

Algorithmic detection of 'abnormal events' during the Paris Olympic and Paralympic Games and AI evidence

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I. Legal framework for the detection of ‘abnormal events’ during the Olympic and Paralympic Games

A. The Law of 19 May 2023

Art. 10, I. Scope and use of detection algorithms

- “images collected by means of video-protection systems may be subject to algorithmic processing.”
(...)
- “The sole purpose of this processing is:
 - to detect,
 - in real-time,
 - predetermined events likely to present or reveal these risks and
 - to report them with a view to the implementation of the necessary measures by the national police and gendarmerie services, (...).”
(...)
- “They (the algorithms coupled to cameras) are used **exclusively to signal attention** (alert), strictly limited to indicating the predetermined event. **They do not produce any other results and cannot in themselves form the basis for any individual decision or prosecution**”.

CARTE DES SITES OLYMPIQUES

France

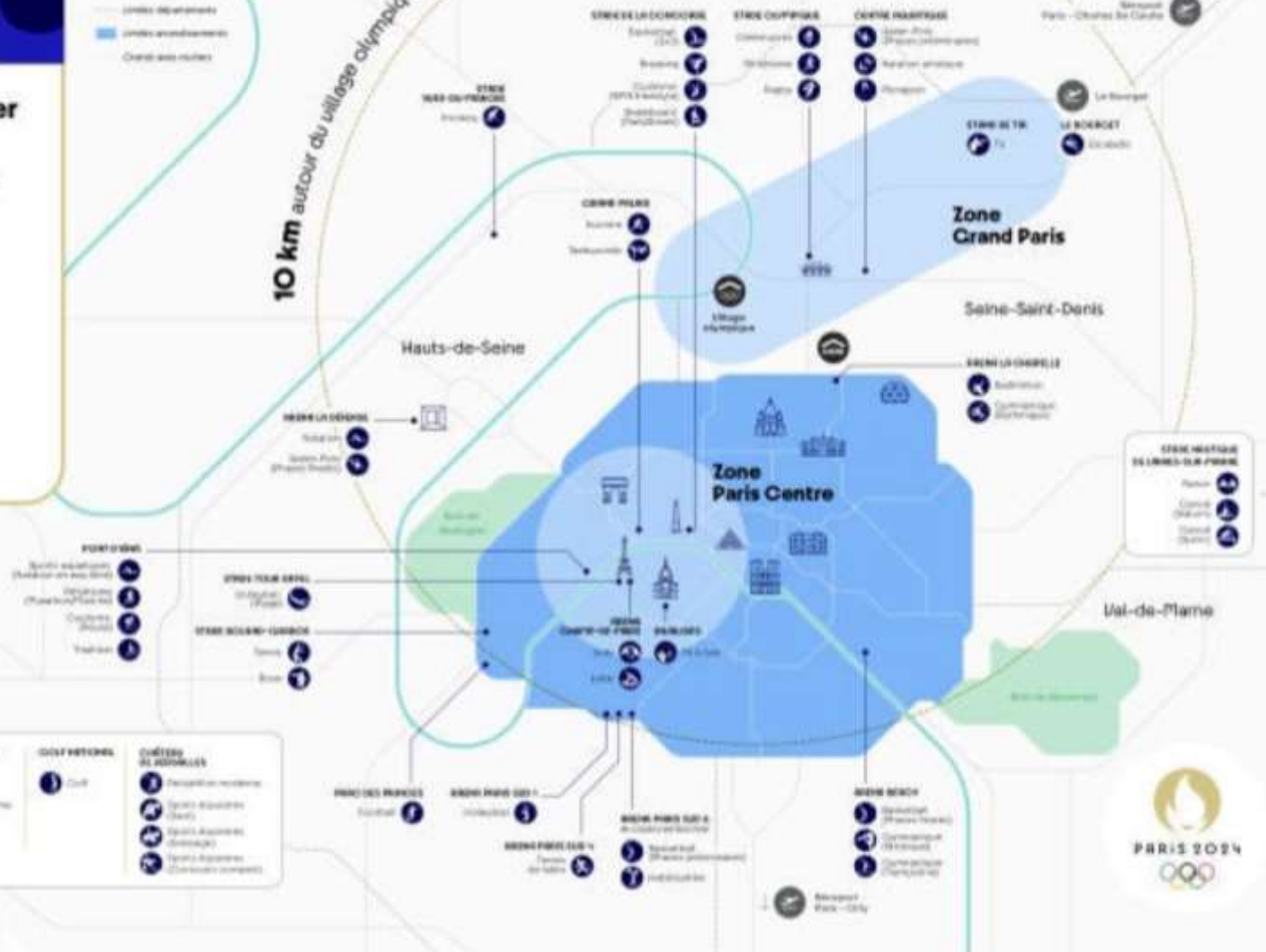


Outre-mer



- Limites départementales
- Limites administratives
- Circuits des routes

10 km autour du village olympique



Olympic and Paralympic Games Organisation committee

I. Legal framework for the detection of 'abnormal events' during the Olympic and Paralympic Games

B. The list of 'abnormal events'

Art. 3, Decree of 28 August 2023

- the presence of abandoned objects
- the presence or use of any of the weapons
- failure by a person or vehicle to follow the common direction of traffic
- crossing or presence of a person or vehicle in a prohibited or sensitive area
- presence of a person on the ground following a fall
- crowd movement
- excessive density of people
- starting fires

The prohibition of using biometric data

Law of May 2023, art. 10. IV.

