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The Limits of Reallocative and Algorithmic Policing

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Policing in many parts of the world—the United States in particular—has embraced an archetypal *model: a conception of the police based on the tenets of individuated archetypes, such as the heroic police "warrior" or "guardian." Such policing has in part motivated moves to (1) a* reallocative *model: reallocating societal resources such that the police are no longer needed in society (defunding and abolishing) because reform strategies cannot fix the way societal problems become manifest in (archetypal) policing; and (2) an* algorithmic *model: subsuming policing into technocratic judgements encoded in algorithms through strategies such as predictive policing (mitigating archetypal bias). This paper begins by considering the normative basis of the relationship between political community and policing. It then examines the justification of reallocative and algorithmic models in light of the relationship between political community and police. Given commitments to the depth and distribution of security—and proscriptions against dehumanizing strategies—the paper concludes that a nonideal-theory priority rule promoting respect for personhood (manifest in community and dignity-promoting policing strategies) is a necessary condition for the justification of the above models.*

Keywords: ~~justice,~~ policing, moral reasoning, dehumanization, algorithms, defunding, abolition

I. Introduction

If I may begin with an anecdote: I was assigned to work on a law-enforcement task force—with city and county police officers—during the early days of my tenure as an FBI Special Agent. In that capacity, I was invited to join a city detective during his nightly shift for an "intelligence-gathering initiative." Although I had little experience, I did have the sense that the goal of the initiative was not clearly defined. For instance, a senior FBI Agent who came along described the outing as "going out to play." The idea—more or less—was to drive around looking for people to confront and question about gang and other criminal activity. On the

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first outing, the detective pointedly told me: "I'm going to get you into a fight tonight." I mention the story for two reasons.

First, the story illustrates a prominent policing model and identity based upon an individuated archetype—a warrior roaming the streets in search of wolves, as the popular police metaphor goes.[1] My training at Quantico was steeped in a similar sentiment, and I refer to this conception of policing as the *archetypal model*: Police training promoting the tenets of a police ethos based upon individuated archetypes, such as the police "warrior" or "guardian."[2]

Second, the story is a simple illustration of how vast police discretion has the potential for vast police misconduct.[3] Accordingly, one might think that the best way to mitigate similar sorts of human, archetypal bias in policing is to use an *algorithmic model*—subsuming policing into technocratic judgements encoded in algorithms.[4] We have thus seen the rise of strategies such as "predictive policing" in recent years: "the application of analytical techniques— particularly quantitative techniques—to identify likely targets for police intervention and prevent crime or solve past crimes by making statistical predictions."[5] Alternatively, one might instead embrace a *reallocative model*: Reallocating societal resources such that the police are no longer needed in society (defunding and abolishing) because reform strategies (whether predictive policing or "community policing") cannot fix the way societal problems become manifest in (archetypal) policing.

This paper examines the justification of—and connections between— each model. This examination will include the extent to which each model is politically possible, effective, and morally permissible. In section II, I describe five background assumptions about society and the demands of justice that will inform my examination of the policing models. With these background assumptions in mind, section III considers the reallocative model and the extent to which it is consistent with the state's obligation to promote a comprehensive conception—in terms of both depth and distribution —of security.

The sketch of the reallocative model lays the groundwork for section IV's examination of the algorithmic model. I will consider how the algorithmic model—in the abstract, at least—creates problems for security that reach beyond law enforcement and crime reduction (such as dehumanization and illegitimacy). Given commitments to the depth and distribution of security described in my assumptions (security attuned to values beyond personal safety—such as legitimacy—as well as the equal distribution of security among all members of the community), the paper concludes that a non-ideal-theory priority rule promoting respect for personhood (manifest in community and dignity-promoting policing strategies) is a necessary condition for the justification of the above models. The practical upshot of this conclusion is a moral foundation for policing strategies that promote values beyond law enforcement and crime reduction.

I want to be clear that the two models under consideration—reallocative and algorithmic policing—are by no means the only reform options available. There are many approaches worthy of our attention,

but I have focused on these two in part because of the widespread attention they have received in recent years. Nor do I mean to suggest that these two approaches necessarily represent a rigid policy dichotomy. The reallocative and algorithmic models are not mutually exclusive, but they do represent two ends of a policy spectrum (decrease funding altogether and increase funding for new technology) and are thus a well-suited pair for discussion. Although the paper emphasizes how these models become manifest in the US, the underlying issues raise normative questions that virtually all polities must answer.

II. Five Background Assumptions

Policing is an unwieldy subject that spans a variety of practical and theoretical domains. To focus my argument, I will set out five background assumptions about society and the demands of justice. I use the term "background" because these assumptions will not take center stage, but rather serve as a rough sketch of the demands of justice dictating the paper's nonideal theorizing about the various models of policing.

By nonideal theory I mean theorizing about justice in the context of existing, imperfect institutions. Nonideal theory may be contrasted with ideal theory—or theorizing about justice in the context of idealized assumptions about society and institutions. How should nonideal theory approach the pressing problems of the police institution? There are of course many promising ways to construe nonideal theory, but in this paper I try to balance practical concerns about existing policing strategies *in light of* the five idealized assumptions regarding justice.[6] This approach thus requires consideration of policing strategies in terms of practical issues such as political possibility and efficacy, as well as more theoretical issues regarding the moral permissibility of strategies given the priorities of justice sketched in the five assumptions.[7]

Although some of these assumptions might seem question-begging, I hope it becomes clear that my goal is simply to limit the article's scope by setting forth a conditional argument with respect to the models of policing given the five assumptions. One can undoubtedly scan through the assumptions and find some that do not hold in all cases and in all contexts. This is of course inevitable given the messiness of policing and public life in relation to the abstract concerns of political philosophy. However, the paper's modest goal is to consider—taking the assumptions together as a whole—the overall normative basis of the relationship between political community and policing, rather than trying to account for every exception and counterexample to these assumptions. The idea is in the spirit of criminologists and legal scholars such as Ian Loader and Neil Walker, who seek to provide a "more sociologically plausible and normatively adequate conception of policing as a public good."[8] Here is a brief explanation of my assumptions.

