

**IACP**

**TECHNOLOGY  
CONFERENCE**

**2022**

*May 24-26  
Milwaukee, WI*

# Building Trust

Legal and Ethical Issues in  
Emerging Technology  
Implementation

# Presenters

## Moderator

- Craig Allen, LTC, Illinois State Police (ret.) Chair IACP Communications Committee [iacp.craig.allen@gmail.com](mailto:iacp.craig.allen@gmail.com)

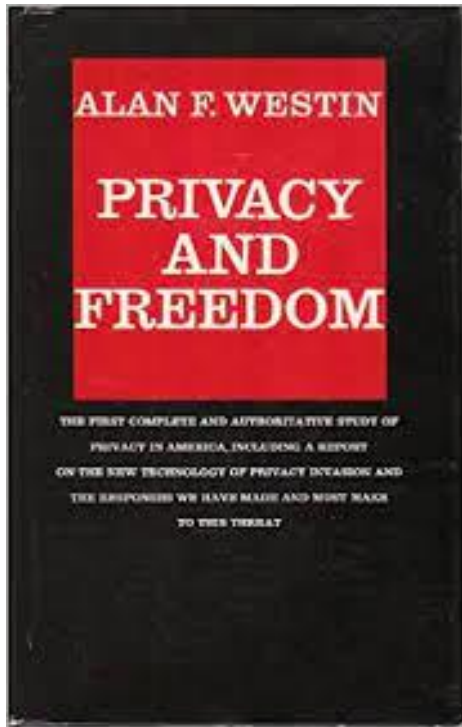
## Panelists

- Shawna Coxon, O.O.M. PhD, Deputy Commissioner, An Garda Síochána [shawna.coxon@garda.ie](mailto:shawna.coxon@garda.ie)
- Jonathan Lewin, Chief (ret.), Chicago Police Department – Senior Public Safety Advisor, FirstNet Authority [Jonathan.Lewin@Firstnet.gov](mailto:Jonathan.Lewin@Firstnet.gov)
- Tony Porter, Former United Kingdom Surveillance Camera Commissioner, Chief Privacy Officer, Corsight AI [tony.porter@corsight.ai](mailto:tony.porter@corsight.ai)
- Donald Zoufal, J.D., C.P.P., Legal Advisor/ Lecturer, Illinois Association of Chiefs of Police / University of Chicago [Don@Crowznestconsulting.com](mailto:Don@Crowznestconsulting.com)

# Agenda

- **Why Should Police Leaders Care About Privacy (Shawna)**
- **Privacy Theory (Don)**
- **Legal Protections (Shawna & Don)**
- **Case Study of Approaches in Toronto & Chicago (Shawna & Jonathan)**
- **Emerging Technology Applications (Shawna & Jonathan)**
- **Mitigation Strategies (Tony)**
- **Tools (Shawna & Don)**
- **Discussion**

# Privacy Theory



## Westin's Four States of Privacy

- Solitude
- Intimacy
- Anonymity
- Reserve

# Legal Protections



## Statutory and Legal Protections for Privacy

- Centralized & Comprehensive Approach in Canada
- Decentralized & Sectoral Approach in the U.S.
- Growing Interest in Privacy Protections (Brussels Effect)

# Legal Protections-Canada

## Solitude

- Protections for persons in their homes and persons.

## Intimacy

- Protection for family and personal relationships.

## Anonymity

- Protections for the right of individual anonymity in public areas.

## Reserve

- Protections against government collection and use of data

# Legal Protections-U.S.

## Solitude

- Protections for persons in their homes and persons—Fourth Amendment.

## Intimacy

- Protection for family and personal relationships— First, Fourth, and Fourteenth Amendment

## Anonymity

- Very limited protections for the right of individual anonymity in public areas--First Amendment.

## Reserve

- Limited Protections against government collection and use of data-Fourth and Fourteenth Amendment.

# Legal Protections-Comparative

- **Canadian Approach- Solitude**

- Canadian Charter of Rights and Freedoms, Section 8, The Constitution Act, 1982, Schedule B to the Canada Act 1982, Section 8 (UK)
- *Semayne's Case* [1558-1774] All E.R. Rep. 62, 63 (1604).
- *R. v. Silveira*, 1995 CanLII 89 (SCC).

- **U.S. Approach-Solitude**

- *Olmstead v. United States*, 277 U.S. 438 (1928).
- *Katz v. United States*, 389 U.S. 347 (1967).
- *Kyllo v. United States* 533 U.S. 27 (2001).
- *Terry v. Ohio*, 392 U.S. 1 (1968).

