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A.I. in Police Systems

How A.I. in Police Systems Contributes to Discrimination and Bias
Toward Minorities and Innocent People.

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This topic matters today as more people depend on AI. Implementing AI into our police systems can bring problems such as increased racial bias, privacy concerns and violations, misidentification of suspects, affecting police training, and creating false evidence. Minorities are affected due to racial bias; innocent people due to misidentification; and court systems due to misinterpreted evidence. Misidentification can lead to racial bias that would have innocent people in prison due to technological malfunctions or corrupt police systems editing the body cam footage. Police reports can be manipulated to fit what the system wants the court to believe, whether it includes the truth or omits it entirely.

Research questions/legal issues: Does law enforcement relying on Artificial Intelligence (A.I.) as a tool for predictive policing, or the use of the intersection between A.I. and biometrics, violate a defendant's Fourth Amendment right against unreasonable searches when the algorithm relies on systematic demographic bias, which violates the Fourteenth Amendment guarantee of the Equal Protection Clause and Due Process, by failing to provide a chance to challenge the systematic demographic bias?

Despite the many issues Artificial Intelligence raises regarding constitutional rights, one of the biggest is racial bias. Many police departments have begun adopting A.I. technologies to assist with video analysis, language translation, and writing police reports. This affects how the court views the case, whether or not an innocent person is going to be charged, and raises serious concerns about racial bias, privacy violations, misidentification, changes in police training, and the possibility of inaccurate or manipulated evidence.

Artificial Intelligence has been rapidly implemented in almost every industry over the last few years. The adoption of A.I. has slowly moved into law enforcement practices, but after the Great Recession of 2007-2009, police departments faced massive budget cuts and a shrinking workforce. This led the National Institute of Justice (NIJ) to push Predictive Policing by utilizing artificial intelligence, algorithms, and major data sets. They hoped this would make policing more efficient, which was especially important given the recession-driven lack of resources.

A.I. adoption in policing has gone through 3 main phases. The first phase (2009-2018) primarily focused on predicting where crimes were likely to occur by using historical crime data to create "hot spot" maps that guided police patrols. Although some systems generated risk scores for individuals, the primary goal was allocating police resources to geographic locations. The second phase, which began around 2015, shifted away from predicting crime locations and

toward identifying specific individuals through technologies such as facial recognition, biometric databases, and social media analysis. Instead of forecasting where crime may occur, these systems attempt to determine who may have committed a crime, creating greater concerns about privacy, due process, and wrongful identification. The third phase, which occurred in 2023, focuses on back-end processing rather than identifying suspects. During this phase, law enforcement agencies increasingly use Artificial Intelligence for Automatic Speech Recognition (ASR) to transcribe officer interviews, suspect interrogations, 911 calls, and body camera recordings. AI systems can then analyze these recordings, summarize key details, identify speakers, and automatically generate written police reports. While this technology reduces administrative workload and allows officers to spend more time in the field, it also raises concerns about accuracy. Transcription errors, omitted context, or incorrect summaries may become part of the official police report, potentially affecting criminal investigations and subsequent court proceedings.

Unlike traditional police guidelines and restrictions, A.I. usage lacks a clear set of rules or regulations. This creates inconsistent enforcement because federal agencies, state governments, and local police departments often follow different rules governing AI. As a result, one department often follows different rules governing AI while another has fewer restrictions, leading to inconsistent constitutional protections and uncertainty about accountability when errors occur. Another indirect way to regulate AI is through federal funding. Congress and federal agencies can attach conditions to grants awarded to local police departments, requiring departments to adopt certain AI policies or oversight practices before receiving federal funding. In addition, the White House Executive Order 14110 from 2023 mandated strict guidelines for federal law enforcement agencies like the FBI and DHS using A.I.. These guidelines require thorough impact-training assessments, continuous monitoring for constitutional rights violations, and a ban on using A.I. as the primary evidence or reasoning for an arrest or investigation, which local police should follow.

