WHAT ABOUT ETHICS IN DIGITALISING PROBATION?

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●●● 1. Just a question of words?

« Artificial intelligence »

Definition of "intelligence" :

- The **ability to learn, understand and think** in a logical way about things; the ability to do this well

- **Secret information** that is collected, for example about a foreign country, especially one that is an enemy; the people that collect this information

- **Notion of control**

- **Simulation of human intellectual processes:** learning, reasoning, autocorrecting

1. Just a question of words?

Two types of A.I.

Strong artificial intelligence

Weak artificial intelligence

VS.

deep learning, self-learning machines

carrying out tasks through algorithms

1. Just a question of words?

Cloud
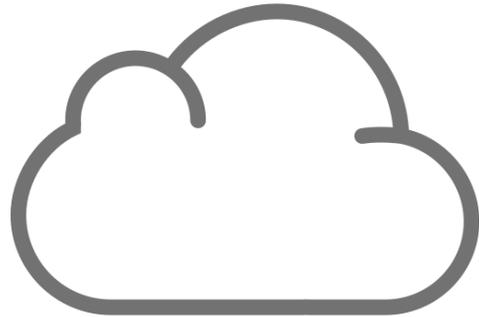
« Cloud »

Misnaming things adds to the misfortune of this world.

Albert Camus

A fast evolution

1956 — THE WORD 'ARTIFICIAL INTELLIGENCE' COINED BY JOHN MCCARTHY

1969 — 'SHAKEY' WAS THE FIRST GENERAL PURPOSE MOBILE ROBOT BUILT

1997 — SUPERCOMPUTER 'DEEP BLUE' WAS DESIGNED WHICH DEFEATED THE WORLD CHESS CHAMPION IN A GAME

2002 — FIRST COMMERCIALLY SUCCESSFUL ROBOTIC VACUUM CLEANER CREATED

2005-2018 — SPEECH RECOGNITION, RPA, DANCING ROBOTS, SMART HOMES AND MANY MORE TO COME FROM AI

Source: GN, Chethan Kumar. "Is Artificial Intelligence Real or Is It Just a Hype of This Decade??" *Medium*, Towards Data Science, 17 June 2019, towardsdatascience.com/artificial-intelligence-real-or-is-it-just-an-hype-of-this-decade-fear-what-learn-history-go-game-ac4476badf1b.

2. Our environment

Volatile – fast-changing and unpredictable

Uncertain – *surprise effect, unexpected*

Complex – complex and misunderstandable *interactions*

Ambiguous – *difficulty to see clearly*

3. Specificity of our work

- **Inherent nature of work**

- **Purposes of the sentence**
    - Reminding the law
    - Compensating for the society and the victim
    - Rehabilitating or reinserting
    - Incapacitating

- **Visibility of the sentence**
    "Justice must not only be done but it must also be seen to be done"
    → Political and media environment
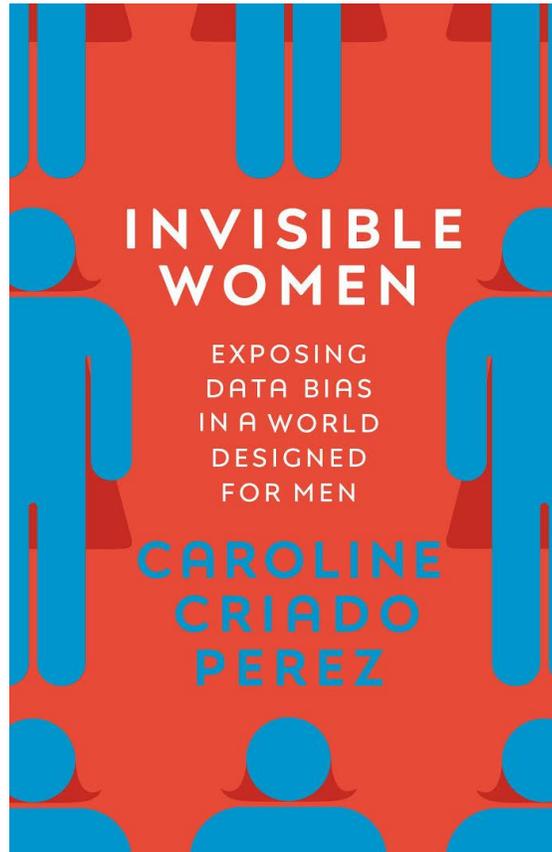
    Source: (R. c/Sussex Justices, ex p. Mc Carthy, 1924)

