Annual Conference Report
June 2025

Opportunities and Challenges of Technological Innovation in the Criminal Justice System
June 2025

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"Opportunities and Challenges of Technological Innovation in the Criminal Justice System"

Report Contents

1. Introduction

I. Foreword from the Chairperson

Mary Griffin

The 28th Annual ACJRD Conference *"Opportunities and Challenges of Technological Innovation in the Criminal Justice System"* featured distinguished speakers from Ireland and abroad and we are very grateful for their participation – we value the time and effort they contributed to make the Conference a success.

The conference structure facilitated the presentation of plenary sessions supported by workshops, where delegates from the criminal justice community shared their views, experiences and expertise.

ACJRD sincerely thanks the expert presenters for their contributions to the event and to all those who contributed during conference discussions.

Plenary speakers were:

- Senator Fiona O'Loughlin
- Chief Inspector Jacqui Durkin
- The Hon. Ms. Justice Nuala Jackson
- Professor Jens Erik Paulsen
- Chief Superintendent Derek Smart

Thematic Session presenters were:

- Donna Creaven
- Dr Ciara Bracken-Roche
- Heather O'Shea
- Saoirse Brady
- Tricia Keilthy
- Donna O'Leary
- Dr Brian Barry
- Chris Greene

We also wish to thank our Thematic Session Chairs and volunteer rapporteurs:

- Dr Cormac Behan, School of Law and Criminology, Maynooth University
- Prof. Ian O'Donnell, UCD Sutherland School of Law
- James O'Mahony, Revenue Commissioners

- Wilona Silitrari Chen
- Tosadi Ajiboye
- Kissmat Salami
- Saoirse Breathnach
- Lauren Hayden

The Chatham House Rule was invoked as necessary, to facilitate free discussion.

The ACJRD Council hope the papers in this publication will contribute to learning and knowledge on technological innovation in the criminal justice sector and thank the presenters for allowing us to include their presentations.

II. Welcome & Conference Outline

Mary Griffin, Chairperson of ACJRD

Welcome & Opening Remarks

A warm welcome to attendees, distinguished guests, and representatives from criminal justice agencies, academics and the community and voluntary sector.

ACJRD's Annual Conference has always been an important event in the calendar – a time for reflection, sharing of information and knowledge, and looking to the future.

In an era of rapid technological change, Ireland's criminal justice system stands at a crossroads. This conference offers a timely platform to explore how digital transformation can enhance justice delivery. As advances in artificial intelligence, digital surveillance, forensic science, and data analytics rapidly reshape the criminal justice landscape, the need for thoughtful, informed dialogue has never been greater.

With progress comes complexity. How do we balance privacy with public safety? What role should AI play in judicial decision-making? How can technology address, rather than deepen, existing inequalities? We hope to explore these questions and more during the day.

A brief introduction to ACJRD and to encourage people to become members

ACJRD is a registered charity with an aim to promote the study, discussion, and development of criminal justice policy and practice in Ireland.

We bring together practitioners, academics, and policymakers from various areas of the criminal justice system to have informed discussions that contribute to the effective, fair and transparent operation of the criminal justice system.

We value collaboration and ACJRD works closely with all stakeholders to contribute to evidence-informed decision-making and policy reforms.

Interagency and interdisciplinary cooperation is critical in addressing complex challenges such as rehabilitation, desistance, restorative justice, and responding to emerging issues.

Chatham House Rule

ACJRD conferences operate under Chatham House Rules to encourage openness and sharing of information.

The Chatham House Rule reads as follows: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed".

2. Morning plenaries

III. Council of Europe Framework Convention on Artificial Intelligence

Senator Fiona O'Loughlin

Chairperson: *Mary Griffin*

Introduction

Ladies and gentlemen, Madam chair

Good morning and thank you for giving me the opportunity to address you today on the Council of Europe Framework convention on artificial intelligence. Firstly, I think it's important to say a few words about the Council of Europe itself and the work it does in relation to human rights, the rule of law and importantly democracy. In an ever-changing Europe, safeguarding and promoting genuine democracy in Europe is a fundamental that should be protected and nurtured. It is the fundamental of any society that believes in freedom, human rights, and the pursuit of common good.

Today, the Council of Europe bears the responsibility of preserving the democratic values that our predecessors fought so hard to secure, while also confronting the challenges that face us in guaranteeing a genuine democracy for all European citizens.

One of these challenges is the erosion of trust between citizens and their elected representatives and seeking to rebuild this trust by being open, transparent, and accountable to those we serve. Transparency is not just about disclosing financial information or timely reporting; it is about fostering a genuine trust with the people we serve, and trying to ensure information is factual.

Another challenge we face is the rise of populism and extremist ideologies that seek to exploit fears and manipulate public opinion. To counter these divisive forces, we must strengthen the pillars of democracy by promoting education, critical thinking, and intercultural dialogue. Only through knowledge can we combat ignorance and build bridges between communities.

Moreover, it is also essential to address the issue of media manipulation and disinformation. The internet and social media have given us a vast marketplace of ideas but also created an environment where facts can be distorted, and truth can be obscured. Citizens should have access to reliable unbiased and objective information, and our media institutions need to be objective and accountable, acting as the watchdogs of democracy.

To boost people's participation in political debate, it is essential for every citizen to have access to the whole spectrum of opinions, thoughts and ideas. Everyone must have the right to freedom of thought and conscience, and no one should be subject to ill treatment or be prosecuted for their ideas. Pluralism of ideas allows for beneficial exchange of opinions and makes political debate possible.

We all know that social media is becoming a crucial factor in people's participation in politics, as it facilitates communication in the public realm and offer new possibilities for free expression. However, it also facilitates the dissemination of contentious, harmful and illegal content.

In addition to hate speech, a growing amount of disinformation is contributing to "information disorder" and is having a negative impact on society's trust in the media and, more broadly, democratic institutions. A clear regulatory

framework concerning information in the digital age is therefore needed, as is close co-operation between governments and multinational internet companies.

Manipulation and disinformation tactics played an important role in elections in at least18 countries in 2017, damaging citizens' ability to choose their leaders based on factual news and authentic debate and giving rise to what has been named 'digital authoritarianism'. At the same time, governments around the world are tightening control over citizens' data and using claims of "fake news" to suppress dissent, eroding trust in the internet as well as the foundations of democracy. Digital interference in elections is still widespread across the democratic spectrum and on social networks, which are a growing conduit for electoral manipulation and mass surveillance.

When the Council of Europe was established in 1949, protecting human rights and rejecting totalitarianism had a profound meaning for Europeans, who were healing from the suffering, poverty and destruction provoked by the Second World War. People and governments alike called for peace, prosperity, democracy and human rights. The Council of Europe was a response to these forceful public demands-consisting of the Council of Ministers, the Parliamentary Assembly consisting of parliamentary representatives of all member states, and of those that have observer status, and most importantly the European Court of Human rights where in 2022 Irish woman Siofra O`Leary became the first woman, as well as the first Irish person to become President of the ECHR.

Throughout its long history, the Council of Europe has been shaped by political developments on the European continent and the need to respond to public expectations and changing needs.

In 1989, the Berlin Wall, the symbol of political division in Europe, came down. People took to the streets to demand unity, freedoms and rights. Their calls were responded to in 1993 in the coming together in their first Council of Europe Summit. European Heads of State and Government gave the Council of Europe a new mission: creating a shared pan-European space where democracy, human rights and the rule of law could thrive, for the benefit of all Europeans finally united under one roof: the common European home.

Subsequent Summits were held in 1997, after a round of enlargement which led to six new members, including the Russian Federation, joining the Council of Europe, and in 2005, in the wake of a string of terrorist attacks which posed a serious security threat and had a huge emotional impact on Europeans.

In 2022, Europe was at a crossroad in its history once again. With 48 member states, the Russian Federation's war of aggression against Ukraine began and continues to be an affront to all the principles the Council of Europe stands for. This war, the defining challenge for the European architecture which has been built on the ashes of the Second World War, was of course not the only test that Europe was and is facing.

The divide between people's demands and public delivery was growing. People rightly demanded that their rights be protected, including against abuses by their own authorities. They were clear about wishing to take action against climate change. A different issue was the desire to have technology to improve the quality of their lives without controlling them. Citizens across Europe desired a greater say in political decision making and participation in the democratic processes not just necessarily through elections while understandably expecting politics and public institutions to be free from corruption. It was also evident that people genuinely cared about social justice, greater equality and inclusion, and better socio-economic prospects for themselves and future generations.

It was time for another summit to look at and examine changes across Europe that were impacting the fundamental values of democracy, human rights and the rule of law.

Myself and my colleagues in the Parliamentary assembly of the Council of Europe were deeply concerned about a clear democratic backsliding across the world. Europe has not been spared by this phenomenon, which has resulted in obstacles and limitations to the exercise of civil and political rights and freedoms, as guaranteed by the European Convention on Human Rights, particularly freedom of expression, assembly and association, and an erosion of the rule of law. This backsliding has also been marked by citizens' decreasing faith in democratic institutions.

In view of this alarming situation, there was an urgent need for Council of Europe member States to renew their commitment to safeguarding and promoting genuine democracy, based on the principles of individual freedom, political liberty and the rule of law, as enshrined in the Statute of the Council of Europe while addressing the root causes of democratic backsliding.

In the face of the Russian Federation's aggression against Ukraine, we must accept genuine democracy is not only a commitment of each member State towards their citizens but also a responsibility to other member States since it is only genuine democracies which can guarantee democratic security and achieve the common goal of "[pursuing] peace based upon justice and international cooperation".

The 4th Summit of Heads of State and Government of the Council of Europe was held in Reykjavik two years ago during the Icelandic presidency, which came directly after the Irish presidency during which much of the preparatory work was done. As head of the Irish delegation to the parliamentary assembly of the Council of Europe, I had the unique opportunity to be rapporteur for the summit and work with parliamentarians of 46 countries in both the preparation and execution of the summit, together with a high-level reflection group chaired by Mary Robinson. This was an opportunity for the Council of Europe to take a strong stand in the face of defining challenges, respond to people's calls and put their interests, concerns and expectations back to the forefront of the mission of the Council of Europe.

Faced with the brutality of the war of aggression, and not realising that in 6 months' time the horrors inflicted on Gaza were going to unfold, Heads of State and Government gathered in Reykjavik to reiterate that the pursuit of peace based upon justice and international co-operation is a vital precondition for the preservation of human society and civilisation; that rules-based multilateralism is the pivot of the international order, and firmly reject unilateralism based on the use of force.

An essential undertaking was to guarantee an effective, impartial and independent judicial system, in particular by limiting the powers of the executive and the legislature to appoint and transfer judges and by ensuring the administrative and financial independence of the judiciary; as well as promoting equality and provide effective protection against discrimination and hatred.

It was becoming increasingly clear as we looked at a whole new generation of human rights that new priorities had to be looked at - we agreed that the three new priorities would be in the area of gender based violence; climate change and the emerging and rapidly developing area of artificial intelligence.

Prior to this the Parliamentary Assembly endorsed a set of key ethical principles that should be respected when developing and implementing AI applications: the principles of firstly transparency, including accessibility and explicability; secondly justice and fairness, including non-discrimination; thirdly human responsibility for decisions, including liability and the availability of remedies; and finally, safety and security; and privacy and data protection.

The Assembly considered that self-regulatory ethical principles and policies voluntarily introduced by private actors are not adequate

and sufficient tools to regulate AI, as they do not necessarily lead to democratic oversight and accountability (Resolution 2341 Need for democratic governance of artificial intelligence).

