



Cheshire Constabulary

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Supporting Documents:

APP Guidance:

Home Office Biometric Strategy

Version history

Version Number	Author	Revision Date	Previous revision date	Summary of changes
V0.1	Mark Hyde	20/11/25	N/A	Direction for Deployment of overt Live Facial Recognition Technology to locate person(s) on a Watchlist.
V 0.2	Mark Hyde	01/02/26	20/11/25	Watchlist details added
V0.3	Mark Hyde	27/2/26	1/2/26	Changed from procedure to policy, remains as draft awaiting trial outcome on the 5/3/26
V1.0	Mark Hyde	22/5/26	27/2/26	Update following trial and consultation

1 Introduction

- 1.1 Facial recognition technology (“FR”) has several applications within a law enforcement context. This policy relates only to Cheshire POLICE’s **overt use of FR within a live setting**.¹ The term “overt” is used here to refer to Cheshire POLICE’ use of live facial recognition (“LFR”) in a manner that can readily be detected by those members of the public who may be affected by it, particularly through the use of awareness raising measures outlined in Section 10.3 of this policy. This policy is not concerned with any possible use of FR authorised by way of the Regulation of Investigatory Powers Act 2000. All references to “LFR” below are intended accordingly to be references exclusively to the overt use of LFR by Cheshire Police.
- 1.2 This policy sets out the principles and procedures which govern Cheshire Police’s approach to LFR use, as well as explaining at a practical level how FR physically works within a live setting. The policy also embodies a set of defined terms, with a view to ensuring that, for the benefit of CHESHIRE POLICE personnel and the public, there is precision and consistency when describing relevant aspects of LFR use.
- 1.3 Pursuant to this policy, Cheshire Police may only deploy LFR:
- (a) in a permitted ‘use case’ (as defined in Section 2 below);
 - (b) in compliance with the rules on watchlist construction (as set out in Section 4 below);
 - (c) in compliance with the rules on watchlist images (as set out in Annex C below);
 - (d) at a permitted location (as set out in section 5 below);
 - (e) when an authorising officer (“AO”) has determined that the Deployment is proportionate in all the circumstances (in accordance with the guidance in section 6 below); and
 - (f) subject to the requirements as to transparency set out in Section 10 below.

Sections 7 -11 of this policy contain further guidance on the lawful use of LFR by Cheshire Police.

2 LFR uses

- 2.1 In pursuance of its policing objectives, Cheshire Police may for various reasons need to locate individuals. Such individuals are referred to in this policy as “Sought Persons”. LFR is a policing tool which harnesses digital technology, and particularly live FR technology, to assist Cheshire Police in locating Sought Persons. In certain circumstances, the use of LFR may also serve to achieve Cheshire Police’s policing objectives by helping to deter or disrupt criminality or other conduct posing a risk to public safety.
- 2.2 Pursuant to this policy, Cheshire Police may only use LFR in the context of the following distinct cases:

¹ A summary account of Cheshire POLICE’ wider uses of FR is provided in the table at Annex B.

- (a) to support the policing of “hotspots”, as defined in paragraph 2.3 below.
- (b) to support the types of protective security operation (“PSO”) identified below at paragraph 2.4;
- (c) to respond to specific intelligence concerning the likely location of Sought Persons.

2.3 **USE A - USE OF LFR TO SUPPORT POLICING OF “HOTSPOTS”** – LFR may be used to locate Sought Persons only in relation to the following types of hotspots: (i) a “crime hotspot”, and (ii) a “missing persons hotspot”.

(a) A **crime hotspot** is a small geographical area of approximately 300-500m across where crime data and/or Cheshire Police intelligence reporting and/or operational experience as to future criminality indicates that that it is an area where:

- (i) the crime rate; and/or
- (ii) the rate at which crime in that area is rising

(b) A **missing person’s hotspot** is a small geographical area of approximately 300-500m in which Cheshire Police intelligence reporting and/or operational experience indicates missing persons are likely to be present.

2.4 Hotspot locations must be one or a combination of the two hotspot types as validated by the Central Tasking and Co-ordination Group which is chaired at Deputy Assistant Commissioner level. The Central Tasking and Co-ordination Group will consider bids for policing resources and may allocate LFR resource (and/or other CHESHIRE POLICE assets) to a hotspot location subject to the completion of an LFR application form and the requirements of this policy including the requirements as to permitted locations set out in section 5 of this policy.

2.5 Relevant policing objective - LFR may be deployed to support hotspot policing only for the purposes of locating those Sought Persons who have been placed on the relevant LFR Watchlist in accordance with the watch listing principles set out in Section 4 of this policy.

2.6 Where LFR is to be used for a crime hotspot, using the LFR application form the applicant must identify, and the AO must authorise, the main types of offending (“Relevant Hotspot Offence Type”²) that have been committed or are likely to be committed in the crime hotspot by reference to crime data and/or CHESHIRE POLICE intelligence reporting and/or operational experience. Authorisation of Relevant Hotspot Offence Types by the AO is necessary particularly for the purposes of constructing the LFR Watchlists relevant to crime hotspots under Section 4 of this Policy

2.7 **USE B - USE OF LFR TO SUPPORT PSOs** - Consistent with its policing purposes, Cheshire Police may conduct specific security operations aimed at keeping the public safe and/or protecting property or national infrastructure, referred to in this policy as “protective security operations” (“PSOs”). Under the terms of this policy, LFR may only be used to support the following type of PSO:

- (a) a PSO which has as its objective the protection of critical national infrastructure (a “CNI PSO”);
- (b) a PSO undertaken by Cheshire Police in respect of events which are expected to

² See Annex F for potential “Relevant Hotspot Offence Types” from which the AO may authorise those that are the main types of offending committed in the crime hotspot location.

attract public attendance and, further, where Cheshire Police has intelligence which indicates that there is likely to be a threat to public safety (an “Event PSO”).

- 2.8 Relevant policing objectives - LFR shall be used in the context of PSOs primarily to locate those Sought Persons who have been placed on the relevant PSO watchlist in accordance with the principles set out in Section 4 of this policy. However, specifically in the context of PSOs, LFR may also be used to deter or disrupt the attendance of those who pose a threat to the relevant critical national infrastructure and/or to public safety.
- 2.9 **USE C - SPECIFIC INTELLIGENCE CONCERNING THE LOCATION OF SOUGHT PERSONS** - LFR can be used at a particular location where Cheshire Police has concluded, based on specific intelligence, that a person who is eligible for inclusion on a LFR Watchlist in accordance with the principles set out in Section 4 of this policy is likely to be at that location.
- 2.10 Relevant policing objective – In the context of this third use case, LFR can be used only for the purposes of locating the relevant watch listed person.

Additional Principles Relevant to Uses

- 2.11 It is possible that a Deployment may be in response to more than one use case at any one time. Deployment in any of the uses above remains subject to the other requirements of this policy, including proportionality.
- 2.12 See further below Section 5 which contains specific provisions addressing the question of precisely where LFR may be located when deployed in the context of the various use cases described in this section.

3 How LFR works

- 3.1 Cheshire Police LFR system is a dedicated CCTV system which can be delivered in three ways: (i) in a static Police liveried vehicle wither belonging to Cheshire or borrowed from another Force through mutual aid (ii) located in a secure Cheshire Police-liveried hoarding or (iii) operated by way of a limited series of networked CCTV cameras³ back to a central control point. Regardless of the means of delivery, (or the relevant use), once a relevant use has been made and authorised thereby setting the parameters of the use the core technical operation of LFR can be summarised in eight stages as follows:

Stage	Action
1	Construction of Watchlist A Watchlist is constructed using images of Sought Persons which are already held by Cheshire Police. ⁴ The LFR software then detects and analyses the facial features shown by the images to then express those features as a set of numerical values (i.e. a Biometric Template).
2	Facial image acquisition The LFR cameras provide CCTV footage of those persons who appear within the Zone of Recognition in real time, as a live feed to the LFR computer system. The live feed is viewed in real time by an LFR Operator for the purposes of ensuring that the LFR system is working properly and to support Engagement Officers. The nature of the imagery which can be seen by the LFR Operator is described below in Stage 6.
3	Face detection

	The LFR software detects individual human faces within the images captured by the LFR live feed.
4	Feature extraction

³ With signage used prior to the Zone of Recognition.

