Resolved: Predictive policing is unjust.

A Quick Note Before We Get Started:

Before we dive into the research and argumentation, it is important to take a second to acknowledge that policing can be a politically charged topic. Though debate is competitive, it must also be accessible. While researching and writing arguments on this topic, it is important to be cognizant of how our lived experiences shape our perceptions and to be aware that our experience of the systems that exist within society will not always match those around us. Promoting a safe, equitable experience for all students is at the core of this activity. As you evaluate this topic, be mindful of avoiding arguments that are rooted in bias or that seek to marginalize others.

Definitions/Background:

The wording of this resolution is fairly straightforward so, rather than giving the denotative definitions, we will start with unpacking the history of predictive policing and some context for how it has been implemented. The National Institute of Justice defines Predictive Policing as policing that “tries to harness the power of information, geospatial technologies and evidence-based intervention models to reduce crime and improve public safety.”

Essentially, predictive policing is meant to use data from past crimes with the goal of helping police precincts distribute their resources in the most efficient manner possible and provide interventions that help to avoid future crimes. It is important to note that, while predictive policing is widely used, there is no universally applicable software or algorithm that is used by officers. Because of this, debaters need to be extra careful to do their research when comparing different data sets. The more information you have about what type of predictive policing a community is using, the better equipped you will be. This paper has a lot of information about the different philosophies that are beneath the various applications of Predictive Policing: Predictive Policing Theory and these NYPD Predictive Policing Documents can help to give context to the different software systems that are most widely used and the philosophies behind those programs.
Predpol, one of the more popular Predictive Policing software companies, explains further that the goal of predictive policing is to forecast where crimes are more likely to occur using information about the type of crime, place of the crime and time of the crime. Most of the companies who produce predictive policing software are quick to say that demographic information (of either the suspected perpetrator or the victim) is not collected and therefore predictive policing is not profiling; however, this is not universally agreed upon. We will get into more of the nuances of how predictive policing and profiling interact below.

An article in the International Journal of Public Administration from February 2019 looked at the variety ways predictive policing has been conceptualized and came up with the following definition: “Predictive policing is the collection and analysis of data about previous crimes for identification and statistical prediction of individuals or geospatial areas with an increased probability of criminal activity to help developing policing intervention and prevention strategies and tactics.” To get a breakdown of each component of this definition, I would encourage reading through that article.

Though the phrase “predictive policing” was coined in 2011, the premise of using crime data to improve policing has existed in some form or another for several decades. One of the earlier iterations of this was Compstat, which was developed by Lieutenant Jack Maple in New York City during the 90’s. The idea was fairly simple: identify areas where crime was spiking, use that data to understand the patterns of the crimes that were occurring, and set up an intervention to break that pattern. In some instances, this meant increasing police presence in those areas. Other times, the trends would indicate the next area that was likely to be targeted and would give officers the opportunity to preemptively stop the crime from occurring.

The statistical analysis that Compstat induced, and the intense scrutiny that police commissioners were put under to address their numbers, held precincts-- and individual officers-- accountable in ways they had never been before. This was particularly true in areas where police had notoriously neglected to respond to crime that happened in the less affluent or more racially diverse areas within their jurisdiction.

The results were staggering. From 1993 to 1998, homicides in New York City dropped 67 percent and both burglary and robberies went down by over 50%. In the years that followed, crime rates continued to plummet and Compstat started to move into other major cities within the United States. Yet, even as crime went down, several problematic patterns began to emerge in the way that Compstat data was collected and used. Communities of color as well as communities with higher poverty rates experienced the impacts of over-policing and the arrest rates continued to skyrocket, even as crime rates were going down.
As technology continued to evolve, so did the methodologies used to track, analyze and forecast crime. Eventually, cities began to move towards more complex algorithms that took into account a multitude of factors in order to help police intervene and stop crime before it happens. One benefit of this topic is that predictive policing has been implemented across the country in various forms so there is a ton of data that exists for the real world implications. The UN put together a nice compilation of all of the different countries who report using predictive policing here.

Before delving into this data; however, debaters should be sure to clearly outline the framework for how the round should be evaluated. It may be helpful for debaters to look into maximizing societal welfare and will be important for debaters to think through the role of police within the community, how this software aligns with that role and how this impacts-- or has the potential to impact-- all citizens.

