INTERFACE BETWEEN ARTIFICIAL INTELLIGENCE AND CRIMINAL JUSTICE SYSTEM IN NIGERIA: LESSONS FROM OTHER JURISDICTIONS

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Abstract

The integration of Artificial Intelligence (AI) into criminal justice systems presents a complex landscape of opportunities and challenges. This paper examines the legal implications of AI applications in various facets of criminal justice, from predictive policing to sentencing algorithms that can analyse large datasets, identify patterns, and provide insights for quick and quality decision-making by stakeholders. While AI promises enhanced efficiency and data-driven decision-making, it simultaneously raises significant concerns about fairness, transparency, and the preservation of due process rights. This paper analyzes case studies from multiple jurisdictions, highlighting both successful implementations and controversial failures of AI systems in law enforcement and judicial processes. This paper also identifies several key legal and ethical challenges, including algorithmic bias, lack of transparency in decision-making processes, and the potential erosion of human judgment in critical legal determinations. This study emphasizes the need for continuous human oversight, regular audits of AI systems, and the establishment of clear accountability mechanisms. This study employs a multidisciplinary approach, combining legal analysis and ethical philosophy to evaluate the current state of AI in criminal justice and project future trajectories. The article concludes by outlining policy recommendations and best practices for lawmakers, judiciary, and law enforcement agencies to develop strategies to meet the realities of Artificial Intelligence-enabled crime.

Keywords: Artificial intelligence, Crime commission, Criminal liability, Law enforcement, Legal implications

1.1 Introduction

In recent years, the integration of artificial intelligence (AI) technologies within the realm of legal systems has rapidly gained momentum, revolutionizing traditional legal practices and reshaping the landscape of legal services. With the advent of sophisticated algorithms, natural language processing, and machine learning capabilities, AI has become instrumental in automating mundane tasks, expediting legal research, and providing data-driven insights for informed decision-making. From predictive analytics aiding in case outcome predictions to the automation of contract analysis and due diligence processes, AI has fundamentally transformed how legal professionals approach and execute their tasks, marking a paradigm shift in the delivery of legal services.[501] Artificial Intelligence (AI) has rapidly advanced, offering transformative potential across various sectors, including the criminal justice system. AI technologies, such as machine learning algorithms, predictive analytics, and natural language processing, are being integrated into law enforcement, judicial decision-making, and correctional systems.[502] These technologies promise to enhance efficiency, accuracy, and consistency in the criminal justice processes. For instance, predictive policing uses algorithms to identify potential crime hotspots, enabling law enforcement agencies to allocate resources more effectively. AI's ability to process vast amounts of data quickly and accurately can assist in criminal investigations. Machine learning algorithms can analyze patterns and correlations in data that human investigators might miss, leading to more effective identification of suspects and evidence. Similarly, AI-driven tools like facial recognition and automated fingerprint identification systems are revolutionizing forensic analysis.[503]

These technologies can significantly reduce the time and effort required to process evidence, enhancing the overall efficiency of criminal investigations. The judiciary is also benefiting from AI applications. AI algorithms are used to assist judges in making bail and sentencing decisions by assessing the risk of recidivism. These tools analyze historical data and various factors related to the defendant's profile to provide risk assessments. This can lead to more consistent and objective decisions, potentially reducing human biases that might influence judicial outcomes. The

[501] A. Olalekan Bello & Cecile Ogufere, *The Emerging Artificial Intelligence Legal-Judicial System's Interface: Assessing the State of Nigeria's Judicial System's Readiness for a Revolution, Common wealth Cyber Journal*
[502] Ibid.
[503]S, H Flora, S Xu, M Xavier W Cale &M Syahputra,. (2024). *The Impact of Artificial Intelligence on the Criminal Justice System: Ethical and Legal Challenges. Rechtsnormen Journal of Law 2*(4), 334–344.

use of AI in legal research and document analysis also streamlines the workload of legal professionals, enabling them to focus on more complex tasks. Despite these advancements, the integration of AI into the criminal justice system raises significant ethical and legal challenges.[504]

The legal and criminal responsibility of AI, though surprising when considering an action performed solely by AI or in conjunction with a human, will become a topic of legal debate in the near future due to the continuous advancement of technology and AI's interaction with humans. In this context, the potential criminal responsibility of AI, designed and programmed by humans, should not be overlooked. The future scope of AI development and its potential areas of application are unknown, making it premature to use prejudiced and definitive statements regarding the criminal liability of such software. It would be an oversimplification to assume that algorithms, which always make decisions within a set framework, imply that only the human programmers should be held accountable. Since the ability to distinguish right from wrong is inherently human, only a human can be a criminal offender in criminal law.[505]

It must be noted that, the existence of a crime and its elements in criminal law must be assessed in relation to AI in order to develop the potential criminal responsibility of AI. AI develops its algorithms based on its experiences and knowledge through learning methods. Initially, machines operated under limited human control, but advancements have led to AI machines with intelligence and mobility akin to humans. The assumption that AI, so deeply integrated into our social life and actively playing a role, could in the future exhibit characteristics equivalent or superior to human intelligence is unsettling for some. This apprehension stems from the lack of clear consensus on whether AI entities are subjects or objects. The possibility of AI entities reaching or surpassing human intelligence levels in the near future raises questions among philosophers, scientists, sociologists, and legal scholars on how to classify these entities. To hold an AI entity responsible for its actions, especially those possessing intelligence equivalent or superior to human

[504] Ibid.
[505] C H Kan (2024). *Criminal Liability of artificial intelligence from the perspective of criminal law; An evaluation in the context of the general theory of crime and fundamental principles, International Journal of Eurasia Social Sciences* (IJOESS), 15(55), 276-313.

intelligence, it first needs a legal status.[506]This can lead to unfair treatment and further entrenchment of systemic inequalities within the criminal justice system. Transparency and accountability in AI decision-making are also major issues. AI algorithms often operate as "black boxes," making decisions without clear explanations of how those decisions are reached. This lack of transparency can undermine trust in AI systems, particularly when individuals affected by these decisions cannot understand or challenge them. Ensuring that AI systems are transparent and their decision-making processes are explainable is crucial for maintaining public trust and ensuring justice. There is a growing recognition of the need for robust ethical guidelines and legal frameworks to govern the use of AI in the criminal justice system.[507] Various scholars like Elon Musk, Sam Altman, Dario Amodei, and Demis Hassabis have called for regulations that ensure AI technologies are used responsibly and ethically. These frameworks should address issues of fairness, accountability, transparency, and privacy. Developing and implementing such guidelines is essential to harness the benefits of AI while mitigating its risks, ensuring that the criminal justice system remains fair and just in the digital age.[508]

This study hypothesizes that AI can enhance the criminal justice system's efficiency and accuracy but must be implemented within a robust ethical and legal framework to prevent adverse outcomes. The research aims to identify specific areas where AI integration could perpetuate biases or lead to unfair outcomes. By systematically evaluating AI's impact across various facets of the criminal justice system, these insights will be crucial for ensuring that AI technologies are used responsibly and equitably. Addressing the gaps in the understanding of AI's impact on the criminal justice system is crucial for developing comprehensive ethical and legal guidelines. This research will explore the effectiveness of existing frameworks and propose enhancements based on empirical evidence. The goal is to ensure that AI systems are transparent, accountable, fair and in accordance with the law. By providing a detailed analysis of AI's benefits and legal implications, this study will contribute to the creation of policies and practices that uphold justice and equity in the digital era.

