unmasking facial recognition

an exploration of the racial bias implications of facial recognition surveillance in the United Kingdom

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WebRoots Democracy is a London-based think tank focused on progressive and inclusive technology policy.

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Facial recognition is not the next generation of CCTV. Whilst CCTV takes pictures, facial recognition takes measurements. Measurements of the distance between your eyes, the length of your nose, the shape of your face. In this sense, facial recognition is the next generation of fingerprinting. It is a highly intrusive form of surveillance which everyone – regardless of race or religion – should be concerned about. However, surveillance, like technology, is not neutral.

Surveillance has a long history of being deployed primarily against people of colour. From the surveillance of Black bodies on British slave trading ships to the lantern laws in the US (requiring slaves to carry lanterns at night), surveillance has been a racialised phenomenon. In recent history, we see this racial bias in domestic policing and counter-terrorism strategies. As this report highlights, people of colour are disproportionately suspected, stopped, arrested, and incarcerated in the UK. This disproportionality is often reframed as ‘over-policing’. It is this over-policing of communities that protestors across the world have recently been rallying against since the death of George Floyd.

This report – Unmasking Facial Recognition – has been undertaken in order to position the technology within this context and to move the debate on racial bias away from discussions over accuracy and inaccuracy. The report argues that an accurate facial recognition system will still exacerbate racist outcomes in society as it is highly likely that the technology will be disproportionately used against communities of colour. The primary reason for this is that the technology will be deployed by police forces which are still deemed to have a ‘culture of racism’. One need only look at the London trials of the technology to understand the problem. The first trials took place at the Notting Hill Carnival and, as this report reveals, the Metropolitan Police did not bother to carry out an equality impact assessment before doing so.

Positioned between a moratorium and a total ban, our call for a ‘generational ban’ would seek to end the police’s use of facial recognition technology for at least thirty to forty years – however long it takes to overcome the challenge of racism in policing and society at large. It is simply not logical to consider introducing invasive new powers before addressing the pressing issue of racism in policing and surveillance.

There are other arguments for banning, or stemming, the use of facial recognition such as concerns around data collection and outsourcing. This report, however, contains an argument centred on the context of racialised surveillance. We hope you find it insightful and for it to inspire a reassessment of how you view the police’s use of facial recognition technology.

Our immense gratitude goes to the Joseph Rowntree Reform Trust for making this work possible.

Areeq Chowdhury
Report author and
Director of WebRoots Democracy
The increased use of live facial recognition technology (also referred to as ‘automated facial recognition’ or simply as ‘facial recognition’) by the police in the United Kingdom has become the subject of heated discussion in recent years. The controversy has centred around two issues. The first is that the use of this technology (embedded into cameras) erodes the privacy of members of the public and is akin to fingerprinting as each passing face is intricately analysed. During this analysis, templates of faces are created based on data points such as the distance between the eyes or the length of a nose. The second point of controversy is the ‘racial bias’ challenge of these systems. To date, this conversation has focused on the reported inability of the technology to accurately analyse the faces of people of colour which, in a policing context, could lead to innocent people of colour being flagged up as a suspected criminal.

This report, Unmasking Facial Recognition, has sought to look beyond this question of accuracy and to situate live facial recognition technology (LFR) within the broader context of racialised surveillance. It is focused on the potential implications of the police’s use of the technology for people of colour and Muslims in the UK, two groups who have historically been subjected to over-policing.

In addition to desk-based research, we conducted a policy workshop, an expert roundtable, a public seminar, and interviews with individuals working on surveillance and racialised policing. We submitted freedom of information requests to the Metropolitan Police and South Wales Police in order to obtain copies of their equality impact assessments for facial recognition deployments. Finally, to better understand the human bias within these systems, we undertook a test of a publicly available facial recognition system using the faces of 300 UK Members of Parliament, including all 64 Black, Asian and Minority Ethnic (BAME) MPs.

This report makes one key recommendation which is for authorities in the UK to impose a ‘generational ban’ on the police’s use of LFR technology. In addition to this, we make a series of recommendations which we believe should be put in place if police forces continue to use the technology. These recommendations are explained in the final chapter of the report (p37).

1. A generational ban
2. Mandatory equality impact assessments
3. Collection and reporting of ethnicity data
4. Publication of algorithms
5. Regular, independent audits
6. Diversity reporting for third-party developers
7. Protections for religious minorities
8. Protections for political protests
9. A fair-trade approach
10. A data firewall between immigration enforcement and public services

Key findings

▶ The Metropolitan Police failed to undertake an equality impact assessment prior to their trials of LFR across London.
▶ It is highly likely that LFR will be used disproportionately against Muslims and communities of colour.
▶ It is highly likely that the expansion of LFR will bolster calls for a face veil ban in the UK.
▶ There is a particular risk of ‘anti-Black’ racism within the development of LFR.
▶ The use of LFR, particularly at protests, is likely to induce a ‘chilling effect’ amongst political activists.
▶ Concerns over the accuracy of LFR is distracting from the wider debate on racialised surveillance.
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existing literature

In many respects, facial recognition surveillance is not a new phenomenon. In her book ‘Dark Matters: On the Surveillance of Blackness’, Simone Browne situates emerging surveillance technologies within a broader timeline of race-based policies dating back to the era of slavery in America through to colonial practices in the 19th and 20th centuries. During these periods, surveillance was a tool for controlling enslaved people from Africa whilst they were on ships and on plantations. The so-called ‘lantern laws’ required slaves travelling at night to carry lanterns and documentation so that they could be easily identified.

The story of racialised surveillance is a British story as well as an American one. A number of the slave ships where early surveillance measures were implemented were owned and run by British entities. Biometric policies, such as fingerprinting, were tools pioneered within the British Empire to identify civilians and prisoners from the colonies.

In the modern era, surveillance strategies have become widespread and normalised across society. In public and private spaces across the UK, closed-circuit television cameras (CCTV) have become a normality. Before stepping onto a plane, a passenger can expect to have gone through multiple identity checks as well as a full body scan. On newer smartphones, users can open their phones using facial recognition or with their fingerprint.

In this context, therefore, it can feel strange that an additional form of biometrics – facial recognition surveillance – can attract as much controversy as it has in recent debates. In the UK, this controversy has primarily centred on questions related to privacy and retention of data. To a lesser extent, it has looked at potential racial bias challenges of the technology but when it has done, it has focused on the accuracy rates when faced with dark-skinned individuals. These deficiencies were highlighted in a 2018 study by Joy Buolamwini and Timnit Gebru in their paper ‘Gender Shades’ which found that the facial recognition systems designed by Microsoft, IBM and Megvii showed inaccuracies in gender identification dependent on a person’s skin colour.

Critics argue that facial recognition surveillance erodes an individual’s privacy in public spaces and is akin to contactless fingerprinting. The problems with accuracy in identification of people of colour is an additional challenge which could result in innocent people being falsely identified as a wanted individual.

Unmasking Facial Recognition is focused on this challenge of racial bias but is seeking to articulate an argument separate to that of accuracy but of context. To do so, we begin with this literature review which explores papers related to racism in the criminal justice system, Islamophobia, CCTV, and, of course, facial recognition technology itself.

Defining ‘facial recognition’

It is typical to see a number of terms used to refer to the same type of facial recognition technology. These include ‘automated facial recognition’, ‘live facial recognition’ (LFR) and, more simply, ‘facial recognition’. In the UK, it is common to see LFR used in documentation from the Government and police forces.

LFR is a system which analyses an individual’s face in order to determine an identification in real time. The technology works by examining facial patterns (e.g. distance between eyes, length of nose) in order to create a template of a face and by making a comparison with a template held on record. If the comparison renders a match, the system may provide a confidence score, e.g. 90% for a strong match. The threshold for a strong or

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3 Imprint of the Raj: How Fingerprinting was Born in Colonial India, Sengoopta, 2003.
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There are two types of facial recognition system. The first is known as ‘one-to-one’ matching. In this scenario, the system confirms that an image matches a different image of the same person in a database. This type of facial recognition system is used for unlocking smartphones or for checking passports at an airport. The second is known as ‘one-to-many’ matching. These systems are deployed in order to verify whether the face in an image has any match within a database. This is the system used for identifying a person of interest as a part of a surveillance strategy. It is this ‘one-to-many’ system which this report is focused on.

Racism in the UK’s criminal justice system

One of the most comprehensive recent examinations of racism in the UK’s criminal justice system is the Lammy Review published in September 2017. This was an independent review led by Labour MP, David Lammy, exploring the treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals.

The review looked primarily at sections of the criminal justice system other than policing – an area which was deemed to have already received ample attention. It highlights disproportionalities such as:

- 25% of prisoners being from a BAME background, despite making up just 14% of the UK population.
- 15% of the prison population being Muslim, despite making up just 5% of the UK population.
- 41% of youth prisoners being from a BAME background.
- 86% of the individuals on the Metropolitan Police’s Trident ‘Gangs’ Matrix being from a BAME background.
- 22,000 BAME children having their names added to the Police National Database over the preceding 5 years.

These figures, alone, display the disproportionate levels of policing faced by BAME populations in the UK. BAME individuals are overrepresented on databases, watch lists, and in prisons.

In his review, Lammy draws a connection between social circumstances and outcomes in the criminal justice system (CJS): “prisons may be walled off from society, but they remain a product of it.” He argues that racism, whether it be conscious or unconscious, across society feeds into the problem. One example he provides is that of boys from a BAME background being more likely than White boys to be excluded from school and arrested as a teenager. If it is the case that racism in wider society feeds into racist outcomes in the CJS, it follows that this should be a key factor to consider in the deployment of new data-driven technologies such as LFR.

The Lammy Review highlights ‘transparency’ as a core goal and recommendation for the CJS. A lack of transparency provides room for speculation and distrust in the system. The public need to know why there are disparities, how decisions are made, and how unfair discrimination can be eliminated.

The Review points to figures from the 2015 Crime Survey for England and Wales which found that 51% of people from BAME backgrounds believe that the CJS discriminated against particular groups and individuals, compared with 35% of the British-born White population.

Lammy argues that bringing decision-making out into the open and exposing it to public scrutiny is the best way of delivering fair treatment. On the topic of emerging technologies, he acknowledges the increased difficulty of obtaining this level of public scrutiny:

“As technology develops, the nature of scrutiny will need to evolve, too. New decision-making tools, such as algorithms, are likely to be used more and more in the coming years – for example, to assess the risk individuals pose to others. If and when this happens, the CJS will need to find new ways to deliver transparent decision-making. In the US, there are examples of individuals being

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sentenced partly on the basis of software that is proprietary and therefore not open to challenge and scrutiny. We must avoid this at all costs. This matters enormously if mathematical models inadvertently disadvantage particular groups – as some already appear to."

Recommendation 1 of the Lammy Review is for data on ethnicity and religious background to be recorded throughout the CJS. He states that since the passing of the Criminal Justice Act in 1991, successive governments have published data on ethnicity and the CJS with the purpose of the legislation being to ‘avoid discriminating against any persons on the grounds of race, sex, or any other improper ground’.

The staff diversity of component parts of the CJS is also highlighted as a potential cause of racial disparities. Whilst representation is achieved in the Crown Prosecution Service with 19% of staff identifying as BAME, this figure drops to as low as 7% of the judiciary and 6% amongst police and prison officers. Lammy argues that whilst diversity is “not, in and of itself, a guarantee that decisions made by prosecutors will be fair and proportionate” it is an “important part of setting the tone within an organisation”. He points to the CPS’s record of “largely proportionate” decision-making as proof of this.

A key message from the Lammy Review, however, is that whilst scrutiny is “essential” there is a danger that “the search for incontrovertible proof of a problem becomes an excuse for inaction.” This is particularly the case in the modern day where “some prejudice that was overt is now covert”.

