

EQUALITY IMPACT ASSESSMENT

STEPS 1 TO 7

STEP 1. Aims and purpose of the proposal / policy

GUIDANCE

LFR technology is an operational tactic that helps the MPS stop dangerous people who are wanted for serious criminal offences. It helps keep Londoners safe.

The MPS is implementing the overt use of LFR within the MPD as an additional, proactive, operational support tool. Nationally and within the MPS, there are a number of technical, operational support tools already in use that assist the MPS to detect criminality and discharge its common law policing duties. These include automated number plate recognition (ANPR), the use of knife crime arches, close circuit television and body-worn video (this list is not exhaustive). LFR is an additional operational support tool that brings its own distinctive benefits to policing.

LFR can assist with the MPS's duties to protect life and property, preserve order and prevent threats to public security, prevent and detect crime, bring offenders to justice, and uphold national security. This includes targeting those wanted for imprisonable offences, with a focus on serious crime, including paying particular regard to knife and gun crime, child sexual exploitation, and terrorism. It also includes using LFR technology capability to protect the public, to reduce serious crime and to help safeguard vulnerable persons.

The Deployment of LFR is driven by MPS policing priorities and intelligence-led assessments, both of which determine locality and the policing purpose. It is then the locality and policing purpose which determine the composition of the Watchlist. The individuals found on a Watchlist are there because there is a policing need to locate them, and that need fits with the policing purpose driving the LFR Deployment.

The geographical deployment of proactive resources based on crime trends and policing intelligence is a policing method adopted nationally by all UK Police Forces. The implementation of LFR seeks to support this existing policing methodology.

Key Benefits:

- ✓ The effective deployment of LFR technology will be able to assist in the prevention and detection of crime and significantly increase police efficiency and MPS effectiveness in meeting set policing priority challenges. Specifically it will help:
 - with the early apprehension of subjects who are wanted, and is likely to reduce subjects committing further offences on police and/or court bail;
 - increase the MPS's ability to expeditiously locate and safeguard 'at risk' vulnerable adults, children and missing persons;
 - with the early location of high-risk missing persons and can reduce the need to publically advertise their disappearance - this can be less intrusive when considering a subject's privacy;
 - increase the MPS's ability to expeditiously locate and detect subjects in breach of court orders and/or bail conditions;
 - increase the MPS's ability to expeditiously locate and safeguard those who pose a risk to themselves and others; and
 - as a dynamic resource in providing direct support in tackling Serious and Organised crime.
- ✓ LFR will assist officers where traditional policing methods can struggle to yield results. An individual officer cannot possibly remember all the faces of wanted persons on a Watchlist. Whilst any addition to the Watchlist needs to be intelligence led, necessary and proportionate, the Watchlist has a technical capacity to hold up to 10,000 images at any given time
- ✓ Frees up pre-existing staffing capacity from core policing portfolios to focus on other policing priorities
- ✓ Increases effectiveness to assist in locating wanted nominal' s from 'Outside Police Forces' and therefore, increasing the effectiveness of Cross Border Law Enforcement collaboration
- ✓ The dynamism of LFR deployment has clear advantages over the reliance on static CCTV cameras:
 - the LFR system will actively alert officers to the potential presence of individuals of interest to them, rather than requiring larger numbers of officers to watch a busy CCTV feed; and

- the LFR system has the capacity to assist officers where the number of people passing officers or a CCTV system makes identifications challenging (e.g. when the number of individuals to be identified is significant).
- ✓ Assist with an effective response to Critical Incident Management
- ✓ Increases Public Safety - for example, where the courts have issued a warrant for a person's arrest, many of these people pose a risk to public safety. These people may be located using LFR in circumstances where the officers would otherwise struggle, and could not possibly be expected to remember the faces of all those currently wanted by the courts.

Through effective planning and consultation, the MPS has designed the MPS LFR Documents and the delivery plan proposal to provide a lawful framework within which LFR may be used.

The purpose of this Equality Impact Assessment (EIA) is to assess this proposal for equality impact against staff and service users effected by the proposal's implementation. Conducting this assessment aims to identify disadvantages suffered by any individual and/or group safeguarded by a protected characteristic, and by those who are not (for example, 'socio-economic' groups).

The aim is to mitigate any identified disadvantage by eliminating the impact, reducing the impact or excepting the impact. If elimination and/or reduction is not possible the MPS are required to implement a positive action strategy or provide a justification rationale for not doing so under the criterion of 'Proportionality, Legality, Accountability and Necessity' (P.L.A.N).

The purpose of conducting EIAs is to meet the legal requirements set out in the 'Public Sector Equality Duty (PSED)', and specifically, in relation to the **3 Aims** and **3 Specific Duties** under section 149 of the Equality Act 2010 (the Act).

The 3 Aims:

In summary, those subject to the PSED must, in exercising their functions, have due regard to the need to:

- ✓ Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who do not.
- ✓ Foster good relations between people who share a protected characteristic and those who do not.

The Three Specific Duties:

The Act explains that having due regard for advancing equality involves:

- ✓ Removing or minimising disadvantages suffered by people due to their protected characteristics.
- ✓ Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- ✓ Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

This EIA aims to demonstrate the MPS's commitment to demonstrating 'due regard' and 'real consideration' and meeting the PSED's 3 Aims and 3 Specific Duties.

NOTE: Terms & Definitions: Capitalised terms used in this MPS LFR EIA shall have the meaning given to them in the MPS LFR Guidance Document unless otherwise defined in this MPS LFR EIA.

STEP 2. Screening process for relevance to diversity and equality issues

GUIDANCE

Each 'protected characteristic' in Section 5 has guidance as to what implications / issues you may need to consider.

Does this proposal / policy have any relevance to:	Internal, relevant to staff /	External, relevant to	Not relevant to either
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NOT PROTECTIVELY MARKED

		or working practices	service delivery	
A	Age	☐ Yes	☒ Yes	☐ Yes
B	Deaf and disabled / Disability	☒ Yes	☒ Yes	☐ Yes
C	Gender Reassignment	☐ Yes	☒ Yes	☐ Yes
D	Marriage and Civil Partnership (employment only)	☐ Yes	☐ Yes	☒ Yes
E	Pregnancy and Maternity	☒ Yes	☐ Yes	☐ Yes
F	Race	☐ Yes	☒ Yes	☐ Yes
G	Religion or Belief	☒ Yes	☒ Yes	☐ Yes
H	Sex	☐ Yes	☒ Yes	☐ Yes
I	Sexual Orientation	☐ Yes	☐ Yes	☒ Yes
J	Other Issues	☐ Yes	☒ Yes	☐ Yes

STEP 3. If you have ticked yes to any protected characteristic box in Step 3, a full impact assessment is required.

GUIDANCE

Full assessment required? (If Yes, a full EIA is required.)

☒ Yes

☐ No

STEP 4. Examination of available information

Legal Framework - section 149 of the Equality Act 2010 (the Act) – Public Sector Equality Duty (PSED)

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Section 149 of the Act sets out legal obligations for Public Sector Organisations known as the Public Sector Equality Duty. This legislation set out 3 Aims and 3 Specific Duties:

The 3 Aims

In summary, those subject to the PSED must, in exercising their functions, have due regard to the need to:

- ✓ Eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act.
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Equality & Human Rights Commission - Public Sector Equality Duty – Technical Guidance



Meeting the Equality Technical Guidance
Duty in Policy and Decision Making Public Sector Equality

Meeting the Equality Duty in Policy and Decision Making

Key Learning Points:

- ✓ Impacted groups to consider include Internal Staff and External Service Users.
- ✓ The impact of protected characteristics individuals or groups within the above two categories.
- ✓ The analysis of diversity data/protected characteristics information on staff and service users affected the proposal.
- ✓ Requirement to make 'evidence-based' decisions.
- ✓ Data gathered must be quantitative and qualitative, based on current, accurate data sources.
- ✓ If data is unavailable the relevant body must demonstrate due regard in order to obtain it.

The Technical Guidance lists key Discriminatory Exceptions:

The basic presumption under the Act is that discrimination because of a protected characteristic is unlawful. However, the act recognises that not all people can be treated the same, and people with different protected characteristics can be treated differently to reflect their particular needs. The Act recognises that compliance with the duty may involve treating some people more favourably than others.

