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Beyond Bureaucracy 2026: Applied AI in the Criminal Justice System

Bridging the Gap: Applying the principles established in Bridges v South Wales Police to deliver compliant live facial recognition technology in policing

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BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR

1. The imperative to deploy live facial recognition ('LFR') & other AI technologies
2. Laws and regulations applicable to LFR
3. Requirements established in R (on the application of Bridges) v Chief Constable of South Wales Police [2020] EWCA Civ 1058
4. Legal, regulatory, ethical and practical challenges to implementing LFR
5. Implementing legal, regulatory and ethical compliance and safeguards
6. Future regulation of LFR



Bridging the Gap: Applying Bridges to deliver compliant live facial recognition

The imperative to deploy live facial
recognition ('LFR') & other AI
technologies

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

Policing and
public safety

Financial

Public
attitudes

Political

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR
IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

15, 105

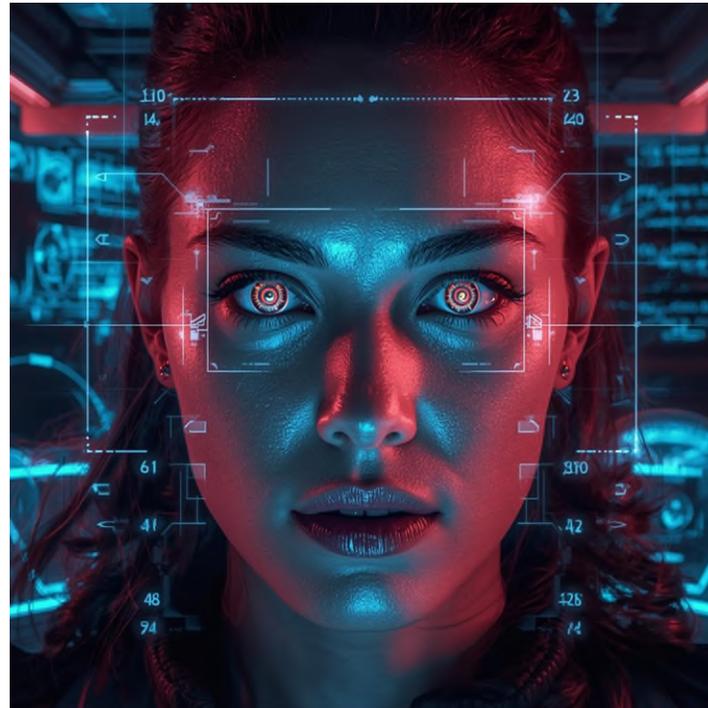
The Metropolitan Police Service's outstanding or active arrest warrants
as at February 2024

8,513

The Metropolitan Police Service's outstanding or active arrest warrants
as at February 2024 circulated at least 12 months ago

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR
IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

Superrecognisers 1-3% population

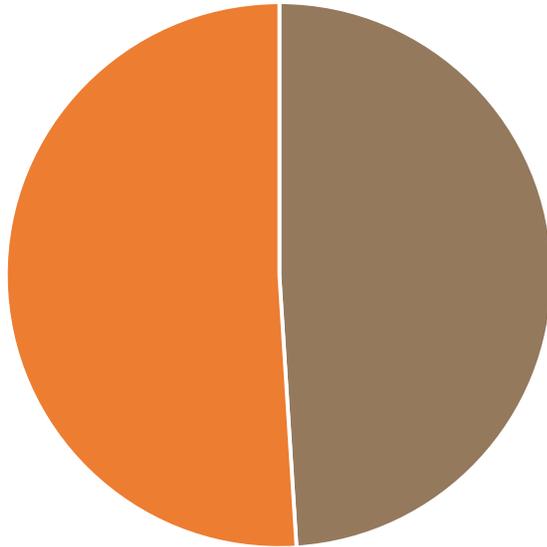


BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

- Increased police funding after inflation
 - More officers
 - Crime against individuals and households has generally decreased over the last 10 years (except fraud)
 - Public satisfaction decreasing