⁴ The issue of who may be placed on an LFR Watchlist is addressed below at section 4. Annex C below addresses the issue of what type of reference images may be used in the context of constructing an LFR Watchlist.

Stage	Action
	The LFR software then produces a Biometric Template of the facial features of each detected face.
5	Face comparison
	The LFR software compares the Biometric Template of the facial images of persons captured via the live LFR feed with the Watchlist Biometric Templates.
6	Matching
	When the Biometric Templates obtained via the live feed are compared with the Watchlist biometric templates, the LFR system generates a similarity score. This is a numerical value indicating the extent of similarity between the Templates, with a higher score indicating greater points of similarity. If the score surpasses a pre-set threshold value,³ the LFR software will generate an Alert to indicate that a possible match has occurred. For the avoidance of doubt, the LFR software used by Cheshire Police is programmed in such a way that the images of all persons who are not matched will appear within the live feed following the matching process only as blurred images. The only images which appear unblurred following the matching process are images of persons whose image has generated an Alert. In other words, following the matching process, the LFR system used by Cheshire Police does not permit anyone viewing the live feed to see the faces of persons who have not been subject to an Alert. It is only the faces of persons who have generated an Alert that will be discernible. This approach to the operation of the LFR system has been adopted specifically to minimise the impact of LFR on members of the public.
7	Engagement Officer consideration of matched images
	Once an Alert has been generated, Engagement Officers who are trained on LFR use will assess the relevant Candidate Image against the relevant Watchlist image images (via the Adjudication process using a hand-held device) and decide whether they consider the match to be viable, and if so whether any further action is required.
8	LFR data destruction

³ Further information as to how this threshold is set can be found at paragraph 10.7(b)(iv)

In the absence of an Alert, the biometric templates created in respect of members of the public whose images have been captured by LFR are immediately and automatically deleted. Subject to the limitations described in paragraphs 9.3 below, all LFR CCTV footage is deleted within 31 days of the LFR deployment. LFR Watchlists are deleted as soon as reasonably practicable and in any event within 24 hours. ⁴

4 LFR Watchlist Rules

- 4.1 The inclusion of Sought Persons on any Watchlist is responsive to the particular use case being considered for LFR Deployment (see Section 2 of this Policy) and subject to the availability of Watchlist images (see Annex C of this policy).⁵

4.2 Crime hotspot watchlist

- 4.3 The following Sought Persons will be added to a crime hotspot LFR Watchlist:

- (a) those persons sought by the BCU/OCU with responsibility for the Deployment location where there are reasonable grounds to suspect that the individual is about to commit, is committing or has committed a recordable offence amounting to one or more Relevant Hotspot Offence Types for that crime hotspot location.
- (b) those persons suspected by Cheshire Police of having committed a serious crime or where there are reasonable grounds to suspect that the individual is about to commit or is in the process of committing a serious crime;⁶
- (c) those wanted by the courts:
- (d) those who are subject to court orders that (i) if breached would render the subject liable to arrest and (ii) have been imposed on the subject where either (1) the offence or offences for which they have been charged and/or convicted are of a type amounting to one or more Relevant Hotspot Offence Types for that crime hotspot location or (2) where the subject is subject to a civil order not made during criminal proceedings,⁷ and the purpose of the order is to protect a person or persons from criminality amounting to one or more Relevant Hotspot Offence Types for that crime hotspot location; and
- (e) offenders who are subject to court orders or other restrictions under Multi-Agency Public Protection Arrangements pursuant to Section 325 to 327B of the Criminal Justice Act 2003 to protect the public.⁸

4.4 Missing person hotspot:

- (a) All missing persons sought by Cheshire Police will be added to the LFR Watchlist for a Missing Person Hotspot.

⁴ See further section 9 below which deals more generally with the issue of data management in connection with LFR.

⁵ Further information as to the Engagement of Sought Persons is found at paragraphs 7.6 - 7.9 of this policy.

⁶ For the avoidance of doubt, the relevant serious crime need not itself be locationally tied to the relevant crime hotspot.

⁷ For example, a Sexual Harm Prevention Order made on application to the Magistrates' Court

⁸ Where an assessment of risk conducted in accordance with the College of Policing Authorised Professional Practice has identified a need to proactively engage with the MAPPA nominal.

4.5 PSO: The following Sought Persons will be added to a PSO LFR Watchlist:

- (a) any person who has been convicted of or cautioned for a crime under s.2 of the Explosive Substances Act 1883, the Terrorism Act 2000, the Terrorism Act 2006, the National Security Act 2023 or is otherwise subject to a Part IV notification requirement under the Counter Terrorism Act 2008.
- (b) those persons sought by Cheshire Police where there are reasonable grounds to suspect that the individual is about to commit, is committing or has committed a recordable offence of a type giving rise to a threat to public safety.
- (c) those persons sought by Cheshire Police where there are reasonable grounds to suspect that the individual is about to commit, is committing or has committed a serious crime.
- (d) those wanted by the courts.
- (e) those persons who are subject to court orders or a banning order in relation to domestic or international travel infrastructure (i) prohibiting them from traveling to, or being in the PSO area (whether that prohibition is qualified) and (ii) if breached would render them liable to be arrested.
- (f) those persons who are subject to court orders that (i) if breached would render the subject liable to arrest and (ii) have been imposed on the subject where either (1) the offences for which they have been charged are violent, terrorist-related or weapon related offences or (2) where the subject is subject to a court order not made during criminal proceedings⁹, and the purpose of the order is to protect the public from violent, terrorist-related or weapon-related crime;
- (g) in the context of an LFR deployment so support an Event PSO, those persons who are subject to court orders that (i) if breached would render the subject liable to arrest and (ii) have been imposed on the subject where either (1) the offences for which they have been charged are sexual offences or (2) where the individual is subject to a court order not made during criminal proceedings¹⁰, and the purpose of the order is to protect the public from sexual offences;
- (h) offenders who are subject to court orders or other restrictions under Multi-Agency Public Protection Arrangements pursuant to Section 325 to 327B of the Criminal Justice Act 2003 in order to protect the public¹¹; (i) those persons sought for examination pursuant to Schedule 7 of the Terrorism Act 2000 or Schedule 3 of the Counter-Terrorism and Border Security Act 2019 providing that the Deployment location is one where it is lawful to undertake an examination as specified by the applicable legislation.

⁹ By way of examples, a Sexual Harm Prevention Order, Knife Crime Prevention Order or Stalking Protection Order made on application to the Magistrates' Court

¹⁰ By way of examples, a Sexual Harm Prevention Order, Knife Crime Prevention Order or Stalking Protection Order made on application to the Magistrates' Court

¹¹ Where an assessment of risk conducted in accordance with the College of Policing Authorised Professional Practice has identified a need to proactively engage with the MAPPA nominal.

4.6 **Specific intelligence:** The following will be added to an LFR Watchlist in respect of any use case where Cheshire Police has specific intelligence which indicates that a person falling within one of the following categories is likely to be around the proposed LFR Deployment:

- (a) those persons in respect whom there are reasonable grounds to suspect that the individual is about to commit, is committing or has committed a serious crime.
- (b) those wanted by the courts.
- (c) offenders who are subject to court orders or other restrictions under Multi-Agency Public Protection Arrangements pursuant to Section 325 to 327B of the Criminal Justice Act 2003 in order to protect the public;¹²
- (d) missing persons.
- (e) vulnerable persons requiring a response to ensure their safety.
- (f) a victim of serious crime, where this is necessary to advance a policing investigation and/or to ensure the safety of the victim.

5 Location of LFR

- 5.1 The location for a specific LFR Deployment is responsive to the use case for which LFR is proposed for Deployment.
- 5.2 **Hotspot** – LFR can be used at a hotspot, or at access routes within an approximately 300m radius of a hotspot location.
- 5.3 **Protective security operation** – LFR can be used within and up to an approximate 300m radius of the external boundary area of the critical national infrastructure or event (as the case may be) or at the nearest practicable location to the nearest operational transport access points to the critical national infrastructure or event (as the case may be).
- 5.4 Where the use of LFR seeks to locate those sought for examination pursuant to Schedule 7 of the Terrorism Act 2000 or Schedule 3 of the Counter-Terrorism and Border Security Act 2019, the location for the use of LFR must be one at which it is lawful to undertake an examination as specified by the applicable legislation.
- 5.5 **Specific intelligence** – LFR can be used where it has been assessed based on specific intelligence that a person who is eligible for inclusion on a LFR Watchlist is likely to be at that location.

