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Abstract

My project explores the technological advancements and powers of modern day law enforcement in the United States. Both the public and government have pushed for technological use in the justice system in order to reduce investigative inaccuracy and police misconduct. Black Lives Matter protests across several U.S. cities earlier in 2020 revealed the current militarization of the police force. Black Americans in particular, who make up 13% of the population, are 31% to 39% more likely to experience police brutality. Police often get away with mistreatment because of their reputation and backing from higher authority. Both the public and parts of the government want to introduce reform, making it easier to hold law enforcement accountable. Scholars and experts have researched the design and results of incorporating different types of technology.

What are the major roadblocks to technological development in criminal justice? Would future technology improve the judicial system in ways it has not already? What are ways technology, no matter its intent, can be used to jeopardize the rights of citizens? My paper argues how tools and algorithms can simultaneously bring justice to certain investigations while obstructing others.

Empowered Oppression: Dimensions of Technological Authority

An old audio clip surfaced recently of a Louisiana State trooper confessing his actions involving the death of Ronald Greene, a black American. Police initially claimed that Greene died following a police chase ending in a car crash. The crash report revealed they chased him because of a traffic violation and took him into custody after he resisted arrest, yet there was no mention of troopers initiating conflict. Shortly before the uncovering of the audio clip, his family released pictures showcasing his injuries from getting beaten and the decent condition of his car. Greene was also not a suspect of any crime at the time of his death. The confession from the

trooper, who admitted he “beat” and “choked” Greene until “[Greene] just went limp”, contradicts the police statement, which reported not a hint of police misconduct (Mustian).

Greene’s case is no isolated incident. Cases of police brutality do not usually result in conviction, since there is no federal standard of what actions can be classified as misconduct and because of the relationship between law enforcement and the justice system. Without a standardized system of recording police brutality, several forms of media become more accurate for finding data than actual police reports. Philip M. Stinson, a criminal justice professor who collects data on convictions, noted only 42 convicted officers out of around 1,000 civilians killed by police (Thomson-DeVeaux et al).

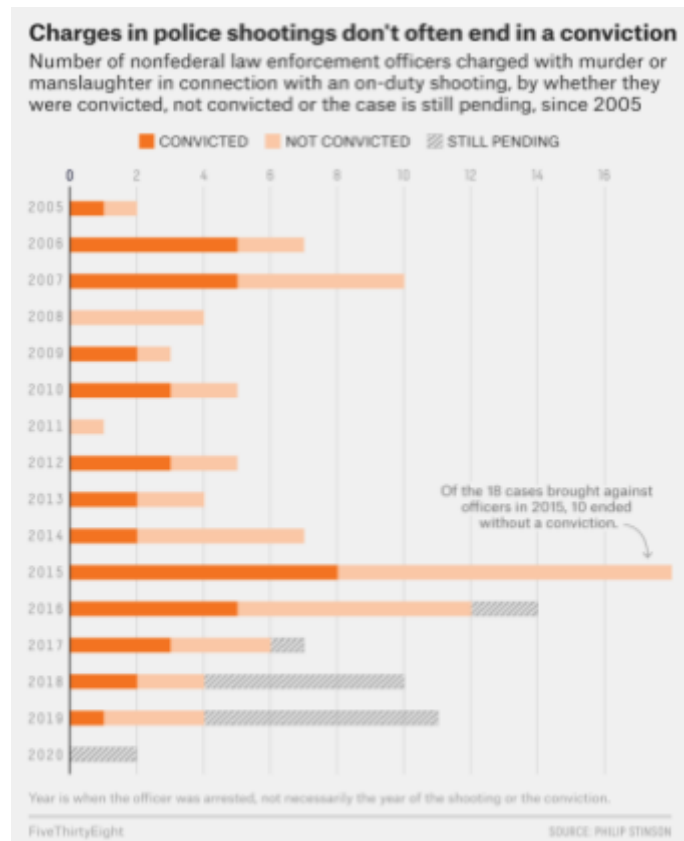


Fig 1: Stinson, Philip. "Charges in police shootings don't often end in a conviction." *FiveThirtyEight*, 04 June 2020.
<https://fivethirtyeight.com/features/why-its-still-so-rare-for-police-officers-to-face-legal-consequences-for-misconduct>

Police brutality and racism are not mutually exclusive. Although White Americans make up the majority of America's demographic, Black citizens are almost three times as likely to become a victim of a police shooting (“Police Shootings: Rate by Ethnicity U.S. 2015-2020”). The problem is not new to society. Eugene (Bull) Connor, former commissioner of public safety, is now known for attacking protestors of the 1960s Civil Rights Movement in Birmingham,

Alabama using hoses and hounds (Thomsen). To this day, both people of color and political activists have been targets of violence from authority.