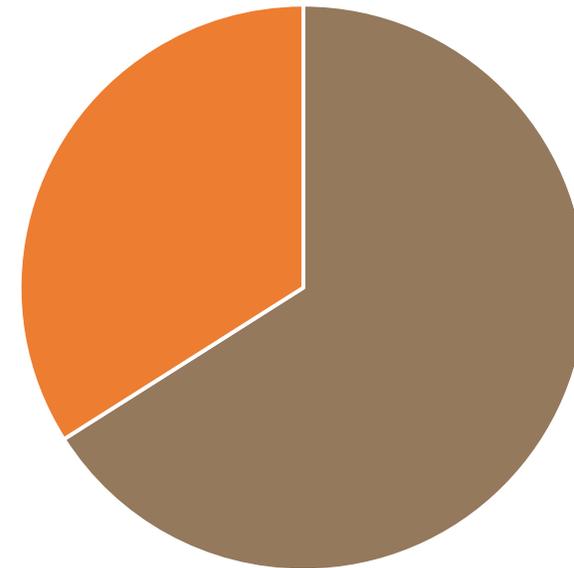
BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

Ada Lovelace Institute, 2019



- Support use of LFR in day-to-day policing subject to appropriate safeguards
- Oppose use of LFR in day-to-day policing

Home Office, 2025



- Support use of LFR in day-to-day policing
- Oppose use of LFR in day-to-day policing

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPERATIVE TO DEPLOY LIVE FACIAL RECOGNITION

“I am determined that we invest in identifying, developing, and then deploying new and innovative technologies across a range of fields... Developing facial recognition as a crime fighting tool is a high priority... I am also very supportive of the use of Live – or Active – Facial Recognition (LFR) to deter and detect crime in public settings that attract large crowds”

Minister of State for Crime, Policing & Fire, October 2023

“We will also fund 40 new Live Facial Recognition (LFR) vans, as part of a nationally coordinated LFR capability, to intercept violent and sexual offenders in high crime areas across the country. In all cases, we will give the police the resources and expertise to deploy AI in an ethical, robust and responsible way, supported by a new regulatory framework with strong oversight and accountability.”

From Local to National: A New Model for Policing, Home Office, January 2026



Bridging the Gap: Applying Bridges to deliver compliant live facial recognition

Laws, regulations & ethical
standards applicable to deployment
of Live Facial Recognition

