AI & Wrongful Convictions: Good, bad, safe to use?

Host: The Federal, Provincial, and Territorial Heads of Prosecutions Subcommittee on the Prevention of Wrongful Convictions, supported by Courthouse Libraries BC

October 20/2026

INTRODUCTIONS

Introduction: George Dolhai, Director of Public Prosecution, Public Prosecutions of Canada

Cathy R Cobey: Global & Americas Tech Responsible AI Leader, , *Ernst & Young*

Ryan Fritsch: *Law Commission of Ontario*

Tamir Israel: Director of the Privacy, Surveillance & Technology Program *Canadian Civil Liberties Association (CCLA)*

Michael Semanchik: Executive Director, Innocence Center, San Diego, California

Moderator: Marie Comiskey: General Counsel, PPSC

Host: Clare Asquith Finegan: Coordinator of Legal Community Training and Outreach, British Columbia Courthouse Libraries

BRIEF SPEAKER BIOS

Cathy R. Cobey is EY's Global Responsible AI Leader for Assurance. In this role, she helps corporate executives and Directors understand and manage business risks related to technology transformative, including the ethical and control implications of artificial intelligence and autonomous systems. She currently serves on technical advisory committees to develop industry and regulatory standards for safe and reliable AI.

Ryan Fritsch is Legal Counsel with the Law Commission of Ontario, where he leads law reform projects related to AI in Criminal Justice and Workplace Surveillance."

Tamir Israel is Director of the Privacy, Surveillance, and Technology Program at the Canadian Civil Liberties Association (CCLA), where his work focuses on privacy, law enforcement and national security surveillance, cybercrime, cross-border data sharing and the detrimental impacts of artificial intelligence.

Michael Semanchik is the Executive Director of *The Innocence Center (TIC)*, a nonprofit law firm based in San Diego that fights to free the wrongfully convicted and reform the justice system. To date, Mike has helped free **12 innocent individuals** who collectively spent nearly **200 years** in prison.

AI…

GOOD, BAD, SCARY?

- What is the work that is being done to create frameworks for responsible use of AI?
- And what specifically does the criminal justice system need to be concerned about in setting up these types of checks and balances?





- What are some of the concerns raised by the use of facial recognition technology ("FRT") and wrongful convictions?

- Does the existing jurisprudence on protection of privacy do enough / or can it apply to this new investigative technique?

- How has this issue arisen before the Ontario Court of Appeal recently and do we expect it to continue to arise in criminal prosecutions? What is the current state of this issue in the United States?

- What potential do AI tools such as Casetext or Co-counsel offer in better identifying potential wrongful convictions and preparing the resource intensive briefs for court/government?





Automatic License Plate Recognition ("ALPR")

- What issues arise from the use of ALPRs and how are those issues connected to potential wrongful convictions?

- How are lawyers able to assess the reliability of AI results? Can it be demonstrated to be reliable in a courtroom, or to investigators?

