Automated Decision-Making Systems (ADS) Workgroup Meeting

October 7, 2021

Agenda for October 7, 2021 Meeting

Agenda

2:30   Welcome and administrative updates – Katy Ruckle

2:40   Review and Discussion of Report Draft and Recommendations – All members

4:00   Other Workgroup Discussion – All members

4:10   Answers to Open Tasks – Assigned work group members
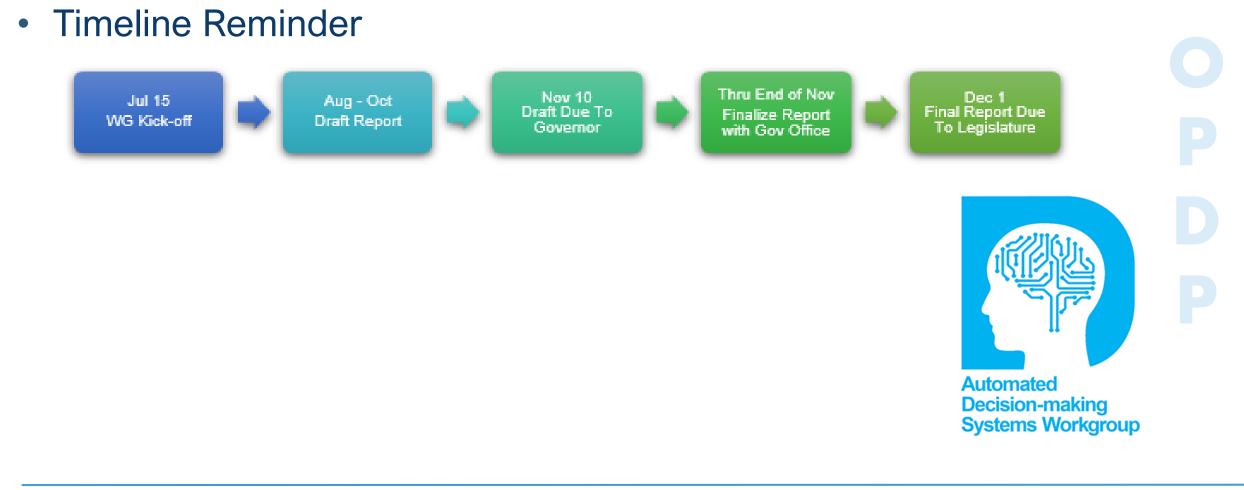
4:20   Open Discussion

4:30   Adjourn

Welcome and Administrative Updates

Administrative Updates

- ## Timeline Reminder

| Jul 15 WG Kick-off | → | Aug - Oct Draft Report | → | Nov 10 Draft Due To Governor | → | Thru End of Nov Finalize Report with Gov Office | → | Dec 1 Final Report Due To Legislature |

OPDP

Automated
Decision-making
Systems Workgroup

Review and Discussion of Report Draft

OPDP

Preliminary Draft Report

Distributed via email to work group members

Table of Contents

Workgroup Member Input Received:

- ACLU
- David Luxton

Report Content Discussion

Is there a consensus about best practices are for addressing the benefits and risks of ADS systems?

Findings Section?

ADS Landscape?

What other jurisdictions are doing section?

Named framework?

Identified assessment tool? To be performed by who?

Conclusion?

Proviso details

Are there changes needed regarding the development, procurement, and use of ADS by state agencies?

If yes, what types of changes?

Development?

Procurement?

Use?

How can ADS be reviewed before adoption?

How can ADS be reviewed while in operation?

Audited to ensure ADS is fair, transparent, and accountable?

How can state ensure ADS does not improperly advantage or disadvantage particular residents?

Recommendation #1

As a part of the procurement process, assess new ADS systems procured by the state that are intended to profile or predict a natural person's behavior. The assessment should include evaluation of the potential impacts of the automated decision-making on the risk to rights and freedoms to natural persons.

DRAFT

Recommendation # 2

Automated decision-making systems used by the state that produce legal affects on natural persons should be assessed if they are processing sensitive data on a large scale.

DRAFT

OPDP

Recommendation #3

Require transparency of use of automated decision-making systems that produce legal affects on natural persons.

DRAFT

Recommendation #4

The state should adopt a framework to evaluate state agency use of ADS technology or use of artificial intelligence-enabled profiling to determine whether or not its use should be prohibited.

DRAFT

Recommendation #5

Ongoing monitoring or auditing should be performed on ADS systems that have legal effects on natural person's to ensure they do not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in [RCW 49.60.010.](RCW 49.60.010)

Other Considerations Listed in Proviso

- Changes in procurement of automated decision systems, including when the procurement must receive prior approval by the office of the chief information officer.

- How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010.

- How to provide public notice when ADS technology is in use and how to appeal decisions.

- How ADS data should be stored and whether such data should be shared outside the system.

Workgroup Discussion

Answers to Open Tasks – Assigned work group members

Workgroup Open Task Status Update

Action Item*	Description	Person Responsible	Deadline
05.02	Create a draft report/outline and send document via email.	Katy Ruckle	10/04/21: Completed– Draft report emailed to work group members 10-4-21
05.03	Submit their agency/organization logo to Katy Ruckle.	All Workgroup Members	10/21/21: ongoing
05.04	Conduct outreach to identify any systems an agency would be willing to review for the report.	State Agency Workgroup Members	10/07/21: Completed – Request discussed at multiple mtgs.
05.05	Identify and share resources on equity-based audits from the Poverty Reduction Workgroup.	Nancy Aguilar	10/07/21: Completed – Materials provided to be distributed to workgroup

Workgroup Open Task Status Update

Action Item*	Description	Person Responsible	Deadline
06.01	Provide the workgroup with additional resources and insight on the Risk Needs Responsivity Model and its relevance to other risk assessments.	Courtney Bagdon-Cox	10/21/21: Completed – materials provided to be distributed to workgroup – See links next slide and .pdfs on website for 10-7-21 mtg materials
06.02	Further discuss ADS report and recommendations in small groups if needed.	ADS Workgroup, Small Group TBD	10/21/21: Ongoing
06.03	Contribute towards report writing.	ADS Workgroup, Small Group TBD	11/01/21: Ongoing

Action Item 6.01 from DOC re WA One system

Drake, E. (2014). Predicting criminal recidivism: A systematic review of offender risk assessments in Washington State (Doc. No. 14-02-1901). Olympia: Washington State Institute for Public Policy. https://www.wsipp.wa.gov/ReportFile/1554/Wsipp_Predicting-Criminal-Recidivism-A-Systematic-Review-of-Offender-Risk-Assessments-in-Washington-State_Report.pdf

Knoth, L., & Hirsch, M. (2020). Washington Offender Needs evaluation (Washington ONE): Evaluating community contact impacts (Document Number 20-11-1901). Olympia: Washington State Institute for Public Policy. https://www.wsipp.wa.gov/ReportFile/1730/Wsipp_Washington-Offender-Needs-Evaluation-Washington-ONE-Evaluating-Community-Contact-Impacts_Report.pdf

Bonta, J., & Andrews, D.A., (2018). Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation. Public Safety Canada. https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rsk-nd-rspnsvty/index-en.aspx

Hamilton, Z., Kigerl, A., & Routh, D., (2016). The strong-r pilot assessment study: Washington state department of corrections. The Washington State University Department of Criminal Justice & Criminology, Institute for Criminal Justice. (see pdf in meeting materials posted)

Open Discussion

Thank you!

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