- In its associated Recommendation, the Assembly called on the Committee of Ministers to support the elaboration of a legally binding instrument governing artificial intelligence, based on a comprehensive approach, dealing with the whole life cycle of AI-based systems, is addressed to all stakeholders, and includes mechanisms to ensure the implementation of this instrument (Recommendation 2181 Need for democratic governance of artificial intelligence).
- In its Resolution 2343 "Preventing discrimination caused by the use of artificial intelligence", the Assembly underlined that many uses of AI can have a direct impact on equality of access to fundamental rights. They can also cause or exacerbate discrimination, leading to denials of access to rights that disproportionately affect certain groups (e.g. women, minorities). The Assembly therefore called on member States to draw up clear national legislation, standards and procedures to ensure that AI-based systems "comply with the rights to equality and non-discrimination wherever the enjoyment of these rights may be affected by the use of such systems". Governments should notify parliaments before AI-based technologies are deployed by public authorities. Member States should promote the inclusion of women, girls and minorities in science and technology education paths, support research into data bias and promote digital literacy.
- In its Resolution 2342 "Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems", the Assembly called for national legal frameworks to regulate the use of AI in police and criminal justice work, based on the core ethical principles mentioned above. It stressed that the use of AI in policing and criminal justice systems risks having a particularly serious impact on human rights if it is not properly regulated. Its use may be inconsistent with the core ethical principles, including transparency, human responsibility, justice and fairness. In this context, the recommendation was made that member States maintain a register of all AI applications in use; ensure that there is a sufficient legal basis for every AI application; conduct initial and periodic human rights impact assessments of these applications; establish effective and independent oversight mechanisms; and ensure that there is effective judicial review.
- In its Resolution 2345 "Artificial intelligence and labour markets: friend or foe?", the Assembly alerted to the fact that "AI used unwisely has the potential to disrupt the labour market, fragmenting professional lives and exacerbating socio-economic inequalities". The Assembly noted that "the use of AI for recruitment and in situations impacting workers' rights should always be treated as "high risk" and hence heightened regulatory requirements should apply". It also highlighted the importance of "substantive human oversight in the implementation of AI technology that affects labour markets and individual social rights" and the need to "guarantee that any use of surveillance techniques at the workplace is subject to special precautions in terms of consent and privacy protection".
- In its Resolution 2346 "Legal aspects of 'autonomous' vehicles", the Assembly stressed that the circulation of semi-autonomous or autonomous vehicles may create a "responsibility gap", where the human in the vehicle cannot be held liable for criminal acts or torts. New approaches to apportioning criminal or civil liability or alternatives to such liability are required. It considered that since modern automated driving systems rely on AI, ethical and regulatory standards applicable to AI in general should also be applied to its use in autonomous vehicles.

But back to the Summit of the Council of Europe, held in Reykjavík on 16–17 May 2023, I think it's fair to say that it was a pivotal event that underscored the organization's commitment to human rights, democracy, and

the rule of law. One of the summit's significant outcomes was the adoption of the Reykjavík Declaration, which reaffirmed the Council's core values and addressed contemporary challenges.

Building upon this momentum, the Council of Europe introduced the Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law (CETS No. 225). This treaty, the world's first international, legally binding treaty designed to ensure that AI systems uphold human rights and democratic values and the rule of law opened for signatures on 5 September 2024 in Vilnius, is aimed at ensuring AI systems align with fundamental human rights and democratic principles. It covers the entire lifecycle of AI systems, promoting innovation while managing associated risks.

The treaty emphasizes key principles such as transparency, accountability, non-discrimination, and privacy protection. It also establishes a follow-up mechanism and requires parties to implement independent oversight to ensure compliance.

As of now, the treaty has been signed by 12 countries, including the United States, the United Kingdom, and the European Union.

The treaty will enter into force once 5 States (inc 3 CoE) have ratified it. The EU plans to implement the convention through its AI act which harmonizes AI regulations across member states.

To ensure effective enforcement, there will be an independent oversight mechanism. Additionally, a conference of parties will monitor compliance.

The 4th Summit of the Council of Europe was notable for setting the stage for a global framework to govern the ethical use of artificial intelligence.

So, what else has happened since?

- In its Resolution 2485 (2023) "Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law", the Assembly addressed the concerns regarding the emergence of LAWS and supported clear regulation of the development and use of LAWS to ensure respect for international humanitarian law and human rights, on the basis of human control. It endorsed a proposal that LAWS operating completely outside human control should remain banned, while other lethal weapons that have elements of autonomy should be subject to appropriate human control, human responsibility and accountability, measures to mitigate risks and appropriate guarantees.
- In its Opinion 303 (2024) on the Draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, the Assembly regretted that the draft did not cover to an equal extent public and private actors. The Assembly strongly called on all member States, when ratifying the Framework Convention, to recognise the full applicability of its principles and obligations to activities of private actors. The reporting obligation, peer pressure and a dynamic interpretation by the future Conference of the Parties should foster advances over time. Having considered the criticisms and proposals made by different stakeholders (such as the exclusion of national security from the scope of the Framework Convention), the Assembly proposed several amendments. Ultimately, the Committee of Ministers did not include them in the final text of this instrument.
- The Assembly is currently working on several reports concerning the use of AI-powered technologies:
  - Artificial intelligence and gender equality: risks and challenges (Committee on Equality and Non-Discrimination),
  - Protecting democracy from disruptions caused by artificial intelligence (Committee on Political Affairs and Democracy),
  - Artificial intelligence and migration (Committee on Migration, Refugees and Displaced Persons).

- The Assembly set up a dedicated Sub-Committee on Artificial Intelligence and Human Rights (within the Committee on Legal Affairs and Human Rights). During its latest meeting in Geneva, in November 2024, the SCAI discussed issues such as the use of artificial intelligence in warfare, its impact on political processes and governance, and the democratic oversight of AI's use. Chair of the SCAI announced his intention to propose the tabling of two new motions for a resolution concerning the use of AI in warfare and its use in parliaments.
- The Assembly's President announced his plans to organise an international conference (in the fourth quarter of 2025), focusing on various aspects of artificial intelligence.

Europe is confronted with extraordinary challenges- the values of democracy, human rights and the rule of law must continue to be our compass. We must use many different tools in our armoury to take on board the opportunities as well as face the threats that artificial intelligence can present.

IV. Moral Responsibility in Digital Policing

Prof Jens Erik Paulsen, The Norwegian Police University College

Chairperson: *Mary Griffin*

Introduction

While the *moral* problems created by digital technology may not be entirely new, the rapidity of the development, the widespread digital transformation of our society, and the global nature of these changes, when taken together, create a new lifeworld.

What moral responsibility means in a digitalised world is therefore a question that needs to be reflected upon, by academics, lawmakers, and parents – but perhaps particularly by the police, not just because they are responsible for investigating cybercrime, but also because they are maintaining order, and wielding power by way of digital means.

In the following, I will (1) focus on moral responsibility, (2) situate responsibility in a digital context, (3) elaborate on the human dimension, and (4) suggest a manner of navigating this new ocean.

1. Moral responsibility and its opposite

If something bad happens, we try to establish the cause, and if a person appears to be the cause, he or she is often characterised in moral terms: as bad, wicked, evil, reckless, neglectful, etc. When discussing moral responsibility or lack thereof, we often find ourselves engaged in a blame game.

Of course, I may choose to acknowledge my responsibility and accept the blame for whatever has happened, but I might also try to blame others – or claim that it happened due to circumstances completely beyond my control. It is simply *unreasonable* to blame me as a person! Still, responsibility needs not be connected to some action I have done or failed to do. But rather to my professional role or position as the one who is supposed to carry the burden of responsibility.

There are several ways to evade responsibility. I may engage in so-called *rationalisation*, what in the literature is often referred to as *moral neutralisation*.

Imagine that a person has been detained and kept in a holding cell for hours because he was mistakenly identified as a suspect by a facial recognition app used by a police officer. Once his innocence is established, I, as the police officer in question might attempt to absolve myself in the following five ways, as suggested by Sykes and Matza years ago in a study of young offenders (Sykes & Matza, 1957).

1) **I can deny responsibility:** "Well, nobody told me anything about the performance of this system in low-light conditions, it has always worked perfectly."
2) **I can deny harm**: "Wait a second, we are talking about a homeless man, who had to spend a couple of hours in a clean, well-lighted holding cell. What's the big deal?"
3) **I can deny his victimhood:** "If you spend your time in that area at that time of the day, you are certainly not a regular churchgoer …"
4) **I can condemn the condemners:** "Oh, here we go again – despicable fake news media… They are creating click-bait by distorting everything the police do! They are truly the enemies of the people!"
5) **I can appeal to higher loyalties**: "My superiors insisted that we made some arrests immediately, didn't they? Who am I to argue!"

There are other strategies as well. *Whataboutism* seems to be in vogue these days. Even shouldering the blame can be a tactical manoeuvre to stop further debate. Everybody knows that I did not do anything wrong *personally*, but by accepting the blame, there is little more to discuss. At times, the line between displays of moral integrity and moral

grandstanding – and even neutralisation – is indeed fine (Wolf, 1982).

2. Responsibility and digital systems

Today, in law enforcement, there are management systems for planning, tasking, and optimisation – patrol vehicles that are basically computers on wheels, drones that have high-tech sensors and autonomous capabilities. The police conduct powerful surveillance of dataflows and infrastructures, uses crime prediction tools, face recognition, emotion recognition, gait recognition, facial reconstruction based on DNA samples. There are Virtual Reality goggles that enhance situational awareness of SWAT teams.

The systems mentioned here are likely to include AI-components, they do not simply represent discrete tools. In general, we find a shift towards data-driven practices, and a drift from reactive to proactive policing – but "proactive" perhaps not in the sense often referred to within community policing.

AI systems serve different purposes, but the superstrength of artificial intelligence is to analyse and find correlations in vast amounts of data. But let us not mystify artificial intelligence. Some AI systems are shallow and easy to understand, whereas others are on a deep-learning black-box level. In the latter case, experts still know *in principle* what is going on, but it is hard to account for exactly how the deep-learning system reaches its correlations (Strümke, 2023). There are simply too many numbers flying around. In addition, we seldom know how third-party modelled systems have been trained in the first place.

Therefore, explainable AI, or XAI, has become a frequently invoked term lately and a research topic in its own right (Barredo Arrieta et al., 2020). XAI aims at making understandable AI models or making computer code that justifies or illustrates how the output is formed. But how much explanation is enough, and are the explanations supposed to make sense for laypersons, professionals or experts?

Opaque AI-systems may well introduce imprecisions, spurious correlations, and at times they hallucinate. In sensitive settings such errors may inflict harm on innocent parties. So, we cannot simply trust technology unconditionally. We need to set standards for the systems as well as for the competence of the users. As we do with cars and guns.

What does it take to be a responsible police officer dealing with opaque, partly trustworthy systems? We need to decompose this question.

There are several types of systems and different forms of cooperation and oversight. Some systems are like advanced calculators; other systems ask us for a consent before they proceed. We are sometimes *in* the loop; at other times we are *governing* loops. Some systems are fully automatic, yet others just inform us of stuff. The modes depicted here represent manners of oversight, but oversight can be more formal, too. Some systems require conformity assessments by external parties (control committees, see The EU AI Act, Chap. III, Sect. 5, Art. 43), others require some form of public transparency, yet others can simply be used at the discretion of street cops as they wish.

Can we make our high-end systems express our values? Can we conceive of morally responsible systems without humans in the loop? Not really (a further discussion of this point can be found in Paulsen (2024)). This is not to deny that systems may have *impact* on moral issues. Moor (2006) suggested the following four general types of systems, or agents:

- **Ethical impact agents**, any system that can be evaluated for their moral impact – that makes me do something differently that I otherwise would have.
- **Implicit ethical agents**, for instance systems whose purpose is to address security concerns. It may protect my privacy by asking, "do you really want to proceed", indicate that I am entering an unsafe webpage, or that I need to slow down while driving.

- **Explicit ethical agents** are solutions that apparently integrate moral reasoning. Self-driving cars and their trolley problem-like decision-making provide one example. We may also think about hard-coded limits to system output, à la Asimov's laws of robotics (Asimov, 1950).
- Systems that can pass moral judgments and justify its moral decisions are labelled **full ethical agents**. This requires self-reflection, intentionality, and free will. Such systems do not exist, despite rumours. Morals and mathematics are not the same. Normative ethics is fundamentally about things that can be viewed and judged differently.

Therefore, a system cannot be blamed morally or legally. Yes, you might curse the computer or throw it out of the window but not drag it to court. It may be therapeutic to whip the sea as Xerxes once did, but do not expect oceanic obedience afterwards.

So let us rather focus on the technology, how, and where and when it is used in morally responsible manners. And of course, there are legal issues to consider, too. Let me try to illustrate.

Quite crudely we may sort AI systems by the degree of autonomy on the x-axis, and their potential for harm along the y-axis. Obviously, we should be most concerned about automatic systems that may cause a lot of harm – the upper right corner.

Now, the AI Act of the European Union and the Law Enforcement Directive prohibit some types of AI, as does other legislation – so we may for the time being say that the upper area is off limits. Further, use of some technologies mandate Data Protection Impact Assessments (cf. Art. 27 LED (2016/680); Art. 35 GDPR (2016/679). Consent must also be provided for the use of some invasive systems. Transparency requirements are sometimes needed, but an area remains where police officers on various levels must rely on their moral judgement.

So, this area is what we are considering. We may discuss dilemmas and exceptional situations, but it is in this area we find the bread-and-butter technology and competence that are required.

But even here we should be aware of so-called function creep, where technologies are used in creative manners, pushing them into the illegal area, or when several databases are connected. In addition, let us not forget that digital systems also have a life cycle (Kaufmann, 2018). They must be maintained, updated as needed, and phased out when obsolete. Updates performed by third-party developers may cause privacy or security problems. They may also add functionality, thereby altering the level of invasiveness and thereby considerations of proportionality. Third-party developers may also own or be able to access sensitive police data, something which flies in the face of privacy.