The Act achieves this in three main ways:

- ✓ By requiring people with some protected characteristics to be treated differently (e.g. making reasonable adjustments for disabled people)
- ✓ By setting out exceptions to the application of the Act's provisions, which apply to a specific protected characteristic in certain situations (e.g. allowing same-sex services in some situations)
- ✓ Allowing positive action in limited circumstances (e.g. implementing a 'trigger' policy for people with specific needs, under those specific circumstances)

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

Equality & Human Rights Commission Guidance - Employment Statutory Codes of Practice



Employment
Statutory Code of Practice

The Statutory Code of Practice provides further guidance on 'Positive Action':

- ✓ Any measures taken to help to alleviate any disadvantage experienced
- ✓ Justification must meet one or more of the 3 Aims / the 3 Specific Duties
- ✓ Decision making must be based on quantifiable evidence

- ✓ Positive action is not the same as positive discrimination, which is unlawful
- ✓ Positive action without continued justification may be deemed unlawful

Organisations need to consider:

- ✓ Is the action an appropriate way to achieve the stated aim?
- ✓ If so, is the proposed action reasonably necessary to achieve the aim?
- ✓ In all of the circumstances, would it be possible to achieve the aim as effectively by other actions that are less likely to result in less favourable treatment of others?
- ✓ Is the action proportionate, legal, accountable and necessary 'P.L.A.N'?

Equality and Human Rights Commission – Religion or Belief: a guide to the law

'Religion or belief: a guide to the law' provides an overview of the protections offered by the Equality Act 2010 and the Human Rights Act 1998 of people with or without a religion or belief. It answers commonly asked questions such as what is indirect discrimination and can it ever be justified, and how much employers are expected to know about religion or belief in order to fulfil their legal obligations.



religion-or-belief-guide-to-the-law.pdf

Equality and Human Rights Commission – Legal Framework regarding Protected Characteristics:

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#age>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#disability>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#reassignment>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#sex>

LFR P.L.A.N. Assessment



D 20-02-03 P.L.A.N. - RBN Comments (001)

Assessment on the P.L.A.N for LFR implementation.

MPS LFR Policy

<http://mpsweb.intranet.mps/policing/live-facial-recognition/>

The above link provides an in depth overview of LFR within the MPS.

MPS LFR Legal Mandate

The Legal Mandate outlines the legal basis for the MPS's use of LFR technology. LFR is regulated by a number of sources of law, particularly those identified below.

Level One: Legislation	Legal power to use LFR	a) Common Law
	Regulating the use of LFR	<u>Operational</u> b) Human Rights Act 1998 c) Equality Act 2010 <u>Data Management</u> d) Data Protection Act 2018 (including the Law Enforcement Directive) e) Protection of Freedoms Act 2012
		f) Freedom of Information Act 2000

Level Two: Code and Guidance	Regulating the use of LFR	a) Secretary of State's Surveillance Camera Code of Practice and associated guidance and other documentation issued by the Surveillance Camera Commissioner b) Information Commissioner's Office Code of Practice for Surveillance Cameras and associated guidance issued by the Information Commissioner.
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Level Three: MPS LFR Documents	Regulating the use of LFR	a) MPS Policy Documents b) MPS Standard Operating Procedures and Guidance Documents c) MPS Training Documents d) MPS Data Processing Appropriate Policy Document e) Data Protection Impact Assessment f) Equality Impact Assessment g) Community Impact Assessment h) LFR Risk Assessment
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(See MPS LFR Legal Mandate on the MPS LFR website for further details)

MPS LFR Guidance Document

Provides the MPS personnel with advice on the overt use of LFR in a legally compliant and ethical manner to enable the MPS to achieve legitimate policing aims.

The guidance aims to:-

- ✓ provide MPS personnel and members of the public with information about the MPS's present strategic, operational and technological objectives for the overt use of LFR such that it enables the MPS to achieve its law enforcement purposes and is compliant with key LPEP recommendations (the Objectives); and
- ✓ provide MPS personnel with guidance on the Deployment of overt LFR technology by the MPS in spaces accessible to the public in order to meet the MPS's Objectives for LFR; and
- ✓ establish the governance structure for the Deployment of LFR, ensuring that MPS use of LFR is appropriately governed and legally compliant; and
- ✓ provide an overview of LFR technology and advise on practical issues such as camera selection and placement in order to obtain optimal performance from the LFR system.

(See MPS LFR Guidance document on the MPS LFR website for further details)

MPS LFR Standard Operating Procedure (SOP)

- ✓ Outlines the standard procedures to be adopted when planning for and using Live Facial Recognition (LFR) technology in support of policing operations. Compliance with the SOP will ensure a consistent corporate response to the use of this policing tool.
- ✓ This document also sets out the authorisation process for LFR. It also covers the generation and management of Watchlists to be used in LFR Deployments.
- ✓ Each Deployment must specifically identify and document whether the Watchlist contains persons believed or suspected to be aged under (i) 18 years old and (ii) under 13 years old.
- ✓ Given the potential for a System Factor relating to age, specific regard needs to be had to the importance of locating those aged under-18 on a risk-based approach in line with the MPS Documents with a particular focus on ensuring the 'necessity case' is fully made out.
- ✓ If LFR is to be used to locate a person or persons aged under 13 years old, specific regard should be given to anticipate LFR system performance issues, and specific advice should be sought from the MPS LFR team.

See MPS LFR SOP on the MPS LFR website for further details.

MPS LFR Data Protection Impact Assessment (DPIA)

The DPIA:

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

In line with the requirements to identify and minimise the data being processed under the Data Protection Act 2018, the MPS has decided that where the LFR system does not generate an Alert, a person's biometric data will be automatically and immediately deleted.

MPS LFR Community Impact Assessment (CIA)

There will be a bespoke CIA for each deployment. Each will set out the process followed to identify and evaluate the effects associated with the use of LFR to help predict the impact that its use may have on the local community.

MPS LFR Training Documents

The training documents provide mandatory training for the Authorising Officer, Gold, Silver, Bronze, LFR Engagement Officers and LFR Operators. The documents cover points for Authorising Officers, the legal basis, how LFR may be adopted and the management of data. The training also covers slides on 'Are you Conscious of your Unconscious Bias?' and system performance.

The Essex Report

<https://48ba3m4eh2bf2sksp43rq8kk-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/London-Met-Police-Trial-of-Facial-Recognition-Tech-Report.pdf>

This report covers a number of points including:

- ✓ The recent emergence of regional police-established independent ethics panels, normally staffed on a voluntary basis by independent experts, demonstrating the law enforcement community's desire to gain guidance and resolve these issues.
- ✓ Human rights law provides an organising framework for the design, development and deployment of advanced technologies such as LFR. As such, it can play a key role in ensuring that police forces can indeed 'strike the right balance' referred to in *S and Marper*.
- ✓ Police uses of surveillance measures typically satisfy the legitimate aim test on the basis of protecting the public from serious crime and upholding public order and arguments concerning the legitimate aim pursued by LFR.

ICO Report into Police Use of Facial Recognition, October 2019

<https://ico.org.uk/media/about-the-ico/documents/2616185/live-frt-law-enforcement-report-20191031.pdf>

This report covers a number of points including:

- ✓ Speaking in July 2019, the then Home Secretary, Sajid Javid, said, "I back the police in looking at technology and trialling it and [...] different types of facial recognition technology is being trialled especially by the Met at the moment and I think its right they look at that".
- ✓ In January 2019, the ICO commissioned Harris Interactive to conduct market research exploring the public's awareness and perceptions about the police use of LFR in public spaces.
- ✓ A total of 2,202 adults aged 18+ responded to a 10-minute online survey. Separately, 35 adults aged 18+ participated in a one-hour live chat to openly discuss the use of LFR, with certain discussion topics led by a moderator. Results of the online survey were weighted to be nationally representative of the UK by age and gender.
- ✓ In summary: there is strong public support for the use of LFR for law enforcement purposes:
 - 82% of those surveyed indicated that it was acceptable for the police to use LFR;
 - 72% of those surveyed agreed or strongly agreed that LFR should be used on a permanent basis in areas of high crime;
 - 65% of those surveyed agreed or strongly agreed that LFR is a necessary security measure to prevent low-level crime; and
 - 60% of those surveyed agreed or strongly agreed that it is acceptable to process the faces of everyone in a crowd even if the purpose is to find a single person of interest.
- ✓ The public's support holds up even if they were to be stopped by the police as a result of LFR matching them (erroneously) to a subject of interest. 58% of those surveyed thought it was acceptable to be stopped by the police in such circumstances, while 30% thought it was unacceptable.
- ✓ However, this acceptance about LFR use by the police and security services is balanced against concerns over privacy. Comments provided as part of qualitative research demonstrated that some only want LFR to be used where and when necessary, and want to know when it is being used with the opportunity to object to images of their faces being processed and stored.
- ✓ A minimum standard for meeting the requirements of the law would include clear signage that LFR is in use and telling members of the public in advance about the use of LFR.