[506] G Mercan, & Z Varol Selçuk, (2024). *Artificial intelligence (AI) activities in legal practices. International Journal of Eurasian Education and Culture, 9*(25), 131-144.
[507] Ibid.
[508] S Flora, H., Xu, S., Xavier, M., Cale, W & Syahputra, M. (n 4).

2.1 Conceptual Clarification

Artificial Intelligence is not merely about replicating human cognition, it is also involves the ability to analyze the environment and take actions with some degree of autonomy to achieve specific goals. It is important for better understanding of the topic to consider the conceptual clarification terms like Artificial Intelligence, Crime Commission and Law Enforcement in order to shield more light to the interface between Artificial Intelligence and Criminal Justice System

2.1.1 Artificial Intelligence

Artificial intelligence is characterized as computer programmes designed to solve complex problems by implementations of processes similar to human cognition. This is the area of computer science where intelligent machines and software are researched and created. The area of research was based on the claim that a fundamental human trait, intellect— the knowledge of *Homo sapiens*—can be so accurately defined that a computer would replicate it. This presents philosophical problems concerning the nature of the reality and the behaviour of artificial entities, concerns that have been answered since ancient times by legend, literature and theory. Artificial intelligence was incredibly positive but also remarkably changed[509]. It has now become a key part of the technology industry, delivering strong lifts for many of the most complex informatics issues. The main problems (or objectives) in AI science include reasoning, understanding, organizing, studying, communication, vision, and the ability to manipulate and move objects.[510] AI utilizes an enormous number of tools including search and analysis, intuition, probability-and economics-based approaches, and many others.[511]

Artificial Intelligence (AI) is a transformative field of computer science dedicated to building systems that can simulate human intelligence. This simulation encompasses a wide range of capabilities, including learning from experience, recognizing patterns, solving problems, understanding and generating language, and making decisions. AI has progressed from a theoretical concept into a practical tool that is now deeply embedded in numerous aspects of

[509] C. Lexcellent, *"Artificial Intelligence," in Springer Briefs in Applied Sciences and Technology,* 2019.
[510] M. Leman, *"Lecture notes in artificial intelligence," in Lecture Notes in Computer Science (including subseries Lecture Notes in Artificial Intelligence and Lecture Notes in Bioinformatics)*, 1997.
[511] *Artificial Intelligence, "Fundamentals of Genetic Algorithms Artificial Intelligence Fundamentals of Genetic Algorithms Artificial Intelligence*," Thesis GA 42, 2010.

modern life. From intelligent virtual assistants and self-driving cars to sophisticated data analytics tools and advanced robotics, AI is revolutionizing how individuals, businesses, and governments operate.[512]

The term ‘’Artificial Intelligence’’ was first coined in 1956 at the Dartmouth Conference by John McCarthy, Marvin Minsky, Nathaniel Rochester, and Claude Shannon.[513] They proposed that every aspect of learning or any other feature of intelligence can in principle be so precisely described that a machine can be made to simulate it. This bold proposition laid the foundation for what would become one of the most significant technological pursuits of the 20th and 21st centuries.[514]

2.1.2 Crime Commission

In a strict legal definition, however, a crime is a violation of the criminal law, which is subsequently followed by legal punishment. In criminal law, a crime is an action of omission or commission, which attracts sanctions, such as fine, imprisonment or even death.[515] A crime in law consists of two basic elements, the *actus reus* and the *mens rea*. The *actus reus* is the physical element or the guilty act and it requires proof. Where there is no *actus reus,* there is no crime. It includes all the elements in the definition of the crime with the exception of the mental element. The *actus rea* could be made up of conduct, its consequences and the circumstances in which the conduct takes place.[516]

The second element, *mens rea,* is the mental element or the guilty mind. It is basically the intention and a man is said to intend doing something if he foresaw and desired it. The desire for the consequences is the basic factor of intention. *Mens rea* is not required for all crimes. There is no singular definition of *mens rea* because every crime has its own *mens rea* except strict liability or

[512]A Attar, S Raissi, & Khalili-Damghani, K. (2017). *A simulation-based optimization approach for free distributed repairable multi-state availability-redundancy allocation problems. Reliability Engineering & System Safety*, 157, 177-191.

[513]Dart mouth, *A proposal for the Dartmouth Summer Research Project on Artificial Intelligence* https://home.dartmouth.edu/about/Artificial Intelligence (AI) Coined at Dartmouth | Dartmouth accessed on 1st of April 2026.

[514] Ibid.

[515] Aishatu Musa, Kaumi Alkali Kalli and Adda Gana, *International Journal of Law, Politics and Humanities Research, Cambridge Research and Publications* 2025, Vol. 27, No. 6,

[516] J S Smith, and B Horgan, (1988). *Criminal Law, London: Butterworths*

absolute offences. To demonstrate *mens rea,* it must be proven that an individual intentionally, knowingly, recklessly or negligently behaved in a given manner or caused a given result. Crime can be dichotomized into serious and minor; felony and misdemeanour, *mala in se and mala prohibitum* crimes against persons and crimes against property. Criminologists are very much concerned with all potentially criminal behaviours, but not only in the strict legal sense. The definition of crime among criminologists will therefore recognize factors such as value systems, norms and religious attitudes in a given culture.[517]

While the classical school dealt with the legal definition of crime, the positivist school defined crime in the context of disease. Crime as a disease, according to the positivists, appeared non-randomly among the weak, more defective class of the human race.[518] The positivist school, therefore, sought the definition of crime in the criminal, not criminal law. Lombroso, a leading figure of the positivist school, developed the idea of a born criminal, fatally destined to commit crime because of his (her) bio-psychological constitution Positivists rejected the legal definition of crime because, according to them, the concept of crime cannot be accepted as a legal category, "since the factors which produce the legal definition are contingent and capricious" [519]. That is, Positivists believe that crime is not defined by law but by natural laws and moral sentiments, emphasizing that acts that offend these sentiments are considered crimes.