Assumption 1: "Justice is the first virtue of social institutions."[9] This claim is of course taken from the

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first sentence of the first section of Rawls's *A Theory of Justice*. Rawls subsequently explains that he is interested in the way "the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation."[10] This is a plausible place to begin in any conversation about the police, especially given the emphasis on justice, social institutions, rights, and duties. Rawls did not say much about the police in his vast writings on justice—perhaps in part because of his focus on ideal theory—and so we can mostly avoid any baggage built into the Rawlsian framework about policing and justice. Instead, the second and third assumptions make relatively uncontroversial claims about justice as it relates to the police:

Assumption 2: Ensuring the security of all persons by means of social institutions is a basic component of justice. Here I simply have in mind the commonsense assumption that the realization of security is an important component of justice and in determining the extent to which a polity is justified. Perhaps Hobbes's vivid account of life without a centralized security apparatus resonates. One might also mention how Locke's political theory is in many ways based upon the goal of eliminating inconveniences by collectively providing for security and centralizing the right to punish in order to eliminate bias, personal incapacity, and arbitrariness. Contemporary theorists such as Loader and Walker describe security and policing in terms of a public good that is *irreducibly social*.[11] I will likewise draw upon the deep connections between security, policing, and broader sociopolitical values of reciprocity, legitimacy, and personhood,

to support the claim that the state's law-enforcement role is inextricably intertwined with collectivity and community partnership.

Assumption 3: Law enforcement and crime reduction are components of security. The second and third assumptions are kept distinct to highlight the different components of security. This is partly due to the conceptual complexity of security. Security is not merely a concept about "pure safety," but instead raises question of depth (e.g. modes of living, not just life) and breadth (the distribution of security across various groups).[12] Law enforcement and crime reduction are most directly related to the facets of security described in the preceding paragraph: People often need protection from others, and one important way to do that is through a centralized enforcer who can reduce and stop harm and violence by other members of the polity. But there are a multitude of ways to enforce the law and stop crime provided one does not conceive of political and enforcement power as absolute.

For example, a familiar (e.g. Lockean) claim is that political power and authority is limited, meaning that persons have a right to be kept secure legitimately within the bounds of authority. This line of reasoning suggests a moral foundation for enforcement providing limitations on the *ways* that enforcement may occur (security *from* enforcers, in other words). A concrete example: Immediately after the 9/11 terrorist attacks, many people (e.g. those who did not look Arab) benefited from an enhanced *sense* of improved security (due to strict, new security measures imposed by the state) *at the expense* of other

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members (e.g. Arab-Americans, who were disproportionality affected by the new security measures). This shows (a further) connection between security and legitimacy, namely: states act illegitimately when they recklessly impose measures that affect the safety and security of some groups but not others.[13]

Assumption 4: Police are entrusted to enforce the law and reduce crime. This assumption is based upon both a descriptive and a normative claim regarding the history and role of the police. Whatever one might think of the social contract ideal, we know that—historically—ordinary citizens (in the US and UK, for example) have played a significant role in law enforcement and security. The vast, professionalized police departments and agencies with which we are familiar are a relatively new phenomenon. British statesman Sir Robert Peel is credited with a set of principles that steered the direction of the London Metropolitan Police in 1829. This development is often characterized as the beginning of modern, democratic policing, inasmuch as the Peelian principles suggested that law enforcement should be based on legitimacy, trust, restraint, and related values.[14]

The relevant point is that members of the collective *entrust* the responsibility of policing (along with judging, punishing, and so on) to the state, at least since the advent of modern policing over the last two centuries.[15] It is through this entrustment that persons can be thought of as having a right to be kept secure by the state (and that the police can be thought of as having a correlative obligation). There is no longer a significant practical need for the public

to play a *direct* role in law enforcement given the existence of a vast, professionalized police force. However, as suggested in the paper's conclusion, this does not mean that the public should not play an *indirect* role in in law enforcement through a collective pursuit of justice.

Assumption 5: If security consists of components beyond law enforcement and crime reduction—such as authority to wield power—then the police obligation in (4) must be consistent with those components to be consistent with justice. The preceding assumptions imply both a practical and a moral division of rights and responsibilities—as reciprocators within a collective—which raises questions regarding how the state may respond to breakdowns in civil society. Again, this includes commitments to the depth and distribution of security (security attuned to values beyond personal safety—such as legitimacy—as well as the equal distribution of security among all members of the community), as will be discussed in the paper's critique of the models of policing in the next section. The fifth assumption thus addresses how a more complex conception of security constrains the police obligation to enforce the law and reduce crime.

In sum, this section has made some rather abstract philosophical assumptions about justice—assumptions that are broadly accepted and by no means unique to political philosophers such as Rawls. Of course, we need not think of these issues abstractly. Despite some of the horrific historic manifestations of policing (think of slave patrols), considerations of justice and legitimacy have always been relevant to policing

given the close relation (in principle) between the police institution and serving and protecting the public in civil society (think of everything from traffic control to locating missing persons). Whether we like it or not, the police institution is an instrument of democratic society—an element of governance through which the myriad activities of civil society proceed. Despite (archetypal) images to the contrary, the police are civilian members of the community—not soldiers.

On the other hand, there are undoubtedly large numbers of people today who are both under-protected and treated discriminatorily by the police. What is the solution? Defund the police and use the resources more constructively? Abolish the police? Are there good reasons to think that municipalities would use the funds more constructively instead of, say, getting out from under debt-burdens or lowering taxes? Would those who need police the most be made to feel safer or more afraid? Although it will be impossible to answer all these questions, the next section explores some of them.

III. What are the Limits of Reallocative Policing?

I will not explore the archetypal model in detail because I have done so elsewhere,[16] but I do want to raise a few brief points illustrating how archetypal policing might motivate pushes for reallocative and algorithmic policing.

The archetypal model of policing promotes the tenets of a police ethos based upon individuated archetypes, such as the police "warrior" or "guardian." Archetypes are typically associated with the fields of modern philosophy (e.g. Locke) and psychology (e.g. Jung), but they have more recently played a role in contemporary legal and political philosophy.[17] Recent work on policing has examined the competing individual conceptions of the police role—heroes, warriors, guardians, and beyond—and how this "identity crisis" gives rise to concrete problems regarding police-to-community relations.[18] The central problem with the archetypal model is not a quibble about semantics (you say "warrior," she says "guardian," and so on), but a more fundamental concern about the tension between individuation and collectivity that becomes manifest in police training and practice.

One of the central problems of the archetypal model is thus an emphasis on individuation—the way police are identified through a persona and archetype that distinguishes them from the rest of the community. The problem becomes apparent by the explicit tension between the individuation of the officer entailed by the archetypal model and the assumptions in section II. The third and fifth assumptions state that law enforcement and crime reduction are components of security, but not the only components. The methods of law enforcement used by the state are limited by other components of security (including the right to security from enforcers), such as legitimacy.

A state acts illegitimately when it recklessly "wars" against crime in a way that affects the safety and security of some groups but not others. In

other words, archetypal policing is contrary to what constitutional democracies require of the police: providing security collectively, constrained by authority and legitimacy. The reallocative model responds to the problems of the archetypal model by promoting reallocation of societal resources such that the police are no longer needed in society because other reform strategies cannot fix the way societal problems become manifest in (archetypal) policing.

