

## Introduction

PreCrime Inc is a for-profit company that specializes in the fast-growing field of predictive law enforcement analytics. By signing contracts with social media companies, PreCrime has access to user-produced content and data that can be used to identify possible criminal activities, as well as behavior that may signify a future illicit event. Of course, to make profit, PreCrime markets this technology to law enforcement, so they can use it for the greater good. The president of PreCrime asks us, a newly hired Senior ML Engineer, to write a solid ethical analysis, with the purpose being to include it as part of a proposal package so potential clients have full confidence in the company's morals. Any future first-person pronoun will refer to the Senior ML Engineer that the president of PreCrime asks to write an ethical analysis.

## Ethical Issues and Situational Facts

By listing the given situational facts, we can also think about the ethical issues that lie in the scenario. The first ethical issue that we can think about is the social media user's right to privacy. Consider the following situational facts:

- Through a contract with their social media partners, PreCrime can access the information that the user may post online. PreCrime can access the content that the user posts; however, we do not know for a fact that other information can also be accessed along with the posts, but it could be possible. Such information include name, age, birthday, location, contact information, or even payment details.

PreCrime is attempting to violate these user's right to privacy, because they are tracking the contents that these users put out onto the internet through a third-party vendor.

The second major ethical issue involves our right to personal choice. When deciding such a crucial matter, it is important for us to not be biased by external forces. Consider the following situational facts:

- We spent 6 years working at Google with a special interest in machine learning, and the president of PreCrime was previously a "senior manager at Google (our bosses' boss) before she left to start PreCrime."
- The president of PreCrime tries to get us to write a solid ethical analysis by sweet-talking us and saying how good she thinks our abilities are in the matter. Before closing off her proposal, she says "your reputation as an ethicist at Google has caught the eye of many in this field", as well as "Given your reputation, everyone will trust that you have provided an honest and thorough analysis of our system".
- The president of PreCrime asks for this favor on our first day on the job at PreCrime.

The president of PreCrime clearly wants us to write a positive ethical analysis in hopes of convincing potential future clients of the ethicality of PreCrime. By saying nice things such as "we are fortunate to have you here", she is essentially giving us a really hard time in backing out of this situation, because humans generally do not want to disappoint after being complimented, especially by someone of higher authority. This is a violation of our right to making decisions without external pressure.

## **Ethical Framework for Analysis**

The rights approach is most suitable when analyzing the situation and generating potential responses for this case study. This approach “starts from the belief that humans have a dignity based on their human nature per se or on their ability to choose freely what they do with their lives”. This approach is appropriate because we are dealing with multiple rights here: the rights of the social media users of their privacy, as well as our right to a freedom of decision. In an ethical dilemma like this one, it is important to consider not only the rights of those affected by the outcome, such as the social media users in this scenario, but also those who make the decisions, such as us, the one who is writing the ethical analysis. The reason is because human rights are equal; one person’s right does not reign supreme to another’s just because they are of higher significance or impact.

## **Stakeholders and Decision Makers**

The active stakeholders in this scenario are us, the writer of PreCrime’s ethical analysis, as well as the president of PreCrime, the one who is asking us to write the analysis. We are considered an active stakeholder because our ethical report will directly affect the ability for potential clients to invest in our company, as well as the public’s perception on our ethicality. This could greatly affect the number of investments the company has. We will also be considered a decision maker because we will be actively making decisions to not get in trouble with the president of PreCrime, were we to write an ethical report that views PreCrime in a negative way.

The president of PreCrime is also considered an active stakeholder because her way of talking to us is directly restricting our right to a freedom of personal decisions. Her use of words and language can make us more prone into deciding things that are for her agenda, rather than what we truly believe. Therefore, the president is also a decision maker because her decision in her use of words can directly affect us. Furthermore, as the president of PreCrime, her decision to build the company can affect passive stakeholders as will be discussed in the next paragraph. The president has the duty to have her company make as much money as possible while also protecting the rights of the passive stakeholders.

The social media users are passive stakeholders in this scenario because their right to privacy can be affected by PreCrime and its creators (in this situation, it will be the president). By having their posts given to third parties like PreCrime, there is no guarantee what other information can be leaked that comes with the post, such as name, location of the post, and social networks. What’s more is that PreCrime is not the only company that may have a contract with these social media companies; there may be other companies who bought consumer data for more malicious purposes, such as scam calls and phishing emails.

