

# Facial Recognition in Policing

## Case 2: Facial Recognition in Policing

Scenario: A facial recognition system used by law enforcement misidentifies minorities at higher rates.

### Ethical Risks

#### 1. Wrongful Arrests and Detentions

- Disproportionate Impact on Minorities: Studies have shown that facial recognition systems have higher error rates for people of color, particularly Black and Asian individuals. This can lead to false identifications, wrongful arrests, and potentially life-altering consequences.
- Erosion of Trust: Repeated errors can erode community trust in law enforcement, especially in historically marginalized communities.

#### 2. Bias and Discrimination

- Systemic Inequity Reinforcement: If algorithms are trained on biased datasets or lack diverse representation, they perpetuate systemic inequalities.
- Disparate Outcomes: Minority communities may face increased surveillance and law enforcement attention without just cause.

#### 3. Privacy Violations

- Mass Surveillance: Continuous monitoring through facial recognition may infringe on the right to privacy, particularly in public spaces.
- Consent and Transparency: Individuals are often unaware they are being monitored, raising concerns about informed consent and autonomy.

#### 4. Lack of Accountability

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- Opaque Decision-Making: Many facial recognition systems are proprietary and lack transparency, making it difficult to audit or challenge wrongful identifications.
- Difficulty in Contesting Errors: Affected individuals may have limited legal or procedural avenues to dispute false matches.

### **Policy Recommendations for Responsible Deployment**

#### **1. Independent Auditing and Transparency**

- Require third-party audits for algorithmic fairness and accuracy, especially across different demographic groups.
- Mandate transparency reports on system performance and error rates, disaggregated by race, gender, and age.

#### **2. Strict Use Guidelines**

- Restrict use to specific, serious criminal investigations with clear justification.
- Prohibit use in real-time surveillance and crowd monitoring without a warrant or court order.

#### **3. Human Oversight and Due Process**

- Ensure that facial recognition is used only as a supplementary tool, not the sole basis for arrests or search warrants.
- Require that all matches be reviewed and verified by trained human analysts.

#### **4. Community Involvement and Public Dialogue**

- Involve civil rights organizations and community stakeholders in policy development and oversight processes.

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- Facilitate public consultations to assess community consent and concerns.

### **5. Right to Challenge and Redress**

- Establish mechanisms for individuals to contest and appeal wrongful identifications.
- Provide legal and financial support for those wrongfully accused due to system errors.

### **6. Training and Education**

- Train law enforcement personnel on the limitations and ethical use of facial recognition.
- Promote awareness of racial bias and the importance of non-discriminatory practices.

### **7. Moratorium or Ban Until Safe**

- In jurisdictions where error rates remain high or oversight is weak, consider a temporary moratorium or ban on facial recognition use in policing until the technology meets rigorous ethical and accuracy standards.

## **Conclusion**

Facial recognition in policing, while potentially useful, poses significant ethical challenges - particularly for minority communities. To avoid exacerbating existing injustices, its deployment must be cautious, transparent, and grounded in strong ethical and legal safeguards.