Face veils and Islamophobia

Another key aspect to consider in this research, is the very particular problem of Islamophobia in society and how this has fed into the UK’s surveillance strategy. In relation to facial recognition technology, there is little to no discussion on the subject in existing literature. There has, however, been much written about the general surveillance of Muslim communities in the UK, particularly under the controversial counter-terrorism strategy, known as ‘Prevent’.

The Prevent duty introduced in 2015 places a legal obligation on public institutions to “have due regard for the need to prevent people from being drawn into terrorism.” According to a 2017 study which looked at its impact in education, the strategy has concentrated ‘overwhelmingly’ on Muslim communities and led to an exacerbation in the stigmatisation of Muslim students.

This stigmatisation is borne out in public opinion polling on attitudes towards Muslims in society. The 2019 ‘State of Hate’ report by Hope Not Hate outlines that 47% of Conservative voters and 22% of Labour voters believe that Islam is a threat to the British way of life. Anti-Muslim attitudes have accelerated in the UK since the beginning of the ‘War on Terror’, post 9/11. A poll following the July 7 bombings in 2005 found that just 1 in 5 Britons would feel comfortable with a Muslim neighbour. According to Hope not Hate, ‘anti-Muslim hatred has become increasingly mainstreamed’ in the UK.

A common topic within Islamophobic discussions is that of the face veil, or niqab, worn by some Muslim women. Given its particular intersection with facial recognition surveillance, this is something we have touched upon within this report. This debate, which often focuses on the security implications of the niqab, is one which some argue is deeply embedded in colonialism and one which dates back for centuries. Across Europe, a number of countries have banned women from wearing the niqab in public and others are currently debating it. In the UK, there have been a number of discussions related to it in recent years. The State of Hate report found that 43% of Conservative voters and 20% of Labour voters support a ban on religious face coverings.

The security arguments surrounding a potential face veil ban centre on the idea that it could be

7 Prevent is stopping free speech on campus and demonising Muslims, Guardian, July 2019.
9 State of Hate 2019, Hope Not Hate, February 2019.
10 Only 1 in 5 Britons would feel comfortable with Muslim neighbour, Evening Standard, September 2006
11 Unveiling Islamophobia: The victimisation of veiled Muslim women, Zempi, April 2014
used as a ‘camouflage’ for terrorists.\textsuperscript{12} It was for this reason that Imperial College London introduced a ban on its students from wearing them in 2005. A 2013 ban by Birmingham Metropolitan College was made on a similar basis and was supported by the then Prime Minister, David Cameron.

Looking at the experiences of European countries which have banned the niqab it is clear that, although arguments around secularism and feminism are made for introducing a ban, they have been coupled with arguments related to surveillance and national security. A 2017 paper looking at the ‘burqa ban’ (burqa refers to a full-face covering, including the eyes) in France found that legal documents spelling out bans or restrictions often use overtly neutral language and refrain from explicitly referring to the burqa. However, it argues that direct links are often made between veils and security.\textsuperscript{13} In a televised leaders’ debate during the 2017 UK General Election, Paul Nuttall, then-leader of UKIP, claimed that the niqab renders CCTV as ‘ineffective’.\textsuperscript{14}

“Despite constant claims by European politicians and government officials that the bans are against all face coverings and not directed against Muslim women, it’s a common consensus amongst academics, researchers, and human rights advocates that it is clear from the texts and debates...that the bans are specifically meant to target Muslim headscarves and veils.”\textsuperscript{15}

Interviewees from an Open Society study in 2013 felt that the French ban had encouraged the public to harass veiled women more directly and openly than before.

Figures from the Lammy Review suggest that this focus on Muslim communities has found its way into the UK’s criminal justice system with the number of Muslim prisoners increasing from around 8,900 to 13,200 over the last decade. Despite only making up 5% of the general population, 15% of prisoners are Muslim. This is even more stark in France where, despite making up 8% of the population, it is estimated that between a quarter and a half of prisoners are Muslim.

A part of this project has been looking at the UK’s experience of closed-circuit television (CCTV) and the potential parallels it has with LFR. First introduced in 1953 for the Queen’s coronation, by the 1960s permanent CCTV cameras had spread across London.\textsuperscript{16} Akin to the arguments in favour of LFR, CCTV was introduced to deter crime as well as identify perpetrators. Critics argue, however, that there is little evidence to support the proposition that its use has reduced crime and an internal Metropolitan Police report found that only one camera in every thousand had been involved in solving a crime.

According to the 2015 paper, *CCTV and the social structuring of surveillance*, racial bias has found its way into the deployment and use of CCTV cameras, particularly amongst its operators. It argues that young Black men are targeted by CCTV systems due to prejudices held by CCTV operators and the policies set around CCTV use (e.g. to deter drug dealing).\textsuperscript{17}

“The power of CCTV operators is highly discretionary as they have extraordinary latitude in determining who will be watched, for how long and whether to initiate deployment. The sum total of these individual discretionary judgments produces... a highly differentiated pattern of surveillance leading to a massively disproportionate targeting of young males, particularly if they are black or visibly identifiable as having subcultural affiliations. As this differentiation is not based on objective behavioural and individualised criteria, but merely on being categorised as part of a particular social

\textsuperscript{12} Unveiling Islamophobia: The victimisation of veiled Muslim women, Zempi, April 2014
\textsuperscript{13} Whose interests does the burqa ban serve? Veikkola, November 2017.
\textsuperscript{14} General election 2017: UKIP manifesto to pledge a burka ban, BBC, April 2017.
\textsuperscript{15} Whose interests does the burqa ban serve? Veikkola, November 2017.
\textsuperscript{16} Facial recognition has its eye on the UK, Lawfare, February 2020.
\textsuperscript{17} CCTV and the social structuring of surveillance, Norris and Armstrong, 1998.
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group, such practices are clearly discriminatory.”

Furthermore, the paper discusses the ‘occupational necessity’ to hone in on a ‘suspect population’ given the sheer number of pictures captured by CCTV cameras on a daily basis estimated to be around 43 million in a medium-sized 24 hour city centre system with 20 cameras. Despite, on the surface, CCTV being a neutral technology, its use remains subject to human oversight and deployment leaving it vulnerable to human biases.

As part of their research, the authors conducted a study of who CCTV is deployed against in three busy commercial areas. They found that ‘nine out of ten target surveillances were on men, four out of ten on teenagers, and three out of ten on black people’. Black people were twice as likely (68%) to be surveilled for ‘no obvious reason’ than White people (35%).

The growth of surveillance and of ‘digitalised public spaces’ has had the effect of eroding the ‘public-private divide’. In the past, an individual would have reasonable expectations for total privacy when at home and to a lesser extent when outside. This notion of privacy has reduced over the time with the expansion of CCTV cameras, public Wi-Fi, and smartphones. The concept, however, of what defines a ‘public space’ is subject to much discussion. Does a private members’ club count as a public space? The answer to this question will have implications for where the deployment of LFR cameras is deemed acceptable.

Zhao defines a public space based on access rather than ownership. A public space is ‘an open, publicly accessible place in which people go for group or individual activities based on certain open standards’. He gives examples of ‘plazas, malls, playgrounds, and parks’ as examples of public spaces. In this context, it is natural to expect a certain degree of exposure, especially for security purposes. This may explain why public support for CCTV in the UK is high. The level of exposure, even in public spaces however, is still subject to an individual’s preference. For example, the use of a face covering in certain public spaces will indicate a level of comfort or discomfort at being subjected to surveillance in public spaces.

As Zhao explains, our perception of privacy is ‘relative and circumstance-dependent’:

“One may not feel one’s privacy threatened if another person stands pretty close in a narrow elevator or crowded bus, but will certainly find it pretty intrusive in an open public square.”

Bias in facial recognition

Discussion on bias in facial recognition technology has primarily focused on the results of US-based studies exploring the accuracy rates of various facial recognition and analysis systems.

A study of three major facial recognition systems led by Joy Buolamwini, a researcher at MIT Media Lab, found that they were more likely to misidentify gender in darker-skinned people. The systems used were designed by Microsoft, IBM, and Megvii. Gender was misidentified in less than 1% of lighter-skinned males; in up to 7% of lighter-skinned females; up to 12% of darker-skinned males; and up to 35% in darker-skinned females.

Although this study was focused on gender classification, rather than identity verification, it offers an insight into how this type of software works as well as the potential flaws they may have. In the UK, the study was cited as part of Liberty’s submission to the Court of Appeal in the Bridges vs South Wales Police case – which related to the police’s use of facial recognition surveillance.

In July 2018, the American Civil Liberties Union tested Amazon’s system – Rekognition – using

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18 CCTV and the social structuring of surveillance, Norris and Armstrong, 1998.
20 Ibid
21 Britons embrace CCTV cameras, Telegraph, June 2013.
22 Gender Shades: Intersectional accuracy disparities in commercial gender classification, Buolamwini and Gebru, February 2018.
photographs of US Congress Members. 28 of them were falsely matched with criminal mugshots, including 6 members of the Congressional Black Caucus.\textsuperscript{24} Civil rights icon, John Lewis, was amongst those identified as a criminal. They found that 39% of false matches were people of colour despite just 20% of Members of Congress were people of colour.

In 2019, a US Government study suggested that facial recognition systems are significantly less accurate at ‘identifying African-American and Asian faces compared to Caucasian faces’.\textsuperscript{25} The study was undertaken by the National Institute of Standards and Technology (NIST). They tested 189 algorithms from 99 developers including Intel, Microsoft, Toshiba, and Tencent. Amazon’s Rekognition was not submitted for review. NEC’s NeoFace system, which is used by police forces in the UK, ranked first in the test.\textsuperscript{26}

The mainstream discussions on bias have focused on this question of accuracy. The reasoning for doing so is that a system which does not work as well as darker-skinned individuals will result in false matches and innocent people being flagged up as wanted individuals. This frames the problem as one of accuracy. If these systems work as accurately across all demographics, it will not be biased. As a result, audits such as those undertaken by NIST are viewed as a solution by the relevant authorities.

Bias, however, can arise in a number of other, arguably more important, areas. These include biases which arise from historical data on crime which can affect where a camera is deployed. If, as the Lammy Review argues, there is a link between racial bias in wider society and racial bias in the criminal justice, logic would dictate that this bias is likely to arise in the deployment of police tools such as LFR. There is little written on this area of bias and it is an area which \textit{Unmasking Facial Recognition} aims to contribute towards.

A key paper which looks at this more contextual bias is the 2019 report by the European Network Against Racism, \textit{Data-driven policing: The hardwiring of discriminatory policing practices across Europe}.\textsuperscript{27} The authors argue that new technologies negatively impact ethnic minority communities in 3 ways:

\begin{itemize}
\item The impact of new technologies to identify, surveil, and analyse will be disproportionately felt by minority ethnic communities, as they are already over-policed.
\item Many algorithmically driven identification technologies disproportionately mis-identify people from black and other minority ethnic groups. For communities that are already over-policed, such technological limitations, found for example in facial recognition, will increase further the likelihood of discriminatory stop and search, due to technological misidentification(s).
\item Predictive policing systems are likely to present geographic areas and communities with a high proportion of minority ethnic people as ‘risky’ and subsequently, foci for police attention. Predictive policing systems, responding to calls for improvements in crime detection, have been developed based upon data that reflects ethnic profiling and racist policing. This will result advertently in the ‘hardwiring’ of historical racist policing into present day police and law enforcement practice.
\end{itemize}

They argue that this ‘hardwiring’ of racialised criminalisation leads to individuals being subjected to surveillance simply due to them being a member of a ‘suspect’ community. This can have the effect of creating mental anxiety for these communities and erodes trust between them and the police. Our report aims to further this argument that the ‘hardwiring’ of bias is the

\begin{itemize}
\item Amazon’s face recognition falsely matched 28 members of congress with mugshots, American Civil Liberties Union, July 2018.
\item Facial recognition fails on race, government study says, BBC, December 2019.
\item NEC face recognition technology ranks first, NEC, October 2019.
\item Data-driven policing: The hardwiring of discriminatory policing practices across Europe, European Network Against Racism, November 2019.
\end{itemize}
primary concern and that debates over accuracy are secondary issues.

