

Artificial Intelligence and the Criminal Justice System

Paul J. Morrow

Husson University, Bangor, USA

This paper explores the dimensions of Artificial Intelligence Law in Criminal Law and Criminal Procedure when using AI research models. The paper also explores artificial intelligence in the international realm providing a basis for educating international firms. Reading this paper is worth your time because: (1) you will learn about how artificial intelligence impacts the criminal justice system; (2) you will also learn about artificial intelligence and its shortcomings in the legal system; (3) you will read about the best practices in the disciplines, and international firm concerns and applications of U.S. AI dispositions. This paper will give you parameters and limitations regarding the use of artificial intelligence in the criminal process. As we all know, artificial intelligence is prominent in today's society both domestically and globally. Many who are not aware of the dangers suffer the perils that follow poor artificial intelligence practices, especially the police and our courts.

Keywords: artificial intelligence, Criminal Procedure, Due Process, Criminal Law

Introduction

The administration of justice in the civil and criminal areas is a serious topic regarding artificial intelligence (AI). Within the past year or so, the law enforcement and the courts are focusing more on these two particularly important topics with significant developments. Increasingly, we see artificial intelligence involved in spanning the variety of literature to gather information for its database. When these machines are so frequently used, artificial intelligence permeates our society. That is a big problem. Artificial intelligence is a machine; we are people. As professionals and international businesspeople, it does behoove us to know the risks and so we must teach best practices. One will remember that the human endeavor is to build trust and not to destroy. Cases need to go to court with proper constitutional procedures followed. Artificial intelligence does pose a threat to this sensitive process if not used as a tool but rather the summary disposition and conclusions of lives affected by the police and the courts which leads to unjust, irrational results.

Uses of Artificial Intelligence in the Criminal Process

There are many uses of artificial intelligence in the criminal process.

The increased flows of data have enabled the development of AI systems and algorithms of far greater complexity, accuracy and efficacy. It is unsurprising that law enforcement and others within the criminal justice system have adopted automated decision-making into their processes. Advanced pattern analyses were once thought to be uniquely the domain of experts and trained scientists. Criminal profiling and identification, such as the integration of biometric recognition into AI = driven predictive policing tools, are now machine-capable tasks. (Hu, 2025, p. 523)

Here the key word is machine driven. These summary processes can only help guide professionals and not become outcome determinative. Yet, AI is being used systematically, perhaps too much, eliminating human judgment. Efficiency and convenience take precedence above fairness. From the start of the criminal process all the way to conviction and sentencing, AI is currently in high use. Here are some shocking examples.

Across the country, police departments have adopted automated software platforms driven by artificial intelligence (AI) to compile and analyze data. These data fusion tools are poised to change the face of American policing; they promise to help departments forecast crimes, flag suspicious patterns of activity, identify threats, and resolve cases faster. However, many nascent data fusion systems have yet to prove their worth. Without robust safeguards, they risk generating inaccurate results, perpetuating bias, and undermining individual rights.

Police departments have ready access to crime-related data like arrest records and crime trends, commercially available information purchased from data brokers, and data collected through surveillance technologies such as social media monitoring software and video surveillance networks. Police officers analyze this and other data with the aim of responding to crime in real time, expeditiously solving cases, and even predicting where crimes are likely to occur. Data fusion software vendors make lofty claims that their technologies use AI to supercharge this process. One company describes its tool as AI providing steroids or creating superhuman capabilities for crime analysts.

The growing use of these tools raises serious concerns. Data fusion software allows users to extract volumes of information about people not suspected of criminal activity. It also relies on data from systems that are susceptible to bias and inaccuracy, including social media monitoring tools that cannot parse the complexities of online lingo, gunshot detection systems that wrongly flag innocuous sounds, and facial recognition software whose determinations are often flawed or inconsistent—particularly when applied to people of color.

