

Artificial Intelligence Systems

347.1 PURPOSE AND SCOPE

- (a) This policy establishes requirements for the responsible use of artificial intelligence (AI) for St. Mary's County Sheriff's Office purposes.
- (b) It applies to all office employees using AI in connection with agency work. Personal AI use that does not involve agency information or activities is outside the scope of this policy.

347.1.1 DEFINITIONS

Artificial Intelligence (AI) – A machine-based system that, for a given set of human-defined objectives, can make predictions, recommendations, or decisions influencing real or virtual environments.

Generative Artificial Intelligence (GenAI) – AI technology designed to generate new content, including text, images, audio, video, or computer code.

Agency-Approved AI System – An AI system or AI-enabled feature authorized by the agency for specified purposes and, where applicable, specified categories of information.

Consumer AI System – A publicly available or personally obtained AI service that has not been specifically approved to receive Restricted Agency Information.

Restricted Agency Information – Confidential, sensitive, legally protected, or operationally sensitive information, including CJI; PII; protected health, juvenile, or sealed information; non-public investigative information; victim, witness, suspect, or confidential-source information; sensitive operational information; and privileged information.

347.2 GENERAL POLICY AND AUTHORIZED USE

- (a) AI may be used to support legitimate agency functions when consistent with law, policy, information-security requirements, and this policy.
- (b) AI shall supplement, not replace, human judgment. Members remain responsible for work product, recommendations, analysis, and official actions in which AI is used. AI output shall not be presumed accurate, complete, unbiased, or legally sufficient.
- (c) Members who have completed required training may use Consumer AI Systems for nonsensitive agency work. Restricted Agency Information may only be processed by an Agency-Approved AI System authorized for that information.
- (d) When uncertain whether information may be submitted to an AI system, the member shall not submit it until guidance is obtained from a supervisor.

347.3 HUMAN REVIEW AND VERIFICATION

- (a) Before AI-generated or AI-assisted information is relied upon for official agency action, an authorized member shall independently review the information and confirm, as applicable:

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1. factual accuracy and completeness;
 2. consistency with available source information or evidence;
 3. compliance with applicable legal requirements;
 4. compliance with ethical obligations and agency policy; and
 5. that the use is within the authorized purpose and limitations of the AI system.
- (b) AI-generated information shall not be represented as independently established fact unless appropriately verified.
- (c) Use of AI does not reduce or transfer a member's responsibility for the accuracy, truthfulness, legality, or appropriateness of official work product or action.

347.4 PROHIBITED AND RESTRICTED USES

347.4.1 PROHIBITED USES

Members shall not:

- (a) Use AI output as the sole basis for probable cause, reasonable suspicion, arrest, search, use of force, custodial action, seizure of property, or another action affecting constitutional or legal rights;
1. Note: This prohibition distinguishes between using AI to help draft or express probable cause the member has independently established, and using AI to provide or identify the probable cause itself. It does not prohibit reliance on a verified recording or record, such as body-worn camera video, merely because an AI system was used to transcribe or summarize it, provided the underlying recording, and not the AI output, remains the basis for the action and is independently reviewed under 347.3.
- (b) knowingly submit or communicate unverified AI-generated facts, observations, statements, quotations, or evidence;
- (c) use AI to fabricate, alter, or misrepresent evidence or material facts;
- (d) enter Restricted Agency Information into a Consumer AI System or an Agency-Approved AI System not authorized for that information;
- (e) use AI to circumvent security, access, audit, records, or other agency safeguards;
- (f) use AI in a manner that unlawfully discriminates; or
- (g) represent an AI system as a human agency member when communicating with the public unless specifically authorized for an approved law-enforcement purpose.

These prohibitions address AI-generated conclusions, predictions, or analysis. They do not prohibit reliance on a verified recording or record, such as body-worn camera video, merely because an AI system was used to transcribe or summarize it, provided the underlying recording or record, and not the AI output, remains the basis for the action and is independently reviewed as required by Section 347.3.