6 Proportionality

- 6.1 Before authorising a Deployment, the AO **must** consider whether the proposed Deployment would be a proportionate means of achieving Cheshire Police's policing objectives, in light of the impact of deployment on the rights and freedoms of members of the public.
- 6.2 If the proposed Deployment is not proportionate, the AO **must not** authorise the proposed Deployment, even if the proposed Deployment falls within a permitted use case, is to a permitted location, and involves a Watchlist compiled in accordance with the requirements of this policy.

¹² Where an assessment of risk conducted in accordance with the College of Policing Authorised Professional Practice has identified a need to proactively engage with the MAPPA nominal.

- 6.3 The impact of a Deployment on the rights and freedoms of members of the public will vary, depending on the characteristics of the deployment. This section of the guidance is intended to assist AOs in assessing the proportionality of a proposed deployment. AOs should also be familiar with the Legal Mandate.
- 6.4 The **starting point** for AOs is to consider any interference with the rights and freedoms of members of the public that would be created by the proposed Deployment. In particular:
- (a) **Article 8 EHRC (right to a private and family life)** will be relevant in all cases, but to varying degrees. AOs should proceed on the basis that Article 8 is **always** engaged when (i) someone passes an LFR system, (ii) someone is placed on a LFR Watchlist for a Deployment, and (iii) where someone is Engaged as a result of their being subject to an Alert. Article 8 may be engaged with greater intensity if the proposed Deployment is to an area in which members of the public have greater expectations of privacy, for example close to a clinic or a school. The circumstances at the Deployment location may also affect the intensity with which these privacy rights are engaged. For example, a sporting facility may attract a greater expectation of privacy when it is being used as a private members' club than if it is used to host a major ticketed sporting event.
 - (b) **Article 9 EHRC (freedom of thought, belief and religion)** will be relevant in some cases. For instance, if LFR is deployed outside a place of worship, this may have a chilling effect on the willingness of individuals to attend at that place for the purposes of manifesting their religious beliefs (e.g. by praying there).
 - (c) **Article 10/11 EHRC (freedom of expression and freedom of assembly)** will be relevant in some cases, for example, (i) where LFR is deployed in the policing of protests, demonstrations or other types of assembly, or (ii) where a particular deployment may otherwise affect persons engaged in protests, demonstrations or other types of assembly (e.g. because a demonstration is scheduled to pass through an LFR crime hotspot). AOs should have regard to the risk that deployment will have a chilling effect on the willingness of some individuals to take part in a lawful assembly and express their views.
 - (d) **Article 14 (freedom from discrimination)** protects people from discrimination in the enjoyment of one or more other human rights, even where those other human rights have not been breached. AOs should consider whether the circumstances of the proposed Deployment are likely to have a particular impact on one group in society, for example because of characteristics relating to their sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, or birth.
- 6.5 The circumstances of Deployments and how LFR may integrate into wider policing tactics will vary, but considering the following characteristics of a Deployment will help AOs to assess whether a particular LFR deployment will adversely affect the rights and freedoms of the public:
- (a) the reasonable expectations of privacy that members of the public present at that location¹³ can be taken to have:

¹³ Where it is practicable to identify a person of being responsible for a proposed deployment location, and that location raises a greater expectation of privacy, consideration should be given to liaising with that person as part of a community impact assessment process.

- (i) some places by their nature attract greater privacy expectations than others with. For example, the expectations of privacy at a busy Chester city station thoroughfare will typically be lower than in a quiet suburban park or backstreet. Some locations should be treated as inherently sensitive because of what attendance at that location potentially reveals about the individual. Such locations will include, for example: hospitals, GP surgeries and clinics; places of worship; legal advice centres; polling stations; schools (and other places particularly frequented by children);¹⁴ care homes and locations providing access to elected representatives.
 - (ii) some places will attract greater privacy expectations at certain specific times: see the sporting facility example at paragraph 6.4(a) above; and
 - (iii) the number of cameras and coverage they provide should also be considered in this context to ensure the size and scale of the Deployment enables those on a Watchlist to be effectively located without disproportionately processing the data of members of the public.
 - (b) whether a proposed Deployment may have a chilling effect on the willingness of individuals to exercise their fundamental rights:
 - (i) use of LFR in some contexts may deter individuals from exercising their fundamental rights. For example, using LFR at a protest may deter individuals from exercising their fundamental rights of free association and free expression, while using LFR outside a place of worship may deter individuals attending that place.
- 6.6 Having considered the interference created by the Deployment with the fundamental rights and freedoms of members of the public, the AO should go on to consider whether the Deployment is a proportionate means of achieving Cheshire Police's policing objectives. They should do this in three stages.

Decision maker steps

- 6.7 **Stage 1** requires the AO to be satisfied that the Deployment will be likely to achieve one or more relevant **policing objectives**. This should be underpinned by crime data and/or intelligence reporting and/or operational experience (as required by this policy) showing why the proposed Deployment falls within one of the use cases above.
- 6.8 **Stage 2** is to consider whether there are **alternative means** of achieving the relevant policing objective(s), which would have a lesser adverse impact on the fundamental rights and freedoms of potentially affected members of the public. There are two aspects to this:
- (a) **Non-LFR alternatives:** could other less intrusive policing methods be used without unacceptably compromising the achievement of the relevant policing objectives? For example, in a 'Specific Intelligence' deployment, could the relevant objective be achieved by door-to-door enquiries, instead of using LFR?

¹⁴ Should a deployment be necessary at a site that is focused on children without the presence of accompanying adults (for example outside a school), signage and information about the LFR Deployment should typically be reasonably accessible to children who may pass through the Zone of Recognition. Consideration is needed as to the nature of the Deployment and data processing that is proposed and the effectiveness of the mitigations when assessing if a Deployment can be considered proportionate or not.

- (b) **LFR alternatives:** is the proposed Deployment itself designed to avoid undue interference with the rights and freedoms of members of the public? Consider whether LFR could be deployed elsewhere, with fewer cameras, for a shorter duration to make it less intrusive without unacceptably compromising the achievement of the relevant objective.

6.9 If the relevant policing objectives could be effectively achieved using a less intrusive policing methods, then the Deployment should not be authorised as it will not constitute a proportionate means of achieving Cheshire POLICE' legitimate aims. In all other cases, the AO should proceed to stage 3.

6.10 **Stage 3** is to stand back and consider whether the Deployment strikes a **fair balance** between any interference with the rights and freedoms of those affected by the Deployment and the achievement of the relevant policing objectives. This balancing exercise requires consideration of all the circumstances, including:

- (a) *The degree to which the Deployment will enable policing objectives to be achieved.* The more effective the Deployment from a policing perspective, the more that weighs in favour of it striking a fair balance between competing rights and interests.
- (b) *The degree to which the Deployment supports fundamental rights and freedoms.* In some circumstances, the public's exercise of their fundamental rights may be under threat: for example, their Article 8 rights to physical integrity may be threatened by a risk to public safety, or their Article 9 rights to freedom of religion may be adversely affected by a threat to a place of worship. If the Deployment is likely to provide support the exercise of the public's fundamental rights by providing reassurance, then that will weigh in favour of the Deployment striking a fair balance.
- (c) *How the Deployment compares to any non-LFR alternatives.* If the Deployment would make a significantly greater contribution to achieving the policing aim than non-LFR alternatives (for example, because the alternatives would be significantly more resource-intensive), then that will weigh in favour of the Deployment striking a fair balance.
- (d) *The degree to which the Deployment would interfere with fundamental rights and freedoms.* AOs should consider the nature of the interference, the seriousness of the interference, and the number of people likely to experience that interference. The more serious and extensive the interference with fundamental rights, the more that will weigh against the Deployment striking a fair balance.