The Metropolitan Police trials

Between 2016 and 2019, the Metropolitan Police in London undertook a number of trials of LFR. Since February 2020, they have been actively deploying the technology across the capital.

The independent report on the trials by Fussey and Murray looked at the ten deployments, two of which were at the popular Caribbean festival, the Notting Hill Carnival, and two in Stratford and Romford – which are areas of London with a high BAME population. The authors identified problems with how the police gained consent from those being scanned and raised questions over the legal basis for the technology’s use. The report does not focus heavily on discrimination concerns but calls for more understanding amongst those who use LFR. They identify accuracy and deployment as two key reasons as to how LFR may result in discriminatory outcomes.

The rights which they argue are potentially affected by LFR include:

- The right to privacy
- The right to freedom of expression
- The right to freedom of assembly and association
- The prohibition of discrimination (both direct and indirect)

Technical experts interviewed for the report stressed the need for additional approaches towards reducing demographic bias such as the use of complex mathematics to weight various populations in the training data.

Illustrating the problem, they included a case they came across of a 14-year-old Black boy who was stopped by 5 police officers in Romford. The subsequent identity check resulted in a verified incorrect match.

The Face Off report by privacy campaign group, Big Brother Watch, used freedom of information requests to obtain data on accuracy rates of LFR deployments across the UK. They argue that there were low accuracy rates with an average of 95% of matches wrongly identifying innocent people. They also claimed that police forces had stored images of all people incorrectly matched by LFR systems, leading to the storage of biometric data of thousands of people. The report has a heavy focus on the problem of misidentification.

Metropolitan Police officers told Big Brother Watch that they would not record ethnicity figures for the number of individuals identified as they viewed the data as ‘unnecessary and unimportant’.

Another key paper is the final report of the London Policing Ethics Panel. For the report, the Panel surveyed 1,092 Londoners and found high support for LFR in cases of serious crime, minor crimes, and nuisance behaviour. Half of respondents thought using LFR would make them feel safer and a little over a third were worried about its impact on privacy. Younger people were less accepting of police use of LFR than older people and people from Asian and Black ethnic groups were less accepting than those from White groups.

The survey found that there was a higher likelihood that the technology would have a 'chilling effect' (in which individuals stay away from events with LFR) amongst young people and those from BAME backgrounds.

Despite undertaking the survey, the Panel notes that “majority opinion does not justify morally questionable actions, and the views and interests of minorities deserve protection”. They argue that one of the conditions for the use of LFR should be that “it can be shown from trial data (and other available data) that the technology itself will not import unacceptable gender and racial bias into policing operations.”

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29 Face Off: The lawless growth of facial recognition in UK policing, Big Brother Watch, May 2018.

Data vs deployment

Our review of relevant literature related to racism, surveillance, and LFR identifies a clear need for greater articulation of the contextual racial bias challenge in public debate. The issue of bias in datasets has understandably received attention, however the response to this challenge appears to be solutions related to more accurate LFR systems. In *Unmasking Facial Recognition*, we hope to add to existing literature an explanation of how LFR fits into the broader deployment of racialised surveillance in the UK.
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racial bias context of surveillance

Racial bias is not something which can be easily quantified. This is especially the case when it comes to machine learning systems which are often ‘black boxes’ meaning that it can be difficult to understand why a certain output or decision was reached. It is for this reason that much of the debate surrounding racial bias in LFR revolves around its accuracy rate. To understand the contextual challenges, however, it is critical to understand the surveillance ecosystem which people of colour and Muslims find themselves in the UK. Once we understand this ecosystem, we can more easily visualise how LFR may impact some communities more heavily than others.

Below, we present data and findings relating to stop and search; arrest rates; prison population; Prevent referrals; and selective CCTV surveillance. In addition, we highlight survey data which shows how different communities feel when it comes to surveillance.

Stop and search

‘Stop and search’ is a power which police officers have (with different rules in Scotland) to stop someone suspected of being involved with a criminal offence. The grounds for which officers can stop individuals are deeply controversial and are the source of much public debate. An officer has to have ‘reasonable grounds’ to suspect someone is carrying:

- Illegal drugs
- A weapon
- Stolen property
- Something which could be used to commit a crime, such as a crowbar

Reasonable grounds include:

- The suspicion that serious violence could take place
- The suspicion that someone is carrying a weapon or has used one

These powers include the ability to ask individuals to remove items of clothing – including religious garments. If they do, it must be done out of public view and with an officer of the same sex.

Critics argue that the grounds for suspicion are often not concrete enough and, as a result, the powers are vulnerable to bias.

The latest figures from the Government’s Race Disparity Audit display significant demographic differences in how these powers are used.

Table 1: Stop and search rate by ethnic group

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Stop and search rate per 1,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian - Bangladeshi</td>
<td>21</td>
</tr>
<tr>
<td>Asian - Pakistani</td>
<td>10</td>
</tr>
<tr>
<td>Asian - Indian</td>
<td>4</td>
</tr>
<tr>
<td>Asian - All</td>
<td>11</td>
</tr>
<tr>
<td>Black - African</td>
<td>24</td>
</tr>
<tr>
<td>Black - Caribbean</td>
<td>31</td>
</tr>
<tr>
<td>Black - All</td>
<td>38</td>
</tr>
<tr>
<td>Mixed – White/Black African</td>
<td>9</td>
</tr>
<tr>
<td>Mixed – White/Black Caribbean</td>
<td>12</td>
</tr>
<tr>
<td>White - British</td>
<td>3</td>
</tr>
</tbody>
</table>

As seen in Table 1, stop and search powers are applied disproportionately against different ethnic groups with White British people the least affected. A Black person is 12 times more likely to be stopped and searched than a White person. An Asian person is almost 4 times more likely to be stopped than a White person.

This disparity is replicated across each individual police force area of England and Wales. In no area, is a White person more likely than a Black or Asian person to be stopped and searched.

Tables 2 and 3 display the police areas in which the stop and search rate is highest for Black and Asian people. In Dorset, a Black person is 31 times more likely to be stopped and searched than a White person. In Gwent, an Asian person is almost 5 times more likely to be stopped and searched.

unmasking facial recognition

greater than a White person. Both the Metropolitan Police and South Wales police forces – two areas which have adopted LFR - feature in the top 5 for the highest stop and search rates for Black and Asian people.

Table 2: Highest stop and search rates (per 1,000 people) for Black people across England and Wales

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorset</td>
<td>62</td>
<td>2</td>
</tr>
<tr>
<td>Metropolitan Police</td>
<td>51</td>
<td>11</td>
</tr>
<tr>
<td>Merseyside</td>
<td>43</td>
<td>13</td>
</tr>
<tr>
<td>Sussex</td>
<td>43</td>
<td>3</td>
</tr>
<tr>
<td>South Wales</td>
<td>42</td>
<td>7</td>
</tr>
</tbody>
</table>

Table 3: Highest stop and search rates (per 1,000 people) for Asian people across England and Wales

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Asian</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Police</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>Gwent</td>
<td>14</td>
<td>3</td>
</tr>
<tr>
<td>West Mercia</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>South Wales</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>West Midlands</td>
<td>10</td>
<td>4</td>
</tr>
</tbody>
</table>

Amongst the areas in which a Black person is the least likely to be stopped and searched, there remains a disparity when compared with how the powers are applied to a White person. In Greater Manchester, for example, a Black person is 8 times more likely to be stopped and searched than a White person.

Table 4: Lowest stop and search rates for Black people (per 1,000 people) across England and Wales

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedfordshire</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>West Yorkshire</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Cleveland</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Durham</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Greater Manchester</td>
<td>8</td>
<td>1</td>
</tr>
</tbody>
</table>

Arrest rates

Government figures also show a race disparity amongst ethnic groups when it comes to arrest rates. The data, displayed in Tables 5 and 6, display significant disparities across all police force areas in the UK.

Table 5: Arrest rate by ethnic group

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Arrest rate per 1,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>12</td>
</tr>
<tr>
<td>Black</td>
<td>35</td>
</tr>
<tr>
<td>Mixed</td>
<td>19</td>
</tr>
<tr>
<td>White</td>
<td>10</td>
</tr>
</tbody>
</table>

Unlike figures for stop and search, these figures are not readily available by different ethnic subgroups. However, they show that a person of Black, Asian, and or mixed ethnic background are more likely than a White person to be arrested in England and Wales. A Black person is 3.5 times more likely than a White person to be arrested. This higher likelihood to be arrested is replicated across every police force area in England and Wales.

Table 6: Highest arrest rates (per 1,000 people) for Black people across England and Wales

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorset</td>
<td>108</td>
<td>9</td>
</tr>
<tr>
<td>Cumbria</td>
<td>104</td>
<td>14</td>
</tr>
<tr>
<td>North Wales</td>
<td>89</td>
<td>17</td>
</tr>
<tr>
<td>Cheshire</td>
<td>74</td>
<td>11</td>
</tr>
<tr>
<td>Lincolnshire</td>
<td>72</td>
<td>12</td>
</tr>
</tbody>
</table>

As can be seen in Table 6, a Black person in Dorset is 12 times more likely than a White person to be arrested.

Similar to stop and search rates, amongst the areas in which a Black person is the least likely to be arrested, there remains a disparity compared with a White person as shown in Table 7.

Table 7: Lowest arrest rates for Black people (per 1,000 people) across England and Wales

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suffolk</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>South Yorkshire</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>Greater Manchester</td>
<td>24</td>
<td>9</td>
</tr>
<tr>
<td>Norfolk</td>
<td>26</td>
<td>4</td>
</tr>
<tr>
<td>Essex</td>
<td>29</td>
<td>7</td>
</tr>
</tbody>
</table>

In the Metropolitan Police force area (London), 53% of people arrested in 2017/18 were from
BAME backgrounds – the highest percentage of all police forces. The BAME proportion of London is 40%, according to the 2011 Census.

**Prison population**

As of March 2020, 27% of prisoners in England and Wales are from a BAME background. This is a figure which has kept relatively constant since 2005. By comparison, 13% of the general population are from a BAME background. Detailed figures, available from the Ministry of Justice and HM Prison Service are outlined in Tables 8 and 9.

Table 8: Prison population in England and Wales by ethnic group

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number of prisoners</th>
<th>Proportion of total prison population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian or Asian British</td>
<td>6,307</td>
<td>7.9%</td>
</tr>
<tr>
<td>Black or Black British</td>
<td>10,234</td>
<td>12.9%</td>
</tr>
<tr>
<td>Mixed</td>
<td>3,844</td>
<td>4.8%</td>
</tr>
<tr>
<td>Other ethnic group</td>
<td>1,181</td>
<td>1.5%</td>
</tr>
<tr>
<td>White</td>
<td>57,387</td>
<td>72.2%</td>
</tr>
<tr>
<td>Unrecorded</td>
<td>328</td>
<td>0.4%</td>
</tr>
<tr>
<td>Not stated</td>
<td>233</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

Table 9: Prison population in England and Wales by ethnic group per 1,000 people

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Prisoners per 1,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian or Asian British</td>
<td>1.5</td>
</tr>
<tr>
<td>Black or Black British</td>
<td>5.5</td>
</tr>
<tr>
<td>Mixed</td>
<td>3.1</td>
</tr>
<tr>
<td>Other ethnic group</td>
<td>2.1</td>
</tr>
<tr>
<td>White</td>
<td>1.2</td>
</tr>
</tbody>
</table>

The figures display a clear race disparity amongst the prison population in England and Wales. Prisoners are almost 5 times more likely to be Black than White. Despite making up just 3% of the general UK population, almost 13% of prisoners are Black. The Asian prison population is proportionate with their representation in the general population. 72% of prisoners are White despite making up 86% of the UK population.