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347.4.2 RESTRICTED USES

- (a) Specific agency authorization is required before operational use of:
 - 1. predictive or risk-scoring systems;
 - 2. AI that materially contributes to suspect identification, investigative targeting, charging, custody, or other enforcement decisions;
 - 3. synthetic images, audio, or video depicting identifiable persons for investigative, evidentiary, or public-facing purposes, other than through an Agency-Approved AI System operating under an existing, separately governed agency procedure (e.g., computer-generated photo lineup arrays);
 - 4. AI systems that independently interact with the public on behalf of the agency; or
 - 5. other uses designated by the Sheriff or designee as requiring additional review.
- (b) Facial recognition and other biometric identification technologies are also subject to Md. Code Ann., Crim. Proc. §§ 2-501–2-506 and agency policy governing their use.
- (c) Authorization under this policy does not supersede requirements imposed by law or other agency policy.

347.5 DOCUMENTATION AND DISCLOSURE

- (a) AI use shall be documented when it materially contributes to:
 - 1. sworn, evidentiary, or investigative work product.
 - 2. an investigative or analytical result relied upon in support of enforcement action.
- (b) The method of documentation may vary based on the AI system and nature of the use.
- (c) When AI materially contributes to sworn, evidentiary, or investigative work product, the member shall include a declaration that AI was used, consistent with the requirements of the applicable procedure (e.g., the Code Four disclaimer required by Procedure 327).
- (d) Routine AI assistance involving spelling, grammar, formatting, brainstorming, or nonsensitive administrative drafting does not require separate documentation unless otherwise directed.
- (e) AI-related information shall be disclosed externally when required by law, court rule or order, discovery obligation, prosecutorial direction, or agency procedure.

347.6 APPROVAL AND OVERSIGHT

- (a) Members shall not independently procure, subscribe to, pilot, or deploy an AI system for agency operations outside the established technology-review process. This requirement applies without regard to how the system is obtained or funded, including through an agency account, a personal account or subscription, or a no-cost service.
- (b) This section does not restrict a member's authorized individual use of a Consumer AI System for nonsensitive agency work under Section 347.2. Technology review is required before an AI system is integrated with agency systems or data, adopted as

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an agency or unit tool or workflow, made available to other members, acquired on behalf of the agency, or used to process Restricted Agency Information.

- (c) Proposed AI systems and material expansions of existing AI capabilities shall be reviewed in coordination with County Information Technology. Review shall be proportionate to the intended use, information processed, security requirements, potential effect on individual rights, and operational risk.
- (d) Approval and any conditions or limitations on use shall be examined through the agency technology-review process.
- (e) When a service provider stores agency electronic data, including as part of an AI solution, a written agreement shall address:
 - 1. data ownership;
 - 2. data use, sharing, access, and security;
 - 3. loss of data, irregularities, and recovery;
 - 4. data retention and redundancy;
 - 5. security audits and reports; and
 - 6. special logistical requirements and financial arrangements.

347.7 TRAINING

- (a) Members shall complete agency-approved AI awareness training before being authorized to use AI for agency purposes.
- (b) Training shall address applicable restrictions, information protection, AI limitations, human verification, and documentation requirements.
- (c) System-specific training shall be completed when required as a condition of an AI system's approval.
- (d) The agency shall provide in-service training as defined by the Sheriff or designee, including when changes in technology, law, policy, accreditation standards, or agency operations warrant additional instruction.

347.8 INCIDENTS, COMPLIANCE, AND REVIEW

- (a) Members shall promptly notify a supervisor of an AI-related incident that may affect agency information, official work, legal rights, or the integrity of an agency operation. Reporting and corrective action shall be handled through the chain of command and existing processes appropriate to the incident.
- (b) Nothing in this policy authorizes conduct otherwise prohibited or restricted by law, court order, County or agency policy, contractual requirements, or information-security standards.
- (c) This policy shall be reviewed and revised when warranted by material changes in law, accreditation standards, technology, security requirements, or agency operations.