2.1.3 Law Enforcement

Law enforcement refers to the system or agencies responsible for ensuring the observance and enforcement of laws within a given jurisdiction. It involves a range of activities, including investigating criminal activities, apprehending lawbreakers, maintaining public order, and ensuring the implementation of legal penalties. Law enforcement agencies include local police departments, federal agencies like the FBI, and other organizations tasked with enforcing specific laws (such as environmental or tax laws). The primary goal of law enforcement is to uphold the rule of law, protect citizens, and maintain social order. For example, local police officers are responsible for patrolling neighbourhoods, responding to emergency calls, investigating crimes,

[517]C Lombroso, (1911). *The Criminal man, New York, Putman.*
[518] Aishatu Musa, Kaumi Alkali Kalli and Adda Gana (n 13).
[519]C R.Jeffery, (1959). *An Integrated Theory of Crime and Criminal behaviour. Journal of Criminal Law, Criminology and Police Science,* 49, pp. 533-555.

and making arrests when necessary.[520]

Law enforcement is crucial because it maintains public safety, enforces legal rights, and ensures that individuals and organizations comply with the laws that govern society. Without effective law enforcement, laws would be difficult to implement, and public safety and order could be compromised. Law enforcement helps deter crimes, resolves disputes, and holds individuals accountable for illegal actions, thus contributing to a more stable and just society. For communities, law enforcement provides a sense of security and helps prevent criminal activity, while also protecting property and ensuring justice. For governments, a functioning law enforcement system is essential for the administration of justice and for maintaining the social and legal order.[521]

Law enforcement agencies like the Nigerian Police Force, Economic and Financial Crime Commission, Department of State Services and National Intelligence Agency utilize AI in diverse ways for crime prevention, control, investigation and prosecution. Some of the areas include predictive policing, facial recognition, crime pattern analysis, victim identification, forensic analysis, crowd monitoring, and emergent response for public safety and security. AI's potential to analyse vast amounts of data in real time has proven invaluable in identifying patterns, predicting criminal behaviour, identifying victims of crimes and assisting in detection of cybercrimes and terrorism.[522]

3.1 Theoretical Framework

There are several theories against crime commission and these theoretical frameworks act as intellectual frameworks that illuminate the factors, dynamics, and causes, influencing people's decisions to do or refrain from criminal activities as follows:

[520] https://www.cobrief.app/resources/legal-glossary/Law enforcement: Overview, definition, and example accessed 18th February 2026.
[521] Ibid.
[522] Yang F, *'Predictive policing' in Oxford Research Encyclopaedia of Criminology and Criminal Justice (2019).*

a Retribution theory

The theory of retribution is premised on revenge. The essence of the theory is to make the offender suffer for the offence committed just like the Mosaic law of an eye for an eye.[523] The theory punishes the offender for choosing to commit the criminal act and to face the consequences. However, many scholars like Jeremy Bentham, Cesare Beccaria and Cesare Lombroso have criticized the theory that punishment will not bring back the victim for instance in the case of murder. The theory of retribution does not contemplate forgiveness which is enshrined as a divine mandate in the Holy Bible. Retribution involves looking back at the injury caused by the offender.[524] It has an element of vengeance for paying back for what the offender has caused or done. In the view of Salmond, one may conclude that punishment is imposed in order to relieve the public's indignant feelings,[525]or to mark with what revulsion they regard the crime.[526]In its application, a more severe punishment may be imposed for an offence with a view to pay the offender what he has caused to the victim and public at large. Thus, writers seem to have criticized this theory more than other but as mentioned by Okonkwo, 'its importance should not be ignored, because it does form a substantial part of many people's beliefs about punishment in respect of many "serious" crimes.[527]

Retribution favours the principle of fair deserts. Thus, the condition for punishing an offender is when the state is convinced that he actually committed the offence though determining fairness is another issue.[528]What must be borne in mind is that the offence for which the offender is tried must be written down in a law.[529] Again, similar cases must be treated in the same way since there are

[523]This is the Mosaic Law mentioned in the Holy Bible (Exodus Chapter 22 verse 24) when Moses was the leader of Israelites.

[524]Cf. Hart, *Punishment and the Elimination of Responsibility (1961) Hobhouse Memorial Lecture).*

[525]C f Salmond Jurisprudence (11th ed.) 121.
[526]Okonkwo and Naish on *Criminal Law in Nigeria, (2nd ed. Spectrum Books Limited 2002)* p. 28.

[527]*Ibid* p. 29.
[528]Ibid. p. 27.
[529]CFRN s. 36(12); *Aoko v Fagbemi* (1961) 1 All NLR 400.

different capabilities to commit crimes as well as exceptions to criminal responsibility[530] applicable to offenders.[531]

b Deterrence theory

This theory is based on the utilitarian principle propounded by Jeremy Bentham.[532] According to him, a man is governed by two principles-pain and joy.[533] Thus, deterrence is to have an eye for the future. Although the critics of this theory believe otherwise that deterrence does not really deter in the real sense especially when passion or psychology is involved. They believe deterrence is against justice even though the court of law could glaringly increase the punishment of an offender in order to deter people. Deterrence may be general or special. A general deterrence is described as a goal of criminal law generally or of a specific conviction and sentence, to discourage people from committing crimes. On the other hand, special deterrence is where a specific conviction and sentence is used to dissuade the offender from committing crimes in the future.[534] There is no doubt that what the theory of deterrence seeks to achieve is part of the prospects and challenges of criminal procedure in Nigeria with introduction of lofty provisions in the ACJA aimed at achieving these goals. However, the ACJA is not all of deterrence. The perspective that is closely connected to it is the intention to dissuade the offender from committing crimes in the future.

c Restraint theory

Restraint proposes that the best way to deal with an offender is to take him out of the society. Restraint emphasizes confinement, abridgement or limitation of the offender from having access to commit the crime the second time.[535] The idea is to remove an offender from society, making it physically impossible (or at least very difficult) for him or her to commit further crimes against

[530]Criminal Code Act Cap. C.38 LFN, 2004, s. 24-32; Penal Code Act, Cap. P3 LFN 2004, s. 51-56 contain various exceptions to criminal liability.
[531]Thus, in *Maizako v Superintendent General of Police* [1960] W.R.N.L.R. 188, the sentence of one accused was upheld because he had a record of burglary but that of the other was reduced because he had no previous conviction. Similarly, in *Enahoro v R* [1965] NMLR 265 at 283, sentence imposed on 'lieutenant' was reduced because it was heavier than that imposed on 'leader'. The court of law further held in the case of Thomas [1964] Crim. L.R. 22 that a man, who already had a conviction for a similar offence before he committed the second one, does not deserve to be treated with leniency.
[532]Bronsteen John, Christopher Buccafusco, and Jonathan Masur, *'Happiness and punishment' (2009) The University of Chicago Law Review* pp. 1037-1082.
[533]J Kolber Adam, '*The Subjective Experience of Punishment' (2009) 109 Columbia Law Review* 109 p. 182.
[534]A Brayan Garner, *Black Law Dictionary*, 5th edition, p. 514.
[535]Garner Op. Cit. p. 1429.

