



# Minutes

<b>Title of meeting</b>	Law Enforcement Facial Images and New Biometrics Oversight and Advisory Board		
<b>Date</b>	6 <sup>th</sup> March 2019	<b>Time</b>	14:00-16:00
<b>Venue</b>	London SW1		
<b>Chair</b>	CC Mike Barton	<b>Secretary</b>	Carl Jennings
<b>Attendees</b>	Mike Barton (MB) (Chair)		Chief Constable, Durham Constabulary
	Christophe Prince (CP)		Director – Data and Identity, Home Office
	Ivan Balhatchet (IB)		Metropolitan Police (MPS) (non-member)
	Nigel Ball (NB)		Digital, Data and Technology (DDaT), Home Office (non-member)
	Lucy Bradshaw-Murrow (LBM)		Office of the Biometrics Commissioner (non-member)
	Sean Byron (SB)		National Law Enforcement Data Service
	Simon Chapman (SC)		Defence Science and Technology Laboratory
	Neil Cohen (NC)		Defence Science and Technology Laboratory
	Brendan Crean (BC)		Home Office Biometrics Programme (HOB)
	Dominic Edgell (DE)		South Wales Police (SWP) (non-member)
	Carrie Golding (CG)		HO Biometrics Programme (non-member)
	Dr Nina Hallowell (NH)		Biometrics & Forensics Ethics Group (BFEG), chair of sub-group on facial recognition
	Elaine Hamilton (EH)		Scottish Government

Richard Hartell (RH)	Police Forensics and Biometrics Policy Team, Home Office (non-member)
Jake Hawkins (JH)	Digital, Data and Technology (DDaT), Home Office (non-member)
Umar Hussain (UH)	South Wales Police (SWP) (non-member)
Simon Iveson (SI)	Forensic Science Regulator's Office
Carl Jennings (CJ)	Police Forensics and Biometrics Policy Team, Home Office (Secretariat)
Jeremy Jones (JJ)	Police Forensics and Biometrics Policy Team, Home Office (non-member)
Judith Jones (JuJ)	Information Commissioner's Office
Mick Kelly (MK)	Head of Policy and Support for Surveillance Camera Commissioner (non-member)
Jeff Logan (JL)	Police Service of Northern Ireland biometrics programme manager (non-member)
Joanna Luck (JL)	Police Forensics and Biometrics Policy Team, Home Office (non-member)
Johanna Morley (JM)	Metropolitan Police (MPS) (non-member)
David Munro (DM)	Police and Crime Commissioner, Surrey
Daniel Murray (DMu)	Investigatory Powers Commissioner's Office (IPCO) (non-member)
Paul Newcombe (PN)	South Wales Police (SWP) (non-member)
Neil Turley (NT)	West Midlands Police (NPCC digital forensics) (non-member)
Ruth Winkler (RW)	Scottish Government
Paul Wiles (PW)	Biometrics Commissioner
<b>Apologies</b>	
Teresa Ashforth	Operational Communications in Policing, Home Office
Ian Daft	National Crime Agency (non-member)
Gary Dodds	Department of Justice, Northern Ireland
Elaine Hamilton	Scottish Government
Alex Macdonald	Head of Identity Policy Unit, Home Office (non-member)

Andrena Murray	Department of Justice, Northern Ireland
Tony Porter	Surveillance Camera Commissioner (represented by Mick Kelly)
Mandy Scrivens	West Midlands Police
David Shaw	Home Office Biometrics Programme (HOB)
Gill Tully	Forensic Science Regulator (represented by Simon Iveson)

### **Item 1: Minutes of and actions from previous meeting**

1. MB went through the actions from the 29 November minutes.
2. Paragraph 6 *'Board to notify CJ of any existing projects that were not shown on list'* - MB said Kent and Essex were doing a new project relating to custody images. CJ would obtain details from SB. MB also noted that he intended to send forces the PND service report on the number of searches done.

#### **Action: CJ to obtain details of Kent/Essex project from SB.**

3. PW asked if MOJ/ prisons' use of LFR fell within the Board's remit. It was pointed out that the Board's terms of reference covered only law enforcement use of biometrics, not the CJS as a whole, but it would be useful to know what was happening elsewhere.

#### **Action: CP will discuss with MOJ/NOMS whether they would attend the Board to cover this issue; CJ to liaise with MOJ/ NOMS re further information on use of LFR in prisons, to be provided to the next Board.**

4. Paragraph 8 *'SB and BC to discuss next steps for the HO Biometrics plans for image retention'* – SB confirmed that there has been a discussion and that a paper will be presented to the June board.

#### **Action: SB and BC to provide a paper for the June Board.**

5. Paragraph 12 *'CP to report to next meeting of the Board on the timescale for the next Custody Image Review'* - CP said that the public commitment was for the next CIR to take place in 2020, but in preparation the Home Office was scoping out the key questions.
6. Para 14 *'Board to comment further on the commissioners' paper'* - PW asked that this be included in the agenda for the June meeting. This was agreed.

#### **Paper 1a: NPCC structure**

7. MK said it was confusing that there were multiple leads on images. MB said this was unavoidable, but he had recently agreed with CC Charlie Hall that the latter would be a general lead on innovation.

Paper 1b: Legal and policy update

8. CJ provided an update on the Catt judgment and how it might be relevant to other data. MB said CJ should speak to John Drake (NPCC lead on intelligence), Amanda Cooper and Ian Dyson. CP said he had raised compliance with data policies with HM Inspectorate of Constabulary and Fire and Rescue, as something they could incorporate into other inspections.

