SUBJECT: **USE OF ARTIFICIAL INTELLIGENCE TECHNOLOGIES**

POLICY STATEMENT

It is the policy of the Thunder Bay Police Services Board to foster an environment of trust and transparency, where the application of Artificial Intelligence (AI) technologies in policing enhances public safety without compromising the values of fairness, accountability, and privacy.

PURPOSE

This policy sets out the requirements of the Chief of Police to establish clear guidelines and procedures for the deployment and use of AI by members of the Thunder Bay Police Service. This policy aims to balance the enhancement of operational effectiveness and efficiency through the ethical and responsible use of AI technologies with the protection of civil liberties, privacy, and public trust.

SCOPE OF POLICY

This policy regulates the use of new and existing AI-based technologies by the TBPS including video analytics, surveillance systems, automated license plate readers, predictive policing tools, crime mapping, and other existing and emerging AI applications relevant to law enforcement and public safety tasks.

DEFINITIONS

In this policy:

- "Board" means the Thunder Bay Police Services Board
- "Chief of Police" means the Chief of the Thunder Bay Police Service
- "AI Technology" refers to goods and services, including software and electronic devices, that collect or utilize public information to automate analytical models aiding or replacing human decisions in various public-related matters, encompassing a spectrum from machine learning to predictive analytics.
- "Data" refers to any information collected and stored to be used by AI technology.
- "Risk" refers to the potential negative outcomes or dangers associated with the use of AI technologies in law enforcement activities.

GUIDING PRINCIPLES

The following 5 key principles guide this policy and the use of AI technologies by the TBPS:

- **Lawfulness:** The TBPS must commit to the lawful use of AI, ensuring all AI engagements, from design and development to deployment, strictly adhere to existing legal and regulatory standards including the *Police Services Act*, Ontario's *Human Rights Code*, the *Canadian Charter of Rights and Freedoms,* the *Police Services Act,* the *Privacy Act,* the *Personal Information Protection and Electronic Documents Act, and* the *Municipal Freedom of Information and Protection of Privacy Act*. This principle ensures AI technologies are employed responsibly in crime prevention, detection, and investigation within the bounds of the law. In line with this principle, the TBPS must follow and adhere to new legislation on the use of AI technologies that will be enacted by the federal, provincial, and municipal governments.

- **Minimization of Harm:** TBPS must prioritize the safety and well-being of the community by adopting AI technologies that minimize potential harm. This involves:
    - Ensuring the robustness and safety of AI systems.
    - Maintaining high accuracy in AI applications.
    - Enhancing human and environmental well-being through AI use.
    - Focusing on the efficient employment of AI to maximize public safety benefits while reducing risks.

- **Human Autonomy:** TBPS must respect the principle of human autonomy in the use of AI, emphasizing that:
    - Decision-making, especially in critical law enforcement activities, remains under human control and oversight.
    - AI systems are designed and utilized in a manner that enhances human agency, protects privacy, and is transparent and explainable to all stakeholders.

- **Fairness:** TBPS must foster fairness in the application of AI technologies by:
    - Ensuring equality and non-discrimination in AI operations.
    - Protecting vulnerable groups from potential biases or adverse impacts.
    - Promoting diversity and accessibility in AI development and use.
    - Enabling the review and correction of AI-supported decisions.

- **Good Governance:** To ensure responsible AI innovation, TBPS must establish a governance model that:
    - Incorporates traceability and auditability of AI technologies.
    - Holds TBPS accountable for the ethical use of AI.
    - Emphasizes the importance of human rights, resource management, and meeting community needs through transparent, accountable AI use.

POLICY

It is the policy of the Thunder Bay Police Board that:

Deployment and Use of New AI Technologies by the TBPS

1. The Chief of Police will consult with the stakeholders and communities to develop strategies to ethically and effectively deploy new AI technologies and incorporate their input into decision-making processes.