4. Data-centric era

- Massive collection of data + data-centric orientation
- Automatisation of data and metadata exploitation
- Construction of models
- High risks of data manipulation
- Need for ethical safeguards for a virtuous use of data

5. Why do intelligent algorithms lead to wrong tracks?

- **Algorithms understand things literally**

- **Algorithms are black boxes**

- **Setting algorithms may be destructive**

6. The good choice of data?

INVISIBLE WOMEN

EXPOSING DATA BIAS IN A WORLD DESIGNED FOR MEN

CAROLINE CRIADO PEREZ

6. Ends and means

- Possessing data does not justify its use: « *just because we can do something doesn't always mean we should* » (Gartner)

- No organisation exists to process privacy-related data but they are a means to serve the goals of the organisation

- It is necessary to reflect on the meaning of data use

- It is also necessary to reflect on the proportionality of data use in regards to the goal

- Data-centric approach has no value if the human value is left behind (Gartner)

- Respecting the law does not mean being ethical

6. Ends and means – attention points

- Need to be explicit on ethical data-use and formalise it

- More than a code of conduct or a check-list, questioning must be persistent

- There is a human being behind each piece of data → avoid harming our partners, our staff, our core business, the citizens we are assigned to

- *Doing the right and moral thing especially when no one is watching* (Gartner)

