

Proposal for a session for interaction and engagement

iConference 2019

Title

Finding a Third Path: Complexity and Ambiguity in Professional Ethics

Organizers

Jean-François Blanchette, Department of Information Studies, UCLA
Snowden Becker, Department of Information Studies, UCLA

Key participants

Same as above

Abstract (150 words)

Ethical dilemmas in computing and information systems are often framed as simplistic binaries: open/closed, public/private, dystopian/utopian, etc. In practice, however, information professionals work in ethical grey zones that defy such easy categorization. Using police body worn camera programs as a timely and representative use case, we will explore the ways in which rhetorical, technical, and structural approaches to the ethical use of information can embrace complexity and ambiguity. The organizers will first present examples of technology and policy solutions that are more (or less) successful examples of a “third path” approach. Participants will then work to identify similarly nuanced alternatives for a range of binaries common in the field of surveillance and recordkeeping. In doing so, we seek to reclaim the middle ground as a site for rich ideas, innovative designs, and effective, equitable information policies.

Description (1000 words)

Purpose and intended audience

Ethical dilemmas in computing and information systems are often framed as simplistic binaries: open/closed, public/private, dystopian/utopian, etc. Yet, in practice, the complex systems information professionals interact with mostly occupy grey zones that defy easy categorization. Ethical positioning and action within these systems requires moving beyond facile, oppositional characterization of problems and embracing complexity and ambiguity in solutions.

In recent years, civil liberties groups and law enforcement leadership have both hailed body worn cameras (BWCs) as a possible solution to one of the thorniest problems in American society: excessive use of force by police officers, particularly against African-Americans and other marginalized groups. By providing more complete, detailed, and “objective” documentation of violent encounters, bodycams could provide crucial evidence to convict in cases of misuse of force, while reducing the rising costs of civil liability from expensive lawsuits that police forces settle

every year (which passed the billion-dollar mark in 2015)¹. BWCs offer the tantalizing possibility of, as one commentator put it, a “win for all,” a rare occurrence in policy making.²

Much of the rhetoric behind the rise of bodycams lies in the perception that videos capture high-grade evidence—that camera images are “truthful, unbiased, objective, and unambiguous reproduction of reality.”³ When the Los Angeles Police Department released footage from an officer-worn bodycam for the first time,⁴ LAPD Chief Charlie Beck leveraged this rhetorical weight, saying “What you will see from these videos is policing at its rawest.” Yet, while the footage that the department released did indeed provide an uniquely (even painfully) direct view into the police interventions, it was also extensively edited, including major cuts, cropping, text overlays, voiceovers, and use of footage from at least three different cameras.⁵ Whatever reproduction of reality the bodycams captured, it was significantly remixed after the fact. The release points to a need for conceptual framings that go beyond the raw/edited binary, and would allow viewers, managers, and users of bodycam footage to distinguish between ethical and non-ethical forms of editing material prior to public release.

These new framings may suggest—or take the form of—technical solutions that literally blur the boundaries between binaries. In November 2014, broad-based open records requests filed by an anonymous Seattle citizen nearly derailed pilot projects and preliminary implementations of BWCs in police departments across the state.⁶ The activist had requested, among other records, all copies of all dashboard- and body-mounted camera footage recorded by the Seattle Police Department—a

¹ Elinson, Z., & Frosch, D. (2015, July 15). Cost of Police-Misconduct Cases Soars in Big U.S. Cities. *Wall Street Journal*. Retrieved from <https://www.wsj.com/articles/cost-of-police-misconduct-cases-soars-in-big-u-s-cities-1437013834>

² Stanley, J. (2015). *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All*. Retrieved from https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf

³ Wasserman, Howard M. "Orwell's Vision: Video and the Future of Civil Rights Enforcement." *Md. L. Rev.* 68 (2008): 600.

