

# Policy for Policing Technologies

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# Garda to use facial recognition technology

Civil liberties groups have previously voiced worries over surveillance and discrimination

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The Irish Council of Civil Liberties (ICCL) said there was clear evidence of in-built biases in facial-recognition technology which impacts trust

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# Today

- SoE and the SCOT for FRT
- Imbuing meaning to legal technologies: The Irish situation
- Constraining the imaginary: Policy processes

# FORSEE

The Sociology of Expectations and the Social  
Construction of Facial Recognition Technologies





# What are your expectations of FRT?

How do you define  
or understand it?

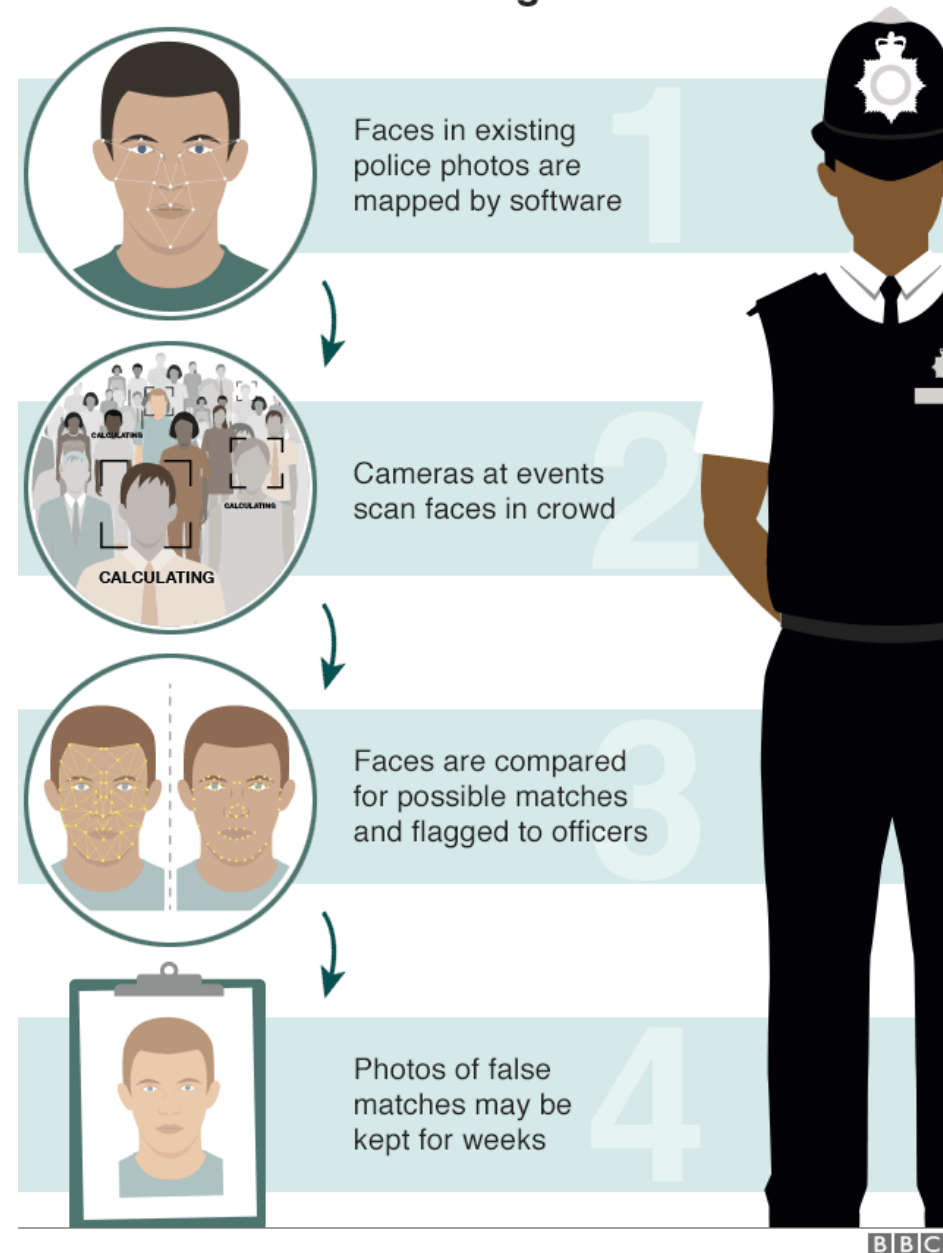
Consider words that  
have a positive,  
negative or neutral  
connotation