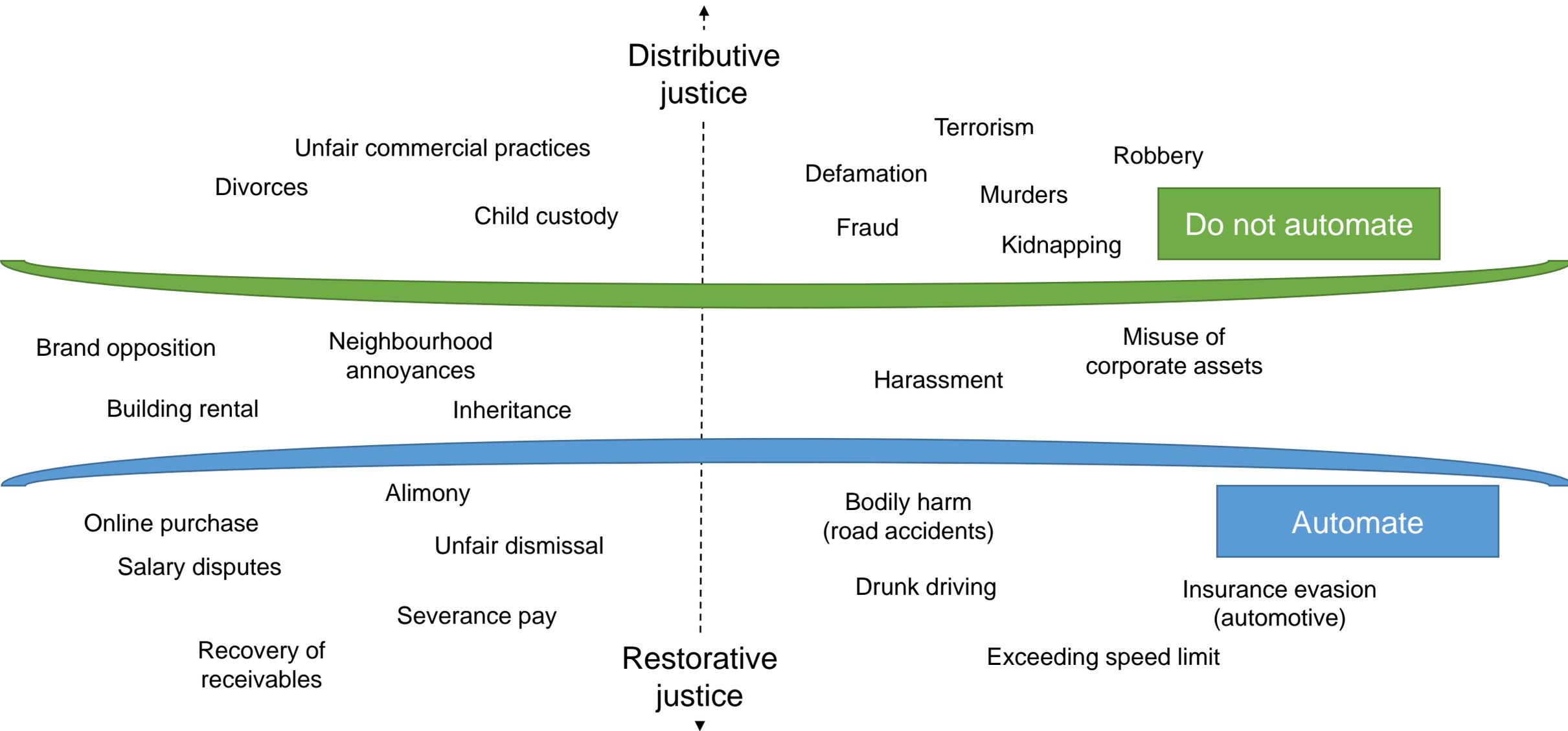- Giving people access to their own data

7. When does the ethical problem arise?

« If people's lives and livelihood are to be significantly affected by it [new technologies] it is in itself an ethical question » (Mike Nellis)

Technology must be at the service of professionals, not the contrary

- Accessiblity to information
- Complementarity
- Nothing replaces the human contact

Distributive justice

Unfair commercial practices

Divorces

Child custody

Terrorism

Defamation

Robbery

Murders

Fraud

Kidnapping

Do not automate

Brand opposition

Neighbourhood annoyances

Misuse of corporate assets

Harassment

Building rental

Inheritance

Alimony

Bodily harm (road accidents)

Online purchase

Unfair dismissal

Automate

Salary disputes

Drunk driving

Insurance evasion (automotive)

Severance pay

Recovery of receivables

Exceeding speed limit

Restorative justice

In VAN DEN BRANDEN, A. (2019), *Les robots à l'assaut de la justice: l'intelligence artificielle au service des justiciables*, Bruxelles: Bruylant.
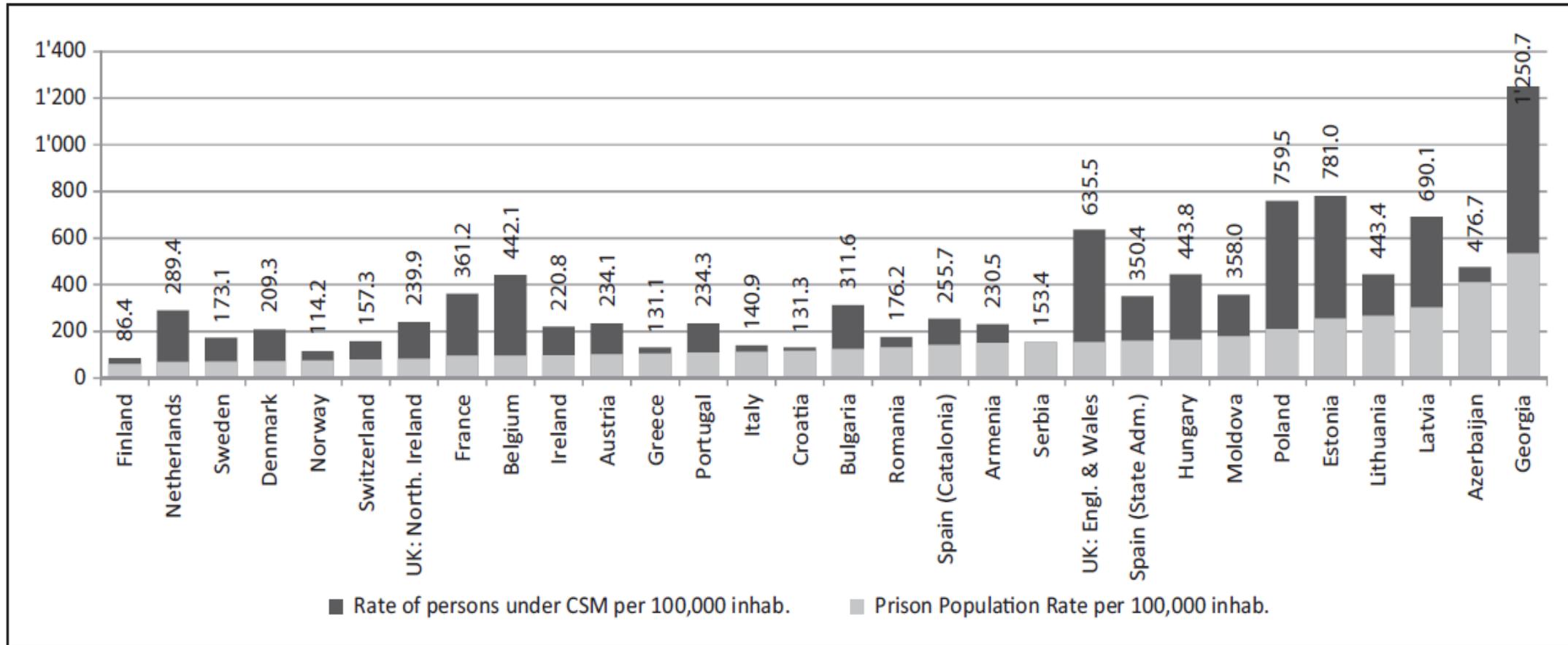
9. Mass supervision