The takeaway point here is that because digital technology makes the police more capable, a higher level of responsibility is required.

3. The human dimension, professional issues

People react differently to new, advanced digital technology. Different attitudes may depend on experience, personality, and of course the degree in which the technology is helpful and affects professional autonomy. On a crude level one may say that some are techno-optimists, believing that the benefits clearly outweigh the negatives, while others are pessimists, thinking that the technology is unacceptable or leading onto a slippery slope. We find police officers of both categories (Danaher, 2022; Paulsen, 2019a).

The techno-pessimist attitude can lead to slow and misguided adoption of potentially useful technology. The optimist, on his or her side, may go creative and contribute to function creep.

Some studies have shown that operators disregard system output they personally do not like and only accept output that aligns with their own opinion. The system then only justifies and amplifies previously held convictions and

prejudices – becomes an artificial parrot, so to speak (Sandhu & Fussey, 2021).

There is also a value-discussion to be had, beyond rules and procedures. Policing is guided both by "formal" values like neutrality, impartiality, efficiency, and obedience, as well as softer, virtue-like values, such as compassion, empathy, and goodwill (Finstad, 2014). In non-critical situations, law enforcement officers are often granted a wide discretionary space. Systems are likely to interfere with decision-making, most likely in the direction of strict equality, which of course has an impact on the relation between the police and the citizens.

This ambiguity of values does not imply a simple dichotomy of opposing perspectives. Policing is traditionally, *in fact* sometimes "personal" and "local", and at other times "anonymous" and "acontextual" (Egbert & Esposito, 2024, p. 3). My point is simply that the equilibrium between performing strict general duties and following felt "special obligations" is easily disturbed by digital systems. Sometimes for the better, other times clearly for the worse.

The price one pays for enhanced capabilities, might be one of reduced discretion and transparency. Which, as we have seen may lead to parroting, and even "tech-washing", another form of moral neutralisation, where one justifies one's actions lazily, from system output. (e.g. "Computer says no"). Over time, such approaches may lead to alienation or deprofessionalisation, both within the force, as well as from the public's point of view.

"One cannot expect transparency, integrity and honesty from a police officer who cannot explain his or her decisions or priorities. The discretion of street-level bureaucrats is altered by more or less transparent AI being introduced in the loops both on the managerial and decisional level" (Lipsky, 2010).

Patrol officers, investigators, community police officers, and leadership all need to take the impact of technology in the larger picture into account.

4. Reflective Practitioners and social acceptance

But how to reflect? We need to harmonize different attitudes, discuss various values, and justify what we do as human beings.

As we have seen, technologies influence police practices. Today, we need digital literate "reflective practitioners". What does a values-based reflection look like?

A methodology we use in Europol's Strategic group for technologies and ethics which has proven helpful in assessing specific technologies, police practices, or ways of using technology. It consists of seven steps:

1) A description of the moral problem
2) The relevant facts
3) The parties affected by the technology
4) Normative values that matter to the case
5) Formulating values-based solutions
6) Assessment of the solutions and justification of a choice
7) Short summary (consistency check)

This is a mid-level method, not highbrow, but not too simple either. It works fine with police students as well. (Europol, 2025; Paulsen, 2019b)

The point is to first capture how the group perceives the moral problem (the preconception) – then gather the facts of the case, before the perspectives of the involved parties are spelled out as far as possible. Instead of jumping to conclusions, the group explicates the set of values which they think are at stake given the problem and the facts. Then, on this basis, the group imagine options that express the set of values suggested in Step 4, before these options are scrutinised by considering their rightness and their consequences.

This method is also helpful in elucidate how digital technology influences our situational awareness, the facts we consider, the values promoted by the technology, and how digital decision-support impacts the choices we make.

The advantage here is that the important aspects of ethical reasoning are included, and

equally important: disagreement can be pinpointed to the different topics, rather than rank, experience, or social standing of members. Examples on this type of reasoning can be found the Europol manual (Europol, 2025).

A final point must be made. Over time, a morally responsible police force is more likely to earn the trust of the public. In today's climate, we cannot expect blind trust towards authorities. The police should seek public acceptance for the technology they use, as far as possible. This does not mean that the public should be privy to the technical details of police technology or exactly where and when it is in use. However, the police should strive to be as transparent as possible. A reasonable list has been suggested by Reisman et al. (2018), and I would like to echo it here:

- Regarding transparency: We ought to respect the public's right to know which systems impact their lives, by publicly describing the systems.
- When it comes to competence/fairness**:** Increase law enforcement expertise and capacity to evaluate systems, so they can anticipate issues that might raise concerns
- We should also secure the accountability of tech systems through letting external researchers review, audit, and assess them.
- Ensure that the public has a meaningful opportunity to respond to and dispute the use of a given system.

Is this a tall order? I have argued that we must raise the bar for moral responsibility. Taking responsibility seriously is not just an internal matter about technical competence and moral reflection. Being responsible also means being willing to be as transparent as possible to the outside world. But, of course, not in a self-defeating manner.

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V. How Can AI Assist Legal Practice and How Can it Hinder?

The Hon. Ms. Justice Nuala Jackson, The High Court

Chairperson: *Mary Griffin*

Introduction

I often reflect that for most people of my age and stage; computers represent our modern belief system – we do not understand how they work but somewhat fearfully respect them and hope they will sustain when troubles arrive. Our interactions with them are mechanical – we learn the buttons to press in order to achieve the results we want but best not to delve too deep …

My interest in AI comes primarily from a desire not to be a Luddite and also from the fact that it is, literally, impossible to avoid references to AI in journals, newspapers, on social media and also in caselaw. The question of the moment, undoubtedly, is will AI ultimately replace human lawyers or will serve as a tool that has the potential to enhance their work, undertake tasks that are, perhaps, more tedious and repetitive and work to assist the improvement of the legal system? With the usual warning of spoiler alert, it is my conclusion that, from where we stand at the moment, the latter is most likely … but AI is like an out of control train and who knows where it will end up? The current informed view would appear to be that the person who is not conversant with AI may be replaced by the person who is but not that AI will replace both.

AI in the legal profession is not the end of lawyers—it's a transformation. It marks a new beginning where AI can handle routine tasks, enhance research, and improve efficiency, but human lawyers will still be essential for complex reasoning, advocacy, and ethical judgment.

AI can draft contracts, review documents, predict case outcomes, and even assist in legal research faster than any human. However, it lacks true understanding, empathy, and the ability to argue persuasively in court. Lawyers who embrace AI will likely thrive, using it as a tool to enhance their practice rather than replace it.

So, it's not the end—it's an evolution. The role of lawyers will shift, and those who adapt will have a competitive advantage.

Or so ChatGPT tells me …Yes, I put the title of this presentation into ChatGPT and that was what it told me …

Going back to the runaway train …

The fact is that the control room is manned by some who are trying desperately to get the train under control and on track while others will enthusiastically embrace the crash and the blood spatter patterns which will ensue …

So should we see AI as more of a threat or an opportunity in law?

I hope this morning to do a whistlestop tour around AI and Law … my area of practice is family law so many of the AI tools with potential are from that area but there are many others … Harvey, Robin, Legal Robot, Lex Machina …

HOW CAN WE USE AI IN LEGAL PRACTICE?

The Good …

(i) Translation – ref to Lord Bingham "the Business of Judging" where he cites Scrutton LJ - "I have never yet seen a witness who was giving evidence through an interpreter as to whom I could decide whether he was telling the truth or not."

AI can assist with almost instantaneous translation, bespoke to the speaker.

(ii) Client intake processes, saving time and, in consequence, cost and perhaps making first consultations more focused.

(iii) Transcription – ref. Scottish Courts and Tribunals Service (translation, summarization and transcription) 2024-2025 Business Plan p. 16
"Artificial Intelligence (AI) Technology continues to change at an unprecedented rate. Nothing stands still and as new technologies such as AI evolve, we must aim to keep pace. We will explore the potential uses of AI to improve the services we deliver and drive efficiencies. Our initial focus will be to consider the potential that advanced Natural Language Processing (NLP) and Generative AI technologies present to enhance the efficiency and accuracy of transcription, summarisation, and translation services."

(iv) Drafting documents
J.K. v. M.K. [2020] EWFC 2 – judgment of Mostyn J. – involved an online company which assisted couples in navigating divorce proceedings … included helping them fill out forms for submission for court applications – was this a *"reserved legal activity"* under the Legal Services Act 2007?

Was there a conflict of interest as the service *"acted for"* both parties?

Was this the provision of a legal service by a non-legal professional contrary to statute? (a) was the company conducting litigation? (b) was the company carrying out reserved legal activities?

Mostyn J. found that it was not … the decision answered 'no' to both questions but a matter of statutory interpretation (might not be the same in this jurisdiction). This is probably a space we will hear more about.

The parties were using the technology website *"Amicable"*

(v) Discovery/Disclosure
Very time-consuming and time-consuming means expensive in terms of legal costs … and definitely an area in which AI can and is assisting.

(vi) Assisting with enforcement of court orders – in the family law arena OUR FAMILY WIZARD is indicative of assistance that can be achieved - 'Tonemeter' (will suggest alternative messages) and GPS enabled.

But what about the kernel of the dispute … its resolution

(vii) Settling disputes - amica.gov.au –
"Simplifying the separation process amica is designed to be a straightforward and affordable do-it-yourself solution for Australian couples to create formal documents addressing parenting, property and money matters when they separate." (amica.gov.au website)

But Amica's problem was DATA, in particular, a sufficiency of good and reliable data …
HOW TO SOLVE?
https://portable.com.au/work/amica

(viii) Summarisation

(ix) Redaction

(x) Prediction of legal outcomes?
https://www.researchgate.net/publication/346943520_JURI_SAYS_An_Automatic_Judgement_Prediction_System_for_the_European_Court_of_Human_Rights

The Maybe …

(xi) AI IN THE COURTROOM – State v Loomis (2017) 881 N.W.2d 749 (Wis.2016)

The Wisconsin Supreme Court (2017) held that a trial court's use of an algorithmic risk assessment in sentencing did not violate the

defendant's due process rights even though the methodology used to produce the assessment was disclosed neither to the court nor to the defendant … would this be the same in Ireland?

The Bad …

So far so good … but there are obvious problems … HALLUCINATIONS … Mata v. Avianca Inc. (2023) Case 1:22-cv-01461-PKC Document 54 (SDNY 2023) - famous 2023 case involving a personal injuries case in NY against Avianca, the Colombian airline. False citations in the brief submitted by the Plaintiff … fine of $5000 jointly and severally … similar experiences in Canada and in UK … and continuing in US … Wyoming case … United States District Court for the District of Wyoming Wadsworth v. Walmart Case No. 2:23-CV-118-KHR 24th February 2025 – a significant percentage of the citations were non-existent.

There is no sign that hallucinations are going away as is clear from the recent English case of Ayinde, R v The London Borough of Haringey [2025] EWHC 1383 (Admin). Here the English High Court admonished lawyers in relation to AI use in the context of fake caselaw citations. The ruling followed two cases blighted by actual or suspected use of artificial intelligence in legal work. The dicta of Dame Victoria Sharp P. are informative and most instructive:
"The use of artificial intelligence in court proceedings

4. Artificial intelligence is a powerful technology. It can be a useful tool in litigation, both civil and criminal. It is used for example to assist in the management of large disclosure exercises in the Business and Property Courts. A recent report into disclosure in cases of fraud before the criminal courts has recommended the creation of a cross-agency protocol covering the ethical and appropriate use of artificial intelligence in the analysis and disclosure of investigative material. Artificial intelligence is likely to have a continuing and important role in the conduct of litigation in the future.

5. This comes with an important proviso however. Artificial intelligence is a tool that carries with it risks as well as opportunities. Its use must take place therefore with an appropriate degree of oversight, and within a regulatory framework that ensures compliance with well-established professional and ethical standards if public confidence in the administration of justice is to be maintained. As Dias J said when referring the case of Al-Haroun to this court, the administration of justice depends upon the court being able to rely without question on the integrity of those who appear before it and on their professionalism in only making submissions which can properly be supported.

6. In the context of legal research, the risks of using artificial intelligence are now well known. Freely available generative artificial intelligence tools, trained on a large language model such as ChatGPT are not capable of conducting reliable legal research. Such tools can produce apparently coherent and plausible responses to prompts, but those coherent and plausible responses may turn out to be entirely incorrect. The responses may make confident assertions that are simply untrue. They may cite sources that do not exist. They may purport to quote passages from a genuine source that do not appear in that source.

7. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research by reference to authoritative sources, before using it in the course of their professional work (to advise clients or before a court, for example). Authoritative sources include the Government's database of legislation, the National Archives database of court judgments, the official Law Reports published by the Incorporated Council of Law Reporting for England and Wales and the databases of reputable legal publishers.