Another passive stakeholder in this scenario would be the law enforcement clients that invest in PreCrime. Since PreCrime is a for-profit organization, they would undoubtedly do whatever they can to market their results to as many clients as possible. For the agencies that bought products from PreCrime and used them to enforce the law, their reputation could be on the line. This can

either be a positive or negative result from the situation; if an agency's criminal capture rate increases due to PreCrime, then that's a positive thing. Due to their investment in predictive policing, these agencies are becoming more reputable on the streets in catching online criminals. However, on the downside, if PreCrime's technology were to fail, then these investors could very well lose a lot of money, not to mention their reputation. Falsely arresting someone for a crime they didn't commit can even result in lawsuits, which is why it's a double-edged sword for these clients who invest in PreCrime.

### **Values, Rights, and Duties**

As a decision maker, we have the right to make a decision on whether or not we will help the president of PreCrime write this ethical analysis and potentially convince many more clients to invest in PreCrime. Most importantly, we have the right to make this decision on our very own, without external influence from clients, social media users, and more crucially, the president of PreCrime, who has already tried to sweet talk us into doing her bidding. We should also be given adequate time to come to a conclusion, as well as all the facts of how PreCrime receives information from users and what type of information is included. We have the duty of protecting the rights of all passive stakeholders who may be affected by us writing an ethical report. The direct stakeholders who are affected are the clients who are reading the report; if the report successfully convinces them to believe in the credibility of Precrime, then they will be more likely to invest in the company. Indirect stakeholders affected by our decision are the social media users, who risk having their information leaked. Therefore, we have the duty of protecting the rights and decisions of both direct and indirect stakeholders.

The president of PreCrime, as the other decision maker, also has the right to choose her words carefully when asking us to write an ethical report. Of course, she has the right to say what she wants, but should keep in mind that she should respect other people's rights and not word her sentences in a way to persuade others unfairly. As president, she has the duty to protect the rights of her employees, as well as her clients and consumers, but also has the duty of doing what's best for the company, including performing activities that may seem unethical but produce the most amount of money for the company. She must successfully balance out the correct actions in ensuring her company profits the most amount of money, while also respecting the rights of those affected by her actions.

### **Values vs. Duties/Rights**

At the core of this ethical dilemma is determining whether it is more important to respect the values of a company's consumer, or to do the utmost in preserving company reputation and increasing profit.

For the president of Precrime, her values are to be open and honest with her employees, and not to use any sort of psychology to persuade an employee to do a certain thing. However, her duties are to increase company profits, and if sweet talking an employee is a good way to do it, then it may be the best option. In protecting her employee's right to making decisions, the president can be honest and open about the company paths, as well as offering a safe escape route if we eventually decided not to write this report. There should be no consequences say we were not

interested in helping the company write a report, if the president truly valued the rights of her employees. From another perspective, the president of PreCrime also has the duty of maximizing profit and supporting company policies. If an employee was not following company policies or had similar alignment to company goals, then the president of PreCrime, or any authoritative figure of the company, has the power to terminate incompetent workers.

As the would-be writers of the ethical analysis, our duties do not clash as much with our values as it does for the president. Our values definitely have to do with preserving the privacy of clients and consumers, and while our duties at the company are to follow company policies, we aren't in a position of power, therefore our values can overlap slightly with duties. There's a difference between doing the right thing and doing things right. Doing things right in this scenario would be following everything the president of PreCrime is telling us without question; while this may conform to our duties as an employee, it does not exemplify our values. Doing the right thing does, however, and while it may not completely be what our duties should be as an employee, any good position of authority would respect the fact that employees shouldn't be brainless robots, and instead should have the consciousness to do what's right.

In both perspectives, we are concerned of the decision if it is more important to protect and uphold the rights of employees and consumers, or to follow company policy and increase profit.

### **Principles and Virtues**

The most important ethical principle in this scenario is that of autonomy [2]. This ethical principle addresses the concept of independence and allowing an individual the freedom of choice and action. In this scenario, where so many clients and consumers may be affected either positively or negatively, it is important to realize that the employees, such as us in this situation, should have say in what we choose to do or not to do. If our boss was asking us to compute a mathematical equation or program a code, it would be more than easy to accept the task. However, when it comes to ethics, it's much more difficult, because we must think about so many passive stakeholders. Despite the fact that the president of the company may want all their employees to do things their way, at the end of the day, employees should make their own decisions and act on their own values, instead of appealing to wrong ones that come from those with authority.