- **Canadian Approach-Intimacy**

- *R. v. Keegstra*, [1990] 3 S.C.R. 697
- *R. v. Duarte*, [1990] 1 S.C.R. 30, para. 8
- *R. v. Ahenakew*, 2005 SKCA 93 (CanLII)

- **U.S. Approach-Intimacy**

- *Roe v. Wade*, 410 U.S. 113 (1973).
- *Kyllo v. United States*, 533 U.S. 27 (2001).
- *City of Dallas v. Stanglin*, 490 U.S. 19 (1989).
- *Roberts v. United States Jaycees*, 468 U.S. 609 (1984).



# Legal Protections-Comparative

- **Canadian Approach-Anonymity**

- *R. v. Ward*, 2012 ONCA 660 (CanLII).
- *R. v. Rudiger*, 2011 BCSC 1397(CanLII).

- **U.S. Approach-Anonymity**

- *Hiibel v. Sixth Judicial Circuit Court, Humboldt County*, 542 U.S. 177 (2004).
- *NAACP v. Alabama*, 357 U.S. 449 (1957).

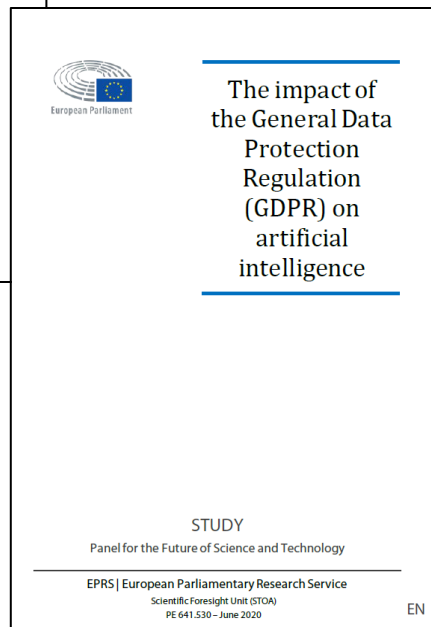
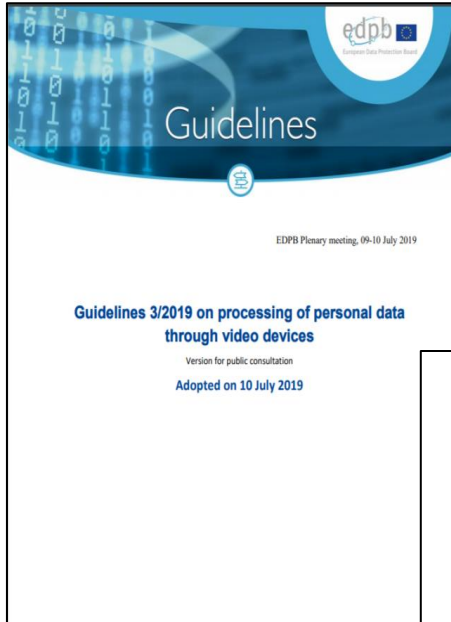
- **Canadian Approach-Reserve**

- *Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52.
- Personal Information Protection and Electronic Documents Act, SC 2000, c 5.
- *R. v. Spencer*, 2014 SCC 43 (CanLII).
- *R. v. Mahmood*, , 2016 ONCA 75 (CanLII).

- **U.S. Approach-Reserve**

- *Carpenter v. United States*, 585 U.S.\_\_\_\_, No. 16-402 (June 22, 2018).
- *Whelan v. Roe*, 429 U.S. 589 (1977).
- *Jones v. United States*, 565 U.S. 400 (2012).

# Legal Protections-Brussels Effect



## Growing Influence of Legal Developments Abroad

- Limits on video use
- Limits on AI use
- Safeguards for data collection and sharing



#IACPTech

# Legal Protections



## Common Legal Concerns

- Developing technologies outpacing the legal system ability to respond.
- Need for legislative input.
- Standardization of technology & interoperability of systems.
- Changing understandings of privacy and privacy threats.

