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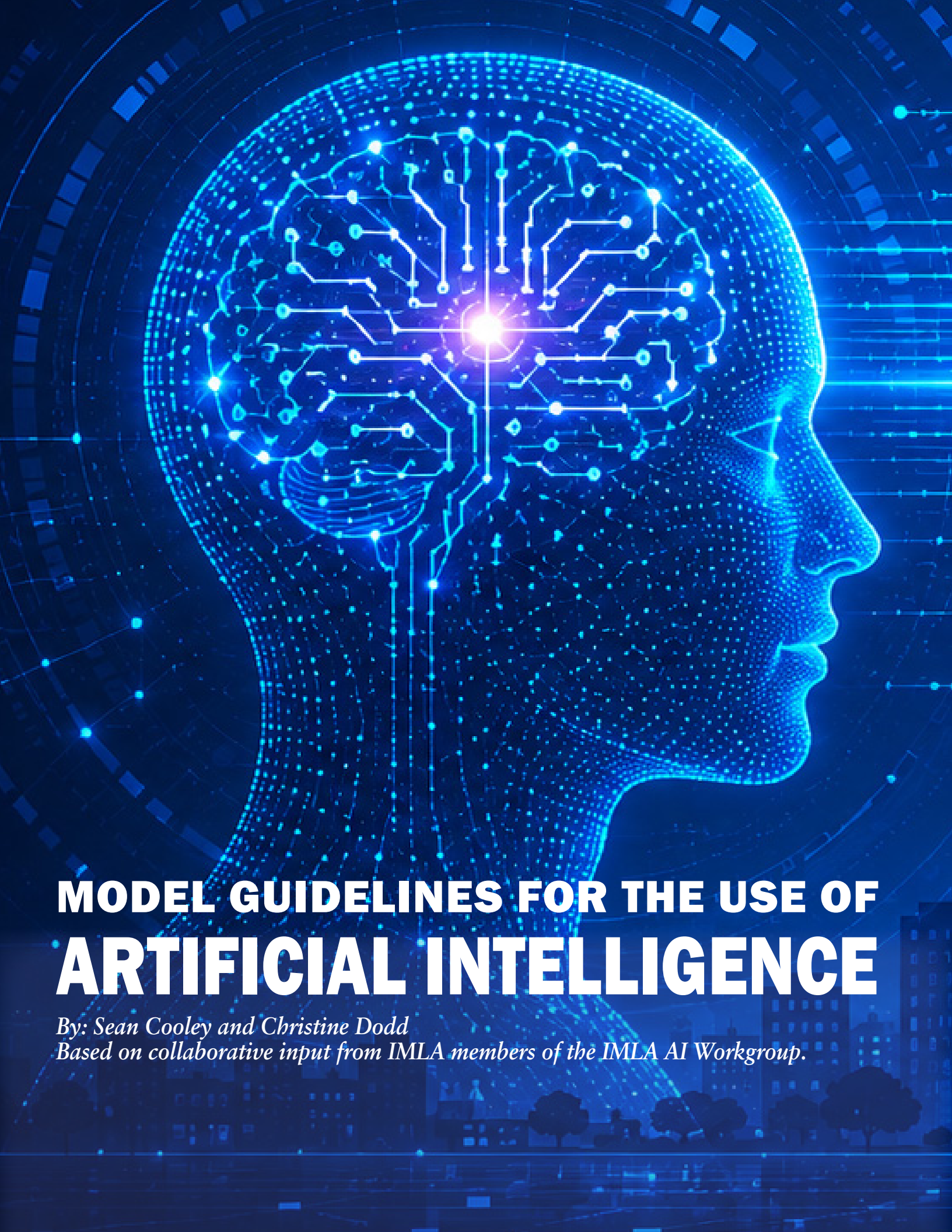


WEARABLE TECHNOLOGY IN THE WORKPLACE

MODEL GUIDELINES FOR THE USE OF ARTIFICIAL INTELLIGENCE

CROSSING THE RUBICON

What the Proposed Rewrite of Uniform Guidance Means



MODEL GUIDELINES FOR THE USE OF ARTIFICIAL INTELLIGENCE

By: Sean Cooley and Christine Dodd
Based on collaborative input from IMLA members of the IMLA AI Workgroup.



Artificial intelligence (AI) has rapidly transitioned from an emerging technology to a practical tool used across both the public and private sectors. For local governments, AI offers opportunities to improve efficiency, enhance service delivery, support research and analysis, streamline administrative functions, and enable more informed decision-making. At the same time, these benefits bring important legal, ethical, operational, privacy, and governance considerations. The question facing municipalities is no longer whether AI will influence government operations, but how to adopt and govern these technologies responsibly while maintaining public trust and accountability.