As “justice” is a root word within the resolution, an immediate binary that is drawn is that of just/unjust. While this is not the only direction that one can go within the debate, it will definitely be beneficial for debaters to do some research into what justice is, how it is measured and what constitutes a policy as “just” or “unjust”. Understanding the historical precedent is important here, as is being able to separate and evaluate the difference between what a policy/initiative is able to do and what it has done.

**Predictive Policing: Forecasting Crime for Law Enforcement**
**The Role of Data Analytics in Predictive Policing**
**The Controversial Crime-Fighting Program That Changed Big-City Policing Forever**
**PredPol About Information**
Aff Arguments:

There are a lot of different avenues that the affirmative can take to proving that predictive policing is unjust. Many of the more popular arguments on this topic will boil down to how predictive policing undermines human rights. Many of the trends that affirmative arguments will critique existed before 2011, when predictive policing was introduced and are replicated in areas of society beyond policing. When building cases, it may be helpful to isolate out the impact that predictive policing specifically impacts the area that contention is about.

Dirty Data:

Predictive policing is built around the idea that using data can create a more precise and objective system for predicting and preventing crime. The implicit assumption that is made is that this data is objective and reliable. Unfortunately, Richardson et. al explains in Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice that this is not always the case. Essentially, if the data that is being used within these programs is grounded in biased policing or bad practices, the resulting predictions will be similarly skewed. This compiles racial inequalities that already exist within the criminal justice system. Debaters who are looking to pursue this argument should look into how this data is being collected and used. Most of the recent articles written about this dirty data are built upon the data and analysis found in the aforementioned Richardson et al. article. You can hear more about the arguments made within the article in this video: Dirty Data, Bad Predictions.

In addition, debaters may want to look into how a feedback loop is created between over policing certain areas and increasing arrest rates within those areas. Many police precincts have been criticized for pressure put on police officers to meet unspoken quotas within their arrest numbers. There is an increasing amount of criticism highlighting how the data put out by predictive policing software would both be influenced by these disproportionate numbers and end up exacerbating these issues even further. The phrase used by computer scientists that explains this phenomenon is GIGO (Garbage in, Garbage out).

Debaters looking to run this argument may find it helpful to look into the LAPD and NYPD as more recent examples of where discriminatory data has had negative implications. It will also be helpful to look into the implications of a lack of transparency for several departments across the country and their surrounding communities. In addition, it may be helpful for debaters to look into how dirty data makes it more difficult to solve back for racism because the faulty data “legitimizes” biased assumptions about specific minority groups.
Police across the US are training crime-predicting AIs on falsified data
To predict and serve?
US Experience With Predictive Policing and 'dirty data': Treat it With Skepticism

Increase of Surveillance States

Another area that debaters can explore on the affirmative side is the implications that “big data” policing has on individual rights because of the increase in overall surveillance. With more recent technological advances, police have easy access to a myriad of ways in which to gather information about citizens with some very detrimental implications about privacy and due process. The more extreme versions of this allow for governments to completely crack down on a population and label individuals as “pre criminals”, even when no crime has been committed. This article gives a lot of information about the different methods that police have been able to use to identify individuals who are “likely” to commit a crime. Look up what is happening in China with the Uyghur population for more details about the way this technology can be used.

Even in cases when discrimination is not the intended outcome, if the technology available is combined with the potentially problematic algorithms of predictive policing, it dramatically increases the opportunity for abuse. There are a ton of unique impacts that debaters can access through this argument. It might also be helpful to see how the UN has responded to the rise of “smart policing”. I would urge debaters thinking running this argument to remember to do the link work that connects these abuses specifically to predictive policing and not just to authoritarian states. Again, framing will become incredibly important here, especially when establishing how this type of policing goes beyond the balance that a “just” government must establish between individual rights and protecting order and instead becomes “unjust”.