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# Policing FRT

## Operational assumptions

### How does live facial recognition work?





## Justice Minister expectations re FRT's **efficacy**

Imagine there is someone who has committed a crime and they're on the run and ...we know they happen to be on a bike...rather than a guard having to trawl ... thousands of hours of footage to find that potential criminal...being able to quickly ask a system to find that bike could actually save a life ([Morning Ireland](#), 2023)

# Justice Minister's expectations re **accuracy**

**In the Dail:** The accuracy of this most advanced technology is impressive ([9 February 2023](#))

“The National Institute of Standards and Technology in the United States is seen as the gold standard in testing the accuracy of facial recognition algorithms. In a recent report, which included a study of 127 different algorithms, the most accurate ones were found to fail only in about one quarter of 1% of searches.”



# Accurate...

## “Is it though...”

Accuracy of FRT is highly contested.

Flaws in the datasets, reference databases/ watchlists and images result in limited accuracy.

False Positive



False Negative



# Pushback against accuracy expectations

## National Institute of Standards and Tech ([2023](#))

- **ICCL, per comms, 2023:** If the guards intend to use images from CCTV then they are quoting the wrong numbers from the NIST report. The numbers they are quoting are for 1-N comparison of still images. So even for slightly poor quality images, with faces in slight angles, the quality drops significantly. And none of this is for video.

33. The DPC observes that for renewals, if the system were working as the DSP intended it to, every new image should have a high matching score with the previous photo of that person on the one-to-one matching. The statistics outlined above show a low rate of successful matches between new templates and the previous template on renewal (one-to-one). Similarly, those statistics show that nearly half of renewals potentially match the photograph of someone else (one-to-many). In itself, those statistics show that human intervention is needed in a high number of cases.

We've already seen significant accuracy problems in Irish FRT systems



# Differential impacts of error rates

- **Misidentification:** Errors do not affect all individuals equally.
- **Racial and gender biases:** women and people of colour are more likely to be misidentified by FRT and, therefore, potentially more likely to be wrongfully accused by police who use FRT than light-skinned men.





# Differential expectations of FRT as surveillance: Civil Society

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- Even if all policing FRT systems were accurate 100 percent of the time, the risks for people's **fundamental human rights** would multiply significantly.
- FRT systems risk stripping people of their **anonymity**, reducing them to walking licence plates and tilting the power dynamic inherent in police–civilian interactions further towards police”
- **Oversurveillance**: Some authorities are more likely to apply FRT to marginalized communities which are already over-surveilled, over-policed and over-incarcerated



# Irish Civil Society recognition of the rights harms posed in Hungary

## Hungary's Pride Ban

ICCL marched at Dublin Pride 2025, in solidarity with the LGBTI+ community in Hungary and Budapest Pride.

In a flagrant attack on democratic norms, Hungary has banned Pride demonstrations and is now using facial recognition technology (FRT) to identify attendees.

This would have been unimaginable in Hungary — an EU Member State — just several years ago. But authoritarianism is on the rise throughout Europe, and Ireland is not immune the winds of political change.

What we're seeing in Hungary is a chilling example of what can happen when authoritarian governments get access to invasive surveillance technology. This is why ICCL opposes the introduction of FRT into Irish policing.