⁴ VonQuednow, C., & Friel, C. (2018, June 20). LAPD Releases Bodycam Video of Fatal Incident in South L.A., a First for the Department | KTLA. KTLA. Retrieved from <https://ktla.com/2018/06/20/lapd-releases-bodycam-video-of-fatal-incident-in-south-l-a-a-first-for-the-department/>. See also https://www.youtube.com/watch?v=zc3ES5_f8zk

⁵ Becker, S. (2018, September 12). The raw and the cooked. Retrieved October 1, 2018, from <https://ontherecordallthetime.org/2018/09/12/the-raw-and-the-cooked-2/>

⁶ Miletich, S., & Sullivan, J. (2014, November 20). Costly public-records requests may threaten SPD plan for body cameras. Retrieved January 7, 2016, from <http://www.seattletimes.com/seattle-news/costly-public-records-requests-may-threaten-spd-plan-for-body-cameras/>

staggering quantity of footage, nearly all of which would have required extensive review and redaction prior to release in order to protect sensitive information. The department had a legal duty under the state's Public Records Act to produce the requested data, but would have been crippled by the financial, technical, and staff burdens this would impose. Instead, the department negotiated an agreement with the requestor, who withdrew his requests and worked with police on "ways to use technology to increase transparency."⁷ One outcome of this collaboration is a new type of document processing: over-redaction, or comprehensive blurring of BWC footage to obscure people's faces and other identifying information such as street names, house numbers, and license plates.⁸ The Seattle PD now automatically releases most recordings as over-redacted video, allowing citizens and the media to determine whether a particular piece of footage contains relevant material before filing a public records request.⁹

Other third-path approaches may be structural, and may adapt models from other fields including the business community. Legal scholar Mary Fan has proposed a "bounded access" model for assessing sensitive, proprietary corporate data on health and safety impacts when a compelling interest in public disclosure may compete with companies' interests in protection of trade secrets.¹⁰ This model raises some interesting questions: What might a review board of arbiters for when and how to share BWD recordings look like? How might a bounded access model contribute to splitting the difference between public records and personal privacy?

The purpose of this session is to generate further third-path concepts, go beyond established binaries, and encourage better, more nuanced engagement with the grey areas in which complex information systems operate.¹¹ Not only will this exercise help focus attention on the ambiguities and complexities inherent to contemporary decision-making, but such third-path thinking can lead to innovation in systems development and information policies.

Proposed activities, including agenda, ramp-up (development) and follow-through
The session will proceed in three distinct phases:

⁷ Sullivan, J. (2014, November 20). Man drops massive records requests, will help Seattle police with video technology. Retrieved December 23, 2015, from <http://www.seattletimes.com/seattle-news/man-drops-massive-records-requests-will-help-seattle-police-with-video-technology/>

⁸ Harris, Mark. 2017. "The Body Cam Hacker Who Schooled the Police." *Wired*. Accessed July 3. <https://www.wired.com/2015/05/the-body-cam-hacker-who-schooled-the-police/>.

⁹ Examples of such videos are available at the Seattle Police Department YouTube channel, <https://www.youtube.com/channel/UCcdSPRnt1HmzkTL9aSDfKuA>.

¹⁰ Fan, M. D. (2015). *Private Data, Public Safety: A Bounded Access Model of Disclosure* (SSRN Scholarly Paper No. ID 2662678). Rochester, NY: Social Science Research Network. Retrieved from <http://papers.ssrn.com/abstract=2662678>

¹¹ Fortun, K. (2001), *Advocacy after Bhopal*. University of Chicago Press.

1. Presentation (30 minutes)

We will begin with a brief overview of the concept of binaries and third terms, focusing on use cases involving bodycams, surveillance, recordkeeping, and privacy.

2. Brainstorming (40 minutes).

We will offer to participants a list of conventional binaries, drawn from our work on surveillance and archives. These include:

- Open/proprietary systems
- Evidentiary/non-evidentiary
- Public records/closed records
- Raw/edited footage
- Helpful/harmful
- Intentional capture/accidental
- Anonymous/identifiable
- Security/Entertainment

Participants will break into small groups and generate, through brainstorming, third-path approaches to these binaries. They will, in a second phase, evaluate the applicability and generativity of these alternatives.

3. Collective discussion (20 minutes)

We will gather all participants to collect results and discuss their applicability.

Relevance to the conference/significance to the field

As the deployment of new tools and information systems redefines traditional concepts of privacy, surveillance, records, openness, etc., our fields badly need professional practices and operational guidance that are in sync with these changes. This proposed session is particularly relevant to the third dimension of the 2019 iConference: “To question how we can best inspire individuals and organizations to use information for good in our rapidly changing knowledge society.” It seeks to help information professionals embrace the grey areas of professional practice as a source of inspiration and opportunity.

Duration

90-minute session

Special requirements

None