with the face as infinite, a messianic responsibility, which would be impossible and inappropriate to attempt. This infinite responsibility for the other must

lead us to a recognition of an inevitable failure to engage adequately with the other and that somewhere along the encounter we will have misinterpreted, made false assumptions and failed to respond appropriately. One point of the infinite responsibility explored in Levinas' Ethics of the face is a call for humility in the recognition that infinite responsibility cannot be achieved. All we can do is act within the limits of our wisdom, knowledge and power within the context of our role.

Levinas' point is that this encounter with the other person's face elicits a moral obligation to the person with whom I'm engaging. The face of the Other demands attention, it interrupts my self-absorption, my agenda. A face-to-face encounter with the other makes ethical claims on me, enacts a moral summons. That relationship is asymmetrical in that engaging with the face of the other, who is different and essentially unknowable, incurs a responsibility for the other.

What the ethics of the face offers is rather an ethical orientation, a shifting of focus and perception to the other, which both respects the other and recognises the severe limitations of our peripheral understanding of the other. Such a shift in ethical orientation should increase our tentativeness in classifying or totalising the other. We should see an encounter with the face of the other as not just an ethical relationship, but the start of a process of discovery.

Facial Recognition and the Ethics of the Face

The face is then an initiator of ethical behaviour, making demands on the observer and exposing the responsibility of the observer towards the other. Face-to-face encounters are with the singularity of the Other. The face is ethically distinct from biometrics such as fingerprints and DNA because it connects with the infinite distinctiveness of the person we encounter. Facial recognition involves the capturing of an image. But the image, the representation of what is inherently unrepresentable, is alienating since it makes the subject something that can be laid hold of by others. The infinity of the other is stripped of the meaning of external context and internal life and becomes a husk of what the person is. The facial recognition data is torn away from real life, impoverished and then subjected to layers of interpretation by AI algorithm and human experience. The totalised, encoded image is a far cry from the infinite human from whom it is derived.

Levinas requires us to understand the infinite responsibility for the other, mediated through the face, and hence develop an ethical orientation. The concept of alterity leads us to view others with a renewed level of respect and compassion and acknowledge our responsibility beyond the authority the role of an officer involves. The face exceeds any and every representation of the groups with which a person identifies. It captures more than any other biometric, and at the same time leaves more behind. Its ethical weight

may be an influence on the great public concern about facial recognition technology, a concern that has not been equaled in the cases of, for example, DNA profiles or iris scans.

In terms of our police use of facial recognition, this amplifies our responsibility for the curation and interpretation of facial images. We cannot reduce FRT to a factory process of reducing the face to its parts and building images which are classified by their sameness. Rather the ethics of the face lays on us a substantial responsibility for the use of facial images. It exposes a moral obligation concerning FRT which is of equal if not greater value than the legal obligations which drive police authorised professional practice.

Practical Implications of an ethics of the face in police use of facial recognition technologies

Levinas's Ethics of the Face does not fundamentally offer a foundation for a normative ethics which can be translated into rules and codes of conduct. Perpich (2009, p148) is clear that Levinas's thought will not provide principles or algorithms. It cannot function in judging principles in the same way that Kantian or Utilitarian ethics might. However, it does tell us why we can't walk away in indifference, why the need to address facial recognition ethics stares us in the face and why we cannot act in personal or organizational self-interest. It promotes an ethical orientation which results in a heightened awareness of responsibility for the other and hence a deep respect for the sanctity of the image. However, in view of the centrality of responsibility, that does not mean that the responsibilities for the facial image of the other cannot be articulated. Norms are 'a kind of thematization and sedimentation of the life of people at a particular time in history' (Perpich, 2008, p147). Characterizing them for the technology and context is part of the responsibility that the Ethics of the Face demands. Levinas's ethics establishes an ethical obligation in developing and deploying facial recognition technology and an ethical orientation towards the subject, whose facial image has been captured, in the provision of codes and guidelines.

It can justifiably be questioned as to whether Levinas's ethics might affect police behaviour and practice in the use of FRT. Police culture might be seen as antithetical to the empathic thinking underlying Levinas's presentation of the Other. However, police culture is dynamic, systemically embedded and open to change. Culture may be seen as socially constructed, based on knowledge of definitions, ways of doing things, rule and laws and fundamental assumptions about the 'way things are' (Sackmann, 1991). Chan's (1996) interpretation of field and habitus provides further insight on police culture. The field encompasses the historical structures, legal frameworks, and policing practice as, for example, portrayed in Blackstone's Handbook for Policing Students (Wood et al. 2024). Habitus, interpreted by Chan in terms of knowledge, dispositions to cope with

unforeseen circumstance by integrating past experiences (O'Neill, 2016). Both field and habitus are interlinked; hence change will require aligned transformation of both. Underpinning such change will require both structural and community initiatives.