2. The Chief of Police will ensure that new AI technologies will not be launched by the TBPS prior to the approval of the Board and proper training of the staff members who will use the technology.

    o   The training of staff members must address both the effective, legal, and ethical use of the technology and be delivered by competent trainers.

    o   Follow-up training must be delivered to update the knowledge and skills of the staff members as the technologies develop and updated.

3. The Chief of Police will establish procedures and mechanisms to conduct a risk assessment of the new AI technologies before their procurement and utilization.

    o   The technologies that pose a serious risk in terms of harm or bias against any particular community, group, or individual or the privacy of citizens must not be procured or used by the TBPS.

    o   Examples of technologies that pose serious risks include:
        ▪   Applications and technologies that result in discriminative police practices (including arrest, search, seizure, use of force, and surveillance) against certain communities, groups, and individuals.
        ▪   Applications that link biometrics to personal information (e.g. facial recognition systems.
        ▪   Predictive policing tools that predict crime locations and times, as well as potential offenders based on previous data that reflect historical prejudices against certain communities, groups, and individuals.
        ▪   Social media monitoring tools that have the potential to infringe on privacy and freedom of expression and unfairly target certain communities based on the content they share.
        ▪   Risk assessment tools used in bail decision-making that have the potential to incorporate biased data, potentially leading to harsher sentencing for marginalized communities.

4. The Chief of Police will report the findings of the risk analysis to the Board prior to seeking approval for the procurement and deployment of the new AI technology.
    o   The report must explain how the new technology does not pose a serious risk to the communities in line with this policy and how potential risks will be mitigated.

Review of Existing AI Technologies Used by the TBPS

5. The Chief of Police will establish the mechanisms to review the AI technologies currently used by the TBPS to ensure that the use of these technologies is compatible with the laws and the principles outlined in this policy.

6. The Chief of Police will consult with the stakeholders and communities to identify and address any concerns arising from the use of existing AI technologies.

7. The Chief of Police will take necessary measures to mitigate the risks and harms of the use of existing AI technologies.

8. The Chief of Police will ensure all AI applications used by the TBPS comply with existing laws, regulations, and guiding principles of this policy.

9. The Chief of Police will terminate the use of any existing AI technology that poses a serious risk or is harmful to the community.

Data Privacy and Security

10. For the use of AI technologies and systems, the Chief of Police will establish strict protocols for data collection, storage, access, and sharing, adhering to privacy laws and regulations.

11. The Chief of Police will implement advanced security measures to safeguard sensitive and personal information against unauthorized access and data breaches that will be caused by the improper use of AI technologies or any external cyber threats.

Transparency and Accountability

12. The Chief of Police will maintain and regularly update a public registry of AI systems used by the TBPS. The registry must outline the capabilities, limitations, data handling practices, and purposes of the used technologies.

13. The Chief of Police will document the decision-making processes regarding the AI technologies including their selection, deployment, and use.

14. The Chief of Police will provide the public with transparent reports on the AI usage of the TBPS as well as the achievements and challenges in the use of AI to foster trust and accountability.

Fair and Effective Use of AI

15. The Chief of Police will actively address and mitigate biases caused by the use of AI technologies to prevent discrimination against marginalized communities and ensure equitable outcomes.

16. The Chief of Police will regularly conduct audits and evaluations of the AI systems used by the TBPS for fairness, accuracy, and effectiveness, with a focus on high-risk applications like facial recognition and predictive policing.

17. The Chief of Police will engage with experts, academics, and other law enforcement agencies to adopt best practices and evidence-based approaches in the ethical and effective use of AI technologies.

Continues Review

18. The Chief of Police will establish the oversight mechanism to review the use of AI technologies by the TBPS and report the findings of the reviews to the Board yearly and as required by the Board.

19. The Board will review the Policy on a yearly basis to ensure that the Policy successfully achieves its identified purpose and make the necessary changes to comply with technological developments and legal changes.

DATE APPROVED:	
DATE(S) AMENDED:	X
Legislative Reference:	Police Services Act, 1990, RSO Privacy Act (R.S.C., 1985, c. P-21) Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5) Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56