Most modern police departments fail to implement meaningful A.I. regulations. Instead, they rely on concepts like the “Human in the Loop” doctrine, an A.I. supervision framework in which an autonomous system executes tasks while human operators monitor it and retain the power to intervene or abort actions. However, this remains an incomplete safeguard because human analysts frequently suffer from automation bias, the tendency to trust

computer-generated recommendations even when contradictory evidence exists. Research in psychology and human-computer interaction has consistently shown that people often over-rely on automated decision systems because they assume computers are more objective than humans. Consequently, officers may accept AI-generated suspect identification without conducting an independent investigation, increasing the likelihood of wrongful arrests.

A.I. also relies heavily on historical data, where it mirrors and amplifies existing systemic racial bias. This raises concerns about equal protection under the Fourteenth Amendment. Some argue that predictive policing simply directs officers toward neighborhoods with historically higher crime rates rather than discriminating against minorities. However, many researchers argue that these crime statistics are themselves influenced by decades of disproportionate police presence in low-income communities of color because AI is trained on historical data rather than actual crime rates. AI can reinforce patterns of over-policing by repeatedly sending officers back to the same neighborhoods, creating a feedback loop that increases arrests without necessarily reflecting higher levels of criminal activity. It would consistently send the police department back to those same neighborhoods due to racial bias in A.I. data algorithms. Multiple studies examine demographic disparities in policing. In 2018, Joy Buolamwini and Timnit Gebru ran the Gender Shades Study, which proved that commercial facial recognition algorithms had error rates of 34.7% for dark-skinned women compared to less than 1% for light-skinned men, showing clear evidence of racial bias in facial recognition algorithms. With this level of racial bias, the increased usage of A.I. in policing is incredibly concerning. These errors could result in innocent people being accused or even arrested for crimes they have not committed, which would be a serious violation of their civil rights. Law enforcement agencies and civil rights organizations have documented at least several wrongful arrests in the United States resulting from facial recognition errors, with the number continuously growing as additional cases are being reported.

Historical policing practices have also contributed to concerns about AI bias because predictive policing systems are trained on decades of arrest records; they may inherit patterns created by historical discrimination rather than objective measures of criminal activity. Scholars argue that if historical policing disproportionately targeted African American communities, AI systems trained on those records may unintentionally reproduce similar patterns, raising serious Equal Protection concerns under the Fourteenth Amendment.

The main source of racial bias in AI systems is Facial Recognition Technology (FRT) and automated video analysis. The constitutional concern is not merely that AI analyzes publicly available images but that facial recognition enables law enforcement to rapidly identify, track, and monitor individuals on a scale that was previously impossible. Courts and legal scholars continue to debate whether aggregating publicly available information through AI constitutes an unreasonable search under the Fourth Amendment because it significantly expands government surveillance capabilities. Misidentification is also a major concern because AI consistently makes errors. These mistakes have already led to cases in which misidentified individuals were questioned, arrested, or even imprisoned for a crime they did not commit. Technology-related crime issues have been seen in previous cases such as *Parks v. McCormac* and *Randal Quran Reid v. Andrew Bartholomew*. In New Jersey during 2019, Nijeer Parks, an African American man, was accused of shoplifting and attempting to hit a police officer with a car. While police searched for the suspect, they ran a fake state ID left at the scene through a facial recognition database, which returned Parks' profile. Parks, who had a solid alibi, spent over 10 days in jail where he was forced to spend his life savings to defend himself before the case was ultimately dismissed for a lack of corroborating physical evidence. Due to the police automation, Parks was wrongfully arrested and imprisoned, which clearly violated both his Fourth and Sixth Amendment rights. In 2022, another African American man, Randal Reid, was arrested by local authorities in Georgia on a warrant issued from Louisiana regarding a theft of a luxury vehicle. Reid had never set foot in Louisiana, but since the warrant was issued entirely under a facial recognition algorithm, it flagged Reid from a surveillance clip. Like Parks, Reid spent six days in jail before investigators admitted to an algorithm error. These cases highlight the concern of cross-jurisdictional A.I. warrants where law enforcement blindly trusts algorithmic outputs.

These mistakes put innocent people at risk of wrongful arrest and imprisonment. Especially in minority communities, this risk is even greater because facial recognition systems have historically higher error rates when identifying people of color. Independent studies continue to demonstrate disparities in facial recognition accuracy. The 2018 Gender Shades study by Joy Buolamwini and Timnit Gebru found error rates of up to 34.7% when identifying darker-skinned women, compared to less than 1% for lighter-skinned men. Most recently, NIST's 2025-2026 Facial Recognition Technology Evaluations (FRTE) found that data continues to confirm that false-positive rates remain highest among West/East African, East Asian, and Native

American demographics. They noted that underlying training datasets still suffer from "under-representation," which displaces similarity scores for non-white faces.