8. This duty rests on lawyers who use artificial intelligence to conduct research themselves or rely on the work of others who have done so. This is no different from the responsibility of a lawyer who relies on the work of a trainee solicitor or a pupil barrister for example, or on information obtained from an internet search.

9. We would go further, however. There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. Those measures must ensure that every individual currently providing legal services within this jurisdiction (whenever and wherever they were qualified to do so) understands and complies with their professional and ethical obligations and their duties to the court if using artificial intelligence. For the future, in Hamid hearings such as these, the profession can expect the court to inquire whether those leadership responsibilities have been fulfilled."

See also:

https://gunnercooke.com/ai-fake-cases-and-the-courts-a-cautionary-tale-for-the-legal-profession

Even more recently, Sky News reported the fabrication of entire transcripts of a podcast which it was indicated had been presented by that news organisation. This was entirely false and no such podcast had been made. There is some support for the suggestion that the situation concerning hallucinations is deteriorating rather than the opposite.

https://www.newscientist.com/article/2479545-ai-hallucinations-are-getting-worse-and-theyre-here-to-stay/

Representation by avatar: New York Port 5th April 2025 *"AI avatar tried to argue a case before New York court*... - Happened on 26th March ... New York State Supreme Court Appellate Divisions First Judicial Department ... employment dispute ... appellant submitted a video for his argument ... the plaintiff was a lay litigant and attempted to use avatar ... Dewald, the plaintiff, applied to the court for permission to play a prerecorded video, then used a product created by a San Francisco tech company to create the avatar *"Originally, he tried to generate a digital replica that looked like him, but he was unable to accomplish that before the hearing ...."* Per New York Post

There are new stories of catastrophe always emerging. Most recently, in Arizona, the victim in a murder trial addressed the court in the context of sentencing by way of digital proxy. https://www.reuters.com/business/media-telecom/family-creates-ai-video-depict-arizona-man-addressing-his-killer-court-2025-05-09/

So yes, the tsumani is here and it is here for legal practice with the fundamental obligation that the good be extracted, the maybe interrogated and the bad weeded out ... and in the words of Justin Trudeau at Davos – "The pace of change has never been this fast, yet it will never be this slow again."

Conclusion

I think it is only appropriate that the last word/image go to Chat GPT ...

Prompt engineering

Robot lawyer ...

Robot barrister ...

Robot barrister going to court

The result was the AI generated image at the commencement of this short paper.

Perhaps we should just be relieved the wing-collared shirt has survived!!

Thank you.

3. Afternoon plenaries

VI. Transforming the Criminal Justice System in Northern Ireland: A Strategic Overview

Chief Inspector Jacqui Durkin, Criminal Justice Inspection Northern Ireland

Chairperson: *Mary Griffin*

Introduction

Good afternoon, everyone and thank you for the invitation to be with you today and share an overview of the November 2024 Inspection Report on Transforming Justice and some of my experiences of criminal justice system transformation in Northern Ireland.

First of all, I thought it might be useful to provide a brief background about my role and Criminal Justice Inspection Northern Ireland, or CJI for short, and what we do. Some of you may already be familiar with our work.

CJI was created following the Good Friday Agreement and Criminal Justice Review 2000 as part of the network of new governance and oversight bodies for the justice system in Northern Ireland. Aimed at strengthening independence and fostering public confidence in the criminal justice system.

The Office of the Chief Inspector of Criminal Justice in Northern Ireland was established as an Executive Non-Departmental Public Body (NDPB), Corporation Sole, under Section 45 of the Justice (Northern Ireland) Act 2002 to inspect or ensure the inspection of all aspects of the criminal justice system apart from the judiciary. The Chief Inspector is appointed by the Minister of Justice and can serve no more than two terms.

CJI has a statutory remit to independently and impartially inspect a wide variety of organisations and bodies. These include the more obvious like the Police Service, Public Prosecution Service, Forensic Science NI, Prison Service, Probation Board, Youth Justice Agency and the Northern Ireland Courts and Tribunals Service.

However, CJI's statutory remit is much broader than this and includes other organisations and bodies that also have a regulatory, investigatory or prosecutorial role that engage with the criminal justice system. I published a report yesterday about six of those organisations and how they were investigating

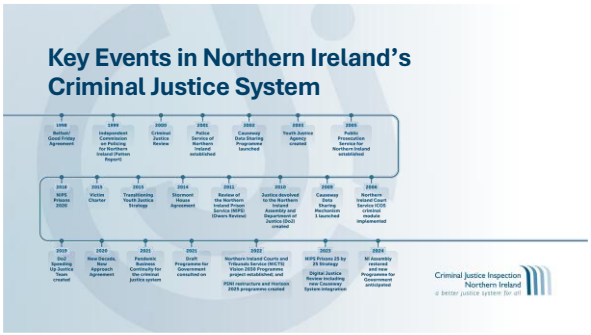
and prosecuting offences including benefit fraud, workplace safety and animal welfare.

CJI's vision is for 'a better justice system for all' where the delivery of our services is aligned with the strategic priorities of the Northern Ireland Executive and the Minister of Justice. We focus on helping the criminal justice system to deliver stronger governance and strategic planning, be more effective and efficient, ensure the vulnerable are protected and that key outcomes and results are achieved.

As Chief Inspector, I am responsible for developing and delivering an Inspection Programme that is relevant and risk based, to identify where improvement is needed but also to provide assurance when I can. Inspections can focus on one organisation but are often thematic where the value of a system wide inspection looking at a number of organisations can have the most value. If a critical issue arises, the Minister can request me to undertake a Review in addition to the annual Inspection Programme. Our reports are laid in the Northern Ireland Assembly and publicly available.

Turning to the Inspection Report on Transforming the Criminal Justice System in Northern Ireland.

This inspection was a strategic review of how the criminal justice system in Northern Ireland had transformed and the approaches to future transformation that were being progressed by the Department of Justice and key organisations in CJI's statutory remit.



Inspectors looked at the key events and transformational changes that had occurred, the journey the criminal justice system had been on, and how the future was being invented and governed. There is no doubt there have been some major achievements, some technology enabled and others a redesign of organisational culture and service delivery focus.

Inspection fieldwork focused on the Police Service of Northern Ireland (PSNI), the Public Prosecution Service for Northern Ireland (PPS), the Northern Ireland Prison Service, the Youth Justice Agency, the Probation Board for Northern Ireland, the Northern Ireland Courts and Tribunals Service (NICTS) and Forensic Science Northern Ireland. Inspectors also interviewed a range of stakeholders including Department of Justice officials, the Lady Chief Justice's Office staff, representatives from the Law Society of Northern Ireland and the Bar of Northern Ireland.

Inspected organisations completed self-assessments that included identifying strategies, programmes and projects they considered transformational. These were examined and assessed by the Inspection Team. A comprehensive desk top review of an extensive number of strategies and policy documents was also undertaken. Inspectors considered how they linked together and were communicated to everyone who needed to know about them within their own

organisations and across other relevant criminal justice system organisations.

The Inspection Team looked at how the multitude of programmes and projects were led and governed as well as the competing demands on leaders and decision-makers in the criminal justice system to deliver these alongside their day-to-day responsibilities. Inspectors examined the outcomes they achieved. This Inspection also considered how the Criminal Justice Board prioritised and set the strategic direction for the criminal justice organisations. The Criminal Justice Board is not an executive decision-making board as many of you would experience but it does have the most senior leaders who are very conscious of their independence – whether that is judicial or operational who can drive change and agree priorities. They have agreed five projects aimed at speeding up justice, with each project sponsored by a Criminal Justice Board member – and I will say a little more about that in a minute.

So what did we find?

Over the last two decades Northern Ireland's criminal justice system has seen investment in and delivered many service and technology-enabled improvements, however it remained a complex network of organisations with different finance and governance models, workforces and operational independence arrangements. Significant problems persisted such as delay in case progression and disposal and the need for better services to support victims and witnesses. Outcomes remained relatively static despite the number of strategies and policies that had been developed, and impactful change had been slow.

The combined absence of the Northern Ireland Assembly for prolonged periods, annual budget allocations and COVID-19 pandemic (pandemic) business continuity added to the challenges criminal justice organisations had faced. However, the pandemic had also accelerated reform and demonstrated collaboration across the criminal justice system including the ability of organisations and the judiciary to act together quickly to maintain criminal Court business, for example through the use of video technology for live links and remote hearings.

Inspectors found that transforming justice required effective planning, resources and the development of policies and strategies that address key issues across the criminal justice system, rather than focusing on single organisational priorities and improvement agendas. There was a lack of a collectively agreed vision and strategic priorities shared by the Department of Justice and the key criminal justice organisations. This presented a barrier to delivering transformative change in the criminal justice system.

We found that transformation strategies and approaches were focused primarily on individual internal improvement. Organisations then presented these individual approaches as evidence of 'system-wide' transformation. Inspectors did not consider these to be system-wide transformation and found that changes were made because they were affordable and served individual organisational needs. On occasion, what delivered an efficiency for one organisation could create a pressure elsewhere – one

example of this was the introduction of body worn video in the Police Service that had a knock-on effect (and still has) for prosecutors and Courts. While the Police Service don't necessarily agree, this needed more planning and consideration of the domino effect before implementation and use in prosecution evidence – including presentation at Court. Inspectors identified a need for more meaningful collaboration with other criminal justice organisations. No one was saying it wasn't a great idea and hasn't enhanced evidence gathering in so many ways – but it did need better planning and impact management.

A number of notable achievements were identified during the Inspection including the reform of youth justice and the reduction in the number of children in custody. The introduction of the Causeway data sharing system provided an important platform for collaborative working and sharing information from key line of business information technology systems in each partner criminal justice organisation. Video links, digital presentation of evidence for Court proceedings and the use of Remote Evidence Centres were important developments and, as mentioned, the pandemic provided proof that organisations could work together at pace. The cultural shift by the Northern Ireland Prison Service to focus on people in their care and preventing reoffending was also a significant achievement.

Key findings

There was also evidence of good working relationships and collaborative working between the criminal justice organisations, however, this also placed competing demands on the time and ability for leaders in some of the smaller criminal justice organisations to meaningfully contribute. Inspectors found most transformation, service improvement programmes and project bodies were being led by the same relatively small pool of senior leaders and decision-makers in the criminal justice system. Some leaders felt they were not sufficiently informed about transformation priorities that were happening across the criminal justice system.

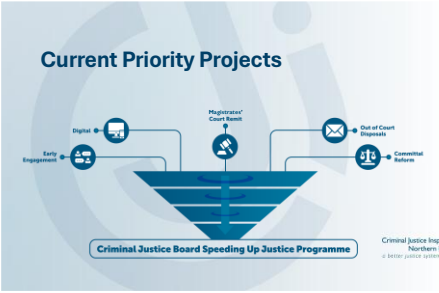
Since the devolution of policing and justice matters to the Northern Ireland Assembly and Executive 15 years ago, Inspectors found there had been limited improvement in the overall performance of the criminal justice system, the experience of victims, witnesses and defendants or those working within it. At the time of Inspection fieldwork, the available data showed that, while acknowledging the pandemic related issues, criminal cases continued to take too long end-to-end with 90% of all cases in 2022-23 completed in 796 days compared to 527 days in 2018-19. There are roughly about 600 more Crown Court cases and 7000 more Magistrates' cases outstanding now compared to 2020/21.

Recommendations

The Inspection Report made one strategic and two operational recommendations for improvement. The strategic recommendation called for the Department of Justice to facilitate Criminal Justice Board members' agreement of a shared future vision and strategic priorities to deliver transformational change and innovation across the criminal justice system. These should be clearly communicated and reflected appropriately in

organisations' Corporate and Business Plans. Inspectors recommended that this work should be completed by the end of May 2025, that is, within six months of publication of the inspection report.

Since the inspection fieldwork began and the Inspection Report was published many of the inspected organisations have published their corporate strategies including priorities for transformation, these include a new Policing Plan 2025-30, PPS 2030. NIPS 25 by 25 and the NICTS' Vision 2030. However, the connectivity between them and prioritisation when all bar the PPS are resourced by the DoJ is not sufficiently clear. I consider that the Criminal Justice Board, while respecting member independence and operational decision-making, is ideally placed to provide the direction, decision-making and accountability needed to provide that clarity for criminal justice system stakeholders and staff.

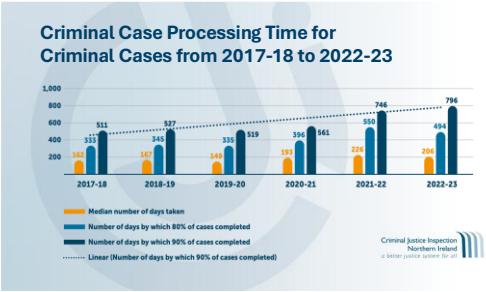


As I mentioned earlier, the Criminal Justice Board has agreed a Speeding Up Justice programme with five priorities and are well placed to agree a shared future vision for whole criminal justice system transformation.