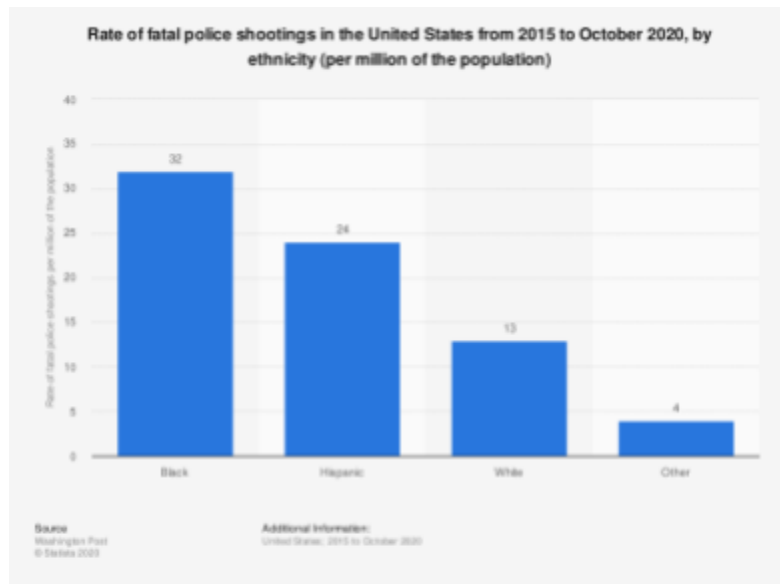


Fig 2: "Police Shootings: Rate by Ethnicity U.S. 2015-2020." Statista, 2 Nov. 2020, www.statista.com/statistics/1123070/police-shootings-rate-ethnicity-us/.

Recent protests have galvanized the political and social climate, especially regarding race relations and the role of police. Following the death of George Floyd in May 2020, 10,600 Black Lives Matter protests occurred within the U.S, 95% of which were considered peaceful (Kishi and Jones). The other 5% became

sensationalized by the media, leading many Americans associating the movement with violence and destruction. In Miami, Florida, police used facial recognition to arrest protestors, but even excusing the infringement on First Amendment rights, the software often misidentified people of color, leading to unlawful arrests of innocent civilians (Cox). The use of facial recognition is not unfamiliar to society—this type of security has been implemented to successfully identify



Figure 3: Graham, Andrew. "Hannah Scout, 22, is arrested by Laramie police officers June 25, 2020 for interfering with traffic during a protest." Wyofile. July 21, 2020. <https://www.wyofile.com/protesters-challenge-arrests-as-first-amendment-infringements/>

Osama bin Laden, a thief in Chicago, and Taylor Swift's stalkers (Klosowski). While investigators often use facial recognition to find criminals, the arrests of Miami citizens show how the same technology can ruin innocent lives. The incident led to a push for Congress to regulate use of facial recognition (Cox). However, all blame was placed on the company, while none was placed on the police, who used the technology to infringe on American rights.

Police are rarely held accountable for their actions because of their relationship with both the people and the system. According to Jerry L. Steering, a lawyer specializing in police brutality, the public expects the police to protect them, so they only believe abuse of power happens when it happens to the citizen personally. When the police frame civilians for crimes, they usually have the backing of the government, leaving the civilian at a disadvantage (Steering). In Greene's case, the troopers involved were placed on administrative leave after the investigation opened fifteen months following his death (Mustian). The justice system protects law enforcement over its own citizens, regardless of innocence or guilt. In turn, the police continue to gain power to abuse their authority, including exploiting objective policies and technology such as facial recognition and data transparency in order to discriminate and assault citizens.

