

The Legal Landscape of Artificial Intelligence in Modern Policing

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Session Objectives

- ▶ Understand legal implications of AI use in law enforcement.
- ▶ Highlight potential risks and mitigation strategies.
- ▶ Questions



Policing and the use of AI

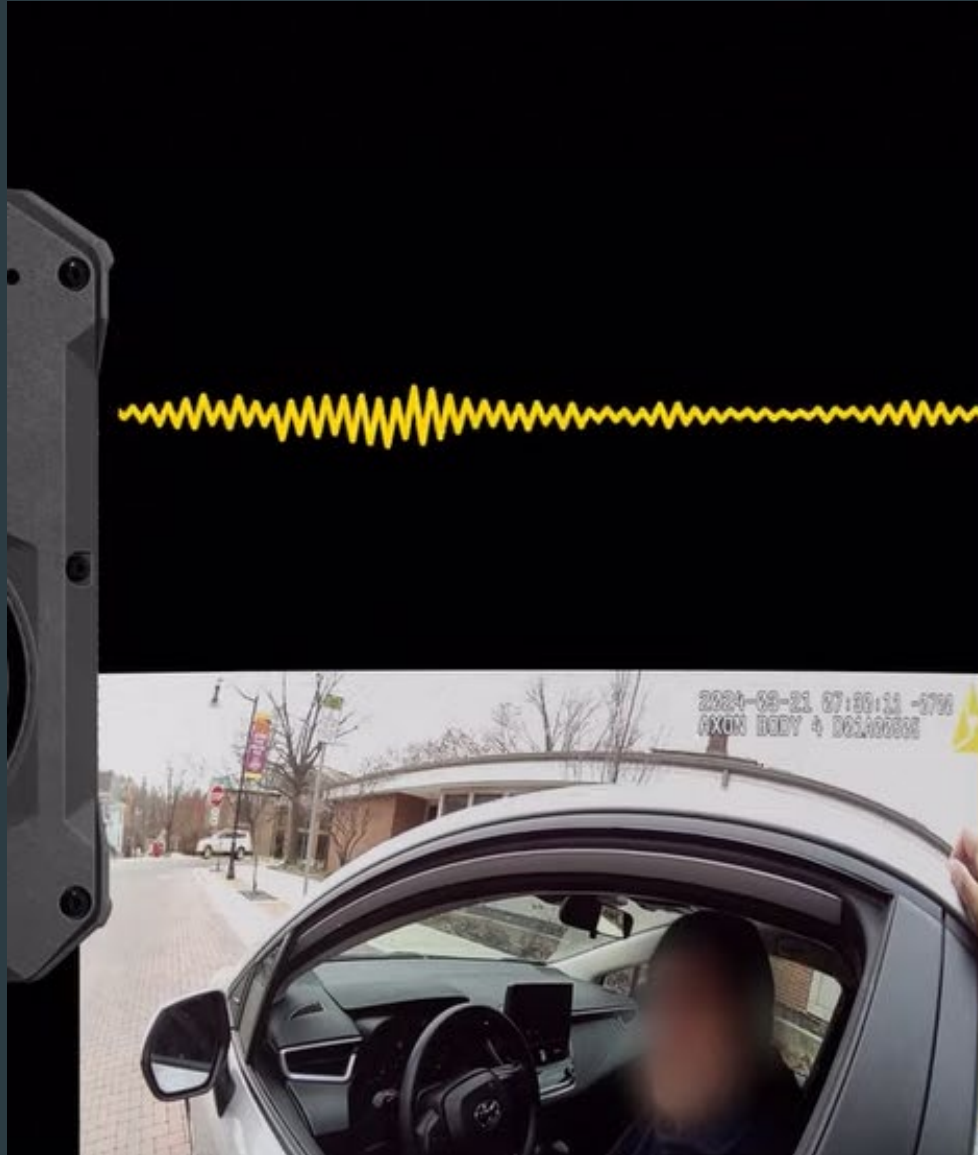
Importance of AI in Policing

- ▶ Efficiency in resource allocation.
- ▶ Improved decision-making.
- ▶ Enhanced crime prevention capabilities.