The idea behind this model returns us to the first broad assumption about justice as "the first value of social institutions," which in fact *supports* a reallocative model of policing,[19] because the reallocative model is not merely concerned with components of justice relating to policing and the security of persons, but also with the underlying societal conditions that lead to security concerns and their distribution across society in the first place. It is thus an important model providing valuable insight regarding economic stratification and structural inequality in places such as the US, though one that reveals both practical and philosophical limitations when it is balanced against the other assumptions about the demands of justice—especially those speaking to a more complex conception of security (in terms of both depth and distribution) that goes beyond concerns about immediate personal safety.

"Defunding the police" can be described as reallocating funding away from the police to other government institutions funded by the state.[20] For example, a city might shift funding from the police to social services so communities can respond to mental-health crises,

addiction, and homelessness more effectively.[21] It certainly seems reasonable to shift some funding (along with responsibility) from the police to other community services, in turn reducing unnecessary encounters between the police and the public.[22] Indeed, some of these initiatives are politically possible (some cities have reallocated resources)[23] and supported by research suggesting their efficacy (e.g. research suggesting that increased socioeconomic opportunity—not police—reduces crime).[24] So far so good. Piecemeal reallocation is consistent with the background assumptions regarding the demands of justice: Core state functions (e.g. socioeconomic services) are handled by state agents with the relevant expertise, while other agents of the state (the police) retain core functions relating primarily to security. On the other hand, some philosophers and sociologists suggest that the logical conclusion of these efforts is the abolition of the police.[25] And it is this point that raises questions about the assumptions regarding the demands of justice—specifically the nature and value of security in polities—and thus the moral foundation and permissibility of the reallocative model.

Influential work outside of philosophy has made a sociological case for a significant curtailment (if not an actual end) to the police institution —a curtailment that would encompass almost everything the police currently do.[26] Criminologists have relatedly defined "radical abolition" in terms of a broad critique of liberalism that includes four central goals: (1) targeting the police institution specifically; (2) removing the "racial-capitalist order"; (3)

embracing "uncompromising positions that resist liberal attempts at … reconciliation"; and (4) "creating alternative democratic spaces that directly challenge the legitimacy of the police."[27] I will consider some of the suggested alternatives at the end of this section, but the point here is simply that the idea that society could function without the police is not a straw man—nor is it even a new idea. Below are three problems illustrating the limits of the reallocative model.

1. The Definitional Problem

From within philosophy, consider the question posed in the title of Roger Wertheimer's prescient work (which prefigures contemporary arguments) on the police forty-five years ago: "Are the police necessary?" Wertheimer and other abolitionists do not necessarily mean abolish "every organization whose goal is enforcing the law or keeping peace," but rather refer "only to organizations whose structure, function, methods, and activities are more or less like those of our contemporary metropolitan police departments."[28] Wertheimer also emphasizes the distinction between patrol officers (with whom he is chiefly concerned) and detectives, but there seems to be some equivocation about what counts as "police."

When describing "[w]hat is distinctive about the police," Wertheimer points to "coordinated patrol of the streets of populated areas with large numbers of specially trained agents of the state who are specially empowered to seek out and investigate suspicious activities in and around public places, detain and interrogate persons abroad on the streets, and apprehend suspected violators of the law."[29] This definition of the police highlights the centrality of the law enforcement component of "policing," a "distinctive" component shared by a great many organizations. FBI Agents are law enforcement officers—not "police"—yet they are empowered to investigate suspicious activities (from gangs to terrorism) in public spaces, as well as to detain and interrogate persons and apprehend people who break the law. FBI Agents don't "patrol," but they might, say, engage in surveillance while investigating a specific case. The same is true of detectives within metropolitan police departments.

Of course, it is not difficult to articulate differences between a uniformed patrol officer and a plainclothes detective or FBI agent, given their non-overlapping responsibilities. My point is only that drawing a line between "policing" and other law enforcement can be tricky because it is often simply a matter of modern bureaucratic and jurisdictional boundaries (in any case, it seems plausible that many laypersons would not track the distinction carefully). The distinction erodes further given the rise of multi-agency tasks forces—consisting of local, state, and federal law enforcement officers, as noted in my anecdote—in recent years.

Or consider the role of federal law enforcement officers in the wake of protests against police brutality in 2020. The US Department of Homeland Security (DHS) was created to secure the United States from terrorism following the September 11 attacks. However, DHS authorized federal agents to engage in domestic

surveillance and intelligence collection to protect statues and monuments from damage and vandalism.[30] Using law enforcement power to prevent and investigate property crime during street protests and riots sounds like policing. In short, it is not clear what's doing the work in definitional arguments about the police, and it is thus unclear which law enforcement organizations would qualify for abolition.

2. The *Socio-scientific Problem*

Wertheimer—like more recent police abolitionists—also worries that it is a "self-fulfilling prophecy" to suggest that abolishing the police is unrealistic, noting that "most polities have managed no worse than we without anything comparable to a police force."[31] Be that as it may, one must contend with the reality that there are now more civilian-owned firearms (393 million) than people (326 million) in the United States.[32] People in the US shoot (and kill) other people for failing to turn off their phone in a movie theater, for playing music loudly in a car, and for jogging.[33] Public spaces are routinely occupied by people carrying assault rifles. On January 6, 2021, the United States Capitol was stormed during a violent attack against the US Congress, resulting in five deaths. Mass shootings occur with almost unbelievable frequency. I can understand why some people respond to calls for police abolition (however defined) with an incredulous stare.

That said, a variety of scholars have supported the claim that the police are not necessary because they are rarely spatiotemporally present at the scene of crimes to stop assailants in the act, and because police are not particularly good at deterring crime or bringing assailants to justice.[34] We thus see claims that it would be plausible to abolish "police patrols" and retain "a detective service comparable to the FBI to investigate crimes of certain kinds and apprehend the perpetrators."[35] Putting aside the definitional issue, such ideas do not seem politically possible or effective, given the conditions in the US described above—even granting that the police rarely catch assailants in the act and do not deter many assailants from acting in the first place. The existing geographical and jurisdictional organization of the police allows them to respond to emergencies (criminal or otherwise) efficiently and to restore order quickly—an important aspect of security (regarding security's depth) independent of prevention and deterrence.[36]

Again, the emphasis on "patrol" is misleading. Does abolishing patrol include highway patrol? If a sexual assault occurs on a rural road far from the metropolitan headquarters, are we okay waiting for "a detective service comparable to the FBI" to arrive? Perhaps, but this seems to be based upon the rather skeptical view that any expansion of state activity is problematic, irrespective of whether the action is well-intentioned.[37] And this sort of view creates problems for more contemporary reallocative models because "defunding" and "abolishing" the police means expanding state activity in other domains (education, social services, mental health, and so on). Suppose one assumes that policing is based upon a myth because police simply maintain a "system of

exploitation."[38] Still, ending exploitation by the state (and ending the police) would inevitably mean expanding state activity.

