

A Roadmap for Regulation of Facial Recognition and Other Remote Identification Biometrics Used by Law Enforcement

Sam Peterson
Brian Jackson
Dulani Woods
Elina Treyger

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An aerial photograph of a massive, multi-level highway interchange. The roads are a complex web of elevated highways, ramps, and overpasses, all surrounded by a dense forest. In the background, there are large residential complexes with numerous apartment buildings. The image captures the intricate infrastructure of a major city.

What do policy makers need
to know?



Using what's already known to inform a framework for policy

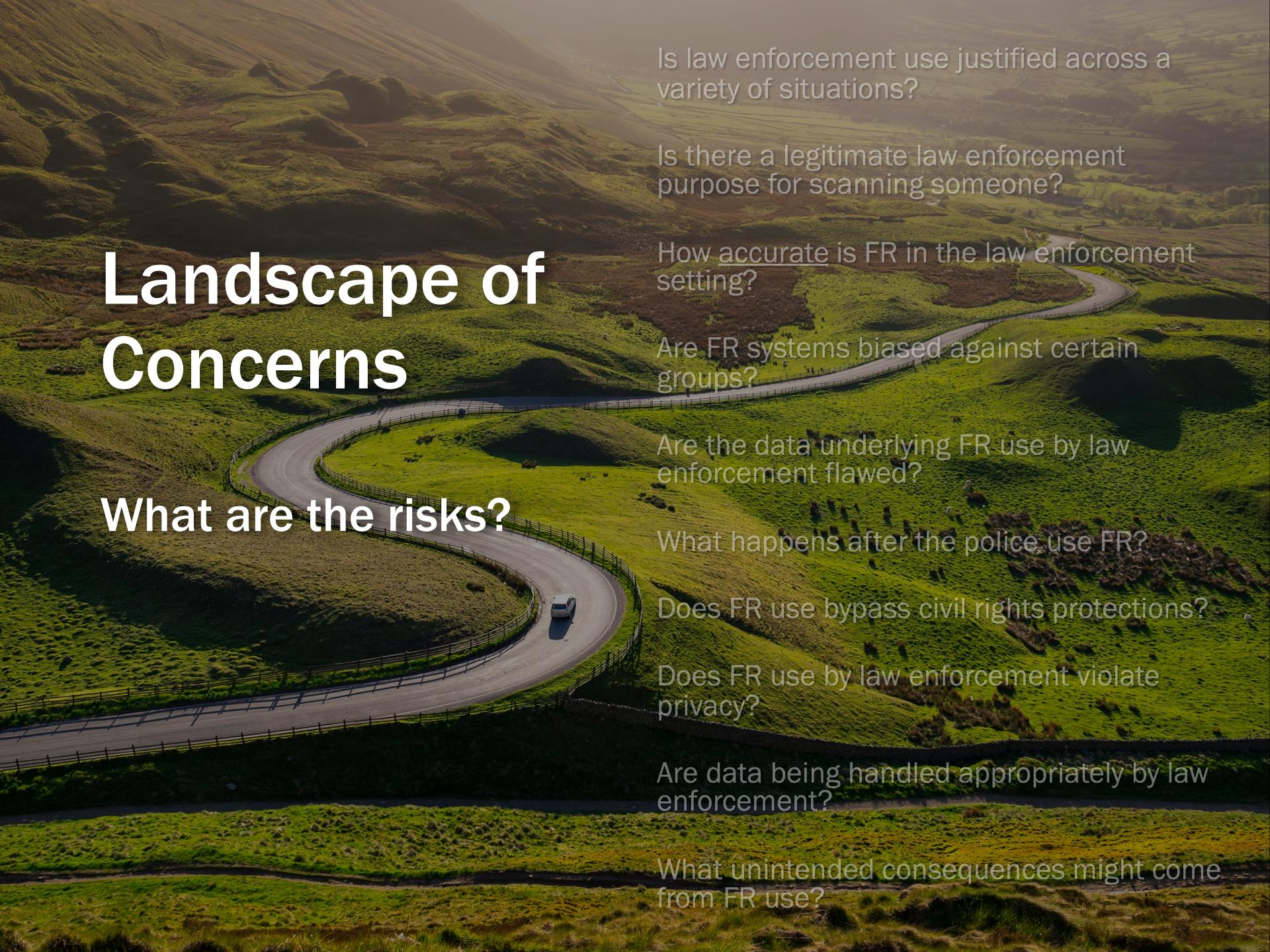
Use and misuse cases

Subject Matter Expert Interviews: Law Enforcement, Civil Rights Groups, Technology Providers, Researchers

"Policy Roadmap" plotting concerns and policy options with risks and benefits



Can FR be used in a “high benefit, low risk” way?



Landscape of Concerns

What are the risks?

Is law enforcement use justified across a variety of situations?

Is there a legitimate law enforcement purpose for scanning someone?

How accurate is FR in the law enforcement setting?

Are FR systems biased against certain groups?

Are the data underlying FR use by law enforcement flawed?

What happens after the police use FR?

Does FR use bypass civil rights protections?

Does FR use by law enforcement violate privacy?

