Public support for Live Facial Recognition and implications for COVID-19 policing

Julia Yesberg, Jonathan Jackson, and Ben Bradford discuss a London-based study exploring public responses to Live Facial Recognition – a technology that enables the police to carry out real-time automated identity checks in public spaces. They find that people accepted this technology if they generally trusted the police to 'do the right thing'.

On 26 March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 granted police the power to issue on-the-spot fines to enforce new rules on social distancing (£60 for the first fine, doubling for each subsequent offence up to a maximum of £960). The same regulations gave the police power to detain anyone suspected of having COVID-19 and to 'direct or remove a person to their place of living'.

Although compliance with the new social distancing measures seems to be high—people are staying home and avoiding contact with others, and non-essential businesses are closed—it is still early days, and it is not hard to imagine a scenario where police look to technologies, such as Live Facial Recognition (LFR) and GPS monitoring via mobile phones, to monitor and enforce compliance. These technologies could be considered in the context of the current lockdown, if levels of compliance decrease as frustration among people increases over the coming weeks and months. They could also be considered in 'transition from lockdown' scenarios, e.g. where some people are allowed to come out of social distancing (perhaps with 'immunity certificates') in a staggered return to normal.

Londoners' support for police use of Live Facial Recognition

In a recent paper we assessed the factors associated with support for LFR technology across the city at the forefront of the COVID-19 crisis: London. We embarked on this study against a pre-COVID-19 backdrop, in which police and other security providers in countries around the world increasingly turn to new technologies in an effort to undertake their core functions more safely and efficiently, and to address a rapidly changing landscape of threats, harms, and challenges.

Physical technologies like Body Worn Video, drones, GPS and enhanced scanning equipment are being used more and more by police around the world, alongside software such as predictive algorithms and big data. The use of these technologies seems to herald a radical shift in the way policing is done—yet, for the most part these developments have occurred with surprisingly little public debate.

Interestingly, police use of LFR technology is something of an exception, and has been the subject of significant debate and controversy and at least two legal challenges. Perhaps one reason why LFR has generated more public discord than other new technologies is that it allows automated identity checks in public spaces in real time, significantly enhancing the power of the police to infringe on people's privacy. Concerns have also been raised about the potential for bias and discrimination, particularly around whether facial recognition algorithms disproportionately misidentify minority ethnic groups and women.

Our study of Londoners was based on a survey conducted as part of the London Policing Ethics Panel report on LFR, which was published in May 2019. We found that the primary factor motivating acceptance or rejection of police use of LFR was concern about privacy, i.e. judgments about the extent to which the technology might be used to intrude into people's lives. Crucially, though, beliefs that the police are trustworthy and legitimate served to allay or possibly circumvent such concerns. In other words, people accepted police use of LFR if they generally trusted the police to 'do the right thing', to abide by shared norms and values, and to wield their power appropriately. Moreover, judgments about the police were much more important predictors of acceptance than concerns about crime, suggesting that trust in the people using the technology (i.e. police) is more important than the ends toward which it is oriented (i.e. a reduction in crime).

Implications for COVID-19 Policing

What, then, are the implications of these findings for policing the COVID-19 crisis? Privacy, bias, and discrimination are, of course, live and real concerns when thinking about how to police the COVID-19 crisis. Our findings suggest that developing and sustaining trust and legitimacy will be of central importance to police as they negotiate this evolving landscape. Direct and vicarious encounters with individual officers can have strong effects on attitudes, positive or negative, towards the police. Interestingly, negative encounters seem to undermine trust and legitimacy far more than positive encounters bolster them. Trust and legitimacy are also important factors for empowering police; for example, to carry firearms, acquire surplus military equipment and, in our study, to use LFR technology to intrude into the privacy of individuals to carry out their duties.

People who view the police as legitimate accept its right to determine what is appropriate and acceptable, and they are reassured that any new powers will be used in the correct way and not abused. To an important sense, police earn this

right through the way they conduct themselves in their day-to-day duties, and they risk losing it if they behave in ways that people find inappropriate.

How police officers treat people during the COVID-19 crisis, and the manner in which they exercise their new powers, will therefore be crucial not only for encouraging compliance with the social distancing measures, but for generating support for the use of significant new powers granted to police, should this become necessary. Generating trust and legitimacy through policing COVID-19 in the 'right way'—by being consistent, fair, and encouraging, rather than coercive and heavy-handed—may mean people will be more likely to accept the use of LFR, and other more invasive measures (e.g. drones).

It may be, of course, that more intrusive measures are not required. Early indications are that compliance with the restrictions is high, and that police are using enforcement measures sparingly. Trust and legitimacy underpin a virtuous circle wherein police and public work together. Perhaps ironically, when and where trust and legitimacy are high there are generally high levels of support for powers that may never need to be used – because under such conditions people effectively police themselves. On the other hand, when trust and legitimacy are low, police may feel a need to turn to more intrusive powers to enforce compliance, prompting a negative response and setting up a vicious spiral towards even greater enforcement. If, in the coming weeks and months, police need to use the new powers granted to them extensively, this will raise pressing questions about public trust and police legitimacy in the new post-pandemic world.

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