3. The Philosophical Problem

Perhaps ending the system of exploitation—rather than increasing and reforming police—is the best way to enhance societal security and reduce crime per the first two assumptions.[39] Indeed, abolitionists worry that procedural reformers have it all wrong because their arguments are based on a naïve conception of American society—a conception suggesting that neutral enforcement in accordance with the rule of law will solve problems within policing.[40] The abolitionist worry is that procedural reform cannot change structural problems stemming from a system of exploitation. The extent to which harms such as rape, murder, mass shootings, and general gun violence would dissipate without a system of exploitation is an empirical question. Regardless, basic facts about history and psychology suggest (in terms of a human propensity for violence) that society would continue to need something remarkably similar (in terms of law-enforcement power and authority) to the police. It is inevitable that some people will act unjustly even in an ideally just (non-exploitative) society.

It thus seems unlikely that a reallocative model abolishing (or drastically limiting) the police would be politically possible, effective, and morally justified. (I assume that no one is seriously entertaining privatized security forces that serve the highest bidder.) Political thought and the human sciences generally—well beyond the canonical

philosophers referenced earlier—have built a compelling case that life without a police-like political authority and enforcer would be at a minimum highly inconvenient.

I do not want to straw-man the abolitionist view by suggesting that they do not have anything to say about alternatives to policing. If the state were transformed into an ideally just (non-exploitative) society, how, then, would it address remaining issues of crime and security (assuming such problems do not disappear after society is radically transformed)? Criminologists have cited organizations such as Spirithouse, "a Black feminist cultural arts collective," as an example of how to "challenge the legitimacy of the state directly … .taking over basic state functions, like emergency response, these practices could lead to a dual power situation wherein neighborhoods could self-organize outside of the system" to create "independence from police services" and "autonomous locations where new forms of democratic practice emerge."[41] Spirithouse's initiatives have included the following:

[Training] over sixty Durham community members in Harm Free practices … pull[ing] artists, business owners, low wage workers, formerly incarcerated people, church moms, students, and retirees, of every age, race, ability, gender, class and sexual orientation into 15 week incubation hubs … us[ing] a culturally rich, participatory process that includes home cooked meals, movement, music, in depth historical analysis, group visioning, and art making (always art making) to create an inclusive community, where we can all thrive without the need to displace or discard anyone.[42]

It seems clear that these sorts of organizations are doing deeply important work and that it would

be a great benefit to communities if there were more such organizations. However, it is unclear how such (mostly private) organizations could address the lingering security problems that have been raised in this section (not to mention address problems of their own authority and legitimacy). Sociologist Patrick Sharkey's book *Uneasy Peace* documents how the dramatic drop in violent crime in the United States over the last several decades was a result of policing strategies—though at the cost of aggressive tactics. Sharkey is clearly sympathetic to a reallocative model of policing, but has noted that "those who argue that the police have no role in maintaining safe streets are arguing against lots of strong evidence. One of the most robust, most uncomfortable findings in criminology is that putting more officers on the street leads to less violent crime."[43] To put it very clearly: There is a lot of bad, aggressive policing that most of us do not approve of, but if we get rid of policing (rather than reform it) and

replace it with only non-police community services and organizations—are we willing to accept the trade-offs in security?

I will try to address the trade-off problem in the conclusion, but the modest point here is that we should think carefully about whether efforts leading to the abolition of the police—rather than piecemeal reallocation and other reform efforts—would improve the lives of those who are most in need of security (affluent citizens could simply hire private security without the police). Any (non-utopian) account of justice must have something to say about cases of unjust actions, such as those that create emergencies of security that might require just policing. From both a practical and moral perspective, it is reasonable to take steps toward police reforms that are politically possible, effective, and morally permissible in accordance with the assumptions regarding the state's provision of security in section II. Perhaps the algorithmic model is one such model of reform.

IV. What are the Limits of Algorithmic Policing?

The algorithmic model of policing can be framed as a response to the entrenched archetypal model that avoids the shortcoming of a reallocative model.[44] If the police role and identity is based in part upon unjustified archetypes (warriors, guardians, and so on), then one might seek to mitigate archetypal bias by asking the police to defer to computer algorithms (mitigating the need to drastically reduce or abolish the police)

This section considers some of the limitations of the algorithmic model

given the assumptions regarding the demands of justice in section II. Policing based on a holistic conception of security is justified given the fourth and fifth assumptions; mindlessness in the face of technology (subsuming entrusted political and moral responsibilities into algorithms) is not. I illustrate this point by sketching how the algorithmic model can be *dehumanizing*—with respect to both the community being policed and the police themselves—by pursuing a narrow conception of security that fails to incorporate principles

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regarding the rule of law, political equality, legitimacy, and human dignity.[45]

1. Dehumanization and Predictive Policing

I assume that dehumanization occurs when some of a person's (or group's) human qualities are denied. There will always be counterexamples because dehumanization is not a binary concept inasmuch as there can be a spectrum of dehumanization (something may be more or less dehumanizing and may have to do with a single or multiple human qualities). It is uncontroversial to suggest that contemporary policing can dehumanize members of communities, especially considering widespread instances of police brutality and militarization—as well as selective and biased enforcement of the law.

I will thus say very little about dehumanizing communities and focus instead on a more controversial claim: The algorithmic model dehumanizes *the police*. Perhaps this sounds like an endorsement for the "blue lives matter" movement. But this is not a claim about whether police lives or well-being matter. It is instead a claim about the tension between moral reasoning and responsibility on the part of police officers and algorithmic strategies such as predictive policing. Specifically, the claim is that an exclusive emphasis on the algorithmic model inhibits the human, democratic capacity for "separation of thought," which requires the police to balance their enforcement power with (for instance) a prerogative power of discretion constrained by the rule of

law and principles of political equality, legitimacy, and human dignity.