- ✓ For the public to be informed effectively, signage advertising the presence of LFR cameras should be prominent. The signs should explain that:
 - LFR cameras are in use;
 - they process biometric data; and
 - the data is being processed by the police for the stated purpose.
- ✓ Vans used as control centres for LFR deployments should be marked as such.

ICO opinion on the use of live facial recognition technology by law enforcement in public places

<https://ico.org.uk/media/about-the-ico/documents/2616184/live-frt-law-enforcement-opinion-20191031.pdf>

This report covers a number of points including:

- ✓ The public expect – indeed have a right to demand — the highest standards of compliance by the police and other law enforcement authorities when processing sensitive data on a large scale and which occurs when using LFR in public areas. The Commissioner views such high standards, reflected in this Opinion, as critical to maintaining public confidence in the technology and what it is seeking to achieve.
- ✓ In the Commissioner's view, the case for effectiveness should not be based on the ratio of matches compared to false matches, although that may be an indicator of effectiveness. Nor should effectiveness be based simply on the number of arrests enabled by LFR. Measured of effectiveness should include demonstrable benefit to the public. A possible example is where LFR results in the location and conviction of a serious offender leading to a reduction in that individual's ability to commit serious crime.
- ✓ From the perspective of transparency, the Commissioner believes that law enforcement agencies should ensure that sufficient information is made available to the public so that the public, and directly affected individuals, are able to understand how the law enforcement agency's measures of effectiveness inform the evolution and duration of pilot phases, as well as operational deployments.
- ✓ In order to mitigate the risk of bias within the technology against gender or ethnic groups, agencies considering deployment of LFR should:
 - complete an Equality Impact Assessment with consideration to the Equality Act 2010; and
 - regularly review this against legal developments (as the High Court noted in *Bridges v SWP*).

Interim report of the Biometrics and Forensics Ethics Group Facial Recognition Working Group, February 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781745/Facial_Recognition_Briefing_BFEG_February_2019.pdf

This briefing document outlines some of the ethical issues raised by the use of live (real-time) facial recognition technology for policing purposes. It focuses on the use of this technology in relatively 'controlled' environments; namely public spaces where people are gathered and relatively static (e.g. concert venues, sports stadiums, public rallies) and those with clearly defined entry and exit points or where people are 'channelled' past the cameras (e.g. [approaches to] railway stations, airports, shopping centres, political marches or demonstrations).

Cardiff University - Evaluating the Use of Automated Facial Recognition Technology in Major Policing Operations – September 2018

<http://afr.south-wales.police.uk/cms-assets/resources/uploads/AFR-EVALUATION-REPORT-FINAL-SEPTEMBER-2018.pdf>

This report details findings from an evaluation of South Wales Police's deployment, conducted by Cardiff University, of Automated Facial Recognition between May 2017 and March 2018.

It reports that during the evaluation period, no overt racial discrimination effects were observed. However, this could potentially be an artefact of the demographic make-up of the watchlists utilised.

Ada Lovelace Institute – Beyond face value: public attitudes to facial recognition technology, Sept 2019

<https://www.adalovelaceinstitute.org/beyond-face-value-public-attitudes-to-facial-recognition-technology/>

Published by the Ada Lovelace Institute, this survey shows that the British public are prepared to accept use of facial recognition technology in some instances, when there is a clear public benefit and where appropriate safeguards are put in place, but they also want the government to impose restrictions on its use.

Most people think facial recognition technologies should be permitted for use by police in criminal investigations (70%).

London Police Ethics Panel – Final Report on Live Facial Recognition – May 2019

http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/lfr_final_report_-_may_2019.pdf

Research was carried out on behalf of the London Policing Ethics Panel, the (London) Mayor's Office for Policing and Crime and the University College London Institute for Global City Policing by Opinion Research Services. This survey was not national, but weighted to provide a representative sample of London's population. This survey found broad support for the use of LFR for policing purposes, with 57% of all those surveyed agreeing that it was acceptable for the MPS to use LFR. However, majorities of Asian (56%) and black (63%) people surveyed were opposed. Support is also lower amongst young people in London, with 55% of 16-24 and 52% of 25-39-year-olds opposed to the police use of LFR.

Views on using LFR to identify people wanted by the police vary considerably according to the seriousness of the crime. In the case of serious crimes, support varied between 83-81% depending on the nature of the threat; for minor crimes it falls to 55%, and below 50% for dealing with nuisance behaviour.

If it can be demonstrated from the trials there are clear and legitimate benefits to be gained from using LFR in defined circumstances, the Panel would favour proceeding by way of self-regulation and procedures that promote openness, transparency, and accountability.

South Wales Police Automated Facial Recognition website

<http://afr.south-wales.police.uk/>

A public-facing website sharing information about facial recognition and South Wales Police's use of it. The site supplies information such as FAQ's, truths about the system, accuracy information and who they are seeking with this technology.

The website also lists future locations where the technology is due to be deployed. To aid transparency it also links to statistical pages where the public can examine the results of each Deployment.

High Court of Justice – Bridges v Chief Constable of South Wales Police

<https://www.judiciary.uk/wp-content/uploads/2019/09/bridges-swp-judgment-Final03-09-19-1.pdf>

The courts have recently considered the use of South Wales Police's (SWP) trials of Automated Facial Recognition technology in *R (on the application of Edward Bridges) v The Chief Constable of South Wales Police [2019] EWHC 2341 (Admin)*. The court concluded that the police's common law powers to use facial recognition technology were 'amply sufficient'. The court further considered the Human Rights points and decided that whilst Article 8 was engaged, the use of facial recognition technology was necessary and proportionate in the circumstances. The court described it as 'misconceived' to limit the use of facial recognition technology to serious crimes and accepted the following use cases could justify the use of facial recognition technology in the right circumstances where necessity could be made out:

- a) persons wanted on warrants;
- b) individuals who are unlawfully at large (having escaped from lawful custody);
- c) persons suspected of having committed crimes;
- d) persons who may be in need of protection (e.g. missing persons);
- e) individuals whose presence at a particular event causes particular concern;
- f) persons simply of possible interest to SWP for intelligence purposes;

g) vulnerable persons.

Identifying a number of important safeguards to the use of LFR including with regards to the Public Sector Equality Duty, the court dismissed the challenge on all grounds and found the use of LFR in the case to be lawful. This judgement is now subject to an appeal which is not likely to be heard until late 2020. Refer to the MPS response to LPEP recommendations for further detail on the legal basis, necessity and proportionality.

FRA European union agency for fundamental rights – Facial recognition technology: Fundamental rights considerations in the context of law enforcement.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-facial-recognition-technology-focus-paper.pdf

This focus paper explores fundamental rights implications that should be taken into account when developing, deploying, using and regulating facial recognition technologies. It draws on recent analyses and data and evidence from interviews conducted with experts and representatives of national authorities who are testing facial recognition technologies.

- ✓ The paper forms part of FRA's larger research project on artificial intelligence, big data and fundamental rights. Of note from this paper. The high level of attention given to facial recognition technology in the recent past stems from strong accuracy gains achieved since 2014.
- ✓ At the same time, facial recognition technology can offer more timely protection – for example by helping to find missing children – and can help to detect fraud and identify theft.
- ✓ In relation to automated decision making and right to human review - Article 22 of the GDPR and Article 11 of the Law Enforcement Directive generally forbid automated decision making. Automated decision making is defined as a “decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.”
- ✓ In addition, as the child grows and time passes, the accuracy of a biometric match diminishes. The risk of a wrong match increases when facial images recorded at a young age are compared more than five years after they were collected. Present technologies for facial recognition guarantee a reliable match when the child was at least six years old when the biometric facial image was captured and the match happened within a time frame of five years. In general, research indicates that the accuracy of facial recognition technology is significantly lower for children younger than 13 years.
- ✓ Facial recognition technology algorithms never provide a definitive result. In the MPS, LFR is used to Alert officers of a possible match between a person passing the LFR system and a person on the Watchlist rather than definitively identifying those passing the LFR system. In the context of law enforcement, there is thus a certain margin of error leading to people being wrongly flagged. When deploying the technology, the risks of wrongly flagging people must be kept to a minimum. Everyone who is stopped as a result of the technology must be treated in a dignified manner.
- ✓ A fundamental rights impact assessment is an essential tool to ensure a fundamental rights compliant application of facial recognition technologies, whatever the context in which it is employed. Such an assessment needs to evaluate all affected rights, including those listed in this paper, in a comprehensive manner. To enable them to carry out such assessment, public authorities need to obtain all necessary information from the industry which is required to assess the technology's impact on fundamental rights. Trade secrets or confidentiality considerations should not hinder this effort.

