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AI AND PREDICTIVE POLICING: BALANCING TECHNOLOGICAL INNOVATION AND CIVIL LIBERTIES

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ABSTRACT

In pursuit of justice and enforcement of law and order, the police are on a continuous quest to develop new methods that can be incorporated to prevent any unnecessary harm with the help of available technology. Artificial intelligence has emerged as one of the significant innovations of the past decade, and it works on a predictive algorithm that requires ample data. The police have ample amounts of data, which includes demographic statistics and publicly available personal data, which is helpful in investigating cases and developing specific policies that can be used to prevent crimes. Agencies argue that using the same data with artificial intelligence will help them to understand patterns and can also be used to predict crimes, which can be prevented if appropriate measures are taken. However, predictive policing suffers from the challenges of equity, privacy, and discrimination as the algorithm may develop bias towards a particular crime or a group of individuals, leading it to derive wrong predictions. This paper aims to understand what challenges can emerge and whether there can be a balance between Technological innovation and civil liberties.

Keywords: Predictive Policing, Law Enforcement Agencies, Artificial Intelligence , Data.

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INTRODUCTION

In order to respond to rising crime index, law enforcement agencies are always on the search of new measures which can be implemented in order to counteract crimes. In order to prevent any kind of crime, prediction is an essential which can be made with statistical data and thorough analysis of the circumstances. With the recent advancements of technologies, innovation of artificial intelligence has also been made possible with the help of predictive algorithms that are probable consequences of machine learning.

To ensure correct responses from Artificial Intelligence, it should be given information that is free from the likelihood of bias and is proven to be true beyond a reasonable doubt. If done correctly, it can generate an analysis of data that can be used to understand various aspects of the given data. This has also attracted law enforcement agencies, as prediction plays a significant role in avoiding any crimes. With the help of AI, police have developed "Predictive Policing," which works on the data collected by the police and other agencies. It can help the agency to understand where crimes are committed, what type of crimes may happen, and, to an extent, can also help to predict who might be a suspect. This would benefit not just the law enforcement agencies, but it would also be beneficial for the citizens, as it would lead to a safer society.

However, there are areas that might suffer serious consequences if this technology is not given data that is free from all sorts of bias and inaccuracy. For instance, the link between poverty and crime is high.¹ as poverty may create circumstances where people belonging to a particular minority may commit crimes but such finding might be corrupted with discrimination as it is not the proper parameter to hold someone guilty. If predictive policing is done on the basis of such information, it might lead to unlawful arrests, which would be violative of civil liberties.

As Predictive policing may have benefits, there is a reasonable apprehension of being corrupt due to the wrong information given to the system. There should be a balance, as the technology has the potential of creating a safer environment; however, it is only possible with the help of specific regulations that prohibit manipulation.

¹ Lisa Myers, Northwest Career College, "The Relationship Between Poverty and Crime", <https://www.northwestcareercollege.edu/blog/the-relationship-between-poverty-and-crime/> (Last Accessed on 29-09-2025)

LITREATURE REVIEW

The literature present for the purpose of our research gives us beneficial insights how Predictive policing is carried out and why regulations are necessary. Law enforcement agencies from all over the globe are trying to find methods which can be helpful to eliminate the crime which may take place. According to Clearview², Facial recognition system has emerged as a powerful means to identify suspects and with help of Predictive policing, agencies solve various criminal cases according to According Andrew³, with the help of Predictive policing, the agencies can anticipate where and when a crime will occur. This is based on the data given by the agencies and with the help of algorithm, predictions can be made which might help the agencies to take measures in order to prevent it. According to Pranjal Chaturvedi⁴, if the predictive policing is done without any intervention. There is a reasonable apprehension that there is a threat to democracy as it would be harming individual security. The author also suggests if India wishes to incorporate AI, it should adopt regulations from the EU AI Act (2023) as it would ensure that the system is running with respect to compliances. According to Alexander⁵, such technology would be beneficial in order to reduce the instances of crimes but the agencies should stay vigilant. Ibrahim⁶ tries to emphasise that such interrogation would be helpful however it should only be treated as a tool for law enforcement and a balance approach should be used to ensure transparency.

The current literature explores the potential benefits of predictive policing for law enforcement agencies, while also raising concerns about transparency and accountability. The literature only suggests how AI can be incorporated for crimes that are happening in the real world. In contrast, it does not concern itself with the implementation of AI for crimes that are taking place on online platforms as well. There are various ways in which predictive policing can be incorporated into online platforms, such as providing insights into how fraudulent transactions occur on the internet and which websites might be involved in such crimes. Hence, the literature has the scope to encompass other aspects as well.