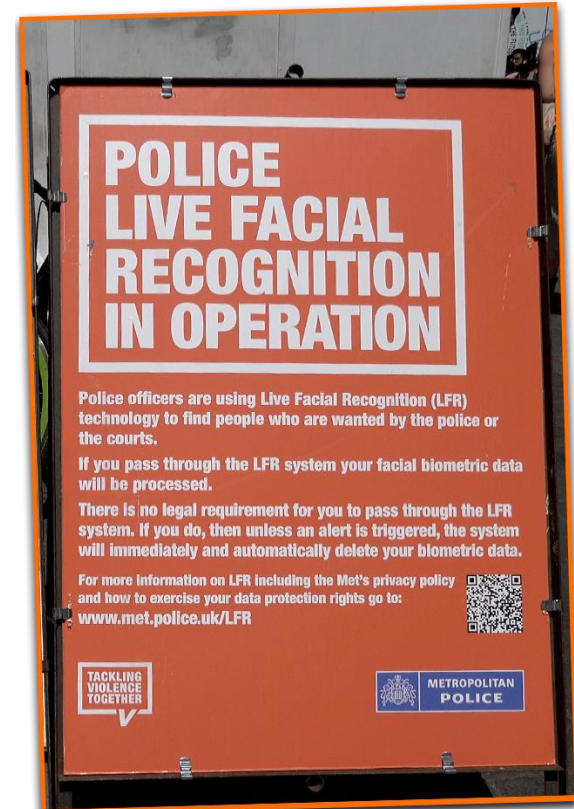




# Other FRT use eggs

## ...the authoritarian turn

- Moscow, Russia
- Blue Wolf, Israeli authorities
- Metropolitan Police, UK

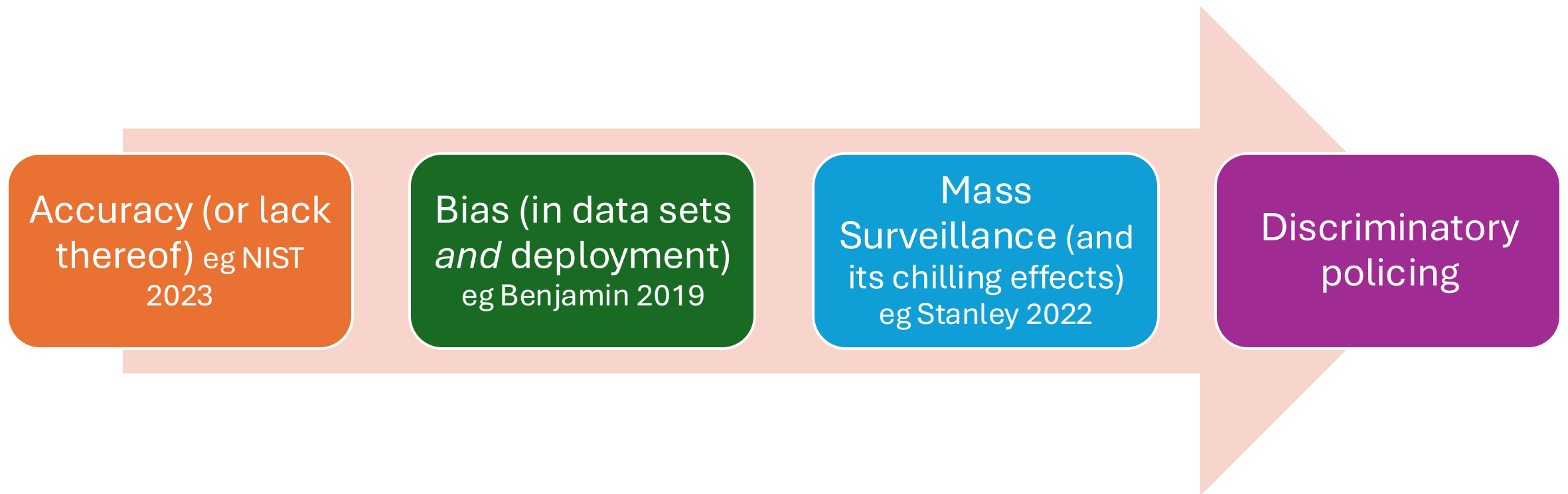


# Conflicting Expectations: Hype versus Evidence

- **Increase of structural inequalities:** FRT can be used as a tool to create or deepen structural inequalities and discrimination.
- **Compounded by policing practice:** Law enforcement authorities fail to even acknowledge, let alone understand, *why* these technological biases occur.
- **Hype and the sociological imaginary** drive the acquisition and deployment of this tech ... over substantive evidence