Police use of technology can have beneficial uses as well. Body worn cameras help shed light on police interactions with civilians. AI-enhanced license plate readers (LPRs) decrease errors, helping police better match license plates associated with stolen vehicles and other crimes. Yet police departments are adopting ever more powerful data fusion tech with little testing, proof of efficacy, or understanding of the dangers posed to civil rights and civil liberties.

Public information about newer data fusion tools is scant, but two police tools—and the concerns frequently raised about them—offer insight into this technology’s capabilities and implications: predictive policing programs, which purport to predict where and when a crime is likely to occur and even who is likely commit it; and social media analysis software, which allows police to mine people’s online presence and identify connections, locations, and potential threats. Both technologies pose substantial risks, from perpetuating bias to chilling and even enabling the targeting of constitutionally protected speech and activity; independent studies assessing how much they contribute to public safety are scarce.

AI-enabled data fusion capabilities amplify these concerns. Without oversight and transparency measures in place, the use of these tools risks infringing on civil rights and civil liberties by magnifying bias and inaccuracies and encouraging bulk data collection. (Levinson-Walden & Dyson, 2025)

Many of the tools used in courts are proprietary, leaving defendants and their attorneys unable to examine how a risk score was generated. This so-called “black box” problem undermines due process, as it’s difficult to challenge or appeal a decision when the reasoning behind it is hidden.

The *State v. Loomis* case in Wisconsin highlighted this issue directly, with the court acknowledging the risks of relying on COMPAS while still allowing its use. France has been more explicit, banning the use of AI to predict judges’ sentencing decisions for fear of influencing outcomes.

Calls for transparency have only grown louder. Scholars and policymakers argue that defendants deserve to know how technology is influencing their sentence, and legal teams need the ability to interrogate the data behind the recommendations. That’s why tools like Rev emphasize full transparency, giving legal teams clear outputs they can review, question, and control, rather than leaving decisions to a black box.

Excessive Reliance on AI in Courts

AI sentencing tools are often presented as objective, and this creates a dangerous dynamic in issuing court rulings: Judges and parole boards may lean too heavily on algorithms instead of exercising their own well-developed judgment. This reduces sentencing to a data-driven “rubber stamp”.

Legal scholars warn that this over-reliance ignores what algorithms cannot capture—the broader context of a defendant’s life, the potential for rehabilitation, and deeper moral concerns. A young first-time offender, for example, could be labeled as “high risk” based solely on their ZIP code or peer group while overlooking elements like steady employment, family support, or participation in treatment programs. (Daughtery, 2025)

How Do Police Use AI

First, let us begin with the first and fundamental constitutional principle given to us in *Carpenter v. U.S.* which states in part:

The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The “basic purpose of this Amendment,” our cases have recognized, “is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials”. *Camara v. Municipal Court of City and County of San Francisco*, 387 U. S. 523, 528 (1967). The Founding generation crafted the Fourth Amendment as a “response to the reviled ‘general warrants’ and ‘writs of assistance’ of the colonial era, which allowed British officers to rummage through homes in an unrestrained search for evidence of criminal activity.” *Riley v. California*, 573 U. S. ___, ___ (2014) (slip op., at 27). In fact, as John Adams recalled, the patriot James Otis’s 1761 speech condemning writs of assistance was “the first act of opposition to the arbitrary claims of Great Britain” and helped spark the Revolution itself. *Id.*, at ___—___ (slip op., at 27–28) (quoting 10 Works of John Adams 248 (C. Adams ed. 1856)). (*Carpenter v. U.S.*, 585 U.S. 16-402, 2018)

On this score, our cases have recognized some basic guideposts. First, that the Amendment seeks to secure “the privacies of life” against “arbitrary power.” *Boyd v. United States*, 116 U.S. 616, 630 (1886). Second, and relatedly, a central aim of the Framers was “to place obstacles in the way of a permeating police surveillance.” *United States v. Di Re*, 332 U.S. 581, 595 (1948). We have kept this attention to Founding-era understandings in mind when applying the Fourth Amendment to innovations in surveillance tools. As technology has enhanced the Government’s capacity to encroach upon areas normally guarded from inquisitive eyes, this Court has sought to “assure[] preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted.” *Kyllo v. United States*, 533 U.S. 27, 34 (2001). For that reason, we rejected in *Kyllo* a “mechanical interpretation” of the Fourth Amendment and held that use of a thermal imager to detect heat radiating from the side of the defendant’s home was a search. *Id.*, at 35. (*Carpenter v. U.S.*, 585 U.S. 16-402, 2018)