NIST Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects

<https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>

The National Institute of Standards and Technology (NIST) was founded in 1901 and is now part of the U.S. Department of Commerce. NIST is one of the nation's oldest physical science laboratories.

Today, NIST measurements support the smallest of technologies to the largest and most complex of human-made creations—from nanoscale devices so tiny that tens of thousands can fit on the end of a single human hair up to earthquake-resistant skyscrapers and global communication networks.

This is the third in a series of reports on ongoing face recognition vendor tests (FRVT) executed by NIST).

As part of the Aims and Scope of the report NIST has conducted tests to quantify demographic differences in contemporary face recognition algorithms. The report concludes;

Identification Algorithms: The presence of an enrolment database affords one-to-many algorithms are source for mitigation of demographic effects that purely one-to-one verification systems do not have. We note that demographic differentials present in one-to-one verification algorithms are usually, but not always, present in one-to-many search algorithms. One important exception is that some developers supplied identification algorithms for which false positive differentials are undetectable. Among those is Idemia, who publicly described how this was achieved. **A further algorithm, NEC-3, is on many measures, the most accurate we have evaluated.** Other developers producing algorithms with stable false positive rates are Aware, Toshiba, Tevian and Real Networks. These algorithms also give false positive identification rates that are approximately independent of the size of enrolment database.

Home Office Biometrics Strategy

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720850/Home_Office_Biometrics_Strategy_-_2018-06-28.pdf

The Home Office Biometrics Strategy sets out the overarching framework within which organisations in the Home Office sector will consider and make decisions on the use and development of biometric technology.

There are robust governance and oversight arrangements for well-established biometrics and the Home Office is committed to developing this framework to ensure the effective governance of new biometric technologies.

- ✓ The use of biometric data is fundamental to the proper functioning of our immigration system, to law enforcement and to those responsible for preventing terrorism.
- ✓ As the technology develops this creates opportunities to not only improve safety and security, but to also deliver new and modern services.
- ✓ Biometrics have long provided a critical role across the Home Office sector from traditional policing forensics, immigration services to national security. The most commonly used forms of biometric are Deoxyribonucleic acid (DNA), fingerprints and face. In 2017, biometrics helped to facilitate the movement of over 46.2 million people through the ePassport Gates at our borders, supported 2.7 million visa applications and in 2016-17 helped to link over 32,000 known individuals to crimes including over 700 rapes.
- ✓ Biometrics – the recognition of people based on measurement and analysis of their biological characteristics or behavioural data – is increasingly prevalent in everyday life. It is used extensively by businesses to provide new and more efficient services, from unlocking mobile phones to secure banking.
- ✓ The face is the primary means used to identify people in many settings. Since the advent of photography, it has been extensively used by police officers and witnesses to identify suspects, or to verify people in immigration and nationality systems. Digital facial images are now used extensively when issuing documents that set out the holders' status, in the verification of identity and in the control of migration, often alongside fingerprints. The police capture facial images under powers set out in the Police and Criminal Evidence Act (PACE) 1984 and these are used in the investigation, detection and prevention of crime and terrorist activities as well as safeguarding.

MPS direction document 2018-2025

http://mpsweb.intranet.mps/globalassets/campaigns/met-direction---panel/mps_executive-summary_final.pdf

This strategy document sets out the Met's long-term operational priorities from 2018 - 2025. The document provides a vision of the Met in terms of the key features, capabilities and behaviours that it wants, and will need, over the next seven years.

Key Points:

- ✓ Focus on what matters most to Londoners.

Violent crime is a key concern and tackling it is a priority in order to protect Londoners.

- ✓ Mobilise partners and the public

We know that safety requires action beyond the police service. We will continue to work with partners and communities to help keep them safe and support them in preventing crime.

- ✓ Achieve the best outcomes in the pursuit of justice and in support of victims

We have a fundamental responsibility to bring offenders to justice and ensure that victims of crime receive the support they need from us and from others

- ✓ Seize the opportunities of data and digital tech to become a world leader in policing

We want to harness data and use technology to our advantage in the pursuit of criminals, rising to the challenge of a fast-moving data-driven digital age.

Mayor of London – A safe city for all Londoners Police and Crime Plan 2017-2021

[https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/priorities and how we are doing/corporate/mopac police crime plan 2017 2021.pdf](https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/priorities%20and%20how%20we%20are%20doing/corporate/mopac%20police%20crime%20plan%202017%202021.pdf)

Mayor of London setting out his policing plan for London. This report raises the following key points:

- ✓ The Mayor's statement that "we must continue to support the police tackling the most serious criminal threats"
- ✓ Priority action 2 – Keeping children and young people safe
- ✓ This police and crime plan is published at the most challenging time in the MPS recent history. Over the past four years the MPS has had to save £600m. Over the next four years we have to save another £400. We continue to be underfunded by the government on London's core policing.
- ✓ A safer city for everyone in London, no matter who you are or where you live.
- ✓ With budgets under increasing pressure, the MPS must transform the way it operates if it is to meet the challenges of policing a growing city. That means doing things differently – in the way the MPS is organised, how it manages its staff and how it uses technology – to make sure that we can get the most out of the money we have and maximise the amount we spend on frontline policing.
- ✓ The Mayor pledges: We will make the investments necessary to ensure that the officers and staff of the MPS have the digital equipment they need to operate efficiently and effectively in modern London.

MPS Data and Insight Hub

Offender Management:

Identifies the number of outstanding suspects who are wanted by the MPS. The MPS has a statutory duty to prevent and detect crime. In order to fulfil that duty it is a priority for the MPS to detain and arrest those who are wanted as soon as possible. The number of wanted persons fluctuates on a daily basis and at any one time it is currently in the region of 14,000 persons who are being sought by the MPS.

Violent Crime:

Since 1998 there have been 2,536 murders in London.

The highest recorded annual figure is from 2016 when there was 216 murders.

The lowest recorded annual figure is from 2014 when there was 92 murders.

In 2019 there were 147 murders in London.

From Jan 2019 – Jan 2020 there were 2,009 gun-crime offences committed in London.

Since January 2019 to date there have been 15,683 recorded knife crimes.

In the 12 months to December 2019, 917,784 notifiable offences were recorded by the MPS.

Child sex exploitation:

There were 999 recorded CSE reports in the MPS 2019.

MPS Safeguarding Policy

Policing vulnerable people demands close cooperation within the service and with key statutory partners in health and social care. London's partnership operating context is particularly complex, but the new MPS framework allows effective tiered engagement with police and partners at national, pan-London and local levels.

Working Together 2013 describes the categories of abuse as follows:

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect



MPS Safeguarding
Framework 2017-20 (

Recent, salient national press articles pertaining to LFR (list is not exhaustive)

The Guardian:

<https://www.theguardian.com/technology/2019/may/29/facial-recognition-must-not-introduce-gender-or-racial-bias-police-told>

National press reporting the 5 LPEP recommendations. Including the condition that it must not introduce gender or racial bias.

New York Times:

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

International reporting that most algorithms tested have racial and gender bias, and people will be arrested as a result of misidentification.

The Telegraph:

<https://www.telegraph.co.uk/technology/2019/12/20/racist-sexist-facial-recognition-cameras-could-lead-false-arrests/>

Facial recognition systems used globally are racist and sexist and could lead to false arrests, according to a major US government study. The study analysed the performance of 189 algorithms provided by 99 developers of facial recognition technology around the world.

MPS LFR TRIALS

NEC's software was used by the Metropolitan Police for live facial recognition trials across London from August 2016 to February 2019. The test, which took place at ten deployments in the capital, used facial recognition cameras to stream images to a 'watchlist' database in an attempt to locate wanted offenders. During these trials the MPS used NEC Neoface.

The latest 'NEC-3' algorithm, has been noted, by researchers from the independent National Institute for Standards and Technology (NIST), as "on many measures, the most accurate [they] have evaluated". It was found to be one of the few to have stable 'false-positive' rates between demographics.