7 Policing LFR Deployments

7.1 **Resourcing** - There must be sufficient appropriately trained resources deployed so as to be able to respond to Alerts. This is important to ensure that the LFR system, and the data processed by it, is being properly and effectively used.

7.2 LFR specific roles

7.2 (a) LFR Operator

- (i) LFR Operators must receive detailed training prior to being deployed operationally. Their role is to monitor and assess system Alerts, before

working with LFR Engagement Officers (as necessary) to decide whether an Engagement is required.

- (ii) The LFR Operator must maintain a log of all Alerts to help facilitate and support command team reviews during the Deployment, and those that take place post-Deployment. The LFR Operator must flag any concerns they have regarding LFR system performance (be it generally or in relation to specific Watchlist images) to the Bronze Commander as the subject matter expert on site who will raise with the Silver Commander as necessary.

(b) LFR Engagement Officer

- (i) LFR Engagement Officers may be deployed in uniform or plain clothes but must identify themselves as a police officer at the commencement of any Engagement. It is the role of LFR Engagement Officers consider and make the final decision as to whether to respond to an Alert, this may be supported by input from the LFR Operator. As such, LFR Engagement Officers must understand the LFR system, how it performs, and what effect Subject, System, and Environmental Factors might have. These officers must receive a full operational briefing prior to deployment.

7.3 LFR command roles

7.4 LFR Deployments must be supported with a clear command structure. The following roles are defined for the purpose of creating an appropriate hierarchical command structure:

- (a) **Gold Commander** - There is only one Gold Commander for any LFR Deployment. Gold has strategic command of the Deployment and must ensure that their 'strategic intention' aligns with Cheshire Police LFR application form and supporting assessments for the Deployment¹⁵. Gold is to appoint the command team for each Deployment, and to ensure sufficient resources, equipment and personnel will be available to meet their strategic intent for the Deployment. The Gold is to review and adopt the Operational Risk Assessment to ensure that it aligns with their strategic intention for the Deployment.
- (b) Gold maintains overall responsibility for ensuring that the use of LFR remains lawful, necessary and proportionate – this includes reviewing continuing need to Deploy LFR where a series of LFR Deployments have been authorised by way of a CHESHIRE POLICE LFR Form
1.
- (c) Gold will also liaise as necessary with NPCC ranked officers. Gold can also perform the AO role.
- (d) **Silver Commander** (at Inspecting rank ¹⁶ or above) - There is only one Silver Commander for any LFR Deployment. Silver reports to Gold. Silver has tactical command of the Deployment and is responsible for tactical implementation. They have front-line responsibility for ensuring compliance with the AO's Authority and Gold's direction. Silver is required to monitor the use of LFR to ensure it stays within the

¹⁵ Assessments comprise the Data Protection Impact Assessment, the Equality Impact Assessment, the Community Impact Assessment and the Operational Risk Assessment.

¹⁶ The use of Acting/Temporary Inspecting ranks is acceptable.

assessments which support the Deployment¹⁷. This officer has absolute authority to suspend or terminate the Deployment at their discretion. They are also responsible for ensuring that the use of LFR and their tactical implementation remains lawful, necessary and proportionate throughout the duration of the Deployment, having regard to the effectiveness of the safeguards in place whilst LFR is being used.

- (e) **Bronze Commander** - Bronze Commanders are assigned operational command responsibilities via Gold. Bronze Commanders report to Silver. Bronze Commanders should be present at Deployment locations unless otherwise directed by Silver. There may be more than one Bronze Commander subject to requirements set by Silver. Where this is the case, Silver must document command responsibilities and protocols with sufficient clarity and ensure that they are fully understood by all officers and staff involved in the Deployment.
- (f) **Bronze BCU Supervisor** - Bronze BCU Supervisor is an individual appointed by Silver specifically to oversee and manage community / stakeholder engagement relevant to the LFR Deployment. The Bronze BCU Supervisor should pay regard to the Community Impact Assessment.¹⁸

7.5 Where LFR Deployments form part of a larger overarching policing operation, the terms Gold, Silver and Bronze (as described above) may be substituted for alternative command team terminology or be subsumed into a larger command structure as necessary and appropriate for the effective delivery of the overarching policing operation.

7.6 **Response to an Alert** - Following the generation of an Alert, LFR Engagement Officers will undertake an Adjudication. In making their decisions, LFR Engagement Officers must give due regard to the likelihood of Subject, System, or Environmental Factors influencing the generation of an Alert. It must not be an automatic consequence that an Alert results in an Engagement. Subject to the Adjudication process and an assessment of risk (for example if the person is carrying a weapon), the general expectation is that LFR Engagement Officers will engage with the Alerted person, albeit the nature of the Engagement will depend on all the circumstances, as further outlined in paragraph 7.8.

7.7 When conducting an Engagement, LFR Engagement Officers must ensure that they do so lawfully, and in an appropriate and proportionate manner. Absent any statutory powers arising, LFR Engagement Officers will exercise their common law powers to ask questions to advance the Engagement. This is particularly applicable where an individual is not sought on suspicion of an offence or with a warrant for their arrest outstanding but, for example, because Cheshire POLICE is seeking to determine compliance with conditions imposed on a person under a Court Order. Officers must always comply with the Code of Ethics.

7.8 Whilst officers must exercise their own discretion when using their powers of arrest and detention, CHESHIRE POLICE policy is that an LFR system-generated Alert on its own, indicating that a person is on the Watchlist, should not be taken as providing sufficient grounds by itself for arrest, search or detention. Officers should seek to make sufficient additional enquiries to satisfy themselves of their grounds to arrest, search or detain. Where confronted with a noncompliant subject, and the circumstances are such that an officer has an honestly held

¹⁷ Assessments comprise the Data Protection Impact Assessment, the Equality Impact Assessment, the Community Impact Assessment and the Operational Risk Assessment.

¹⁸ The Community Impact assessment for LFR includes a record of community and stakeholder engagement, considerations as to the demographic composition of the Borough(s) to which is it proposed to Deploy LFR, and an overall impact assessment.

belief they must use their powers of arrest/detention before further checks have been possible, and this results in the use of those powers, then further checks (as necessary) should be made as soon as is reasonably practicable, so that the decision to arrest/detain is reviewed without unnecessary delay.

- 7.9 Without prejudice to a constable's power to arrest set out in s.24(4) read with s.24(5)(a) of the Police and Criminal Evidence Act 1984, if an Engaged individual cannot be identified or fails to confirm their identity, this alone does not constitute a criminal offence and does not necessarily render them liable to arrest. Officers must be able to justify the use of any powers, any action taken, and have a lawful basis for doing so.
- 7.10 After any Engagement (that follows an Alert), the LFR Engagement Officer must update the LFR Operator with the outcome of that Engagement.

8 Governance and oversight

- 8.1 Governance and operational oversight of the use of the technology is approached in three stages:

- (a) **Stage 1:** Pre-Deployment.
- (b) **Stage 2:** Operational Deployment.
- (c) **Stage 3:** Post-Deployment.

8.2 Pre-deployment

- (a) An officer must seek the authorisation to deploy LFR via Cheshire Police LFR application form.
- (b) The use case to Deploy LFR may give rise to the need for a single Deployment, or a need for a series of Deployments which share a common 'thematic' purpose save that any series of Deployments may not endure beyond a 31-day period¹⁹. Should the need to Deploy continue beyond 31 days, a further Cheshire Police LFR application form authority must be granted. This approach ensures that the use of LFR is time limited but allows an operationally effective way to plan for and deliver LFR in conjunction with other operational tactics across Cheshire.
- (c) The authority to deploy LFR is provided by a CHESHIRE POLICE Authorising Officer (AO), an AO is to be of at least the rank of Superintendent, unless in the case of urgency where an officer of the rank of Inspector may authorise the deployment.
- (d) In the event a person of the rank of Inspector authorises deployment, an officer of the rank of Superintendent (or higher rank) must be informed as soon as practicable. It is for a Superintendent to then authorise the continued Deployment, making changes to the authority where they believe necessary, or direct that it must stop.
- (e) Situations where the need for an authorisation to be granted urgently would include: -
 - (i) an imminent threat-to-life or an imminent threat of serious harm to people or property; *and / or*

¹⁹ For example, a series of crime hotspots concerning personal violence offences.

