ORIGINAL ARTICLE

We have to talk about emotional AI and crime

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Abstract

Emotional AI is an emerging technology used to make probabilistic predictions about the emotional states of people using data sources, such as facial (micro)-movements, body language, vocal tone or the choice of words. The performance of such systems is heavily debated and so are the underlying scientific methods that serve as the basis for many such technologies. In this article I will engage with this new technology, and with the debates and literature that surround it. Working at the intersection of criminology, policing, surveillance and the study of emotional AI this paper explores and offers a framework of understanding the various issues that these technologies present particularly to liberal democracies. I argue that these technologies should not be deployed within public spaces because there is only a very weak evidence-base as to their effectiveness in a policing and security context, and even more importantly represent a major intrusion to people's private lives and also represent a worrying extension of policing power because of the possibility that intentions and attitudes may be inferred. Further to this, the danger in the use of such invasive surveillance for the purpose of policing and crime prevention in urban spaces is that it potentially leads to a highly regulated and control-oriented society. I argue that emotion recognition has severe impacts on the right to the city by not only undertaking surveillance of existing situations but also making inferences and probabilistic predictions about future events as well as emotions and intentions.

Keywords Urban AI · Emotional AI · Policing · Crime · Crime Prediction · Predictive Policing · Public Security

1 Introduction

Forms of machine learning and artificial intelligence have already started to be employed in smart cities as well as in policing, crime prevention and security (Mattern 2021, Powell 2021). AI is defined by Bryson and Winfield (2017:116) as 'artefacts that demonstrate' the capacity to perceive context for action, to act, to associate contexts to actions and/or are cognitive. There is a wide range of computational methods and applications within the field of policing that use machine learning, perhaps the two most well-known examples to date are predictive policing and facial recognition. As Babuta and Oswald (2019:4) note, often such technologies are—poorly—being referred to as AI. However, there is a relatively new branch of AI that is aiming to recognise human emotions and, in some cases, to infer intentions and to predict future behaviour. Such a

technology may, therefore, attract the interest of police and law enforcement authorities. This area is known as affective computing,'computing that relates to, arises from, or influences emotions' (Picard 1995:1). I limit the scope of this paper to the potential applications of emotional AI in policing publicly available urban space. Therefore, I will not explore other potential applications of affect recognition that concern crime, its prevention or its detection, such as identification of victims of domestic violence or bullying based on analysis of social media content. Concepts such as privacy, security, control and public space may be defined and understood differently in different cultures and societies. Similarly, different jurisdictions have different policing traditions and practices as well as cultural attitudes towards policing. For this reason, I write this paper from the perspective of Western liberal democracies, though the generic issues discussed are in theory applicable globally.

Emotional AI is an umbrella term for any technology that uses affective computing and artificial intelligence to make an assessment or a prediction about a person's emotional state or feelings based on data such as 'words, pictures, intonation, gestures, physiology and facial expressions' (McStay

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