The Law Reform Commission of Ontario Report: AI in Criminal Justice

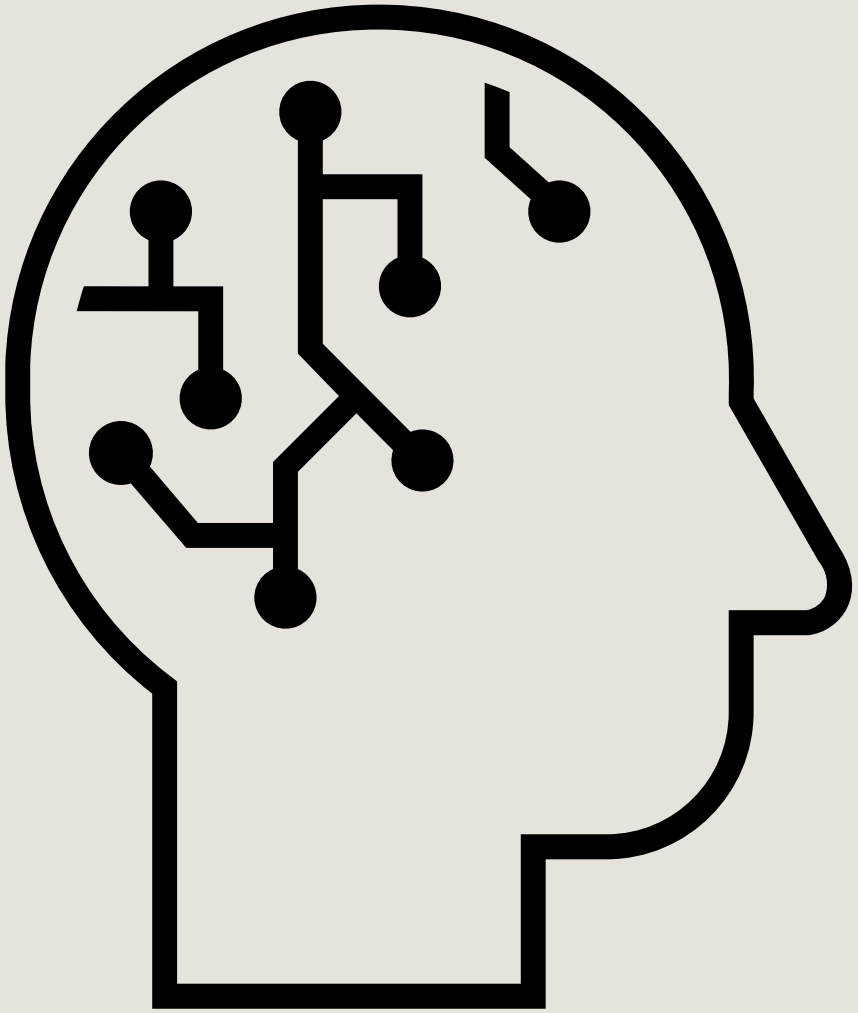
https://lco-cdo.org/en/projects/ai-in-criminal-justice/

Will be officially released on Wednesday October 21, 2026.

What were the findings?

What areas of concern were identified?

Important takeaways…



There is a great deal of discussion about the lack of disclosure and transparency of AI systems.

Are there proprietary issues that we need to be concerned about, and how could lack of access to the technology impact prosecutions / engage concerns of wrongful convictions?



Lightening round:

- What worries you most about for AI in the next 3 or 5 years?

- What excites you the most in terms of the future use of AI?

- Any last thoughts on identification or prevention of wrongful convictions through use of AI?



Questions from the Audience

JUDGES AND DANGERS OF AI

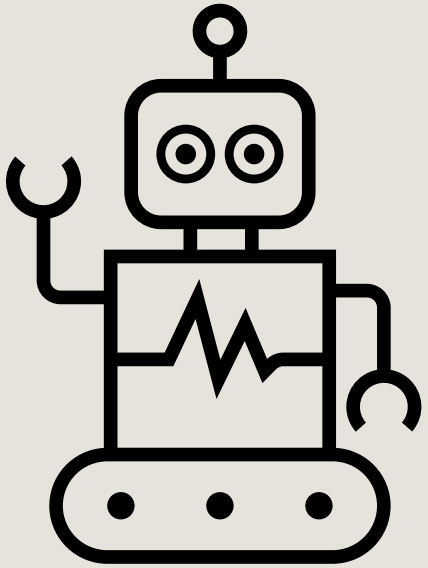
- In Canada, there is a Quebec judge who is facing allegations that in a case involving an alleged Ponzi scheme and fraud that they used non-existent caselaw and purported to quote from these cases and testimony that could not be located on the court record?

- What do you see as the potential dangers for judges deciding criminal law cases and will we see a rise in these types of allegations against judges?



JURIES AND AI

- What particular concerns do we have about AI and the dangers for criminal jury trials and what can we do to address these concerns and create some guard rails?




THANK YOU