DEFINITIONS For purposes of these guidelines:

- **Artificial Intelligence (AI)- A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.[1]**
- **High-Risk AI Use- An AI application that may affect legal rights, access to public benefits or services, employment decisions, law enforcement activities, or other matters implicating due process, civil rights, or public safety.**
- **Human-in-the-Loop- A process in which a human decision-maker meaningfully reviews, validates, or overrides AI-generated outputs before they are acted upon.[2]**
- **Large Language Model (LLM)- A language model notable for its ability to achieve general-purpose language generation and other natural language processing tasks such as classification.**
- **Enterprise AI Tool- An artificial intelligence system that is licensed, deployed, or approved by an organization for use in connection with its operations, and that is subject to the organization's contractual, security, compliance, and governance controls.**
- **Non-Enterprise AI Tool- Any artificial intelligence system that is not specifically approved, licensed, or managed by an organization, and that is accessed by individuals through personal or publicly available accounts or interfaces, typically subject only to standard, non-negotiated terms of service.[3]**

Because municipalities vary significantly in size, resources, technological maturity, and risk tolerance, no single policy can address every circumstance. A successful AI governance framework should function as a set of guiding principles rather than a rigid mandate. Governance should promote innovation and continuous improvement while ensuring transparency, accountability, reliability, privacy protection, security, fairness, and appropriate oversight. Frameworks should remain flexible and be reviewed regularly.

Local government attorneys may be required to:

- Evaluate AI tools for compliance with ethical duties, including confidentiality, competence, and supervision;
- Ensure that AI-assisted legal work is reviewed for accuracy, bias, and legal sufficiency by a supervising attorney;
- Advise departments on public records, discovery, and retention implications of AI-generated content;
- Participate in procurement review of AI systems that implicate legal or regulatory risks.

The following guidelines are intentionally non-exhaustive. They are not intended to serve as a "one-size-fits-all" solution or to address every possible AI application, risk, or legal issue that may arise. These guidelines are intended to function as a framework to help local governments ask the right questions, identify potential risks, and develop governance structures that align with their legal duties and public responsibilities.

Guiding Principles

Human Accountability

AI systems should support, not replace, human judgment. Final decision-making authority and accountability remain with city/county officials or employees for every output.

Any information or prompt that is put into a web-based generative AI tool for work reasons is subject to a public records request. Never share non-public information in web-based Generative AI prompts.

AI functions should never be used to replace statutory or legally delegated duties of certain city officials. Rather, AI assistance for these duties may be appropriate in some cases but ultimate responsibility lies with the official themselves.

Lawfulness and Compliance

AI use must comply with all applicable federal, state, and local laws, including but not limited to public records laws, privacy laws, civil rights laws, procurement requirements, and ethical rules governing attorneys and public officials.



... a new study has emerged suggesting that large language models exhibit "AI-AI bias," tending to prefer content generated by other AI models rather than original human content.

Transparency and Explainability

Where feasible, the local government should be able to explain in plain language when and how AI systems are used in governmental functions, particularly in high-risk use contexts.

What this means in practice is that the city/county should disclose when an AI system is being used, provide a general description of the system's function and purpose, categorize whether the AI outputs are advisory or determinative, and identify the human decision maker(s) responsible for final actions.

Fairness and Non-Discrimination

AI systems shall be evaluated and used in a manner that seeks to avoid bias or discriminatory outcomes based on protected characteristics.

Studies have confirmed that AI models often possess biases at multiple stages in their development. There are ways these biases can be mitigated, which should be discussed both with city/county employees, as well as any technology purveyor that includes an AI component your city/county may be thinking about purchasing.[4]

Additionally, a new study has emerged suggesting that large language models exhibit "AI-AI bias," tending to prefer content generated by other AI models rather than original human content.[5] This is especially relevant because, as more AI-generated content enters the internet and is subsequently scraped to train current and future AI models, this problem could get significantly worse over the next 5-10 years. It is important to discuss with AI purveyors what kinds of content their models are trained on.

Data Privacy and Security

Local governments should ensure that AI systems will adequately protect sensitive, confidential, and personally identifiable information.



In practice, this means that local governments should work closely with their city/county attorney to include appropriate language in any contract or agreement with an AI system vendor to account for important data security, data classification, privacy and access laws and regulations.

Proportionality

The level of oversight, documentation, and review should be proportionate to the risk posed by the AI system and its intended use. Furthermore, local government should assess the public purpose of any given AI system to ensure that any paid AI system, platform, subscription or product is an investment integral to advancing efficiency or effectiveness of municipal operations or services.