Predictive policing includes a variety of practices, often categorized as person-based (targeting specific individuals based upon algorithmically-generated predictions) and place-based (predicting when and where a crime will occur based upon an algorithm). Following Sarah Brayne's study *Predict and Surveil*, by algorithm I mean a "formally specified set of instructions used to analyze data and automate decisions" (or, informally, the "process by which computers make automated, predictive decisions about a dataset.")[46] This section of the paper focuses on the placed-based technique referred to as *prediction box*.[47]

The technique has been described as "forecast[ing] individual crimes in the immediate future in order to direct patrol officers into 500-by-500 foot areas (i.e. boxes) that are at a higher risk of a crime occurring during a particular 8, 10, or 12 h shift."[48] The idea, then, is simply for an officer to report to a specific geographic box and prevent a crime from occurring in that box.[49] The location of the box is based upon data regarding time, date, and location of reported crimes, but there is often no human analysis (or qualitative analysis) of the box.[50] Indeed, the most important human decision involved in the prediction box technique is simply the decision to purchase the underlying computer program so that the boxed maps can be printed for each shift.[51]

2. Dehumanizing the Community

Prediction box might seem to reduce officer bias and bad behavior toward

the community (e.g. by reducing discretion), but let us briefly consider the familiar worry that algorithmic policing can dehumanize the members of communities being policed. Statistics are vitally important in crime analysis (and most any field dealing with large datasets), while at the same time raising questions about quantifying what it means to be an individual person in society. By abstracting away from the perspective of individual persons, statistics enable social institutions such as the police to acquire knowledge about society as a whole and in turn to pursue law enforcement and other strategies based upon human predictability. This approach raises the central worry that numerical representation might overshadow the perspectives of those to whom social policies are meant to apply.[52]

This worry has been addressed in the literature from a variety of legal and philosophical perspectives. For example, the underlying philosophical problem is often tied to Rawls's familiar concern regarding the failure to "take seriously the distinction between persons," which has been applied in a multitude of contexts related to policing (e.g. autonomy, agency, the rule of law, liberal personhood, entrapment, probabilistic offenders, human rights).[53] It is beyond the scope of this paper to consider the many ways of approaching the problem, and I will instead simply note that the algorithmic model of policing might be said to dehumanize communities by failing to take seriously legal and qualitative context (e.g. if the "reasonable suspicion" legal standard for stopping and frisking a person is bolstered merely because a person happens to be

walking through the 500-by-500 prediction box).[54] In short, legal and qualitative context are determined by a broader range of political and moral deliberations—those relating to the rule of law, political equality, and human dignity—than the narrow conception of security (law enforcement and crime reduction) promoted by the algorithmic model.

Recall section II's assumption that security is a basic component of institutional justice to which *all* members of the community have a right. From there, we can ask whether our institutions (e.g. the police) are pursuing security (for some) in a way (e.g. the algorithmic model) that creates a situation in which others' security is sacrificed (e.g. being subjected to threats *from* the state). This is an especially important question if one considers security to be a basic right and condition that is necessary for the effective enjoyment of other rights.[55] Regardless of one's precise conception of security, if the police pursue security in this biased way they are treating some (but not others) as non-persons—as if their rights and personhood do not matter. Even if there are competing interests at stake (the general goal of law enforcement and crime reduction), the state's tactics for pursuing those interests are constrained given a commitment to respect for the personhood of all members of the community.

The upshot is that the algorithmic model's failure to take seriously community members' legal and qualitative context can be on the spectrum of dehumanization by failing to respect the personhood of all community members. We will see that such dehumanization of the community is a correlative of the

dehumanization of the police discussed in the next section, as the algorithmic model undermines the police's moral judgement and ability to deliberate regarding principles such as the rule of law, political equality, legitimacy, and the democratic process.

3. *Dehumanizing the Police*

Now let us consider predictive policing's impact on the police role from a different perspective. Brayne notes from her fieldwork with the Los Angeles Police Department that officers perceive big data policing as a devaluation of the police role and identity. In other words, it devalues their abilities and denigrates their agency. The last point about agency raises a more substantive issue than an officer's damaged ego; it shows how the predictive box technique can be said to dehumanize the police.

Here is what I mean. Policing is a component of political governance, thus raising norms of political and moral deliberation that are derived from the obligations between members of the polity. Given the assumptions set out in section II, we are basically talking about the moral and political demands of *democratic policing*. Government officials—not least the police—have the unique responsibility of using (and not using) their political powers based upon deliberation. In an evocative passage interpreting Hannah Arendt's work, Jeremy Waldon describes a similar point regarding how engaging in political processes gives human life a redeeming *something*:

Without that something, [human] … existence would be as uniform and pointless as the life of

any animal, or its point would be the biological process itself, the endless repetition of generation after generation. In politics, by contrast, our humanity gives us the chance to transcend the merely natural and to undertake unique initiatives that flare up in the public realm and linger indefinitely in memory and history.[56]

The algorithmic model can negate this "something" in democratic policing. One can also approach the issue from the other direction—in other words, the uniquely human things that AI cannot do (presumably). Ryan Jenkins and Duncan Purves put the problem of moral deliberation in AI this way: "If nonconscious robots must be consequentialists, it is precisely because they lack affect, imagination, and those qualities that contribute richness, complexity, and nuance to the human moral experience."[57] Likewise, following their line of thought, one might say that the algorithmic model of policing is a problem for democratic policing because it precludes "moral and cognitive capacities that characterize the deliberations of humans."[58]

Let me illustrate this point with an abstract example followed by a more concrete example. Locke argued in his *Two Treatises* that both the *federative power* ("the power of war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth") and the *executive power* (enforcement of laws within the commonwealth) should be in the hands of the same person. Because they are in principle distinct powers in the same hands, the powers must be exercised deliberately with "separation in thought."[59] The point is that different political powers (what we might conflate as a single "executive"

power today) exist in the same hands and must be exercised with political and moral deliberation. Likewise, with respect to policing, we are not merely concerned with an executive law-enforcement power to reduce crime, but also (for instance) a prerogative power of discretion constrained by the rule of law and principles of political equality, legitimacy, and human dignity. Algorithmic policing—in the abstract, at least—denigrates this sort of political and moral deliberation.

Now a more concrete example: One might object that it is implausible to say that algorithmic policing "dehumanizes" the police because many other professional roles rely upon algorithms and we don't say *those* professionals are being dehumanized. Consider medical doctors. Google recently struck a deal with a hospital chain to develop healthcare algorithms to "help monitor patients and guide treatment." Similar technology was used during the COVID-19 pandemic to "notify doctors of potentially better treatment options."[60] But surely relying upon an algorithm to help patients doesn't dehumanize these doctors. I tend to agree generally, but the police role is different from the medical role because it is more deeply part of the *democratic* process. To be sure, medical professionals have highly complex roles that require highly complex decisions. However, the medical role is more unitary inasmuch as its priorities are almost exclusively *biological*: deliberations regarding the biological wellbeing of the patient.[61] On the other hand, policing is not only concerned with personal safety and security; policing is also directly concerned with political and moral

principles regarding the rule of law, political equality, legitimacy, and the democratic process broadly—as well as the capacity to reflect about which of those principles to emphasize and prioritize. These are uniquely human deliberations precluded in AI.