As seen in Table 10, there is a disproportionate number of Muslims – one of the communities which Unmasking Facial Recognition is focused on - in the England and Wales prison population.

Table 10: Prison population in England and Wales by religion

<table>
<thead>
<tr>
<th>Religion</th>
<th>Number of prisoners</th>
<th>Proportion of total prison population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>36,947</td>
<td>46%</td>
</tr>
<tr>
<td>Muslim</td>
<td>13,199</td>
<td>17%</td>
</tr>
<tr>
<td>Hindu</td>
<td>336</td>
<td>0%</td>
</tr>
<tr>
<td>Sikh</td>
<td>538</td>
<td>1%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>1,606</td>
<td>2%</td>
</tr>
<tr>
<td>Jewish</td>
<td>515</td>
<td>1%</td>
</tr>
<tr>
<td>No religion</td>
<td>24,104</td>
<td>30%</td>
</tr>
<tr>
<td>Other</td>
<td>1,940</td>
<td>2%</td>
</tr>
<tr>
<td>Unrecorded</td>
<td>329</td>
<td>0%</td>
</tr>
</tbody>
</table>

Table 11: Prison population in England and Wales by religion, per 1,000 people

<table>
<thead>
<tr>
<th>Religion</th>
<th>Prisoners per 1,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>1.1</td>
</tr>
<tr>
<td>Muslim</td>
<td>4.9</td>
</tr>
<tr>
<td>Hindu</td>
<td>0.4</td>
</tr>
<tr>
<td>Sikh</td>
<td>1.3</td>
</tr>
<tr>
<td>Buddhist</td>
<td>6.5</td>
</tr>
<tr>
<td>Jewish</td>
<td>2.0</td>
</tr>
<tr>
<td>No religion</td>
<td>1.7</td>
</tr>
<tr>
<td>Other</td>
<td>8.1</td>
</tr>
<tr>
<td>Unrecorded</td>
<td>0.1</td>
</tr>
</tbody>
</table>

The figures above display a disproportionate number of Muslims in prison when compared with the general population. 17% of prisoners are Muslim, despite making up just 5% of the general population. These figures do not necessarily mean that Muslims are more likely to go to prison.

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34 UK prison population statistics, House of Commons Library, July 2020.
as the data will include individuals who converted to the religion whilst in prison.

**Prevent referrals**

The UK Government’s ‘Prevent’ strategy is one which has attracted much controversy since being introduced. Prevent is part of the Government’s counter-terrorism strategy which aims to ‘reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorists’. The strategy targets individuals prior to any crime having been committed. Demographic data is available on ‘Channel’, a programme that is part of Prevent, which provides support to individuals who have been identified as being vulnerable to being drawn into terrorism.

Individuals are referred to Channel from a variety of sources including charities, schools, job centres, faith institutions, hospitals, immigration officers, prison officers, and the police. Table 12 contains an ethnicity breakdown of referrals in 2017/18, published by the Home Office.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number of referrals</th>
<th>Proportion of total referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>902</td>
<td>23%</td>
</tr>
<tr>
<td>Black</td>
<td>168</td>
<td>4%</td>
</tr>
<tr>
<td>Mixed</td>
<td>55</td>
<td>1%</td>
</tr>
<tr>
<td>Other ethnic group</td>
<td>125</td>
<td>3%</td>
</tr>
<tr>
<td>White</td>
<td>1,396</td>
<td>35%</td>
</tr>
<tr>
<td>Unknown</td>
<td>1,306</td>
<td>33%</td>
</tr>
</tbody>
</table>

**Table 13: Referrals to Prevent by (known) ethnicity**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number of referrals</th>
<th>Proportion of total referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>902</td>
<td>34%</td>
</tr>
<tr>
<td>Black</td>
<td>168</td>
<td>6%</td>
</tr>
<tr>
<td>Mixed</td>
<td>55</td>
<td>2%</td>
</tr>
<tr>
<td>Other ethnic group</td>
<td>125</td>
<td>5%</td>
</tr>
<tr>
<td>White</td>
<td>1,396</td>
<td>53%</td>
</tr>
</tbody>
</table>

As can be seen in Table 13 above, 40% of referrals to Prevent are for Asian people. There appears to be no available breakdown on religion, however, a 2019 report by the Home Office states that 44% of referrals were for ‘Islamist extremism’ indicating that there is likely to have been a high proportion from Muslim backgrounds.

**Selective CCTV surveillance**

There is little data on the ethnic backgrounds of individuals targeted for surveillance by CCTV operators, despite research suggesting that some sub-groups (e.g. ethnic minority men) may be most often targeted whilst other subgroups are left unchecked.

The authors of the 1998 paper, *CCTV and the social structuring of surveillance*, undertook observations of CCTV operators in three sites in the UK – a ‘county town’, a ‘metro city’, and an ‘inner city’. In total they observed 592 hours of monitoring which is the equivalent of 74 eight-hour shifts. 25 CCTV operators were shadowed. The researchers recorded demographic data on subjects of ‘targeted surveillance’. The findings are outlined in Table 14. Although the research was undertaken more than 20 years ago, it provides a further useful insight into the racial bias context of surveillance in the UK.

<table>
<thead>
<tr>
<th>Demographic</th>
<th>Number</th>
<th>Proportion of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>660</td>
<td>93%</td>
</tr>
<tr>
<td>Female</td>
<td>49</td>
<td>7%</td>
</tr>
<tr>
<td>Teenagers</td>
<td>270</td>
<td>39%</td>
</tr>
<tr>
<td>Twenties</td>
<td>320</td>
<td>46%</td>
</tr>
<tr>
<td>Thirties plus</td>
<td>107</td>
<td>15%</td>
</tr>
<tr>
<td>White</td>
<td>483</td>
<td>69%</td>
</tr>
<tr>
<td>Black</td>
<td>210</td>
<td>30%</td>
</tr>
<tr>
<td>Asian</td>
<td>5</td>
<td>0%</td>
</tr>
</tbody>
</table>

In this study, men, teenagers, and Black people are shown to be disproportionately targeted by CCTV operators. The authors argue that this is caused by prejudices held by CCTV operators and by policies set around CCTV deployment (e.g. a

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38 *CCTV and the social structuring of surveillance*, Norris and Armstrong, 1998.
focus on drug-related crime). They outline two key effects of this:

▶ Negative impact on the individual psychology of young Black men who are surveilled due to them being treated ‘as a threat’
▶ Undermining of ‘policing by consent’ as the perception of practices being discriminatory results in a loss of trust and legitimacy

“The sum total of these individual discretionary judgments produces, as we have shown, a highly differentiated pattern of surveillance leading to a massively disproportionate targeting of young males, particularly if they are black or visibly identifiable as having subcultural affiliations. As this differentiation is not based on objective behavioural and individualised criteria, but merely on being categorised as part of a particular social group, such practices are clearly discriminatory.”

Public opinion polling

Data from public opinion polls on the subject of policing offer a useful insight into how communities view racism in policing and wider society. Following the death of George Floyd and the subsequent global spread of the Black Lives Matter protests, ITV conducted a major poll of more than 3,000 UK adults on racism in Britain for the programme “Stephen Lawrence: Has Britain Changed?” The poll contained an unusually large subsample (1,502) of ethnic minority respondents.

The survey outlines public perceptions on racism amongst different demographics with significant divisions between White and BAME respondents.

Table 15: To what extent, if at all, do you consider there to be racism in Britain?

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great deal of racism</td>
<td>23%</td>
<td>14%</td>
</tr>
<tr>
<td>Fair amount of racism</td>
<td>49%</td>
<td>49%</td>
</tr>
<tr>
<td>Not much racism</td>
<td>17%</td>
<td>29%</td>
</tr>
<tr>
<td>No racism at all</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>8%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Table 16: Opinion on whether there is a culture of racism in the police

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does</td>
<td>59%</td>
<td>42%</td>
</tr>
<tr>
<td>Does not</td>
<td>21%</td>
<td>35%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>21%</td>
<td>23%</td>
</tr>
</tbody>
</table>

Table 17: Ethnicity breakdown of BAME respondents who believe that the police has a culture of racism

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Proportion who believe that the police has a culture of racism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>77%</td>
</tr>
<tr>
<td>Mixed</td>
<td>69%</td>
</tr>
<tr>
<td>Indian</td>
<td>52%</td>
</tr>
<tr>
<td>Pakistani</td>
<td>54%</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>49%</td>
</tr>
<tr>
<td>Chinese</td>
<td>43%</td>
</tr>
<tr>
<td>Other Asian</td>
<td>45%</td>
</tr>
<tr>
<td>Other</td>
<td>51%</td>
</tr>
</tbody>
</table>

Table 18: Experience of being stopped in the street by the police for no apparent reason

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have experienced regularly</td>
<td>7%</td>
<td>4%</td>
</tr>
<tr>
<td>Have experienced occasionally</td>
<td>16%</td>
<td>13%</td>
</tr>
<tr>
<td>Have not experienced</td>
<td>71%</td>
<td>78%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>6%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Table 19: Ethnicity breakdown of BAME respondents who have been stopped in the street by the police for no apparent reason

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Proportion who have been stopped by the police for no apparent reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>33%</td>
</tr>
<tr>
<td>Mixed</td>
<td>32%</td>
</tr>
<tr>
<td>Indian</td>
<td>18%</td>
</tr>
<tr>
<td>Pakistani</td>
<td>29%</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>29%</td>
</tr>
<tr>
<td>Chinese</td>
<td>6%</td>
</tr>
<tr>
<td>Other Asian</td>
<td>11%</td>
</tr>
<tr>
<td>Other</td>
<td>17%</td>
</tr>
</tbody>
</table>

39 Stephen Lawrence: Has Britain Changed? Number Cruncher Politics/ITV, July 2020
unmasking facial recognition

Table 20: Experience of being viewed with suspicion (e.g. in shops)

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have experienced regularly</td>
<td>17</td>
<td>5</td>
</tr>
<tr>
<td>Have experienced occasionally</td>
<td>36</td>
<td>26</td>
</tr>
<tr>
<td>Have not experienced</td>
<td>40</td>
<td>64</td>
</tr>
<tr>
<td>Don’t know</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

Table 21: Ethnicity breakdown of BAME respondents who have been viewed with suspicion (e.g. in shops)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Proportion who have been viewed with suspicion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>76%</td>
</tr>
<tr>
<td>Mixed</td>
<td>57%</td>
</tr>
<tr>
<td>Indian</td>
<td>45%</td>
</tr>
<tr>
<td>Pakistani</td>
<td>52%</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>49%</td>
</tr>
<tr>
<td>Chinese</td>
<td>23%</td>
</tr>
<tr>
<td>Other Asian</td>
<td>35%</td>
</tr>
<tr>
<td>Other</td>
<td>42%</td>
</tr>
</tbody>
</table>

Table 22: Opinion on the amount of prejudice or discrimination faced by Muslim men in Britain

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>39%</td>
<td>28%</td>
</tr>
<tr>
<td>Quite a lot</td>
<td>32%</td>
<td>38%</td>
</tr>
<tr>
<td>Not very much</td>
<td>13%</td>
<td>18%</td>
</tr>
<tr>
<td>None at all</td>
<td>5%</td>
<td>4%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>12%</td>
<td>13%</td>
</tr>
</tbody>
</table>

Table 23: Opinion on the amount of prejudice or discrimination faced by Muslim women in Britain

<table>
<thead>
<tr>
<th>Option</th>
<th>BAME</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>38%</td>
<td>27%</td>
</tr>
<tr>
<td>Quite a lot</td>
<td>31%</td>
<td>38%</td>
</tr>
<tr>
<td>Not very much</td>
<td>15%</td>
<td>18%</td>
</tr>
<tr>
<td>None at all</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>11%</td>
<td>12%</td>
</tr>
</tbody>
</table>

As displayed in Tables 15 to 23, 89% of BAME respondents and 92% of White respondents believe there is racism in British society. Almost a quarter of BAME respondents have been stopped by the police for no apparent reason and more than a half have experienced being viewed with suspicion. More than three quarters of Black respondents have experienced being viewed with suspicion. More than half of BAME and White respondents believe Muslims face prejudice or discrimination in modern Britain.