When an individual “seeks to preserve something as private,” and his expectation of privacy is “one that society is prepared to recognize as reasonable,” we have held that official intrusion into that private sphere generally qualifies as a search and requires a warrant supported by probable cause. (*Carpenter v. U.S.* 585 U.S. 16-402, 2018)

Now let’s look at how the police use AI to determine probable cause and you be the judge.

Algorithmic Bias: One major concern is that AI systems could reinforce or amplify biases present in historical policing data. If the training data reflects biased policing (e.g., over-policing certain neighborhoods or demographics), the AI may perpetuate those patterns. Bias can creep in through seemingly technical choices—from which crimes the AI is tasked to predict, to how data is sampled, and which features are used. For example, if an AI model heavily relies on arrest data, it might direct more attention to communities that were already over-surveilled, creating a feedback loop of bias. The ethical mandate is to prevent discriminatory outcomes, ensuring AI doesn’t unfairly target groups or locations. This requires careful bias testing and ongoing audits of AI tools. (Bahdkamkar, 2026)

Transparency and Explainability: Police AI systems—whether for predictive policing or automated decision support—often use complex algorithms that are not easily understood by the public or even officers. This opacity can erode trust. When an AI flags a person or area as “high risk,” it’s essential to explain why. Otherwise, AI adds a “layer of mystery” to decision-making. Lack of transparency makes it hard for non-experts to know why the AI made a recommendation. This directly impacts accountability: citizens and oversight bodies need to be able to scrutinize AI-driven decisions. If an officer acts on an AI tip, both the officer and the community should understand the basis of that tip. Agencies must demand explainable AI from vendors and maintain documentation on how models work and are tested.

(Bahdkamkar, 2026)

Fairness and Due Process: In policing, protecting civil rights is paramount. AI predictions should never be used as sole justification for stops, arrests, or sentencing—doing so would bypass the legal standards of reasonable suspicion or probable cause. As experts note, an AI labeling a location “high risk” does not change the threshold for constitutional policing in that area. Departments must treat AI as advisory, not a deterministic judge. Due process requires that individuals are assessed on evidence and law, not just algorithmic inference. This means any AI-provided lead must be corroborated by human investigators. Courts and defense attorneys are also beginning to scrutinize AI evidence; transparency in how an AI reached its output is crucial for it to hold up in legal proceedings. (Bahdkamkar, 2026)

The Big Due Process Problems

Based on my decades of experience in the trial courts, despite what the press would have you believe, our judiciary is totally committed to Due Process. The fundamental tenets of Due Process come from the very nature that was the central corps of the spirit of our revolution. The British Government at the time violated due process so bad; we could not see ourselves living in their society of rules and regulations. Their doctrine trounced on the very nature that sustains our existence today... Life, Liberty and Due Process of law. Also, central to the American theme is the right to contract without government interference; the foundation of the private ownership of property, stocks, bonds and other assets. To secure these rights courts followed. The rule of law allows people to work out disputes fairly, justly. Of course, this is the most important function of the courts. We base our reasoning on evidence.