Are data being handled appropriately by law enforcement?

What unintended consequences might come from FR use?



Landscape of Concerns

What kinds of uses are appropriate?

Is law enforcement use justified across a variety of situations?

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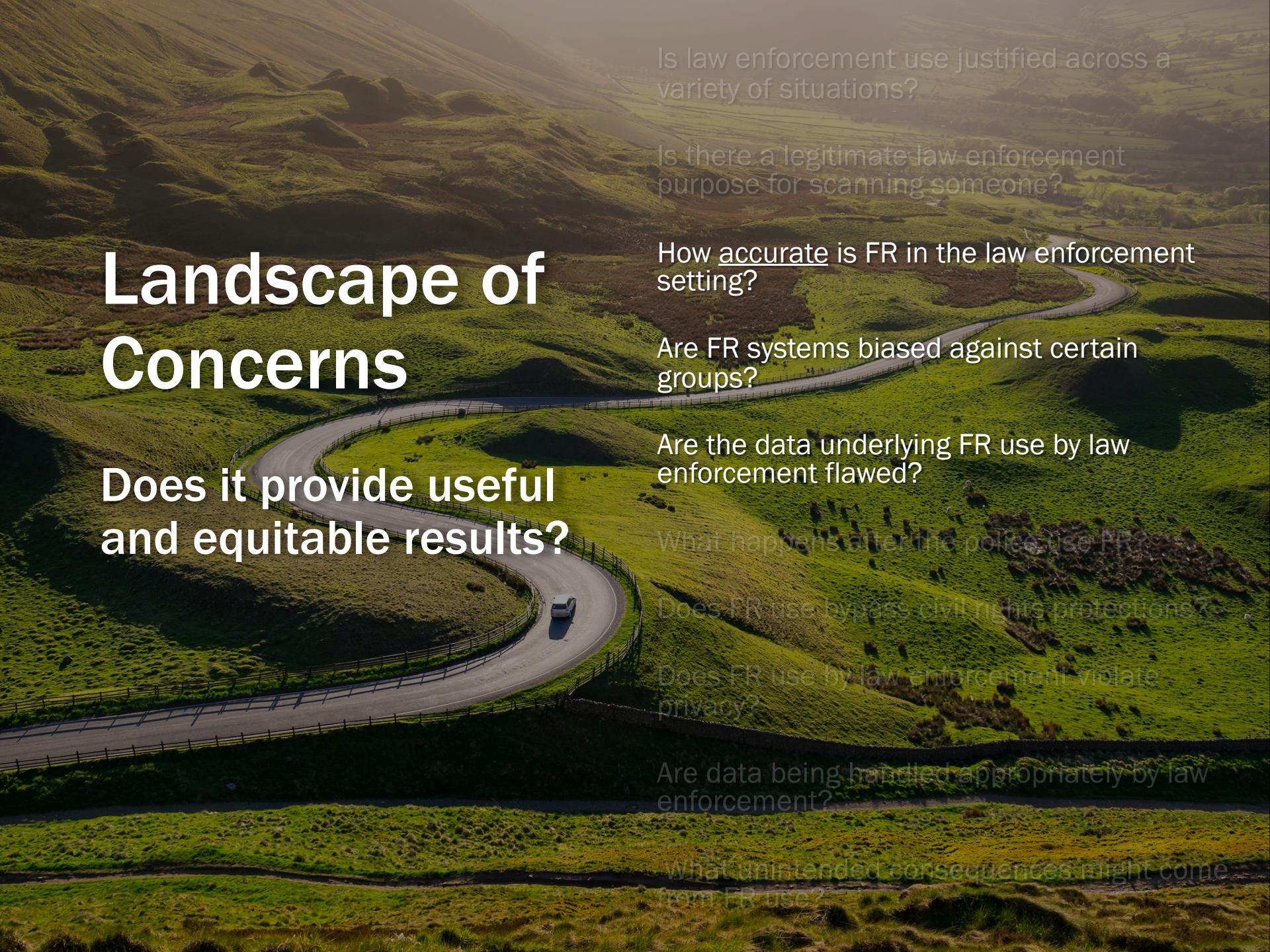
What happens after the police use FR?

Does FR use bypass civil rights protections?

Does FR use by law enforcement violate privacy?

Are data being handled appropriately by law enforcement?

What unintended consequences might come from FR use?

The background image shows a scenic landscape with a paved road curving through lush green hills. A single car is visible on the road, emphasizing the scale of the environment. The sky is clear and blue.

Landscape of Concerns

Does it provide useful
and equitable results?

Is law enforcement use justified across a variety of situations?

