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AI in Investigations: Frequently Asked Questions

As artificial intelligence (AI) systems become more advanced and integrated into the workplace, it is important for HR professionals, managers, and others involved in investigating workplace complaints to understand the capabilities, limitations, and concerns of these technologies. Below are answers to some of the frequently asked questions about AI in workplace investigations.

Q: What makes Generative AI different from previous machine learning?

A: Both Machine Learning and Generative Intelligence (GenAI) are branches of AI but have different purposes and produce different outputs.

Machine Learning – Its purpose is to learn from existing sets of data to identify new patterns or make predictions or make recommendations. For instance, Netflix uses machine learning algorithms to recommend movies, based on the data of your interests.

Generative AI – Its purpose is to generate new data (text or image) based on the patterns and information it has learned from existing data. These models are trained on very large volumes of unstructured data, which it utilizes to generate such data.

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Q: How might I be able to use AI in future investigations?

A: There are many ways GenAI might be used in the investigative process in the future. One critical reminder is that GenAI is only a tool – the investigator's independent judgment remains essential and we should not delegate that responsibility to any software tool. The examples below are some possible use cases.[1] Consider your own practice and develop a list tailored to your organization.

Complaint Intake:

- Transcribe hotline accounts;
- Review complaint information and identify potential allegations;
- Craft responses to complainants acknowledging receipt through a hotline system.
- Categorize complaints based on the nature of allegations (e.g. harassment, fraud).

Investigation Planning:

- Identify potential witnesses based on analyzing complaints and other supporting documents; identify potential documents to obtain;
- Develop a draft plan for conducting the investigation, including identifying witnesses, witness order, and other evidence to obtain;
- Prepare for interviews, including identifying specific statements from other witnesses about prompted topics; e.g. in preparation for the respondent's interview
- Prioritize investigative steps based on identified risks and urgency.

[1] Note, these examples reflect what GenAI is capable of based on extensive experimentation. However, we cannot confirm there is a reliable tool on the market that effectively performs each of these tools. The market is simply too new at this point to validate existing products.

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Evidence Gathering:

- Accurately transcribe witness interviews in real time;
- Provide a running list of topics covered during the interview and recommend other issues to address or questions to ask;
- Real-time verification of whether all planned topics from an interview outline have been covered during the interview
- Identify potential evidence to gather based on analysis of interview responses
- Analyze and highlight contradictions between witness statements in real-time.

Documenting the Investigation:

- Help with drafting elements of the report, including summarizing evidence
- Offer revisions or suggestions on draft language, including ensuring language is neutral in tone
- Identify information from witnesses that supports the investigator's finding
- Proofread written work product for errors and inconsistencies
- **NOTE**: GenAI should not be used to draw conclusions or make findings; that remains the responsibility of the human investigator using their independent skill and judgment.

Q: What AI tool should I be using?

A: Applications capitalizing on GenAI are still relatively new to the market. Developers are at the early stages of learning how best to create tools that use this technology effectively for different use cases. Currently, GenAI is being integrated into various tools. For example, some companies are integrating it into existing software systems.

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Microsoft's Copilot is an example of this. Additionally, there are several publicly available general-use chat-based tools, like OpenAI's Chat GPT, Anthropic's Claude chat tool, and Google's Gemini, which is also integrated into Google's search engine results.

Our recommendation is to research different use cases for GenAI and then explore software companies that are developing tools that meet those use cases. One effective way to explore potential use cases is to create synthetic or fake data and practice with a publicly available chat-based tool. There are significant concerns around privacy, data ownership, security, and confidentiality. Therefore, we recommend great caution before using live company data.

Q: What are some of the risks of using Gen AI?

A: There remain a number of uncertainties about how GenAI will develop as a technology. This is not a comprehensive list, but some risks to consider:

- Hallucinations: The tool creates inaccurate information in response to the user's prompt for specific detail
- Bias: Because GenAI tools are based on large language models "trained" on volumes of publicly available data, the tool's responses are subject to the same biases that may be present in some of the data on which it was trained.
- Security and Confidentiality: Users should ensure any tool they use has clear security provisions that comply with their organization's cybersecurity and confidentiality policies
- Overreliance on the Tool: A user fails to rigorously review and apply their independent judgment to the outcome
- Lack of Confidence: Stakeholders may be hesitant or fearful when they learn GenAI is being used on their matter

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- False Confidence: Relying purely on GenAI can lead to a false sense of security, where teams trust the AI output without adequate review or human oversight. This may result in important decisions being made on incomplete or inaccurate data
- Accountability and Blame: If GenAI misses crucial information, it can lead to accountability issues, especially if teams are not actively monitoring its outputs.

Q: What are my ethical obligations when using GenAI?

A: Ethical obligations may vary based on the laws in your jurisdiction and your role. For example, attorneys have special ethical obligations that are implicated by the use of GenAI. Further, many states are considering, or have adopted, legislation seeking to regulate and control the use of AI. Users should be aware of these laws and ensure their organization is in compliance. Most organizations have a code of conduct or code of ethics. Users should evaluate whether their use of GenAI complies with these important organizational documents.

Q: What are some considerations when implementing a new AI tool?

A: Every organization's implementation will vary, but here are some considerations:

- Create a task force and focus on education and experimentation
- Identify specific use cases and evaluate how the use of GenAI will benefit (or not) existing workflows

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- Develop a communications plan, both internally and externally if clients or customers have an interest in your use of GenAI
- Research a variety of software tools and take advantage of their willingness to offer free demos and customize tools to meet your organization's needs. Many software companies in this space are still trying to figure out their business model and are open to input and collaboration.
- Consider whether developing an organization-specific tool is worthwhile
- Make sure you understand how your proprietary data will be used by the vendor. This includes understanding where your data is being stored, how it's processed, potential risks of sharing sensitive information, and whether it is being used by the vendor to improve their model.
- Implement small-scale pilot projects to test the effectiveness of GenAI tools before full-scale adoption.

VM Mastered® provides training solutions designed to develop and enhance the investigation skills of those conducting workplace investigations. We work with teams to develop a customized training program that reflects an employer's unique policies, practices, and systems, while remaining true to universally accepted investigation practices and skills. To learn more about VM Mastered, visit www.vmmastered.com.