Artificial intelligence allows parties to manipulate the evidence and remain somewhat undetected. From my own experience fighting cases in the courts for decades, I have witnessed cases being summarily dismissed because the prosecution or the opposing attorney did not exchange relevant evidence with the opposing side. In life, we experience sports. We play basketball, baseball, football, and other sports. We learn if we can trick the other side, and score, we win. For example, in basketball if the offensive player can fake one way, cut and get the passed ball for a layup, the basket counts. Same in baseball. If the pitcher can trick the batter, he or she can get the strike out. This is not so in a court of law. One has to give the evidence to the other side for the full preparation of a challenge of the evidence such as calling experts to rebut. Also, central to the theme of fundamental fairness and substantial justice, the opposing side receives notice and opportunity to be heard, cross-examine, and counter argue the evidence. The point is that one cannot manipulate the evidence without violating Due Process. If you violate Due Process, then the case must be dismissed or awarded to the non-violating party. It's an automatic win. The party that tricks the other side loses automatically. Now, let's turn to artificial intelligence and the evidence.

Evidence can be manipulated by deep fake videos, or photo adjustments, or using Chat GPT to create fake texting, and fake tape recordings. The same can be said for the civil process. An opposing party can create a report that is completely false and assign blame to AI for the hallucination. These are all violations of Due Process and threaten the very nature that sparked the revolution. If detected, it means an automatic win. One need not bother appealing such a case because the Supreme Court would more than likely uphold the trial court's decision. The fundamental fairness and substantial justice Constitutional principles apply. Let's look at the caselaw.

In *Miller v. Pate*, 386 U.S. 1 (1967), the prosecution manipulated the evidence using red paint for blood in its case in chief. The court stated:

So matters stood with respect to People's Exhibit 3 until the present habeas corpus proceeding in the Federal District Court. [Footnote 10] In this proceeding, the State was ordered to produce the stained shorts, and they were admitted in evidence. It was established that their appearance was the same as when they had been introduced at the trial as People's Exhibit 3. The petitioner was permitted to have the shorts examined by a chemical microanalyst. What the microanalyst found cast an extraordinary new light on People's Exhibit 3. The reddish-brown stains on the shorts were not blood, but paint. (*Miller v. Pate*, 386 U.S. 1, 1967)

The U.S. Supreme Court goes on to establish

More than 30 years ago, this Court held that the Fourteenth Amendment cannot tolerate a state criminal conviction obtained by the knowing use of false evidence. *Mooney v. Holohan*, 294 U.S. 103. There has been no deviation from that established principle. *Napue v. Illinois*, 360 U.S. 264; *Pyle v. Kansas*, 317 U.S. 213; *cf. Alcorn v. Texas*, 355 U.S. 28. There can be no retreat from that principle here. (*Miller v. Pate*, 386 U.S. 1, 1967)

If any party to a case introduces evidence that has been manipulated by artificial intelligence, such as hallucinations, or deep fakes, the non-violating party automatically prevails. Some errors are detectable and readily apparent. Some other manipulations are much harder to detect requiring experts that can analyze LogRhythm Software. In any event, welcome to the new world of artificial intelligence and Due Process. At times, the prosecution and other litigants manipulate algorithm software. This is software produced by algorithms, the source of which is beyond the scope of this research. It may be happening. It is called (black box) software which denies the opposition the 6th amendment right to counsel and violates the Due Process clause. This is a serious concern legally and ethically. This may go undetected because experts need to delve into the actual software that produced the algorithm. The U.S. Supreme Court has not ruled on this. The defendant must be given the right to rebut genuine evidence. Basically, this presents as a fraud on the court to make a long story short.

In order to properly give you an idea of where the law stands, the following may be persuasive.

A judge in Washington banned the use of videos enhanced by artificial intelligence (AI) as evidence in the trial of a man who is accused of killing three people.

The ruling, signed Friday by King County Superior Court Judge Leroy McCullough, may be the first-of-its-kind ruling in court as AI tech emerges.

This Court finds that admission of this AI-enhanced evidence would lead to a confusion of the issues and a muddling of eyewitness testimony and could lead to a time-consuming trial within a trial about the non-peer-reviewable process used by the AI mode, McCullough wrote.