High-Tech Police Surveillance Needs Oversight, Especially in New York City
AI in law enforcement needs clear oversight
About to Break the Law? Chinese Police Are Already On To You
Police surveillance is more invasive and more mysterious than ever
Security and Evasion in Police Surveillance Technology
How data-driven policing threatens human freedom
Community to Prison Pipeline

Another route that debaters on the affirmative may want to go is establishing that, at its core, the concept of political policing unjustly predisposes certain groups towards being arrested or incarcerated. This has similar roots to the “dirty data” argument but plays out a little differently. By definition, predictive policing programs identify areas with higher crime rates and send resources (and additional officers) to those areas. The catch 22 of this is that, by sending police into an area and indicating to them that there is a higher risk of crime, you increase the chances that police will stop individuals in that area. When you increase police stops, you increase the chances that officers will make an arrest, which increases the crime statistics for that area. These higher statistics trigger a higher police presence in that area and initiates the cycle all over again.

This can also be seen in LAPD’s recently discontinued LASER program, where “risk factors” were assigned a numerical value and a high enough score added citizens to a “Chronic Offender Bulletin”, which increased the chances they would be surveilled. This was also practiced in Chicago from 2012- November of 2019. Within this point system, factors such as being stopped by the police or being arrested increased your “risk score”, regardless of whether you were convicted. Once an individual is in the system and flagged by the police as a “threat”, it is very difficult to escape that label, even if there has never been an actual crime committed. Both of these programs were discontinued because they were found to be ineffective but serve as a prime example for how predictive policing can have a cyclical effect that severely disadvantages groups that are already marginalized.

On a related note, there is also evidence that shows that, as you increase police presence, the effects disproportionately harm minorities within that area. This article outlines these impacts in the context of the increased police presence within schools that occurred as a response to school shootings. This article also provides some interesting analysis about how increasing police presence in Detroit has had an impact that was much different than intended on community relations.

Some school security measures make kids feel less safe
The Police Are Using Computer Algorithms to Tell if You’re a Threat
Chicago Police Try to Predict Who May Shoot or Be Shot
Machine Bias
Neg Arguments:

Before getting into the negative arguments, a brief detour. As stated at the top of this brief, discussions about policing tend to be politically charged and debaters on the negative side are likely to feel this more acutely. Debate requires a lot of thinking on your feet and, unfortunately, quick responses and sensitive topics do not always coincide gracefully.

In my experience, many of the problematic statements within rounds have been said by well-intentioned debaters during moments when they were unprepared and trying to pull together responses quickly. The best piece of advice I can give is this: take time outside of the round to think through the types of arguments and cross ex questions that may come up and how you want to respond so that you are able to substantively engage while also preserving a positive environment within the round.

Getting into the arguments themselves: How the negative approaches the framing is incredibly important on this topic. Debaters on this side do not necessarily need to defend “calculated loss” philosophy that often coincides with util or pragmatism and instead can look for ways to frame cases so that they address the needs of people in society. Keep in mind: the resolution is asking whether a specific tool that is available to police officers is inherently unjust. Debaters on the negative will likely need to reinforce this boundary as many affirmative debaters will likely conflate issues with policing in general or the criminal justice system as a whole with those of predictive policing.

Building Community Relationships

One argument that negative debaters may want to explore is how the premise of data driven policing creates an opportunity precincts and police officers to build relationships within the community. Debaters looking at this type of argument might find it helpful in understanding a common dichotomy that exists in the way that police officers are viewed within the community: as a guardian or a warrior. It is important to note that police officers aren’t necessarily solely one or the other but each of their actions-- and the resulting perceptions within the community-- can typically be classified under one or the other. Generally speaking, actions that police officers take that fall into the “guardian” mentality are more positively regarded than those that fall into a “warrior.” This article goes on to note that an increase in positive police contact increases confidence within the community. The core of this argument is that, when leveraged appropriately, predictive policing data is able to help officers understand the areas that may benefit the most from intervention and help precincts know where engaging with the community will likely have the greatest impact.
Ultimately, the philosophy of how a department interacts with its community is a decision that is not necessarily connected to predictive policing. Debaters do not necessarily need to prove that predictive policing increases the likelihood that police precincts will use a community based approach. Instead, debaters running this argument should consider the ways in which predictive policing can be used within precincts employing a community based approach to facilitate positive community interactions in the areas that will most benefit from them.