Again, there will always be counterexamples because dehumanization is not a binary concept inasmuch as dehumanization is the denial of *some* of a person's (or group's) human qualities. In other words, there can be a spectrum of dehumanization with respect to the ways that algorithms are an affront to political and normative deliberation and authority.[62] For example, Alan Rubel, Clinton Castro, and Adam Pham have argued that when agents (such as the police) rely upon technological systems (such as predictive policing) in their decision-making processes, they can obscure moral responsibility for the results of the decisions ("agency laundering").[63] However, the authors make an important point about the way different algorithmic systems are used. For instance, the COMPAS information system generates risk profiles for criminal defendants by combining a wide range of information about the defendant's social and criminal history. The risk profile can be used by judges to make sentencing determinations, but the judge's use of the algorithmically generated risk profile does not qualify as "agency stripping" because.

responsibility [is placed] squarely on the trial court in using tools like COMPAS. It prohibits trial courts from relying completely on the COMPAS algorithm, and it requires trial courts to use other factors to support any use of risk assessment algorithms … foreclose

[ing] the ability of trial courts to use algorithms as a way to distance themselves from responsibility.[64]

To be sure, not all predictive policing is the same, and, in any event, the same predictive policing program may be implemented differently by different police departments (e.g. in conjunction with other policing strategies, which I will discuss in the last section).[65]

However, as a telling example of the way predictive policing can dehumanize, consider the perspective of one of the officers who was part of the LAPD's early use of the software developed by *PredPol*—a company describing itself as "the market leader in predictive policing": "[I]f we have a way to use mathematics to find out where we need to be in order to prevent crime, let's use it … . The only training you need to give the officers is what the map means and how to use the map."[66] It is in this sense that the algorithmic model of policing is dehumanizing, in part because—to put it in Rubel, Castro, and Pham's terms—"moral responsibility is fundamentally relational and grounded in social roles … being morally responsible for some action means that one is accountable for, and should be able to provide an account of her reasons for, that action."[67] The algorithmic model of policing can deny these human qualities (and the democratic process in which these qualities becomes manifest), though such denials are of course on a spectrum, given that policing is not monolithic and that algorithmic policing can differ from agency to agency (which means that police have varying amounts of discretionary power to engage with communities and

promote new law-enforcement goals). We are talking about the spectrum of democratic principles (reciprocity, the rule of law, human dignity, and so on) that undergird political relations.

Predictive policing is a strategy for promoting security and reducing crime, meaning that it falls in line with the first three assumption in section II. However, for the reasons noted above, it is plausible to think that predictive policing is inconsistent with the fourth assumption: Police are entrusted to enforce the law and reduce crime. Instead, predictive policing subsumes the responsibility of policing into technocratic judgments encoded in algorithms—raising a host of questions about both those judgments and the technocratic nature of the police role.

The upshot is that the central problem of predictive policing is not always the technology (one might argue that any algorithmic bias is better than bias manifested in individual officer discretion), but rather that algorithmic policing obscures the nature of the police role in democratic societies (and thus ways to reform aspects of that role, including unjustified discretion). Given the nature of the wrong (undermining the police's moral judgement and ability to deliberate regarding principles such as the rule of law, political equality, legitimacy, and the democratic process), dehumanization of the police is deeply connected to dehumanization of members of the community because of the reciprocal nature of these political principles.

One final objection to this entire line of thinking: Although it might be implausible, suppose that technology eventually evolves such that scientists

are able to create a *perfect* policing algorithm that *always* tells police the right thing to do. Should police simply defer to such an algorithm? There are good reasons to think not, including those considered by Robert Howell though his thought experiment regarding "Google Morals" (a hypothetical app that is able to answer all our deep ethical questions). Howell argues that deferring to Google's app on such questions would be problematic in part because:

[D]eferring about moral matters results in judgments which are not subjectively integrated, and so neither stem from a subject's virtues, nor are likely to reflect or further the subject's moral character, so long as the belief is sustained by deference. In addition, the deferring agent is likely to be inconsistent in applying her knowledge because she will have more difficulty achieving coherence, and she will be unable to account for her actions.[68]

This point is remarkably apt in the present context given commitments to reciprocal and relational responsibility in policing emanating from democratic roles. In no small measure, then, policing includes being accountable for actions, especially actions that involve coercion and force.

To sum up, it's not that algorithmic policing necessarily (or uniquely) precludes the use of human capacities for moral reasoning. Of course, officers can in principle report to the "box" and still use their judgment to stop crime; this might be analogous to the way police superiors tell officers to patrol specific neighborhoods because a lot of crimes have been reported in those neighborhoods. Algorithmic policing is problematic inasmuch as it motivates the generalized sentiment that officers only need knowledge regarding *what the map means and how to use the map*—which can in turn affect concrete training and policy decisions, including how we think about reform options.

The broader point has to do with the normative character of the police. If persons have rights and duties, then (as discussed in the five background assumptions) we need something like the police for the effective exercise of those rights and duties—and this requires types of oversight, guidance, and intervention with which algorithmic policing is unconcerned. In a sense, then, algorithmic policing can miss the point of the police's contribution to civil society. There is a difference between ensuring that the police have relevant, detailed, and accurate knowledge of communities (which algorithmic policing may in principle provide), and, on the other hand, adopting the view that the exercise of (informed) judgment and reasoning can in part be replaced by something such as predictive policing. Unless we give up on the normative governance of policing (including ways it is responsive to values and principles), the solution to policing cannot simply be the search for better and more powerful algorithms.

V. Conclusion

If the algorithmic model in a sense dehumanizes both the police and the communities being policed, what practical steps can be taken to

respect the full humanness of both groups? This is both a philosophical and a practical problem, and it is plausible to think that solutions to the problem should balance theory and practice. As noted at the outset, this point places policing squarely in the realm of nonideal theory, asking us to consider how policing relates to a more abstract ideal of justice.

One can make two practical points about nonideal theory and the demands of justice in light of section II's assumptions: Policies addressing security through policing should be both politically possible and effective.[69] With respect to the former, policing should be consistent with the second assumption's emphasis on the "security of *all* persons" within a diverse society; policies must be committed to inclusive security so that coercive power is not used to impose conformity within a diverse society. With respect to the second practical goal of nonideal theory—efficacy—policing and police reform must in fact accomplish the goals expressed in the third and fourth background assumptions: to enforce the law and reduce crime. Perhaps the algorithmic model accomplishes these goals. The results seem mixed, but that is ultimately an empirical question for social scientists.