The new Programme for Government 2024-27 *Our Plan: Doing What Matters Most* also provides clarity on Priorities, Missions and Wellbeing initiatives for the rest of this mandate that are relevant to the criminal justice system. I believe the Strategic Recommendation would support that and provide clarity and purpose for organisations, resources and staff.

At an operational level we recommended that the PSNI's Strategic Transformation Board should continue to monitor and regularly review the leadership and governance of transformational strategies and projects across all areas within its organisation. If implemented, this recommendation has the potential to maximise the benefits of centralisation, reduce duplication and ensure alignment of PSNI strategies and projects with agreed criminal justice system-wide strategic priorities.

The second operational recommendation proposed that the Department of Justice, members of the Criminal Justice Board, the Director General of the Northern Ireland Prison Service and the Chief Executives of the Probation Board for Northern Ireland, Forensic Science Northern Ireland and the Youth Justice Agency should review the purpose and membership of existing programme and project boards, working groups and other fora with the aim of reducing duplication to release capacity. The appropriate staff resource capacity and skills required for meaningful participation and decision-making authorities should also be considered.



This has to get better. These numbers have victims, witnesses and defendants lives behind them. And it has to happen with a clear vision, leadership and commitment that everyone understands about what better looks like and how it will be achieved.

The future

At the time of publication, the Minister of Justice advised that she wanted her officials to take some time to consider the recommendations before a formal response to them and Action Plan was provided. In the meantime, I had received informal feedback from a number of criminal justice system leaders indicating that the report recommendations were helpful and reflected known concerns. On 28 May the Lead Inspector, David MacAnulty and I briefed the Northern Ireland Assembly Committee for Justice on this report. Two days before this I received a formal response indicating that the two recommendations were accepted and work was underway; the PSNI did not accept the operational recommendation for them as they believed this was already being done. I expect to return to that at a later date. The report has also been referenced in an Assembly plenary debate yesterday.

It is an exciting time for criminal justice system transformation in Northern Ireland, and the new Programme for Government is clear that transformation and improvement in public services is a priority.

I am hopeful that the Department of Justice and the criminal justice system organisations it funds and holds to account, as well as the Public Prosecution Service, can deliver on a shared vision and deliver true transformation where it is needed most.

Thank you for listening and I'm happy to take any questions you might have.

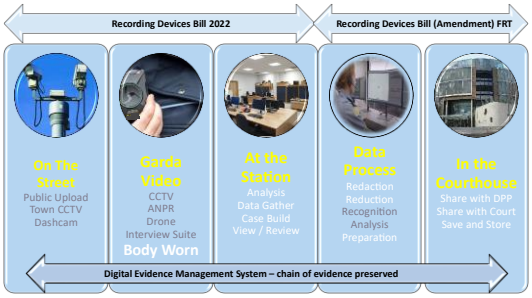
VII. Improving the Digital Evidence Journey using Body Worn Cameras

Chief Superintendent Derek Smart, An Garda Síochána

Chairperson: *Mary Griffin*

Introduction

The roll-out of body-worn cameras (BWCs) to every police force in Ireland is a landmark enhancement of police transparency, operational accountability, and management of evidence. In a detailed recent presentation by the management of An Garda Síochána, a complete overview was given on the status today, roll-out strategy, legislative landscape, challenges, and future aims of the body-worn camera scheme and broader digital evidence projects.



Context and Legislative Background

The implementation of the body-worn camera scheme has been supported by the Digital Recording Devices Bill, now enacted, that consolidates legislation relating to various types of visual evidence capture. These range from community-based CCTV schemes through to the use of dash cams, ANPR in police vehicles, and future planned drone surveillance, subject to future operational availability.

The new legislation also provides the Data Protection Commissioner with the power to license community CCTV systems in a single framework of law. The framework is comprehensive, reflective of an acknowledgment of upcoming digital technologies and the necessity for policing measures that are updated.

Rollout and Proof of Concept

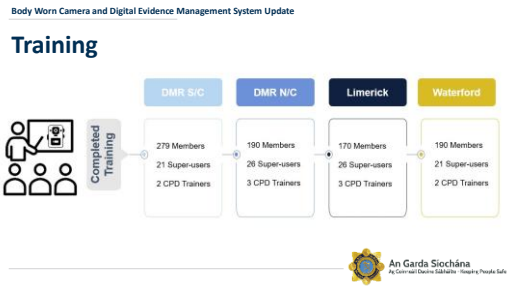
Three camera systems were selected at the proof-of-concept phase—Axon, Reveal, and Motorola—which are three of the globe's best suppliers. Each was piloted in field conditions in Dublin, Limerick, and Waterford during June and September 2024. The purpose was to test usability, data management compatibility, footage quality, ease of deployment, and integration with existing installed systems.

One of the biggest benefits with the proof of concept is noting how responsive the companies can be to requests to design features to order based on operating needs. In respect of the Reveal camera it incorporates a mirror screen visible to the public which clearly displays the status of recording—a feature much loved by officers and society at large. The other two systems incorporate visible red lights to signify recording.

Training and Operational Readiness

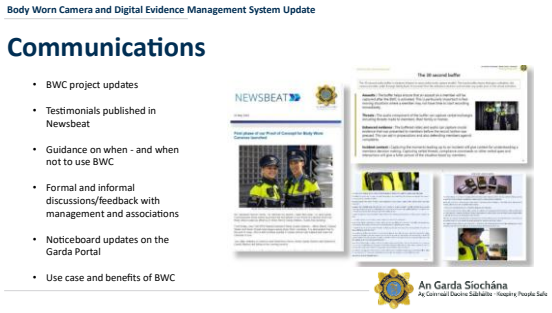
Over 190 officers went through training in each of the pilot areas, 26 of whom were made super-users. All pilot areas have become self-sufficient in BWC training with CPD members trained to deliver the courses. The super-users

received more advanced training to become internal champions who could assist in supporting their colleagues. The training was rolled out with caution alongside maintaining frontline duties, hence reducing downtime in operational policing.



Stakeholder briefings held with solicitors, judges, and policing bodies and police members were a critical part of the preparatory phase. The programme had strong endorsement from internal stakeholders, reflecting a general enthusiasm for the technology's promise in evidence integrity and officer safety enhancement.

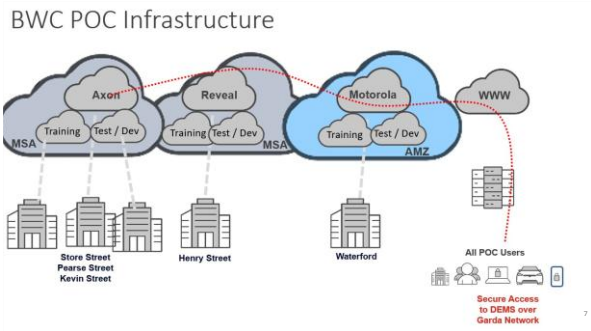
Data Security, Evidence Management, and Integration



The Digital Evidence Management System (DEMS) is at the centre of the BWC ecosystem. It offers secure storage, cataloguing, and controlled sharing of evidence. Officers plug in their cameras at the close of a shift, transmitting footage marked with metadata like time, location, and user ID.

Notably, sharing occurs through secure links rather than physical media (disks), thus reducing the risk of data breach and making it convenient for prosecutors and defence. All access-related activities are traceable by logging, and irrelevant individuals can be blurred out through integrated redaction capabilities.

It was designed with full GDPR compliance in mind. Officers must go through an application to release footage under an express protocol, and footage is only retained for a limited time except where marked for evidentiary use.



Facial Recognition and AI Considerations

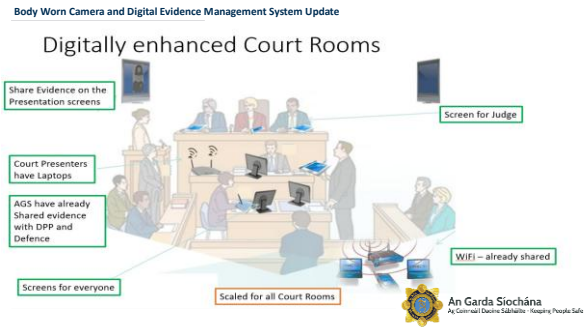
Facial recognition technology (FRT) is not being used in the Irish model of BWCs to date. Use only in serious crime investigations and under strict regulatory direction is contemplated for legislation. Artificial intelligence (AI) features can be used for object identification (red jackets, specific vehicles, etc.) and not for individual identification. All identification must be confirmed by a human operator.

Issues around AI and FRT persist, and Garda management stressed that transparent discussion, regulation, and public trust are needed as the technology advances.

Infrastructure and Operational Learnings

Rollout of this system has required extensive infrastructure support, particularly in non-high-technology proofing stations. But the help of local management and external vendors ensured smooth rollout. All court presenters have been issued laptops specifically to enable them to view and show body-worn footage, and co-operation with the Courts Service allowed for simple integration of footage into court presentation.

Judges have already used BWC footage as compelling evidence in initial trials, resulting in stronger prosecution outcomes and faster case closures. Others have not led to convictions, again reinforcing that body-worn video makes evidence more reliable, but not outcome-determining.



Challenges and Cultural Shift

Getting officers to adopt the new technology was not straightforward. The initial code of practice allowed for discretion using the phrase "you may switch on the camera." Recent international research—including in New Zealand—indicates that more forthright required use policies are more effective in delivering completeness of evidence. There are continued discussions for reviewing this guidance in Ireland to ensure that incidents are comprehensively recorded, especially for arrests and public order incidents.

One of the key learnings was that voluntary adoption does pay. Officers are now able to see how BWC video supplements their court testimony and helps clarify what happens. This cultural shift is considered a long-term success of the rollout plan.

International Collaboration and Lasting Impressions

Ireland was slow to introduce body-worn cameras relative to most EU countries. Yet, this lateness to the game has enabled An Garda Síochána to acquire information from the failures and successes of others. Sharing experiences with jurisdictional authorities in Norway, Iceland, and the UK has influenced implementation guidelines. Specifically, Ireland eschewed common pitfalls elsewhere, including fragmentation of systems or failure of public outreach.

The 30-second buffer function, for example, has already played a key role in securing drug convictions. At one point, officers caught a suspect dumping evidence seconds before official on-record time, as the buffer's look-back record window caught up with the actions.

In short, Garda leadership emphasized that the body-worn cameras are not a replacement for good old-fashioned evidence-gathering—but a solid supplement to it. The process is at its initial stages, but all signs point in the right direction toward greater officer protection, greater public accountability, and greater criminal prosecutions.

In Ireland's journey toward full national roll-out, stakeholder participation, data protection, and evidence integrity will remain overarching pillars. The project is a testament to wise planning, cross-sector collaboration, and responsive learning in today's policing.

VIII. How AI is Being Used in the Criminal Justice Sector in the US [video]

Council on Criminal Justice, USA

Chairperson: *Mary Griffin*

Introduction

Criminal justice systems globally are confronted with increasingly advanced challenges—ranging from mounting caseloads and public demand for accountability to systemic disparities and constrained resources. In response, many are looking at the promise of artificial intelligence (AI) as a tool to improve efficiency, fairness, and transparency. The Council on Criminal Justice, a nonpartisan think tank organisation with invitational membership located in the United States, has seriously considered the implications of the integration of AI in criminal justice operations.

From its founding, the Council has been committed to providing unbiased, fact-driven analysis of the most pressing issues confronting the criminal justice system. The Council's efforts have ranged from topics like the impact of the COVID-19 pandemic, law enforcement reform, community violence, and racial bias. The Council has recently turned its attention to the fresh intersection of AI and justice.

In the summer of 2023, the Council convened a diverse group of more than 30 experts—policymakers, practitioners, researchers, technologists, and advocates—to explore the potential benefits and risks of AI in criminal justice. The two-day meeting covered practical uses, ethical issues, and policy approaches to AI. Building on that initiative, the Council will form a formal Task Force on AI over the summer of 2025 to develop best practices, establish oversight models, and create procurement and product standards.

Potential Benefits of AI Integration

Participants at the Council's assembly identified several promising areas where AI can facilitate improvements in the criminal justice system:

- Preventing Human Error: AI can identify patterns in data and flag anomalies, which can lower discrepancies and prejudices in human decision-making. This can result in more consistent and equitable results in like cases.
- Enhancing Transparency and Oversight: AI can facilitate the creation of audit trails and clear records, which enable agencies to trace decisions with ease, identify mistakes, and provide institutional accountability.
- Resource Optimization: AI applications can assist with resource allocation by identifying high-risk areas, optimizing patrol deployments, and predicting where preventive measures would be most effective.
- Building Public Confidence: Through increased access to information, demonstrating consistency in decision-making, and enabling openness, AI holds the potential to enhance public confidence in the justice system.