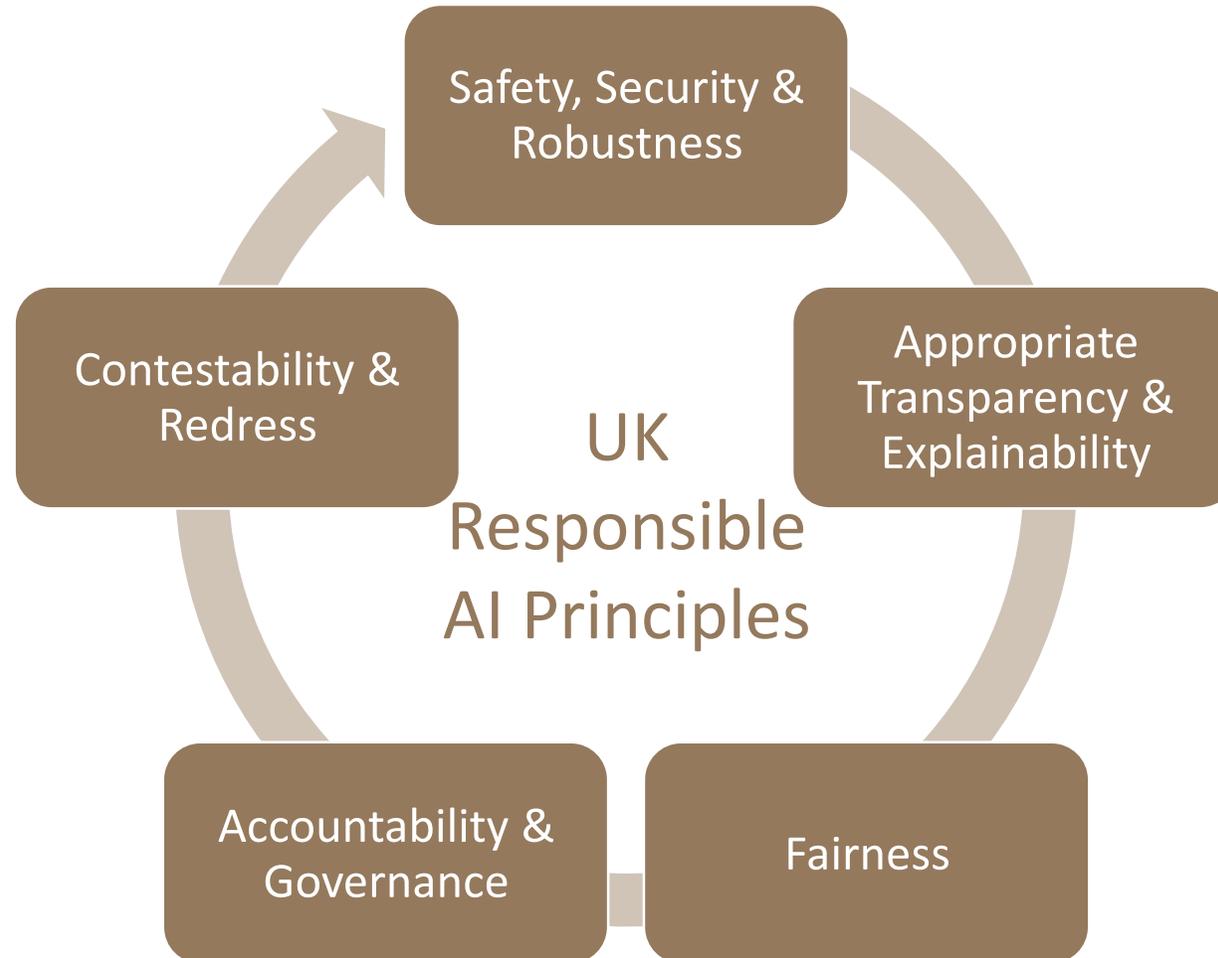
BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR LAWS & REGULATIONS APPLICABLE TO LFR DEPLOYMENT

- Data Protection Act 2018
 - Processing fair and lawful, necessary and proportionate
 - Lawful basis and appropriate policy document for sensitive processing
 - Accuracy
 - Data minimization
 - Security
 - Transparency
 - Human intervention / automated decision-making
 - Logging (now removed by Data (Use and Access) Act 2025)
 - Data protection by design and default
 - Processor obligations
 - Records of processing activities
 - Data Protection Impact Assessment (DPIA)
 - Prior consultation with Information Commissioner
 - Engagement with Data Protection Officer (DPO)
 - Data subject rights

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR LAWS & REGULATIONS APPLICABLE TO LFR DEPLOYMENT

- **Human Rights Act 1998**
 - Article 8 right to private and family life
 - Article 10 right to freedom of expression and information
 - Article 11 right to freedom of assembly and association
 - Article 14 prohibition of discrimination
- **Equality Act 2010**
 - s.13 Equality Act 2010 – direct discrimination
 - s.14 Equality Act 2010 – combined discrimination
 - S.19 Equality Act 2010 – indirect discrimination
 - s.149 Public Sector Equality Duty
- **Protection of Freedoms Act 2012**
 - Biometrics and Surveillance Camera Commissioner's Amended Surveillance Camera Code of Practice

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR LAWS & REGULATIONS APPLICABLE TO LFR DEPLOYMENT



BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR LAWS & REGULATIONS APPLICABLE TO LFR DEPLOYMENT

- Emerging Global AI Principles
 - UNESCO Recommendation on the Ethics of AI
 - Human Oversight and Determination
 - Sustainability
 - Awareness and Literacy
- Police and Criminal Evidence Act 1984 Code D: Code of Practice for the identification of persons by Police Officers
- Covenant for Using Artificial Intelligence (AI) in Policing



Bridging the Gap: Applying Bridges to deliver compliant live facial recognition

Requirements established in R (on the application of Bridges) v Chief Constable of South Wales Police [2020]
EWCA Civ 1058

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR REQUIREMENTS ESTABLISHED IN BRIDGES

