

Policy Type: **EXECUTIVE LIMITATIONS**



Policy Title: **Use of Artificial Intelligence**

Policy Statement

The Durham Regional Police Service Board is committed to the adoption and application of Artificial Intelligence (AI) technologies to enhance public safety while safeguarding the values of fairness, accountability, and privacy. By using innovative, modern and efficient policing tools, and being transparent about the artificial intelligence technologies used and the data obtained through their use, the Board aims to support and preserve public trust in the Durham Regional Police Service (DRPS).

Definitions

In this policy:

“Board” means the Durham Regional Police Service Board;

“Chief of Police” means the Chief of Police of the Durham Regional 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 through the deployment AI technology and any information collected and stored that will 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.

- Principles

The DRPS shall adhere to the following principles in the consideration and use of AI technologies:

- **Legality:** All technology used, and all use of technology, must comply with applicable law, including the *Community Safety and Policing Act*, Ontario's *Human Rights Code*, and the *Canadian Charter of Rights and Freedoms*, and be compatible with applicable due process and accountability obligations. 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 DRPS must follow and adhere to any new legislation on the use of AI technologies that may be enacted by the federal and provincial governments.
- **Fairness:** The DRPS must foster fairness in the application of AI technologies by:
 - Ensuring equality and non-discrimination in AI operation;
 - Protecting vulnerable groups from potential biases or adverse impacts;
 - Promoting diversity and accessibility in AI development and use; and
 - Enabling the review and correction of AI-supported decisions.
- **Reliability:** AI technology must result in consistent outputs or recommendations and perform in a repeatable manner.
- **Justifiability:** The use of AI technology must be shown to further the purpose of community safety in a manner that outweighs identified risks.
- **Accountability:** All use of AI technology must be auditable and transparent, and be governed by a clear governance framework, with Members accountable for the decisions they make, including those made with the assistance of AI technology or other algorithmic technologies.
- **Transparency:** Where the Service uses AI technology that may have an impact on decisions that affect members of the public, the use of that technology must be made public to the greatest degree possible. Where full transparency may unduly endanger the efficacy of investigative techniques or operations, the Service will endeavour to make publicly available as much information about the AI technology as possible, to assure the public of the reliability of the AI technology and the justifiability of its use. Where a decision assisted by AI technology may lead to the laying of criminal or other charges against an individual, the possible influence of the AI technology must be included in the disclosure provided to the Crown.
- **Privacy:** Use of AI technology must, to the greatest degree practicable, preserve the privacy of the individuals whose information it collects

Policy Application

It is the policy of the Durham Regional Police Board that:

A. Deployment and Use of AI Technologies by the DRPS

The Chief of Police shall:

1. Seek the Board's approval prior to the adoption or use of AI technology by the DRPS.
2. Conduct a risk assessment of the AI technology. AI technologies that pose a serious risk of harm or bias against any particular community, group, or individual or the privacy of citizens will not be procured or used.
3. Share the results of the risk assessment, to the extent possible, with the public and seek meaningful community and stakeholder input into the proposed adoption of the technology.
4. Report the findings of the risk analysis and the community consultation to the Board. The report must address:
 - i. how the new technology does not pose a serious risk to the community in line with this policy and how any potential risks will be mitigated;
 - ii. how the use of the AI technology will enhance community safety in a manner that outweighs identified risks;
 - iii. the estimated cost of acquiring and implementing the AI technology, including the cost of adequate training in the use of the AI technology, and any additional costs or savings expected from the implementation of the AI technology;
 - iv. a proposed evidence-based evaluation and re-assessment of the AI technology sought for use; and
 - v. proposed indicators that will be tracked to determine whether the AI technology is achieving its intended goals.
5. The Board will review the reports submitted in accordance with paragraph 4 and may:
 - i. Request or solicit an independent review of the recommendations made by the Chief;
 - ii. Determine that additional analysis is required prior to approval of the procurement, deployment or use of the new AI technology;
 - iii. Determine that the Service may initiate a pilot process for the use of the new AI technology to better assess it, and identify the parameters of the pilot in a manner that mitigates any risks of biased decision-making by Service Members; or,
 - iv. Determine that the Service may initiate the procurement, deployment or use of the new AI technology, and identify any additional analysis, monitoring, auditing and reporting requirements beyond the ones required by this Policy that are to be imposed once use of the AI technology commences.

6. Upon adoption of any new AI technologies, the Chief of Police will ensure that proper training is provided to members who will use the technology. The training of members must address both the effective, legal, and ethical use of the technology and be delivered by competent trainers. Follow-up training must be delivered to update the knowledge and skills of the staff members as the technologies develop and updated.

B. Existing AI Technology in Use by the DRPS

The Chief of Police shall:

1. Establish the necessary mechanisms to review the AI technologies currently used by the DRPS to ensure that the use of these technologies is compatible with the laws and the principles outlined in this policy.
2. Consult with the stakeholders and communities to identify and address any concerns arising from the use of existing AI technologies. The results of reviews and consultations will be provided to the Board, in addition to the actions taken to mitigate the risks and the harms of the existing AI technologies and the indicators that will be used to assess whether the technologies are achieving their intended goals.
3. Terminate the use of any existing AI technology that poses a serious risk or is harmful to the community.
4. Ensure that appropriate training is provided to members as outlined in paragraph A.6 above.

C. Data Privacy and Security

The Chief of Police shall:

1. Establish strict protocols for the collection, storage, access, and sharing of data to be used by or for AI technologies, adhering to privacy laws and regulations.
2. 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.

D. Fair and Effective Use of AI

The Chief of Police shall:

1. Actively address and mitigate biases caused by the use of AI technologies to prevent discrimination against marginalized communities and ensure equitable outcomes.

2. Conduct regular audits of the AI systems used by the DRPS for fairness, accuracy, and effectiveness.
3. 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.

Reporting

To enhance accountability and transparency, the Chief of Police shall:

1. Maintain and regularly update a public registry of AI systems used by the DRPS. The registry must outline the capabilities, limitations, data handling practices, and purposes of the used technologies.
2. Document the decision-making processes regarding the AI technologies including their selection, deployment, and use.
3. On an annual basis, and as may be additionally required by the Board, provide a public report to the Board that demonstrates compliance with this policy and an assessment of the achievements of the AI technologies according to the indicators established at the time the technologies were deployed.