And art. 2 of the Decree of August 2023:

“The processing (...) **shall not** use any biometric identification system, **process any biometric data** or implement any facial recognition technique.”

Art 4(14), GDPR (UE 2016/679):

“biometric data’ means personal data resulting from specific technical processing relating to the physical, physiological or **behavioural characteristics of a natural person**, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data”

I. Legal framework for the detection of ‘abnormal events’ during the Olympic and Paralympic Games

C. The legal guarantees for algorithmic detection of predetermined events

Art. 10, VI, Law of May 2023	<ul style="list-style-type: none">- Algorithmic processing based on learning must follow several requirements- Learning, validation and test data chosen are relevant, adequate and representative;- Their processing must be fair and ethical, based on objective criteria and enable the occurrence of bias and error to be identified and prevented. These data are subject to appropriate security measures;- The processing allows for human control measures and a risk management system to prevent and correct the occurrence of any bias or misuse;- The processing is subject to a test phase conducted under conditions similar to those for its use authorised by the decree referred to in V, attested by a validation report
Art. 10, IX, Law of May 2023	“To <u>improve the quality of detection of events predetermined</u> by the processing implemented (...) may be used as training data for a strictly necessary period of no more than twelve months from the recording of the images. In any event, these images are destroyed at the end of the experiment.”
Art. 14 of the Decree of August 2023	“Only algorithmic processing developed (...) under the conditions set out in VI of article 10 of the aforementioned Law of 19 May 2023 may be implemented.”
Art. 18 of the Decree of August 2023	“If, during the operation of the algorithmic processing mentioned in Article 1 of this decree, <u>a need is identified to improve the quality of the detection of predetermined events</u> , a new design phase (...), applying IX of Article 10 of the aforementioned Law of 19 May 2023 ”

II. Technical efficiency of the detection of ‘abnormal events’ during the Games

8 predetermined events provided by the Decree of August 2023

- the presence of abandoned objects
- the presence or use of any of the weapons
- failure by a person or vehicle to follow the common direction of traffic
- crossing or presence of a person or vehicle in a prohibited or sensitive area
- presence of a person on the ground following a fall
- crowd movement
- excessive density of people
- starting fires.

5 events’ detection tested

- excessive crowd density
- crowd movement
- crossing or presence of a person or vehicle in a prohibited or sensitive area
- presence of a person on the ground following a fall
- the start of a fire.

*** No information of tests for the presence of abandoned objects + the presence or use of any of the weapons + failure by a person or vehicle to follow the common direction of traffic;

Source: Paris police prefecture

III. AI-based detection of 'abnormal events' and criminal evidence

A. During the experimentation : Absence of connection between the detection of 'abnormal events' and criminal evidence

Art. 10 of the law of May 2023

I. “On an experimental basis and until 31st March 2025, for the sole purpose of ensuring the security of sporting, recreational or cultural events which, (...)”

III. AI-based detection of 'abnormal events' and criminal evidence

Art. 10 of the law of May 2023

IV. “ [Algorithmic treatments] are used exclusively to signal attention, strictly limited to indicating the predetermined event or events that they have been programmed to detect. They do not produce any other results and cannot in themselves form the basis for any individual decision or any prosecution act.”

III. AI-based detection of 'abnormal events' and criminal evidence

B. After the experimentation:

AI detection of 'abnormal events' as criminal evidence

Art. 10 Law May 2023

IV. “ [Algorithmic treatments] (...) cannot in themselves form the basis for any individual decision or any prosecution act.”

III. AI-based detection of 'abnormal events' and criminal evidence

C. Legal aspects: are the legal guarantees sufficient?

Art. 427 Code of criminal procedure:

(...) Criminal offences may be proved by all means of evidence and the judge decides according to her inner conviction (...)

- No restriction on means of evidence
- No specific requirements for the admissibility of evidence, except
 - compliance with Human Rights
 - compliance with fairness (principe de loyauté)



III. AI-based detection of 'abnormal events' and criminal evidence

C. Legal aspects: are the legal guarantees sufficient?

European Ethical Charter on the use of AI in judicial systems and their environments

Council of Europe, December 2018

Five principles:

4. Principle of transparency, impartiality and fairness: Make data processing methods accessible and understandable, authorize external audits

III. AI-based detection of 'abnormal events' and criminal evidence

C. Legal aspects: are the legal guarantees sufficient?

Breathalyzers / Alcoholmeter

- Decree 3 May 2001 on the control of measures instruments
- Ministerial Ruling 8 July 2003 on the control of breathalysers
- Cass. Crim. 26 March 2019 (No. 18-84.900):
the name of the organism that fulfilled the periodical verification must be enquired and submitted to the contradictory debate on evidence

Thank you for your attention!



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