



U.S. Department of  
**JUSTICE**

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# Compliance Plan for OMB Memorandum M-24-10



October 2024

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# 1. Strengthening AI Governance

## General

- The U.S. Department of Justice (DOJ or Department) uses AI to advance its mission of upholding the rule of law, keeping our country safe, and protecting civil rights.
- The Attorney General has designated a Chief AI Officer (CAIO) with primary responsibility for coordinating DOJ's use of AI, efforts to promote AI innovation, and management of risks from the use of AI, consistent with EO 14110 and M-24-10. The CAIO coordinates with components across DOJ and reports to the Deputy Attorney General.
- In addition, the Deputy Attorney General has established an Emerging Technology Board (ETB), which serves as DOJ's AI Governance Board under EO 14110 and M-24-10.
- The CAIO and ETB are subject to the overall Department governance structure, including 28 U.S.C. § 509 and 28 C.F.R. § 0.15(a), including as to CAIO and ETB determinations set forth below.
- The U.S. Department of Justice is establishing rigorous Department-wide processes for AI governance and risk management under its Chief AI Officer (CAIO) and Emerging Technology Board (ETB), which serves as DOJ's AI governance body under M-24-10, subject to the overall Department governance structure.
- DOJ's AI governance and risk management processes begin with identifying uses of AI—existing, new, and planned—across the Department. Components will report AI use cases, and DOJ will also review procurement, privacy governance, and IT governance records to ensure comprehensiveness. The responses below provide additional detail about how DOJ will comprehensively inventory AI use cases.
- For rights- and safety-impacting AI use cases that are subject to heightened procedures under M-24-10, DOJ is standing up a new AI Impact Assessment process. This process, modeled on DOJ's longstanding [privacy compliance process](#), will be coordinated by the Department's Office of Privacy and Civil Liberties in collaboration with the ETB and CAIO.
- DOJ is also launching a new program of quantitatively evaluating rights- and safety-impacting uses of AI in real-world settings.
- In addition to establishing overall AI governance processes, DOJ is examining possible policies for particular rights- and safety-impacting uses of AI. The Department issued an interim policy on Facial Recognition Technology (FRT) in December 2023, and the Department is working toward a final FRT policy that incorporates M-24-10 guidance and other developments since issuance of the interim policy.

- DOJ is updating its existing Initial Privacy Assessment, Privacy Impact Assessment, and Authorization to Operate processes to integrate with the new Department-wide AI governance processes.

### **AI Governance Bodies**

- The ETB is chaired by the CAIO or by the Deputy Attorney General, when in attendance.
- The following components of DOJ are represented on the ETB:
  - Antitrust Division
  - Bureau of Alcohol, Tobacco, Firearms, and Explosives
  - Bureau of Prisons
  - Civil Division
  - Civil Rights Division
  - Criminal Division
  - Drug Enforcement Administration
  - Environment and Natural Resources Division
  - Executive Office for Organized Crime Drug Enforcement Task Forces
  - Executive Office for United States Attorneys
  - Federal Bureau of Investigation
  - Justice Management Division, which includes the Office of the Chief Information Officer and Cybersecurity Services Staff
  - National Institute of Justice
  - National Security Division
  - Office for Access to Justice
  - Office of Justice Programs
  - Office of Legal Policy
  - Office of the Pardon Attorney
  - Office of Privacy and Civil Liberties
  - U.S. Marshals Service
- In addition, the following components regularly participate in ETB meetings:
  - Office of the Attorney General
  - Office of the Deputy Attorney General
  - Office of the Associate Attorney General
  - Office of Legislative Affairs
  - Office of Public Affairs
- The ETB is a leadership forum that develops policy, implements governance, and coordinates activities related to AI and other emerging technologies that have the potential to significantly affect the Department's mission.
- The Board has the following goals:

- Advance the Department’s mission of upholding the rule of law, keeping our country safe, and protecting civil rights by enabling the strategic use of AI and other emerging technologies.
- Support the Department’s interpretation and application of legal authorities to AI and other emerging technologies.
- Ensure that the Department’s use of AI and other emerging technologies is consistent with our values, our mission, and the law.
- Coordinate the development and implementation of policies related to executive branch guidance on emerging technologies, including artificial intelligence.
- Provide leadership, across and outside government, at the intersection of emerging technologies and law.
- The Board works to achieve these goals in the following ways:
  - Acting as a leadership forum within the Department on emerging technology matters.
  - Providing subject-matter expertise on emerging technology and related legal and policy issues.
  - Coordinating emerging technology activities across components and with other agencies.
  - Promoting knowledge sharing and other interaction across components related to emerging technology.
  - Implementing governance processes for Department uses of emerging technology.
  - Providing regular updates to Department leadership on emerging technology matters.
- Board members are the principal liaisons between components of the Department and the ETB. Board members are responsible for keeping components apprised of ETB activities and representing components in all aspects of the Board’s activities, including participating in meetings, participating in and designating representatives for working groups, preparing materials, and voting on matters.
- Working groups of the ETB focus on particular aspects of emerging technology.
- The Deputy Attorney General launched a 2024 roundtable series, Justice AI, to engage with external stakeholders on a broad range of AI topics, including civil rights, privacy, consumer protection, corporate compliance, cybersecurity, child sexual abuse material, and nonconsensual intimate imagery.
- The Civil Rights Division has launched regular convenings on AI with Federal, state, local, and Tribal civil rights agencies.
- The Antitrust Division is consulting on competition aspects of AI with other competition enforcers, federal agencies, market participants, and the public.

