

Disclaimers:

- The views and opinions expressed during this presentation and panel discussion are those of the presenter and do not reflect the views or positions of the Illinois Forensic Science Commission or the Illinois State Police.
- The information provided by the presenter during this presentation and panel discussion is for educational and informational purposes only and is not intended to provide legal advice to any entity or individual.

*Who is the actual **end user** of this AI tool?*

Forensic scientists/lab systems: applications related to i.e. training, administration, safety, quality assurance

Criminal Justice System: applications related to casework, analysis, judgment, conclusions, opinions, substantive reporting

*Is this AI tool **fit for purpose** for the Criminal Justice System?*

Is this AI tool fit for purpose for the Criminal Justice System?

Who are the CJS End User(s)?

- *Prosecutors & Defense Attorneys*
 - Discovery, admissibility, effective assistance of counsel, ethics (i.e. risk of misusing in arguments), streamlined vs. complicated to understand, challenge, or present (i.e. how many witnesses?)
- *Defendants (both charged and convicted)*
 - Due process, Confrontation Clause, post-conviction testing & proceedings
- *Testifying Scientists*
 - Foundation/admissibility, credibility, ability to communicate with fact-finder
- *Judges & Jurors*
 - Understandable results and testimony
 - “AI Effect”

Is this AI tool fit for purpose for the Criminal Justice System?

Admissibility:

- *Threshold admissibility (Daubert/Frye)*
- *Case-specific admissibility*
 - Rules of Evidence: relevance, foundation, hearsay, authentication, expert witness rules
 - Discovery requirements (violation can result in exclusion)
 - Constitutional requirements (i.e. Confrontation Clause)

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Notes on Discovery:

- Discovery is more than just *Brady*
 - Jurisdictional Discovery Rules
 - Defendants are entitled to a meaningful defense
 - Every jurisdiction is different
- Plan ahead for disclosure and attendant costs
- Prosecutors do not represent commercial interests
- A defendant's rights should and will trump proprietary interests

Key takeaway/suggestion:

Engage with CJS stakeholders during AI development and procurement stages

“Your scientists were so preoccupied with whether or not they could, they didn’t stop to think if they should.”

-Dr. Ian Malcolm (Jeff Goldblum), *Jurassic Park*

Thank you

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