Beyond empirical questions of political possibility and efficacy, nonideal theory must address philosophical questions regarding whether policing policies are morally permissible. It must also prioritize injustices.[70] This point directs us to the fifth assumption: If security consists of components beyond law enforcement and crime reduction—such as authority to wield power—then the

police obligation to enforce the law and reduce crime must be consistent with those components to be consistent with justice. In other words, what are morally permissible strategies for pursuing security and crime reduction through law enforcement, and how do we balance other components of a holistic conception of security, e.g. a conception attuned to values beyond personal safety, such as legitimacy and the distribution of security among community members.

This question moves us into ideal theory, asking us to stipulate ideals for which the policies of nonideal theory may aim. Given the assumptions in section II, any broad outline of an ideal theory of justice will (whatever else it may or may not do) prioritize persons and respect for personhood because the assumptions emphasize the depth and distribution of security (meaning, again, security attuned to values beyond personal safety—such as legitimacy—as well as the equal distribution of security among all members of the community). Given the dehumanization discussed in the last section, coupled with section II's assumptions relating to the depth and distribution of security, the tentative conclusion is that a nonideal-theory priority promoting respect for personhood (manifest in community and dignity-promoting policing strategies) is a necessary condition for the justification of the reallocative and algorithmic models.[71]

Although it is beyond the scope of this paper to discuss such strategies —including their weaknesses— recent empirical research suggests that reforms such as procedurally just community policing in fact work when embraced seriously,[72]

but there are certainly no magic solutions. Although such strategies might prioritize persons and communities—including, specifically, human dignity and procedural justice—they may not always be the best way to solve crime problems.[73] This, again, is a question of political possibility and efficacy well-suited for social scientists. To be sure, community and dignity-promoting strategies may need to be pursued in tandem with other crime-reduction strategies—including, perhaps, algorithmic and reallocative policing. But if strategies such as procedurally just community policing *do* prioritize persons and communities, then they are the right strategies to pursue given a conception of security that mitigates dehumanization through commitments reaching beyond crime reduction and law enforcement.

Notes

Q4
Q5

1 See Grossman and Christensen, *On Combat*.

2 At the outset, I want to be clear that archetypal conceptions of policing (e.g., "warrior" and "guardian") describe a policing ethos, both at the individual and collective levels. By contrast, the reallocative and algorithmic models do not prescribe an ethos in the same way, though they may impose constraints on them. The archetypal model is thus more about people and the character of their institutions, while the reallocative and algorithmic models are more about methods—though there is much grey area here. I discuss archetypal policing extensively in Hunt, *The Police Identity Crisis*, and will say little about it in this paper.

3 There are good reasons to think that political discretion is justified and legitimate, not only because of the practical issue of limited resources, but also due to a deep background norm of discretion in liberal polities. This background includes Locke's arguments in favor of an executive prerogative power, suggesting that discretion is justified and legitimate given certain principled reasons for use of that discretion (e.g., national security situations). See Hunt, *The Retrieval of Liberalism in Policing*, chapter 5. Police discretion is in some sense derivative of this sort of executive discretion, though there are important boundaries of authority. See Monaghan, "Boundary Policing." In short, the problem is not discretion itself, but rather exceeding the principled limits of discretion—which is a function of constraining rule of law principles. See Fuller, *The Morality of Law*; Raz, *The Authority of Law*. These points raise practical policy questions about how institutions can be reformed such that they operate in a way that is consistent with background norms regarding the rule of law (and mitigate unjustified and illegitimate uses of discretion).

4 By "archetypal bias" I mean bias (ethnic, gender, class, and so on) stemming from prerogative, discretionary power used by police conceived and trained as heroic "warriors" and "guardians" (compared with bias associated with algorithms).

5 Perry et al., *Predictive Policing*, xiii.

6 The methodology sketched here—a form of transitional nonideal theory—is derived from Rawls. See Simmons, "Ideal and Nonideal Theory," for a comprehensive account of the method, and Hunt, *The Retrieval of Liberalism*, chapter 2, for an account of how the method might be applied to policing. This paper proceeds based on the assumption that we know

enough about a broad outline of an ideal theory of justice to permit coherent nonideal theorizing (i.e., we know enough about the target ideal such that we have something for which to aim in our nonideal theorizing).

7 See Simmons, "Ideal and Nonideal Theory," which explicates Rawlsian transitional nonideal theory.

8 Loader and Walker, "Policing as a Public Good," 27.

9 See Rawls, *A Theory of Justice*, 3.

10 See ibid. 7.

11 Loader and Walker, "Policing as a Public Good," 26.

12 See Waldron, *Torture, Terror, and Trade-Offs*, 116–22.

13 See ibid., 148.

14 See Adegbile, "Policing Through an American Prism," 2232.

15 See Hunt, *The Retrieval of Liberalism in Policing*, chapter 3; see generally Jacobs, *The Liberal State*.

16 See Hunt, *The Police Identity Crisis*.

17 See Waldron, *Torture, Terror, and Trade-Offs*. Waldron discusses how legal archetypes become "a sort of emblem, token, or icon of the whole area of law … the spirit of the area of law in question" (227).

18 See, e.g., Stoughton, "Law Enforcement's 'Warrior' Problem"; Stoughton, "Principled Policing"; and Hunt, *The Police Identity Crisis*.

19 In this sense, the reallocative approach is less a model of policing and more a model of public safety generally. The underlying idea seems to be that the less the police are empowered to do, the less harm they will cause and the better off society will be.

20 See Ray, "What does 'defund the police' mean?"

21 See McHarris and McHarris, "No More Money for the Police."

22 See Perry et al., "To add value."

23 According to a report by *Forbes*, at least thirteen cities cut police funding or decreased officer numbers (as of August 2020) in response to systemic racism and police brutality. See McEvoy, "At Least 13 Cities."

24 See, e.g., Uggen and Shannon, "Productive Addicts and Harm Reduction." Uggen and Shannon argue that work opportunity reduces crime but not drug use.

25 See, e.g., Wertheimer, "Are the Police Necessary"; Vitale, *The End of Policing*; McDowell and Fernandez, "Disband, Disempower, and Disarm."