Lawyers for Joshua Puloka attempted to introduce cellphone video evidence enhanced by AI. Prosecutors said there's no legal precedent for using the technology in court, the outlet reported. (Irwin, 2024)

Our legal system at its core is being challenged by artificial intelligence. Courts must be careful when AI is involved. Experts need to be brought in to keep the process honest. If suspected that AI evidence, hidden in a case is involved, this presents a whole new level of discovery challenges. If the defense misses the AI manipulation, there are serious consequences for the attorneys involved. These challenges to Due Process apply to both criminal and civil cases. In a criminal case, the defendant has an unconditional right to a trial and an appeal. Therefore, it is very hard to avoid a trial. In a civil case, long live mediation and settlement outside the court.

We Need Regulatory Guidance

Most State and Federal systems have committees that consider rules and regulations regarding evidence. The Federal Rule of both Criminal and Civil procedure, and State's Rules of both Criminal and Civil procedure need to be amended to add evidentiary rule of law regarding the use of AI. Once we get guidance, courts would

have a better basis in the evidentiary process. Our framers allowed for flexibility and our constitutional law history can handle this. Our system currently in place must adjust on a case by case basis. The framers of our constitution were brilliant. Other systems outside the Trial Bar can also be formed such as an administrative agency in charge of AI with overlapping authority.

Significant attention has been paid of late on how best to approach potential regulation of artificial intelligence (AI). This issue raises key questions around supporting benefits of AI while minimizing risks; such questions merit sustained focus.

Some argue that the risks of AI are too high for the regulatory process, and that the current process is sufficient. Yet the current process can be strengthened, especially in how AI can support key regulatory tenets. The key lies in how AI can further the foundation principles of transparency, public engagement, and accountability within the regulatory process, principles that have governed agency activity since the Administrative Procedure Act (APA).

■ Transparency is the cornerstone of the rulemaking process. And while proposed rules are posted in the Federal Register, usually for 60 days, to allow ample time for the public to comment, and the final rulemaking is again published in the Federal Register and then incorporated into the Code of Federal Regulations—all publicly available—the average citizen does not check the Federal Register or the CFR frequently.

■ Public engagement is a vital part of the regulatory process. Agencies may also conduct public meetings to hear directly from the public, or conduct private meetings with members of the public that must be a matter of public record. But how many citizens can travel to Washington DC for meetings? Also, agencies are not required to verify the source of comments, and many agencies accept comments anonymously; accepting anonymous comments encourages public participation, so that no commenter need be concerned about the possibility of retaliation or being drawn into a negative public dialogue. While many have concerns about more comments being written by AI, is there anything inherently wrong with getting help that facilitates engagement and helps someone write a better comment?

■ Accountability by agencies for relying on scientific data and other supporting evidence wherever appropriate is critical to the regulatory process. Without sound evidence, rulemakings may be challenged and have been overturned in the Federal courts and by Congress. AI can help agencies make informed decisions across multiple parts of the process:

- o AI can help agencies sift through immense volumes of data and evidence to identify areas where rule writers can focus research and validate conclusions through multiple sources of evidence.

- o AI can help in public comment review, assessing large volumes of comments to array common themes quickly, allowing agencies to array important issues needing expert judgement, and understanding what comments may be generated by “fake” sources to mitigate potential impacts from disinformation.

- o AI can support retrospective review of existing rules, enabling agencies to identify rules needing updates based on factors that include evolving conditions that render current regulations obsolete, streamlining based on overbroad procedural requirements, or consolidation based on redundancies with similar rules.

And if a rulemaking is determined, through retrospective review, to impose too harsh requirements on a party, or whose perceived benefits did not materialize, the rule can be amended, just as it is today. (Chenok & Huth, 2021)

Not all states have formal state bar rules regarding AI use. However, many ethics committees have issued opinions or state bar AI guidance. California, Florida, and New York currently lead the way with detailed ethical guidance on the safe adoption of AI in legal practice.