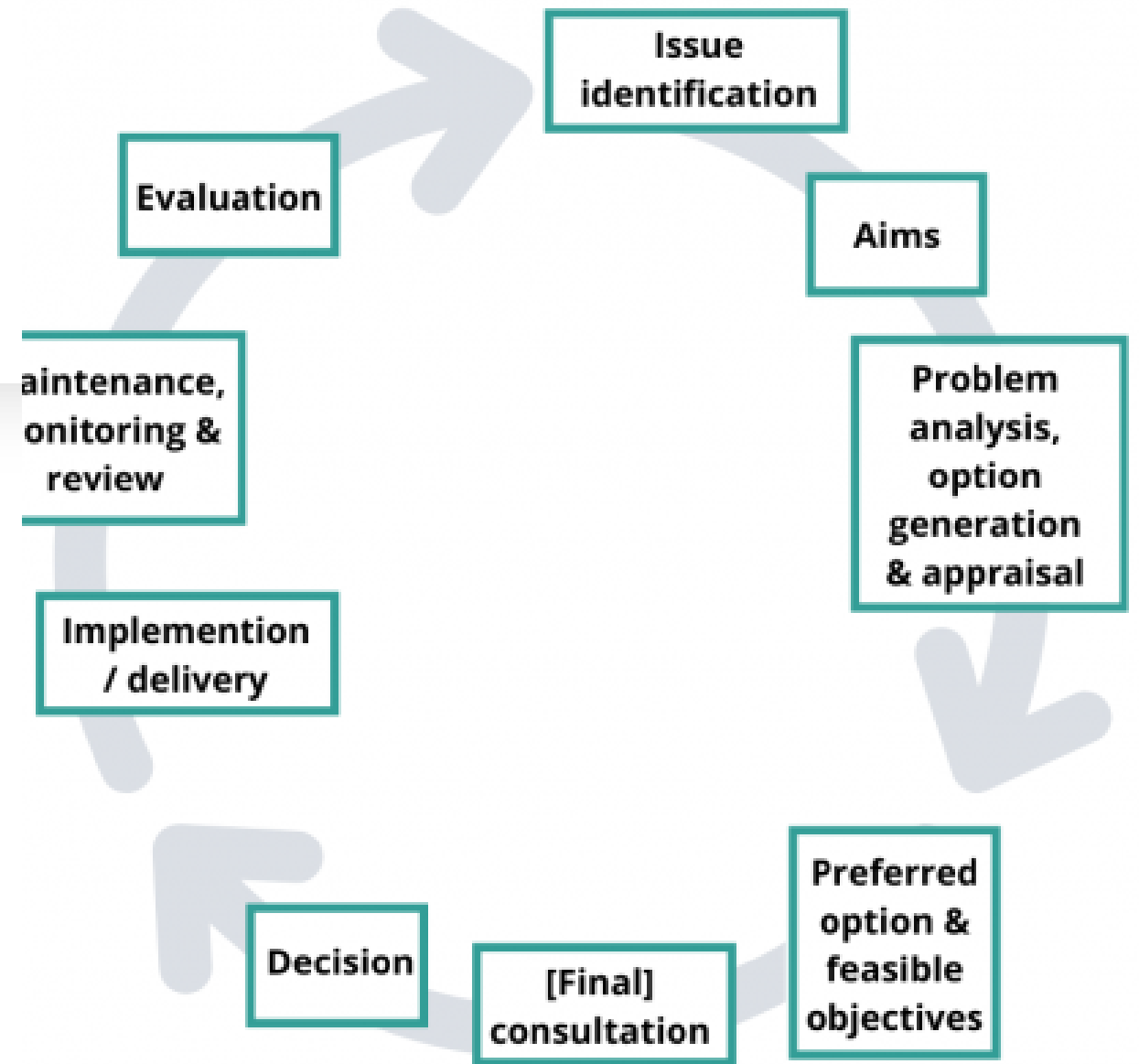
# Expectations versus Evidence

Evidence by way of peer reviewed literatures, policy papers, white papers, as supplemented consultations of impacted publics



# What of regulatory constraint around expectations?

- Liberal understanding of democratic states is that state actions must be constrained by regulation and policy
- Policy cycles are iterative
- Consultation is a key component



# Irish govt plans did not start with consultation

Feb 2022

- **Acting Justice Minister announced a last-minute FRT amendment**
- ICCL put out the petition on the same day opposing use
- Green Party voiced opposition citing ICCL concerns

June 2022

- Open letter to the Irish Times from 7 universities and 13 NGOs in Ireland
- Dept of Justice meeting with experts
- Expert Letter to Oireachtas Cabinet Members

September 2022

- United Nations Special Rapporteurs letter to the Irish Government. OL IRL 3/2022

November 2022

- Briefing from Dept of Justice
- Follow up letter to Minister of Justice

December 2022

- Irish Times editorial in opposition of the Minister's FRT plans

March 2023

- Expert meeting with DPC meeting outlining concerns.