Beyond misidentification, there are also privacy concerns about increased police use of A.I. It is being utilized to monitor citizens through surveillance cameras, body cameras, and other automated monitoring tools. These A.I. systems analyze huge amounts of public personal data, which threatens individual privacy rights. The Fourth Amendment guarantees that, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." This guarantee raises the question of whether using Artificial Intelligence in policing violates the right to be protected from unreasonable searches and seizures.

But this is not the only constitutional right at stake, considering the Sixth Amendment: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." AI-generated police reports may also violate the Sixth Amendment. If officers rely heavily on AI-generated summaries rather than their own observations, defendants may have difficulty challenging the accuracy of the evidence presented against them. Errors in automated transcripts, omitted statements, or incorrect summaries could impair a defendant's ability to confront witnesses, challenge the evidence, and receive effective assistance of counsel.

The last constitutional right that is at stake is the Fourteenth Amendment stating "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Fourteenth Amendment guarantees every person equal protection under the law. If AI systems consistently produce higher error rates for racial minorities or repeatedly target minority communities

because of biased historical data, individuals are not being treated equally. In addition, due process may be undermined when defendants cannot meaningfully challenge the algorithms used against them because A.I. systems operate as closed systems whose inner workings are not publicly available. These issues suggest that biased A.I. systems may violate both the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment.

Addressing these concerns requires comprehensive A.I. governance rather than relying solely on technological fixes. First, Congress and State legislatures should establish uniform standards governing how law enforcement agencies may use A.I., including mandatory transparency requirements, independent bias audits, and public reporting of A.I. performance. Second, departments should strengthen the Human-in-the-Loop doctrine by requiring officers to independently verify A.I. recommendations before making an arrest or seeking warrants. Also, A.I. should never serve as the sole basis of probable cause. Next, facial recognition technology should be used after judicial authorization and should require corroborating evidence before an arrest can be made. Then, A.I. systems should undergo regular testing for racial and demographic bias using standards developed by organizations such as NIST. Lastly, police departments should maintain traditional evidence-collection methods alongside AI-assisted tools so courts can compare AI-generated reports with original recordings. Together, these safeguards would improve accountability while preserving the constitutional protections guaranteed under the Fourth, Sixth, and Fourteenth Amendments.

Works Cited

Constitutional Amendments

U.S. Const. amend. XIV.

U.S. Const. amend. VI.

U.S. Const. amend. IV.

Legal Case & Reports

Parks v. McCormac, ACLU, <https://www.aclu.org/cases/parks-v-mccormac>

Cong. Rsch. Serv., IN12289, *Title of CRS Insight Report* (2023),
<https://www.congress.gov/crs-product/IN12289>.

Articles & Essays

Nadine El-Bawab, *Lawsuit: Man Claims He Was Falsely Arrested Due to Misuse of Facial Recognition Technology*, ABC News (Oct. 3, 2023),

<https://abcnews.com/US/lawsuit-man-claims-falsely-arrested-misuse-facial-recognition/story?id=103687845>.

Xiaoxuan Liu et al., *In Order to Automate and Scale up the Processing of Audio Recordings...*, NCBI PMC (2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11664072/>. *Human-on-the-Loop*, Joint Air & Space Power Competence Ctr.,

<https://www.japcc.org/essays/human-on-the-loop/>

The Past, Present and Future of Police Body Cameras, R Street Inst.,

<https://www.rstreet.org/research/the-past-present-and-future-of-police-body-cameras/> (last visited June 29, 2026).

A Brief History of Artificial Intelligence, Nat'l Inst. of Just.,

<https://nij.ojp.gov/topics/articles/brief-history-artificial-intelligence>

FRVT 1:1 Verification, Nat'l Inst. of Standards & Tech.,

<https://pages.nist.gov/frvt/html/frvt11.html>

Joy Buolamwini & Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, 81 Proc. Mach. Learning Rsch. 1 (2018),

<https://proceedings.mlr.press/v81/buolamwini18a.html>



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