Emerging AI Technologies

- ▶ Predictive policing (e.g., Geolitica)
- ▶ Facial recognition (e.g., Clearview AI)
- ▶ Advanced data analytics (e.g., Palantir Technologies)
- ▶ AI drafting of police reports (e.g., Draft One)

Report Writing



On March 25, 2024, at approximately 9:18 AM, I, Officer John Smith, initiated a traffic stop on a silver Toyota at the intersection of Seventh and South Street. Upon making contact with the driver, I identified myself as Officer Smith from the Local Police Department. I informed the driver that the reason for the stop was due to speeding in a school zone, where the speed limit is 25 miles per hour...

Real-World Examples

- ▶ LAPD's use of Geolitica to allocate patrol resources efficiently.
- ▶ FBI leveraging Palantir to disrupt human trafficking networks.
- ▶ Chicago PD's integrating predictive analytics to reduce shootings.

Dispatch Operation Supervision



Dispatch Operation Supervision

Evaluation Scores

Only evaluations with scored criteria will appear

Average Score

88.18%

Number of Evaluations

750



Skills

Percent Adherence by Skill Area

Protocol Adherence

750 evaluations

82.37%

Adherence

Communication

750 evaluations

93.47%

Adherence

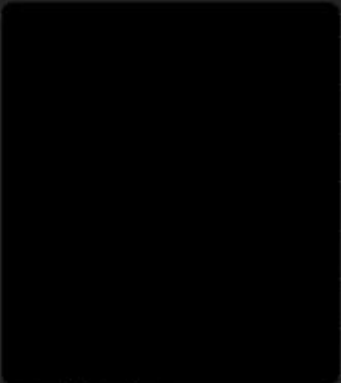
Accuracy

750 evaluations

98.03%

Adherence

Shift Leaderboard		
Shift	# of Evaluations	Score
A Shift Nights	140	95.12%
B Shift Nights	130	90.32%
Part Time	259	86.09%
B Shift Days	93	84.61%
A Shift Days	175	83.96%



1	100.00%
72	97.39%
37	96.30%
10	95.65%
44	95.51%
54	95.06%
4	94.44%
7	93.75%
2	93.86%

Generative AI Overview

- ▶ Definition: AI that creates content (e.g., text, images, videos).
- ▶ Examples: ChatGPT, DALL-E, and MidJourney.
- ▶ Potential Uses in Policing:
 - Automating report writing to save time.
 - Generating realistic scenarios for officer training.
 - Assisting in digital forensics (e.g., detecting deepfakes).

Next Evolution Being Developed

- Real-time language translation with auto-detection.
- Video summaries, including key moments in timelines (helpful to attorneys).
- Object detection and recognition.
- Live policy chatbot.

Challenges with AI

- ▶ Potential for misinformation.
- ▶ Authenticity concerns (e.g., admissibility of AI-generated evidence).
- ▶ Ethical dilemmas in synthetic evidence creation.
- ▶ Misuse by officers.
- ▶ Lack of public trust.



Key Applications of AI in Law Enforcement

Common Tools

- ▶ Predictive policing: Geolitica (formerly PredPol).
- ▶ Facial recognition: Clearview AI.
- ▶ Automated license plate readers (ALPRs).
- ▶ Social media monitoring: Dataminr.



Real-World Examples

- ▶ NYPD's use of ShotSpotter to detect gunfire and improve response times.
- ▶ Florida's use of Clearview AI to identify suspects in child exploitation cases.
- ▶ London Metropolitan Police's live deployment of facial recognition systems to identify suspects in real time.



Legal Framework Overview

Constitutional Considerations

Fourth Amendment: Protecting against unreasonable searches and seizures.