April 2023

- A list of questions to the DPC
- Op-Ed in the Irish Times
- Fianna Fail voicing opposition to the amendment plans

May 2023

- Expert briefing note on the democratic and technical requirements for policing FRT

June 2023

- **Justice Minister intention to introduce FRT via another last-minute amendment.**
- ICCL ED Irish Times Op Ed
- 14 June, European Parliament's vote to ban all live FRT in the AI Act and to only allow retrospective FRT in very limited circumstances.
- 19 June, Minister withdrew plans to introduce FRT by way of a amendment and that she would no longer be seeking to introduce live FRT.
- 20 June, Minister announced separate standalone legislation concerning FRT. For the first time, the Department of Justice published its plans

Autumn 2023

- **FRT stand alone legislation scheduled to be drafted this autumn.**

Feb 2024.

- Oireachtas Justice Cmt highlights deficiencies in FRT bill

June 2024

- AIAC advises against deploying FRT in Ireland without resolution of identified risks



# Managing Expectations: From Consultation to Co-Design

- Policy co-design and development is a non-traditional approach to policy-making where different stakeholders collaborate to design policy initiatives and develop policies (Tsouvalis, et al., 2025)
- ‘Digital reforms should be co-designed with users and stakeholders and must not be rolled out until they have proven reliable through extensive piloting and testing’ (Justice Committee, 2025, p. 46)

# Conclusion

- SoE explains tech uptake decisions
- However, regulatory constraint is still required
- For policing tech: one way forward is co-design, putting impacted stakeholders at the fore.

# Some take aways

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New technology uptake can reflect expectations versus evidence

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Expectations vary across stakeholder groups: police, publics, civil liberties orgs

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Mechanisms required to manage expectations: Long standing consultation requirements, at minimum together with policy innovation in the 4<sup>th</sup> revolution



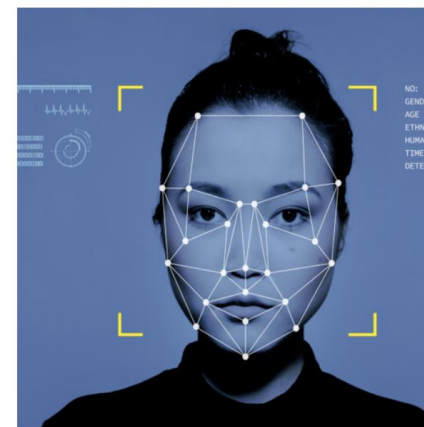
# Thank you...



## I Do Not Consent to Facial Recognition Technology

#IDoNotConsent

Facial Recognition Technology poses extreme risks to our rights - tell the Minister for Justice you don't consent!



2892 / 2000 signatures

Dear Minister O'Callaghan,

I do not consent to being tracked or identified by Facial Recognition Technology.

This tech poses an extreme risk to my rights, including privacy, protest, association and equality.

I am deeply concerned about An Garda Síochána's track record with keeping data safe. I am also concerned at the



# Regulatory control

FRT captures people's biometric facial data, for comparison and possible ID

Biometric data: personal data resulting from specific technical processing relating to the physical, physiological or behavioral characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data. - Article 4(14) of the EU General Data Protection Regulation

Biometric data processing by government is prohibited, save for certain circumstances.

- Consent
  - Employment and social security and social protection law
  - **Public interest (anti terrorism, serious crimes)**
  - Subject to proportionality, the aim pursued, suitable/specific safeguarding measures
-

# Hungary's new biometric surveillance laws violate the AI Act

**This blog post is a legal analysis of new legislation in Hungary that uses facial recognition technology in a manner that violates the EU Artificial Intelligence Act. Such use of this technology risks discouraging people from exercising their fundamental rights undermining their trust in democracy.**

By Hungarian Civil Liberties Union, Civil Liberties Union for Europe, European Digital Rights, European Center for Non-Profit Law · May 6, 2025

Budapest:

- The system in question meets the criteria laid down in the AI Act for a “real-time” system and is therefore prohibited as a system of “unacceptable risk”.





# Article 5(1), AI Act: Prohibited AI Practices

(h) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purposes of law enforcement, unless and in so far as such use is strictly necessary for one of the following objectives:

- (i) the targeted search for specific victims of abduction, trafficking in human beings or sexual exploitation of human beings, as well as the search for missing persons;
  - (ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or a genuine and present or genuine and foreseeable threat of a terrorist attack;
  - (iii) the localisation or identification of a person suspected of having committed a criminal offence
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