the public while serving a sentence.[536]Restraint works as long as the offenders remain locked up. There is no question that incapacitation reduces crime rates by some unknown degree. The problem is that it is very expensive. Restraint carries high costs not only in terms of building and operating prisons, but also in terms of disrupting families when family members are locked up.[537]

4.1 Legal frameworks for crime commission in Nigeria

The legal frameworks for crime commission in Nigeria are regulated by both domestic and international law and treaties. The domestic law includes the Nigerian Constitution,[538] and the Nigerian criminal laws which include procedural and substantive laws. The procedural laws comprise the Administration of Criminal Justice Act,[539] and its domesticated versions in states that have adopted its application; the Criminal Procedural law;[540] the Criminal Procedure Code,[541] the Evidence Act 2011; and certain parts of the police enabling law.[542] The substantive laws comprise the Criminal Code Act, the Penal Code, the Economics and Financial Crime Commission Establishment Act, the Independent Corrupt Practices Commission and other related Act, the Terrorism Act, etc.

4.1.1 The International Law

There are several international treaties, conventions and protocols which regulate police performance and conduct in criminal investigation, many of which are rights creating instruments. They are applicable to the Nigeria Police not just because of the burden placed on the Nigerian government, as a signatory to those treaties, to ensure their observance in the country due to its voluntary undertaking and involvement in the process of their coming into being, but more importantly, the Nigeria Police Act 2020 s 4 (a) provides duty of protection of the rights and

[536]Theories of Punishment', https://www.cliffsnotes.com/study-guides/criminaljustice/sentencing/theories-of-punishment Accessed 18th February 2026.
[537]S Frase Richard, *'Punishment Purposes' (2005) Stanford Law Review pp. 67-83; Robinson, Paul H, 'Ongoing Revolution in Punishment Theory: Doing Justice as Controlling Crime',* (2010) 42 The Ariz. St. LJ p. 1089.
[538]The Constitution of the Federal Republic of Nigeria 1999, (as altered) (CFRN 1999).
[539]The Administration of Criminal Justice Act 2015 (ACJA 2015). Currently, the Act has been domesticated in more than 28 states in the Federation of Nigeria.
[540] The Criminal Procedure Law (CPL) for various states, in the southern part of the country, which are yet to adopt the provisions of the administration of the ACJA 2015.
[541] The Criminal Procedure Code for various states, in the northern part of the country, which are yet to adopt the provisions of the administration of the ACJA 2015.
[542] The Nigeria Police Act 2020 (NPA 2020).

freedoms of every person in Nigeria as provided in the constitution, the African Charter on Human and Peoples Rights and any other law as concomitant duty to prevention and detection of crimes. The expression 'any other law', contained in the section, accommodates the various treaties or conventions' containing provisions on human rights.[543]

The Federal Republic of Nigeria is a signatory to several international treaties, conventions, protocols and agreements that border on the protection and promotion of human rights which include the following: UN Universal Declaration on Human Rights 1948 (UDHR); UN Code of Conduct for Law Enforcement Officials (1979); UN Standard Minimum Rules for the Treatment of Prisoners (1977); UN Principle on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989); UN Declaration on the Protection of All Persons from Enforced Disappearances (1992); UN Body of Principles for the Protection of all Persons Under any form of Detention or Imprisonment (1988); and the Convention on the Rights of the Child (1989).[544]

Other treaties to which the Nigerian government is a signatory are the UN Rules for the Protection of Juveniles Deprived of Liberty (1990); UN Convention against Torture Inhuman or Degrading Treatment or Punishment; UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Powers (1990); UN International Covenant on Civil and Political Rights (ICCPR), (1966); UN Declaration on the Elimination of Discrimination Against Women (1967), and UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). Though the implementation of these international treaties requires specific domestic legislation and to enable their application in Nigerian courts, the Nigeria Fundamental Right Enforcement Procedure Rules (FREPR) allows their basis as a ground on which rights may be enforced in Nigeria. The Nigeria Police is governed by the provision of these treaties in so much as the protection of rights and practice standards are concerned.[545]

[543] Flora, S H, Xu, S., Xavier, M., Cale, W & Syahputra, M (n 1).
[544] Ibid.
[545] Ibid.

4.1.2 The Constitution of Federal Republic of Nigeria, 1999

The supremacy of the Constitution in Nigeria is not in doubt. The CFRN 1999 makes provisions for its supremacy, stating that the Constitution is supreme and its provisions binding on all authorities and persons throughout the Federal Republic of Nigeria.[546] It further provides that any other law that is inconsistent with its provisions shall, to the extent of its inconsistency, be void.[547] The application of the Constitution to all authorities (the Nigeria Police Force inclusive) and persons (police personnel inclusive) connotes the subordination of the police organization to the provisions of the Nigerian Constitution. The Constitution, being the spirit of the people,[548] therefore, becomes the foremost legal framework for the existence, creation, scope and extent of its functions and powers.

The Constitution further provides for the organization, administration, powers and duties of the police.[549] Similar provisions are also contained in the NPA 2020.[550] To protect the Nigerian citizens, the constitution devotes its Chapter IV to protection of rights while conceding, in appropriate cases, waiver for the well-being of the citizens. The Torture (Prevention and Prohibition) Act 2017 (TPPA 2017) and the Child Rights Act also complement the constitutional provisions for the protection of rights in Nigeria. Also created by the Constitution are supervisory and regulatory agencies[551] saddled with organizational and disciplinary control of the Force and formulation of polices and regulations for its guidance.