(See the 'MPS LFR Recognition Report, Outcome of Trials', document, on the MPS LFR website, for further details)

If there is anything you are unsure of in this first section you can contact the [Strategic Inclusion and Diversity Unit](#) for further information and advice.

STEP 5. Full Impact Assessment Process

STEP 5a. Consultation Log				GUIDANCE
Where are the consultation records stored? (e.g. General Registry, S-Drives etc)				
S-Drive LFR Folders				
Name of Business Group / Unit, Association, Stakeholder (External)	Why are you approaching / not approaching them?	Date and method of planned consultation	Outcome of consultation	
MOPAC	The MPS are accountable to MOPAC who provide London-wide policing priorities. Early Engagement over the concept of implementation. To seek views to support procedural best practice	2016 - 2020 on going consultations.	As a result of MPS early engagement, MOPAC commissioned the 'London Policing Ethics Panel' to explore ethical framework considerations on LFR implementation.	
London Policing Ethics Panel (LPEP)	To attain LPEP's ethical framework considerations on LFR implementation. To seek views to support procedural best practice	Interim Report Published June 2018 Final Report Published May 2019	Following consultation with the independent London Policing Ethics Panel, the following stipulations have been proposed and accepted by the MPS:- a) The overall benefits to the public must be great enough to sufficiently compensate for the potential public distrust it may invoke; b) It can be evidenced that the technology itself will not result in unacceptable gender or racial bias into policing operations; c) Each Deployment must be appropriately assessed and authorised, demonstrating both necessary and	

			proportionate for a specific policing purpose; d) LFR Operators are trained to understand the risks associated with use of the software, including how potential injustices may be caused through inappropriate responses, and that they are accountable for their actions; <i>and</i> e) The MPS (seeking cooperation and support from MOPAC) will develop and maintain robust governance and oversight arrangements that balance the technological benefits of LFR with their potential intrusiveness. These arrangements will meet the Home Office Biometric Strategy's requirement for transparency, whilst taking into account guidance from the Surveillance Camera and Biometric Commissioners. The arrangements will also focus on implementing a transparent and visible internal inspection, audit, and compliance enforcement regime.
Information Commissioner Office	To seek guidance and consult on the ethical and legal practice of information management regarding this proposal an official regulatory body. To seek their views regarding the completion of the DPIA. To seek views to support procedural best practice within the legal framework.	Ongoing consultations between 2016-2020	ICO published their 'opinion' on the use of LFR by Law Enforcement in public places. It aims is to guide law enforcement through all the stages of that processing. Here are the key messages in the Opinion: ▪ The use of LFR involves the processing of personal data and therefore data protection law applies, whether it is for a trial or routine operational deployment. ▪ The processing of personal data by 'competent authorities' (s30 DPA 2018) for 'the law enforcement purposes' (s31 DPA 2018) is covered by Part 3 of the DPA 2018.

			- Specifically, the use of LFR for the law enforcement purposes constitutes 'sensitive processing' (s35 (8)(b) DPA 2018) as it involves the processing of biometric data for the purpose of uniquely identifying an individual. - Such sensitive processing relates to all facial images captured and analysed by the software; and must pay particular attention to the requirements of s35, s42 and s64 DPA 2018. As such, a Data Protection Impact Assessment (DPIA) and an 'appropriate policy document' must be in place. - Sensitive processing occurs irrespective of whether that image yields a match to a person on a watchlist or not. However, the biometric data of unmatched persons is immediately and automatically deleted. - Data protection law applies to the whole process of LFR, from consideration about the necessity and proportionality for deployment, the compilation of watchlists and the processing of the biometric data through to the retention and deletion of that data.
Surveillance Camera Commissioner (SCC)	Discussion over project proposals and implementation. To seek views to support procedural best practice within the legal framework. Compliance with SCC Code of Practice	Ongoing consultations between 2018-2020	Attained SCC Code of Practice (COP). COP reviewed to support procedural best practice within the legal framework. SCC considers the creation of a statutory COP dedicated to LFR in UK policing.
Defence Science and Technology Laboratory	Collaboration on working mechanics of testing and technological deployment.	Ongoing consultations between 2016-2020	Consultation and collaboration has taken place prior to and through the MPS LFR trials.

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	Advice around academic documentation supporting the proof of concept of the product. Seek data on the existence of any bias regarding the accuracy of facial detection alert results across diverse facial variants. To seek confirmation of the ability to effectively capture and monitor diversity data to determine the existence of future bias across facial detection accuracy.		
National Institute of Standards and Technology	To seek data on the existence of any bias regarding the accuracy of facial detection alert results across diverse facial variants. To seek confirmation of the ability to effectively capture and monitor diversity data to determine the existence of future bias across facial detection accuracy.	Ongoing monitoring of relevant NIST output between 2016-2020	Published comprehensive, independent, scientific literature which contains detailed reliable conclusions regarding demographic findings.
Home Office Biometric Programme	To seek views to support procedural best practice within the legal framework.		Ongoing consultation
National Police Chiefs Council	Discussion and advice over the development of the project in its phases and the use of custody image.	Ongoing consultations between 2016- 2020	Support and consistency at a national level.
The Biometrics Commissioner	Discussion over project proposals and implementation Scoping for ethical best practice.	Ongoing consultations between July 2019-2020 Statement from Biometrics Commissioner on 11th Feb 2020. www.Gov.co.uk	Statement from Biometric Commissioner –The Biometrics Commissioner is of the view – “that we need proper governance of new biometric technologies such as LFR through legislation. In my view it is for Parliament to decide whether LFR ought to be used by the police and if so for what purposes.”

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			Highlighted a consideration over the efficiency of Custody Imaging as a data pool for LFR use. (These concerns have been mitigated within the completion of a DPIA)
The College of Policing (COP)	Discussion over deployment of an LFR and Approved Professional Practice. Advice and Guidance re Training Provision	June 2019	COP have, in principle, agreed that they will publish a National LFR Guidance Framework if LFR is operationally approved.
Essex University	Discussions integrating academic research into the policing technology, the ethical dilemmas associated with it and its Deployment.	Concluded	Independent academic report published July 2019 Key finding of the Essex University Report expressed concerns regarding proportionality and compliance with Human Rights. However, the judgement of <i>Bridges v SWP</i> has ruled that facial recognition is legally compliant in the circumstances of the case and the MPS has carefully considered that position.
MPS Independent Advisory Groups (IAG)	MPS AIG attendees consist of members of the public representing the protected characteristics of race, disability, sexual orientation and gender. Consulted to attain public view points and assist with the identification of equality impact. MPS LGBT+ IAG	21/10/2019 06/02/2020	Presentation delivered by the LFR Team on LFR use, functionality, policy and safeguarding proposals. AIG representative raised the following concerns: ▪ The retention of images/data ▪ The existence of ethnic bias ▪ Transparency ▪ Public Trust ▪ Necessity The IAG representatives offered feedback on potential different community perspectives of LFR and were pleased with the safeguards IAG member offered feedback on views and concerns. Raised following concerns: ▪ External governance and review processes

	MPS Disability IAG	05/06/2020	- Engagement with community prior to any deployment - LGBT + confidence in the technology Presentation delivered by the LFR Team on LFR use, functionality, policy and safeguarding proposals. IAG representative raised the following concerns: - The retention of images/data - Potential impacts on disabled & disfigured - The existence of ethnic bias - Transparency - Public Trust - Purposes of deployments The IAG representatives offered feedback on potential different community perspectives of LFR and were reassured with the safeguards
South Wales Police AFR Team	SWP have implemented facial recognition technology trials. MPS have conducted a bench marking exercise to discuss their governance and SOPs, to evaluate best operational practice.	Ongoing consultations between 2019-2020	Identified the existence of an SWP LFR policy, SOP, PIA, DPIA and EIA. MPS have examined these documents for best practice. In relation to equality, SWP have identified no adverse equality impact.
Ada Lovelace Institute (ALI)	The Ada Lovelace Institute is an independent research and deliberative body with a key mission to ensure data and AI work in the best interests of people and society. Discussions to understand the main messages they report from their survey of public attitudes to the use of Facial Recognition in the UK. Their report was published in Sep 2019	Ongoing consultations between 2019-2020	The MPS has actively engaged with ALI and considered their recommendations in line with their 3 key Aims. MPS were invited to attend ALI forum meetings to increase LFR understanding and transparency.
MPS Crime Prevention, Inclusion & Engagement Team (CPIE)	Consult on the implementation of LFR on their impacted business area.	14/01/2020	Senior Leadership Team made the follow considerations and/or statements regarding the 'demographic effect': Not all algorithms perform in the same way. The MPS has tested its algorithm. Additionally, NIST have tested it too. NIST