- (ii) an intelligence / investigative opportunity with limited time to act, the seriousness and benefit of which supports the urgency of action.
- (f) Where an AO is not immediately able to provide their decision in writing, their authorisation may be given verbally. Verbal authorisation must then be recorded in writing by the AO as soon as is practicable via Cheshire Police's LFR application form, Part 2 – Written Authority Document.
- (g) Prior to AO authorisation, the below documents must be completed and provided to the AO for review:
 - (i) LFR application form.
 - (ii) Approved Assessments: including Community Impact Assessment, Equality Impact Assessment²⁰, the Data Protection Impact Assessment²¹, the Operational Risk Assessment and the Surveillance Camera Commissioner's Self-Assessment.
- (h) Prior to any Deployment a CHESHIRE POLICE officer of NPCC rank²² (or police staff equivalent) must be engaged by the AO or Gold.

8.3 Operational deployment

- (a) During the operational deployment, the logs must be completed to record the planning and execution of the Deployment.
- (b) A Silver Commander shall, in conjunction with Bronze review the use of LFR for the duration of the Deployment to ensure that they remain satisfied that the use of LFR remains necessary and proportionate for the policing purpose identified, all identified safeguards remain effective, and Alerts are being responded to effectively, Subject, System and Environmental Factors are such that the use of the LFR system remains effective.
- (c) The Silver Commander must be empowered and have absolute discretion to suspend or terminate the Deployment.
- (d) The Bronze Commander must conduct and record a review of the activity at suitable intervals during the Deployment at a time and frequency determined by the Gold Commander. The review by the Bronze Commander should address the continued legality, necessity and proportionality of the Deployment, as well as providing some analysis on LFR system performance and the Engagements undertaken. The Bronze Commander must report the output of their review to Silver.

8.4 Post-deployment

- (a) Following each LFR Deployment debrief, and review shall be conducted, to ensure future Deployments reflect learning identified from each Deployment, and that the use of LFR remains an effective and proportionate policing tool.

²⁰ The LFR application form – Part 1 and 2 requires further deployment-specific equalities impact assessment consideration as part of the AO authorisation process.

²¹ The LFR application form – Part 1 and 2 requires further deployment-specific impact assessment consideration relating to the rights and freedoms of data subjects and any deployment specific measures envisaged to address those risks as part of the AO authorisation process.

²² NPCC – 'NPCC rank' denotes an officer holding the rank of Commander or above.

- (b) The retention of the CCTV for up to 31 days provides a means by which Alerts can be retrospectively reviewed by technical analysts to inform the future configuration of the LFR System.
- (c) Post-deployment the following forms shall completed:
 - (i) LFR application form – Cancellation report. The LFR Cancellation Report is submitted to the AO within 31 days of the date of the Deployment. These will be periodically reviewed by the SRO and Cheshire Police's FR Technology Board to consider effectiveness and trend, as well as oversight and scrutiny.
 - (ii) An entry on the register of Deployments.

8.5 Register of Deployments - Any Deployment of LFR must be recorded on a centrally held register. This register will record:

- (a) name and rank of the AO and command team; and
- (b) date, time, duration, and locality of Deployment; and
- (c) watchlist composition statistics (not including any personal data); and
- (d) the number of Alert, broken down as True Alerts and False Alerts, number of Engagements and their results.

8.6 Oversight arrangements

- (a) Within Cheshire Police, the senior responsible officer (SRO) for facial recognition is responsible for strategic direction of LFR. Internal oversight for LFR is providing Cheshire Police FR Technology Board, which in-turn answers to Cheshire Police Management Board. Cheshire Police FR Technology Board is charged with reviewing LFR Deployments on an at least quarterly frequency to monitor for trends and direct changes for best practice. Cheshire Police FR Technology Board will also consider aggregated demographic data at these meetings and take steps as required to ensure Cheshire POLICE continues to discharge is PSED responsibilities.
- (b) In addition Cheshire's Policing Ethics Panel provide independent insight and guidance. Lastly, other regulatory bodies, including Surveillance Camera Commissioner (SCC); Biometrics Commissioner (BC), the Information Commissioner's Office (ICO) and Equality and Human Rights Commissioner (EHRC) provide independent reviews and consultation.
- (c) **Cheshire Policing Ethics Panel:** Following consultation with the independent LPEP, the following conditions for the ethical deployment of LFR have been proposed and accepted by Cheshire Police:
 - (i) The overall benefits to the public must be great enough to sufficiently compensate for the potential public distrust it may invoke.
 - (ii) It can be evidenced that the technology itself will not result in bringing unacceptable gender or racial bias into policing operations.

- (iii) Each Deployment must be appropriately assessed and authorised, demonstrating both necessity and proportionality for a specific policing purpose – Cheshire Police LFR Application form provides for this process.
- (iv) 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.
- (v) Cheshire Police, seeking cooperation and support from Cheshire’s ethics panel, 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 considering guidance from the Biometric and Surveillance Camera Commissioner. The arrangements will also focus on implementing a transparent and visible internal inspection, audit, and compliance enforcement regime.

9 Data management

- 9.1 **Data retention** - Cheshire Police must ensure that the processing of any data associated with LFR is conducted in a lawful way and in compliance with Cheshire Police LFR Documents. This means that:
- (a) where the LFR system does not generate an Alert, that a person’s biometric data is immediately automatically deleted by the LFR software.
 - (b) the LFR Watchlist is deleted within 24 hours, following the conclusion of the Deployment.
- 9.2 Where the LFR system generates an Alert, if not considered viable by the officer(s) the data is deleted once this decision has been made. If the hit is considered viable all related personal data is deleted as soon as practicable and in any case within 31 days, except to the extent that:
- (a) personal data is retained in accordance with the Data Protection Act 2018, MOPI and the Criminal Procedures and Investigations Act 1996.
 - (b) personal data is retained in accordance with Cheshire Police’s complaints / conduct investigation policies.
- 9.3 All CCTV footage generated from LFR Deployments is deleted within 31 days, except to the extent that the footage is retained:
- (a) in accordance with the Data Protection Act 2018, MOPI and the Criminal Procedures and Investigations Act 1996.
 - (b) in accordance with Cheshire Police’s complaints / conduct investigation policies.
 - (c) in accordance with an approved programme of testing in order to provide for the continued evaluation of the LFR system using operationally realistic data in line with the ongoing nature of the Public Sector Equality Duty - any requirement to retain the CCTV footage for longer than 31 days will be subject to an approved DPIA for such testing and arrangements to ensure data subjects are informed as to the arrangements that will apply to the use and retention of such data.

- 9.4 To support compliance the LFR system has a full audit capability, and the LFR log is retained in accordance with MOPI.
- 9.5 The loss or theft of any LFR hardware (laptop, mobile device, camera etc.) or other data, irrespective of whether protected by encryption, must be reported immediately to the AO, Gold, and Cheshire Police's Data Protection Officer.

10 Transparency and reporting

10.1 Policy and documentation

- (a) Cheshire Police make this policy, the associated impact assessments and wider information available to the public on its website.

10.2 Pre-Deployment

- (a) The public should be notified of LFR Deployments in advance using Cheshire Police website and other appropriate communication channels (for example social media). In exceptional circumstances it may not be possible to give prior notice of the use of LFR (i) in cases of Urgency, (ii) in relation to uses concerning specific intelligence where the source of that intelligence or the operational objectives for the use of LFR risk being compromised.

10.3 During a Deployment

- (a) Measures must be taken during the Deployment to ensure the use of LFR is overt such that members of the public in the vicinity of the LFR Deployment(s) can recognise and understand that LFR is being used and to seek information about the operation of LFR from officers. Such measures will include: (i) police officers²³ able to answer public questions, (ii) CHESHIRE POLICE-liveried vehicle(s)/hoardings with signage on them confirming the use of LFR and (iii) signage or an equivalent measure (e.g. some locations may use alternatives such as PA announcements) outside of the Zone of Recognition.

