Police Ethics and Police Technologies

Course Outline

Course description

The first professional police force was founded in Boston, Massachusetts in 1838. Since that time police have long played a central role in the promotion of safety and security in the United States. But a chorus of critics is questioning the place of policing in maintaining social order. Among the concerns being voiced are that police work increasingly violates civil liberties, that policing is racially biased in ways that oppress marginalized people, and that the scope of police work outstrips the expertise of officers. Emerging policing technologies can either ameliorate or aggravate these concerns. For example, "predictive policing," the use of crime analytics software to forecast the timing and location of crime, has been adopted to address concerns that human crime analysts are racially biased. But critics of the technology claim that police bias is encoded in the data used to train predictive policing systems, reproducing or exacerbating problematic bias.

In this course we will investigate, through the methods of moral philosophy, the moral foundations of policing, some recent ethical controversies about the role and conduct of police in society, and the appropriate role of technology in policing. Topics include an introduction to ethical issues in artificial intelligence, the role of police in society, institutional critiques of policing and "big data" technology, police discretion, surveillance and data collection, "non-lethal" or "less lethal" weapons and police use of force, and future directions in policing and policing technology.

This course employs a "**theory-application cycle**" format that pairs ethical theories with specific technologies and real-world case studies each week. The objective is to provide students with a robust understanding of not only the theoretical underpinnings of police ethics but also their practical applications in modern policing. Each week is designed as two sub-units, i.e. split over two days of class. On the first day of each unit, students focus on establishing a solid foundation in police ethics and moral philosophy. This sets the stage for the second day of each unit, where students will explore a particular technological advancement that challenges or complicates these conventional principles of ethical policing. In addition, students will explore relevant case studies that provide concrete contexts for applying the ethical theories and principles discussed earlier in the week.

Course learning objectives

By the end of this course, students will be able to:

1. **Articulate Key Concepts**: Explain the key ethical principles and theories that underpin the foundations of policing, police work, and the intersection of policing with technology.
2. **Apply Ethical Theories**: Apply theories from philosophical ethics to specific case studies and practical situations in policing, including situations involving the use of emerging police technologies.
3. **Evaluate Policing Technologies**: Critically evaluate the ethical implications of existing and emerging police technologies; the challenges they pose to conventional principles of police ethics; and their effects on police policies, policing practices, and police-community relations.
4. **Discuss Institutional Dynamics**: Understand and articulate the dynamics between police institutions and ethical considerations in individual cases of police behavior.

Reading Schedule

Wk	Topic	Readings
1	**Introduction to ethics**	• Rachels and Rachels, "What is morality?" • Kleinig, "Introduction: ethics and police ethics" • Optional: Frowe, "Self-Defense" • <u>Case study</u>: Bernard Goetz, the "Subway Hero"

Learning objectives:
- Identify and define basic ethical principles and theories including deontology, utilitarianism, and social contract theory.
- Analyze the Bernie Goetz case study in the context of the ethics of the use of force, the dangers of vigilante justice, and the role of police in society.

| 2 | **Moral foundations of policing** | • Kleinig, "The Moral Foundations of Policing"
 • Miller, "Police Ethics"
 • Optional: Kleinig, "Legitimate and Illegitimate Uses of Police Force"
 • <u>Case Study</u>: The Stanford Prison Experiment |

Learning objectives:
- Explore the moral foundations of policing.
- Contrast ways of conceptualizing the problem of crime and the implications of those analogies for the role of police in society.
- Analyze the Stanford Prison Experiment case study in the context of the psychological impact of authority and the ethical dilemmas related to punishment and abuse of power.

3	**Introduction to AI ethics**	• Ferguson, "Introduction: Big Data Policing" • Ferguson, "Big Data's Watchful Eye: The Rise of Data Surveillance" • <u>Case study</u>: Controversy over the COMPAS recidivism algorithm

Learning objectives:
- Develop a basic understanding of how artificial intelligence (AI) operates and the ways it has been incorporated into criminal justice, especially including policing.
- Articulate the ethical concerns related to AI and big data in policing.
- Discuss the COMPAS case study to illustrate the ethical concerns that can arise in using AI in criminal justice.

