


SPECIAL DIRECTIVE 24-03

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: GENERATIVE ARTIFICIAL INTELLIGENCE POLICY

DATE: OCTOBER 1, 2024

Over the last few years, Artificial Intelligence (AI) has quickly grown to be a powerful tool in the workplace, exponentially growing in its development and application. LADA prioritizes using AI to assist with functions such as research and drafting as a means to increase productivity, however all LADA employees must be cautious in the use of Generative AI (GenAI) when performing their regular duties. Through this Special Directive, LADA is establishing a clear policy governing the use of GenAI as it continues to evolve and develop as a technological resource. The goal of this new policy is to embrace innovation while also adhering to the ethical responsibilities that come with using GenAI, including duties of confidentiality, accountability, and proficiency.

This Special Directive concerns the use of Generative Artificial Intelligence (GenAI) by LADA employees. Sections 15.11 et seq. of the LPM will be amended to add this policy below.

15.11 Generative Artificial Intelligence Policy

15.11.01 Definitions

- **Generative AI (GenAI)**
Generative AI is a subset of AI that focuses on systems capable of generating new content, such as text, images, code, or audio, based on patterns learned from large datasets. Examples include text generation tools like Microsoft Copilot and image generation models. These systems can produce creative content, assist in decision-making, and automate certain tasks but require human oversight to ensure accuracy and appropriateness.
- **Large Language Model (LLM)**
LLMs are a specific type of GenAI model that has been trained on vast amounts of text data to understand and generate human-like language. These models, like GPT (Generative Pre-trained Transformer), are capable of processing, interpreting, and generating natural language responses. LLMs are used in various applications, including chatbots, document generation, and content summarization.

- **Hallucinations**

In the context of GenAI, hallucinations occur when an AI system generates inaccurate, misleading, or entirely fabricated content that may appear plausible but is not factually correct. These errors can arise from the model's inability to accurately process or retrieve information. Hallucinations can pose risks in business settings if not properly reviewed and corrected by humans.

15.11.02 Data Security and Privacy

Only GenAI tools that have been vetted and approved by the LADA Chief Information Officer (CIO) may be used within the District Attorney. Approved tools will offer enterprise-grade security and compliance measures, ensuring data privacy, and protection while integrating seamlessly into existing systems. These tools are customized for specific business needs and adhere to all relevant regulatory standards, including HIPAA, GDPR, and CJIS.

The use of public GenAI tools (e.g., ChatGPT, Grammarly, Copilot for the web) is prohibited for processing sensitive, confidential, or regulated data. These tools may not provide the necessary security, and data processed by such platforms could be stored, shared, or retained in ways that compromise confidentiality. Public AI tools do not guarantee compliance with industry-specific regulations like HIPAA, CJIS, or GDPR, and their data retention policies are often unclear.

15.11.03 Confidential Data

No sensitive information, including Personally Identifiable Information (PII), Criminal Justice Information (CJI), or Protected Health Information (PHI), should be input/uploaded into AI systems that have not been explicitly approved for handling such data.

LADA employees must not upload internal and confidential case information into GenAI programs that are not approved by the LADA CIO. Commercially available public tools such as ChatGPT and Grammarly may use consumer data to train their algorithm. Confidential information provided to these tools may be vulnerable to a cyberattack. Breaches in privacy could pose a serious threat to the security of confidential information. As outlined in the Technological Directive TD 24-04 established by LA County's GenAI Governance Board, privacy is a crucial guiding principle in GenAI policies to not only ensure public safety but also develop trust in GenAI. (See Technological Directive TD 24-04.)

In addition, the uploading of a defendant's criminal history information into non-approved GenAI programs may potentially violate rules governing the use of such confidential information. (See LPM § 15.04.04 [Misuse of CLETS].)

15.11.04 Accountability

GenAI tools should complement, not replace, human judgment. Human oversight is necessary as a safeguard to potential erroneous information provided by AI-assisted research. Deputies must be vigilant to check all legal authorities submitted to the court to prevent the presentation of hallucinations as fact. A hallucination is a false or misinformed response generated by GenAI

models due to limitations in data. Hallucinations include the citation of cases that are fictional, quotations with no citation, or misrepresented facts.

As the large language models (LLMs) powering GenAI are still learning, there is no guarantee that any program is free from hallucinations. In his [2023 Year-End Report on the Federal Judiciary](#), Chief Justice Roberts noted the dangers of hallucinations, urging lawyers to have “caution and humility” while using AI. Hallucinations can lead to severe ethical consequences in legal work, and it is important to emphasize the importance of human oversight when working with GenAI.

This directive aligns with California State Bar’s Guide for GenAI use. All deputies and paralegals using AI-assisted research tools must carefully review AI outputs, especially when conducting critical tasks like legal research, document drafting, and case analyses. This includes limiting usage to GenAI programs that provide citations, which can be verified. (See [Rules Prof. Conduct, rule 3.3\(a\)\(1\)](#)).

15.11.05 Ethical Considerations for Use of GenAI

Employees must actively assess GenAI-generated content for bias or unfair representations, especially in sensitive legal contexts. GenAI tools may inadvertently produce outputs that reflect biases present in training data. All users are responsible for reviewing GenAI outputs to ensure they are fair, equitable, and in compliance with anti-discrimination laws and ethical standards.

Employees must be aware that the integration of GenAI tools does not exempt them from ethical responsibilities, including adherence to confidentiality, accuracy, and professional conduct standards

15.11.06 GenAI Proficiency

While employees are encouraged to explore leveraging GenAI technologies in their work, all employees who wish to use LADA-approved GenAI programs should have a foundational understanding of AI and its ethical implications.

15.11.07 Limits on the Use of GenAI

GenAI tools are designed to assist with tasks such as legal research, drafting documents, and summarizing information. However, final decisions, legal judgments, and any actions that could impact the legal standing of a case or an individual's rights must be made by human professionals, not AI systems.

GenAI-generated recommendations or outputs must be reviewed and validated by employees before they are submitted, presented, or acted upon.

GenAI tools may not be used to automate any decision-making processes that could lead to material consequences, including but not limited to hiring, firing, legal prosecution decisions, or determinations of innocence or guilt.

GenAI is not to be used to bypass or automate ethical duties such as due diligence, client communication, or the exercise of professional judgment. Employees must continue to fulfill these responsibilities independently of GenAI tools.

The use of GenAI does not absolve employees of legal and ethical obligations, including accountability for the content they produce or decisions they make based on GenAI assistance.

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