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CST 300 - Ethics Paper

AI Policing

Proponents of Artificial Intelligence, or AI, in law enforcement claim it will have higher accuracy than humans in analyzing evidence and data, and save officers valuable time. 54.5% of violent crimes and 82.4% of property crimes went unsolved in 2018, according to the FBI (US Police Don't End up Solving Most Crimes, 2020). In order to solve crimes, police need to spend time organizing and analyzing data from crime scenes, evidence, and leads. AI can assist with this in numerous ways such as facial recognition, intelligence analysis, and examining images and videos. AI uses data from real-world cases and police reports to build databases and develop its models for decision making. The data may be incomplete and biased, with certain areas and populations being overrepresented (Ethics, Artificial Intelligence and Predictive Policing, 2021), but the results are nevertheless used as justifications for police tactics and strategy.

Issue

Facial recognition is an AI tool that law enforcement uses to find persons of interest. Police use facial recognition software to identify criminals on the run and missing persons using imaging data (Artificial Intelligence (AI) & Criminal Justice System: How Do They Work Together?, 2021). Reviewing and examining this data is a labor-intensive task that requires officers to spend hours looking through recordings. AI in law enforcement aims to have higher accuracy than humans in matching faces and to save police time. Facial recognition can have issues, however, when it analyzes grainy or low resolution images. The low quality of the data can result in the AI not being able to recognize the person or identifying the wrong person.

AI is also used for predictive policing. An algorithm attempts to predict where crimes will occur, the individuals who will commit them, the types of crime, and who the victims will be (AI in Police Work, 2019). Based on that data, the algorithm will determine that crime is more likely to be committed in a certain area. Police can increase patrols in that area or monitor people the algorithm has identified as [risks/potential perpetrators]. This can give police the ability to use resources efficiently and respond to incidents quicker or even stage interventions before an incident occurs. This can also deter people from committing crimes due to the increased patrol or preemptive intervention, and assist criminal justice professionals in safeguarding the public in ways never before imagined (Using Artificial Intelligence to Address Criminal Justice Needs, 2019). Predictive policing can help to optimize police resources and address potential incidents before they occur, but it can also assign blame to innocent people.

Stakeholder 1: Law Enforcement

The police value crime control. They want to be able to prevent the most damage or stop crimes before they occur. Professional crime-fighting now relies predominantly on motorized patrol, rapid response to calls for service, and retrospective investigation of crime. They rely on tools to support their efforts to prevent or stop crime so they can use all their resources effectively. AI can enhance all these practices by determining where police should patrol, providing more detail on service calls, and offering more tools to build cases and catch criminals. Artificial intelligence has the potential to be a permanent part of the criminal justice ecosystem, providing investigative assistance and allowing criminal justice professionals to better maintain public safety (*Using Artificial Intelligence to Address Criminal Justice Needs*, 2019).

Police's claims are claims of fact. They state that AI makes them more effective, can be used to utilize resources more effectively, and is less prone to error than human officers. Police

claim that AI is a crucial part of the modern police department. They use facial recognition to identify criminals that are on the run or missing people using image data (AI in Police Work, 2021). The analysis of video and image information is labor intensive, requiring a significant investment in personnel that are experienced in this field. Video and image analysis is also prone to human error due to the volume of information, different methodologies used for different technologies, and limited number of personnel familiar with each technology. AI technologies provide expertise that would traditionally require an entire team of people. AI video and image algorithms not only learn complex tasks but also develop and determine their own independent complex facial recognition features/parameters to accomplish these tasks, beyond what humans may consider. (Using Artificial Intelligence to Address Criminal Justice Needs, 2019). AI is capable of identifying weapons, matching faces, and detecting events such as accidents or crimes. This can remove the need for an officer to be on site at all times to monitor for activity. Law enforcement can use AI as a stand-in for personnel and allow officers to be used in areas that require human intervention, such as de-escalation of a situation, meeting with victims of crime, or responding to emergencies.

Algorithms can also make predictions about crime happening in certain areas, and even predict the likelihood of recidivism using information from individual records and data from previous arrests and convictions. AI is currently being used in this field in systems called risk/needs assessment tools: algorithms that use data about a defendant to analyze their risk of recidivism. The higher the risk assessment, the more likely the criminal will repeat the crime (*Artificial Intelligence (AI) & Criminal Justice System: How Do They Work Together?*, 2021). Law enforcement's main goal is to utilize AI as a tool that can help protect communities by

providing surveillance in specific areas, greater chance of identifying criminals, and making fewer errors when analyzing data.