10.4 Those Engaged following an Alert

- (a) Any member of the public who is Engaged as part of an LFR Deployment should, in the normal course of events, also be offered an information leaflet about the technology. This may not be possible should the person have left before the leaflet could be offered or its provision would engage a restriction under Section 44(4) – (6) of the

10.5 Post-Deployment

- (a) Cheshire Police will publish on its website a record of Deployments. This will confirm for each Deployment:
- (i) Deployment location
 - (ii) Date of the Deployment

²³ Officers will be identifiable by wearing uniform, or other marked 'police' equipment e.g. a Met Vest.

- (iii) Duration of the Deployment
- (iv) Whether the Deployment was to a crime hotspot, missing person hotspot, to support a PSO and/or following specific intelligence
- (v) Watchlist size
- (vi) The minimum threshold setting
- (vii) Total Alerts
- (viii) The number of Confirmed True Alerts and Confirmed False Alerts,
- (ix) The number of unconfirmed True Alerts and False Alerts,
- (x) The False Alert Rate
- (xi) Estimated faces passing the LFR system

10.6 Wider information

- (a) On an annual basis, Cheshire Police will provide a report on its use of LFR including how it has been used, details as to Watchlist composition and the results gained. The report will also provide demographic analysis relating to the Watchlist composition and the Alerts, the results gained.
- (b) Cheshire Police is responsive to requests made under the Freedom of Information Act 2000, or in relation to the exercise of individual rights pursuant to the Data Protection Act 2018.

10.7 Reporting metrics

(a) True Recognition Rate (TRR)

- (i) This is also referred to as the True Positive Identification Rate.
- (ii) The TRR is the total number of times an individual(s) on a Watchlist known to have passed through the Zone of Recognition and correctly generate an Alert, as a proportion of the total number of times the individuals who pass through the Zone of Recognition, regardless of whether an Alert is generated by the LFR application or not.
- (iii) This metric can only be generated by 'seeding' known subjects (for example police officers or staff) into a Blue Watchlist and measuring the number of times those subjects are present in the Zone of Recognition against the number of Alerts generated. Users of LFR systems (and vendors) must not focus so closely on maximising this metric, as it may increase the False Alert Rate to an extent that is not possible to manage the number of false alerts.

(b) False Alert Rate (FAR)

- (i) This is also referred to as the False Positive Identification Rate.
- (ii) The FAR is the number of individuals that are not on the Watchlist who generate a False Alert or Confirmed False Alert as a proportion of the total number of people who pass through the Zone of Recognition.

- (iii) All of the TRR and FAR metrics should be recorded and reported to the SRO. The FAR should be less than 1 in 1000. This is the standard endorsed by the SRO.
- (iv) It should also be noted that the configurable Threshold (the point at which two images being compared will result in an Alert) will have a direct impact on the TRR and FAR. The Threshold needs to be set with care so as to maximise the probability of returning True alerts, whilst keeping the number of False Alerts within the 1 in 1000 levels as determined by Cheshire Police's SRO.

Annex A: Terms and definitions 1 Terminology

1.1 Within Cheshire Police and throughout Cheshire Police's LFR Documents, the following terms and definitions apply in relation to Live Facial Recognition:

Adjudication	Means a human assessment of an Alert generated by the LFR system by an LFR Engagement Officer (supported, as needed, by the LFR Operator) to decide whether to Engage with the individual matched to a Watchlist image. In undertaking the Adjudication process, regard is to be paid to Subject, System and Environmental Factors (as further described in Cheshire Police's LFR Documents).
Administrator	Means a specially trained person who has access rights to the LFR application in order to optimise and maintain its operational capability.
Alert	Means the alert generated by the LFR system when a facial image from the video stream, which is being compared against the Watchlist, returns a comparison (similarity) score above the set Threshold.
Application	Means the LFR application form.
Authorising Officer (AO)	Is the officer who provides the authorisation for LFR to be Deployed. LFR may not be used without this authorisation.
Biometric Template or Template	Is a digital representation of the features of the face that have been extracted from the facial image. It is these Templates (and not the images themselves) that are used for searching. Note that Templates are proprietary to each facial recognition algorithm and new Templates will need to be generated from the original images if the algorithm is changed.

Blue Watchlist	A Watchlist comprising of known persons that can be used to test system performance. For example, police officers / staff may be placed on a Blue Watchlist and 'seeded' into the crowd who walk through the Zone of Recognition at the start of a Deployment to measure the True Recognition Rate.
Cancellation Report	Means the LFR application form Part 3.
Candidate Image	Means the image of a person from the Watchlist return as a result of an Alert.
Confirmed False Alert	Means, following an Engagement, it has been determined that the Engaged individual is not the same as the person in the Candidate Image in the Watchlist.
Confirmed True Alert	Means, following an Engagement, it has been determined that the Engaged individual is the same as the person in the Candidate Image in the Watchlist.

Crime Hotspot	A small geographical area of approximately 300-500m across where crime data and/or CHESHIRE POLICE intelligence reporting and/or operational experience as to future criminality indicates that that it is an area where: the crime rate; and/or the rate at which crime in that area is rising, is assessed to be in the upper quartile for that BCU/OCU area.
Deployment	Means use of an LFR system as authorised by an AO to locate those on an LFR Watchlist.
Engagement	Occurs when an officer communicates with a member of the public because of an LFR Alert. The term 'Engagement Officer' shall be construed accordingly.
Environmental Factor	An external element that affects LFR system performance such as dim lighting, glare, rain, mist etc.
Event PSO	A PSO undertaken by Cheshire Police in respect of events which are expected to attract public attendance and, further, where Cheshire POLICE has intelligence which indicates that there is likely to be a threat to public safety.
False Alert	Means that it is determined that the Probe Image is not the same as the Candidate Image in the Watchlist, based on Adjudication without any Engagement.

False Alert Rate	Describes the number of individuals that are not on the Watchlist who generate a False Alert or Confirmed False Alert as a proportion of the total number of people who pass through the Zone of Recognition.
This is also known as the False Positive Identification Rate.	
False Negative	Is where a person on the Watchlist passes through the Zone of Recognition but no Alert is generated.
LFR Engagement Officer	Meaning provided in section 7.2(c) (i).
LFR Operator	Meaning provided in section 7.2(a) (i)-(ii).
Missing Persons Hotspot	A small geographical area of approximately 300-500m in which Cheshire Police's intelligence reporting and/or operational experience indicates missing persons are likely to be present.
CHESHIRE POLICE LFR Documents	Means Cheshire Police's LFR Policy, the Legal Mandate, the appropriate policy document, and the associated impact assessments.
Probe Image	Means the facial image submitted for a facial search against the Watchlist.
Protective Security	Means a specific security operation aimed at keeping the public safe and/or

Operation	protecting property or national infrastructure.
Relevant Hotspot Offence Type	Relevant offences that have been committed or are likely to be committed in the crime hotspot by reference to crime data and/or CHESHIRE POLICE intelligence reporting and/or operational experience. Offences are outlined in Annex F.
Serious Crime	A serious crime is a recordable offence for which an adult is capable of being sentenced to one year or more in prison.
Sought Persons	Persons included on an LFR Watchlist.
Subject Factor	Means a factor linked to the individual. For example, the individual is wearing a head covering, is smoking, eating, or looking down at the time of passing the camera.
System Factor	Means a factor relating to the LFR system such as the algorithm.

Threshold	Means the configurable point at which two images being compared will result in an Alert. The Threshold needs to be set with care to maximise the probability of returning correct suggested matches whilst keeping the number of False Alerts to an acceptable level. (NB. It should be noted that any FR algorithm is only returning ‘suggested’ matches, based on the chosen Threshold, and that it is for a human to assess the true likelihood that the images relate to the same person.)
True Alert	When it is determined that the Probe Image is the same as the Candidate Image in the Watchlist.
True Recognition Rate This is also known as the True Positive Identification Rate	Describes the total number of times an individual(s) known to have passed through the Zone of Recognition and correctly generated an Alert, <u>as a proportion of</u> the total number of times the same individuals pass through the Zone of Recognition, regardless of whether an Alert is generated by the LFR system or not. By way of an example, the rate would be 90% if 10 people <u>on the Watchlist</u> each pass the LFR system, and an Alert is generated correctly for 9 out of 10 of those people. The same would be true if 5 people each pass the LFR system twice, and 2 Alerts were correctly generated for 4 of the people and only 1 correct Alert for the 5th person.
Urgency	Means, in the context of authorising an LFR Deployment, a Deployment that is related to an imminent threat-to-life or serious harm situation; <i>and/or</i> intelligence / investigative opportunities with limited time to act, where the seriousness and potential benefits support the urgency of action.
Watchlist	Means as the inclusion of Sought Persons as a response to the particular Use Case, as outlined in section 4.
Written Authority	Means the LFR application form.
Zone of Recognition (ZoR)	Means 3-dimensional space within the field of view of the camera and in which the imaging conditions for robust face recognition are met. In general, the Zone of Recognition is smaller than the field of view of the camera, e.g. not all faces in the field of view may be in focus and not every face in the field of view is imaged with the necessary resolution for face recognition.