Another important principle is that of nonmaleficence [2]. The nonmaleficence principle is the concept of not causing harm to others. Focusing on "not inflicting intentional harm, not engaging in actions that risk harming others, and limiting the risk factor of harm" are all important in somebody's decision on an ethical dilemma. If the course of action has some sort of benefit, but above all, does not physically, emotionally, or financially harm others, then that course of action can be considered better than taking no action at all.

The third ethical principle that we can bring to the table is that of justice [3]. Contrary to popular belief, justice does not mean treating everybody the same way, but "treating equals equally and unequals unequally but in proportion to their relevant differences" [1]. In this scenario, is it fair that we are the only ones being pressured by the president of PreCrime into writing this ethical analysis? Although we are known for being an ethicist, would it change anything if we asked the

entire employee database of their opinion on such matter? In addition, is it fair for the president to put such a big task on our shoulders on the first day of work? We haven't made a commitment to the company yet, therefore we should not be expected to accomplish such a big task.

The last important moral virtue is that of respect; that of between decision makers and other decision makers, as well as decision makers and stakeholders [4]. If PreCrime continues this invasion of privacy, they would not be showing respect towards the personal information and privacy that the social media users are obligated to have. Furthermore, the president of PreCrime would not be respecting our autonomy, as we would feel too pressured to complete the analysis since it is our first day on the job, and we've worked with the president at Google in the past.

### **Potential Responses and Projected Outcomes**

The first potential response to this situation in response to the autonomy virtue is for us to write an ethical analysis that weighs the pros and cons of having PreCrime seizing information of social media consumers without their knowledge. In this response, our values would outshine our duties; it's more important for the public to understand how morally wrong it is to seize personal information without consent, but also how it can be important to catch online criminals. Writing an ethical analysis that is neutral is a better option than refusing to write an ethical analysis at all; refusing to write an analysis signifies disobedience and may result in our firing, or at least bad terms with the president; however, by writing a neutral ethical analysis, we technically followed instructions, but only put our own values into the outcome. By writing this neutral ethical analysis, the public can choose whether or not they want to consent to having their information leaked. Some people might not care, but others may choose not to use those social media apps again because they're afraid of having personal information leaked. This also can lead to social media companies refusing to contract with PreCrime, because they could be losing daily users as a result.

The second potential response in accordance with nonmaleficence is to write the ethical analysis the exact way the president will like it and continue to comply with company goals and ideologies. When you think about it, this leak of information isn't hurting the vast majority of the public; the only people that it could potentially negatively affect are online criminals, who deserve to be caught and arrested by the police. It's highly unlikely anybody would even find out, given that PreCrime is a for-profit company that only markets information to law enforcements. This response would be very beneficial for us, because we did exactly as the president said and conformed to her duties as well as our own, for the better of the company. The company may see a great amount of clients, consequently raking in a higher profit. The downside is that in the off chance that somebody is falsely caught or arrested for information that PreCrime secretly found, then there could be a big civil lawsuit in which PreCrime could potentially lose a lot of money and reputation.

Another potential response to the situation to respond to the justice virtue would be for us to ask the president if we can just not be the only ones in writing the ethical analysis. Being the only

person, on our first day, constructing such an important piece of writing is bound to have negative consequences to our mental health or such. This action will take a large portion of the responsibility out of our hands and place it on the president's in finding more people to share ideas, as well as more employees because they have to do the analysis just as much as we do. For example, we could ask the president of PreCrime to assign this analysis to a small team of 5 different people- each person list out some pros and cons of the scenario, and at the end, they can combine those to make a proper analysis where nobody can be blamed for the wrong writings. As a decision maker, the president has the responsibility of making her employees feel comfortable in their surroundings, which is why this choice is solid in doing so. The consequences of this choice to the passive stakeholders are the same with the first situation, in that both the positives and negatives of PreCrime may be revealed to the public. However, in this outcome, we will not bear the full blame of any negative consequences to the company.