As of early 2026, several states have moved beyond general statements to provide specific frameworks for attorneys:

- California: The Bar associations published a “Practical Guide” emphasizing that attorney competence requires an understanding of large language models before use, including the risks of “hallucinations” and data privacy.
- Florida: Opinion 24-1 mandates that attorneys disclose AI use when it impacts client billing or costs.
- Texas: Opinion 705 (February 2025) clarifies that legal practice involving AI requires human oversight of AI-generated work to prevent the submission of fabricated case citations.
- New York: Formal Opinion 2025-6 focuses on the professional responsibility of using AI to record and transcribe client meetings, emphasizing confidentiality and consent.
- North Carolina & Oregon: Both states issued ethics guidance (including North Carolina’s 2024 Formal Ethics Opinion 1) that requires lawyers to maintain competence in legal technology and vet legal technology vendors thoroughly.
- Pennsylvania: Joint Formal Opinion 2024-200 warns that while AI can generate work, it does not replace the professional duty to verify all case law references.

Other states offer informal guidance through bar publications and FAQs. While these serve as a risk-aware roadmap rather than a formal disciplinary code, they are often cited by courts to define the “standard of care” in malpractice cases.

In states with no specific guidance, attorneys must still comply with professional conduct standards. The ABA Formal Opinion 512 (released in 2024) serves as the primary “north star” in these jurisdictions, providing a verified framework for competence, confidentiality, and communication. Guidance is evolving quickly as bar regulators and judges respond to technology shifts. (Dunphy, 2026)

Ethical Duties

As one of many examples, the American Bar Association is super helpful reminding practicing Trial Attorneys of their duties regarding AI in the trial process. Machines to go over the evidence can detect us of AI easily and efficiently. It does place an additional burden on the litigants but it’s one of the only ways to deal with this problem summarily.

Duty of Competence (Rule 1.1): Lawyers must maintain competence in legal technology under Comment 8 of Rule 1.1. They must understand the benefits and risks of hallucination with large language models. This means you must evaluate a tool’s training data and validate its output. You cannot simply delegate tasks without knowing how machine learning works.

Confidentiality and Data Security (Rule 1.6): Rule 1.6 protects client confidentiality through data security measures. Lawyers must protect client information and ensure that AI platforms do not use their data for training. It is important to verify that legal technology vendors have secure data protection frameworks, evaluate privacy policies, and SOC 2 certification before use.

Supervision of Non-Lawyer Assistance (Rule 5.3): Rule 5.3 clarifies supervision requirements for non-lawyer assistance. Attorneys must supervise every draft and generate final versions through human review. You remain accountable for the work. If the AI makes a mistake, the disciplinary authorities will look at the lawyer. Professional responsibility cannot be delegated to AI.

Candor to the Court (Rule 3.3): Rule 3.3 requires verification of all legal citations before filing documents with the court. Lawyers must verify every case-law reference and factual claim, as judges have imposed sanctions in cases such as *Mata v. Avianca* for AI-generated output containing fabricated cases. Some courts now require you to disclose if AI drafted the filing. Courts are now treating the failure to check AI-generated citations as a lack of candor toward the tribunal. A significant development in late 2025/early 2026 is the Duty to Disclose to the Client. While Florida led with billing, other states are now debating whether lawyers must tell a client any time they use AI to draft a substantive motion, similar to how they might disclose the use of an outside contract lawyer. (Dunphy, 2026)

International Adaptation

This AI evidentiary process of manipulation exists around the world. Great Britain has adopted strict evidentiary guidelines and the EU has enacted an AI piece of legislation to combat this problem.

What Are AI Regulations?

AI regulations are legal frameworks that govern the development, deployment, and monitoring of artificial intelligence systems. These rules address safety, transparency, accountability, and data protection across the AI lifecycle.

Most jurisdictions adopt a risk-based approach to regulating AI. Systems posing greater potential harm face stricter requirements, while low-risk AI applications operate with minimal oversight.

Key areas covered by AI legislation include:

- Safety requirements for AI systems that could cause physical or psychological harm;
- Transparency obligations requiring disclosure of AI-generated content and automated decision-making;
- Accountability measures establishing clear responsibility chains for AI developers and deployers;
- Data protection rules governing training data collection and processing.