Both the public and the legislature want to see change within the criminal justice system. In 2018, the state of Florida passed a law pushing for data transparency between the people and law enforcement, which backfired as the system of collecting data was unclear, leading to the agency in charge of relaying the information being behind on deadlines (Pantazi). Several organizations expected Florida's law to influence other states to legislate criminal justice reform. Florida's failure shows where the system for data transparency went wrong, which is important for legislators to understand so they do not repeat a past mistake. Data transparency is important

because public knowledge of the decisions made in the justice system helps limit corruption, and technology helps facilitate information. With more information in the hands of citizens, they can hold police accountable for their actions. Florida's law also exposes a roadblock to integrating technology into criminal justice. Given the power of states and other local governments to make their own laws, inconsistencies often occur. Multiple states most likely have varying definitions of important legal terms, which means that the same type of event occurring in several states could only get taken down in a fraction of those states as misconduct. Thus, inconsistencies in rates of misconduct and violence are inevitably inconsistent. Without having standard definitions set, the process of collecting data becomes virtually impossible.

Another roadblock to technological development in question is legislature. Weeks after the 2020 Black Lives Matter protests started, several legislators proposed reform bills, some of which never passed, including a bill in the Senate¹. Lately, there has been a push to ban facial recognition, since research shows the software to be discriminate and inaccurate while detecting faces of color (Gomez). Support comes from both people politically-involved and in the government, showing how the government and the public can come together on an issue regarding authoritative power. The push has been met with opposition from the military, as they argue that recognition systems can be important for military victories (Gomez). With so many factions and interest groups vying for dominance, coming to an agreement on what policies to enforce and ways to change is generally difficult.

For over a decade, police officers have used four key governing principles in order to handle digital evidence. Scholar Graeme Horsman argues that the Association of Chief Police

¹ Republican Senator Tim Scott introduced a police reform bill which was blocked by Democrats. Later on, another passed in the House of Representatives, but only three Republicans voted for it.

Officers needs updated and expanded. rules and guidelines. In short, the standard principles state that original data should be maintained for use, and should not be manipulated in any way (Horsman). Since the creation of these guidelines, the practice of digital evidence has evolved tremendously. Those standards are, as Horsman suggests, too vague. When rules are too vague, people can find loopholes and commit moral wrongdoings. Looking at both Greene's case and the incident in Miami, the ACPO's rules were not broken. Greene's case in particular merely had withheld information, not edited information, and in Miami, the police were not the main cause of the inaccuracy, it was a system flaw. One new principle Horsman proposes include full disclosure to all parties involved. If that principle was followed during Ronald Greene's case, the investigation would have come to an accurate conclusion and his family would have received closure. Another one Horsman includes is digital evidence going through immense testing for accuracy, something that was an issue during the Miami incident, although police should not have tried to arrest protestors in the first place.

Technology can help solve problems humans cannot solve accurately. Some scholars argue, "if crime is not random it can be studied" (Kounadi et al). According to researchers at the RAND Corporation, data can predict a crime before it happens, and can be used to assess risk (Hollywood et al). Data mining is a type of predictive crime technology, except far more specialized. Such methods used in data mining include "clustering, regression... association rule mining... visualization" (Kounadi et al). According to researcher Kevin Strom, police officers were stationed based on data mining software, leading to a 47% decrease in gun violence and a 246% increase in weapons seized. Much predictive crime technology that is more specialized and accurate can benefit both law enforcement and society, especially in the future with the rise of artificial intelligence crimes.

The current intent of law enforcement is to protect the people and maintain peace. However, police are people, and people make mistakes. Police just happen to make catastrophic mistakes sometimes. While the idea that police always have the people's best interests in mind is embedded in American culture, years of protests against police mistreatment have swayed the public otherwise, causing them to advocate for change in varying degrees. The adoption of technology is intended to eliminate human mistakes, but not all technology leads to the same results. The advancements made in design and data should be acknowledged if it has brought cases to justice. The more that people within politics, research, and criminal justice continue evaluating different technological approaches, the more information society can learn about police authority. Recognizing that technology in criminal investigations sometimes leads to more inaccuracies, rather than blindly assuming that both the justice system and technology are infallible, can stimulate growth within law enforcement, leading towards a better system that works for everyone.

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