- In addition, DOJ leadership and staff have ongoing engagement on AI issues with civil society groups, academic researchers, firms developing and using AI, and other Federal agencies.
- Going forward, the Department will stand up a process for consistent engagement with external perspectives on the Department's use of AI. This engagement will take the form of institutionalized recurring events with external stakeholders, building on the Justice AI series, with the goal of informing departmental policies and practices. This process will gather feedback on the Department's overall approach to AI governance and risk management, as well as particular types of AI use cases (such as FRT).

### **AI Use Case Inventories**

- The ETB is designing and implementing a process for comprehensive Department-wide data collection.
- The 2024 inventory process involves the following steps to obtain data about AI use cases from components:
  - Developing a uniform template and instructions for components to report AI use cases, based on M-24-10, OMB inventory guidance, and the Department's experience with prior inventories.
  - Issuing a leadership memorandum to component heads describing the inventory process and requirements.
  - Meeting with component representatives in focus groups to explain and answer questions about the inventory.
  - Integrating component responses into an AI governance database.
  - Reviewing components' responses through working groups, ETB, and CAIO, for completeness and consistency.
- In addition, the ETB will review purchasing, IT governance, and privacy governance records to ensure completeness.

### **Reporting on AI Use Cases Not Subject to Inventory**

- When reporting AI use cases, DOJ components will be required to report all AI use cases, except specifically enumerated cases identified by the ETB and the CAIO.
- The ETB and CAIO will set and apply uniform criteria for when AI use cases are not subject to individual inventory. The CAIO will certify that every use case omitted from the inventory meets these criteria.

- The inventory inclusion criteria will follow M-24-10 and OMB instructions, will include specific examples, and will be published alongside the inventory.
- In addition to annual inventory data collection, using the process described above, DOJ is integrating AI governance into existing IT and privacy governance processes. When an AI use materially changes, or the operational context for an AI use materially changes, the Department will reevaluate its inclusion or exclusion from the inventory using the same criteria and process.

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## **2. Advancing Responsible AI Innovation**

### **Removing Barriers to the Responsible Use of AI**

- The Department is committed to ensuring the responsible use of AI and other emerging technologies. An important component of meeting this goal is ensuring sufficient resources and personnel. The Department is committed to seeking resources and workforce authorities necessary to carry out this goal.
- The Department is working towards piloting new uses of AI in support of its mission as well as ideation competitions to explore possible new responsible uses of AI.
- The Cybersecurity Services Staff within the Office of the Chief Information Officer is nearing issuance of Department-wide guidance on cybersecurity aspects of generative AI, complementing the Department's existing cybersecurity requirements. This guidance will include transparency, human review, and other controls to address the risk of inaccurate output.
- The AI Impact Assessment review process, described above, will also involve use-specific requirements to mitigate risks of generative AI uses.

### **AI Talent**

- The Department has established a new team of technologists and other professionals engaged in technology-focused work, which is led by the Chief Science and Technology Advisor / CAIO within the Office of Legal Policy. This team advises Department and component leadership, as well as collaborates and coordinates across the Department and with federal partners, on AI, cyber, and other technology issues.
- This team is pursuing a comprehensive initiative to level up the Department's cyber and AI workforce. This initiative includes seeking new hiring authorities, streamlining existing



authorities, comprehensively mapping technical capacity within DOJ, and cultivating new resources.

- The Department's ability to build out an AI workforce is limited by resource constraints and current hiring authorities. Addressing these interrelated resource and personnel constraints is a priority for the Department.
- Department components continue to build out their expertise on AI. For example, the Civil Rights Division recently appointed its first Chief Technologist to address AI-related bias and discrimination issues, and the Antitrust Division is building new data science capacity with support from the Technology Modernization Fund.
- The ETB is curating and developing materials about AI for the Department's litigating and law enforcement components.
- In addition, the Department's AI Community of Interest (AI CoI), under OCIO, facilitates AI training and knowledge exchange for DOJ personnel. The AI CoI maintains an AI Knowledge Hub and hosts both AI learning groups and bi-monthly meetings to share resources. These resources include internal DOJ courses, events, and guidance, as well as opportunities through the OMB/GSA Community of Practice, other agencies, and other non-federal organizations.
- Numerous components have also established resource and training initiatives to support workforce engagement with AI, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Criminal Division, and the Executive Office for U.S. Attorneys.