4.1.3 The Police Enabling Law – The Nigeria Police Act 2020

The Nigeria Police Act 2020 establishes and makes sundry provisions for the duties and powers to be performed by members of the Nigeria Police Force. The objective of the NPA 2020 is to provide for a more efficient and effective police service that is based on the principles of accountability and transparency; protection of human rights and fundamental freedoms; and partnership with other security agencies.[552] These are with a view to repositioning the Police Force to uphold and

[546] See the CFRN 1999, s 1(1).
[547] Ibid at s 1(3).
[548] Ibid at s 14(2)(a).
[549] Ibid at s 214 (2)(a), (b) & (c).
[550] See the NPA 2020, s (3(1).
[551] These agencies include, among others, the Police Service Commission and the Nigeria Police Council.
[552] See NPA 2020, s 1.

safeguard fundamental rights of every person in Nigeria in its operations; bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and wellbeing of the general public; and strengthening the police force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria.[553] Expectedly, beyond the eagerness to contain crime, the police are expected to consider, along with this duty, the protection of rights of the Nigerian citizens.[554]

Apart from the NPA 2020 which is the principal enabling law regulating the Nigeria Police Force, there are other subsidiary legislations, the principal of which is the Police Regulations 2004 (PR 2004).[555] This is in addition to Order and Notices made for the guidance of the Force or police personnel. These Regulations, Order and Notices are deemed to derive their authority from the NPA 2020. Both the principal legislation (the PA 2004 now NPA),[556] none is superior to the other, except when the rule of inconsistency is applied.[557] The NPA 2020 is as important as the Police Regulations. Annotated also are the provisions of draft Nigeria Police Regulation 2023 which contains extensive provisions that fill the gaps in the Police Regulation 2004 for which it is proposed to play a complementary role in strengthening existing legislations.

5.1 Institutional frameworks for Crime Commission in Nigeria

The institutional framework for crime in Nigeria consists of a multifaceted, interdependent system of law enforcement agencies, the judiciary and correctional services designed to maintain public safety, enforce regulations and administer justice. According to Blau[558] criminal justice system is an essential part of any civilized nation to ensure justice, fairness, the practice of the rule of law and the institutionalization of a democratic system. The Criminal Justice System is a system comprising many bodies, groups, institutions or agencies that have been charged with the responsibilities of ensuring social agreement and mass compliance with the law and deciding whether or not an individual is guilty of violating the laws of the society, and the appropriate

[553] Ibid at s 2.
[554] Ibid at s 4.
[555] Ibid at s 140(6).
[556] See Agha v IGP (1997) 10 NWLR (Pt. 524) 317.
[557] Ibid, p. 332.
[558] J. R Blau, (2014). *The dynamics of social structure and culture. Rutgers University Press.*

punishment to be mated to such an individual.[559]Also, according to Adeyemi and Effiong[560]the interrelationship of criminal justice system elements comprises three major components, i.e. Police, Court and Prison. They are components through which crime and criminals are identified, apprehended, judge and punished.

(a) The Nigeria Police

The Nigeria Police Force is a paramilitary federal institution whose operation is under the control of the president of the country. The Nigeria Police is, by law vested with the responsibility of detecting, investigating and solving crime so as to ensure peace, and stability in the nation. Within the criminal Justice System, the Police is referred to as the gatekeeper.[561]

(b) The Court

While the Police initiate the process of a criminal proceeding, the courts are there to ensure that all due processes are explored in the dispensation of justice. The court's role is to establish, without doubt, the guilt or innocence of individuals brought before her and to ensure adequate and appropriate punishment or rewards/compensation are given as applicable.[562]

(c) The Prison

Prisons are places where those who have violated the laws of the state are legally held or confined while awaiting trial or serving punishment after being adjudged guilty. Prisons are meant to serve rehabilitation and reformatory purposes, where convicted individuals can be made to realize their erroneous ways and the gravity of the acts that led to their conviction, have a change of heart and perhaps acquire certain skills that will enable their re-absorption into the society.[563]

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[559] R. L. Akers (2018). *Social learning and social structure: A general theory of crime and deviance. Transaction Publishers.*
[560]O Adeyemi, &A Effiong, (2019). *Criminal Justice System in Nigeria: A Contemporary Discourse. Abuja: National Open University of Nigeria Press.*
[561]O Dada & T .Odetoye, (2020). *Issues in Contemporary Criminal Justice Administration in Nigeria. Ibadan: Hope Publications.*
[562] S O Ogunlana, (2018). *Criminal Justice Administration in Nigeria: Issues, Problems and Prospects. Lagos: Malthouse Press Limited.*
[563] M. O. Ajomo (2016). *An Appraisal of Criminal Justice Administration in Nigeria. Lagos: Supreme Education Foundation Press.*

6.1 Legal Implications of Artificial Intelligence in the Commission of Crimes and Law Enforcement

Artificial Intelligence (AI) is programmed to exhibit a unique intelligence that is quick to comprehend and seems intuitive. It demonstrates sharpness and acuity in its ability to analyze, synthesize, distinguish, select, and adapt to various situations. It is acknowledged that Artificial Intelligence (AI) is useful in predictive policing, efficient case management, evidence analysis, particularly in forensic science, sentencing and risk assessment and it can promote rehabilitation and reduce recidivism rates. However, in employing AI, it must be ensured that we are promoting a safe, secure and trustworthy Artificial Intelligence that operates in compliance with the laws and ethics of criminal justice without posing undue risks to justice, fairness, and without compromising either the rights of the victim or the accused person, not even the State. It is all about the ability of a tool or some device (robot) to perform some activities that need intelligence, such as actual reasoning and self-correction. The fact remains that there is no AI without human intelligence since the AI-enabled system depends on the knowledge embedded in it from human knowledge. It is the simulation of human intelligence in machines that are programmed to think, learn, and problem-solve like humans, thereby encompassing a wide range of technologies and techniques that enable computers and systems to perform tasks that typically require human intelligence.[564]
In the legal arena, AI seems to have progressed from enhancing legal research and case analysis to streamlining contract review and automating mundane tasks, including reshaping how legal professionals deliver services and interact with their clients. so much so that AI-powered legal research platforms have become essential tools for lawyers. However, their application in the criminal justice system is not without implications. From predictive policing to the analysis of court transcripts, AI technologies are being deployed to enhance the efficiency, accuracy, and fairness of criminal justice processes.[565]

Over time, advancements in machine learning, natural language processing, and big data analytics have led to more sophisticated applications. Today, AI is utilized in various aspects of criminal

[564] Imhoff & Associates, PC, *The Impact of AI on the Criminal Justice System: A Technological Revolution, Oct 3, 2023.*
[565] Ahmed Banafa, *The Use of AI in the Criminal Justice Field,* 24 July 2024.

justice, including predicting policing, Facial Recognition, Risk Assessment Tools, Automated Case Management. When it comes to predictive policing, it involves the use of AI algorithms to analyze historical crime data and predict future incidents. These algorithms can identify hotspots for criminal activity, allowing law enforcement agencies to allocate resources more effectively. It enables resource optimization, crime prevention by increasing police presence in predicted hot-spots. It also promotes data-driven decision, reduces reliance on subjective judgment and promotes objective decision-making. However, there could be biases because AI systems can perpetuate existing biases present in historical crime data. This may lead to disproportionate targeting of certain communities and populations. Furthermore, increased surveillance and data collection can infringe on individual privacy rights thereby creating privacy concerns.[566]

