

Racial Profiling in the Age of Artificial Intelligence: Lessons from the U.S. and Russia

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Writing a dystopian novel is becoming harder. How can one shock readers with the idea of mass surveillance targeting marginalized communities when it is no longer fiction but reality? In Russia, facial recognition systems aimed at migration control already classify people by race and nationality. In the United States, the Supreme Court has permitted immigration stops rooted in racial profiling, while DHS rapidly expands its use of facial recognition. Together, these developments make the migration of racialized surveillance technology into U.S. law enforcement not a distant possibility, but the logical next step.

On September 8, the U.S. Supreme Court quietly opened the door for federal agents in Los Angeles to resume immigration stops that critics call racial profiling. By putting Judge Maame Ewusi-Mensah Frimpong's injunction on hold, the Court allowed officers to once again stop people on the basis of broad demographic factors: looking Latino, speaking Spanish, waiting for day labor, or working low-wage jobs. Justice Sonia Sotomayor, joined by Justices Kagan and Jackson, called the ruling "yet another grave misuse of our emergency docket" and warned that it effectively made all Latinos "fair game to be seized at any time." This ruling matters not just because of what it permits today, but because of what it signals for tomorrow. When "reasonable suspicion" is allowed to rest on proxies for ethnicity and class, the next logical step is to outsource those judgments to technology. And the technology already exists.

The Department of Homeland Security operates fourteen different face recognition and face capture programs, from Global Entry portals to ICE's use of Clearview AI. Immigration and Customs Enforcement recently rolled out a smartphone app, Mobile Fortify,

that lets agents identify people on the street by pointing a camera at their face. Civil liberties groups warn that it is a recipe for wrongful arrests: an unreliable technology layered on top of biased enforcement patterns. Even DHS's own testing revealed discrepancies in detection rates based on skin tone, race, and age – gaps the agency promised to “monitor going forward.”

If this combination of legal doctrine and surveillance architecture feels dystopian, it is because another country is already there. In St. Petersburg, Russia, authorities proudly announced that their “Safe City” system now includes cameras capable of recognizing race and nationality. Officials describe this openly as a migration-control tool: to monitor concentrations of ethnic groups and target undocumented workers. What U.S. courts debate as “reasonable suspicion” is in Russia a literal software feature.

The parallels are striking. In Los Angeles, the Supreme Court blessed immigration stops built on stereotypes of who “looks like” an immigrant. In St. Petersburg, municipal officials installed cameras that operationalize those same stereotypes in code. Both move toward the same destination: demographic suspicion as infrastructure.

Defenders of U.S. policy might point to DHS safeguards: opt-outs at airports, privacy impact assessments, oversight offices. But those guardrails crumble when the Court itself legitimizes profiling. Justice Kavanaugh's concurrence described it as common sense that “circumstances such as the extremely high number and percentage of illegal immigrants in the Los Angeles area” can, taken together, justify stops. Translate that logic into algorithmic form, and it reads: high Latino population + Spanish language + construction job = reasonable suspicion. Once accepted as law, it is only a matter of time before it is accepted as code.

This is the danger of normalizing profiling in an age of artificial intelligence. What begins as discretionary officer judgment soon becomes automated flagging, database

matching, and predictive alerts. The move from suspicion to surveillance is seamless. And once embedded in infrastructure, it is almost impossible to dismantle.

The question is not whether the United States will acquire the technical capacity to replicate Russia's racial recognition systems. That capacity already exists. The question is whether the Court's willingness to narrow constitutional protections will make their use seem lawful, even inevitable.

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