- *“the legal framework which the Divisional Court regarded as being sufficient to constitute the “law” for the purposes of Article 8(2) is on further analysis insufficient” [90]*
- *“the current policies do not sufficiently set out the terms on which discretionary powers can be exercised by the police and for that reason do not have the necessary quality of law” [94]*
- Guidance *“does not contain any requirements as to the content of local police policies as to who can be put on a watchlist. Nor does it contain any guidance as to what local policies should contain as to where AFR can be deployed. Those, as we have said, are the two critical defects in the current legal framework” [120]*
- Data Protection Impact Assessment (‘DPIA’) failed to meet the requirements of s.64 Data Protection Act 2018
- Inclusion of human intervention in the process was insufficient to discharge the Public Sector Equality Duty (‘PSED’) s.149 Equality Act 2010

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR REQUIREMENTS ESTABLISHED IN BRIDGES

College of Policing Authorised Professional Practice on Live Facial Recognition

Watchlist

Images that may be deemed appropriate for inclusion within an LFR watchlist include custody images of individuals and/or other police-originated images of people who are:

- wanted by the courts
- suspected of having committed an offence, or where there are reasonable grounds to suspect that the individual depicted is about to commit an offence, or where there are reasonable grounds to suspect an individual depicted to be committing an offence (see below)
- subject to bail conditions, court order or other restriction that would be breached if they were at the location at the time of the deployment missing persons deemed at increased risk of harm (see below)
- presenting a risk of harm to themselves or others (see below)
- a victim of an offence or a person who the police have reasonable grounds to suspect would have information of importance and relevance to progress an investigation, or who is otherwise a close associate of an individual and that individual would fall within people wanted by the courts and presenting a risk of harm to themselves or others (see below)

Location

Where privacy or other human rights considerations are identified in relation to a particular deployment, the AO needs to consider the necessity to deploy LFR to that particular location and also consider whether the aims being pursued could be similarly achieved elsewhere. In instances where that location is necessary (and the processing of data at that site is strictly necessary), AOs need to identify any mitigations that are viable in the circumstances and then weigh the rights of those engaged by the LFR system against the likely benefits of using LFR. This is to ensure that the policing action proposed is not disproportionate to the aim being pursued.

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR REQUIREMENTS ESTABLISHED IN BRIDGES

Glukhin v Russia 11519/20

- Use of LFR violated Article 8 ECHR
- *“The protection afforded by Article 8 of the Convention would be unacceptably weakened if the use of modern scientific techniques in the criminal-justice system were allowed at any cost and without carefully balancing the potential benefits of the extensive use of such techniques against important private-life interests (see S. and Marper, cited above, § 112)”*.
- *“...it is essential in the context of implementing facial recognition technology to have detailed rules governing the scope and application of measures as well as strong safeguards against the risk of abuse and arbitrariness. The need for safeguards will be all the greater where the use of live facial recognition technology is concerned”*.
- *“not contain any limitations on the nature of situations which may give rise to the use of facial recognition technology, the intended purposes, the categories of people who may be targeted, or on processing of sensitive personal data”*.
- *“the nature and gravity of the offences in question is one of the elements to be taken into account”*

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR REQUIREMENTS ESTABLISHED IN BRIDGES

R (on the application of (1) Thompson & (2) Carlo [Director, Big Brother Watch] v Commissioner of Police for the Metropolis

- Ongoing challenge heard w/c 26.01.26
- First Claimant complains of erroneous facematch after being matched with image of brother on watchlist and challenges policy on Article 8 grounds (both policy in place at time and revised policy)
- Second Claimant challenges policy on Article 8, 10 and 11 grounds
- No challenge to data protection or equality law compliance
- EHRC *“believes that the Met’s current policy governing the use of LFRT is incompatible with Articles 8 (right to privacy), 10 (freedom of expression), and 11 (freedom of assembly and association) of the European Convention on Human Rights”*.
- Metropolitan Police Service argue claim is academic, and in any event unfounded