A culture of racism

It is within this context, outlined in this chapter, which the deployment of LFR must be viewed. It is within a society where people of colour are disproportionately suspected, searched, arrested, and incarcerated. It is a society which recognises the existence of racism and where four in ten White people and eight out of ten Black people believe there to be a culture of racism in the police.

By basing the technology within this context, we can better understand the true racial implications that its deployment may have.

Key points

- BAME people are more likely to be stopped, suspected, arrested, and incarcerated.
- BAME people are more likely to be referred to the Government’s counter-terrorism programme.
- Opinion polling shows significant proportions of the BAME population believe there to be a culture of racism in the police.
workshops, roundtables, and interviews

To gain further insights into the challenges posed by LFR and an understanding of how it may affect Muslims and people of colour in the UK, we carried out workshops, interviews, and an expert roundtable.

We spoke with campaigners, researchers, and the UK’s Surveillance Camera Commissioner about the novel implications of LFR, how it may affect day-to-day activities for people of colour, and ideas for how these challenges can be mitigated. These interviews and discussions took place both before and after the start of the COVID-19 pandemic. Following the start of the outbreak, these discussions took place virtually.

In addition to these project-specific activities, we undertook a joint panel discussion with the Portal Collective entitled ‘Technology and its role in racialised surveillance’. The event brought together activists and academics from the UK, Belgium, Australia, and the USA to explore how new technologies impact racialised communities and their place in the history of surveillance strategies. This event can be viewed in full on our website.40

Policy workshop

Our policy workshop brought together interested Muslims and people of colour for a moderated discussion on the challenges of LFR. This was modelled on Nesta’s ‘bottom-up’ policy workshop toolkit which aims to facilitate conversations which generate potential ideas.41

Participants were self-selected and joined with a high level of understanding of the issues at hand, coming from a range of professional backgrounds including government, media, and law. All participants were people of colour and references to their comments have been pseudonymised in this report. They were split into four groups, facilitated by WebRoots Democracy volunteers.

The conversations focused on the following themes:

- Views on the police
- Views on surveillance
- Views on facial recognition technology
- Views on what should be done

Discussions centred around the participants’ own experiences of policing, their views on bias issues in LFR, and policy recommendations for the UK Government.

Figure 1: Workshop facilitators summarising their group conversations

Views on the police

Participants had mixed personal experiences with the police. Some participants accredited their lack of interaction with the police to their upbringing in ‘suburban areas’. Others had themselves been stopped numerous times by the police or knew of experiences where their family members had been caught up with the police.

Halima, an Asian woman, shared stories of times out with her husband who is a Black man:

“When I am with my husband, we get stopped quite regularly by the police. I see it from both sides. I can see the problems in the community but at the same time, my family are constantly harassed by them.”

Ali, a Black man, said that experiences he had been through had undermined trust in the police:

“I have quite a few personal instances of disproportionate policing when I’m going about my usual business, simply because of the group I’m in. For me, stop and search is the big spectre

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40 Technology and its role in racialised surveillance, WebRoots Democracy, July 2020.

41 How to run a ‘bottom-up’ policy development workshop, Nesta, February 2014.
in the background that makes me quite distrustful of increased resources and methods for the police.”

Imtiaz, an Asian man, said:

“You find that you get disproportionately stopped if you’re a person of colour – at least that’s what I’ve found from my experience. Why is it that Black people are disproportionately affected by stop and search? Why is it people with brown skin and beards who are stopped at airports?”

Meera, an Asian woman who had few personal experiences with the police, said:

“I haven’t had many interactions with the police. I live in a very White middle-class area and I think that plays a big part in police presence in my surroundings.”

Although attitudes were generally negative towards the police, the negativity was primarily centred around their use of ‘stop and search’ powers and was targeted towards policing as an institution rather than individual police officers. Some participants questioned the role of the police in society. Halima argued that their role has extended too far:

“I don’t know why the police are now in a position to prevent crime – that’s not the role of the police in my opinion. I think the police should only deal with very serious matters of societal harm which are violent.”

Samir, who has carried out research on stop and search with communities in Tower Hamlets said that support for the police is mixed and that he had come across high levels of support for stop and search amongst parents:

“There is a certain alarm about knife crime, therefore people want the police to stop and search youth, especially parents. I was surprised that a lot of law-abiding parents wanted it. We have to ask why our youth are so alienated that they have to be targeted in this way. I understand parents’ concerns, but my worry is that we are actually perpetuating our own social exclusion. The criminal records end up socially excluding these people for life.”

The participants also shared their thoughts on whether they believe the police to be racist.

“Meera said that her view was shaped by her family’s experiences with the police and gave the example of her brother who had “been stopped a few times”. She also explained that social media had helped shape her opinion, too:

“In this day and age, I’d be hard-pressed to not call the police racist, especially institutions like the Met.”

Imtiaz said he believes that the problem of racism goes beyond policing:

“Are the police inherently racist? That’s quite broad. I wouldn’t stop it at the police being institutionally racist. You have to also look at the very bodies that govern them and allow them to police communities. There are certain elements of our institutions that discriminate against minority communities and are very much created on the basis of racialising communities.”

Samir put his view simply:

“Are the police racist? Maybe not individually, but as a force they end up being that way, yes.”
Nina, a Black woman, questioned the focus on diverse representation in policing and argued that problems go deeper:

“There’s no denying that there’s racialised elements of policing. If you have more representation, you might have better relationships and interactions with young Black people or young Asian people. But it’s also the case that even if you employ more Black and Asian people, it’s not tackling the inherent problems in the police, it’s like plastering over the cracks in the wall.”

Views on surveillance

Participants were generally not against the concept of surveillance, particularly when it was used to protect private property. There was also a recognition of its benefits, especially for reducing anxiety when travelling alone at night. Nearly all participants believed that surveillance has become normalised in society.

On the subject of CCTV, Halima said its use is not ‘black and white’:

“When CCTV, there’s an element of it being heavily normalised. So, I don’t necessarily see a problem with it but that’s because I’ve been brought up with it – it’s just there. For me, it’s not black and white. It’s about who is using it and for what purposes. In private premises – like a shop – I can totally see why people would want to use CCTV. I rarely notice CCTV, because it’s not like it’s in my face or stopping me going about my day, whereas stop and search does stop me and my husband going about our day. I guess in my head there is a split in public use and private use. With CCTV, private individuals use it to protect their own stuff.”

Nina expressed caution about how the data from CCTV and surveillance more generally is used:

“We’re one of the most surveilled countries on the planet. I do think that too much data is concentrated in the hands of the state and commercial companies...I’m always cautious of how that data is used. When it comes to the police, I am concerned. When we look at the Notting Hill Carnival, I don’t see the same levels of surveillance at Glastonbury – does it happen?”

Meera referenced the Government’s counter-terrorism strategy, Prevent, arguing that it is a form of surveillance which ‘marginalises’ communities:

“Surveillance extends past just CCTV cameras into spaces you never assume that it exists in. Predominantly, I’m thinking about Prevent which surveils primarily Muslim communities. While people come out and say that right-wing fascism is the biggest threat etc., the very fact that it was created to target Muslim communities is an inherent problem and the fact that it creates suspicion around people who do not need to be targeted by Prevent. The surveillance state works to marginalise communities and further divide communities and create suspicion that is not necessary. It’s a very Four Lions situation, where people are being surveilled to the extent that it harms other people.”

Samir believes that the growth of surveillance has eroded people’s freedoms:

“I’m old enough to know London from pre-CCTV times. The younger generation don’t know what we have lost with our freedom to do things and to know that we’re doing it in a safe space. I bemoan that.”

Fateha, a Muslim woman, added:

“Having cameras has always been reassuring, especially when travelling late at night. But I can see where Samir is coming from. Without
unmasking facial recognition

cameras, there would have been more community presence where we look out for each other. With the availability of cameras, we don’t need to think about it as much.”

Mohsin, an Asian man, had a similar view:

“My third year halls at university were in a slightly rough part and there was a push to get people to install cameras. I guess, at a personal level, there is a feeling of security. I do think we get immunised to the idea of the camera, but also given that we feel a certain security with them...it’s not entirely that we get totally blasé about them, but it seems a lot more complex with CCTV than I would’ve thought.”

Imtiaz disagreed with the view that CCTV had become ‘normalised’:

“We need to distinguish a few things. Surveillance isn’t normalised. We have to think about it from the perspective of privacy. If we’re going to talk about surveillance, it’s something that the community has to feel confident about accepting. Without that confidence, I don’t think it should be used.”

Views on facial recognition technology

Moving onto the subject of facial recognition technology, participants tended to see a clear distinction between its use and that of CCTV. Links were drawn more closely with stop and search powers.

Ali said that he is cautious of trusting the police with the levels of data that LFR would provide them with and had reservations related to where the police would deploy these resources:

“Knowing that the board that the police will pin up to put dots in to say that these are the high crime neighbourhoods, let’s make sure we get more of us patrolling this poor, Black neighbourhood. That’s the story of my life. What I’m wary of, is the ability to do this en masse. Looking at this moment of thinking of institutional racism in the justice sector at large, I’m very sceptical about the use of facial recognition where I will be guilty by association and an association I can’t change.

I feel very hesitant and reluctant for the police to be collecting data... I’ve just seen too much as a young Black man from Birmingham – police intelligence that really prejudices my movements and those of my friends – I’m really sceptical that the police can comply with fair data principles if they’re collecting information on the existing prejudices they already have which is why I don’t like the package of things that facial recognition is part of.”

Imtiaz expressed similar concerns about how the technology would be deployed:

“The first thing you’d have to tackle is the pre-crime assumption of minority communities. If there’s a racialised assumption, then the first thing you’d have to address is whether there’s a problem in how they see crime or visualise crime. If there’s a is a pre-crime assumption of communities, particularly communities of colour, then there’s clearly a bias there. Without that issue being addressed, regardless of where the technology is at, it’ll still be futile because the technology will be used with that pre-crime assumption of that particular community. If it doesn’t have the consent of the community, or the confidence of the community, I don’t think any form of technology – or any form of AI technology – should be used.”

Halima agreed and argued that the technology could ‘further inequalities’:

“Even if the tech itself isn’t biased, it can perpetuate the same discriminatory behaviour based on privilege and the systems which are already in place which make life discriminatory. Like with job applications, they remove names and make it as unbiased as possible. But if someone has access to different courses... even what is taught in one university is very different...the technology will just assess it but that’s not helping inequalities, it’s actually furthering inequalities.”

Sunil, an Asian man, said that the accuracy issues with LFR are a ‘distraction’:

“I personally think the issues facing race discrimination is a bit of a distraction from the more problematic issue of infringement of privacy rights. Ultimately, the technology will improve. It might be 5 years or 10 years, but the technology won’t remain the same and it’s capacity to pick up on the difference between people’s faces will
improve. Whilst the race discrimination argument is important, in focusing on it, you legitimise the technology to begin with and say it’s only a problem of implementation rather than design. Across the criminal justice system in the UK, there is a problem of racial bias which manifests in various ways. Facial recognition is just another layer on top of an already problematic cake. We should be apprehensive about legitimising this technology.”