Prison population in 1991, 2000 and 2010
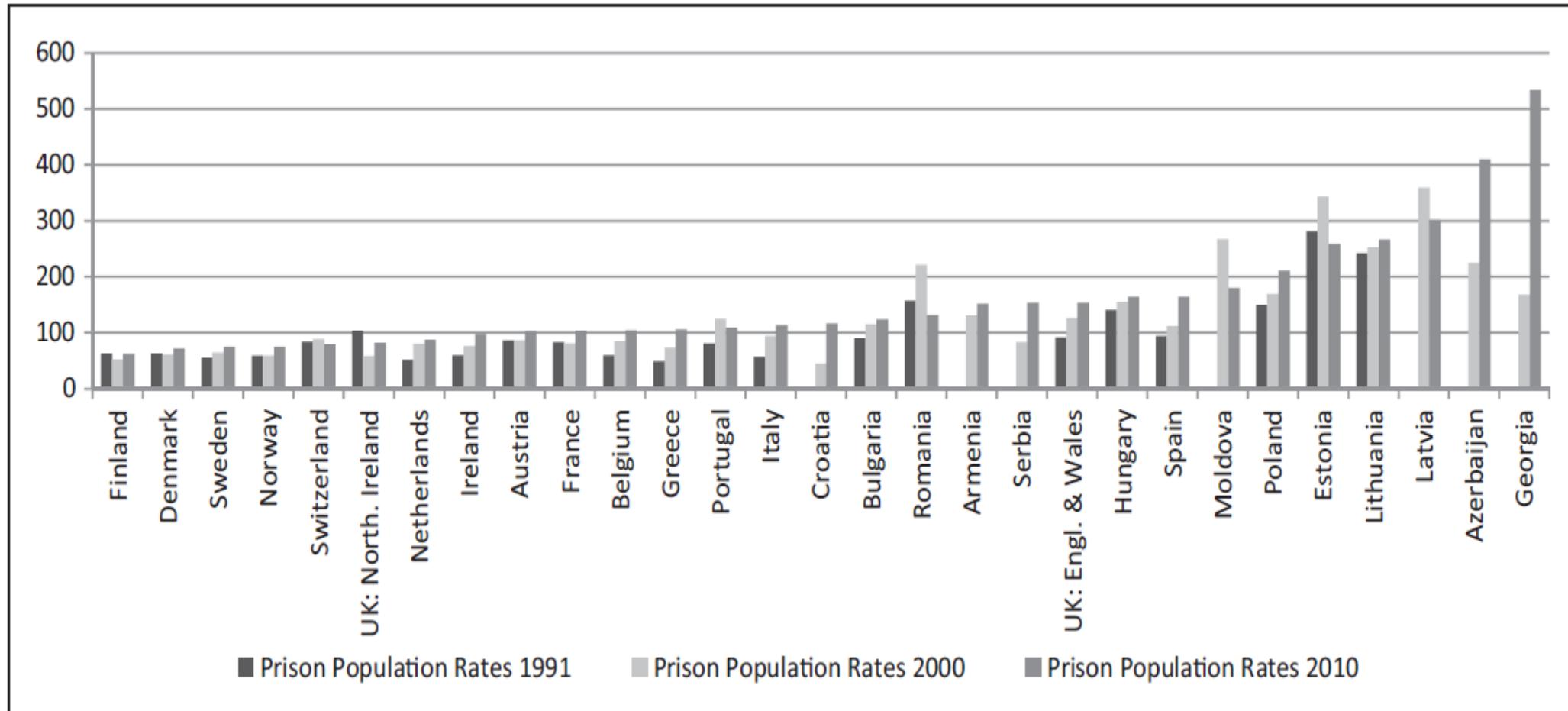
Source: Aebi, M., Delgrande, N., Marguet, Y. (2014). Have community sanctions and measures widened the net of the European criminal justice systems? *Punishment & Society*. 17 (5), 575-597.
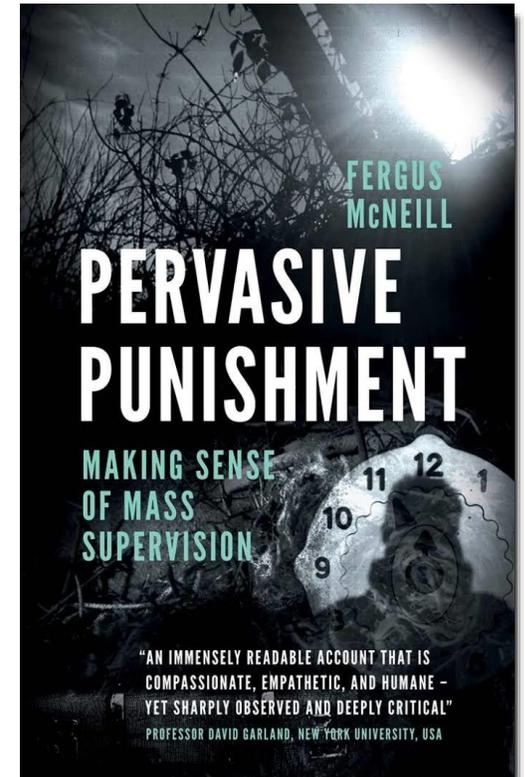
9. Mass supervision