			noted that “NEC-3, is on many measures, the most accurate we have evaluated”. - During trials that the MPS conducted when referencing demographics, there were no statistical significance to suggest a demographical deferential. - During trials the MPS did identify differentials with regards to gender. The results relate to a single test and show that the LFR system is less likely to trigger alerts in relation to women who pass an LFR camera. The MPS’s operational use of LFR uses a more recently released algorithm which has been tested by NIST. The NIST tests show universal statements about ‘bias’ are not supported by testing. - Social observation indicates women change (e.g. make-up) and/or obscure (use hoods/umbrellas) their appearance more frequently and significantly than men. - Highlighted the reporting of racial bias within the National Press. However, this bias generally relates to FR algorithms for categorizing subjects by ethnicity, not to LFR algorithms matching passer-by images against a watchlist. - The ability to monitor and review diversity data to analyse disproportionality.
Frontline Policing Headquarters	Consult on the implementation of LFR on their impacted business area.	14/01/2020	Supported the concept of LFR in meeting safeguarding policing priorities. Consulted to attain statistical data on crime area to check whether the Necessity criteria for LFR implementation is met.
Violent Crime Taskforce	Consult on the implementation of LFR on their impacted business area.	14/01/2020	Supported the concept of LFR in meeting safeguarding policing priorities. Consulted to attain statistical data on crime area to check whether the Necessity criteria for LFR implementation is met.
Safeguarding Command	Consult on the implementation of LFR on their impacted business area.	14/01/2020	Supported the concept of LFR in meeting safeguarding policing priorities. Consulted to attain

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			statistical data on crime area to check whether the Necessity criteria for LFR implementation is met.
MPS Trans Network Association Chair	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre identified impact and attain advice on impact reduction measures (Relates to considerations on gender reassignment, transitioning, gender fluid and non-binary trans)	14/01/2020	Response awaited.
MPS Disability Support Network Chair	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre identified impact and attain advice on impact reduction measures (Relates to considerations on facial disfigurement as a result of injury/trauma and/or disability. The implications on changes to image capture re. the above listed factors)	14/01/2020	DSA Chair raised the following considerations: ▪ The camera angle range capability to incorporate persons with genetic and/ or medical conditions which impede on a person's height, and/or wheelchair / mobility scooter users. ▪ The existence of any flashing lights that may affect persons with light sensitivity, visual impairment, and/or epilepsy. ▪ The accuracy of LFR functionality on facial disfigurement as a result of injury/trauma and/or disability. ▪ The impact difference on LFR functionality where facial constructive surgery and/or disfigurement has occurred post original image capture. ▪ Informing people who are partially sighted and visually impaired of the 'overt' use of LFR as they will be unable to 'view' the 'LFR IN OPERATION' signage. These considerations have been addressed in the MPS LFR delivery plan proposal.

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MPS Women's Network Chair	To gain insight on subject area based on consultants subject matter expertise to: Assist with the identification of impact	14/01/2020	No concerns raised.
MPS Black Police Association	To gain insight on subject area based on consultants subject matter expertise to: Assist with the identification of impact	14/01/2020	Response awaited.
Association of Muslim Police (AMP)	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre identified impact and attain advice on impact reduction measures (Relates to the wearing of religious headwear, and the religious requirement to grow facial hair/beards pertaining to this protected characteristic) (Relates to advice and guidance on respect for diversity re. male/female interaction)	14/01/2020	▪ The AMP and 'All Staff Associations' Chair raised the following considerations: ▪ The Muslim community will feel somewhat concerned as there is a general perception that there is a disproportionate use of legal powers against some communities (more than others), and they may feel that this impedes upon their human rights and dignity. ▪ Recommends a clear public engagement strategy to address any concerns of mistrust/uncertainty via the effective utilisation of Local Police Teams with emphasis on 'hard to reach communities' - at their places of safety – i.e. Mosques, Synagogues, Hindu temples, Gurdwara's etc. ▪ Concerns over the accuracy of LFR technology as practicing Muslim females may wear a head scarf, and practicing Muslim men may have beards. ▪ Seeks clarification on whether female Muslims will be required to remove their head scarves, and under what circumstances. Asked what measures are in place to address respect for dignity under these circumstances.

			▪ Recommends issuing an information and advice pamphlet. ▪ Raises concerns whether the size/shape changes of beards/facial hair can negatively impact LFR functionality. ▪ Raises concerns re. The impact of effective lighting on BAME Community. These considerations have been addressed in the MPS LFR delivery plan proposal.
Jewish Police Association	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre-identified impact and attain advice on impact reduction measures (Relates to considerations on photography, the wearing of religious headwear, and the religious association with facial hair growth/beards pertaining to this protected characteristic.)	14/01/2020	The JPA Chair provided the following considerations: ▪ Within the Jewish community there are some that follow 'aniconism', where photos are to be avoided. ▪ There could be an issue where images are required of orthodox Jews during the Shabbat or festivals, where the person being photographed is actively taking the photo, or facilitating the photo to be taken. ▪ This tends to be posing for a photo as opposed to the use of LFR or CCTV. Therefore, the JPA do not perceive the use of LFR would cause an equality impact. (These considerations have been addressed in the MPS LFR delivery plan proposal.)
MPS Sikh Police Association	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre-identified impact and attain advice on impact reduction measures	14/01/2020	Response Awaited.

NOT PROTECTIVELY MARKED

	(Relates to the wearing of religious headwear, and the religious requirement to grow facial hair/beards pertaining to this protected characteristic.)		
MPS Hindu Staff Association	To gain insight on subject area based on consultants subject matter expertise to: 1. Assist with the identification of impact 2. Relay pre-identified impact and attain advice on impact reduction measures (Relates to the wearing of religious headwear.)	14/01/2020	Response from the HSA Chair confirmed no negative impact identified
Directorate of Legal Services	To review the EIA and LFR Proposal for legal compliance against the 'PSED'	EIA submitted via email on 15/01/2020	Reviewed – 31/01/2020

STEP 5b. EIA Action Plan

From your consultation activities and available information explain within the appropriate Action Plan Template the potential positive and / or negative impact of the proposal / policy, internally on members of your workforce and externally on your communities / service delivery:

Age	GUIDANCE	Race	GUIDANCE
Deaf and disabled / Disability	GUIDANCE	Religion or Belief	GUIDANCE
Gender Reassignment	GUIDANCE	Sex	GUIDANCE
Marriage and Civil Partnership (employment only)	GUIDANCE	Sexual Orientation	GUIDANCE
Pregnancy and Maternity	GUIDANCE	Other Issues	GUIDANCE

STEP 5c. Action Plan Template Workforce Impacts (Internal)**GUIDANCE**

Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/Monitoring
AGE: MPS STAFF No Impact	The age of employability is set by national police recruitment guidelines (18 or over) The application process for the LFR deployment team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR deployment team for all personnel within the qualifying employment age bracket.	N/A	N/A	N/A
SEX: MPS STAFF No Impact	The MPS is an equal opportunities employer. The application process for the LFR deployment team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR deployment team for all personnel irrespective of gender. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.	N/A	N/A	N/A
SEXUAL ORIENTATION: MPS STAFF No Impact	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of sexual orientation. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.	N/A	N/A	N/A

NOT PROTECTIVELY MARKED

TRANSGENDER: MPS STAFF No Impact	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of belonging to the transgender community. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.	N/A	N/A	N/A
RELIGION OR BELIEF: MPS STAFF No Impact on Recruitment Operational Impact upon Deployment	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of their religion or belief. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework. Practicing Islamic staff and officers are required to pray five times a day as part of religious practice. There is an obligatory requirement within Islam to attend Friday Prayers (preferably in a mosque as part of a congregation). Although there is no legal obligation to facilitate religious prayer, the MPS prides itself on being an inclusive employer. The MPS understand the importance of maintaining a diverse representation to reflect the community in which we serve.	N/A	N/A	N/A