This article expands on how predictive policing data can be used in combination with Community Policing strategies in order to improve relationships between police and the communities they serve. By identifying the “hot spots”, police departments are able to allocate their resources in ways that provide intervention to these communities. It is important to note that the philosophy behind this type of policing differs immensely from what is commonly associated with over policing. Community policing utilizes “foot patrol” and increased visibility of police officers interacting with the community in benign ways rather than “preventive patrol”, where police are usually in cars and waiting to rapidly respond to calls.

In addition, the article Community Outreach Using Incident Records and Visual Analytics shows how police can use data to increase transparency during community meetings and, as a result, improve community engagement. Debaters who are running this argument should be aware that not all police departments are equally willing to share their data. That being said, for the departments who are, the benefits can be enormous.

Understanding Police Organizational Transition to Community Policing and Beyond
To Prevent Crime, Walk the Dog on At-Risk Blocks
Police Data Initiative: Home

Sparking Reform

As anyone who has started to research the aff will note, the potential problems with using algorithms to make predictions are prevalent and well documented. Fortunately, as this technology grows more sophisticated and more widespread, so does the ability to identify and rectify the challenges that this software has highlighted. Given the long history of racial discrimination within American policing, it is unsurprising that implementing a forecasting system built off of past data could have problematic implications. At the same time, the discrimination associated with predictive policing was evident within policing far before 2011. There is an argument to be made that having concrete documentation and data gives advocates the ability to call out and fight the systemic oppression.
As more data has become available, there has been an increased effort to understand and respond. Bills such as the Racial and Identity Profiling Act of 2015 in California have helped to increase transparency and have been used to spark internal conversations about the injustices that exist in the system in an effort to help solve these discrepancies. Reforms have been frustratingly slow but debaters running this argument should look into how predictive policing, and the data it produces, has helped to increase the accountability on precincts and put pressure on them to address the discrepancies within their arrest numbers.

In addition, efforts have been made to help reform the way that data is collected and used. In 2017, New York passed a bill that made an attempt to hold these algorithms more accountable. Truthfully, the task force did not go particularly well but more recently, Washington passed a similar piece of legislation that aims to create state-wide regulations on predictive AI technology. If discriminatory data is the root of the problematic results of predictive policing and that discrimination can be identified and corrected, it would suggest that the tool itself is not inherently “unjust.”

LAPD searches blacks and Latinos more often
Machine Learning and the Police: Asking the Right Questions
How to Fight Bias with Predictive Policing
Washington introduces landmark algorithmic accountability laws

Stopping Human Trafficking

Another area debaters can explore on the negative side is the implications that predictive policing software have tracking and eradicating human trafficking. Human trafficking continues to be a major issue across the world. The 2019 Trafficking in Persons Report gives more context about how widespread this issue has become and some of the ways in which communities are fighting back. Traffickers are constantly on the move with their victims and can be incredibly difficult to track. Predictive policing on a more globalized level allows officials to understand the patterns and respond appropriately.

The World Economic forum explains how artificial intelligence and predictive policing technology has been deployed to flag and stop situations where trafficking may be occurring. Technology not only gives authorities the ability to locate victims, it can also help them identify people who may be at risk for trafficking and prevent the crime from occurring in the first place. Debaters looking to run this argument can also spend time researching how countries have
been able to share the information gathered by predictive policing across borders in order to create a more coordinated effort to end trafficking.

Data science can help us fight human trafficking
Predicting Human Trafficking – The Power of Analytics
Data project aims to stop human trafficking before it occurs: organizers
How technology is helping law enforcement predict crime
Surprising facts and statistics about human trafficking in the US
Further Reading:

Is artificial intelligence making racial profiling worse? — CBSN Originals documentary


Predictive Policing: The Role of Crime Forecasting in Law Enforcement Operations

Los Angeles Police Commission Review of Selected LA Police Department Data-Drive Policing Strategies

“The Computer Said So”: On the Ethics, Effectiveness, and Cultural Techniques of Predictive Policing - Tero Karppi, 2018

Does Predictive Policing Lead to Biased Arrests? Results From a Randomized Controlled Trial

Police Reform and the Dismantling of Legal Estrangement

Why We Sold HunchLab

Artificial Intelligence Is Now Used to Predict Crime. But Is It Biased?

Predictive Policing Raises Important Privacy and Human Rights Concerns