Stakeholder 2: General Public

Communities rely on law enforcement to protect them and trust that officers have everyone's best interest in mind. They rely on the police being understanding and open to communicating with people. The claim for the general public is a claim of cause because AI in policing can impact their lives negatively. AI can discriminate against certain minority groups. The data that it uses to build its model can be biased due to the biases of the officers who collect/input that data. It can lead to over-policing of certain areas and groups, usually lower income communities. According to US Department of Justice figures, you are more than twice as likely to be arrested if you are Black than if you are white (Predictive Policing Algorithms Are Racist. They Need to Be Dismantled., 2020). Data can also be contaminated by periods when the police engaged in discriminatory practices against certain communities, thereby unnecessarily or incorrectly classifying certain areas as 'high risk' (Ethics, Artificial Intelligence and Predictive Policing, 2021). Being classified as "high-risk" by an AI can also have long-term impacts, increasing the amount someone has to pay for bail, lengthening their prison sentence, or even contributing to their conviction.

The biggest source of bias in AI is bad training data. Modern-day risk assessment tools are driven by algorithms trained on historical crime data, using statistical methods to find patterns and connections *(*Artificial Intelligence Poses Serious Risks in the Criminal Justice System, 2020). If AI is integrated into every aspect of law enforcement, then it can intensify the impact on communities that are already misrepresented in the legal system. Misrepresentation can be due to the biases of police officers or even the developers of the algorithm. Ideally, AI

would be free of biases but this isn't always the case. So with the understanding of both perspectives, should the police use AI to detect crime and subject defendants to what AI determines?

Arguments

Stakeholder 1: Law Enforcement

The police take an ethical egoism view on the issue. The core reason that someone does any action is self-serving by bringing happiness or some other benefit to him- or herself (Ethics in Law Enforcement – Open Textbook, 2015). Police therefore use AI because it makes their job easier to do and allows them to focus their attention on what they want and give tasks they don't want to take care of to the AI.

Analyzing data is important for solving a case, but it is time consuming and requires special training. An AI can be trained to do all the required tasks without breaks and without feeling remorse about its actions. The role of AI is not to replace police officers but to complement them, completing repetitive or tedious tasks that require specialized skill. AI can use volumes of information on law and legal precedence, social information, and media to suggest rulings, identify criminal enterprises, and predict and reveal people at risk from criminal enterprises (Using Artificial Intelligence to Address Criminal Justice Needs, 2019). AI could give law enforcement directions on what areas to increase surveillance due to the likelihood of a crime being committed.

This technology allows officers to respond to emergencies more effectively and with more information. Some stations do not have access to officers with the specialized skills required to analyze data or the funding to train their officers to do the tasks, so AI can support these stations as a cost-effective alternative to training or hiring new officers.

Stakeholders 2: General Public

The general public takes a utilitarian based ethical approach to this issue. Utilitarianism states that actions that are the most ethical choice are the ones that will produce the greatest good for the greatest number. A person will do the right thing if the consequences of his or her actions are good (Ethics in Law Enforcement – Open Textbook, 2015). Allowing law enforcement to use these kinds of systems can actually reinforce the biases that are present in the officers or the algorithms. Policing targeted groups creates a positive feedback loop of finding criminals in those areas, using this data to justify biases, leading to more over-policing in those areas.

There are social movements, such as 'Black Lives Matter' that are working towards equal treatment of people. These kinds of groups bring attention to the biases that are present individually and systemically in law enforcement. By removing AI and working on removing the biases in law enforcement, police can work on controlling crime without discriminating against groups or over patrolling certain areas. Removing AI will make some tasks more difficult and time consuming, such as analyzing data, but it can make room for an officer to see a person and not just an outcome that an algorithm has determined.

Student Position

In an ideal situation, I think we should use AI in law enforcement. It helps officers to process/analyze a vast amount of information and improves their response time to incidents. It is an invaluable tool that can be used to assist officers in finding missing people, catch perpetrators, or intervene before crimes are committed and potentially save people from getting hurt.

The technology needs to be monitored, however, and the models that are used in real-world practice need to be scrutinized. They need to be tested with cases that are already solved and with people who have already been convicted to test for accuracy. AI is a powerful

tool that can help law enforcement in taking control of crime and making communities safer for everyone, but it needs oversight, with rigorously tested and standardized models. Predictive policing should be about better predicting crime, not about dictating how law enforcement should respond to this information (Ethics, Artificial Intelligence and Predictive Policing, 2021). The decisions that AI's create should not be the decisions that the officer takes but rather should be used to support the conclusion that the officer comes to while seeing the larger picture. AI makes an impact on law enforcement, both for the benefit of officers and the comminitues. However, if left unchecked and unregulated it can lead to perpetuating biases that have historically led to discrimination against low income communities and minorities.

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