

# Automated Decision Systems (ADS) Workgroup

## Meeting Notes

Meeting Date: Thursday, September 23, 2021

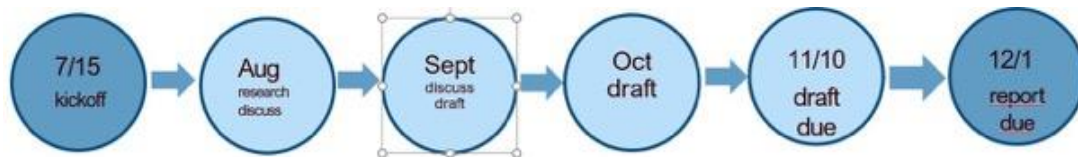
Meeting Time: 2:30 pm PT – 4:30 pm PT

### I. Welcome and Administrative Updates

Meeting called to order at 2:33 pm PT.

#### Administrative Updates

- Teams Channel is not working for external members. Katy will continue trouble shooting but will communicate with the whole group by email at this time.
- Timeline



### II. Washington One System Review – DOC & Workgroup

The Washington Department of Corrections (DOC) provided responses about the Washington One system using the ADS questions being considered by the workgroup. Workgroup members were provided with the responses before the September 23 workgroup meeting and given the opportunity to ask clarifying questions about the system and make comments about the ADS questions themselves.

Concerns about the Washington One system included:

- DOC's level of involvement in the design process of the system
- Clarification regarding the metrics collected or used by the system
- Risk scoring, sharing and use of risk scores, and permanence of risk scores
- Transparency of the system algorithm to the public, system owners, auditors, etc.
- Intended and unintended differential effects (i.e., gender-responsive versus gender distinctive tools, measuring racial bias)
- Updating algorithms in response to legislative and/or population changes (i.e., Blake Decision)

Concerns about the ADS questions included:

- The underlying approach for selecting metrics and/or developing algorithms developed for an ADS
- Studying bias as a best practice and the adequacy of bias testing

- Phrasing of questions about “bias testing”
  - Feedback from DOC indicated that rephrasing Question 9 to include “algorithmic auditing” would not have had an impact on their response.
- Intended function and design of a system and potential sources or indicators of bias
- Streamlining questions and reducing the time taken to complete a review of an ADS

Workgroup members identified the following resources to inform the discussion of the Washington One system and the ADS questions.

- “The Washington ONE: A new assessment”  
<https://www.doc.wa.gov/docs/publications/400-BR011.pdf>
- Latesa, Lemke, Makarios, Smith, and Lowenkamp. (2010). “The Creation and Validation of the Ohio Risk Assessment System (ORAS).”  
[https://www.uscourts.gov/sites/default/files/74\\_1\\_2\\_0.pdf](https://www.uscourts.gov/sites/default/files/74_1_2_0.pdf)
- Ryan Calo & Danielle Keats Citron, The Automated Administrative State: A Crisis of Legitimacy, 70 Emory Law Review 797 (2021).  
<https://scholarlycommons.law.emory.edu/elj/vol70/iss4/1/>
- Task 06.01: Courtney Bagdon-Cox will provide the workgroup with additional resources and insight on the Risk Needs Responsivity Model and its relevance to other risk assessments.

### III. Discussion of what (if any) ADS uses should be prohibited?

Introduced by Jon Pincus, Chief Technology Officer, A Change Is Coming.

Broad trends on prohibitions of ADS and AI profiling systems have focused on unacceptable risks, impacts on rights, and discrimination. To date, prohibitions in the State of Washington as well as other jurisdictions have focused on facial recognition technologies and predictive policies. More recently, “social scoring,” emotional manipulation, and categorizing people have been highlighted in proposals for additional prohibitions.

This presentation includes additional information and references on the EU Draft AI Directive (April 2021), the European Data Protection Board, the UN Human Rights Commission, the European Digital Rights, and other civil society organizations and their work associated with prohibitions of ADS and AI.

(See slide deck of presentation in website materials.)

**Q1. Would the workgroup consider recommending a framework for analysis for considering prohibitions rather than recommendations for prohibitions themselves?**

Several workgroup members agreed that framework should be considered as a part of the report that incorporates what is happening in other jurisdictions to provide context to the legislature.

Another potential way to frame prohibitions includes the prohibition of all systems until a certain process or level of analysis has been completed.

**Q2. Are ADS and AI being used as interchangeable terms in other frameworks?**

The definition may change depending on the context. ADS is likely considered as a subset of AI. For example, categorizing individuals may not be a decision but rather profiling.

- Task 06.02 – Small groups will convene to further discuss prohibitions of ADS.
- Task 06.03 – Small groups will convene to contribute towards report writing.