Annex B: Types of FR

FACIAL RECOGNITION OVERVIEW				
Facial Recognition – Method of use:		The use of facial recognition where all people passing the system's camera(s) are analysed by the system with results being generated at the same time as events.	The use of facial recognition where: (i) media is directly captured of a subject present; or (ii) media is otherwise acquired in lieu of capturing it, with the intent of subjecting it to analysis by the facial recognition system. The results of such analysis could shape events to which the footage relates in real time.	The use of facial recognition where media is analysed after the event. The result of such analysis would come sufficiently after the event such that they could not shape events to which the media related in real time.
Overt	Name	Live Facial Recognition (LFR)	Operator Initiated Facial Recognition (OIFR)	Retrospective Facial Recognition (RFR)
	How it may be referred to:	<i>"... the use of overt live facial recognition to locate people on a watch list who are sought by the police ..."</i>	<i>"... the use of operator initiated facial recognition which takes an image of a particular person and uses it to either (i) help policing establish who a person in the image is or (ii) establish where a person has previously appeared in other media held by the police ..."</i>	<i>"... retrospective facial recognition may be used after an event to help officers establish who a person is or whether their image matches against other media held on databases ..."</i>

Annex C: Watchlist imagery

(a) Watchlist images can be both police-originated images and non-police-originated images. Images must only be used for Watchlists where Cheshire Police is reasonably satisfied that the image:

- (i) is already lawfully held by Cheshire Police.
- (ii) is of a Sought Person for inclusion on a given Watchlist.
- (iii) is the most up to date and/or suitable image held by Cheshire Police that is of appropriate quality for inclusion on the Watchlist.

- (iv) is held by Cheshire Police in format which allows it to be technically scripted for inclusion on the Watchlist.
 - (v) of the images that meet criteria (i)-(iv) above has the lowest privacy expectations attached to it in line with Annex C, paragraph (g) below;
 - (vi) is of a Government Security Marking suitable for use in the LFR system.
- (b) For the avoidance of doubt, this policy does not provide a basis to proactively acquire images solely for use on an LFR Watchlist. Imagery must already be held in connection with a law enforcement investigation or operation.
 - (c) The AO must specifically authorise any proposed use of imagery which comprises Levels 4 - 5 as outlined within Annex C, paragraph (g) below, and be satisfied the measures set out in Annex D in relation to Watchlist imagery and protected characteristics have been implemented.
 - (d) To ensure currency, the Watchlist must be exported for use at a Deployment within a period 24 hours prior to such Deployment.

Image quality

- (e) The performance of the LFR system is dependent on the quality of the images in the Watchlist. The best images are those that follow a custody or passport style image that conforms to the NPIA *'Police Standard for Still Digital Image Capture and Data Interchange of facial/Mugshot and Scar, Mark & Tattoo Images (full frontal face, neutral expression, uniform lighting and plain background)'*. Further detail is included within the embedded PDF:



NPIA Standard Still
Digital Images.pdf

- (f) Where multiple images of a subject are available, consideration should be given to including these in the Watchlist where it is advised that they will improve the likelihood of locating those of interest to Cheshire Police.
- (g) Where an image being considered for inclusion on a Watchlist in connection with a Serious Crime, missing persons and/or a risk to life matter and it does not meet the software's standard ingestion threshold, the image may be considered for case-bycase inclusion on the Watchlist in the absence of a better-quality image. Cheshire Police's Technology, Research and Innovation team must be consulted to advise on the use of the image and any image-specific threshold to be used to maximise the prospect of generating a True Alert and minimising False Alerts.

Watchlist imagery privacy considerations

- (h) Cheshire Polices has adopted the following approach to ensure a balance is struck between the requirements for an image to be included, against individual expectations of privacy. Where there is doubt as to the Level to be adopted, a cautious approach should be adopted which favours greater safeguards and approval requirements.

'Image Matrix' – Assessing Expectations of Privacy

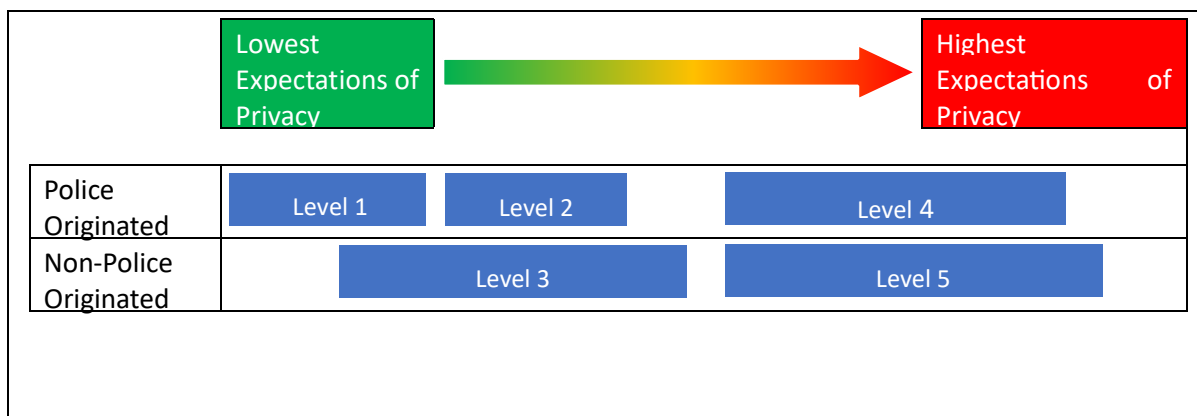


Image Level	Description	Example(s)
Level 1	Police-originated Images obtained: - in compliant circumstances where reasonable steps have been taken to ensure the subject was aware that their image was taken; or - the subject of the image is deceased.	- An image taken of a compliant subject in the custody environment. - A parent consents to provide their missing child's image to officers to assist with investigations. - Police Body Worn Video footage or a similar facial image gathered overtly from a mobile device during an interaction with policing where the Sought-Person is compliant with policing.
Level 2	Police-originated Images obtained in non-compliant circumstances where reasonable steps have been taken to ensure the Sought-Person was nevertheless aware that their image / images of the public are being taken.	- An image taken of a non-compliant subject in the custody environment. - Police controlled overt CCTV - Police Body Worn Video footage gathered during an interaction with policing where the Sought-Person is non-compliant with policing (for example they were non-cooperative or passed through the footage).
Level 3	Non-police originated Images where it is assessed that the public would expect the law enforcement to have access to them (but not including images obtained by covert means).	- Imagery provided following appeals to the public. - The Unresolved Crime Cache (when activated). - Local authority or other third party controlled overt CCTV (including CCTV
Image Level	Description	Example(s)

		from security cameras in domestic settings) • The police have obtained the image as a result of a lawful power of search or seizure. • Publicly available/open-source information, for example, including information supplied by an employer. • Information shared by other public bodies e.g. under Section 21 (Supply of information by the Secretary of State) of the immigration and Asylum Act 1999.
Level 4	Images where it is assessed that they: • raise elevated privacy expectations. • raise wider human rights issues; and/or • where the images were otherwise obtained covertly without the knowledge of the subject but where the ability of the police to obtain such images can be anticipated by reference to published Codes of Practice.	• Imagery obtained pursuant to Section 64A of the Police and Criminal Evidence Act 1984 (until such point as the subject has been informed that the image has been taken where such action is required by PACE Code D); • Imagery obtained via the Regulation of Investigatory Powers Act or the Investigatory Powers Act 2016. • Images which are more sensitive because they were taken at hospitals, places of worship, centres for legal advice, polling stations, schools (and other places particularly frequented by children), care homes or feature persons at a lawful assembly.
Level 5	Non-police originated Images in circumstances where it is assessed that the public would not typically expect their image to be shared to, or accessibly by the police at the point they provided it but there is nevertheless a lawful basis for the police to hold the imagery it has received.	• Where the public have shared their image with a controller of data for an explicit purpose and it was not in their contemplation at the time of sharing their image that it may be used for a law enforcement purpose. This may be particularly relevant with businesses who promote their privacy-lead approach and take active steps to prevent any form of third party access.

