I am writing to share my thoughts about the Toronto Police Service’s Use Of New Artificial Intelligence Technologies Draft Policy. Specifically, I am concerned about three main points:

* Level of risk allowed for use/requiring risk assessment
* Level of public consultation
* Speed at which technologies currently being used will become subject to the policy

1. **Level of risk allowed for use/requiring risk assessment**

As per the current draft policy, extreme risk categories will not be used and high- and medium-risk technologies will be subject to a set of evaluations and consultations. The restrictions on high- and medium- risk technologies are **not stringent enough** **and their use should be further restricted.**

The definitions of high and medium risk technologies include the following elements:

* Where training or transactional data is known to be of poor quality, carry bias, or where the quality of such data is unknown;
* Where the “human-in-the-loop” may have difficulty identifying bias or other decision failures of the AI;

Any technology that may carry bias or have difficulty identifying it should be prohibited. These technology failures have been shown to have a greater impact on people of colour and marginalized members of society who are already overpoliced.

Furthermore, I have many questions about the proposed risk assessment. I understand that the policy is not specifically meant to outline this component. However, since it is integral to the policy’s implementation, more information should be shared about risk categories will be determined and how the assessment will be used in practice.

1. **Level of public consultation**

Throughout the draft policy, the requirement for genuine public consultation is insufficient. Too often, the process of consultation remains internal: either decisions made by the Chief or in consultation with the Board. Or, the wording leaves too much open to chance: “To the greatest degree possible, the Board must conduct such reviews in public.” A true critical examination of AI technologies requires the **mandatory** participation of external stakeholders who are not employed by or beholden to the TPS. This includes public involvement in determining the allowability of new AI technologies in the field.

Moreover, details are lacking on what the public consultations that are included will require: How far in advance will the public be consulted? What does the engagement process look like? How will it be promoted? How will outcomes be shared with the public? Again, I understand that the draft policy may not be the intended location for the answers to these questions, but there needs to be a reference to how the public consultation process will look and how it will hold the TPS accountable.

1. **Speed at which technologies currently being used will become subject to the policy**

My final concern is with item number 16 of the draft policy:

*Will terminate the use, immediately upon identification, and no later than December 2024, of any AI technology in use by the Service prior to the adoption of this Policy, which is deemed to be of Extreme risk, and inform the Board of this action with a description of the AI technology that was identified and the reason that it was deemed to be of Extreme risk;”*

This wording is confusing. More specific timelines need to be set in regard to the identification and termination process. For example: “Once the policy is adopted, TPS will both identify **and** terminate the use of all extreme/high/medium-risk technologies within six weeks…” The current wording doesn’t stipulate a time by which TPS must begin to identify these technologies. This is not good enough.

Thank you for your consideration.