# Case Studies

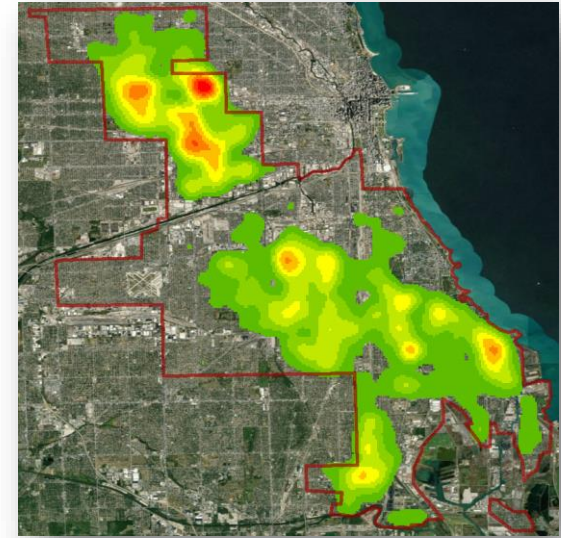
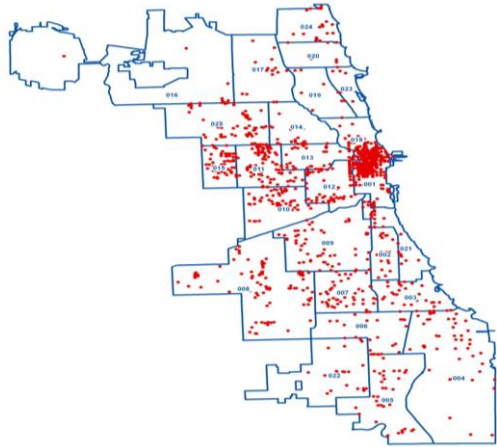
## Chicago Highlights

- 2003 start now a centralized 30,000+ federated camera network.
- Public and private cameras.
- Realtime and investigative use of video
- All patrol officers issued body cameras.
- LPR (expanding to address growing problems of carjacking and expressway shootings).

# Emerging Technologies

## COLLECTION TOOLS

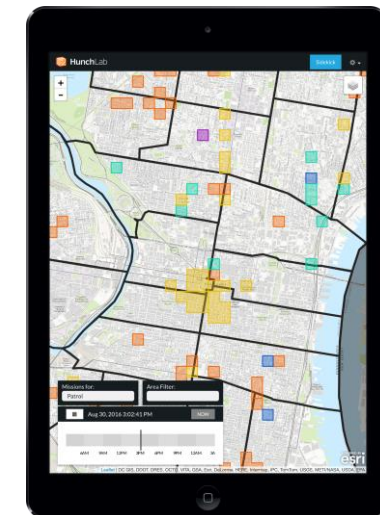
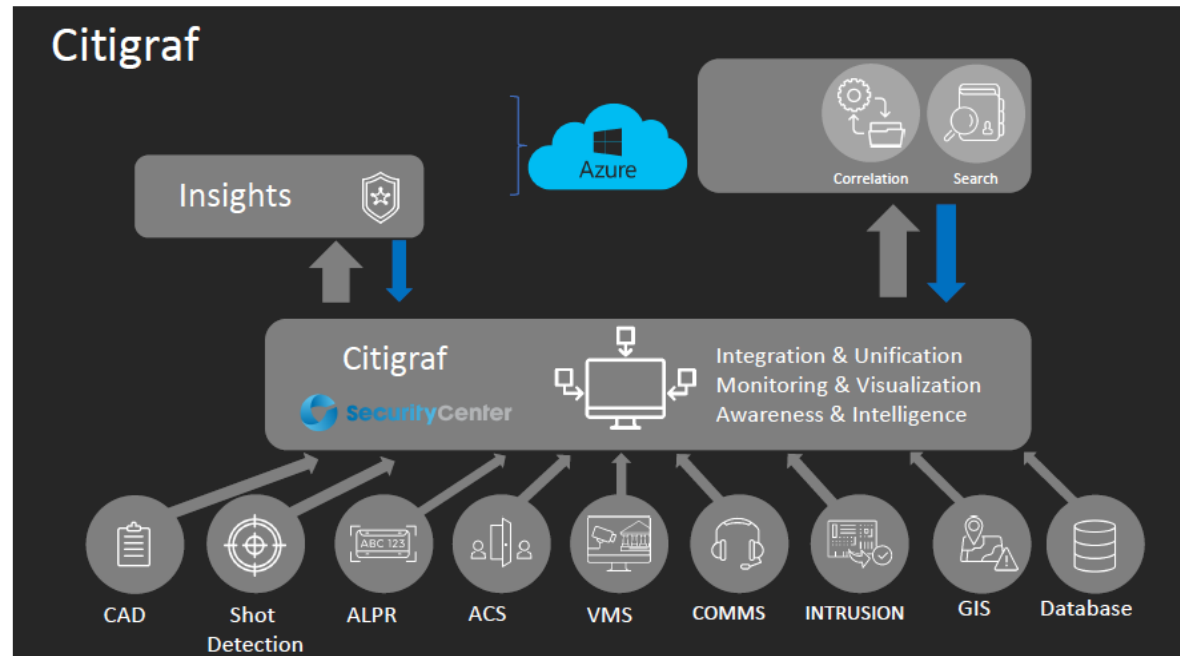
- City Operated Camera Networks
- Private Networks
- Body Worn Cameras
- Doorbell Cameras



