MODEL GUIDELINES FOR THE USE OF ARITIFICAL INTELLIGENCE (AI) IN LAW ENFORCEMENT

I. SECTION I:

Existing Uses of Artificial Intelligence as Case-Studies:

Several state and local law enforcement agencies such as the Virginia State Police (VSP), Virginia Department of Corrections, and the Lynchburg Police Department already use artificial intelligence (AI) for research, data analysis, and operational processes. These current practices serve as case studies to develop model guidelines for future use by other agencies.

VSP currently uses two registered AI-driven applications, Legal Case Research and Software Application Testing, in alignment with Commonwealth guidelines and Virginia IT Agency (VITA) policy. For Legal Case Research, AI assists the Office of Legal Affairs (OLA) in efficiently locating and analyzing case law. Using AI for these tasks reduces time and effort in supporting agency needs. For Software Application Testing, AI is leveraged to enhance quality assurance, ensuring reliable systems for law enforcement officers and troopers. This improves performance, reduces errors, and streamlines system validation.

Beyond these active implementations, VSP is evaluating AI-empowered solutions for administrative enhancements and operational improvements. Potential administrative enhancements would improve workforce efficiency for AI-driven searches and research. Potential operational improvements include AI-powered data-sharing, predictive analytics for crime prevention, automated case analysis to assist investigations, and decision-support tools to improve situational awareness for troopers in the field.

The Virginia Department of Corrections (VADOC) utilizes AI driven tools to analyze large quantities of data to produce leads and focus department investigative efforts. This begins with skilled intelligence personnel who effectively analyze the data currently in VADOC holdings. This analysis of the data permits the expansion of investigations far beyond the fences of VADOC's facilities, across Virginia, and even internationally, working jointly with our local, state, and federal law enforcement partners.

The Lynchburg Police Department leverages AI to enhance several operational processes such as transcribing. Lynchburg PD also uses widely accessible AI tools to assist with routine

communications, such as drafting general emails, preparing internal updates, or generating outlines for more complex messages. These tools help streamline administrative work and allow staff to focus on higher-value responsibilities. Additionally, the Lynchburg PD is exploring AI solutions for incident report writing, dispatch training, and quality assurance to further optimize its workflows.

All future AI-driven initiatives will continue to adhere to federal, state, and local laws, and will be assessed for their ability to support law enforcement operations responsibly and effectively. The Governor's Office remains committed to protecting data confidentiality and ensuring that all AI uses align with security and compliance standards. Through this commitment the Commonwealth of Virginia is hopeful that state and local law enforcement agencies will incorporate future AI enhancements to our existing software and systems in a secure and seamless way.

Based on the ongoing and contemplated AI uses discussed above, as well as extensive discussions with stakeholders in the law enforcement and AI communities, the Commonwealth issues the following Model Guidelines for AI use in law enforcement.

II. SECTION II:

Model Guidelines for the Use of AI in Law Enforcement:

I. **Full Compliance with Federal, State, and Local Law:** Law Enforcement Agencies (LEAs) must always ensure full compliance with federal, state, and local laws, including both the U.S. and Virginia Constitutions, regardless of any technology mode used in enforcement. LEAs should evaluate any procurement of AI technology against this standard prior to deployment and should ensure appropriate training on its use.

II. **Human Decision Making:** An appropriate human decisionmaker employed by an LEA must always review any result produced by an AI system to ensure that it follows all appropriate LEA policies and procedures.

III. **Leverage AI to Protect LEOs:** AI should be leveraged by state and local police departments to make those who protect and serve their communities safer. Increased capacity to improve data-sharing across jurisdictions with AI-driven tools promises to help Law Enforcement Officers (LEOs) approach incidents with more knowledge and safety.

IV. **Leverage AI to Improve Police Procedures:** AI should be leveraged by state and local police departments to make those who protect and serve their communities more effective. For instance, technology is already widely in use which allows LEOs to review an AI-produced draft of an incident report, allowing the officer to get back on patrol faster. LEAs should implement regular training regarding advancements in AI solutions and the impact those advancements will have on their operations.

V. **Follow Appropriate Deployment Procedures:** LEAs should develop and codify a set of pre-deployment and deployment protocols regarding the approval and use of an AI solution. State LEAs must ensure full compliance with Executive Order (EO) 30 (2024). Local LEAs should consider adopting a set of protocols modeled on EO 30 and its associated standards.

VI. **Adopt Periodic Review:** LEAs should adopt a system of periodic review for ongoing uses of AI and implement regular training to ensure that LEOs and other personnel are aware of the contents of the agencies' policies and are adhering to them in their day-to-day efforts. Periodic review should include evaluating new technologies to improve police procedure and effectiveness.