4	**Police in society**	• Kleinig, "Professional, the police role, and occupational ethics" • Monaghan, *Just Policing*, "Policing in a complex and coupled criminal legal system" • <u>Case study</u>: Camden, New Jersey Police Reform

Learning objectives:
- Discuss the professional role of police in society and its ethical dimensions.
- Explore different models of policing, for example, "policing by consent," and implications for the relationship between police and communities.
- Discuss the Camden, New Jersey case of police reform and examine how a police department can be transformed to serve its community more ethically and responsibly.

5	**Institutional culture and institutional power**	• Kleinig, "Institutional Culture and individual character" • Citron and Calo, "[The Automated Administrative State: A Crisis of Legitimacy](#)" • Optional: Vitale, *The End of Policing*, chapter 2, "The Police are not Here to Protect You," especially the section "Political Policing in the Postwar Era" • <u>Case study</u>: Los Angeles's Rampart Division

Learning objectives:
- Evaluate the relationship between institutional culture and individual ethical behavior within the police force.
- Articulate distinctively institutional imperatives and constraints that influence individual police behavior.
- Discuss the case of corruption in LAPD's Rampart division, highlighting the influence of institutional culture on individual officers' behavior.

6	**Predictive policing**	• Ferguson, "Whom We Police: Person-Based Predictive Targeting" • Castro, "What's Wrong with Machine Bias" • Case study: Place-based predictive policing

Learning objectives:
- Understand the technical details of how predictive policing operates and is incorporated into police routines.
- Discuss concerns surrounding "statistical discrimination," i.e., when it is morally acceptable to impart characteristics to someone because of their membership in a group that generally shares those characteristics.
- Assess the ethical considerations surrounding predictive policing, focusing on issues like false positives, false negatives, feedback loops, and disparate impacts.
- Articulate a basic account of the standard of success (i.e. the relevant comparison case) for predictive policing.

7	**Police discretion**	• Kleinig, "Police discretion" • Pierson et al., "A large-scale analysis of racial disparities in police stops across the United States" • Case study: NYPD's "Stop and Frisk"

Learning objectives:
- Analyze the ethical implications of police discretion. Why is it, at least in some cases, a necessary component of police activity? When is it justified? When is it problematic?
- Explore regulatory and accountability mechanisms to safeguard civil liberties against abuses or disparate impacts of police discretion.
- Analyze NYPD's "Stop and Frisk" policy to explore the ethical dimensions of discretion in stops and searches, including profiling and threats to civil liberties.

8	**Police surveillance and deception**	• Macnish, *The Ethics of Surveillance*, chapter 2, "The Wrongs of Surveillance" and chapter 6, "Police" • Hadjimatheou, "[Surveillance Technologies, Wrongful Criminalisation, and the Presumption of Innocence](#)" • Documentary: *Citizenfour* • Optional: Zuckerman, "[Why filming police violence has done nothing to stop it](#)" • <u>Case study</u>: PRISM and Edward Snowden • <u>Case study</u>: Catching the Golden State Killer

Learning objectives:
- Articulate basic theories of the moral foundations of privacy. How, according to these theories, can police respect or violate citizens' privacy?
- Examine ethical concerns regarding police surveillance and deception.
- Discuss the prospects for counter-surveillance (or 'sousveillance') as a check against the abuse of state power.
- Discuss the range of technologies that aid police in deterring, preventing, and solving crimes, but which also pose dangers to citizen privacy, e.g.: body cameras, CCTV, drones, facial recognition, wiretaps, genetic genealogy and gunshot detection.

