



This response to Sir Brian Leveson's [Independent Review of the Criminal Courts](#) is submitted by a team of academic researchers with extensive expertise in the ethical, legal, safeguarding, and operational applications of data analytics and AI within the criminal justice system. Our work is anchored in the RAI Keystone Project, "[PROBable Futures](#)", a four-year research initiative focused on evaluating probabilistic AI systems across the criminal justice sector. The project aims to develop a responsible, practical, and 'operational-ready' framework in collaboration with multiple criminal justice partners.

**Summary:**

1. This response focuses on how AI could be used to improve the criminal courts. We envisage three main potential uses: organising court operations/caseloads; automating document review and drafting; informing or generating evidence presented in court.
2. Experience has shown however that potential benefits will not necessarily be realised if speed is treated as the key metric and the introduction of AI is not treated with caution. There are demonstrable risks that inaccurate outputs from AI tools can have serious detrimental knock-on effects within the criminal justice system.
3. Before evidence generated by or with AI tools becomes ubiquitous in criminal proceedings, urgent attention should be given to issues of reliability, validity, uncertainty and transparency, informed by exercises such as mock trials, and consideration given to the need for new evidential rules.

**Theme B: The efficiency and timeliness of processes through charge to conviction/acquittal**

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Issue: Consideration of how new technologies, including Artificial Intelligence, could be used to improve the criminal courts

**Improving efficiency of court operations**

AI technologies have the potential to streamline court operations by organising caseloads, aligning them with judges' availability, and predicting case durations based on historical data. For instance, some [US courts](#) have started implementing AI-driven tools to classify and docket e-filed documents. Overtime, these systems are being trained to recognise and handle some additional requirements such as identifying the assigned judge for specific cases and automatically forwarding relevant documents to them, claiming [an accuracy rate between 98% and 99% \(although such overall claims always need to be treated with caution\)](#). Notwithstanding, the deployment of AI in judicial settings require considerable oversight, which will be discussed later in this response. While AI tools have the potential to assist in [different aspects](#) of the criminal justice system by improving outcomes and reducing large caseloads, they also pose new risks. These risks include the possibility of court staff being unable to effectively oversee the technology or use it safely and responsibly to achieve its intended benefits. If

not used responsibly, AI tools, including those used for report writing and administrative tasks, can [introduce errors and inaccuracies](#), potentially leading to miscarriages of justice. For instance, [concerns](#) have been raised regarding Axon's new AI-powered police report writing software, highlighting the risks associated with [over-reliance](#) on such technologies and the need to maintain [human oversight](#).

Similarly, our project is aware of concerns regarding the knock-on detriment effects on prosecuting authorities of the police's trial of an auto-transcription tool intended to streamline the preparation of witness statements. Although the tool improved the speed at which the police could produce witness statements, the inevitable errors and required corrections led to an increased volume of material for prosecutors to review for inclusion in the schedule of unused material. Moreover, empirical studies suggest that AI tools may not always yield significant time savings. Findings from a [2024 study](#) indicate that the use of AI in police report writing did not substantially reduce the time required, as the necessity for detailed data entry may limit the efficiency gains from AI-assisted narrative generation. Furthermore, requiring humans to check AI-generated outputs raise considerable concerns around the skills and resources required. These findings, although focused on law enforcement, are equally applicable to and underscore the importance of critically assessing the efficacy of AI applications within court processes.

### **Automation of document review and drafting**

Another area in which AI could potentially enhance the efficiency of criminal courts processes is by assisting both defence and prosecution lawyers in summarising documents, drafting, and reviewing statements. By automating time-consuming yet essential tasks, AI could help expedite case progression, reduce delays and improve case management. On the positive side, AI-powered tools such as document analysis software or [predictive](#) coding systems can enable lawyers to [focus](#) on value activities such as courtroom advocacy and client communication, rather than [labour-intensive tasks](#). Such advancements can benefit not only the courts but also defendants, victims, and other stakeholders by creating a more efficient and responsive criminal justice system.

However, the integration of AI must be approached with caution to ensure it does not exacerbate existing inequalities within the criminal justice system. In this regard, equitable access to technological resources is critical. This is because it is conceivable that affluent defendants may secure legal representation from [firms that have invested in state-of-the-art AI tools](#), gaining a potential advantage in legal proceedings. Conversely, individuals relying on legal aid could be disadvantaged if their lawyers lack access to similar technologies. This imbalance could contribute to the emergence of a "[two-tiered](#)" justice system, where outcomes are influenced more by financial resources than the merits of a case. This then suggests the need to implement robust guidelines that ensures AI tools used in the criminal courts are accessible, reliable, and subject to rigorous testing to minimise the propagation of biases and inaccuracies (and thus the risk of miscarriages of justice). Additionally, governments and legal service organisations should work to level the playing field by equipping publicly funded [legal aid services with access to advanced AI technologies](#). Such measures will help ensure that all individuals, regardless of their financial circumstances, can benefit from these innovations, preserving fairness and equity within the criminal justice system.

The potential AI applications under this category are many and varied and could also include AI-assisted legal research and AI-assisted disclosure exercises, including for exculpatory material. A

transparency obligation should be considered in respect of key elements of criminal court procedure and related actions that have been enabled by AI.

### **Evidence generated by or with AI tools**

The introduction of evidence generated by or with AI tools (hereafter 'AI-generated evidence') in courtrooms may require the [development](#) of new evidential rules and protocols. While the role of technology in modern investigations is undeniable – especially as machine learning and AI are increasingly adept at analysing vast datasets – the [reliability and transparency](#) of AI-generated evidence remain critical concerns. Unlike traditional evidence, which can typically be directly traced and confirmed through human sources, AI-generated evidence present [significant challenges](#) in verification and chain custody. The [opaque nature](#) of AI processes complicates the standards of admissibility, which could make it difficult for parties to demonstrate the authenticity, reliability and validity of AI-generated evidence. Judges may be [expected to address evidentiary issues](#) related to AI, such as deepfakes, issues of how a tool has been trained and questions of probability and uncertainty, prior to trial and outside of the jury's presence. This underscores the need for [clear standards and protocols](#) governing the collection and presentation of AI-generated evidence to uphold the integrity of the judicial process, particularly in an era marked by digitally manipulated data. In this regard, [mock trials](#) (such as the one to be conducted by the PROBABLE Futures project) can help identify issues related to how AI outputs are presented and interpreted by judges and juries, as well as highlight the potential risks posed by unreliable or uncertain evidence to the right to a fair trial. Lessons learnt from these simulations can then inform the development of guidelines to ensure the responsible use of AI-generated evidence.

### **Conclusion**

As highlighted above, the integration of AI tools in the criminal courts processes has the potential to enhance efficiency. However, this advancement raises important [concerns](#) regarding ethical implications, accountability, and its overall impact on justice. In addition to the suggestions already stated, establishing independent oversight is important. Oversight and advisory bodies, such as [data ethics committees with diverse representation](#), could enhance the validity and responsible use of AI in the Crown Courts. These advisory bodies can help to identify potential issues of scientific validity, provide varied perspectives for more informed decision-making around operational deployment of AI, and foster public trust, particularly when the public sees a diverse group overseeing AI implementation.

We would also refer the Review to our [response to the Independent Sentencing Review](#).