Prison population and people under CSM in 2010

9. Mass supervision

➢ Quantitave increase of people under CSM

➢ More and more intrusion in the intervention

➢ From reintegration to risk management?

FERGUS McNEILL

PERVASIVE PUNISHMENT

MAKING SENSE OF MASS SUPERVISION

"AN IMMENSELY READABLE ACCOUNT THAT IS COMPASSIONATE, EMPATHETIC, AND HUMANE – YET SHARPLY OBSERVED AND DEEPLY CRITICAL"
PROFESSOR DAVID GARLAND, NEW YORK UNIVERSITY, USA

10. What role does the private sector play?

Turnkey solutions of the private sector

- Differing interests

- Machinery of procurement processes and unbalance of forces

A track to implement a digitalisation strategy

Design with users
Research with users to understand their needs and the problems we want to solve. Conduct ongoing testing with users to guide design and development.

Iterate and improve frequently
Develop services using agile, iterative and user-centred methods. Continuously improve in response to user needs. Try new things, start small and scale up.

Work in the open by default
Share evidence, research and decision making openly. Make all non-sensitive data, information, and new code developed in delivery of services open to the outside world for sharing and reuse under an open licence.

Use open standards and solutions
Leverage open standards and embrace leading practices, including the use of open source software where appropriate. Design for services and platforms that are seamless for Canadians to use no matter what device or channel they are using.

Address security and privacy risks
Take a balanced approach to managing risk by implementing appropriate privacy and security measures. Make security measures frictionless so that they do not place a burden on users.

Build in accessibility from the start
Services should meet or exceed accessibility standards. Users with distinct needs should be engaged from the outset to ensure what is delivered will work for everyone.

Empower staff to deliver better services
Make sure that staff have access to the tools, training and technologies they need. Empower the team to make decisions throughout the design, build and operation of the service.

Be good data stewards
Collect data from users only once and reuse wherever possible. Ensure that data is collected and held in a secure way so that it can easily be reused by others to provide services.

Design ethical services
Make sure that everyone receives fair treatment. Comply with ethical guidelines in the design and use of systems which automate decision making (such as the use of artificial intelligence).

Collaborate widely
Create multidisciplinary teams with the range of skills needed to deliver a common goal. Share and collaborate in the open. Identify and create partnerships which help deliver value to users.

How to conclude?

➢ Consider ethics seriously in a "VUCA" environment

➢ Dare to dream based on the values of the organisation

➢ Think with diversity to avoid biases

➢ Work on the cultural change of the organisation

➢ Let the public services manage ethics and protect the citizens

➢ Focus on the human beings (the offenders)

➢ Remain the decision-maker

Contact details

Thank you for the attention!

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