Staff Training:

FRT training needs to extend beyond the process and legal responsibilities to establish an ethical framework for FRT practice and develop a moral culture in which understanding of the ethics of the face is considered. While the depths of Levinas' philosophy are not appropriate for a practical training course in the FRT process, exercises which consider the dimensions and character of the face, particularly in contrast to, for example, DNA profiling would help officers consider their responsibilities as far as the curation of images are concerned. There will also be a need to ensure that the limits of the technology are explored such that reliance in FRT in the field is subject to reflection and critical understanding. It is particularly important to emphasize the human aspect of FRT and exercise a human-centred approach. Levinas' philosophy at the least suggests that the facial image carries more weight, elicits more ethical consideration, and brings more responsibility than more traditional biological markers such as fingerprints and DNA profiles.

Responsible facial recognition information management:

The management of facial recognition data needs to extend beyond the development of a data protection impact statement and meeting the requirements of the GDPR. The use of FRT should be viewed as an end-to-end process, from image collection to actionable outcomes in which each step contains checks and balance and the entire process is conducted by officers with appropriate training.

The facial images should be collected in public spaces, with clearly labelled cameras such that people occupying the space can be aware that facial recognition technology is present. It should be possible to attach contextual details to the image, beyond time and place, identifying aspects such as density of footfall, and weather. At each step subject responsibility for the image should be identified.

The extraction and coding of the facial image, extracted from the background, requires information attached about the algorithm, its origin, and the granularity of the encoded image. Such information will indicate whether the encoded image can support the usage demands. The storage of tagging information is of equal importance to the image itself. Such data should not only highlight context but provide traceability for each step in the processing of image. Storage should comply with GDPR with clear identification of

purpose. While coding of the facial image is an algorithmic process, subsequent analysis may use AI techniques such as deep learning. The issue here is that the facial image, computational ceases to be isolated, but must be seen in the context of the entire dataset of images on which training is concerned. What should be required is that the cleaning and preparation of the data set is documented and auditable, along with amplifications of the data set and retraining of AI models.

The application of FRT in criminal and legal outcomes will clearly require documentation of the entire FRT process from collection to presentation as evidence. As such attention to end-to-end data ethics will ensure that its use is robust and auditable. Developing a robust process throughout the pipeline may enable the minimalizing of administration through the development of a software agent using robotic process automation.

Responsibility in the field:

Levinas emphasizes the face as not just a physical feature but one that demands a moral response in its encounter. Police interaction with any individual arising from LFR is rooted in the encounter of the face, yet FRT commodifies the face into numerical expressions stripping it of its ethical existence. As has been demonstrated, police use of LFR is not ubiquitous but in fact thoughtful, selective and gives due regard to individual rights carefully balanced with policing needs. However, with its potential to provide great benefit to policing, its use is increasing dramatically carrying risk of perceptions of continued surveillance and the inevitable harm that can result from this. All police officers of course, possess levels of compassion, inter-personal skills, self-awareness, and emotional intelligence but undoubtedly, some have levels of these skills more than others. Police officers selected to interact with persons identified in a LFR need to be chosen on the basis of having a level of these skills cognizant with the moral responsibility the face demands in the same manner as others selected to perform roles such as, for example, those taking on role of family liaison officer.

Conclusions

The police use of facial recognition technology is here to stay. Its uses, particularly in live facial recognition, offer benefits both in efficiency, crime investigation and public protection. Its use by police, within the constraints of certain purposes, has general public approval. Standard operating practice in live facial recognition is rigorously managed, in an end-to-end process from Application to Deploy and the development of a watchlist through to post-deployment evaluation, including data protection impact assessment and operational risk assessment (Metropolitan Police, 2022).

However, new technologies may be relied on uncritically such that potential technical and social concerns are overlooked as the technology is viewed as a universal panacea for dealing with complex social problems. Such a reliance on FRT may overlook effects

that may unintentionally undermine benefits, as has recently been observed in the deployment of body-worn cameras (L'Hoity et al, 2023). The embedding of FRT in police practice such that it becomes a black box whose use is ordinary could result in a lack of attention to possible unintended effects. While legal obligations are well served by standard operation practices and authorized professional practice guidelines, sensitivity and respect for both the process and content of facial recognition deployment requires the development of an ethics which establishes moral obligations. This requires the development of a wariness and respect for the facial image and its use which heightens the practitioner's attention to the responsibility for directing the process and the management of the information within a responsible practice framework. This paper has explored Levinas' ethics of the face as an approach to establishing an ethical orientation towards facial recognition which confers a greater significance of facial recognition comparison with other biometrics and leads to a sensitized ethical approach expressed in professional training and applied in the field.

In working with a facial image, we are thus engaged with a different kind of biometric which requires the user to recognize greatly amplified responsibility both in process and content as compared with other basic biometrics such as iris scans, DNA profiles and fingerprints. Hence, we identify the enactment of the increased responsibility, in guidance on training, the engagement with FRT in the field, and the management and handling of the encoded facial image data in information systems.

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