2 Clearview AI, <https://www.clearview.ai/> (last accessed on 29-09-2025).

3 Andrew Guthrie Ferguson, Predictive Policing and Reasonable Suspicion, 62 Emory L.J. 259, 265-267 (2012)

4 Pranjal Chaturvedi, Bar and Bench, "Big Brother 2.0: How AI-driven policing threatens civil liberties", <https://www.barandbench.com/columns/big-brother-20-how-ai-driven-policing-threatens-civil-liberties>, (Last Accessed on 29-09-2025)

5 Alexander Engemann, University of Minnesota Law School, AI and Predictive Policing: Balancing Technological Innovation and Civil Liberties | LawSci Forum, Last Accessed on 29-09-2025

ANALYSIS

With the recent development in technology, Cities where Law enforcement agencies incorporated the use of facial recognition and biometric integration have observed that the crime rates have been reduced by 30-40 percent⁷. This can be further reduced with the help of predictive policing as it incorporates the use of artificial intelligence and data to predict criminal activities. This would be highly beneficial for the law enforcement agencies as it would help them to utilise resources efficiently to prevent crimes. If the law enforcement agencies incorporate the use of such technology, there can be following benefits to them:

- **Patterns:** With the help of predictive policing, Algorithms can identify areas prone to criminal activity, the time of day when crimes usually occur, potential perpetrators, and the means they may use to commit such offenses. If these patterns are analysed carefully, they can easily predict the occurrence of crime. This is beneficial for the agencies, as they have an ample amount of data, which makes it difficult for them to draw patterns out of such information in a short time frame.
- **Utilization:** If the predictive policing is accurate, the law enforcement agencies can allocate their resources according to the needs of their jurisdiction. For instance, they can plan patrolling in the areas which are prone to certain crimes which can prevent crimes. This would also benefit them from minimising their spending and ensuring efficiency.
- **Quick Response Time:** It is one of the most crucial aspects of law enforcement, as harm can be avoided with the help of predictions. Police can be enabled to respond quickly to threats, which might even lead to the saving of lives.

⁷ Deloitte: Emerging tech that can make smart cities safer. (2018)

- **Discouragement:** The perpetrators who have the knowledge of predictive policing or are under the impression of police incorporating such methods might also be discouraged to commit crimes as the chances of getting caught will also increase.

These are the certain benefits which will emerge if the police incorporate the use of Predictive policing, this would not only ensure efficiency in the operations of law enforcement agencies but also significantly reduces the instances of crimes.

The proponents argue that this should only be used as a tool as there is a possibility of manipulating the predictive policing. However the aim of predictive policing is not hold someone guilty but to predict which areas might be prone to crimes, enabling the authorities to react efficiently. Though, there is a possibility of such prediction being false which would lead to arrests of innocent people as the system is suspected to develop biases:

- **Reliance on previous cases:** The predictive policing would use historic crime data, which may be impacted by various prejudices, such as crimes being committed by a specific group of people, which may influence the algorithm to predict unfairly. This would be violative of Article 14⁸ which ensure “Equality before law” as the prediction may wrongly target people as suspects due to their personal details such as occupation, religion, class etc.
- **Tampering of Data:** If the data on which the algorithm is running suffers from tampering or omission, the predictions can be inaccurate which may exclude the areas which are prone to crimes.
- **Influenced outcomes:** There is a reasonable apprehension that the law enforcement agencies may influence the data or algorithms in order to get influenced outcomes. This

8 The Indian Constitution, Art. 14, (1950)

may help to justify illegal detentions which is a direct violation of Article 21⁹ which ensures “no person is deprived of their life and liberty except the procedure established by law” . As the influenced outcomes would be masked as the procedure, agencies would be able to arrest certain people according to their discretion.

- **Transparency:** Other than the law enforcement agencies, no one will have the knowledge on which data does the algorithm work which will gave them an unfair advantage.
- **Dependency:** if such technologies are incorporated, humans may have to suffer due to high dependency. This will not only create problems for the enforcement of law and order but would create a situation of chaos.

Predictive policing has various benefits, as well as numerous reasonable concerns about its implementation. If it can help the law enforcements to forecast crimes, it is worth taking a risk as if the law enforcements do not continuously evolve, the crimes will inevitably increase. This also does not mean that it should come at the cost of personal liberties as the primary goal is to ensure safety and well-being of the society. However, this raises the question of whether incorporating predictive policing is possible while ensuring that liberties are not violated .

According to the experts¹⁰, It would be borderline impossible to create such AI systems who encompass solutions to such questions as the process of machine learning is complex and for such technologies, it requires diverse contexts. In order to ensure such advancements while ensuring liberties, appropriate discussions should take place which delves in the aspect of ethical issues, The experts are of the strong opinion that any technology which appears to have a use case is worth pursuing however it should not come at the cost of personal liberty.