Also, facial recognition technology uses AI to match facial features from images or video footage with databases of known faces. The technology is widely used for identifying suspects, verifying identities, and locating missing persons. Introducing it into the criminal justice system will be beneficial in helping to maintain surveillance by monitoring public spaces for known offenders, assisting in the identification of suspects from security camera footage. It will equally enhance security measures in courts, police cells and correctional facilities. However, some inherent ethical and legal implications are obvious. Research has shown that facial recognition systems can exhibit bias, particularly against minority groups, leading to wrongful identifications. There is therefore the need for stringent regulations to govern the use of facial recognition technology to prevent misuse and adequately handle possible issues regarding consent and the right to privacy [567]
Furthermore, risk assessment tools use AI to evaluate the risk of reoffending, which informs decisions regarding bail, sentencing, and parole. These tools analyze various factors, including criminal history, socio economic status, and psychological profiles. Thus, it can help to provide judges with data-driven insights, promote consistency in judicial decisions thereby reducing disparities. It promotes efficiency and helps to streamline the decision-making process, saving time and resources. However, there could be possibility of bias and unfair outcome. Transparency may not even be assured. This is because these tools can inherit biases from the data they are trained

[566] Ahmed Banafa, Ibid.
[567]Ibid. See also: A Lensen, M Betker, *"We Built Algorithm that Predict the Length of Court Sentences - could AI play a role in the Justice System"*. 2022.

on, potentially leading to unfair outcomes. Also, the proprietary nature of many algorithms reveals that their inner workings are not always transparent.[568]

The use of AI for automated case management will be beneficial in streamlining legal processes. AI-driven case management systems automate various administrative tasks, such as scheduling, document management, and workflow coordination.[569] These systems improve the efficiency and effectiveness of legal processes, reduce the administrative burden on legal professionals, minimize human errors in document handling and case tracking and improve access to case information for all stakeholders. However, it could be somehow complex to ensure compatibility with legacy systems and it requires training for legal professionals to effectively use new technologies.[570] There is also need for data security. Thus, protecting sensitive legal information from cyber threats is of great importance. AI tools are said to have the capacity of rapidly analyzing vast amounts of legal documents and case law to provide relevant information, which can aid lawyers in case preparation and research. AI can predict the likely outcome of litigation based on historical data, thereby helping legal teams to strategize effectively. AI-driven virtual assistants can support lawyers by managing schedules, sending reminders, and even drafting basic legal documents. However, amidst these benefits are obvious ethical and legal implications. The deployment of AI in criminal justice must be guided by principles of fairness and equity. There is need to address biases in AI systems as it is critical to prevent the perpetuation of existing inequalities. Transparency in AI algorithms and accountability for their decisions are essential. Stakeholders have to understand how decisions are made and have recourse in cases of errors or biases. Transparency and ethical use of AI will help to build public trust in AI technologies.[571]

AI also plays a role in prison management, monitoring inmate behaviour and helping in resource allocation and rehabilitation programmes. Notably, Artificial Intelligence (AI) is quickly becoming an important technology even in fraud detection.[572] Thus, Internet companies like PayPal[573] NG stay ahead of fraud attempts by using volumes of data to continuously train their

[568] Ibid.
[569] Ahmed Banafa, *The Use of AI in the Criminal Justice Field, 24 July 2024. See also: Blog Post "Smart Courts and the Push for Technological Innovation in China's Judicial System"*.
[570] Ibid.
[571] A Lensen, M Betker, Ibid. See also: Ahmed Banafa ,Ibid.
[572] A Jaoker "*Artificial Intelligence in Fraud Detection" Evision Blog 2017*.
[573] Paypal NG is the faster, safer way to send money and make an online payment or set up a merchant account.

fraud detection algorithms to predict and recognize anomalous patterns and to learn to recognize new patterns.[574]

The legal implications of integrating artificial intelligence (AI) in criminal justice are profound and multi-faceted. One of the primary concerns is the potential for bias in AI algorithms. If these algorithms are trained on biased data, they can perpetuate and reinforce existing prejudices within the criminal justice system. This raises serious legal questions on equal protection under the law and fairness in procedures, criminal justice and justice delivery. Courts need to ensure that AI systems used in processes such as sentencing, do not discriminate against certain demographic groups and that the outcomes are consistent with legal principles of fairness and non-discrimination. Transparency and accountability are also critical legal issues in AI-driven sentencing. The obscurity of AI algorithms often referred to as the "black box" problem, raises challenges relating to due process. Parties and especially defendants have the constitutional right to understand the evidence used against them and be able to defend himself. When AI systems are involved in generating evidence or determining sentences, it is essential for the legal system to establish mechanisms that allow defendants and their legal representatives to comprehend the algorithms' outputs. It is necessary to ensure transparency to uphold the principle of due process and the right to a fair trial. Issues relating to bias, transparency, due process, justice and legal accountability, must be responsibly addressed. It is essential for legal systems to adapt and develop comprehensive frameworks that safeguard the rights of individuals involved in AI-assisted criminal justice, and ensure that these processes align with established legal principles and standards.[575]

Artificial Intelligence (AI), no doubt poses clear risks when lawyers use them without understanding their limitations. For example, an attorney incurred the wrath of a New York Federal Judge for submitting a brief with cases invented by *ChatGPT*. The court imposed $5,000 fines on two lawyers and a law firm in an unprecedented instance in which *ChatGPT* was blamed for their submission of fictitious legal research in an aviation injury claim. According to the Judge they acted in bad faith. The United Nations General Assembly on 21 March 2024 also recognized AI

[574] E Knorr *"How Paypal Beats the Bad Guys with Machine Learning" Ahead of the Curve, InfoWorld 2015.*
[575] CFRN S 36(6)(a),(b),(c),(d).

systems' potential to accelerate and enable progress towards reaching the 17 Sustainable Development Goals. In adopting the United States-led draft resolution without a vote, the General Assembly also highlighted the respect, protection and promotion of human rights in the design, development, deployment and the use of AI. The General Assembly as a matter of emphasis called on all Member States and stakeholders to refrain from or stop the use of artificial intelligence systems that are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights. It emphasized that the same rights that people have offline must also be protected online, including throughout the life cycle of artificial intelligence systems.[576]

