

# **Law Enforcement Technologies: The Realm of Facial Recognition**

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As the European Union advances with the implementation of the AI Regulation, the growing use of facial recognition technologies (FRT) across a variety of settings continues to raise pressing questions. Scholars have long underscored the limitations of these tools, along with their social consequences - especially the risks of discrimination and harm to individual dignity, such as wrongful arrests. At the same time, their actual effectiveness remains contested. Where should the line be drawn in invoking public safety to justify surveillance in public spaces? Can a society without anonymity function - and should it? What legal responses are emerging across Europe, and do they point toward a coherent regulatory framework?

This special issue examines the regulatory landscape surrounding FRT and the legal challenges posed by their use in law enforcement, structured across three distinct phases. The first part addresses the normative dynamics that inform, accelerate, and institutionalize these technologies in public spaces (I). The second provides an overview of legislative responses within Europe - both at the national and regional levels - and includes a comparative outlook on developments in North America (II). The final part broadens the lens to offer critical reflections on the future trajectory of surveillance technologies (III).

The first section takes a cross-disciplinary and historical approach to the legal and normative forces shaping the deployment of FRT. The first article examines use cases from Saudi Arabia's NEOM project to explore how FRT is embedded in the city's cognitive infrastructure, collapsing the boundary between public and private life and proposing anonymity as a normative counter-strategy to resist totalizing algorithmic control. The second article considers the use of FRT at large-scale cultural and sporting events, focusing on its impact on young people as both subjects of surveillance and agents of resistance, and highlighting how these deployments contribute to long-term acculturation to biometric monitoring. The

third article addresses the unchecked use of FRT by local police in the United States, arguing that these practices resemble unregulated human experimentation and charting how identification-based technologies are driving a shift toward pervasive mass surveillance.

The second section provides a structured legal overview. It begins with a concise survey of national frameworks - France, Germany, Greece, Italy, and Slovakia - highlighting past experiments, existing safeguards, and future directions in light of the AI Act. It then turns to European Union law, with a particular focus on the AI Act as a central regulatory milestone. This section closes with recent judgments from the European Court of Human Rights. Final contributions offer a comparative perspective beyond the EU, examining legislative developments in Canada, the United Kingdom, and the United States. Collectively, these pieces underscore the broader fundamental rights challenges raised by FRT.

The third section opens a forward-looking dialogue on the future of police surveillance. The first contribution examines how, in the United States, fragmented regulation and protest-driven policy shifts have created a permissive environment where FRTs evolve from tools of identification into instruments of mass surveillance. The second article revisits the decline of "smart city" ideals and shows how security-driven technologies have led instead to the rise of "safe cities", prompting reflection on their social and civic consequences. The final piece adopts a normative stance, arguing that FRT should be banned outright, given its unprecedented threat to privacy, civil liberties, and democratic life through the cumulative erosion of individual obscurity.

As a concluding note, this volume includes a short piece of fiction - a speculative response to the questions explored throughout these pages, set in a dystopian future. It provocatively invites us to reflect on the potential costs of anonymity in the years ahead, and especially to consider what

consequences might unfold - for democracy, civilization, and our shared humanity - if efforts to counter digital surveillance rely on technological solutions of the same kind.

To help confront these challenges and think about the future, we are fortunate to benefit from the thoughtful and courageous reflections of Professor Karen Yeung, who graciously agreed to bring this volume to a close.

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