9	**Non-lethal and less-than-lethal force**	• Kleinig, "[Chokeholds, Eric Garner & Police Ethics](#)" • Smith, "[Police, the public, 'less lethal force' and suspects: Deconstructing the Human Rights Arguments](#)" • Optional: Kleinig, "[Ethical constraints on Taser use by police](#)" • Optional: Lewer, "An overview of the future of non-lethal weapons" • <u>Case study</u>: Tear Gas in Ferguson, MO

Learning objectives:
- Evaluate the ethical considerations of using non-lethal and less-than-lethal force in policing.
- Examine concerns such as the "threshold objection," i.e. that the availability of less-than-lethal weapons can lower the threshold to police use of force.
- Examine cases of the use of less-than-lethal weapons such as tear gas, tasers, and rubber bullets as an opportunity to discuss potentially ethically significant impacts on human rights.

10	**The future of policing**	• Ferguson, "Bright Data: Risk and Remedy"
		• Ferguson, "Questions for the Future"
		• Subramanian and Arzy, "State Policing Reforms Since George Floyd's Murder"
		• Vitale, *The End of Policing*, "Conclusion"
		• Case study: From Michael Brown to George Floyd

Learning objectives:
- Explore "radical" positions concerning the role of policing in society, including the drive to abolish or "defund" the police.
- Discuss and question the future of policing technologies. How can policing technologies themselves be designed and integrated in ways that augment the ethical and responsible behavior of police?
- Discuss the progress of police reform in the wake of the killings of Michael Brown and George Floyd to understand proposals for reimagining the role of police and the challenges they face.

Enduring Themes and Questions

Below are questions that recur throughout the course and arch over multiple units, theories, cases, etc. Instructors can advert to these throughout the course as a reminder of the interconnections between units and as a form of **spaced repetition**. Each of these themes below also serves as a starting place for in-class discussions, exam essay questions, or other assessments.

1. How does technological innovation alter the fundamental roles and responsibilities of policing?
2. What ethical and legal guardrails should be established for the deployment of emerging technologies in law enforcement?
3. What is the role of community engagement and public opinion in shaping ethical policing practices? How much deference are police required to give to public opinion?
4. Where is the boundary between the responsibilities of the police and the duties of the public in maintaining social order?
5. Is the notion of 'public safety' universally understood, or are there ethical implications in how different communities define and prioritize it?
6. To what extent are police officers obligated to assume personal risks in the fulfillment of their professional duties?
7. How does the institutional culture of a police force impact individual ethical decisions made by officers?

8. Can AI-augmented technologies ever be free from biases, and what ethical considerations arise from their inaccuracies? How much bias can be justified — and how much is too much?
9. How should the concept of privacy adapt in the face of increasing surveillance capabilities by law enforcement agencies? What are the ethical limits to police surveillance, discretion, and deception?
10. What ethical considerations guide the use of force, both lethal and non-lethal, in various policing scenarios? How much can these differ between communities, contexts, missions, etc.?

Additional topics

The ethical dimensions of police work and police technology are fraught with complexities that extend well beyond the scope of any single course. Below are some additional topics that instructors may choose to include according to their pedagogical goals:

- Topics like **qualified immunity**, which has drawn scrutiny for potentially allowing police misconduct to go unchecked, and **civil forfeiture**, criticized for raising ethical questions about due process and property rights, are particularly salient.
- The **militarization of police forces** and the controversial roles of **police unions** are also subjects that reveal the ethical dimensions of modern law enforcement and raise questions about the subjugation of citizens and the lack of police accountability.
- The adoption of **community policing strategies** and the debate over "**broken windows**" policing reveal underlying tensions about the best ways to maintain public safety while respecting individual rights and community values.

The technological landscape is equally ripe for ethical examination. Below are technologies that instructors may consider addressing:

- **Automated License Plate Readers (ALPRs)** raise significant questions about data storage and potential misuse, and **gunshot detection** systems have drawn scrutiny for their implications for neighborhood surveillance.
- **Social media monitoring** by law enforcement invites concerns about privacy and freedom of speech, while the challenges posed by **encryption technologies** confront us with a difficult balance between investigatory needs and personal privacy.
- Furthermore, emerging technologies like **augmented reality for police training** and **real-time data** during patrols offer new arenas in which ethical considerations must be carefully considered.