NOT PROTECTIVELY MARKED

	Therefore, any staff or officer within the LFR Deployment Team that requires flexibility for religious observance will be considered and reasonable adjustments made where possible dependant on operational necessity factors.			
RACE: MPS STAFF No Impact	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal opportunity to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of their race. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.	N/A	N/A	N/A
PREGNANCY / MATERNITY: MPS STAFF Impacted Disadvantage to personnel not having the awareness or access to apply for an advertised role whilst on maternity leave.	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of pregnancy and/or maternity. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework. However, there is a disadvantage to personnel not having the awareness or access to apply for an advertised role whilst on maternity leave. Therefore MPS line managers are advised to ensure they notify relevant staff members within the group to ensure they have an equal provision to apply to the LFR Deployment Team.	N/A	N/A	N/A

NOT PROTECTIVELY MARKED

	Any recruited members of the LFR Deployment Team who declare pregnancy will be safeguarded by the appropriate risk assessment measures. Any LFR Deployment Team staff requests regarding the need to express milk will be facilitated and appropriate storage facilities provided.			
CIVIL PARTNERSHIP: MPS STAFF No Impact	The MPS is an equal opportunities employer. The application process for the LFR Deployment Team will be openly advertised via an internal MPS Recruitment Platform. There will be an equal provision to submit application forms for specified roles within the LFR Deployment Team for all personnel irrespective of marriage or civil partnership status. MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.	N/A	N/A	N/A
DISABILITY: MPS STAFF Impacted Operational Fitness Requirements for LFR Deployment Team Recruitment Training Provision for Diverse Learning Styles	<u>Operational Requirements:</u> The roles of Engagement Officers, LFR Operators and others within the LFR Deployment Team are operationally active and require 'current' Officer Safety and Emergency Life Saving Training to meet the MPS standard of operational fitness levels. Role requirements have been set in accordance with MPS Health & Safety Policy, HR Recruitment Policy and MPS Performance Framework. https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/strategy--governance---mps-health-and-safety-policy https://portal.psop.policesharedservices.co.uk/km/recruitment-options-procedure/recruitment-	N/A	N/A	N/A

	options-procedures-managers-guide-police-officer-police https://portal.psop.policesharedservices.co.uk/km/subject/36 Any officer with a disability that's unable to perform an operationally active role will be given consideration to perform other roles within the LFR Deployment Team which are not limited to these restrictions as a 'reasonable adjustment' Personnel which have a disability where their physical and/or mental impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities will be supported via an Occupational Health Referral where reasonable adjustments will be recommended and the appropriate risk assessments completed. <u>Training Provision:</u> A PowerPoint Training Presentation has been created covering the operational use of LFR. In addition, a Metflix Training Video has been created. A knowledge check test has been designed, and a handout for supplementary learning. This covers the four identified learning styles. ▪ Visual Learners ▪ Auditory Learners ▪ Read/Write ▪ Kinaesthetic For personnel with a visual impairment, adaptations can be made within MPS Digital Platforms to enlarge/expand/adapt font. For personnel with dyslexia, the presentation can be adapted to change the background colour upon request.			
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STEP 5d. EIA Action Plan Template Service Delivery Impacts (External)				GUIDANCE
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/Monitoring
AGE: Impacted LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. Therefore, the functionality, accuracy and performance of LFR may be less effective if changes to facial appearance have occurred between the time the Watchlist image was taken, and the time the subject enters the Zone of Recognition. The age of criminal responsibility starts at 10 years old. Image capture via Custody Imaging, on which LFR technology is reliant, is dependent on the age, date and time at which the custody image was taken. In addition, the European Union's Agency for Fundamental Rights 'Facial Recognition Technology Fundamental Rights Considerations in the Context of Law Enforcement Report 2019' highlights that as a child grows and time passes, the accuracy of a biometric match can diminish. The risk of a failure to match increases when facial images recorded at a young age are compared more than five years after they were collected. The report further indicates that the accuracy of facial recognition technology <i>is in general</i> significantly lower for children younger than 13 years old. They associate this to "rapid growth and change in facial appearance". The images uploaded to LFR can be from a wide variety of sources. For example, an image of a	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: - The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". - The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment - LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether age is a factor in generating an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest). - The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure.	LFR Team	Complete	

high-risk missing person may be supplied from the subject's family. The police are reliant on obtaining the most up to date image, which may not always be possible.

Therefore the watchlist may contain images which are not reflective of nominals' present ages. This may diminish the ability of LFR to accurately depict facial features.

There is a positive impact towards the early location of vulnerable children. LFR has the propensity to support safeguarding measures to reduce a child's exposure to CSE, abuse and/or neglect.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes.
- The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that which is proportionate to the legitimate aim.
- The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1.
- LFR policy decision regarding the management of those aged under 18 years old – specific approval is also required for Watchlist inclusion.

“Each Deployment must specifically identify and document whether the Watchlist contains persons believed or suspected to be aged under (i) 18-years-old and (ii) under 13-years-old.

Given the potential for a System Factor relating to age, specific regard needs to be had to the importance of locating those aged under-18 on a risk-based approach in line with the MPS Documents with a particular focus on ensuring the ‘necessity case’ is fully made out.

If LFR is to be used to locate a person or persons aged under 13-years-old, specific regard should be had to anticipate LFR system performance issues. Specific advice must (at this time) be sought from the Directorate of

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	<i>Legal Services and the MPS LFR team prior to any seeking any authorisation from an AO. Where an authorisation is then sought, this advice needs to be provided to the AO"</i> • The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause. • The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment. • The MPS undertakes its own testing in relation to any adopted algorithm.			
SEX: Impacted National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms and universal statements about 'bias' are not supported by testing. Social observation indicates women change their appearance more frequently and significantly than men which may impact the performance of LFR. Reports suggest that facial contouring through the use of cosmetic make-up application may impact on the LFR system's performance. A single test during MPS trials using a previous algorithm found that that algorithm was marginally less likely to trigger alerts in relation to women passing the system. This could impact any gender. Since the trials, NEC have released a further algorithm which is being used by the MPS. The MPS trials have shown to be more accurate generally. NIST has also tested this algorithm and	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: • The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment • LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether gender is a factor in generating an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer	LFR Team	Complete	

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noted that “NEC-3, is on many measures, the most accurate we have evaluated”.	would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure. • The functionality, accuracy and performance of LFR has no bearing on individual's 'biological or legal gender'. London is a diverse capital and members of London's communities are able to express an individual preference to 'present' in an appearance outside the confines of 'gender'. Gender presentation is not defined by biological or legal gender identification. • There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic. TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION: • To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes. • The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that which is proportionate to the legitimate aim. • The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1. • The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause.			
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	- The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment. - The MPS undertakes its own testing in relation to any adopted algorithm.			
SEXUAL ORIENTATION: No Impact	LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. The functionality, accuracy and performance of LFR has no bearing on an individual's sexual orientation. The protected characteristic of Sexual Orientation does not impede on changes and/or adaptations to a subject's face.	LFR Team	Complete	
TRANSGENDER: Impacted LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. Therefore, the functionality, accuracy and performance of LFR may be less effective if changes to facial appearance have occurred between the time the Watchlist image was taken, and the time the subject enters the Zone of Recognition. This may impact persons who are transitioning from one legal gender to another if gender presentation differs from the time the comparator image was taken. It may also effect trans, non-binary and gender-fluid people who adopt to flex between gender presentations.	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: - The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". - The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment - LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether there is a factor in generating	LFR Team	Complete	

Reports suggest that facial contouring through the use of cosmetic make-up application may impact on the LFR system's performance.	an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure. • There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic. TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION: • To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes. • The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that which is proportionate to the legitimate aim. • The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1. • The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause. • The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment.			
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	• The MPS undertakes its own testing in relation to any adopted algorithm. • Implementation of an LFR Community Engagement Strategy. • Respect for Diversity Awareness Input embedded into LFR Training Delivery. • The completion of a Community Impact Assessment.			
RELIGION OR BELIEF: Impacted National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms and universal statements about 'bias' are not supported by testing. However the functionality, accuracy and performance of LFR may be less effective if the face is obstructed. Therefore the wearing of religious headwear/ coverings and/or facial hair may have a bearing on LFR effectiveness. In addition, via consultation with the MPS Staff Associations have revealed that some religions have strict guidelines pertaining to photography. A lack of awareness around LFR image capture under these circumstances is likely to lead to discontent and/or community tension.	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: • The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment • LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether religion or belief is a factor in generating an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure.	LFR Team	Complete	

- Items adorned on the head and/or face are not limited to a particular religion or belief. Hats, eye wear and the preference of facial hair can be a style or necessity decision by any member of the community irrespective of their religion and/or belief.
- There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes.
- The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that which is proportionate to the legitimate aim.
- The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1.
- The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause.
- The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment.
- The MPS undertakes its own testing in relation to any adopted algorithm.
- Implementation of an LFR Community Engagement Strategy.