# Emerging Technologies

## DISTRIBUTION

- Aggregating Platforms
- Differing Data Formats
- Smartphones & Tablets



# Emerging Technologies

DOWNLOAD BOTH APPS TODAY



The image displays two weather-related mobile applications. On the left is the 'Storm Shield' app, featuring a red shield icon with a white lightning bolt and cloud. Below the icon is the text 'STORM SHIELD' and 'WEATHER RADIO APP', with the website 'www.stormshieldapp.com' at the bottom. On the right is the 'First 7 Alert Weather' app, featuring a blue square icon with a white '7' and 'abc' logo. Below the icon is the text 'FIRST 7 ALERT' and 'WEATHER'. In the bottom right corner of the advertisement, there is a small weather widget showing '6:01' and '45°' next to the '7 abc' logo.

# Government and Compliance



## Accountability

- Accountability for ethical and legal compliance
- Ethical and legal basis for legitimate processing
- Data is protected



## Responsibility

- Processing systems have defined and documented responsibilities
- Policies are shared and approved at strategic/ board level
- Processing activities are defined and documented



## Privacy and Data Protection

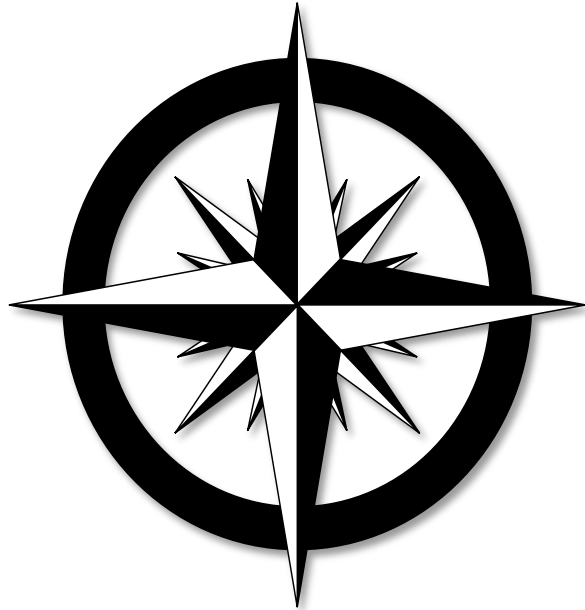
- Privacy data available for access requests
- Data is necessary, proportionate and stored for a reasonable amount of time
- Available and published data protection policy
- DPIA



# Navigation

## Compass

PURPOSE

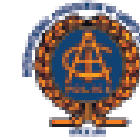


SECURITY

PRIVACY

TRANSPARENCY

# Framework



IACP TEC TECHNOLOGY POLICY FRAMEWORK  
January 2024

### Introduction

New and emerging technologies increasingly play a crucial role in the daily work of police, equipping officers with enforcement and investigative tools that have the potential of making them safer, better informed, and more effective and efficient. Developing and enforcing comprehensive agency policies regarding deployment and use is a critical step in realizing the value that technologies provide, and is essential in assuring the public that their privacy and civil liberties are recognized and protected.

Technological advances have made it possible to monitor and record nearly every interaction between police and the public through the use of in-car and body-worn video, access to an expanding network of public and private video surveillance systems, and the increasing use of smartphones with digital recording capabilities by citizens and officers alike. Police can track suspects with the use of GPS tracking technology and officers themselves can be tracked with automated vehicle location (AVL) systems. Automated license plate recognition (ALPR) systems can scan the license plates of vehicles with signs of officers in the field and quickly alert them if the vehicle has been reported stolen or is wanted. Identity can be seamlessly lifted or established with biometric precision using mobile fingerprint scanners and facial recognition software. Crimes can be mapped as they are reported, gunshot detection technology can alert law enforcement almost instantaneously when a firearm is discharged, and surveillance cameras can be programmed to focus in on the gunshot location and stream live video to both dispatch and responding officers. With these advancements come new opportunities to enhance public and officer safety. They also present new challenges for law enforcement executives.

The challenges include identifying which technologies can be incorporated by the agency to achieve the greatest public safety benefits, and defining metrics that will enable the agency to monitor and assess the value and performance of the technology. Just because a technology can be implemented, does not mean that it should be. There are also challenges in integrating these technologies across different platforms, building resilient infrastructure and comprehensive security, providing technical support, and maintaining and upgrading applications and hardware. All of this can be confusing and technically demanding, underscoring the need for effective planning, strategic deployment, and performance management.

# Discussion

- **How should “Purpose” be defined and what is its relation to trust?**
- **What is the relationship between “Privacy” and Trust?**
- **How are Transparency and Privacy balanced to prevent erosion of Trust?**
- **Does Security undercut Trust relationships?**



 dreamstime.com

© 2020 Dreamstime.com