Bridging the Gap: Applying Bridges to deliver compliant live facial recognition

Legal, regulatory, ethical and practical challenges to implementing LFR

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR LEGAL, REGULATORY, ETHICAL & PRACTICAL CHALLENGES

- LFR vans
- In-house resource and expertise
- External resource and expertise
- AI literacy
- Assessing the efficacy and fairness of supplier AI tools
- Ensuring the lawfulness and accuracy of watchlist input images
- Monitoring both AI and human interaction with AI
- Iteration
- Sharing best practice



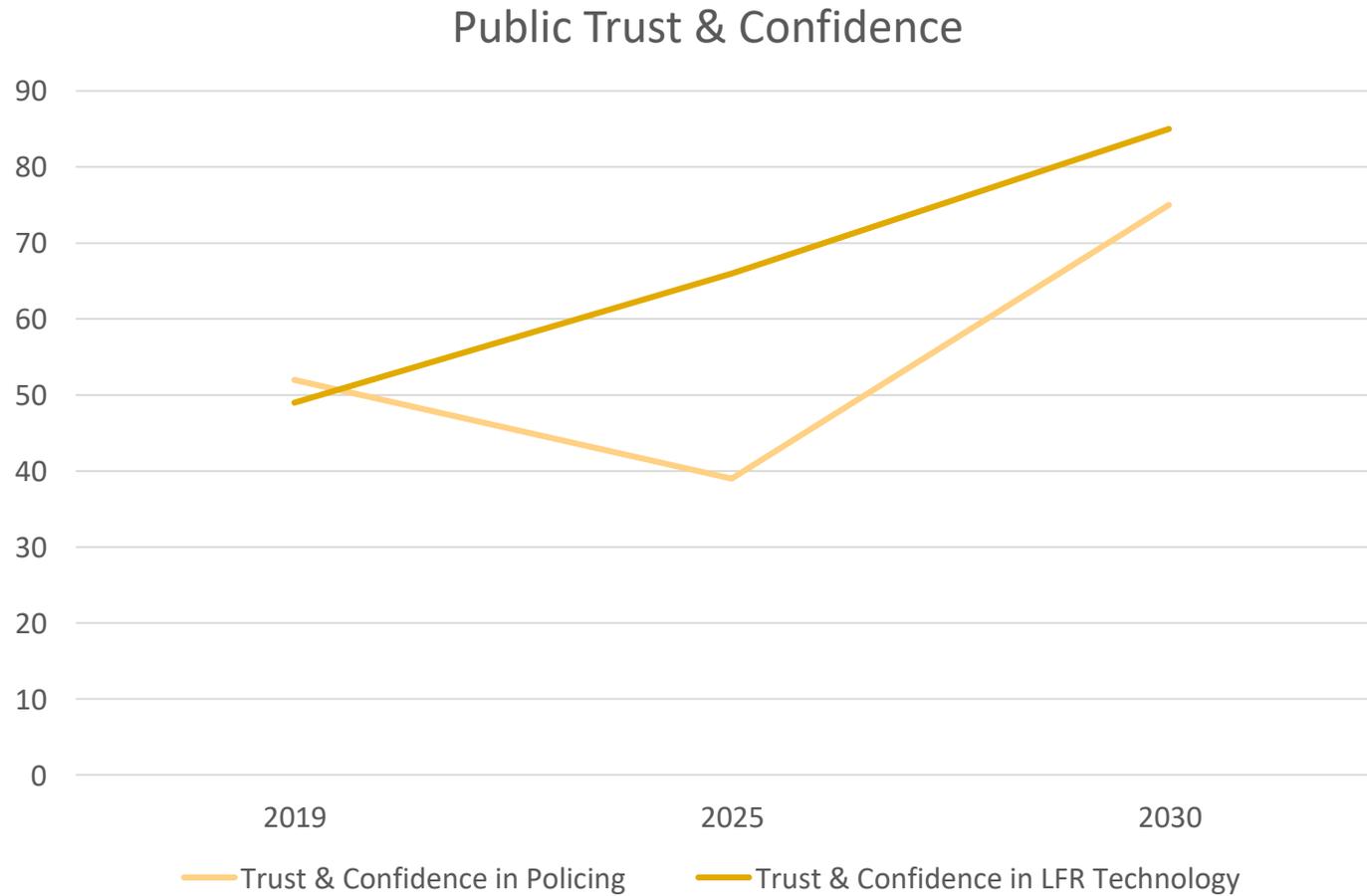
Bridging the Gap: Applying Bridges to deliver compliant live facial recognition

