Can Predictive Hotspot Policing be Justified?

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THESIS – there are reasons of justice, internal to the logic of policing in liberal democracies, against using predictive hotspot policing methods.

- *Idealizing Assumptions:* Laws, procedures for determining when to charge someone, how to determine guilt, and set sentences, are just and reasonable. Sentences are just and reasonable. Police aim to treat everyone they encounter decently and respectfully, but when subject to situational stressors, primes, and escalating tension, can fall short of this standard.

Not idealizing away:
  (i) conditions necessary for predictive value of tools,
  (ii) risks of mistakes that the very best intentions cannot insulate from, and
  (iii) the existence of broader social injustice causally explanatory for disproportionate concentrations of poverty and criminal victimization among politically oppressed social groups.

CLAIM 1: A policy that exposes majority-minority low-SES neighborhoods to disproportionate police contact can be justified only if the same neighborhoods receive offsetting benefits, and the policy is the best way to achieve these benefits.

1. The justifying value of policing is *security*: reducing each individual's expectation of suffering a rights-violation.
   - The function of public law is to secure members of society against domination by agents equipped to use violent force.
   - Policing improves individuals' expectation of security through (i) critical moment interventions, (ii) providing a credible threat of impartial enforcement, and (iii) fostering background security sufficient to secure people from domination by those prepared to use violence.

2. The methods of policing inescapably impose some risk of rights-violations. So in evaluating a proposal, we must look at the *net* risks, how they are distributed, and how they compare to alternatives.

3. Average crime/victimization rates for an area are at best a partial measure of the goal. If we aggregate fully, we should aim to minimize the following:

   p(severity-weighted crimes) + p(severity-weighted police mistakes) +(known costs) + p(long term community costs)

   - If *security* has diminishing marginal returns, we should prioritize the worst-off
   - Rights aren't a poolable resource, so plausibly we should consider a policing policy justifiable only if it offers a positive prospect to each representative individual (distinguished by *ex ante* likelihood and *severity* of possible outcomes).

CLAIM 2: The burdens imposed by predictive hotspot policing programs on majority-minority low SES neighborhoods are extremely unlikely to be outweighed by the benefits thereby secured.

1. The expected benefits of place-based predictive policing are a modest reduction in property crime.[1] A *high-risk* box reflects between a $\frac{1}{1300}$ and $\frac{1}{350}$ chance of an offence occurring in the predicted time period.[2]

2. Place-based predictive policing concentrates police attention on low-income majority-minority communities.[3]

Do residents of these communities also benefit disproportionately?

"Black Americans, after all, are disproportionately victims of crime. When crime is reduced, therefore, black Americans on average are disproportionately the beneficiaries." – Boonin [2011, 342]

[1] On average a 7.4% reduction in thefts, as estimated by PredPol's designers, Mohler et al. [2015]

[2] Chammah [2016]

[3] In 84% of jurisdictions, the areas most targeted by PredPol had higher proportions of minority residents than the jurisdiction overall [Mehrotra et al., 2021], yielding police contacts at a rate 150-400 times that of white neighborhoods in the same census tracts [Mohler et al., 2018].

Not really: they are disproportionately victimized by *violent* crimes, and over-policed for *drug and property* crimes.[4]

3. Focusing police attention disproportionately on majority-minority neighborhoods imposes dignitary, psychological, and physical costs on residents.

   • Stably leads to worse performance on a host of metrics, including educational test scores, reported institutional trust, political participation,[5] and avoidance of social services.[6]

   • A group that is at least perceived as over-represented among the perpetrators of criminal offenses is also extremely likely to be over-attributed criminal intent by police force, and so already likely to be subject to worse escalation.

CLAIM 3: Even under strong idealizing assumptions, a policy that renders politically oppressed groups disproportionately likely to suffer police errors undermines the justifying aim of policing.

1. Bias in police deployments is likely to lead to bias in police errors.[7]

2. Bias in police error gives public reason to think that police are not equally likely to intervene to protect members of those minorities from victimization by others, and undermines the trust necessary for police to fulfill core justifying functions.

3. Even if this efficiently reduces the crime rate, it does so by rendering a minority less secure in their stringent rights than baseline in order to secure a comparable lesser good (increased security in their property rights) for many others.

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