The final potential response in regards to respect would be for us to ask if the president could be more specific when requiring users to consent to giving them access to content. For example, when the user signs up for the social media site, they must read an unskippable terms and conditions which clearly states that their posts will be sold to a third-party company called PreCrime, which attempts to use these posts for good in helping law enforcements catch criminals. PreCrime can also list in the terms and conditions that the user's identities will not be revealed and will be completely anonymous; only the posts will be shown and examined. This confides to the virtue of respect because although we are continuing to follow PreCrime's company policy, we are respectful of the rights of these users and making them aware of where their information is going. This way, there can be absolutely no legal troubles or the risk of a lawsuit where someone say their information was stolen [4]. The impacts of this response is positive for these passive stakeholders; the users are more aware of their rights when signing up for these social media platforms, and can even actively try to help law enforcement find online criminals. Furthermore, as the ethical analysis reporter, we are given complete autonomy in writing the analysis, given the condition that PreCrime can list the terms and conditions out clearer.

### **Best Course of Action**

The best course of action in this scenario would be for us to ask the president if we can inform the social media users more about their right to privacy. In the given scenario, it is said that we "require users to consent to given them access to the content they create for the broad purpose of analyzing it for whatever purpose they choose." Instead of informing users that their information will be used for whatever purpose we choose, we should tell them that the only reason we take their information is to use it to better protect the online community through cyberbullying prevention, as well as illicit and illegal photos that can lead law enforcements to real-life criminal activities. Most people will be very understanding of such statements and have no problem in their posts being used for such. This option is in accordance to all virtues and principles listed above, even. It gives us the autonomy to write a thoughtful and thorough analysis on the ethics of this situation, and we also have a good reason to put emphasis on the

fact that the rights of our passive stakeholders are explicitly stated in the terms and conditions. This is also in accordance with nonmaleficence because the only people that could potentially be harmed are the ones that deserve it: the criminals that the law enforcement will eventually catch. Finally, in this scenario, everybody is respected and treated fairly. The president of PreCrime is respected because we agreed in writing a detailed ethics report to her, we were respected and treated fairly because our improvement in the ethics game of the scenario was listened to, and most importantly, the social media users' privacy is more respected because we are informing them of exactly what their information may go towards. Because this approach is in accordance with so many ethical principles, as well as protecting the rights of decision makers and passive stakeholders alike, it is the most ethical approach to this dilemma.

## **Reflection and Conclusion**

When thinking about three different decisions that each contributed to the situation, we have to keep in mind that taking a person's information without informing them of it clearly is bound for an ethical dilemma. How can we prove that such an invasion of privacy is acceptable even if it is to capture criminals?

The first decision that contributed to the situation was the president of PreCrime's decision to approach us on our first day of the job. The president knew that us and her had a previous boss-subordinate relationship, which is why she must have thought it would be easier to coerce us to do her bidding. From her perspective, it must be easy to sweet talk her way and getting us to write an analysis that helps the company. To completely eliminate bias that can occur because of past relationships, the president should have sent someone else of equal authority to ask us to perform the ethical analysis; by doing so, she can eliminate any pressure of us completing the work simply because the president is our former boss. In addition, we can have a newfound respect for her, simply for the fact that she decided not to get involved in the situation.

Another decision that contributed to the situation was the social media's decision not to tell their users what their information was being used for. Part of our approach in the end was to tell the users where their information was going and why it was being used, so if PreCrime required the social media sites to disclose such information, the ethical dilemma could have never happened in the first place. It's very important to disclose as much information as possible to prevent lawsuits from happening. Even if a company wins a lawsuit, it's very likely that their reputation can be ruined for a lot of other people because they're now known as having terms and conditions that hides the truth.

The final decision that contributed to the situation is the fact that PreCrime is a for-profit company and decided to invade privacy to "do good", but also making money at the same time. If PreCrime never existed, and instead law enforcement agencies had the same software to detect online criminals, then this also could have changed the scenario a bit. A big part of this ethical dilemma is figuring out if its more important to adhere to values or to company profits; by having a non-profit government agency that utilized the same software, we can only then only focus on values and perhaps the dilemma would've been different. Law enforcement agencies

obtain a budget through taxpayer's money. Without profit in the equation, a company can put more effort into its values than how much money it is trying to make.

## References

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