Threats and Challenges

AI also poses great threats, particularly when implemented without proper guardrails or ethical controls:

Reinforcing Inequities: Without equitable access to technology, AI could rigidify existing inequalities—indeed, benefiting better-endowed prosecutors over under-resourced defenders, or city governments over country.

1. Undermining Due Process: Where AI is used in deciding on individual freedom—

pretrial detention, sentencing, or parole—its lack of transparency and vulnerability drives it towards bias may undermine core legal protections.
2. Eroding Public Legitimacy: If AI tools introduce new levels of complexity or obfuscation, they may erode public understanding and responsibility. They may instill loss of confidence rather than gain it.
3. False Solutions: Use of AI can give the impression of reform without addressing issues at the system level or possibly exacerbating them.
4. AI is now being utilized across a broad scope of the criminal justice system, both in terms of functional efficiencies as well as ethical concerns:
5. Administrative Support: AI technology is used to undertake tasks like report formatting, case files, and analyzing large data—speeding up workflow and reducing human workload.
6. Forensic Technology: Artificial intelligence assists in facial recognition software, DNA analysis, and other forensic technologies. While these can make investigations more accurate, they also require stringent usage protocols and testing standards.
7. Predictive Algorithms: Applications like risk assessment tools and predictive policing software try to predict outcomes such as reoffending or locations of future crime. Decision-makers can utilize such applications but require ongoing monitoring to ensure that they are fair and efficient.

Four Priorities for Responsible AI Integration

Based on the suggestions of its gathering of experts, the Council on Criminal Justice established four general priorities for AI implementation within the justice system that promotes safety, justice, and human rights:

Transparency Values and Democratic Grounding: Governments must clearly enunciate goals and values in procuring AI tools. These need to be informed by democratic values such as transparency, accountability, equal treatment, and due process.

Establishing Oversight and Regulation: Regulatory frameworks must be designed to secure accountable innovation. Oversight bodies must prevent abuse while facilitating legitimate public safety and service delivery innovations.

Building Public Trust: Quality, two-way communication with every stakeholder—crime victims, justice-involved individuals, frontline professionals, and the public—is most critical. Public trust is founded upon openness, transparency, and responsiveness.

Investing in Capacity and Training: Criminal justice agencies require enhanced internal capacity to effectively use AI tools. This means investing in personnel knowledgeable about AI potential and limitations and ethics.

Looking Ahead

The Council on Criminal Justice highlights that AI is not a future problem but already influences decision-making in law enforcement, the judiciary, and correctional institutions. As adoption increases, so too does the imperative to develop standards that balance protection of civil liberties with enabling innovation. The Council's future Task Force on AI will play an essential role in enabling responsible integration by developing guidance on oversight, ethical use, and accessible procurement practices.

In an evolving technology context, criminal justice systems have a dual mandate: to harness the power of AI, and safeguard against its misuse. This balance will be essential to ensure that AI reinforces a justice system which is not just more efficient, but also fairer, clearer, and more credible.

4. Thematic sessions

Session 1: Applications of Technology in the Criminal Justice System

Chairperson: *Dr Cormac Behan, School of Law and Criminology, Maynooth University*

XII. Modernising Rehabilitation: The Role of Technology in the Irish Prison System

Donna Creaven, Director, Corporate Services, Governance, ICT, IPS

This presentation focused on how the Irish Prison Service (IPS) is leveraging technology to modernise rehabilitation, particularly in the face of mounting capacity pressures. The prison estate is currently operating at 116% capacity, with over 5,400 individuals in custody and 3,600 staff. These pressures necessitate innovative approaches to prisoner management, rehabilitation, and staff support.

The speaker outlined several strategic pillars guiding technological reform. These include new business processes - promoting collaboration, innovation, and communication as the foundational principles of ways of working; increasing capacity within the system, promoting alternative prisoner pathways and enhancing prisoner services and educational outcomes; and improving staff experience - continuing to embed a person-centred innovative, collaborative and transparent culture that reinforces efforts to renew the organisation, underpinned by more efficient and effective people processes. A major focus lies in building digital platforms that ensure transparency, support innovation, and drive cohesive, efficient service delivery.

Key initiatives aim to shift staff away from outdated administrative tasks by introducing digital tools, allowing them to concentrate on higher-value work. Every reform effort is assessed through a digital lens - how it can enhance service quality, employee experience, and prisoner rehabilitation outcomes.

The IPS is also aligning its efforts with the broader "digital first" agenda, targeting major milestones by 2030. Recognising the rapid pace of technological change, the service emphasises digital literacy as essential to reintegration. Ensuring that prisoners can access and navigate public services online upon release is vital for rehabilitation.

Victim responsiveness has also become a core consideration, with efforts to provide transparent, personalised services that meet the needs of victims and their families. Trust and accountability remain foundational to these efforts - every initiative must be explained clearly to stakeholders, outlining its purpose and beneficiaries.

Digital health solutions, such as telehealth consultations and e-health records, are being researched to enhance care. A pilot at Arbour Hill Prison introduced a wearable device with a pedometer, encouraging people in custody - especially older ones – to stay active. The potential impact for healthier more active people in custody is a reduction in the demand for health interventions. It also fosters friendly competition.

Technology is also being used to promote inclusivity. Programmes tailored for diverse prisoner populations can help reduce the overrepresentation of marginalised communities and support smoother reintegration into communities. Long-term, this can lead to reduced recidivism and significant economic and social benefits, as well as giving the prisoners the confidence to engage with the services online.

However, challenges persist. Many prisons operate in Victorian-era buildings that limit Wi-Fi and infrastructure upgrades. Resources and change management to ensure that the organisation adopt and apply new digital

practices is also a project that needs support and investment.

Despite these hurdles, meaningful progress is being made. Video calls, originally introduced during the COVID-19 pandemic, have enhanced family and court communication, earning a Civil Service Excellence and Innovation Award. Some prisons have also transitioned to cashless systems, improving efficiency and safety.

New additions such as in-cell telephones for private inbound calls with select people, and the introduction of smart digital cell doors. Engagement with individuals in custody found that the flap on the door was noisy and disrupted sleep, the digital doors allow the viewing panel to be de-activated in between checks, giving the inmates more privacy. As well as providing enhanced privacy, the doors have built-in alarms, and information displays. These changes further demonstrate the Irish Prison Service's commitment to innovation.

Ultimately, the service is focused on upholding legal and human rights, privacy, and security, while ensuring sustainable, multi-layered funding and cross-agency collaboration with guards, courts, and probation officers.

XIII. The Use of Surveillance Technologies for Policing: Cases from Canada and Ireland

Dr Ciara Bracken-Roche, Maynooth University

This presentation explored the evolving use of surveillance technologies in policing, drawing comparisons between Canada and Ireland. The speaker's research focuses on how such tools influence police legitimacy, human relations, and the nature of police work.

The research on drone technologies has been carried out since 2012, tracking the evolution of the drone market in Canada and the United States of America, and has increasing relevance for Ireland. The recent Dublin riots [November 2023] highlighted the limitations of current police resources. Had there been more resources and better technology, the response to these riots would likely have been better, as the chaotic scenes and rapid escalation caught the Gardaí off guard, making things difficult to manage. Enhanced surveillance tools might have improved response times and helped identify suspects more effectively.

While facial recognition is often proposed in these contexts, the speaker cautioned that its real-world effectiveness is limited. Individuals often wear disguises such as sunglasses or balaclavas, and the technology is typically trained on curated datasets that don't reflect these scenarios.

Surveillance, the speaker argued, should be understood as a purposeful act - watching with a purpose and a reason - a means to an end, not an end in itself. The way surveillance is utilised has changed over time due to the way we use technology. It is important to think about the lived impact on individuals. Its impact depends on how the information is used, and how that is experienced by both police and the public. Rather than inherently positive or negative, surveillance must be evaluated based on its effects on privacy, civil liberties, and trust.

A shift from reactive to proactive policing is underway, enabled by tools that aim to predict and prevent crime - as we try to anticipate where crimes might occur and where issues might arise. In Ireland, surveillance is used for intelligence gathering, often involving personal data collection on individuals deemed of interest.

In Canada, drones have primarily been used for outdoor crime and accident scene reconstructions. Early limitations included information saturation, inaccurate spatial mapping, extreme weather conditions affecting usability, and short battery life in cold climates. However, as the technology has developed, this has begun to change. Operational challenges prompted reliance on

civilian experts due to the steep learning curve for police officers.

There are both risks and rewards observed in this new surveillance technology. Despite the challenges, drones have shown potential in locating victims - particularly in child sex trafficking cases. Still, the speaker emphasised the need to balance these benefits against the risk of "surveillance creep," the potential disruption to life and civil liberties, which can erode public trust and informed consent.

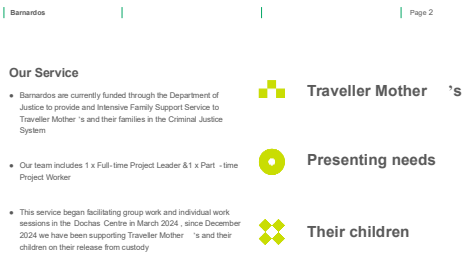
XIV. Experience of Video Camera for Family Communications in Dóchas Prison

Heather O'Shea, Barnardos' Dóchas Project

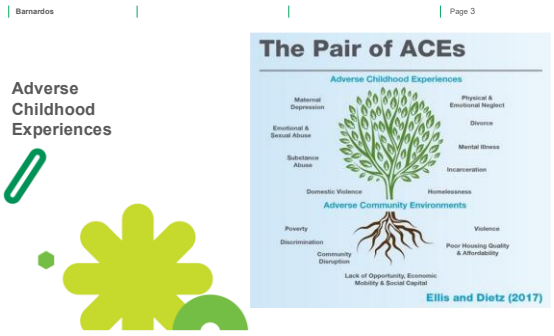
Introduction

The focus of this presentation was on video cameras for family communications in Dóchas Prison. This initiative was primarily funded through the Department of Justice following recommendations from studies conducted by both the National Traveller Women's Forum and the Traveller Justice Initiative, which highlighted the need for intense family support services for Travellers and their families.

Between March and December 2024, Barnardos facilitated group and individual work supporting Traveller women and their children on their release from custody. Initially focused on imprisonment, due to high demand the service has expanded to include support through sentencing and post-release reintegration. Over 45 Traveller mothers have engaged with the programme, and nearly 100 children have been supported.



Traveller mothers often come from extremely vulnerable backgrounds, marked by adverse childhood experiences. The programme begins by helping the mothers reflect on how they ended up in this situation – delving back into the mother's past. The staff have observed that these mothers have experienced huge amounts of adverse childhood experiences which can range from depression, emotional and sexual abuse, substance misuse, domestic violence, mental illness, divorce and homelessness. A lot of the mothers who have taken part in this service would have experienced almost all of these. This reflection is used as a starting point for the mothers to build a sense of identity, which serves as a foundation for reconnecting with their children.



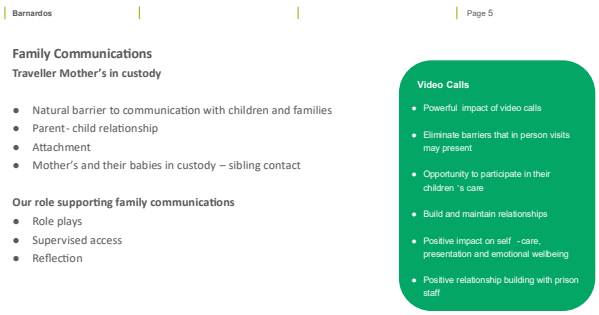
Notably, 77% of participating mothers have at least one child in Tusla's care, and 84% report prior social work involvement. The Barnardos team liaises with social workers to help mothers repair their relationships and engage in their children's lives in their role as mothers, even while separated, and prepares them for reunification where possible.

Prison acts as a barrier to communication for children and families, and it adds another layer to the already complex layers Travellers have to face. Video calls have played a transformative role in overcoming the barriers that prison imposes on family contact. For many mothers, especially those with children in care, regaining a sense of motherhood can be emotionally complex as they feel that since the children are in care, they are no longer a mother.

The programme ensures that children's voices are also part of the process, as behavioural issues inside and outside of school often stem from anxiety around parental incarceration, and

children not knowing or understanding what that looks like.

This is where the relationship building begins. The progression from video to phone and then in-person contact helps build trust and confidence. Role-playing and court preparation (sometimes via video link) also build confidence and equip mothers to take greater responsibility in custody-related matters.



