**Santa Barbara Superior Court Policy for Use of
Generative Artificial Intelligence**

I.   Purpose and Scope

The emergence of generative artificial intelligence (generative AI) technologies has prompted the court to develop a set of requirements for use of generative AI by court staff.

a.   These requirements are designed to govern the use of generative AI systems in court-related work. Generative AI systems include applications such as OpenAI's ChatGPT and Dall-E2, Anthropic's Claude, Microsoft's Copilot, Google's Gemini, Westlaw Precision with CoCounsel, Lexis+ AI, and Grammarly. Some non-AI applications have optional generative AI features, such as "AI Assistant" in Adobe Acrobat or "AI Overview" or "AI Mode" in Google search. Information can be submitted to a generative AI system by typing a prompt into a chat interface, uploading a document or image, and other methods.

b.   This policy applies to the use of generative AI for any purpose by court staff, and by judicial officers for any task outside their adjudicative role.

II.   Definitions

For purposes of this policy only, the following definitions apply:

a.   "Court staff" means all employees, contractors, volunteers, and any other persons working for or on behalf of the court.

b.   "Generative artificial intelligence" or "generative AI" means a computer-based system that uses machine learning or similar techniques to produce new content—such as text, images, audio, video, code, or data visualizations—in response to user inputs. Generative AI systems create content that is not pre-programmed or explicitly retrieved but synthesized based on underlying models trained on large datasets and may include integration with other sources, such as real-time access to proprietary databases.

c.   "Judicial officer" means all judges of the superior courts, all justices of the Courts of Appeal and the Supreme Court, all temporary and assigned judges, and all subordinate judicial officers.

d.   "Public generative AI system" means a generative AI system that allows anyone other than court staff or judicial officers to access the data that courts input or upload to the system or to use that data to train AI systems. "Public generative AI system" does not include any system that the court creates or manages, such as a generative AI system created for internal court use, or any court-operated system the court uses to provide those outside the court with access to court data, such as a court-operated chatbot that answers questions about court services.

e.   "User" means any person to whom this policy applies.

III.   Confidentiality and Privacy

a.   Users must not submit confidential, personal identifying, or other nonpublic information to a public generative AI system. Personal identifying information includes driver's license numbers; dates of birth; Social Security numbers; Criminal Identification and Information, and National Crime Information numbers; addresses and phone numbers of parties, victims, witnesses, and court personnel; medical or psychiatric information; financial information; account numbers; and any other content sealed by court order or deemed confidential by court rule or statute.

b.   When using public generative AI systems, users must disable or opt out of data collection by the system if possible.

IV.   Supervision and Accountability

a.   Generative AI systems sometimes "hallucinate," meaning they provide false or misleading information presented as fact. Generative AI outputs can also be faulty in other ways, such as outputs that are inaccurate or uncited. Users must take reasonable steps to verify that their generative AI material is accurate and must take reasonable steps to correct any erroneous or hallucinated output in any material used. Any use of generative AI outputs is ultimately the responsibility of the person who authorizes or uses it.

V.   Avoidance of Bias and Discrimination

a.   Generative AI must not be used to unlawfully discriminate against or disparately impact individuals or communities based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law.

b.   Generative AI systems may be trained on material that reflects cultural, economic, racial, gender, and social biases, and content generated by these systems may contain biased or otherwise offensive or harmful material. Users must take reasonable steps to remove any biased, offensive, or harmful content from any generative AI material used.

VI. Transparency

    a. If the final version of a written, visual, or audio work that is provided to the public consists entirely of generative AI outputs, the work must contain a disclaimer, watermark, or statement disclosing the use of, or reliance on, generative AI.

    b. Labels, watermarks, or statements used to disclose the use of, or reliance on, generative AI should be clear and understandable, accurately informing the audience that generative AI has been used in the creation of the content, describing how generative AI was used, and identifying the system used to generate the content.

VII. Compliance with Applicable Laws and Policies

    a. When using generative AI, users must comply with all applicable laws, court policies, and ethical and professional conduct rules, codes, and policies.

VIII. Safety and Security

    a. Users must use strong passwords when using AI platforms. Users must comply with the court's password requirements when creating passwords for generative AI platforms.