26 See, e.g., Vitale, *The End of Policing*, "How Much Do We Need the Police?"

27 McDowell and Fernandez, "Disband, Disempower, and Disarm," 388.

28 Wertheimer, "Are the Police Necessary?", 50.

29 Ibid.

30 See Vladeck and Wittes, "DHS Authorizes Domestic Surveillance."

31 Wertheimer, "Are the Police Necessary?," 49, 51.

32 Ingraham, "There are more guns."

33 See Solomon, "Six years after"; Zook, "Lessons of Jordan Davis's Murder"; Fausset, "What We Know."

34 See Vitale, *The End of Policing*; Bayley, *Police for the Future*; Wertheimer, "Are the Police Necessary?," 53–55.

35 Wertheimer, "Are the Police Necessary?" 55.

36 See Braga, et al., "Hot spots policing and crime reduction."

37 See Wertheimer, "Are the Police Necessary?" 57.

38 Vitale, "Policing Is Fundamentally a Tool."

39 See Bump, "Over the past 60 years."

40 See Vitale, "The Best Way."

41 McDowell and Fernandez, "Disband, Disempower, and Disarm," 387.

42 Ibid. (quoting Spirithouse Executive Director Nia Wilson's 2016 TED talk).

43 Sharkey, "Why do we need the police?" See also Braga, et al., "Hot

spots policing," for comprehensive empirical work showing that hot spots policing is an effective crime reduction strategy.

44 To be clear, I am not suggesting that algorithmic policing is necessarily a comprehensive model of policing. It is an approach that is used to allocate police resources for a relatively narrow range of crime based on statistically defensible predictions; it competes for resources with other needs (i.e., needs beyond a narrow range of property and violent crime), and in this sense may be construed as a narrow strategy for a subset of police responsibilities. On the other hand, it may be construed as a model inasmuch as it is considered an emerging strategy that could revolutionize our overall approach to policing.

45 See Fuller, *The Morality of Law,* and Raz, *The Authority of Law,* for discussions of the connections between dignity and the rule of law.

46 Brayne, *Predict and Surveil,* 3

47 I discuss this tactic more fully in Hunt, *The Police Identity Crisis,* chapter 4.

48 Santos, "Predictive Policing," 372.

49 See ibid; see also Mohler et al., "Self-Exciting Point Process."

50 See Santos, *Crime Analysis;* Mohler, et al., "Randomized controlled field trials."

51 See Bond-Graham and Winston, "All Tomorrow's Crimes."

52 See Schauer, *Profiles, Probabilities, and Stereotypes;* Schauer, "Statistical (and Non-Statistical) Discrimination," 47.

53 See, e.g., Rawls, *A Theory of Justice,* 24; Rubel, Castro, Pham, "Algorithms, Agency, and Respect for Persons"; Hunt, *The Retrieval of Liberalism in Policing,* 93–103 (on the rule of law), 104–33 (on liberal personhood), and 176–86 (on entrapment and probabilistic offenders); Hunt, *The Police Identity Crisis,* chapter 4 (on human rights). In one sense, the problem is that the algorithmic model dehumanizes people and communities not through the algorithms themselves, but rather by subjecting people to inherently dehumanizing interventions of policing.

54 See Ferguson, "Crime Mapping"' and Ferguson, "Predictive Policing," on this worry. It is constitutional for the police to "stop and frisk" a person (detain and pat them down briefly) if the stop and frisk is based upon reasonable suspicion (defined as "specific and articulable facts," a level of proof less than "probable cause") that the person is involved in criminal activity and the police have a reasonable belief that the person "may be armed and presently dangerous" (Terry v. Ohio, 392 U.S. 1 (1968)). However, if there is evidence that a police department implements aggressive stop and frisk initiatives amounting to an unconstitutional application of the tactic, then such violations may be exacerbated by the algorithmic model's lack of qualitative and legal context.

55 See Shue, *Basic Rights,* as well as the discussion in Waldron, *Torture, Terror, and Trade-Offs* on these points. One need not commit to Shue's claim about the basicness of security to think that sacrificing one group's security for the benefit of another group's security can be dehumanizing to the first group.

56 Waldron, *Political Political Theory,* 290–91.

57 Jenkins and Purves, "A Dilemma," 328.

58 Ibid.

59 See Waldron, *Political Political Theory,* 56, for a discussion of Locke's point about "separation in thought."

60 Evans, "Google Strikes Deal With Hospital."

61 To be sure, people are centrally concerned with their health when they seek medical professionals, and medical professionals have important relations with individuals. Medical professionals are also central agents in the overall maintenance of public health and are—in a sense—tied to democratic (or at least social) concerns. It thus seems right to say that—though they are often viewed as experts—the expertise of medical professionals has a humane-values orientation inasmuch as their primary consideration is the wellbeing and welfare of other human beings (and inasmuch as the first principle of medicine

is *do no harm*). Arguably, then, both patients and doctors may in a sense be dehumanized in large, profit-driven hospital systems—especially when doctors have little or no discretion to disregard algorithmic guidance. This point suggests that there are a variety of ways that policies and practices can fall on the spectrum of dehumanization.

62 The underlying idea is simply that the algorithmic model may shape—and degrade—the character of the police-to-citizen interaction.

63 See Rubel, Castro, and Pham, "Agency Laundering."

64 Ibid., 1033–34.

65 For example, "a handbook on data-informed community policing … was published on the LAPD's website" just the day before the police chief announced an end to its use of PredPol. Miller, "LAPD will end controversial program."

66 Thomas, "Why Oakland Police Turned Down."

67 Rubel, Castro, & Pham, "Agency Laundering," 1020.

68 Howell, "Google Morals," 412.

69 See Rawls, *Law of Peoples*, 89.

70 See ibid.; see also Rawls, *A Theory of Justice*, 267.

71 In *The Retrieval of Liberalism in Policing*, I set forth a priority rule regarding respect for personhood based on a tripartite conception of liberal personhood; and in *The Police Identity Crisis*, I discuss justified policing in terms of procedurally just community policing steeped in a move expansive understanding of public reason (one that serves as a unifying rationale and moral foundation for a justified police role, given that public reason promotes legitimacy and security of person by bolstering human dignity within diverse societies). Here I explicitly marry those two ideas: procedurally just community policing as a way to pursue a priority rule based upon personhood. See also, Hunt, "Ice Cube."

72 See, e.g., Owens, Weisburd, Amendola, and Alpert, "Can You Build a Better Cop?"; and Wood, Tyler, and Papachristos, "Procedural Justice Training Reduces."

73 Community-oriented policing (COP) is an organizational strategy promoting community empowerment through community partnership and development, as well as collective efficacy. COP may be augmented by procedural-justice policing (PJP), which focuses specifically on legitimacy and "giving citizens police decision processes that manifest demonstrations of police fairness and regard for a person's dignity." Sampson, "The Community," 210.

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