FRACTAI
Foundation for Research, Accreditation, Communication and Training in AI

How to interrogate AI for Legal Professionals

Here are some tips to interrogate AI for your cases

It is your responsibility as a legal professional to ensure that scientific legal evidence is objective and undertaken correctly so that there is no bias or unfair activity in a case. Unfortunately this happens more often than we think. FRACTAI are currently working with legal professionals and Judges, the police and the Government to ensure that they are aware of the issues with software related evidence.

Please note that if you use the UK MOJ portal for software that there is no evidence that any of the software has been checked, assured or audited. This has led to problems in recent cases where, when the software has been interrogated, it has been seen as unfit for purpose. Problems then arise within the court room as the Judge has to make a decision. Depending on how well the transparency of the software is argued, this can lead to unsafe convictions and sentences. Check what evidence you are entitled to receive in discovery and please do ask all the questions you need to as it is your right to do so. Should you need help interpreting software please contact FRACTAI for consultants qualified to do this.

If you ask any questions and do not get a transparent answer then perhaps the software does not have the transparency or robustness to be used in court. Do not allow the software company to use sales to gloss over this.

1. Where does the software come from, is it a for profit company? If so, what are their terms and conditions? Do they push all liability onto others? Do they have unhelpful metrics on their website that show they are not producing objective scientific evidence such as ‘We have prosecuted X criminals’’.

2. Has this software achieved any certification? What is the certification and what does it do? Is the software actually compliant with the standards or does it just say this on the website? Is the software not compliant and it is just being said for marketing purposes?

3. Where does the data come from and is it valid? It is easy for the data to be flawed i.e is it relevant, was it obtained from the correct sources, how it is being used in the software.

4. Is there any contextual evidence? Does the software output stack up against this? It is not unusual for software to come up with something completely unrelated to the different types of evidence such as location, mounts or other metrics and completely contradict the evidence already in place. This has to be examined carefully. For example, if drug dealers volumes over text are completely different to software output, why is this?

5. How does the software process the data. What is it trying to achieve and how? The company should provide validation and verification documents and a full explanation of the entire process of the data gathering and processing and interpretability of outcomes as standard. This paperwork should be freely available and you are entitled to it.

6. The software company should not use overly technical language or statistics nor sales and marketing to divert you from your questions.

7. How has this software been tested?

8. What academic research is this software based on? If you are given resources check the links. In one recent case the Dame Carol Black report was used to support an entire software system, which, when examined, was full of broken links and limited pilot studies that indicated that, given this was the only resource used and the rest was simply built on 'judgement', that the software was perhaps unfit for use in court proceedings.

9. Are the developers and subject matter experts suitably qualified? Do they have letters after their name showing competency? Are they members of a professional body? For example, a Chartered Statistician would be contacted for court work as they are qualified to do so. Every member of the team should be suitably qualified. This is very important because the UK education system does not formally teach or assess any AI qualification and software courses can vary substantially so the people building scientific tools should belong to a professional body to keep their knowledge up to date and to adhere to a code of conduct.

10. How are the people from the company acting? Can you get two hours with them for them to illustrate the software and for you to ask questions? What kind of answers do they give?

FRACTAI can help with this and more. Our consultants are currently working on live cases interrogating and examining software and IP for the courts. We can provide training or direct help.

Contact use below

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