Fourteenth Amendment: Ensuring equal protection under the law.

First Amendment: Preventing chilling effects on free speech.

Relevant Legislation

California Consumer Privacy Act (CCPA): Data transparency and rights for individuals.

Electronic Communications Privacy Act (ECPA): Governing digital surveillance.

Stored Communications Act (SCA): Regulating access to stored electronic data.



Fourth Amendment Issues

Search and Seizure

Carpenter v. United States (2018): Warrant required for historical cell-site data, emphasizing digital privacy.

United States v. Jones (2012): Prolonged GPS tracking without a warrant violates the Fourth Amendment.

Riley v. California (2014): Extended privacy protections to smartphones.

Implications

- ▶ AI-driven surveillance must adhere to established warrant protocols.
- ▶ Potential overreach concerns with automated monitoring systems.
- ▶ Determination whether a warrant is required. “Time Machine” effect.



Fourteenth Amendment Issues

Equal Protection

Washington v. Davis
(1976): Proof of
discriminatory intent
required for Equal
Protection violations.



*Brown v. City of
Oneonta* (1999):
Highlighted risks of
racial profiling in
policing technologies.

AI Bias Studies

- ▶ **National Institute of Standards and Technology (NIST) 2019 study:** Found higher error rates in facial recognition for people of color.

Mitigation Strategies

- ▶ Routine algorithm audits and bias reduction measures.
- ▶ Incorporating diverse training datasets.



First Amendment Issues

Privacy & Surveillance

NAACP v. Alabama (1958): Associational privacy protects individuals from compelled disclosure of group membership.

United States v. O'Brien (1968): Surveillance must not suppress lawful expression.

Concerns:

- AI monitoring of protests or social media activity
- Legal challenges to overly broad surveillance measures.



State and Federal Legislation

Consumer and Communication Protections

- ▶ California Consumer Privacy Act (CCPA): Empowers individuals to know and control how their data is collected and used.
 - Mandates transparency in AI-driven data collection.
- ▶ Electronic Communications Privacy Act (ECPA):
 - Restricts unauthorized access to electronic communications.
- ▶ Stored Communications Act (SCA):
 - Requires legal processes to access stored digital communications.

San Francisco / Clearview

- ▶ AI scraped billions of photos for facial recognition
- ▶ ACLU sued under biometric privacy laws
- ▶ Case challenges AI use in law enforcement

San Francisco / Clearview

- ▶ Clearview will not sell its database of what it said were more than 20 billion facial photos to most private individuals and businesses in the country. But the company can largely still sell that database to federal and state agencies.



Risks and Challenges: Liability Issues

Liability Issues

▶ Civil Liability:

- Example: Detroit's wrongful arrest lawsuit over facial recognition errors.

▶ Administrative Liability:

- Departments face accountability for lack of training and oversight.

▶ Key Consideration:

- Importance of robust training and clear operational guidelines.



Accountability and Oversight

Department Responsibility

- ▶ Ethical Responsibility:
 - Police departments must ensure fair and appropriate use of AI.
- ▶ Maintaining Human Oversight:
 - Public disclosure of AI system use and safeguards.



Developing AI Policies

Updating Department Policy

► Why an AI Policy is Necessary:

- Reduces legal risks and builds public trust.

► Key Components:

- Clear definition of AI use cases.
- Regular audits and updates.
- Comprehensive training for officers and staff.

Policy Implementation Suggestions

► Involving Stakeholders:

- Engage legal experts, technologists, and community leaders.

► Routine Reviews:

- Update policies based on evolving technologies and legal standards.
- Transparency

Conclusion

► Recap of Key Points:

- Legal challenges, case law, and real-world examples.
- Importance of balanced, ethical AI deployment.

► Actionable Steps:

- Evaluate current AI tools and risks.
- Develop clear, enforceable policies.
- Provide comprehensive training for legal and ethical AI use.

Thank You!

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