Video calls in collaboration with social work in situations where the mother has caused harm to the child allow for building and maintaining their relationship in a supervised, learning environment for the mother, with the possibility of making the experience more positive for both parties. Video communication has proven especially beneficial for children with additional or sensory needs who may find the prison environment overwhelming. It offers a calmer, more accessible way to maintain contact.

These video calls assist in eliminating barriers, giving mothers more opportunities to participate in their children's care, with more mothers attending their children's care reviews. This fosters a sense of self-worth and emotional well-being among the mothers.

Outcomes of the implementation of these video calls showed that the women who struggled with mental health never missed a call and made sure to put effort into their appearance. This enhances their wellbeing and is vital in making sure their children can see they are looking after themselves as best as they can. This highlights the importance of connection and routine in the recovery and rehabilitation journey.

The service has been well received, with many children now having improved access to build a relationship with their mothers.

Session 2: Human Rights and Ethical Issues in the Use of Technology in the Criminal Justice System

Chairperson: *Prof. Ian O'Donnell, UCD Sutherland School of Law*

XV. Tech Innovations in Prison Reform: Challenges and Opportunities

Saoirse Brady, Executive Director, Irish Penal Reform Trust

The Irish Penal Reform Trust (IPRT) is increasingly aware of the intersection of human rights, ethics and technology within Ireland's criminal justice system with a focus on the impact of systemic issues like prison overcrowding, the underuse of non-custodial options including electronic monitoring, and the mixed impact of video technology in prison operations. The IPRT continues to highlight the urgent need for reform grounded in evidence-based policy, human rights and social justice.

Prison Overcrowding and Ethical Failings

Through engagement with oversight bodies, the IPRT notes serious issues regarding prison capacity and conditions. Women's prisons are dangerously overcrowded. As of June 12th 2025, Limerick Women's Prison was operating at 154% capacity and the Dóchas Centre at 125%. These figures reflect broader systemic failures, including the excessive use of pre-trial detention. Approximately 1,000 individuals are in custody at any given time in pre-trial detention, many held in facilities that are ill-equipped for humane detention.

Official figures released by the Irish Prison Service and Department of Justice reveal that the annual cost of incarcerating one individual stands at €97,000, while the cost of supervising someone on probation is less than 10% of that figure. Despite this stark contrast, prison continues to be used as a default option. Echoing the findings of the 1985 Whitaker Report, given the unprecedented increase in the prison population that expanding prison capacity does not reduce incarceration rates, it simply fills more cells.

From a human rights perspective, the reliance on imprisonment, especially for non-violent offences or social service failures, undermines basic dignity. Prisons frequently disrupt family life and fail to address underlying issues such as mental health challenges, trauma and substance misuse, perpetuating cycles of reoffending.

Systemic Inequality and Marginalized Groups

The IPRT has found that the prison population is not a representative cross-section of society but is instead heavily skewed toward individuals who have been let down by other public systems. Vulnerable groups including people with disabilities, members of the Traveller community, ethnic minorities and people with histories of homelessness are disproportionately affected.

For instance, in the Dóchas Centre, one in five women are members of the Traveller community, a statistic grossly out of proportion with their representation in the general population.

Moreover, according to the Irish Prison Service's Annual Report for 2023, 10% of all people in custody were homeless at the time of their imprisonment, rising to 18% for women. These figures indicate that the criminal justice system is being used as a response to social deprivation and exclusion rather than criminal behaviour per se.

Public Support for Alternatives to Imprisonment

In October 2024, the IPRT commissioned a Red C poll surveying over 1,000 adults to assess public attitudes toward criminal justice policy. The results demonstrated overwhelming support for alternatives to prison. Four in five

respondents agreed that the government should prioritise non-custodial options for non-violent offences in the Programme for Government.

When asked how they would allocate a hypothetical crime-prevention budget of €10 million, the public's priorities were clear: When given options as to what measures should be implemented to tackle crime, 41% choose additional Gardaí over other measures, followed by drug treatment places (21%) and youth services (10%). Prison expansion ranked only fifth in priority.

This data affirms a growing societal awareness that prison is often not the most effective or ethical response to crime, especially in cases involving non-violent or socioeconomically disadvantaged individuals.

Electronic Monitoring: A Missed Opportunity?

Electronic monitoring has been part of Ireland's legislative framework since the Criminal Justice Act 2006 but the alternative to custody provisions have not been commenced. To date in Ireland electronic monitoring has not been widely used as an alternative to custody. Used in certain contexts and in appropriate circumstances it could provide a more humane and cost-effective alternative to imprisonment.

Legal Context and Implementation History

Research reveals that electronic monitoring has been used almost exclusively for individuals on temporary release. Although legislative changes, including amendments to the Bail Act 1997 and Sex Offender Act in 2023, have expanded its legal applicability, particularly for those on remand or under post-release supervision, implementation has lagged.

A pilot programme in 2010 saw just 31 individuals tagged in a six-month period. Between 2014 and 2021, a total of only 151 people were placed on electronic monitoring, with the programme halted in 2021 due to concerns about its €1.1 million cost. However, the IPRT finds that such costs must be weighed against the €97,000 annual cost of imprisoning just one individual.

A 2024 report from the Prison Overcrowding Response Group, comprising officials from the criminal justice system, submitted to the Minister for Justice, strongly recommended the expanded use of electronic monitoring for sex offenders. The Probation Service, the Courts, and An Garda Síochána supported this recommendation, especially for sexual offence cases. Despite this consensus, the Minister chose not to publish the report; it was instead released by the IPRT to ensure transparency.

Electronic monitoring offers a range of potential benefits within the criminal justice system if used strategically where the risk of reoffending is lower. It can help alleviate pressure on overcrowded prisons by providing a community-based alternative to custody. Electronic monitoring also enables individuals to maintain continuity in their work, education, and family life. These are key factors in successful rehabilitation and reintegration. By allowing people to remain within their communities and preserve vital social ties, electronic monitoring supports rehabilitation and may contribute to lower reoffending rates especially among low-risk individuals. Additionally, electronic monitoring is significantly more cost-effective than imprisonment.

However, the use of electronic monitoring also raises important ethical and operational concerns. One key risk is the "net-widening" effect, where electronic monitoring is applied to individuals who would not otherwise face detention, thereby extending state control unnecessarily. The measure may also have disproportionate impacts on marginalised groups, including Travellers and people with disabilities, for whom the experience of being tagged can be particularly intrusive and stigmatising. Critics argue that electronic monitoring is sometimes viewed more as a surveillance mechanism than a supportive intervention. Furthermore, there is currently no clearly designated or adequately resourced authority responsible for monitoring individuals on electronic monitoring, with both the Irish Prison Service and An Garda Síochána lacking sufficient resources to take on the task. It does

not prevent crime in real time and is not always accurate. When used in pre-trial contexts, electronic monitoring may also undermine fundamental legal protections, such as the presumption of innocence.

Video Technology in the Prison System
Video technology became more widely used during the COVID-19 pandemic and continues to play a role in prison operations. The IPRT notes it has both benefits and drawbacks.

Video technology in prisons offers several practical advantages. It increases access to family visits, particularly benefiting children or relatives who live abroad or face other barriers to in-person visitation. Additionally, it reduces the logistical burden on prison staff by limiting the need for transporting individuals to court, allowing more resources to be allocated to education and rehabilitation programmes.

However, the use of video technology also comes with notable limitations. Remote interactions are often short and impersonal, which can negatively impact the emotional well-being of those in custody. Technological issues, such as poor connectivity or scheduling problems, frequently disrupt calls. Importantly, while video visits provide flexibility, they should supplement and not replace in-person contact, which remains vital for maintaining strong family relationships.

Conclusion and Recommendations

The IPRT believes that Ireland's criminal justice system is in urgent need of reform. Overcrowded prisons, underused alternatives and entrenched inequalities demand a coordinated and humane response. While technologies like electronic monitoring and video conferencing present promising avenues, their implementation must be guided by clear ethical standards, oversight mechanisms and adequate resourcing.

Public opinion is aligned with the need for change. The challenge now is political will. Ireland must move from acknowledging the problem to implementing sustainable, rights-based solutions. These reforms should prioritise:

- Reducing reliance on imprisonment, particularly for non-violent offences
- Investing in social and community supports that address root causes of crime
- Expanding and properly managing alternatives like electronic monitoring
- Ensuring technology use respects dignity and human rights

As Ireland's leading penal reform organisation, the IPRT will continue to produce evidence, influence policy and hold institutions accountable in the pursuit of a fairer, more effective justice system.

XVI. Risks and Opportunities in the Digital World: A Children's Rights Perspective

Tricia Keilthy, Ombudsman for Children's Office

This paper presents the findings of analysis conducted by the Ombudsman for Children's Office (OCO) examining the impact of the digital environment on children's rights in Ireland. As an independent statutory body accountable to the Oireachtas, the OCO is mandated to promote the rights and welfare of children and investigate complaints relating to public services affecting children. Drawing on consultations, data analysis and engagement with young people, this research explores both the risks and opportunities children encounter in the digital world and outlines key policy considerations.

Children's Rights in the Digital Environment

The UN Committee on the Rights of the Child General Comment on the Digital Environment ensures children's protection, participation and privacy rights in the digital world. Digital technology is a pervasive element of modern childhood, shaping education, social relationships and recreation. However, online spaces remain predominantly designed with

adults in mind. The OCO identifies a core tension between children's rights in the digital world and the failure of existing legal, regulatory, and technological systems to protect their rights adequately. While offering enormous potential for creativity, learning, and civic participation, the digital world also exposes children to serious risks, including criminal exploitation, sexual abuse and harmful content.

Online Risks Facing Children

In 2023, there was a 110% increase in reports of child sexual abuse material (CSAM) identified by Hotline.ie analysis, marking a deeply troubling escalation in online harm. Notably, one in ten of these images were identified as being AI-generated. While a 44% decrease from the previous year, Hotline.ie analysts have noted that the imagery is becoming increasingly realistic and nearly impossible to distinguish from real imagery. This growing use of artificial intelligence in generating explicit material complicates the identification and removal of harmful content. Additionally, children are increasingly targeted for financial extortion or "sextortion", with organisations like Childline UK reporting instances where minors are coerced into sending money under threat of release of sexual images or videos of them.

Children are being exploited by criminal gangs who use digital platforms to recruit them into illegal activities. There is no data here in Ireland but data from the UK between 2017 and 2022 indicates an 82% rise in gang recruitment through platforms like Snapchat. Children as young as 10 are being contacted via encrypted messaging services, gaming environments, and location-based features such as Find My Friend. These technologies make it easier for criminal networks to manipulate, track and control young people without adult supervision or oversight.

Online platforms have become a breeding ground for harmful ideologies. Children are regularly exposed to toxic masculinity, homophobic and transphobic rhetoric, and racially charged content. These messages often appear in algorithmically recommended feeds, reinforcing bias and normalising harmful beliefs. The lack of age-appropriate content moderation places children at greater risk of internalising or acting on extremist viewpoints.

Digital platforms frequently employ algorithm-driven content feeds (also known as recommender systems) and data collection techniques that encourage addictive behaviour in children. A 2021 study from the DCU anti-bullying centre revealed that harmful material can be pushed to children within just eight minutes of engagement. Despite this, many parents remain unaware of the extent to which personal data and viewing habits are used to manipulate their children's online experience. The use of coded language and algorithmic targeting further isolates children from adult oversight, making it difficult to intervene effectively.

Children's Voices on Online Safety

The OCO conducted a 2024 national survey with 1,000 secondary school students which included some questions on online safety and held targeted consultations through its Youth Advisory Panel. Key findings include:

- 51% of children expressed concern about online safety.
- 80% called for stronger accountability and rights compliance from tech companies.
- Children emphasised the importance of digital literacy and the need for platforms to be built with children's rights in mind.
- Young people highlighted the pervasiveness of AI in their lives and advocated for stronger oversight and regulation.

Artificial Intelligence and Children's Rights and Access to Justice

The OCO has initiated a dedicated research stream on AI and children's rights, working in partnership with the National Youth Council and Insights in DCU on the role of AI in youth work. It is also developing a briefing paper on

Children's Rights and AI. The OCO is also designated a Fundamental Human Rights Body under the EU AI to assess the use of high-risk AI systems in Ireland.

Artificial intelligence systems frequently reflect and reinforce existing societal biases, leading to discriminatory outcomes, which is particularly a concern for facial recognition technology and predictive policing. These biases are particularly concerning in sensitive areas such as the criminal justice system, where algorithmic decisions can have lasting consequences for children. If not properly regulated and tested, AI tools can perpetuate inequality by making flawed assumptions about children based on their background, behaviour or identity. Such systems often lack transparency, making it difficult to understand or challenge the rationale behind automated decisions.