A large and growing number of countries, tracked by bodies such as the OECD (Organisation for Economic Co-operation and Development)’s AI Policy Observatory, have proposed or enacted AI-specific policies. Approaches range

from the European Union's comprehensive AI law to Japan's voluntary governance model. (Mishova, 2026)

How Does the EU AI Act's Risk-based System Work?

The EU AI Act is the most comprehensive AI law globally. It categorises AI systems into four risk tiers with corresponding obligations.

Unacceptable risk AI applications are banned outright. Since February 2025, prohibited systems include:

- Social scoring by governments
- Real-time biometric identification in public spaces (with limited exceptions)
- Manipulation techniques exploiting vulnerabilities
- Emotion recognition in workplaces and schools

High-risk AI systems face extensive requirements. Annex III of the EU AI Act lists eight categories of high-risk systems, including biometric identification, critical infrastructure management, and employment decisions.

Obligations include:

- Conformity assessments before market placement
- Registration in the EU database
- Data governance and documentation
- Human oversight mechanisms

Limited risk AI systems require transparency. Users must be informed when interacting with chatbots, and AI-generated content, such as deepfakes, must be clearly labelled. (Mishova, 2026)

Europe has already done the studies and needs to share with the U.S. The high risk areas identified by the legislation are concerning. One might say, for practical purposes, these are limited, suspicious, if not practically forbidden uses of AI if without independent verification. Enforcement has just begun.

Conclusions and Recommendations

1. AI is being used indiscriminately in policework, in civil litigation more than we know.
2. Without an independent machine checking system for AI, one has to rely on human judgment which is precarious at best.
3. There are serious ethical issues involved whether a litigation attorney know or should know.
4. Due Process violations are rampant to a point where there exist escalating emergencies in our court system.
5. Our regulatory process is behind and we need the help of other countries.
6. This problem is not going away soon. Law firms, Courts, and Regulatory bodies receiving evidence need to form AI departments to check the evidence before it is used. Our government may not have the money for this. Privatization may be the only way and insurance the other way to cover potential losses.

References

- Bahdkamkar, M. (2025). Use of AI in policing: Balancing innovation and accountability. *Sound thinking*. Retrieved from <https://www.soundthinking.com/blog/ethical-use-of-ai-in-policing/> (last visited June 30, 2026)
- Carpenter v. U.S., 585 U.S. 16-402 (2018).
- Chenok, D., & Huth, V. (2021). How can AI improve the regulatory process. *AI overview*. Retrieved from <https://s3.us-west-2.amazonaws.com/napa-2021/AI-and-regs-longer-paper-1019.pdf> (last visited July 12, 2026)
- Daughtery, L. (2025). AI sentencing ethics + the future of algorithmic sentencing. Retrieved from <https://www.rev.com/blog/future-ai-sentencing> (last visited June 23, 2026)
- Dunphy, K. (2026). State bar rules on AI use: What lawyers need to know about AI compliance. *Spell book*. Retrieved from <https://spellbook.com/learn/state-bar-rules-ai-use> (last visited July 12, 2026)
- Hu, M. (2025). *AI law and policy*. Burlington: Aspen Publishing.

- Irwin, L. (2024). Washington judge bans use of AI enhanced video. *The Hill*. Retrieved from <https://thehill.com/regulation/court-battles/4571309-washington-judge-bans-use-of-ai-enhanced-video-as-trial-evidence/> (last visited July 12, 2026)
- Levinson-Walden, R., & Dyson, I (2025). The dangers of unregulated AI in policing. Retrieved from <https://www.brennancenter.org/our-work/research-reports/dangers-unregulated-ai-policing> (last visited June 20, 2026)
- Miller v. Pate, 386 U.S. 1 (1967).
- Mishova, A. (2026, January). AI regulation: Complete guide to UK and global AI laws. *GDPR local*. Retrieved from <https://gdprlocal.com/regulations-on-ai/>