#### IV. Workgroup questions and discussion – All

##### Definition of ADS in Proviso and from Task 05.01

- Systems are broader than their algorithm, but one definition of ADS narrows the scope to that level. Should “algorithm” be replaced by “system” in these types of definition?
  - More work is needed to determine what definition is appropriate. Notably, conversations about scope are occurring in other jurisdictions, demonstrating the importance of the issue.

#### V. Answers to Open Tasks

Task	Resolution
<u>Task 05.01</u> – Jenn Lee will verify whether the definitions in SB 5116 match those provided in the budget proviso.	Completed 09/09/21. See Definitions in slide deck.
<u>Task 05.02</u> – Katy Ruckle will create a draft report and share the via email.	Deadline updated to 10/04/21 to accommodate a deeper discussion of the DOC Washington One System during the 09/23/21 workgroup meeting.
<u>Task 05.03</u> – All workgroup members will submit their agency/organization logo to Katy Ruckle.	Ongoing. Some logos have been submitted to Katy.
<u>Task 05.04</u> – State agency workgroup members will conduct outreach to identify any systems an agency would be willing to review for the report or provide feedback on the ACLU questions.	Kirsta Glenn worked with an actuary to complete a brief review and address confusion related to technical language in the questions. She has proposed a few additional questions to be added to the list that may be helpful in providing clarity to respondents.

#### VI. Open Discussion

Meeting opened for comment from public. None received.

VII. Adjourn

Meeting adjourned at 4:18 pm.

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## VIII. Action Items

Action Item*	Description	Person Responsible	Deadline
05.02	Create a draft report/outline and send document via email.	Katy Ruckle	10/04/21
05.03	Submit their agency/organization logo to Katy Ruckle.	All Workgroup Members	10/21/21
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
05.05	Identify and share resources on equity-based audits from the Poverty Reduction Workgroup.	Nancy Aguilar	10/07/21
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
06.02	Further discuss ADS report and recommendations in small groups if needed.	ADS Workgroup, Small Group TBD	10/21/21
06.03	Contribute towards report writing.	ADS Workgroup, Small Group TBD	11/01/21

\* Action Item number designated by ADS Workgroup Meeting number (1-11) and the sequential order each was discussed during the meeting.

## IX. Remaining ADS Workgroup Meetings

Oct. 7, 2021	2:30 pm PT - 4:30 pm. PT
Oct. 21, 2021	2:30 pm PT - 4:30 pm. PT
Nov. 4, 2021	2:30 pm PT - 4:30 pm. PT
Nov. 18, 2021	2:30 pm PT - 4:30 pm. PT
Dec. 2, 2021	2:30 pm PT - 4:30 pm. PT

## X. Attendance Roster

	Last Name	First Name	Organization	Present (X)
1	Pincus	Jon	A Change Is Coming	X
2	Lee	Jennifer	ACLU	X
3	Gonzalez	Eric	ACLU	X
4	Block	Bill	ACLU	X
5	Aguilar	Nancy	CHA	X
6	Auffray	Brianna	CAIR-WA	X
7	Krustsinger	Allison	DCFY	
8	Mason	Aaron	DCYF	
9	Ybarra	Vickie	DCYF	
10	McGrew	Elena	DES	
11	Japhet	Robin	DES	
12	Fisher	Greg	DOC	
13	Luxton	David	DVA	X
14	Adams	Gena	DOC	X
15	Palma	Sergio	DSHS/ALTSA	
16	Gogan	Jenise	DSHS/BHA	X
17	Mancuso	David	DSHS/RDA	X
18	Henson	Crystal	DVA	
19	Allred	Robert	ESD	X
20	Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment	X
21	Chen	Christopher	HCA	X
22	Ott	Cathie	HCA	X
23	Del Villar	Ashley	La Resistencia and Mijente	
24	Glenn	Kirsta	LNI	X
25	Ruckle	Katy	OCIO	X
26	Angel	Maria	UW Law	X
27	Puckett	Derek	WaTech	X

ACLU = American Civil Liberties Union  
 CHA = Commission on Hispanic Affairs  
 CAIR = Council on American-Islamic Relations Washington (CAIR-WA)  
 DCYF = Department of Children Youth and Families  
 DES = Department of Enterprise Services  
 DOC = Department of Corrections  
 DSHS/ALTSA = Department of Social and Health Services/Aging and Long-Term Services Administration  
 DSHS/BHA = Department of Social and Health Services/Behavioral Health Administration  
 DSHS/RDA = Department of Social and Health Services/Research and Data Analysis  
 DVA = Department of Veteran Affairs  
 ESD = Employment Security Department  
 HCA = Health Care Authority  
 LNI = Labor and Industries  
 OCIO = Office of the Chief Information Officer  
 UW = University of Washington  
 WaTech = Consolidated Technology Services