Annex D: Watchlist composition and protected characteristics

- (a) Cheshire Police recognises that regardless of algorithm performance considerations, it should take particular care when considering and publishing details relating to (i) age including the

protection of children – particularly the very young, (ii) the disabled and (iii) those who have and/or are undertaking a gender reassignment. This is because:

- (i) there may be different privacy expectations around the use of LFR²⁴ and that these can be particularly relevant in relation to these people given their potential vulnerability²⁵;
 - (ii) Cheshire Police recognises that those involved in criminality have the wherewithal and capability to exploit information to their advantage. This may arise if there is a published performance differential that shows a lower performance level in relation to a particular protected characteristic.
- (b) Specific safeguards relating to protected characteristics and Watchlist composition can be found at Annex D, paragraph (e) to this policy. The AO must not authorise an LFR Deployment without being content that these specific safeguards will be implemented.

Documenting composition

- (c) Cheshire Polcies LFR application form much be used to record whether the Watchlist contains persons who are believed or suspected to be:
- (i) aged under 18-years-old.
 - (ii) aged under 13-years-old.
 - (iii) a person with a relevant disability²⁶;
 - (iv) a person who has undertaken a gender reassignment and it is believed or suspected to be that the Watchlist would be using an image of that person taken prior to their reassignment.
- (d) Insofar as the data is extractable from Cheshire Police systems by automated means, Cheshire Police must also maintain a record of composition by (i) sex (ii) race – by reference to IC code (iii) age range. Given this data will only be available when the Watchlist is constructed within the 24-hour period prior to Deployment (to ensure the currency of the Watchlist), the reporting will be considered by Gold (who must direct the Silver not to commence an LFR deployment if they do not consider it to be objectively justified). The data will then record in an aggregated manner to be presented to the FR Technology Board on a quarterly basis for review. Information relating to composition will be published annually in line with paragraph 10.6 of this policy.

²⁴ For example, in relation gender reassignment, see Section 22 of the Gender Recognition Act 2004 which protects disclosures other than in certain specific circumstances which include where the disclosure is necessary for the purposes of preventing or investigating crime.

²⁵ For example, in relation to children, see: <https://www.app.college.police.uk/app-content/detention-andcustody-2/detainee-care/children-and-young-persons/#children-and-young-persons> which is in the context of detention and custody but notes children and young people are a protected group with specific vulnerabilities. Their treatment in detention is governed not only by domestic legislation but also by the [UN Convention on the Rights of the Child \(UNCRC\)](#);

²⁶ A relevant disability in this context means those with a disability (as the term is defined in section 6(1) of the Equality Act 2010) and that such a disability may impact on the performance of the police force's LFR system. Examples which may have an impact (depending on the performance characteristics of the specific LFR system) include if the subject has suffered a facial injury, undergone facial surgery, has a degree of facial trauma or is of a particular bearing which inhibits their facial features from being recognised.

Specific safeguards relating to protected characteristics

- (e) The following outlines further, specific safeguards that must apply to the composition of the Watchlist.

	Age (U. 18)	Age (U.13)	Disability	Gender Reassignment
Circumstances				
	LFR is used to locate a person under 18 and that person’s records state that person is aged (or suspected to be aged) under 18years-old	LFR is used to locate a person under 18 and that person’s records state that person is aged (or suspected to be aged) under 13years-old ²⁷	LFR is to be used to locate a person and that person’s records state that person has (or is suspected to have) a relevant disability	LFR is to be used to locate a person and that person’s records state that person has (or is suspected to have) (i) undertaken a gender reassignment and (ii) it is believed or suspected to be that the Watchlist would be using an image of that person taken prior to their reassignment
Safeguards				
Necessity	Specific regard needs to be had for the importance of locating the subject on a risk-based approach in line with this policy with a particular focus on ensuring the necessity case is fully made out.			
Watchlist Images		There is a particular need to ensure that the image is a current as possible and of a suitable quality for inclusion on the Watchlist.		
Legal Advice		Specific advice must be sought from the Directorate of Legal Services and Cheshire Police’s LFR team prior to any seeking authorisation from an AO. Where authorisation is then sought, this advice needs to be provided to the AO to help inform their decision making and allow the AO to record their decision regarding any inclusion on the Watchlist and outline further safeguards that should apply.		
Technical Advice	Regard should also be had to consider System and Subject Factors and the ability for the LFR system to generate an accurate Alert against the image proposed for inclusion on the Watchlist.			
	Consideration should be given to the likely crowd flow / occlusion risk where shorter subjects may otherwise be blocked from the camera’s line of sight.	Technical advice should be sought on a case-by-case basis to inform this assessment. Where authorisation is then sought, this advice needs to be provided to the AO to help inform their decision making and allow the AO to record their decision regarding any inclusion on the Watchlist and outline further safeguards that should apply.		

²⁷ Generally, studies [<https://nvlpubs.nist.gov/nistpubs/ir/2014/NIST.IR.8009.pdf>] have shown that young children, up to the age of 13 are both harder to correctly recognise (lower True Positive Identification Rate) but also harder to distinguish between (higher FPIR). The higher FPIR may lead to more False Alerts being generated against young children if there is an image of a young person in the Watchlist.

Annex E: Camera configuration

- (a) Cameras must be selected so that the image resolution, framerate, field-of-view and low-level light performance can provide images of sufficient quality for use in the facial recognition application. Current FR systems typically require a facial image with between 50 and 100 pixels between the centres of the subject's eyes (Inter-Eye Distance or IED). The FR vendor should advise on specific requirements for their system.
- (b) Unless the environment is well controlled, cameras must be capable of operating at Wide Dynamic Range to generate high quality images under a variety of lighting conditions.
- (c) Cameras should ideally be positioned to capture faces as close as possible to the 'faceon' condition, like a passport image. This typically requires the cameras to be much lower than is normally the case for existing CCTV. Camera placement and angle should be further considered where those sought may be more likely to be occluded in a busy crowd to maximise the prospects of location.
- (d) Ideally the environment should be managed such that every face is evenly illuminated. Highly directional lighting, for example strong sunlight, should be avoided, which may require consideration of how the lighting will change throughout the day.
- (e) In general, the Zone of Recognition will be smaller than the field of view of the camera; for example, not all faces in the field of view may be in focus and not every face in the field of view will be imaged with the minimum necessary Inter-Eye Distance (IED).
- (f) A typical 2MP camera will provide sufficient resolution for LFR to work on a maximum of 3 to 4 people side by side. Therefore, consideration needs to be given to camera location and the physical environment. For example, looking for opportunities to funnel or restrict the movement of people within the Zone of Recognition. However, if the flow is reduced beyond a certain level, individuals may be grouped very close together, occluding or partly occluding the faces of people (people behind people).
- (g) Detection and processing of faces is an intensive task for a computer system. The supplier of LFR software should provide guidance on hardware requirements and the number of faces that can be simultaneously processed from within a single frame. If the system is set to process too many faces, this will potentially result in delays to the LFR system response. It may also result in missed Alerts due to 'dropped frames' where the software skips some of the video footage to catch up.

Annex F: Relevant Hotspot Offence Type

- (a) Theft and kindred offences
- (a) Sexual offences
- (b) Violent and/or weapons related offences
- (c) Drugs offences
- (d) Terrorism offences

- (e) Bail offences
- (f) Fraud and dishonesty offences
- (g) Damage to property offences
- (h) Firearms offences
- (i) Immigration offences
- (j) Modern slavery, kidnap, human trafficking, and kindred offences