### **AI Sharing and Collaboration**

- The majority of systems involving AI that are in use at DOJ are commercial products and services. The Department accordingly generally does not have access to code, models, model weights, or data for these systems. The ETB will consider how to gain greater access through procurement, consistent with M-24-10 and OMB guidance on AI procurement.
- For the small number of systems involving AI where the Department does possess these types of information, as part of the 2024 inventory process described above, the Department will seek opportunities to share code, models, and data with the public.
- In addition, the Department has existing efforts to implement the OPEN Government Data Act, OMB Memorandum M-16-21, and other requirements for sharing code and data. DOJ will apply these existing initiatives to systems that involve AI and data that is used by AI.
- The CAIO is responsible for coordinating implementation of M-24-10, including AI sharing and collaboration. The CIO, as the designated Chief Data Officer, is responsible for IT and



data governance, and the Data Governance Board under OCIO coordinates policy and strategy for the Department's data assets.

### **Harmonization of AI Requirements**

- The CAIO, ETB, working groups, and OPCL are collaborating on comprehensive documentation for the Department's AI governance and risk management processes. This documentation will be, to the greatest extent possible, made available to the public at <https://www.justice.gov/ai>. In addition to providing transparency about DOJ's policies, we intend to provide resources to other organizations that reflect best practices for governance of rights- or safety-impacting AI uses.

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## **3. Managing Risks from the Use of AI**

### **Determining Which AI Is Presumed to Be Safety-Impacting or Rights-Impacting**

- The Department will determine whether an AI use case is rights- or safety-impacting through the following steps, which are designed to ensure Department-wide consistency and comprehensive implementation of M-24-10:
  - When a component reports a new or changed AI use, it will provide its perspective on whether the use has rights or safety impact.
  - The ETB will review these submissions and consult with the component.
  - Next, the ETB will review AI use case categorizations, prioritizing assessment of use cases that present new questions about the category definitions and presumptions in M-24-10.
  - Based on component submissions and ETB advice, the CAIO will make determinations about AI use case categorization.
- The Department will iteratively develop guidance on the appropriate categorization of AI use cases. DOJ does not presently have supplemental criteria for categorization under M-24-10.
- The Department will categorize the use cases described in Appendix I of M-24-10 as rights- or safety-impacting, absent unusual facts about a particular use case that significantly reduce risks in comparison to a typical instance of that type of use case.
- The Department will publicly share its guidance on use case categorization to the greatest extent possible.

- The Department has not developed distinct criteria for waiving the minimum practices in M-24-10. Should that ever change, the Department will document the additional criteria and publicly share them.
- Our objective is to fully implement the minimum practices and make minimal use of the waiver process under M-24-10.
- The Department aims to complete implementation of impact assessments for prioritized rights- or safety-impacting use cases in 2024 and all rights- or safety-impacting use cases in 2025. The Department also aims to complete pilot quantitative testing for select use cases in 2024 and implement quantitative testing for all rights- or safety-impacting use cases in 2025. The Department anticipates using the extension process in M-24-10 to meet these timelines.
- The DOJ AI use case inventory includes tracking for implementation of the minimum risk management practices in M-24-10.
- Waiver determinations will be made in a similar process to categorization determinations.
- Consistent with section 5.c.iii of M-24-10, the CAIO will make determinations on issuing, denying, and revoking waivers and will certify waivers to OMB. The CAIO will document the rationale for each decision and will issue guidance when a decision presents a significant new technical, legal, or policy issue.
- The CAIO will document waiver status in the Department's AI governance database and will publicly report waiver status and guidance to the greatest extent possible.

### **Implementation of Risk Management Practices and Termination of Non-Compliant AI**

- The Department has existing processes for ensuring that new and materially changed technology capabilities comply with governance requirements, including cybersecurity and privacy evaluations, prior to deployment. The Department is adding AI-specific steps into these processes to identify new and changed uses of AI, and to ensure proper assessment and compliance prior to deployment.
- The Department will track AI use cases through the inventory process, as described above.
- If a rights- or safety-impacting AI use does not incorporate minimum risk management practices as provided in M-24-10, and it is not covered by a waiver, the Department will take the following steps consistent with sections 3 and 5 of M-24-10:
  - If the AI has not been deployed yet, the CAIO will direct suspension of deployment.
  - If the AI has been deployed, the CAIO will direct termination of the non-compliant AI.
- DOJ has existing processes for effectuating the suspension of a pending technology use or termination of a deployed technology when it is non-compliant with privacy or IT governance.

The CAIO will use these existing processes to address any possible instances of non-compliance with AI governance.

### **Minimum Risk Management Practices**

- Components are responsible for implementing the minimum requirements for rights- and safety-impacting AI and documenting the implementation via the inventory and impact assessment processes.
- Consistent with sections 3 and 5 of M-24-10, the CAIO is responsible for determining whether an AI use complies with minimum requirements and whether to permit or direct the suspension or termination of an AI use.
- The ETB and OPCL have additional validation and oversight responsibility for implementation of the minimum risk management practices.
- Components are developing complementary processes to document, validate, and provide oversight for implementation of risk management practices. For example, FBI has established an AI Ethics Council, and DEA has established an Emerging Technology Board. These component initiatives provide additional resources for implementing and validating risk management practices. Consistent with M-24-10, component AI governance initiatives inform but do not displace Department-wide AI governance.
- The Department will publicly share its processes for minimum practice oversight and governance, as well as documentation for how the minimum practices have been implemented for particular AI uses, to the greatest extent possible.