**Action: CJ to speak to the NPCC leads' staff officers re the Catt judgment.**

Paper 1c: Forward Look

9. PW said he wanted to see, as part of the forward agenda, when actions were due to be completed, and that the next three meetings should be covered.

**Action: CJ to draft the next forward look paper accordingly.**

10. IB said MPS would provide a paper on the independent evaluation of their live facial recognition (LFR) pilots for the June meeting. DM said he was interested in information about claims of ethnic bias. IB said this would be addressed in the June paper. JuJ suggested getting expert input.

**Action: MPS to provide paper for next meeting.**

11. CP said that maintaining public trust was key, and so would expect the evaluation to discuss the watchlist selection method, and the use of police powers when intervening with persons who were identified. NH supported human review before intervention with a possible suspect. There was a need to be wary that the technology did not unduly influence those reviewing possible matches. MB referred to how this was addressed in the South Wales study. CP thought bias could be broken down into various issues – algorithm bias, selection of gallery images, human decision making. The secretariat would discuss with members who could provide a paper on bias generally to the September or December meetings.

**Action: CJ to discuss with members who could provide this paper to the September or December meetings.**

12. BC said HOB would provide a paper for June which could include work done by OGDs on iris recognition. CP said ID could be asked to do a paper in September on voice recognition.

**Action: BC to provide paper on face and iris recognition for June meeting. CJ to discuss with ID whether it would be possible to provide a paper on voice recognition for the September meeting.**

## Item 2: Police guidance on deployment of LFR

### Paper 2: Guidance on deployment of LFR

13. CP said that guidance should help the police get the most out of LFR and increase public confidence. He was interested in views on whether the draft covered all the right questions.
14. SB asked for feedback on the draft guidance, especially in relation to the watch list criteria and ethical considerations.
15. PW said it was not clear if the guidance was for conducting trials or for deployment post trials. MB reiterated the difference between automatic facial recognition and LFR (the former already being used by all forces while the latter is being currently trialled). We were still in the LFR trial phase for at least the next 12 months as the Police were still considering how the technology could be used in different ways (e.g. missing persons).
16. CP said that the important thing was to provide police with guidance when using LFR that officers involved could understand. The only difference in the guidance for trials and deployment was the level of evaluation involved - the guidance should be good enough for trials and potentially deployment.
17. PW said cost benefit analysis should be included. SB said it was not yet clear what data the analysis should include. BC said organisations applying for funding needed to be able to conduct cost benefit analysis. MB and CP agreed that it was hard to measure how LFR changed behaviour or deterred offending. SI said evaluation metrics should be transparent and easy to understand for the public.
18. SB said he planned to include the SCC 'Self-Assessment Tool' template and a link to the SCC's guidance on LFR. CP said duplication should be avoided and references/links should be made to other guidance.
19. NH said public confidence was important and the guidance needed to say more about public engagement; she could assist with this. NH also said that the ethics aspect was not fully developed. DM queried the blanket ban on body worn video images. IB said the ethnic breakdown of watchlists should be recorded. JuJ said the ICO was still considering the guidance. The DPIA was a key part, especially the purpose, which goes a long way to covering ethical aspects. MB said that ethical assessment was key to reaching the threshold for use of police powers in paragraph 23 of the guidance. MB added that it was legitimate for the police to take pictures of people in public and that the police did not have to ask permission to take custody images – what was done with the images was the key point. SB said refusing to be photographed was not on its own a reason for the police to stop someone. MB said South Wales Police involvement would benefit the development of the guidance.
20. MK suggested covering the standard of the equipment used - the ANPR guidance may be a good model.

**Action: SB and TA to develop the guidance further with the support of colleagues.**

### **Item 3: Current state of evaluation of LFR**

#### Paper 3a: MPS paper – Live Facial Recognition Trial – evaluation methodology

21. JM requested feedback from Board members. It was suggested that a technical note would help the reader with the terminology, however, a technical note had already been produced and included in the pack of papers circulated to members.

#### Paper 3b: Cardiff University – Evaluation of SWP use of facial recognition

22. MB and NH said it was a good piece of work. There were questions about the possibility of including children on watch lists (although algorithms do not work as well with children's faces), and other vulnerable people, particularly those who might be exploited in county lines activity. NH said there were particular ethical and technical issues relating to children.

23. IB said that Essex University was doing the MPS evaluation.

#### Paper 3c: BFEG report

24. NH gave an overview of the report and said that the intention was to keep it short and focus on bias, ambiguity of deployments, ethical principles (which should be incorporated into the LFR guidance), as well as to provide a list of questions that police officers should ask when considering whether and how to deploy.

25. CP said the report's key benefit was its brevity. He agreed the ethical principles should be incorporated in the LFR guidance

### **Item 4: Review of pilots in progress**

#### Paper 4a: LFR Activity Table

26. Board members had nothing to add in relation to this paper.

#### Paper 4b: Person recognition - missing and vulnerable persons

27. JH provided an update on this project. NH said it was important to engage the public about the possible use of LFR to detect missing persons and the use of CAID (Child Abuse Image Database).

### **Item 5: Custody Image retention implementation**

#### Paper 5: MPS paper

28. IB provided an update. MPS was uploading all its custody images to PND, but they are behind schedule due to competing demands. MB said this Board should be used as an asset to help progress these types of issues.

## **Item 6: Any Other Business**

### *Paper 6: AI and child abuse images*

29. NB provided an overview of AI categorising images of child abuse from various sources in terms of seriousness. An evaluation report would be produced. The judiciary has been consulted about the use of the results as evidence.
30. CP said this was not biometrics but interesting. There will always be human involvement before this sort of evidence went to court. MB said he was not sure about this - Durham presented automated assessment of the seriousness of images to courts.