Issues in Contemporary Ethics:

Data & Crime

At a Glance

Technology like facial recognition software and data tracking have become part of our everyday lives. These technologies range from unlocking our phones to their use by police departments to detect, and sometimes predict crime. This brief examines issues related to technology like facial recognition and data tracking software along with the ethical concerns behind their usage.

Robert Williams, falsefully arrested by the Detroit Police Department with the use of facial recognition software.

Case Studies: Robert Williams' Arrests

In January 2020, Robert Williams, a Michigan resident was arrested by Detroit police for allegedly committing a felony larceny – theft of property worth more than $1000 (Brewster, 2020). The arrest was reportedly connected to the robbery of a watch store in Detroit where a blurry surveillance photo of the alleged robber was taken. In their investigation, the Detroit Police Department reportedly submitted the surveillance footage to the Michigan State Police, who ran it through their facial-recognition system in hopes of finding a match in their database. The system incorrectly spit out a photograph of Mr. Williams which was pulled from an old driver's license picture (Brewster, 2020). After this case, the Michigan State Police revised their policy to use facial recognition technology only in cases with violent crimes but for Mr. Williams who was been in police custody for 30 hours and had been arrested in front of his wife and daughters by a policing system overly reliant on these software programs, the damage had already been done.

Implications

Robert Williams is not the first or only person who has gone through a situation like this. Numerous studies, including a recent one by the National Institutes of Science and Technology, have found that face recognition technology is flawed and biased, misidentifying Black and Asian people (women especially) up to 100 times more often than white people (Crockford, 2020). Despite this, these technology systems continue to be used by various police departments and other agencies like the DEA, with various uses, including to identify protesters during the nation-wide protests in the United States in 2016 and recently in 2020 (Crockford, 2020). This raises the question of whether the use of facial recognition software and other technology that raise privacy concerns in policing is warranted or not. In June of 2020, amidst a social justice revolution, tech giants IBM, Microsoft, and Amazon announced that they would momentarily pause (or end) the sales of their face recognition technology to police in the United States after years of calls by justice advocates for an end to be put this (Brewster, 2020). Can the concerns of false

Further Reading

New York Times
Amazon Is Pushing Facial Technology That a Study Says Could Be Biased

Buolamwini, J & Gebru, T (2018).
Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification

American Civil Liberties Union (ACLU)
Man Wrongfully Arrested Because Face Recognition Can't Tell Black People Apart

The Washington Post
I Was Wrongfully Arrested Because of Facial Recognition. Why Are Police Allowed to Use It?

NBC News
Google Tracked His Bike Ride Past A Burglarized Home. That Made Him A Suspect.

The Washington Post
What Is It Like When Police Go Rouge in A Liberal Democracy? Look to Britain

arrests and imprisonments be sufficiently balanced with the use of facial recognition technology for identifying crimes suspects?

Comparing Perspectives
In this series, one rationalist ethics theory and one alternative ethics theory are explored to present contrasting views on issues and questions raised.

Feminist Ethics
Feminist ethicists offer a critique of rationalist theories, contested the embedded assumptions and biases within them. Included within that critique is a perspective that focuses on how various institutions subvert the experiences of women and other marginalized people in their daily lives. In this scenario, because women and other minorities are less likely to be correctly identified by facial software, and as such are disproportionately affected in negative ways by the use of the software, a feminist critique might argue that the continued use of facial recognition software cannot be sufficiently balanced with the need to identify criminal suspects. As such, a feminist ethicist might further argue that the continued use of facial recognition software for women and other minorities (along with the general population at large) is not ethically justifiable.

Contractualism
As a rational theory, contractualist ethics is concerned with how the terms of any given contract bind the parties involved to the values agreed upon. In this scenario, a contractualist might argue that a change to the phenomenon of using facial recognition software can arise from challenging the terms of agreement between the producers and users of the software, as has been done recently. The decision by IBM and other tech giants to suspend the sales of their technology could be referred to by a contractualist as to how to change or stop the disproportionate impacts of facial recognition software. The decision by the Michigan State Police to only use the technology in cases with violent crimes could also be referred to by a contractualist as how to modify the "contracts" through the software is used. In these cases, the broader social contract is being adjusted in response to the demands of people. Alternatively, a contractualist might argue that the government (and by extension the police) are free to use whatever software available to apprehend crime suspects as this fulfills their duty to citizens; to make a community safer in exchange for social liberties given up by its citizens.

Questions for Reflections`
What concerns arise from the use of facial recognition software? What other technology is used to potentially identify crime suspects? In what ways are data collected from individuals? Are these always legally/morally correct? Can the need to identify crime suspects be sufficiently balanced with the privacy and safety concerns of individuals? Historically, has the need to prosecute crime suspects overridden the need to protect innocent suspects or has it been the other way around? Furthermore, can governments and technology companies be trusted to manage individual data in a morally correct way? In what ways have they historically used these kinds of data? Finally, what legislation exist to protect the misuse of individual data and are they effective?

Brewster, T. (2020, June 24). The Wrongful Arrest of a Black Man Provides More Proof Facial Recognition Is Racist. Retrieved from https://www.forbes.com/sites/thomasbrewster/2020/06/24/a-wrongful-arrest-of-a-black-man-provides-more-proof-facial-recognition-is-racist/

Crockford, K. (2020, June 16). ACLU News & Commentary. Retrieved from https://www.aclu.org/news/privacy-technology/how-is-face-recognition-surveillance-technology-racist/

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