Good day and thank you for the opportunity to provide consultation.

I have serious concerns about the proposed use of new artificial intelligence (AI) technologies policy. The policy in its current form is insufficiently restrictive of the TPS and their use of AI tools. It also lacks key details needed to properly assess its efficacy. The proposed policy risks serious harm to the people of Toronto and their relationship with the police service.

AI is relatively new to the field of policing, but its negative effects have already been felt far and wide. TPS has already demonstrated a willingness to use [heavy-handed AI-based techniques](https://www.cbc.ca/news/canada/toronto/toronto-police-clearview-ai-1.5462785), so I approach this consultation with some reservations. The service must be held to a high standard, and any new tools must fall **far** below the level of harm which the populace has been subjected to thus far. Despite the novelty of the tools, they have already caused untold damages to communities in which they were deployed. Whether it is the racially discriminatory practice of [predictive policing](https://www.brennancenter.org/our-work/research-reports/predictive-policing-explained), half-baked and inaccurate [facial recognition](https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/), or [gunshot-detecting tools](https://www.vice.com/en/article/qj8xbq/police-are-telling-shotspotter-to-alter-evidence-from-gunshot-detecting-ai) which lead to police killing an unarmed, 13-year old black child, AI tools have enormous potential to injure and scar a populace. These tools would be considered, at most, “High-risk” under the proposed policy and thus potentially admissible for use. That is unacceptable. This field is undergoing rapid development, and what starts as a curiosity may unexpectedly become a source of abuse. Moreover, the amount of data needed to power these AI systems is comparable to the number of stars in the sky or grains of sand on the beach — it is beyond human comprehension. This great need creates an incentive to expand surveillance and data collection on citizens, a process which violates privacy and dehumanizes citizens. The police cannot be a source of demand for surveillance in our society. There are too many risks associated with police use of AI tools to allow their proliferation without strict boundaries.

To this end, I advocate that the risk categories be reorganized. The Extreme-risk category must be enlarged to contain many features of the proposed High-risk category. This would result in the banning of many tools now considered admissible. For instance, predictive policing is fundamentally racist and discriminatory, yet is exemplified in the proposal as a High-risk tool. The service should not have access to such tools, and reorganization of the risk categories could be used to achieve this. Please find below a proposed modification of the risk categories. Sections which are completely new are **bolded**, and sections which have the same wording of the original document but have been moved around have been *italicized*.

Extreme-risk technologies, which may not be considered for adoption, including:

1. Any application where there is no “human-in-the-loop”. A human must evaluate a recommendation from an AI tool before consequential action is taken;
2. Where use of the application results in mass surveillance defined as the **indiscriminate monitoring** of a population or a significant component of a population; [where the original read “indiscriminate covert monitoring”]
3. Any application of AI in a life-safety situation, i.e., an application where the action of the AI technology could slow down the reaction time of the human operator, resulting in potential risk to life of members of the public or Service Members;
4. Any application known or is likely to cause harm or have an impact on an individual’s rights, despite the use of mitigation techniques, due to bias or other flaws;
5. Where training or transactional data
	1. is known or thought to be illegally sourced;
	2. *can be influenced or biased by malicious actors;*
	3. *is known to be of poor quality or carry bias;*
	4. *has not been assessed; or*
	5. **has been inconclusively assessed;**

High-risk technologies, including:

1. Applications which link biometrics to personal information (e.g. facial recognition); or
2. *Where the process involved suggests an allocation of resources;*

Moderate-risk technologies, including:

1. Where the “human-in-the-loop” may have difficulty identifying bias or other decision failures of the AI; or
2. *Assists Members in identifying, categorizing, prioritizing, or otherwise making decisions pertaining to members of the public; and*

Low-risk technologies, including any AI technology that does not fall under any of the preceding categories;

It should be noted that other categories besides Extreme- and High-risk have been modified to reflect tighter limits on the proliferation of AI technologies. This has resulted in the elimination of the Minimal-risk category. The diminished use of AI systems by the service would result in a lower need for surveillance of the citizenry to produce the data necessary to drive those systems.

To support these additional restrictions, the service must shorten the timeline they have set out in the “Continuous Review” section of the proposed policy. All points which refer to December 2024 should instead refer to one calendar year following the implementation of the policy. Reviews of continued use of AI technologies must be undertaken at least every two years instead of five, and results must be posted to the website described in point 15.

Additionally, the policy does not fully define what Tool Risk means. Risk of what? Of misuse? Of harming citizens? Of causing public backlash? The proposed Risk-assessment Tool also lacks necessary details. How does the process occur? Who performs the assessment? These are crucial details to understanding the implementation of the policy, and the policy cannot be properly understood without them. I accept that this process has yet to be designed, but its importance to the policy means it cannot go unscrutinised. The public must get another opportunity to provide consultation once this process has been developed.

The policy in its current form is unacceptable and must not be implemented without being subjected to significant revisions. Failing to do so is, without exaggeration, a matter of life and death for our city's most vulnerable citizens. I hope you can appreciate the importance of this issue, and why these changes must be made.

Thank you for your time,

James Mackey