



DECISION FRAMEWORK FOR DEFENSE TECHNOLOGY USE

Start with the casework problem - not the tool.

Do not start with “What tool should I use?” Start with “What decision, task, or harm am I trying to improve, and what are all the possible ways to improve it?”

1. WHAT IS THE ACTUAL PROBLEM?

Do not accept the first version of the problem.

Surface problem:	“We have too much body-cam video.”
Better problem:	“We need to identify the moments in the body-cam footage that matter to our case theory, including helpful, harmful, ambiguous, and missing information.”
Even better:	“We need a reliable way to understand how the video affects our theory of suppression, impeachment, negotiation, investigation, or trial.”

2. WHAT OUTCOME ARE WE TRYING TO PRODUCE?

Before considering any tool, define the desired end state.

For BWC review, the desired outcome might be:

We have identified the 2–6 clips that matter most to the case theory; we know why they matter; we have checked the surrounding context; we can return to them quickly; and we have preserved notes, tags, timestamps, and source references.

This outcome might require technology. It might not.

3. WHAT ARE ALL THE POSSIBLE WAYS TO SOLVE THE PROBLEM?

Only now should the team consider options.

For BWC review, possible interventions include:

Option	Example
Human workflow change	Assign one reviewer to watch all footage against a theory checklist.
Legal-strategy clarification	Narrow the review around suppression, impeachment, consent, force, timeline, or officer credibility.
Staffing solution	Use investigators, mitigation specialists, paralegals, students, or co-counsel.
Process solution	Create a clip log, issue tags, file-naming rules, and review protocol.
Traditional technology	Use an eDiscovery platform, transcript viewer, tagging system, or shared folder structure.
Specialized AI	Use transcription, translation, visual search, or video indexing.
Generative AI	Use only for bounded tasks such as summarizing reviewed transcripts, generating issue checklists, or comparing notes—subject to verification.

The point is that AI is one possible intervention, not the default destination.

4. WHICH FITS THE PROBLEM, CONSTRAINTS, AND OUR VALUES BEST?

The choice should be judged against criteria like:

Question	Why it matters
Does this improve the defense decision?	Efficiency alone is not enough.
Does it preserve lawyer judgment?	Strategy cannot be outsourced.
Is it reliable enough for the task?	Some tasks require near-perfect review.
Can the result be checked?	Unverifiable output is dangerous.
Does it protect confidentiality and privilege?	Case material is not generic data.
Does it avoid prosecution-shaped assumptions?	Defense review must preserve ambiguity and alternative narratives.
Is it proportionate?	A low-tech workflow may be better than a complex tool.

5. WHAT IS THE SMALLEST ADEQUATE INTERVENTION?

This may be the key design principle.

Use the least risky, most reliable, most understandable intervention that solves the actual problem.

- If the issue is lack of case theory, no tool solves that.
- If the issue is disorganized review, a tagging protocol may solve it.
- If the issue is audio searchability, transcription may help.
- If the issue is visual search across many hours, computer vision may help.
- If the issue is synthesis after human review, genAI may help cautiously.
- If the issue is legal judgment, the lawyer must do it.

CONDENSED DECISION TREE

1. What decision or case task are we trying to improve?	If unclear, stop.
2. What outcome would count as success?	If undefined, stop.
3. What non-technical options could solve or reduce the problem?	Consider workflow, staffing, theory clarification, triage, checklists, and supervision.
4. What traditional technology could solve or reduce the problem?	Consider databases, tagging, transcription, calendars, document management, and eDiscovery tools.
5. Is AI necessary or materially better?	Use AI only if it adds something the lower-risk options cannot.
6. Can the AI output be verified, contained, and explained?	If not, do not use it for that task.
7. Does the use improve defense judgment rather than replace it?	If not, do not use it.

ONE-SENTENCE TEST

A defense team should be able to say:

We are trying to improve [specific casework decision] by achieving [specific outcome]. We considered [non-AI options], [traditional tech options], and [AI options], and chose [intervention] because it is the least risky adequate way to solve the problem while preserving lawyer judgment, confidentiality, and verifiability.