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	• Respect for Diversity Awareness Input embedded into LFR Training Delivery. • The completion of a Community Impact Assessment.			
RACE: Impacted London is a diverse multi-cultural city and a hub for travel and tourism. For those who do not speak/read English, the overt use of LFR needs to be clearly communicated National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms and universal statements about 'bias' are not supported by testing	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: • The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment • LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether race is a factor in generating an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure. • There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic.	LFR Team	Complete	

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes.
- The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that which is proportionate to the legitimate aim.
- The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1.
- The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause.
- The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment.
- The MPS undertakes its own testing in relation to any adopted algorithm.
- Implementation of an LFR Community Engagement Strategy.
- Respect for Diversity Awareness Input embedded into LFR Training Delivery.
- The completion of a Community Impact Assessment.
- Adopt the use of Language Line Linguistic Service at the LFR Deployment site via an officer's Airwave Radio or work mobile phones.
- Ensure the MPS LFR public website is accessible to allow to translation to other languages.

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PREGNANCY / MATERNITY: No Impact	LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. The functionality, accuracy and performance of LFR has no bearing on an individuals who are pregnant. The protected characteristic of Pregnancy and Maternity does not impede on changes and/or adaptations to a subject's face. This protected characteristic is safeguarded in the context of 'Employment'	LFR Team	Complete	
MARRIAGE AND CIVIL PARTNERSHIP: No Impact	LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. The functionality, accuracy and performance of LFR has no bearing on an individuals who are married or have entered a civil partnership The protected characteristic does not impede on changes and/or adaptations to a subject's face. This protected characteristic is safeguarded in the context of 'Employment'	LFR Team	Complete	
DISABILITY: Impacted LFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image to an individual's face entering or passing through a Zone of Recognition. Therefore, the functionality, accuracy and performance of LFR may be less effective if changes to facial appearance have occurred between the time the Watchlist image was taken, and the time the subject enters the Zone of Recognition.	THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA: • The MPS use of an algorithm that the National Institute of Standards and Technology (NIST) have tested. They noted that "NEC-3, is on many measures, the most accurate we have evaluated". • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'P.L.A.N' Assessment • LFR is a tool that assists police officers locate wanted people. LFR does not qualify as formal identification and does	LFR Team	Complete	

This may impact persons with facial disfigurement and/or facial structural changed through trauma, medical condition and/or intervention, or required to wear medical eyewear etc. Consideration has also been given to the following identified impact: • The camera angle and the LFR system's capability to Template persons with genetic and/ or medical conditions that impact on a person's height and/or wheelchair / mobility scooter users. • The existence on any flashing lights that may affect persons with light sensitivity, visual impairment, and/or epilepsy. • The accuracy of LFR system in relation to facial disfigurement as a result of injury/trauma and/or disability. • Informing people who are partially sighted or visually impaired of the 'overt' use of LFR as they will be unable to 'view' the LFR signage.	not make decisions that result in any person being spoken to. It provides a guide to officers about which people passing the system may be of interest to them. Officers then consider the Alert using their experience and training before the Engagement Officer makes any decision to Engage with a person. This includes consideration about whether disability is a factor in generating an Alert. Even where an Engagement occurs, further action is not an automatic consequence, the officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which LFR Deployments must meet a legitimate aim. These will be articulated in the MPS LFR Form 1 and are set out in the LFR Legal Mandate and Section 4 of the LFR Standard Operating Procedure. • Defining structural facial features including the presence of marks and/or scars aids the accuracy of LFR performance. • The camera panning angle/range is, and will not disadvantage persons due to their height and/or being seated in a wheelchair or mobility scooter. • LFR does not emit flashing lights. • There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic. TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION: • To increase LFR effectiveness the MPS will continue to work closely with LFR service providers to utilise the most appropriate software for its law enforcement purposes. • The use of a written authorisation processes to approve purpose-limited, time-limited limited, temporary LFR Deployments to minimise impact to that			
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	which is proportionate to the legitimate aim. • The introduction of strict set LFR deployment criteria within the LFR SOP ensures no individual and/or group are targeted. The criteria is articulated and (if acceptable) approved in the MPS LFR Form 1. • The post-Deployment review process is used to examine False Alerts and determine if there is trend or overriding cause. • The LFR Operator is charged with actively monitoring the LFR system's performance during a Deployment. The Silver is empowered to halt any Deployment. • The MPS undertakes its own testing in relation to any adopted algorithm. • Implementation of an LFR Community Engagement Strategy. • Respect for Diversity Awareness Input embedded into LFR Training Delivery. • The completion of a Community Impact Assessment. • Ensure the MPS LFR Public Website is caters for the visually impaired with accessibility to text-to-audio functionality			
WATCHLIST GROUP CATEGORIES: Positive Impact Watchlists for use with LFR must be specific to an operation or to a defined policing objective Examples of images that may be deemed appropriate for inclusion within an LFR Watchlist include: a) custody images of individuals:- i. wanted by the courts; and / or	Stipulated within MPS LFR SOP.	LFR Team	Complete	

ii. wanted for arrest by, or are otherwise of interest to, the police; and / or iii. subject to a court order, bail conditions, or other restriction that would be breached if they were at the location & time of the Deployment; and / or iv. missing persons deemed to be vulnerable/at risk; and/or v. presenting a risk of harm to themselves or others. b) police originated non-custody images involving (requires case-by-case assessment):- i. wanted by the courts; and / or ii. individuals wanted by, or who are otherwise of interest to, the police; and / or iii. subject to a court order, bail conditions, or other restriction that would be breached if they were at the location at the time of the Deployment; and / or iv. missing persons deemed to be vulnerable/at risk; and / or v. individuals presenting a risk of harm to themselves or others (requires AO authority). The successful and early location of the above individuals and/or groups enables the police to effect safeguarding support measures via intervention and/or diversion in accordance with the MPS 12 key safeguarding strands. The use of LFR can also assist with the MPS's duties to protect life and property, preserve order and prevent threats to public security, prevent and detect crime, bring offenders to justice, and uphold national security.				
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THE PUBLIC: Impacted Public engagement has identified concerns regarding the ethical and legal use of personal data, intrusiveness and unlawful targeting of individuals and/or groups.	Public and Community Impact have been addressed in the completion of a DPIA (See STEP 4 for further details) and a Community Impact Assessment (on a per Deployment basis).			
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STEP 6. Ensure monitoring and review arrangements are put in place**GUIDANCE**

How will the implementation of the proposal / policy be monitored and by whom?

The MPS LFR Strategic Board and MPS LFR Operational Board have had governance of LFR. These boards have met separately on a regular basis. Strategic Board was chaired by an AC. Operational Board was chaired by the Head of MPS intelligence. Both these boards have been attended by a variety of key stakeholders from across the MPS. The MPS LFR Strategic Board will continue to take place to provide oversight and scrutiny for MPS LFR Deployments, discuss relevant issues arising from Deployments and public attitudes to its Deployments. They will also ensure continued compliance with the MPS LFR Documents, Data Protection Act 2018 and the Equality Act 2010. External independent reviews will be conducted by the London Policing Ethics Panel on a 6 monthly basis.

All Public Authorities such as the Metropolitan Police Service (MPS) have to comply with section 149 of the Equality Act 2010 more commonly known as the General Duty.

The Duty requires us to:

- **Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.**
- **Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.**
- **Foster good relations between people who share a relevant protected characteristic and those who do not share it.**

One of the ways we can demonstrate that we are complying with the General Duty is to document how decisions are reached and resulting activities including monitoring and review arrangements. In the MPS, the way we evidence this is by completing EIAs.

What is the timetable for monitoring, with dates?

The Strategic Board meet on alternative months or such other frequency as may be deemed appropriate by the chair. This ensures that any actions raised can be met in a timely manner and any issues surrounding compliance can also be dealt with expeditiously.

STEP 7. Public availability of reports / result. What are the arrangements of publishing, where and by whom?**GUIDANCE**

In the interests of openness and transparency, this document will be available on both the MPS LFR external facing website and the internal intranet.