STATE OF MICHIGAN   GRETCHEN WHITMER, Governor

MICHIGAN CIVIL RIGHTS COMMISSION

RESOLUTION

RESOLUTION RECOMMENDING TRANSPARENCY AND A RESPONSIBLE, RESEARCH BASED APPROACH IN THE USE OF ARTIFICIAL INTELLIGENCE IN POLICING

WHEREAS The Michigan Civil Rights Commission is a public body established under Article V, Section 29 of the Michigan constitution, which vests the commission with the power "to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by [the] constitution, and to secure the equal protection of such civil rights without such discrimination"; and

WHEREAS advances in technology have resulted in the increasing and pervasive use and application of Artificial Intelligence programs, software and data analytics for surveillance and other law enforcement measures aimed at the prediction, investigation, and prevention of crime; and

WHEREAS there is a well-recognized, thoroughly researched, comprehensively documented and statistically significant amount of data evidencing bias, discrimination, and racial disparity in law enforcement as it relates to people of color; and

WHEREAS Artificial Intelligence powered policing tools have been known to be less than accurate and susceptible to exacerbate and facilitate existing law enforcement

racial, national origin and ethnic biases or otherwise have a discriminatory impact, particularly where predictive policing tool make use of historical crime data; and

WHEREAS law enforcement agencies in Michigan currently or may in the future employ predictive policing systems powered by Artificial Intelligence; and

WHEREAS the risk and harm associated with law enforcement agencies indiscriminate use of predictive policing tools with reliance on a veil of scientific legitimacy does not justify their uses in decisions that ultimately impact the life, safety, and liberty of Michigan citizens; and

WHEREAS against the backdrop of our country's documented bias in law enforcement, to ignore the historic prejudice in policing practices that have resulted in inherently biased data, statistics and actionable information is tantamount to an intentional decision to perpetuate racial, ethnic, and national origin discrimination; and

WHEREAS the Michigan Civil Rights Commission affirmatively recognizes several United States Senators and a member of the United States House of Representatives, including Senators Wyden, Merkley, Padilla, Welch, Fetterman, Markey and Representative Clarke, who have taken a public stand against the potential abuses of Artificial Intelligence in policing, by urging Attorney General Garland to "halt all Department of Justice (DOJ) grants for predictive policing systems until the DOJ can ensure that grant recipients will not use such systems in ways that have a discriminatory impact", and recommending that the DOJ in its forthcoming Presidential Report on the use of Artificial Intelligence in law enforcement "specifically investigate predictive policing technologies….assess the accuracy and precision of predictive policing models across protected classes, their interpretability, and their validity, including any limits on assessing their risks posed by a lack of transparency from the companies developing them [and]….recommend whether and how law enforcement agencies can use these technologies to enhance public safety without having discriminatory impacts"; and

NOW THEREFORE BE IT RESOLVED that the Michigan Civil Rights Commission recommends transparency and a socially responsible, bias free, research based approach in the use of Artificial Intelligence in policing, and encourages the Governor to convene a Taskforce on Artificial Intelligence in Policing and establish

a permanent Commission on Artificial Intelligence empowered to study, research and advise the executive branch and the legislature in all areas related to Artificial Intelligence, that the Michigan Legislature enact legislation that regulates the use, acquisition and implementation of Artificial Intelligence in policing so as to eliminate the perpetuation of bias and discrimination and that the Michigan Department of Attorney General consider the employment of its resources to protect the interest and welfare of Michigan citizens who may be impacted by Artificial Intelligence policing practices and protocols that are susceptible to bias and discrimination against protected classifications; and

BE IT FURTHER RESOLVED that all law enforcement agencies in the State of Michigan should review their current and future uses of Artificial Intelligence policing tools to determine their efficacy and tendencies to perpetuate, incorporate or facilitate bias and discrimination; and

BE IT FINALLY RESOLVED that this resolution be forwarded to Governor Gretchen Whitmer, the Speaker of the Michigan House of Representatives, President of the Michigan Senate, Michigan Department of Attorney General, Michigan Association of Police Organizations, Michigan Association of Chiefs of Police and Michigan Commission on Law Enforcement Standards.

Passed on Monday the 29th day of April 2024, by the **MICHIGAN CIVIL RIGHTS COMMISSION**

Commissioner Gloria E. Lara, Chair   Commissioner David Worthams, Vice Chair

Commissioner Luke Londo, Secretary   Commissioner Regina Marie Gasco

Commissioner Portia Roberson   Commissioner Zenna Faraj Elhasan

Commissioner Rosann Barker