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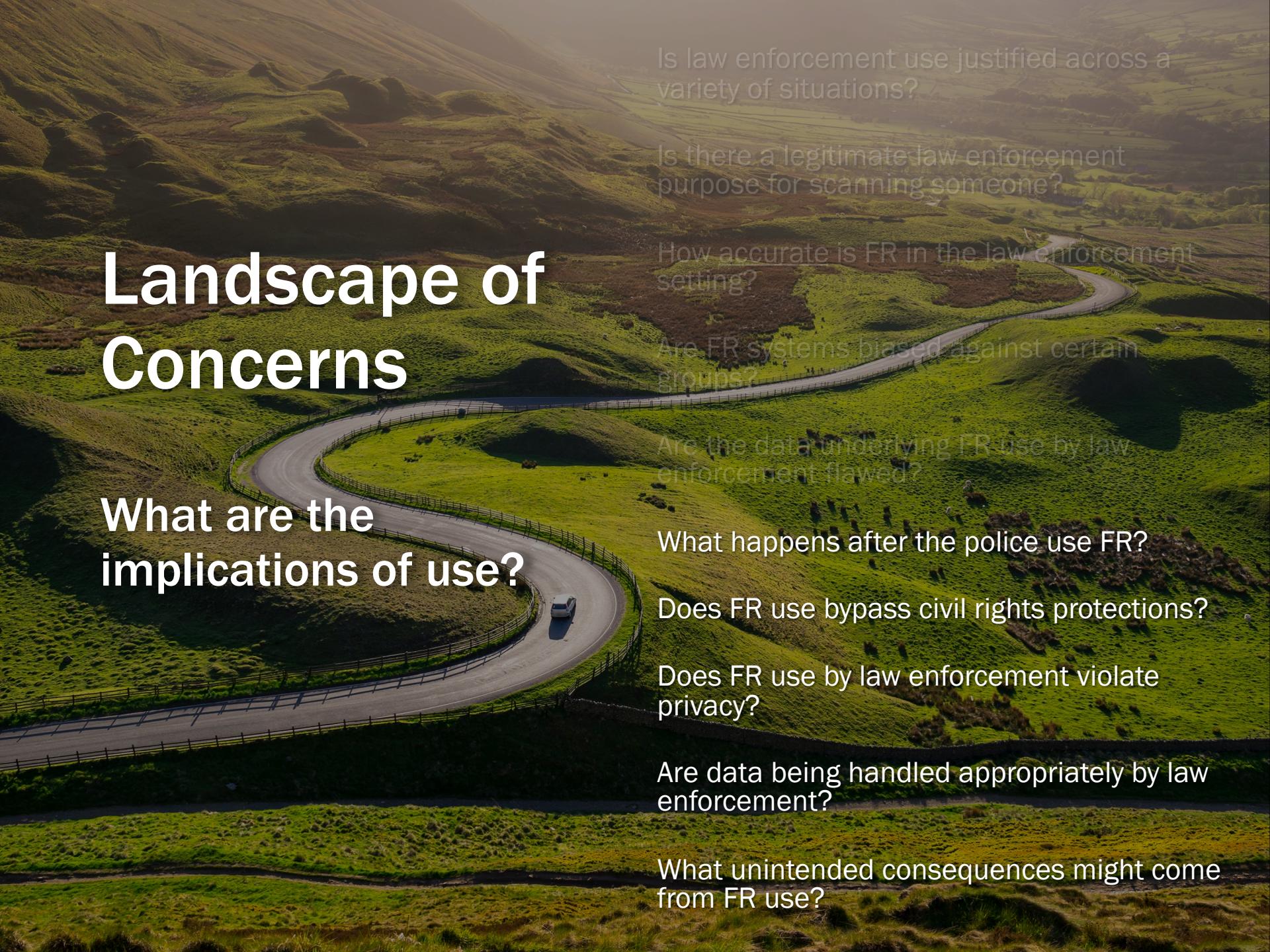
What happens after the police use FR?

Does FR use bypass civil rights protections?

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What unintended consequences might come from FR use?



Landscape of Concerns

What are the implications of use?

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Where can you walk? Setting acceptable uses

Designing guides and guardrails to stay on the path

Treading carefully with quality standards and supporting practices

Proving you stayed on the path with verification and auditing

Defining consequences for straying from the path

Why staying on the path matters

Setting Acceptable Uses

FR for what crimes?

Defining misuse

Predicates needed for use

Scope of application

“

One reason we're fighting to centralize and take surveillance off the table is there's no way to use surveillance that is centralized. Having a network of users leads to risk for abuse.

-Civil Rights Organization Interviewee

”



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Designing Guides and Guardrails

Authorization for taking photos

Who approves use

Who performs search

“

We were already using it but had no policy around its use ...I said lets disable them all. I want controls.

—Law Enforcement Interviewee

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Policy Roadmap

Quality Standards and Supporting Practices

Limits on data being used

Requirements to improve accuracy

Human training and review procedures

Limits on retention

“

If all you know to do is use the system, then you can't successfully do a comparison

—Technology Company Interviewee

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Verification and Auditing

Limits on using unapproved technology

Technical standards

Audits and auditors

Specialized audits (bias, privacy, etc.)

“

People trust FR more than their own eyes

—Civil Rights Organization Interviewee

”



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Why Staying on the Path Matters

- Defining consequences
- Transparency
- Disclosure of use, policies, data reports
- Detailed statistics on case types over time
- Disclosure to defense counsel
- Community involvement and approval

Future Directions

Real-world evaluation
of law enforcement
use

Develop clear
standards

Prepare for other
remote identification
technologies



Thank you!

Sam Peterson, PhD

speterso@rand.org