Fateha believes that facial recognition is similar to stop and search and describes it as a ‘stop gap’ solution:

“In many ways, stop and search is a failure of the system. If we’ve got to that stage, we’ve already failed as a system to stop them from carrying weapons in the first place. It’s very easy to sidestep these kind of aggressive measures. Over time, people will form new tactics. I’ve heard of people hiding knives in bushes and things. It’s almost a stop gap solution opposed to a more strategic solution for the problem you want to address, whether it’s acid crime, knife crime, whatever crime.”

Halima could see the potential benefits of LFR but that it’s the system around the technology which is the problem:

“I don’t think the argument is that we can’t see the good in facial recognition, or that it can never be good. If we lived in a non-racist world, in fact it’d probably do a lot of good. For me, the issue isn’t the tech itself, it’s the structures around it. Because of the way the state treats minorities, I think it’d just reinforce the existing structures. I’m not convinced that facial recognition is a necessity. In terms of priorities, I’d rather fund schools than facial recognition.”

Imaan, an Asian woman, drew comparisons with stop and search and highlighted the presumption of guilt:

“There’s a strong element of racial profiling. That assumption that someone is guilty... stop and search isn’t based on someone being innocent, it’s based on them being guilty and they’re proved to be innocent. It just creates further discontent amongst communities.”

Meera wanted to know what evidence there was that LFR is beneficial for society:

“Has it yielded anything that’s benefited society? And if so, then what is the evidence?”

Views on what should be done

All participants were in favour of significantly limiting, or entirely banning, the police’s use of LFR. Some participants also suggested that there needs to be more transparency over who is developing these systems and what links they have to other parts of government or to controversial commercial agreements such as arms trade.

Imtiaz argued that these links could have ‘ramifications’ for how LFR data is used:

“Facial recognition is really problematic. It’s more likely to misidentify minority communities. Other than the insidious securitisation, individuals can be misidentified as criminals. Do the agencies have any affiliation with any other areas of government work? This can have ramifications for how this data is used. There needs to be a level of transparency of the companies which are commissioned to design the technologies. Some of these companies also do work related to arms. There needs to be a level of transparency on that level.”

He also advocated for genuine engagement and involvement with affected communities, prior to any deployments:
unmasking facial recognition

“If you don’t have the confidence of the community, it becomes futile and will lead to opposition. If you’re propagating systems and resources that alienate and demonise a community, that will contribute to a cycle of violence. The first thing should be to listen to communities and apply what is being mentioned. A lot of people are alienated from consultations because it’s seen as a tick-box exercise which only further distrust amongst the community.”

Ali was unconvinced by the safeguard of having a human operator for LFR systems:

“A police operator deciding whether or not to send a couple of bobbies to go see if that person is that person is supposedly a safeguard against the decision of the AFR system – I’m not entirely convinced by that because I’ve still been approached by the police because they think I’m someone I’m not and I feel justifiably aggrieved by that.”

He also believes that its future use is inevitable:

“You’ve just got to listen to the sort of things Cressida Dick says about it – it’s LFR today or a shank in your chest – I think she said once.”

As a minimum, Ali said that there must be transparency over how the system works:

“How can I get my lawyer to argue in favour of a lighter sentence if I can’t even see how the algorithm is making its decisions?”

Sunil agreed and called for ‘as much transparency as possible’:

“We should have a very rigorous legal framework in place which minimises the use of LFR and makes sure that it doesn’t become as extensive as CCTV. We don’t want that. If it is to be used, then it should be used as minimally as possible and with as many legal safeguards as possible. We should ensure that there is as much transparency as possible surrounding the technology. Instead of five minutes of leafleting, we need several months, even a year’s worth, of meaningful engagement between the police and the community on how and why the technology is used.”

Nina wants there to be more transparency over the people who are designing the AFR systems:

“With algorithms, it’s garbage in, garbage out... who are the people designing this technology? They’re going to bring their own biases into it.”

Imaan said she does not support AFR but that more diversity across the board may make a positive difference:

“One thing they should definitely do - considering it’s hard to dismantle technology – is to have more representation, inclusive across all demographics of race and gender, on executive boards to the lowest levels of employees. You have to have representation across all these organisations and have their input just as much as their White counterparts.”

“Accuracy is a huge issue but a sort of red herring... Should we be supportive of mass surveillance even if it’s accurate?”

Meera also wanted to know who was behind the technology:

“You really need to look at who is making this technology. I’m sure they all fit into a couple of camps: they’re probably male and from a particular background. They should try and get more people involved in the design of the technology. That needs to happen otherwise you will get certain biases coming in. That being said, I do want facial recognition to be strictly limited.

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Even in communities which are overpoliced, I don’t think anyone wants there to be no police, but the relationship has to change and I don’t think facial recognition is going to help that. It’s not going to help my cousins in Manchester or Peckham. If I had my way, I’d limit it’s use completely.”

Mohsin said that we need ‘systemic overhaul’:

“The whole tough on crime message covers up the fact that these are stop gap measures. Fundamentally, systemic overhaul is what’s needed. The accuracy is a huge issue, but it’s sort of a red herring to let it get to that point. Should we be supportive of mass surveillance even if it is accurate? I’m increasingly convinced that we shouldn’t. CCTV normalisation suggests a loss of privacy in a way that feels very personal.”

He added his support for a ban on the technology:

“I do think there should be a ban on police-use of facial recognition. It’s interesting. It seems to have brought together the gun-nut libertarians and the civil libertarians.”

Halima said the process should centre the voices of marginalised communities:

“I would like to see the big tech companies actually work with communities to design their tech with the very marginalised at the heart of it. If you do that, then I think it would work our best for everyone...if you start with those on the margins to begin with.”

Fateha suggested that people should stop comparing ourselves with China or the USA:

“With police brutality, we say ‘at least we’re not as bad as the USA’ and with surveillance, we say ‘at least we’re not as bad as China’. It’s like not coming last is an achievement now.”

Key points

- Perceived ‘over-policing’ of communities is a contributor towards negative attitudes towards the police.
- Problems in the broader criminal justice system are seen as factors in the view of police forces as ‘institutionally racist’.
- Greater diversity in the police is important but is not seen as a ‘silver bullet’.
- Community support for surveillance strategies should be considered as a prerequisite for their use.
- There are concerns that racial profiling could contribute to deployments of LFR.
- LFR is viewed in a similar light to stop and search as a ‘stop gap solution’.
- Concerns over ‘accuracy’ of LFR are seen as a distraction in the debate over its use.

Expert roundtable

The preliminary findings for our report were discussed at an expert online roundtable, held towards the end of the project, with attendees bringing their insights on technology, privacy, and minority rights. These discussions focused on the pros and cons of our recommendations and touched upon the broader debate around facial recognition surveillance in the UK.

Attendees at the roundtable were:

- Dr Seeta Peña Gangadharan, London School of Economics
- Nuno Guerreiro de Sousa, Privacy International
- Ilyas Nagdee, Writer and activist
- Minnie Rahman, Joint Council for the Welfare of Immigrants
- Geoff White, Investigative technology journalist

Figure 2: Roundtable attendees
The conversation centred around the concept of racialised surveillance, the perceived objectivity of algorithmic decision making, and on the ban vs moratorium policy debate.

Racialised surveillance

Attendees began by discussing the concept of racialised surveillance. As outlined by Browne and others, it is a practice which has deep historical roots and as outlined by Ilyas and Minnie during our discussion still exists in 21st century Britain. Ilyas is a writer and activist who organises around counter-terrorism, policing, and anti-racism. During his time as Black Students Officer at the National Union of Students, he led the ‘Students not Suspects’ campaign against the implementation of the Prevent duty in education. Surveillance, he argues, is rooted in colonialism and racism:

“The history of surveillance and policing is a project that is very rooted in colonialism and racism.”

A surveillance strategy being defined as ‘racialised’ is dependent on the outcomes of a surveillance strategy and not the intent. With the Prevent duty and aspects of the ‘hostile environment’ disproportionately impacting Muslims and people of colour, they can be viewed as examples of racialised surveillance.

Minnie is the Public Affairs and Campaigns Officer at the Joint Council for the Welfare of Immigrants which has been looking into the ‘digital hostile environment’. She argued that immigration enforcement often intersects with surveillance and wishes to see a ‘firewall’ between police forces and immigration enforcement:

“Obviously immigration enforcement is highly racialised…the way the Home Office makes policy decisions and implements algorithms is all highly racialised and based on very little evidence. The way this would impact on undocumented communities is that their data obtained through any facial recognition process could be passed to immigration enforcement and used as a way to deport them, as a way to find them.”

She also pointed to the Home Office’s history of working with employers to find undocumented individuals and argued that private surveillance tools could be used as a means to do so in future:

“Because being undocumented is criminalised in such a way, the intersection between illegal working and surveillance…there’s not a lot of work which has been done in that area, but we know the Home Office makes deals with employers to find undocumented communities, so there’s a risk that they will try and stretch that strategy further into surveillance in other ways, especially with facial recognition. I think it will have a much bigger impact on communities of colour, especially on black migrant communities, than it would on any other group.”

Nuno is a technologist at Privacy International and has been looking at public/private partnerships relating to LFR and at how data is exploited in the process. He highlighted the example of LFR being trialled in London for the first time at the Notting Hill Carnival:

“There’s been cases where facial recognition has been used specifically against minorities. For example, the first trial of live facial recognition technology in the UK was at the Notting Hill Carnival. The fact that this trial took place at the UK’s main annual African Caribbean gathering

was considered by many to be institutionally racist.”

He also referred to the use of Amazon’s ‘Ring’ doorbells which, in some cases, have been distributed to individuals by police forces. It was found that users disproportionately suspected and reported BAME people to the police. This human bias, he argues, enters police records and exacerbates the problem:

“Generalised surveillance ends up being racialised as minorities get disproportionately targeted in the process.”

Geoff, who is an author and investigative journalist focused on technology, agreed that the level of bias within an algorithm cannot be divorced from the bias within the underlying data:

“There is the sense, I think, on the part of law enforcement – and for quite a few people I think it is an honestly held belief – that the algorithms and technologies are a way of avoiding bias that human beings have and that if we can just build these systems properly and rely on the technology, we actually get away from the thorny issue of addressing bias within people and within human beings – although the algorithm are subject to data that you put in.”

Seeta, an Associate Professor whose research is centred on the intersection of data justice and racial justice issues, said that the Metropolitan Police trials have already set the trajectory for how LFR will be used:

“Once you identify the experimentation that’s happened within minority communities, you have a sense of the trajectory and values behind the implementation of a particular technology.”

Ilyas warned against a focus on ‘objectivity’ within LFR systems. Pointing to the example of the Prevent strategy, which has had a ‘chilling effect’ amongst British Muslims, he said a focus on ‘objectivity’ had not led to fewer Muslims being surveilled but to an increase in surveillance for other groups in society:

“We don’t want the equality of oppression of awful systems for all people.”

Objectivity of algorithmic decision-making

The objectivity of LFR systems was questioned both in a technical and commercial sense. Seeta and Geoff highlighted potential conflicts and challenges which could arise from the likely reliance on private companies which LFR would lead to. Seeta argued that this dependence could undermine democratic values which underpin policing and that LFR is akin to ‘outsourcing’:

“It’s a question of cost and dependency on a private vendor that is highly problematic... that completely disrupts democratic procedure – you basically outsource the procedural logic of implementation and management of the system to a private company.”

Geoff said that some commercial agreements incentivise greater data collection. He gave the example of the police national database in which private companies are paid per image:

“The police national database is run by private companies, administered by private companies... it’s full of millions of duplicate images, but the company that runs it doesn’t have any facility to remove the duplicates. It is paid per image, so the more duplicates there are, the more money they make. When you’re paid by data point, you want to get as much data as possible.”

