

The Juror Web Scraping AI

From a web scraper, which only can read the html of webpages on the internet, I would assume that it wouldn't be able to get information such as health records, SSN, card numbers, and other private information that normally isn't publicly available for all to see. However, a numerous amount of information about someone could be retrieved only knowing their name and scanning websites from information linked with said name. The most prominent being the juror's email, which could link to many more online accounts. A LinkedIn account would show their place(s) of work, and social media accounts like Facebook or Twitter may have their home city or address, birthday, a list of their friends and family, and all of their online posts. As well, there is the possibility of people saying things about their gender identity or sexual orientation. Some of this information like your email and address instantly or nearly identifies you alone, but most of everything else obtained is not able to identify you by itself. However, pairing enough of that information together could easily be linked back to you, and these different sensitivities of data need to be treated differently.

In "The Gift of Fire", it talked about how in order to protect people's privacy the information collected on them needs to have appropriate access control. This means that the application needs to rank the information it gathers by how sensitive the info is. This ranking can then be used to determine what privilege is needed to have access to what information. This prevents unauthorized users from knowing the name, the address, the place of work, sexual orientation, and online posts a person has made easily. Rather, they may just see the online posts collected. Another idea the book went over was the Fair Information Principles, one of these principles was the idea to only collect what information is needed, so, in order to protect users, the AI should limit the information it keeps. The app only needs information on a juror that would pertain to the case, so, for example, keeping every online post someone has made would be unnecessary. Rather, the only posts needed from a juror would be ones where they talked about the defendant in the case, reacted to a news article about the crime committed, or something that connects a juror to the case in some way that shows bias. Another Fair Information Principle is the idea of limiting how long information is kept. In this situation, the jurors are only selected at one time, so the information could technically be removed once all jurors are selected and the court case starts.

If this were to be used for a real court case, then the jurors would have to consent to the use of the application on themselves. In lecture, we went over informed consent and the ways that consent must be received in order for it to be considered as such. The first idea we went over was that the consent must be freely given meaning there must be no pressure from a judge or lawyer for a juror to consent for using the application. The next idea from informed consent would be that the juror must be informed of what information is being collected, why it is being done, who is doing the gathering, and how the data is going to be amassed. In other words, the juror is informed on the specifics of the collection of data on them. Another idea of informed consent that we went over in lecture is that it must be unambiguous. This means that the jurors have to opt-in to have the program used on them. It could not be used by default for every juror and be opt-out. The final idea is that a juror would have to be able to withdraw with zero punishment. I think this would be nearly impossible to truly implement in a system that could gather and decide to dismiss a juror "instantly", so, if a juror decides to withdraw post-decision, then the AI's decision would have to be ignored. That person then joins questioning as normal with those that didn't opt-in. These ideas of informed consent should be the guidelines followed for notifying jurors and obtaining their consent.

There are probably numerous amounts of ethical dilemmas that could arise from this application. One might say that the act of collecting information on someone who isn't related to the trial is an ethical dilemma. I don't think so. It may look bad in marketing, but ultimately this system is using publicly available information to speed up the process of a court case. Taking a utilitarian point of view, this seems like net good. You minimize the waste of time and speed up the very slow process of court cases in the US. People may not like the fact that their public info could be gathered, but, if the system is opt-in, then those people don't have to agree to its use meaning there aren't negative issues, in theory. However, in practice, the main dilemma that comes to my mind would be what decision should be made when the AI uses information on the wrong person, can't obtain enough information on someone, or assumes a juror is biased from not enough information, essentially when the AI makes the wrong or no decision. Do you dismiss all jurors and restart from scratch? This treats everyone fairly, but this could prolong the case and wastes the time of all involved. Do you only dismiss the person with incorrect / no information gathered or make them do normal questioning? This treats one person unfairly and makes them go through the hassle of both sides with no say in the situation, but it does maximize the usage of time. And those are just the extreme options one could choose. Taking the utilitarian perspective, one would have to value the time of jurors, judges, and attorneys, the issue of pending cases, and the act of treating each juror fairly. These are impossible to always value equally and set up a rule to determine what action should be taken. Even using Rawls's idea to better those that are started worse off, one still needs to focus on the situation of the jurors, victims, and those who are to be potentially convicted and determine what causes a net good. This application creates a situation where no one related to the creation and use of this application could give a definite answer on what is ethical when it malfunctions. There isn't and can't be a rule to follow. This would create a major ethical situation that could persuade people away from the use of this application.

To answer the final answer asked of me regard trusting a government attorney vs a private attorney with this application, I would that I trust both completely to use such a system as I have described before. In grand scheme of things, there is no inherent difference in an attorney regardless of them being working in a private firm or for the government. They are both humans looking to find who is, beyond a reasonable doubt, guilty of a crime. All that differs is ultimately their source of income. There is no ethical dilemma in trusting a government attorney vs a private lawyer with this web scraping AI. Both are assumably part of the bar and misuse or unethical use of such a system could get them removed from the bar and unable to practice law. The risk to the attorney of using this system in a malicious way is too high for them reasonably do so.