**Practicing with MLA & Algorithmic Policing**

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Once you have completed your Lab, submit it on Moodle in WORD format.*

**Instructions:**

1. Read and take notes on the texts distributed at the end of this document (‘Readings a,b, and c’).
2. Use your notes to answer the following questions in short paragraphs inside this document directly under each question. Provide at least one in-text citation per paragraph in proper MLA format (use the Dawson MLA guides) to credit your source or sources.

a) In reading A) what are three potential issues raised by the author?

b) From a Charter perspective, why is the use of algorithmic surveillance technologies argued to be problematic? (Reading B)

c) In your own words, why is algorithmic policing a cultural, political, and legal shift for our society?

d) Would the authors of these different readings agree with each other, or are they defending opposing viewpoints?

1. Create an MLA bibliography in proper format that includes the three readings, even if you did not cite each of them. (You do not need to provide a full citation for the Walsh + Calo and Crawford articles cited in reading C). The following is all the information that you need to complete the bibliographical entries for each source:

-reading A) is an article titled “The Problems With Using Artificial Intelligence And Facial Recognition In Policing” that was written by Nikita Malik and published by Forbes on October 29, 2018, at this URL: www.forbes.com/sites/nikitamalik/2018/10/29/the-problems-with-using-artificial-intelligence-and-facial-recognition-in-policing/?sh=4346b5cb4f83

-reading B) is an executive summary from a report titled “To Surveil and Predict - A Human Rights Analysis of Algorithmic Policing in Canada” authored by Kate Robertson, Cynthia Khoo, and Yolanda Song. It was published on September 1st, 2020, on a website called *The Citizen Lab*, an organization sponsored by the Munk School of Public Affairs at the University of Toronto. It was accessed in 2020, September 15. It is available here: https://citizenlab.ca/2020/09/to-surveil-and-predict-a-human-rights-analysis-of-algorithmic-policing-in-canada/

-reading C) is an excerpt on page 55 of a book chapter (pages 41 to 57) written by Janet Chan titled “The future of AI in policing - Exploring the sociotechnical imaginaries.” It is published in a book edited by John McDaniel and Kevin Pease, which is titled *Predictive Policing and Artificial Intelligence*. It was published by Routledge, but there is no location in the document. (Tip: See MLA Basic Models)

Here are the readings.

\*All readings have been abridged by me.

-Reading A) Predictive policing uses data to forecast areas where crime will happen, by mapping ‘hot spots’. More interestingly, it can also score and flag people most likely to be involved in violence. Early evidence from David Robinson and Logan Koepke from Upturn studied ten vendors of predictive policing systems, to find that software programs were inputting social media, connections and relationships, social events and school schedules, and commercially available data from data brokers into systems to predict crime. As well as mapping out possible criminal hotspots, software could also assign a numerical threat score and a color coded threat level (red, yellow, or green) to any person that a police department searched for.

This leads to several important issues. The first is on effectiveness – the aforementioned strategic subject list used by the Chicago police department, for example, does not appear to have been successful in reducing gun violence. The second is on bias: predictive policing systems tend to rely on records of crimes reported by the community or those identified in police patrols, which may lead to feedback loops and more enforcement in communities that are already heavily policed. Therefore, when it comes to either crime or terrorism, police resources could be dedicated to a perceived threat, rather than an actual one.

Because data does not always reflect reality, we must push for greater transparency from the vendors and creators of this technology. Crucial to this making how data is used publicly available. The model to predict the typical white collar criminal, for example, meant researchers downloaded pictures of 7,000 corporate executives whose LinkedIn profiles ‘suggested’ they work for financial organisations. Using data in this way without approval is extremely problematic.

-Reading B) **Implications for the Right to Privacy and the Right to Freedom of Expression, Peaceful Assembly, and Association**: The increasing use of algorithmic surveillance technologies in Canada threatens privacy and the fundamental freedoms of expression, peaceful assembly, and association that are protected under the Charter and international human rights law. The advanced capabilities and heightened data requirements of algorithmic policing technologies introduces new threats to privacy and these fundamental freedoms, such as in the repurposing of historic police data, constitutionally questionable data sharing arrangements, or in algorithmically surveilling public gatherings or online expression, raising significant risks of violations. The Canadian legal system currently lacks sufficiently clear and robust safeguards to ensure that use of algorithmic surveillance methods—if any—occurs within constitutional boundaries and is subject to necessary regulatory, judicial, and legislative oversight mechanisms. Given the potential damage that the unrestricted use of algorithmic surveillance by law enforcement may cause to fundamental freedoms and a free society, the use of such technology in the absence of oversight and compliance with limits defined by necessity and proportionality is unjustified.

**Implications for the Right to Liberty and to Freedom from Arbitrary Detention**: It is incompatible with constitutional and human rights law to rely on algorithmic forecasting to justify interfering with an individual’s liberty. By definition, algorithmic policing methods tend to produce generalized inferences. Under human rights law and the Charter, loss of liberty (such as detention, arrest, denial of bail, and punishment through sentencing) cannot be justified based on generalized or stereotypical assumptions, such as suspicion based on beliefs about an ethnic group or on the location where an individual was found. Reliance on algorithmic policing technologies to justify interference with liberty may violate Charter rights where the purported grounds for interfering with liberty are based on algorithmic predictions drawn from statistical trends, as opposed to being particularized to a specific individual. Violations may include instances where an individual would not have been detained or arrested but for the presence of an algorithmic prediction based on statistical trends, all other circumstances remaining the same.

-Reading C) Leading AI scientist Toby Walsh has predicted that Homo sapiens will eventually be replaced by Homo digitalis, a digital form of our current species: “Homo digitalis will be far smarter than Homo sapiens” and we “will live both in our brains and in the larger digital space” (2018, 292). The choices we make will determine how we build this digital future. The question for us is: do we want to use the power of our new- found intelligence to bring about a world that is “fair, just and beautiful”, or do we want to “allow it to be full of inequality, injustice and suffering” (2018, 292)? These choices will not always be easy and some will require courage.

The future of AI is what we make of it. Even though we would no longer allow pharmaceutical companies to sell drugs to treat human health conditions without some rigorous scientific tests, as a society we have so far given little scrutiny to the new technology that has become part of our everyday life. This may be because we are eager to take advantage of the benefits of technology or because we are ignorant of the risks. As Crawford and Calo (2016, 313) point out:

Artificial intelligence presents a cultural shift as much as a technical one. This is similar to technological inflection points of the past, such as the introduction of the printing press or the railways. Autonomous systems are changing workplaces, streets and schools. We need to ensure that those changes are beneficial, before they are built further into the infrastructure of everyday life.

Until the downsides of technology start to impact on our lives, it is all too easy to shrug and say, so what? We may be able to afford to adopt that kind of attitude individually, but society as a whole must be more vigilant about the public good.