In Nigeria, the use of AI technology in the criminal justice system in a dependent judiciary and fragile democracy will be a very big minus to principles of fairness, justice and ethics. However, it will be a plus when the judiciary and entire criminal justice system learn to be independent and free from the shackles of political powers. Nonetheless, technology should not be despised simply because it can be abused and misused so that it is better to face the real limitations rather than 'imagined implications' of AI Technology. Innovations like the AI could revolutionize the legal profession, and a plethora of legal technology start-ups. Employing Artificial Intelligence demands a paradigm shift from traditional search engine queries and terms. Lawyers need to engage in dialogue with these models, and have good mastery of the workings of AI before its application. Despite implications and compatibility challenges, the benefits of AI Technology in justice administration cannot be over emphasized.[577]

7.1 Comparative Analysis of Artificial Intelligence and Crime Commission in other Jurisdictions.

AI implementations across the criminal justice system are versatile and rich with the potential to create breakthroughs but with legal and ethical concerns. One of the most common areas of application regards predictive policing, in which AI tools and approaches use computing analytics to determine the likelihood, time, and place of crime and access law enforcement resource

[576] Paragraph 50. See also: Tetyana (Tanya) Krupiy, What role artificial intelligence could play in evaluating the compliance of military operations with international humanitarian law: The case study of the conduct of hostilities in Ukraine, Blog of the European Journal of International Law.
[577] Ibid.

allocation. One such practice that has been adopted in several cities in the United States is the *"PredPol"* model, in which the link to the crime hotspot is made by analyzing geo-referenced data. Predictive policing tools in India are still relatively nascent, but concepts such as crime mapping, analytics, and predictive systems (CMAPS) are being built to allow preventive measures. However, predictive policing has continued to face criticism on grounds that it creates biases in data inputs; this is seen in *"State v. Loomis"*,[578] the court raised concerns regarding the bias of COMPAS, a risk assessment tool applied to sentencing. In this context, Stakeholders have to be careful not to use AI-driven tools that are tuned in ways that will repeat or reinforce discrimination towards some groups.

There are many areas of using AI, but some of the most crucial ones are surveillance and facial recognition, for instance, as well as image analysis. AI facial recognition enables rapid detection of people from surveillance pictures and systems, which is very useful during investigations. For example, the South Wales Police in the UK have incorporated the use of FRT to identify people in crowds during events, but the issue of privacy and racism has been an issue. The UK's "GDPR" requires compliance with data protection standards for AI systems while placing the value of privacy rights above police work. On the other hand, in India, where there are no equivalent data protection laws to the GDPR since the passing of the latter in 2018, AI functionality for surveillance purposes raises concerns about the freedom of an individual as the state gears up to enhance its capacity for surveillance. This decision of the Supreme Court of India is in the case of *Justice K. S. Puttaswamy v. Union of India*[579] and has stridently recognized the right to privacy as fundamental, and this, in the face of AI-driven surveillance, calls for more comprehensive regulations.

Another area that owes much to AI in criminal justice is data analysis; this is especially helpful in the evaluation of evidence and investigation. AI computers are often capable of sorting large volumes of databases and identifying patterns and information that can be used for criminal profiling, associating criminals with crime scenes, and identifying complicated webs. Such capability enables the law enforcement agencies to do data-intensive investigations such as cybercrime and financial fraud in a more precise style According to agencies in the United States,

[578] 881 N.W.2d 749 (Wis. 2016).
[579] (2017) 10 SCC 1.

AI is used to monitor social media accounts for criminal activities, rightfully posing questions regarding the limitation of surveillance. At the same time, the Indian police used data analysis in cybercrime detection, but there are issues of tight regulation and legal control.[580]

7.1.1 Artificial Intelligence and Crime Commission in India

In India, AI is being adopted in criminal justice on a selective adoption model after observing its effectiveness on policing and surveillance while aiming at creating for improving policing and efficiency and practices of the police force. AI is also advancing in its applicability in law enforcement, more so in predictive policing as well as in real-time surveillance. Programmes like CMAPS allow police agencies to use the crime data obtained to estimate areas where crime is most likely to occur in the future. Likewise, facial recognition systems are used for security and monitoring, even though their key objective in most cities is to aid in the detection of criminals. Within the judiciary, AI-based solutions are highlighted to help manage the flow of cases and documents in the courts and lessen backlog. Although these applications are present, they are not yet mature, with large-scale employment mostly precluded by infrastructural and regulatory considerations. As India has shifted its attention towards police reforms and their respective development, AI offers great potential for police agencies to revolutionize the traditional policing model, keeping in mind it still exists in a more or less regulated developmental stage.[581]

7.1.2 Artificial Intelligence and Crime Commission in United Kingdom

The use of integrated AI in the United Kingdom has been approached systematically and linearly, and most importantly, there have been observed dataset specific guidelines, ethical issues, and transparency. AI is essential in UK policing and security through issues of prediction, policing through technology, digital justice, and policing by automating data analytics. UK governments have maintained their strong stance on data protection through the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, meaning that AI applications must respect privacy and act ethically. Therefore, the use of artificial intelligence in criminal justice, especially

[580] Alisha, *Use of Artificial Intelligence in Criminal Justice System 104 (Blue Rose Publishers, New Delhi, 1st edn., 2021).page 20.*
[581] *"The Role of Artificial Intelligence in Criminal Justice - Reality and Perspective", 10 Law and World 80-87 (2024).page 31.*

in areas that involve predictive analysis as well as surveillance, is checked from this perspective, and transparency measures are carried out frequently. Compared with other leading jurisdictions, the UK has a relatively well-developed legal framework for AI in criminal justice, but the presented legal rules and recent challenges demonstrate that it has not solved all the problems confronting it, including the prejudiced racial distribution of AI datasets and accounting for AI's decision-making.[582]

In the United Kingdom, the application of AI has been observed mostly in areas such as predictive policing, digital courts, and data analysis. Harm Assessment Risk Tool (HART), a type of predictive policing, is a system that considers prior criminal-related cases and looks for persons likely to engage in criminal activity or become victims. It is widely used in many organizations but has often been criticized for issues to do with bias and lack of transparency. UK courts also adopt AI technology since working in parallel with digital courts; digital courts apply automated systems for case management. Integrated artificial intelligence-based data analysis in policing facilitates crime fighting as the system deals with the dilemma of large data and offers insights for efficient crime-solving techniques. However, integration has come with ethical and legal concerns despite enhancing operations, mainly focusing on decision-making by the algorithms and, possibly, inputs from bias withstands.[583]

7.2 Comparative Evaluation: India, UK, and USA

The use of artificial intelligence in the criminal justice systems of India, the United Kingdom, and the United States is surprisingly similar, although their variations reflect the legal, cultural, and moral practices of each country. The common usage of AI in the above countries include surveillance, risk assessment, and policing. All three countries use surveillance technologies, especially facial recognition in security, to monitor and identify suspects within public places. While Indian authorities are attempting to combat change using advanced technological group AI monitoring in major cities and public events, more developed frameworks are used in the UK and