The integration of AI in the justice system offers both opportunities and challenges. Tools such as virtual court platforms can improve access to justice by reducing logistical barriers, increasing efficiency and timeliness of proceedings which could protect against risk of re-traumatisation. However, they also pose significant risks, especially for children. The realisation of the child's right to participate effectively and meaningfully in the court procedure is a considerable challenge even in physical court settings.

Neurodivergent children may struggle with the impersonal and abstract nature of virtual proceedings, leading to increased chances of miscommunication or misunderstanding. Additionally, while virtual visits can provide flexibility, they should not replace in-person interactions entirely, as they may compromise emotional well-being and the child's right to family life.

The Ombudsman for Children's Office (OCO) supports the United Nations Convention on the Rights of the Child (UNCRC) in calling for more comprehensive research into how digital tools impact children's access to justice. As technological adoption accelerates within legal and administrative systems, it is vital to ensure that children's rights, voices, and specific needs are considered in all stages of design, implementation, and evaluation. Digital solutions must enhance and not hinder children's ability to understand, participate in, and benefit from justice processes.

Policy and Regulatory Gaps

Despite some progress, regulation has not kept pace with technological developments. The OCO's review of the regulatory landscape highlights:

Ireland has implemented an Online Safety Code and is aligning with EU initiatives like the Digital Services Act and the upcoming AI Act (effective from 2026). A national AI strategy and an online health task force are also in progress to strengthen digital governance.

However, key gaps remain. Mostly laws, policies and guidance fail to consider children's specific rights and needs. Age assurance systems are underdeveloped. Algorithm regulation is notably lacking, despite the known risks of harmful content recommendations. There is also heavy reliance on self-regulation by tech platforms, which lacks sufficient oversight and accountability to effectively protect children.

Policy Recommendations

The OCO advises against blanket bans on phone or social media use for children under 16. These broad restrictions are neither effective nor aligned with children's rights, and they risk silencing young voices while pushing children toward unregulated online spaces.

Instead, the OCO calls for stronger, enforceable regulations that prioritise children's rights in digital design and governance. Legal protections must move beyond voluntary guidelines and ensure accountability.

Empowering both children and parents is essential. Digital literacy education should help children develop critical thinking and

safely navigate online environments. Parents also need accessible tools and training to understand risks like grooming, coded language, and data exploitation.

Finally, all digital and AI-related policies should actively involve children in their development. These frameworks must address the heightened vulnerabilities of certain groups and guarantee children's rights to protection, participation, expression, and access to information.

Conclusion

The digital environment offers tremendous promise but also introduces new layers of risk and inequality for children. The OCO's research shows that while there is widespread recognition of the challenges children face online, solutions remain fragmented. A rights-based, child-focused approach to digital policy emphasising regulation, empowerment and child participation is essential. The OCO urges policymakers, regulators and tech companies to treat children's digital experiences as a public interest priority and ensure that children's rights are not only protected but actively promoted in the digital age.

Session 3: Use of Artificial Intelligence in the Criminal Justice System

Chairperson: *James O'Mahony, Revenue Commissioners*

XVII. Implications of the EU AI Act for the Legal Profession

Donna O'Leary, Principal Consultant, DOL Consultancy

Introduction

Adopted by the European Union, the EU Artificial Intelligence Act (AI Act), applies uniformly across all EU member states. This comprehensive framework aims to ensure that AI is developed and manipulated in a way that is safe, trustworthy, and respects fundamental rights. The legal framework applies broadly to all actors involved in the AI value chain, for instance, providers, deployers, importers, distributors, manufacturers, intermediaries. This comprehensive scope guarantees that responsibility for safe and ethical AI use is distributed across each stage of AI development, distribution, and application.

Furthermore, the AI Act follows a risk-based regulatory model, which classifies AI systems according to the degree of risk they pose to fundamental rights and safety. These risk categories include, unacceptable risk (prohibited), high risk (strict requirements), limited risks (transparency obligations), and minimal risks (mostly regulated). In addition, the act distinguishes between AI systems (software that can generate outputs such as predictions, recommendations, or decisions) and General Purpose AI (GPAI) models (models which can be utilised for various purposes across various sectors, for instance, large language models and foundation models). These are subject to specific obligations, mostly for developers and deployers.

The speaker stressed the essential and often neglected element of the AI Act, Article 4, which highlights businesses requirements to promote AI literacy. Since February 2, 2025, it has been mandatory for all businesses that 'deploy' or 'provide' AI systems within the EU to guarantee an appropriate level of AI literacy amongst their staff and other persons acting on behalf or under their authority who interact with AI systems. Consequently, companies must actively train their employees and other applicable personnel to comprehend how AI systems function, its capabilities and limitations, the potential risks and how to use AI in a responsible, ethical, and compliant manner. This obligation echoes the EU's recognition that safe and ethical AI advancement is not merely a technical matter, but one that requires informed human oversight at every level. In summary, the speaker stressed the need for training and strategic guidance to bridge the AI literacy gap in legal firms.

Terminology

AI is defined as an umbrella term referring to a wide field of computer science focused on the construction of systems capable of performing tasks that stereotypically require the human mind, like problem-solving, decision-making, understanding language, perception, and learning from data. Nonetheless, since its creation in the 1950s, AI has evolved into various specialised subfields. Specifically, Generative AI (GenAI) and Hallucination.

Generative AI (GenAI) was designed to generate new content as its primary output. Contrasting to traditional AI, generative AI can generate wholly new content like text, audio, images, and videos. Typically, Generative AI models are trained on large datasets to study patterns and structures, aiding them in the creation of outputs that can simulate or perchance exceed human-created content.

Furthermore, a 'hallucination' concerns the generation of data that is factually incorrect or misleading. Often AI systems 'hallucinate' by inventing facts, citing non-existent sources, or stating inaccurate information attributable to limitations in their training data or reasoning

abilities. Controlling hallucinations is a fundamental challenge in implementing AI responsibly.

Additionally, the speaker conversed emerging case law on AI-Generated hallucinations. First, they discussed the widely publicised U.S. federal case of Mata v. Avianca, Inc (2023) or the 'Schwartz Case'. A case concerning an attorney submitting a legal brief which cited fictional case decisions. Nonetheless, the courts detected the false citations, and sanctions were imposed.

Correspondingly, in Ireland, an application for a wasted costs order was produced after an AI-generated filing comprised of false legal citations. The issue settled before the matter reverted to court for determination. Although no formal ruling was determined, the case stressed the increasing concern in Irish courts about the risks posed by unverified AI-generated submissions.

Lastly, in R (Ayinde) v The London Borough of Haringey (April 3, 2025) (UK), five fake cases combined with a non-existent Court of Appeal decisions were included in the pleadings. Once discovered, the court admitted a wasted costs order against the barrister and defendant, alongside a fine of £2,000 each. The outcome of this case represents one of five wasted court orders in the UK stemming from AI-generated hallucinations in legal documents.

Large Language Models (LLMs) – Uses and Limitations

LLM Uses: Large Language Models are proficient at what is considered *"language games."* These include tasks that incorporate generating, manipulating, or interpreting natural language. Their primary strengths include:

- Writing assistance
- Summarising intricate information into more understandable formats
- Persuasion and argumentation
- Document review and analysis
- Translation between languages
- Brainstorming and ideation
- Strategy planning and generating structured plans
- Quasi-reasoning

LLM Limitations: Although LLMS hold various strengths, LLMs have numerous limitations which must be addressed carefully:

- Lack of real understanding
- Confidentiality risks
- Hallucinations
- Limited context window: They can only consider a limited amount of information at once
- Biased responses
- Variability: Outputs may change with each run
- Knowledge cut-off: Their knowledge is restricted to the accessible data up to a particular date, after which they have no awareness of new developments

XVIII. The Ex(planation) factor: What Makes a Trustworthy AI-assisted Legal Decision?

Chris Greene, Trinity College Dublin

Chris Greene presented preliminary empirical findings from his experimental work on trust in AI-assisted judicial decision-making, identifying design features which lead to greater acceptance and trust in court AI systems. This work is currently under blind peer review as a standalone paper, as well as forming part of his upcoming PhD, and as such cannot be published at this time.

XIX. The Views of the Irish Judiciary on Technology in the Courts

Dr Brian Barry, Trinity College Dublin

Positive and Negative Aspects of AI in the Courts

The speaker began by discussing the potential of AI to help people understand and navigate the court systems, particularly for non-judges and witnesses. For instance, AI's role in providing tailored, flexible information is a positive aspect. The speaker emphasised that AI could help contextualise and better absorb information so that individuals can make better

decisions for themselves, rather than beginning with a recommendation which inevitably anchors an individual to a particular decision point, which is often hard to remove oneself from. However, the speaker sought to hear from the perspectives of judges.

Survey on the Views of the Irish Judiciary on Technology in the Courts in Ireland

This anonymous survey covered a range of issues around judges' usage of technology, their views on what they deem effective or ineffective, and what may happen in the future regarding the role of AI in their profession. Within the conference, the speaker focused on a selection of the results from the survey and disaggregated the data from criminal law judges, who self-identified as either exclusively or primarily dealing with criminal law.

This study was co-authored with Dr Rónán Kennedy of the University of Galway and forms part of a broader global project of over 1,000 judges across ten jurisdictions. A total of fifty-five judges completed this survey between June 24th and August 30th, 2022, in Ireland. This represented a 32% response rate based on the 173 judges recorded on Courts.ie as of August 18th, 2022.

Availability and Quality of Technology

Most of the judges admitted to having vast experience at this stage of remote video conferencing, audio playback facilities, online legal databases to case law, legislation, and commentary. For instance, 22% claimed they have an 'excellent' standard of IT equipment for their personal use in courts, 31% said a 'good' standard, 25% stated they have an 'adequate' standard, 15% said they have a poor standard, while 7% expressed they do not have access to IT equipment. Overall, there was a reasonably high degree of satisfaction amongst the judges with the technology provided.

The survey also asked about the judges' access to internet within the courtroom. The responses of fifty-four judges revealed that 5% have 'excellent' access, 26% have 'good' access, 39% have 'adequate' access, 28% had 'poor' access, while 2% mentioned having 'no access to the internet'. The experience of judges' ability to access internet in their courtrooms is evidently negative. Although efforts are being continuously made, particularly over recent years, it is important this issue is addressed. Not having internet access in court presents a major barrier to justice, as it directly affects one's ability to fully participate in proceedings.

Next, the survey asked judges about their experience of online/remote proceedings. The survey concluded that 11% of judges found the video-conferencing technology for this purpose performed 'very well', 30% claimed it performed 'well', 46% said it performed 'averagely', while 13% reported the experience as 'poor'. According to the speaker, judges reported mixed experiences, with some revealing it worked well and others indicating it did not work appropriately at all.

In addition, the survey asked how well the judges think fully or partially remote conferences, trials or hearings using video conferencing technology support fair outcomes. Just 11% of respondents said things went 'very well' and 32% said 'well'. However, 46% rated their experience as 'average', with 9% describing it as 'poor' and 2% as 'very poor'. The speaker stressed that the quantity of judges reporting average or below as concerning.

The speaker mentioned that they requested comments along the way from the judges about their own personal experience with online hearings. They affirmed that it improved efficiency and hearing expert witnesses' evidence in certain contexts. In addition, they noted it to be particularly useful in the commercial law context. It was highlighted that online hearings were particularly useful for case management and listing matters but had significant limitations in other respects. For example, one judge pointed out, even if the outcome is fair, online hearings can give the impression of being less formal than traditional courtroom settings. Also, participants in the study reported that individuals such as older litigants have difficulty with the software and are further stressed by the experience. As a result, the speaker highlighted issues like these become an access to justice issue.

As regards judges' own experiences of using technology, nine percent of judges expressed 'complication of court process when accessed

remotely', 35% reported 'difficulty accessing technologies to access the court remotely', 16% reported difficulties with the 'availability of audio-visual technology', 35% reported difficulties surrounding the 'quality of audio-visual technology', while 5% reported difficulties elsewhere. Overall, 60% of judges preferred in-person hearings.

The statistics gathered indicate a strong preference among judges for in-person hearings, prompting the question of what steps can be taken next to improve the system. The survey followed with ' To what extent are you satisfied with following aspects of judicial training related to technology used in your work: Time available to undertake judicial training', the results revealed that 2% were 'completely satisfied', 29% were 'satisfied', 38% stated that it 'could be better', while 31% were 'not satisfied at all'. The speaker emphasised the need for targeted training to equip individuals with the skills to effectively use these technologies. The speaker remarked on the prospect of AI for assisting judicial work, that while the EU AI Act asserts that AI cannot replace judges, with the appropriate time and training, judges could successfully use AI as a supportive tool with cautious and appropriate development and deployment.