9 The Indian Constitution, Art. 21, (1950)

10 Deloitte, “Surveillance and Predictive Policing Through AI”, <https://www.deloitte.com/global/en/Industries/government-public/perspectives/urban-future-with-a-purpose/surveillance-and-predictive-policing-through-ai.html>, (Last Accessed on 29-09-2025)

Hence, A balance has to be maintained between advancement in technologies and personal liberty where the priority should be given to personal liberty.

If specific regulations and compliances must be adhered to when broadening the use case of artificial intelligence as implementing AI compliances is a proactive step which must take in order to ensure the system follows laws and ethics.¹¹ If such compliances are followed, we can ensure that no liberties are breached. In this regard, there are specific guidelines against the use of artificial intelligence to accuse someone of a crime on a discriminatory basis.

- European union under the 2024 act,¹² has laid certain practise areas where AI cannot be employed in order to ensure safety of the individuals while ensuring no liberty is breached in which it prohibits the use of any AI algorithm for predicting the risk of a human committing a crime solely based on their profile or traits.
- This is essential as it prevents any unlawful detentions which are solely based on discriminatory basis which might be masked as “Lawful detentions due to the Predictive Policing”.
- Right to life and personal liberty which is guaranteed by various provisions such as Article 21, Amendment IV¹³ ensures that no unnecessary searches and detentions can take place. Predictive Policing might be able to predict the suspects, however it does not naturally becomes a legally binding decision/order as there is a possibility that this decision is flawed.
- Further the ruling from the *D.K. Basu*¹⁴ case ensures no detention can take place without following the protocol. This protects the citizens from any unlawful arrests while ensuring

11 Megha Thakkar, Scrut Automation, “AI Compliance” <https://www.scrut.io/post/ai-compliance>, Last Accessed on 29-09-2025

12 European Union Artificial Intelligence Act, Art.5, 2024

13 The Constitution of United States, Amendment IV, 1791

14 *D.K. Basu v State of West Bengal Writ Petition (Criminal) No.539 of 1986*

no custodial violence take place. As the predictive policing cannot be proved to be a reasonable ground for detention, citizen's liberty is protected

Hence if such guidelines are ensured, Predictive Policing can be ensured and a balance between such innovation and civil liberties can be ensured.

SUGGESTIONS

Predictive policing can be great tool for the police and other law enforcement agencies to understand any underlying pattern which can help them to prevent certain crimes. However, such practises may lead to unlawful circumstances. There are certain suggestions if followed, can ensure that the system works for the people and is working according to the laws.

- **Area Specific Models :** The use of predictive policing can be helpful globally. However it cannot run on the same model for all the countries as acts which classified as offence in one country might not be the same in another country.
- **Judgement-Based Prediction:** The detentions which are made with the help of this practise should be based on the data of detentions which are a result of a judgement as it will have a legal backing.
- **Artificial Intelligence:** While trying to pursue policies solely made on the predictions, one should keep in mind that it is a tool; not a well thought plan.
- **Compliances:** The companies who may innovate such models ensure that there models following the law.
- **Transparency:** In order to ensure public trust, transparency must be treated as a non-negotiable.

CONCLUSION

Without any doubt, AI is one of the biggest innovations of the past decade. It can be incorporated in any field and the results are astonishing. As the technology has advanced, techniques like Facial Recognition, Biometric Integration etc have become a way to identify someone. In order to investigate, Law enforcement agencies have incorporated the uses of the technology which has significantly reduced the crime index of various areas. As the AI models can be trained to predict which areas are prone to crimes with the data available, many crimes can be prevented.

It will not only be beneficial for the law enforcement agencies but would decrease a large number of crimes as the agencies can develop various policies and routines which can prevent crimes from happening. However, there is a reasonable apprehension that such algorithms can be manipulated by training on manipulated data which would give a pre-determined response that can be later used for justifying an unlawful arrest. There can also be instances where models which are running on corrupt ideologies may even create problems for the minorities.

In response to this, a question arises whether this practise can be implemented without breaching anyone's liberty and that is possible only if the practise are developed after having through discussions about the ethical and legal implications of such technology as no advancement can be given priority over human liberty.

Currently, European Union has established a AI specific law which prohibits any detention which is solely on characteristics of that person made in accordance of AI practise as it would amount to discrimination. Other laws such right to life under various constitutions also ensure no detention is done without reasonable grounds.

If Predictive policing is done while making sure it complies with laws and polices, a balance can be ensured between innovation and individual liberty.

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