JUSTICE SUB-COMMITTEE ON POLICING

FACIAL RECOGNITION: HOW POLICING IN SCOTLAND MAKES USE OF THIS TECHNOLOGY

WRITTEN SUBMISSION FROM

DR ELIZABETH ASTON, EDINBURGH NAPIER UNIVERSITY

I wish to make a brief (and admittedly rushed) submission to the Scottish Justice Committee. Whilst am not an expert in facial recognition software I do have significant expertise in local policing, community policing and stop and search research in Scotland and Europe, and am developing an interest the role of technology in policing. I am also experienced in fostering knowledge exchange partnerships and therefore I write to share some thoughts about how facial recognition fits with the broader policing context and how this matter could be supported as things progress.

Policing by consent

It is important to consider how facial recognition software would be delivered, how it would fit in with local policing and what impact it would have on police legitimacy. Although there is a well-developed evidence base around procedural justice and policing, i.e. how fairly people are treated has an impact on their perceptions of the police and willingness to cooperate and comply, we know very little about the impact of increasingly technologically mediated interactions on police legitimacy. I hope to do some work on this soon with some colleagues from a number of institutions across the UK.

How policing powers are operationalised and balanced with human rights considerations is a contentious and difficult area where safety concerns of the public needs to be balanced with individual freedoms. New technologies may provide opportunities to innovate and improve policing practices and the ability to detect crime. However, in Scotland Police and Fire Reform Scotland Act (2012) states that the purpose of policing is to enhance wellbeing and safety, not just to reduce crime. We know that policing and criminal justice agencies can in fact cause further harm to the individuals they are there to help. We have evidence to support the fact that engagement based methods are more related to improving public confidence than enforcement based methods. It may be hypothesised that distance from communities and increasingly technologically mediated interactions may disrupt legitimacy. We also know that in order for the criminal justice system to function we need people to be willing to share information with the police and come forward as victims and witnesses. Engagement and long term relationship building is central to that.

As we would expect public opinion on the facial recognition software to be contentious it would be advisable for policing organisations to pause and agree not to proceed with its usage. There are clearly various legal, ethical and societal challenges that need to be worked through and informed public debate on these topics is necessary.
**Public Engagement, informed public debate and communications**

Police Scotland need to improve their engagement with the public in how they communicate around potentially contentious practices. They have not historically been successful in ensuring that accurate correct information is communicated in the public domain. For example with cyber kiosks inaccurate information was in the media and Police Scotland refused requests to engage in public fora on the issue.

We can also learn from the stop search journey in Scotland where Police Scotland moved from a position of denial to rapid effective improvement stop policy and practice. However, there are lessons to be learned from that story Research has an important role in supporting informed public debate on key issues.

**Engagement with academia and external stakeholders:**

Policing organisations need to learn from previous experiences and engage as fully as possible with existing evidence and external stakeholders. Police Scotland have shown in various fora that they can engage constructively with external organisations and take on board advice to improve processes but this engagement should be done at the outset – unlike for example with ‘cyber kiosks’ or stop and search. Examples of good engagement now exist in Police Scotland e.g. through ethics panels, through the Scottish Institute for Policing Research in various fora and networks e.g. the Police-Community Relations Brokering team; external reference groups e.g. Police Scotland’s Cyber Kiosks (digital triage) External Reference Group; and historically the National Stop Search Unit’s Research and Evaluation Operational Review Group (REORG which ran from 2015-2018). SIPR could support policing organisations and the committee through our networks, e.g. Evidence and Investigation Network and the Police Community Relations Network, by sharing existing evidence and facilitating discussions through running events and stimulating informed public debate.

We have put out a call for members of SIPR to encourage submission to the inquiry but it’s a busy time of year and I’m not sure if any have been received. If the timing had not been as tight alongside other commitments we would have considered running consultation event to inform the production of a SIPR submission. We would still be happy to facilitate something in due course between academics, policing and civil society organizations in order to stimulate informed public debate on the topic. In any case we are happy to share information about local and international experts who could contribute. If you are interested I am also happy to provide further citations to the literature which underpinned this submission.

In conclusion I would urge the Inquiry to recommend that a stop be put to any potential use of facial recognition software in Scotland until a thorough and lengthy process of evidence gathering, sharing of research, and a detailed informed public debate has been undertaken. This is in order that complex ethical, legal and societal concerns can be considered so that an informed decision can be taken as to the way forward for the public interest.