Implementing legal, regulatory and
ethical compliance and safeguards

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPLEMENTING LEGAL, REGULATORY & ETHICAL COMPLIANCE



BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPLEMENTING LEGAL, REGULATORY & ETHICAL COMPLIANCE



BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPLEMENTING LEGAL, REGULATORY & ETHICAL COMPLIANCE

- Necessity
- Consultation
- Technology
 - National Physical Laboratory 'Facial Recognition Technology in Law Enforcement Equitability Study'
 - Limitations
- Policy:
 - Restrictions on location
 - Restrictions on watchlist inclusion
 - Exceptions
 - Data retention
- Standard Operating Procedure
 - Authorisation
 - Timing

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR IMPLEMENTING LEGAL, REGULATORY & ETHICAL COMPLIANCE

- Location:
 - Watchlist
 - Amenities
 - Alternative routes
- Transparency Communications
- Redress
- Ongoing Monitoring



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Future regulation of LFR

BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR FUTURE REGULATION OF LFR

“whilst it is clear there is a legal framework within which facial recognition can be used now, I believe that confident, safe, and consistent use of facial recognition and similar technologies at significantly greater scale requires a more specific legal framework... a new legal framework that sets out rules for the overt use of facial recognition by law enforcement organisations”

Minister for Policing and Crime Prevention

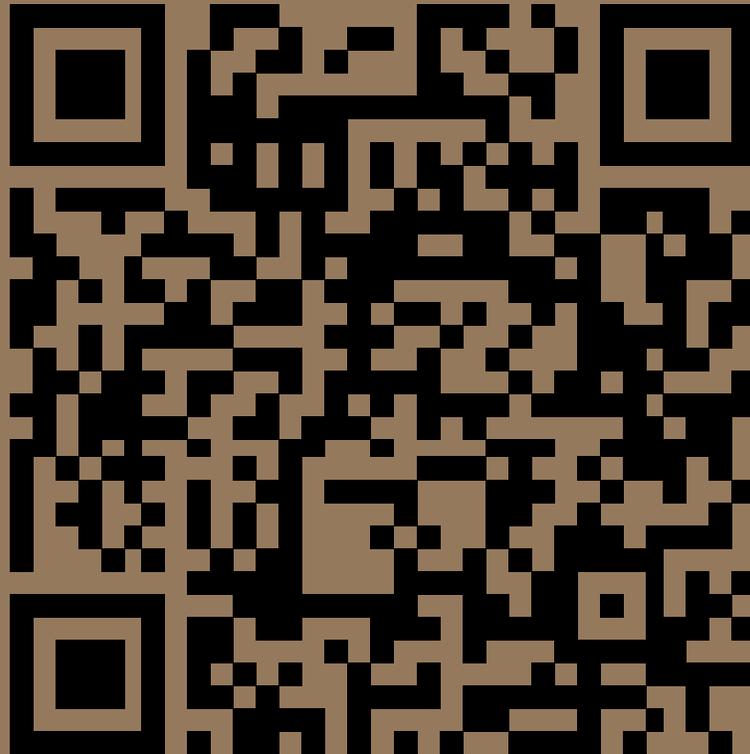
BRIDGING THE GAP: APPLYING BRIDGES TO DELIVER COMPLIANT LFR

Home Office Consultation on a new legal framework for law enforcement use of biometrics, facial recognition and similar technologies (open until 12 February 2026)

- No concrete proposals for regulation
- Under consideration:
 - Whether regulation should address all use of biometric technologies by law enforcement, including inferential technologies
 - Whether regulation should apply to other recognition technologies
 - Structure of legislative framework
 - Whether regulation should only apply to law enforcement or wider public sector
 - How such technologies interfere with privacy and other rights
 - Criteria for deployment of biometric technologies
 - Authorisation for deployment of biometric technologies
 - Establishment and role of new independent oversight body
 - Utilisation of other government databases for retrospective facial recognition



RESOURCES





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Questions



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