Ilyas warned against a focus on ‘objectivity’ within LFR systems. Pointing to the example of the Prevent strategy, which has had a ‘chilling effect’ amongst British Muslims, he said a focus on ‘objectivity’ had not led to fewer Muslims being surveilled but to an increase in surveillance for other groups in society:

“People think they’re engaging with objective technological algorithms as if it exists outside of
unmasking facial recognition

to argue that depriving them of facial recognition technology is an unfair outcome because everybody else has it.”

Ban vs moratorium

With numerous organisations in the UK calling for a moratorium on the use of LFR, attendees were asked whether they agree with this position or whether they are in favour of a total ban – a position which has been increasingly advocated since the death of George Floyd. Each attendee leaned towards being in favour of a ban. Seeta said the technology is too problematic to be used any further:

“So far as facial recognition technology is concerned, I think a ban is completely in order. I think it just presents all sorts of problems.”

Nuno argued that the costs of LFR outweigh any potential benefits:

“I don’t think facial recognition has a place in policing at all. The consequences it brings for democracy outweigh any optimistic expectations of its use.”

Minnie rejected the idea that the technology could be made acceptable during a moratorium period:

“I don’t personally buy that because you’d have to change entire cultures, policies, and decision-making in order for them to have a neutral implementation of a system, which obviously isn’t going to happen.”

Geoff cautioned that it may be too late to pursue a ban:

“The whole idea of a ban... much as I can see the arguments in favour of a ban, I just think we’re too far down the road with it and it’s too prevalent in society – too many private companies are using it for the police and law enforcement not to be able

Key points

▶ Surveillance is an often ‘racialised’ process which has roots in colonialism.

46 As global protests continue, facial recognition technology must be banned, Amnesty International, June 2020.
47 George Floyd: Microsoft bars facial recognition sales to police, BBC, June 2020.
There is a risk that LFR will be used to support immigration enforcement, which could have particular consequences for undocumented migrants.

The London trials of LFR have reinforced the view that the technology will be deployed in a racist manner.

There is a risk that a focus on how the technology works will overshadow the challenges related to human bias.

The use of LFR equates to the outsourcing of policing to private companies.

**Interviews**

Throughout the project, we have been speaking with a number of individuals whose work relates to anti-racism in policing, facial recognition, and the regulation of biometric technologies. Below, we share some of the insights gained from three of these interviewees:

- Tony Porter, Surveillance Camera Commissioner
- Matthew Rice, Open Rights Group
- Jessica Smith, Centre for Data Ethics and Innovation

These discussions covered several themes such as the fair use of LFR, the racial bias aspects within the technology, and the human bias challenges surrounding it.

**Fair use of LFR**

As the Surveillance Camera Commissioner, Tony is responsible for providing advice and information to the public and system operators about the effective, appropriate, proportionate, and transparent use of surveillance camera systems. He has been a leading voice on the subject of facial recognition surveillance and has been actively following developments across the UK in recent years.

During our interview, Tony agreed with our view that accuracy will become less of an issue in future and that, in his view, the focus should be on the deployment of LFR being ‘just’.

“I have always been the only regulator that has actively said that there is a place for this technology in law enforcement and that the police must be able to move ahead with the times... and that we should have confidence that the Government is capable in devising regulations that can provide confidence to the public that its deployment is open, transparent, effective, and just... It’s not a data protection issue, it’s a conduct issue, it’s a legitimacy issue, it speaks to whether or not surveillance is lawful, legitimate, necessary, and proportionate.”

He outlined his four key considerations for determining whether the use of LFR is proportional:

- Balance the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm
- Explain how and why the methods to be adopted will cause the least possible intrusion on the subject and others to achieve the desired purpose
- Consider whether the activity is an appropriate use of the legislation and a reasonable way, having considered all

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48 The police use of automated facial recognition technology with surveillance camera systems, Surveillance Camera Commissioner, March 2019.
reasonable alternatives, or obtaining information sought

Evidence as far as reasonable practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

Jessica Smith, a policy adviser at the Centre for Data Ethics and Innovation (CDEI), provided us with the CDEI’s current position on the technology, echoing a similar sentiment to Tony’s that the focus should be on an effective governance regime and for minimum safeguards to be in place before each rollout is confirmed.

“The CDEI does not feel there is sufficient evidence to warrant a total ban or moratorium, but there are both strengths and weaknesses to each position. An effective governance regime may be able to manage the risks posed by facial recognition.”

Matthew Rice is the Scotland Director for the Open Rights Group which campaigns on privacy issues. He shared insights on the latest developments in Scotland which has taken steps against police-use of LFR. He believed that MSPs have been more proactive than parliamentarians in England and Wales and, given that they have not spent money on LFR, they were less invested in using the technology than police forces in England and Wales may feel.

“But the policy environment… because MSPs had been introduced to the ideas of how important people found the collection of biometrics, it led them to being proactive.”

Racial bias in and around LFR

Jessica outlined the CDEI’s view that the technology may be racialised in terms of how the technology performs (e.g. accuracy), where it is deployed, and how watchlists are built. One of the causes for poor accuracy rates is that ‘Black and minority faces may be disproportionately underrepresented in training data’. She provided an example of how a contractor from Google was found to be paying Black people $5 to collect images of their faces to improve the accuracy of their system, targeting homeless people and students in particular, without informing them about what it would be used for. 49

She also explained that the demographics of the watchlists and human bias may be factors:

“The quality of the operator’s judgement may also have innate biases and are likely to be better at distinguishing and recognising faces from their own ethnic background than from others. As facial recognition becomes more accurate, it could place a disproportionate amount of power in the hands of its operators. The extent of this power will depend on who is targeted on watchlists, and where and when operators are deploying the technology.”

Matthew is also of the view that human bias is a key factor which could contribute to LFR becoming a tool of racialised surveillance.

“It’s a very real concern. It’s a horrible outcome of what turns out to be the reflection of a series of datasets which are predominantly White, developed by a company that is staffed by predominantly White male people, which is then produced and given to police forces who run it unquestioningly, it seems.”

He argued that the institutions of policing and the context within which surveillance takes place should be key considerations:

“It’s not just the outcome of the actual algorithm itself, it’s the whole process for training the thing – it doesn’t just come out of the box. It has decisions taken about it way before it even gets to the point of being market ready which could be considered to be biased and racist. Even if you fix the algorithm, you’ve still got the institutions that the algorithm operates in. It will continue to contribute to some of those concerns about racial prejudice and racist outcomes.”

On the subject of whether the introduction of LFR could infringe upon the rights of religious minorities and whether the technology could ultimately lead to a face veil ban, Tony said that

49 Google reportedly targeted people with ‘dark skin’ to improve facial recognition, Guardian, October 2019.
such a move would represent a significant civil liberties issue. He said there is no law which can mandate someone to have their face on display.

Referring to a filmed incident which took place in Romford, during the Metropolitan Police’s trials of LFR, in which a White man was fined\(^{50}\) after swearing at officers who told him to uncover his face – an incident which subsequently went viral on social media – Matthew said:

“If a dominant gender and racial group were treated in this way during that trial, it’s very concerning to think about how marginalised groups would be treated.”

Drawing parallels with racialised deployments of CCTV, Tony referenced ‘Project Champion’ a counter-terrorism surveillance strategy which involved deploying more than 200 cameras targeted at Muslim suburbs of Birmingham.\(^{51}\) The project was shelved following a backlash from residents who had been misled into believing the cameras were to be used to combat vehicle crime and antisocial behaviour. Tony described the situation as a good example of surveillance which was not ‘necessary and proportionate’:

“In Birmingham, it was found that to surveil almost in a blanket coverage one section of the community, who in this case were a Muslim community, was found not to be necessary and proportionate – in fact it was found to be unfair. It was determined that the state had other capacity than to blanket surveil everybody.”

**Key points**

- If pursued, LFR deployment should be open, transparent, effective, and just.
- The innate biases of human operators may affect racially biased outcomes in LFR deployments.
- The developers of LFR systems may suffer from institutional racism which can affect how the technology is developed.
- There is recent history of surveillance technologies being unfairly deployed against Muslim communities in the UK.

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\(^{51}\) [Birmingham stops camera surveillance in Muslim areas](https://www.theguardian.com/uk-news/2010/jun/10/birmingham-cameras-stop-surveillance), Guardian, June 2010.
unmasking facial recognition

biases in facial recognition technology

To better understand the detail of how biases can affect LFR and to find out more about how these problems are being approached, we undertook a test of a publicly available facial analysis system and submitted freedom of information requests (FOIs) to obtain the equality impact assessments put together by the Metropolitan Police and South Wales Police.

The test was carried out using BetaFace, a facial recognition system used by BAE Systems, Canon, 20th Century Fox, and Disney.\(^2\) The images of 300 UK Members of Parliament were fed into the system, including all 64 BAME MPs. The test involved facial analysis (biometric measurements) rather than face verification.

Our FOI requests revealed that the Metropolitan Police, unlike South Wales Police, failed to undertake an equality impact assessment prior to carrying out their trials of LFR surveillance.

The combination of these two exercises provide useful insight into the human biases at play within the design and deployment of LFR surveillance.

Findings from our facial recognition test

BetaFace’s facial recognition system provided a broad range of biometric measurements such as age, gender, and ethnicity but also attractiveness and facial expression. Whilst some of these measurements could, in theory, be objective others (e.g. attractiveness) are highly subjective and offer an insight into the possible human biases of the system’s developers.

The labels recorded in our test were:

- Age
- Attractive
- Beard
- Expression
- Gender
- Mouth open
- Moustache
- Pale skin
- Race

The images used were the official, publicly available, Parliament images of each MP. Where these were unavailable, other images were used (e.g. from Wikipedia profiles). The results were then compared to the MPs actual information.

In total, there were 10 notable findings:

- The system defined a greater proportion of BAME MPs as ‘attractive’ vs White MPs (33% vs 27%).
- Amongst the 21 ‘attractive’ BAME MPs, none were Black.
- All of the Black MPs were defined as ‘unattractive’.
- The system was significantly more likely to incorrectly identify the ethnicity of BAME MPs than White MPs (70% vs 3%).
- The system was slightly less likely to incorrectly classify the gender of BAME MPs than White MPs (2% vs 3%).
- The system was more likely to accurately ascertain the age of BAME MPs vs White MPs (41% vs 32%).
- The system was more likely to accurately ascertain the age of Male MPs vs Female MPs (39% vs 26%).
- The system was more likely to accurately identify the age of Male BAME MPs than Female BAME MPs (46% vs 36%).
- The system was more likely to incorrectly identify a BAME MP as having a moustache than a White MP (80% vs 50%).
- The system was more likely to incorrectly identify a BAME MP as having a beard than a White MP (79% vs 57%).

Given that this was a test of just one system, it can only provide us with indications of the challenges which may be faced by other platforms. The key message from the findings is that facial recognition is both highly accurate and highly inaccurate. The ability of the technology to

\(^2\) Selected customers, Betaface, August 2020.
accurately ascertain the age, gender, and ethnicity of 30-40% of MPs is impressive. In this sense, the system can ‘see’ albeit not very well. More state-of-the-art systems will be even better, and the technology will only improve.

The failings in the test display accuracy issues between BAME and White MPs (e.g. on ethnicity and facial features) although in other areas (e.g. age and gender) the system performs better on BAME MPs. The most insightful finding is those related to ‘attractiveness’. Given the level of subjectivity that will have been involved with this label – similar systems have used winners of Miss World to determine this\textsuperscript{53} - it sheds light on some of the potential human biases that underscore the system. The findings show that whilst BAME MPs were more likely to be defined as ‘attractive’, none of them were Black MPs and all Black MPs were defined as ‘unattractive’. Given that being Black (defined here as an ethnic background of Black Caribbean or Black African) does not necessarily equate to darker skin tones, it highlights a potential anti-Black bias amongst the system’s developers. Anti-Blackness is a distinct phenomenon from colourism.