[582] Purvi Pokhariyal, Amit K. Kashyap, and Arun B. Prasad, *Artificial Intelligence: Law and Policy Implications 74 (Eastern Book Company, Lucknow, 1st edn., 2020, reprint 2024) page 22*.
[583] Ibid.

the US. Risk assessment tools also share similarities with the other, especially in parts that involve applying algorithms to estimate the prisoner's relapse rate in judicial judgments. In the United States, compass helps to determine a defendant's sentence length, while the UK uses similar tools but is referred to as the HART for police work. Though India has been comparatively slow in adopting AI in its judicial system, it has started to look at such applications more seriously, although often in isolated trials that seek to increase the effectiveness of judiciaries. However, at the same time, all three countries still experience issues with bias in AI algorithms.[584] There are significant differences in each country's approach to applying AI. In India, the application of AI is generally cautious, often limited to pilot programmes. This approach may stem from the fact that standards for infrastructure and legal frameworks are still a work in progress. In contrast, the UK has a more formal regulatory structure, largely due to the GDPR, which enforces strict controls over data use in criminal justice while also protecting privacy rights. The United States, however, lacks federal data protection laws, leaving AI regulation to individual states. Although all three countries use AI in criminal justice, there is a qualitative variation in how they regulate AI to ensure compliance with human rights.

The regulation of AI in criminal justice appears to be rather different in India, the UK, and the US, which may be due to differences in the focus of legal systems in those countries. The UK has structured rules; thus, they adopted GDPR and the Data Protection Act 2018, which impose strict privacy measures and added the obligation to be transparent in the functioning of AI systems. The Information Commissioner's Office (ICO) in the United Kingdom also has important responsibilities regarding the enforcement of the use of artificial intelligence systems in criminal justice, referencing the legislation of data protection. These regulations include stringent data usage principles that compel AI-led systems to provide the reason for their measurement and data use and promote the principle of accountability. Meanwhile, the United States does not have a federal data protection law as ample as the GDPR, resulting in varying standards from state to state.[585] Due to the disjointed approach in setting out these rules, there are differences in the use of AI in criminal justice, with some states, such as California, applying more rules under CCPA

[584] Nora Osmani, *"The Complexity of Criminal Liability of AI Systems", 14 Masaryk University Journal of Law and Technology 45 (2020) page 10.*
[585] Ibid.

than other states. Therefore, the uses of AI in US criminal justice are not regulated to some extent, and this puts the citizens in different regions at different levels of protection.[586]

8.1 Conclusion

The integration of Artificial Intelligence (AI) into the criminal justice system presents both significant opportunities and substantial challenges. AI technologies have the potential to revolutionize law enforcement, sentencing, and predictive policing by enhancing efficiency, accuracy, and even fairness in certain contexts. However, these benefits are accompanied by considerable risks, particularly regarding issues of bias, lack of transparency, accountability, and the erosion of privacy rights. As AI becomes increasingly prevalent in criminal justice, it is essential to navigate the complex ethical and legal terrain it introduces. Current legal frameworks are often inadequate in addressing the unique challenges posed by AI, such as algorithmic bias and the "black box" problem, where AI decision-making processes are opaque and difficult to scrutinize. Ultimately, the success of AI in criminal justice depends on the development of robust legal and regulatory mechanisms that ensure the technology is deployed in ways that are fair, transparent, and accountable. Policymakers, legal practitioners, and technologists must work collaboratively to ensure that AI enhances justice rather than undermining it. The future of criminal justice will inevitably be shaped by AI, but it is crucial to ensure that this transformation upholds principles of fairness, human rights, and equality under the law.[587]

9.1 Recommendations

From the foregoing appraisal, it can be seen that there is a strong need for Law enforcement agencies to proactively adapt their strategies to meet the realities of AI-enabled crime. Here are specific steps they should consider:

[586] Isha Sharma, *"A Legal Study on Role of AI in Criminal Justice System in India", 10 Journal of Emerging Technologies and Innovative Research 678 (2023) page 41.*
[587] Akash Rao *"Transparency in AI Decision-Making: Legal Challenges in Criminal Law" 13 Journal of Comparative Law 81 (2024) page 13.*

a. Establish Clear Legal Frameworks Governments and legal institutions must develop comprehensive legal frameworks that regulate the use of AI in criminal justice. These frameworks should set clear guidelines on accountability, transparency, and fairness in AI decision-making processes. AI systems used in law enforcement, sentencing, and predictive policing should be subject to strict oversight and regulation to ensure they comply with legal standards.[588]

b. Ensure Algorithmic Transparency: AI algorithms used in criminal justice must be made transparent and explainable. Developers and implementers of AI systems should be required to provide clear documentation of how their algorithms work, what data they are trained on, and the reasoning behind their decisions. This will allow legal professionals, defendants, and the public to understand and challenge AI-driven outcomes when necessary.[589]

c Address Algorithmic Bias: Steps must be taken to minimize bias in AI systems. This can be achieved by diversifying the datasets on which AI is trained and regularly auditing AI systems to detect and correct biased outcomes. Independent oversight bodies should be established to monitor the use of AI in criminal justice and ensure that AI tools do not perpetuate existing biases or inequalities.[590]

d Strengthen Human Oversight: While AI can assist in decision-making, human oversight must remain a fundamental component of criminal justice. AI should complement, not replace, human judgment. Legal systems should ensure that AI-generated recommendations in law enforcement or sentencing are always subject to review by human judges or officers who can make final decisions.[591]

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[588] Sneha Jain *"The Use of AI in Crime Prevention: Legal and Ethical Perspectives" 18 Indian Journal of Public Policy 120 (2023) page 17.*

[589] Vikram Nair *"AI Surveillance in Law Enforcement: Privacy and Legal Boundaries" 4 Journal of Information Technology Law 52 (2023) page 34.*

[590] Kiran Roy *"Criminal Justice Reform: The Role of AI in Reducing Case Backlogs" 9 Journal of Legal Studies 65 (2024) page 51.*

[591] Meera Chatterjee *"AI and Its Impact on Legal Precedent in Indian Judiciary" 16 Indian Journal of Legal Precedents 74 (2024) page 60.*

e. Protect Privacy Rights: AI's reliance on large datasets raises concerns about privacy violations. Legal frameworks should enforce strict data protection standards to prevent unauthorized surveillance or misuse of personal information. Governments should also ensure that individuals' privacy rights are protected by implementing robust data governance measures when AI systems analyze personal data.[592]

[592] Roshan Tiwari *"Artificial Intelligence and Predictive Policing: A Legal Analysis" 12 Journal of Criminal Justice 45 (2024) page 72.*