In addition to establishing guidelines for using AI, local governments have an opportunity to consider in advance which tasks their staff will be permitted to perform using AI and which uses will be prohibited.

The following guidelines offer a starting point for these considerations:

Permitted Uses (illustrative, not exhaustive)

AI tools may be used for tasks such as:

- Drafting or summarizing internal documents, reports, or policies (with human review).
- Research assistance, including summarizing publicly available legal or technical information. At the time of drafting, there is currently no standard format for citing the usage of AI in work product. However, depending on the type of work product, this may be a good practice to adopt for city/county employees.
- Language translation and accessibility enhancements;
- Customer service enhancements such as AI chatbots and routine billing practices;
- Data analysis for planning, budgeting, or operational efficiency.

Keep in mind, all of these tasks should maintain a human-in-the-loop, even if the bulk of the work has been shifted to AI. Additionally, any document prepared in anticipation of litigation or regularly sought in discovery during litigation should disclose if it used AI and how AI was used to create the document. This includes police reports, body camera footage reviews and summaries, claims investigation files, etc.

Prohibited Uses. Unless expressly authorized by the city/county attorney/governing body, AI systems should not be used:

- As the sole basis for decisions affecting legal rights, benefits, enforcement actions, or disciplinary measures;
- To generate legal advice or final legal opinions;
- To conduct surveillance or biometric identification in violation of law;
- To input confidential, privileged, or protected information into public or non-approved AI tools;



- To solely draft any local regulations, enforceable material, or content that has the effect of law, such as local ordinances.

It is worth noting that there is a circuit split on whether AI-generated materials are protected by the attorney-client privilege or the work-product doctrine. Here are a few pointers for better AI generation:

- Be specific. The more context on your request, the better. Just remember that you should never input information into a non-enterprise Generative AI tool that is not public.[6]
- If there is an audience for your output, note it.
- If there is a format/length/style you want the AI to adhere to, note it.
- Allow AI multiple attempts. If you get an output that is on the right track but has some issues, let it know in a new prompt what the issues were and allow it to try again. AI typically gives better outputs given more attempts.

Responsible AI governance is not intended to slow innovation. Local governments that establish clear principles, maintain meaningful oversight, and proactively manage risk will be best positioned to leverage AI as a tool that enhances human work rather than substitutes for human judgment.

More information is available in the IMLA resource library: https://imla.org/model-ordinances-policies-and-guideline-documents/. ML

Notes:

1. Nat'l Inst. of Standards & Tech., *Artificial Intelligence,* NIST Computer Security Resource Center Glossary, https://csrc.nist.gov/glossary/term/artificial_intelligence

2. "Human-in-the-loop" means that AI tools may assist but not replace human judgment. A qualified individual must retain ultimate responsibility for reviewing, validating, and approving AI-generated outputs before they are relied upon or acted upon, regardless of what function AI is performing.

3. Many AI tools exist in a gray area between enterprise and non-enterprise capabilities, so it is important to understand each tool your government may be adopting. Additionally, many common AI tools, such as ChatGPT, CoPilot, Gemini, and Claude, offer both enterprise and non-enterprise versions, so it is important for local government employees to understand which versions they are using for various tasks.

4. *See* Chapman Univ., *Bias in AI*, https://www.chapman.edu/ai/bias-in-ai.aspx; Princeton Univ., *Biased Bots: Artificial Intelligence Systems Echo Human Prejudices*, https://www.princeton.edu/news/2017/04/18/biased-bots-artificial-intelligence-systems-echo-human-prejudices; "Human-in-the-loop" means that AI tools may assist but not replace human judgment. A qualified individual must retain ultimate responsibility for reviewing, validating, and approving AI-generated outputs before they are relied upon or acted upon, regardless of what function AI is performing.

5. *See AI-AI Bias: Large Language Models Favor Communications Generated by Large Language Models*, Proc. Nat'l Acad. Sci. U.S.A., https://www.pnas.org/doi/10.1073/pnas.2415697122

6. *United States v. Heppner*, No. 25 Cr. 503 (JSR), 2026 BL 52143, 2026 U.S. Dist. LEXIS 32697 (S.D.N.Y. Feb. 17, 2026). *But see Warner v. Gilbarco, Inc.*, No. 2:24-CV-12333, 2026 WL 373043 (E.D. Mich. Feb. 10, 2026). *Heppner* held that communications between a defendant and an AI platform were not protected by the attorney-client privilege or the work-product doctrine. By contrast, *Warner* held that AI-generated materials created by a former employee were protected by the work-product doctrine. These decisions illustrate a developing disagreement among district courts regarding the application of traditional privilege doctrines to AI-generated materials.