\textit{Figure 3: Example of an MP (Diane Abbott) run through a facial recognition system}

The relevance that this has to discussions on facial recognition is that responses based on diversity drives in recruitments may need to focus on more than the catch-all term of BAME. It also highlights specific forms of racism which may be prevalent amongst software developers. This form of bias will be difficult, if not impossible, to detect within most facial recognition systems as many of them are unlikely to analyse individuals with such subjective labels.

The findings also challenge mainstream thinking on facial recognition systems being less accurate on people of colour. The BetaFace system performed better on BAME MPs than White MPs when it came to gender and age. Whilst accuracy is a genuine challenge and something to be concerned about, it is unlikely to be a problem which persists in future as the technology progresses. However, in the context of policing, any level of inaccuracy, regardless of the individual’s ethnicity, is a problem. In our test, Labour MP, Diane Abbott – the first Black woman elected to the UK Parliament – was misidentified as a man. This example demonstrates how facial recognition technology can make basic mistakes which a human would be unlikely to do, despite what the overall statistics show.

\textbf{Key points}

\begin{itemize}
  \item Racial biases held by developers can find their way into the software.
  \item Facial recognition systems are already fairly accurate.
  \item Inaccuracies occur across ethnic groups.
  \item Anti-Blackness, as opposed to colourism, is a particular risk which could affect the development of facial recognition systems.
\end{itemize}

\textbf{Equality impact assessments}

To better understand how police forces are approaching the racial bias issues involved with AFR, we submitted freedom of information requests to obtain the equality impact assessments (EIA) put together by South Wales Police and the Metropolitan Police. The FOIs were submitted in 2019, whilst the Metropolitan Police were still trialling the technology. South Wales Police provided a copy of their EIA. The

Metropolitan Police, however, told us that they did not undertake one:

“An Equality Impact Assessment was not undertaken for the Metropolitan Police’s trials of Live Facial Recognition. Our trial period has come to an end and we will consider all information available before coming to any decision on how the technology may be used by MPS in the future. We recognise the need for an Equality Impact Assessment should the MPS decide to use the technology beyond the trials.”

Given that an intrusive technology was trialled in 10 locations, many of which with a high BAME population, this is an alarming finding.

Since then, the Metropolitan Police has published an EIA. The purpose of the EIA is ‘to identify disadvantages suffered by any group safeguarded by a protected characteristic’ and to eliminate, reduce, or except the impact. One of the core aims is to ‘foster good relations between people who share a protected characteristic and those who do not.’

**South Wales Police’s EIA**

The EIA provided by South Wales Police states there are no concerns that ‘the workstream could have a differential impact on racial groups’. It, similarly, states that there are no concerns regarding differential impacts on gender groups and religious groups. There are no references to identification risks, disproportionate targeting, or face veil concerns.

**Metropolitan Police’s EIA**

The EIA published by the Metropolitan Police is significantly more detailed than the EIA provided by South Wales Police. It references external studies and cites public opinion polling to support the use of AFR. It also details engagements they have had with relevant stakeholder groups such as the Association of Muslim Police and the Ada Lovelace Institute.

In stark contrast with South Wales Police’s EIA, the Metropolitan Police acknowledge that there are potential differential impacts based on age, gender, race, and religion. For example, it recognises that headscarves and face coverings may negatively impact the effectiveness of LFR. However, its analysis of the racial impacts is focused on the risk of non-English speakers not understanding that LFR is being used. It points to testing by NIST that universal statements about ‘bias’ are not supported by testing. It does not mention anything around the risk of some ethnic groups being targeted more than others.

Overall, the Metropolitan Police’s EIA is a far more thought-through and detailed document when compared with South Wales Police’s.

**Key points**

- The Metropolitan Police failed to undertake an Equality Impact Assessment prior to their trials of AFR across London.
- South Wales Police did undertake one but considered there to be no concerns in how the technology impacts different demographics.
- Following their trials, the Metropolitan Police completed a detailed Equality Impact Assessment but considered the potential racial impact to be limited to non-English speakers.

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recommendations

Given the significant and deep-rooted issue of institutional racism within the criminal justice system and in society more widely, this report makes one key recommendation which is that police-use of LFR should be banned for a generation. However, given the likelihood of police forces continuing to adopt the technology, we make a series of additional recommendations aimed at mitigating the more contextual racial bias challenges of LFR.

1. A generational ban

Positioned between a moratorium and a total ban, our call for a ‘generational ban’ would seek to end the police’s use of LFR technology for at least thirty to forty years. The rationale for this is that a moratorium of a few years (as has been proposed in the UK and the USA) will be wholly insufficient for being able to address the much deeper societal issues related to racialised surveillance. Our call is more closely aligned with a total ban but recognises that the technology could have a role to play in an anti-racist society for specific purposes, e.g. identifying missing children.

Our position is one which is pro-technology but anti-racism. The adoption of LFR, or any other significant power, for the police should only be considered after challenges surrounding institutional racism in the criminal justice system are addressed – not before. As outlined in the Lammy Review and elsewhere, institutional racism is still a problem in 21st century Britain. In addition, as the recent Black Lives Matter protests have demonstrated, trust and legitimacy in the police remain key challenges in society. To adopt LFR – now or in the next few years – without addressing the underlying challenges, will likely exacerbate these issues.

2. Mandatory equality impact assessments

Equality impact assessments exist in order to guide public sector bodies as well as the general public and civil society. They should form a significant part of public policy and not be treated as a tick-box exercise. The EIA produced by South Wales Police was lacking in detail and failed to acknowledge there being any concerns with the potential implications LFR has for different demographics. Meanwhile, the Metropolitan Police were able to deploy the technology during their trials without having undertaken one at all. This recommendation would seek to make these EIAs mandatory before any deployment of LFR.

3. Collection and reporting of ethnicity data

As LFR is deployed, understanding how the technology impacts different demographics will be essential in determining whether or not its use is fair and proportionate. Police forces, civil society organisations, and campaigners will require data on who has been targeted, who has been flagged, and who has been arrested. Given that the technology will be scanning crowds, this data will be impractical, if not impossible, to obtain. However, this data can be collected once individuals have been stopped or arrested as a result of an LFR match. In addition, researchers could be brought in to carry out similar observations to those undertaken by Norris and Armstrong with CCTV.

4. Publication of algorithms

If LFR is to be subject to meaningful scrutiny, it will be essential to understand how decisions are made. Without transparency over the algorithms which underpin LFR systems, it will be difficult for regulators and civil society organisations to ascertain whether or not the system is operating fairly. It also limits the potential for independent testing. Transparency over decision-making processes was a key recommendation of the Lammy Review and this applies as much to automated decision-making systems as it does to traditional policing methods. If this not possible to achieve (ie. due to commercial sensitivity), then it should further bring into question the use of such systems for policing.

5. Regular, independent audits

Given the nature of machine learning systems – of which LFR is an example – to continuously learn and improve from experience, there is a need to regularly audit whether the system is working as it should. In simple terms, how the LFR system
works on day 1 or day 100, may differ to how the system works on day 500 or day 1,000. A system having no racial bias on day 1 does not mean it will lack bias forever. These audits, however, should not be limited to the technology itself, but to the wider decision-making ecosystem within which the technology exists. As with algorithmic bias, human bias is not constant or consistent.

6. Diversity reporting for third-party developers

If LFR becomes prevalent across police forces, the developers of the technology should be regarded as part of the UK’s criminal justice system. Unlike other technologies, LFR is a form of automated decision making. Given the sensitive nature of decision making across public services, these processes should be transparent and subject to challenge and scrutiny. In the criminal justice system, one element of this transparency has been the reporting of staff diversity levels. These figures are currently published for the Crown Prosecution Service (CPS), magistrates, the judiciary, police officers, and prison officers. A diverse workforce is not a silver bullet but, as the Lammy Review states, it is an ‘important part of setting the tone within an organisation’. Research by the diversity charity, Colorintech, found that just 4% of the British tech industry is BAME. If replicated within LFR developers, it would make them the least diverse part of the UK’s criminal justice system.

Table 24: Staff diversity across the UK’s criminal justice system, including the tech industry

<table>
<thead>
<tr>
<th>Workforce</th>
<th>Staff identifying as BAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPS</td>
<td>19%</td>
</tr>
<tr>
<td>Magistrates</td>
<td>11%</td>
</tr>
<tr>
<td>Judiciary</td>
<td>7%</td>
</tr>
<tr>
<td>Police officers</td>
<td>6%</td>
</tr>
<tr>
<td>Prison officers</td>
<td>6%</td>
</tr>
<tr>
<td>Tech industry</td>
<td>4%</td>
</tr>
</tbody>
</table>

7. Protections for religious minorities

Unlike CCTV, LFR necessitates the visibility of an individual’s face for it to be effective. The ability for a wanted person to simply cover their face in order to avoid LFR will render the technology useless. Similar arguments have been made about CCTV both in the UK and abroad with some European countries banning religious minorities from wearing face veils. Such a ban has been debated in the UK amongst mainstream political actors. Given that LFR will inevitably increase calls for a face veil ban in the UK, robust protections for individuals’ freedom of religion should be considered from the outset – prior to any deployments.

8. Protections for political protests

The rise of LFR is already beginning to change the nature of political protests with many organisers warning protestors to cover their faces and urging journalists to blur the faces of attendees in their reports. In addition, the use – or fear of its use – may create a ‘chilling effect’ akin to that generated by the Prevent duty amongst political activists. This recommendation calls for political protests to be free from LFR surveillance.

9. A fair-trade approach

As discussed in the report, racial bias can arise long before an LFR system is ready to be used. If police forces are to use LFR systems, they should not be ones which have been created using questionable tactics such as that of Google’s contractors paying $5 to homeless Black people for their image. They are not alone. In March, Microsoft divested from an Israeli facial recognition firm which tested their technology on Palestinians living in the Occupied Territories. In China, facial recognition systems have been tested on persecuted Uighur Muslims. Authorities in the UK should ensure that any facial recognition system which is adopted was created fairly and in line with international human rights. These ‘dirty

56 Colorintech’s Dion McKenzie: “We want to make the UK the most inclusive tech hub in the world”, Evening Standard, October 2018.
57 How to blur people’s faces in protest photos – and why you should do it, Mashable, June 2020.
algorithms’ should have no place in the UK’s criminal justice system.

10. A data firewall between immigration enforcement and public services

As was demonstrated in the Metropolitan Police trials of LFR, watchlists are not solely made up of criminals. During the trials, the technology was used to detect individuals on a mental health watch list. It is likely that the public’s expectation for the technology is that it is used to tackle serious crimes. However, there is a risk that the technology could also be used to identify and deport undocumented migrants – a risk identified by the Joint Council for the Welfare of Immigrants. This recommendation echoes their call\(^{38}\) for a data firewall between immigration enforcement and public services – in this case, the police.

\(^{38}\) Immigration Bill report stage briefing, The Joint Council for the Welfare of Immigrants, August 2020.
acknowledgments and methodology

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- Roxy Legane, Kids of Colour
- Ilyas Nagdee, Writer and activist
- Antonella Napolitano, Privacy International
- Mutale Nkonde, AI for the People
- Tony Porter, Surveillance Camera Commissioner
- Minnie Rahman, Joint Council for the Welfare of Immigrants
- Matthew Rice, Open Rights Group
- Jessica Smith, Centre for Data Ethics and Innovation
- Geoff White, Investigative journalist

Methodology

The research for this project took place between 2019 and 2020. Following a period of desk-based research, including a review of existing literature, we organised a series of events, roundtables, workshops, and interviews. These activities took place virtually, using video-conferencing tools. An event we organised with the Portal Collective entitled ‘Technology and its role in racialised surveillance’ which informed this report can be viewed on our website. Workshop participants were recruited from an open call and our facial recognition test used BetaFace. The results of the facial recognition test and copies of our freedom of information correspondence are available upon request.
unmasking facial recognition