Automated Decision Making Systems (ADS) Workgroup Kick-off Meeting

July 15, 2021
Agenda for July 15, 2021 Meeting

Agenda

2:30  Welcome – Katy Ruckle
2:35  Introductions - All
2:45  Overview Scope of Work and Timeline – Katy Ruckle
3:00  System Presentation – DSHS – Jenise Gogan
3:10  System Presentation – DCYF – Vickie Ybarra
3:20  System Presentation – DOC – David Luxton
3:30  Workgroup member system questions and discussion - All
3:45  Review of Charter Draft and Work group Operation – Katy Ruckle
4:15  Open Discussion
4:30  Adjourn
Meeting Guidelines

• Be punctual.
• Come prepared.
• Remember to speak clearly.
• Actively listen and participate.
• Take turns speaking.
• Respect others.
• Follow the agenda.
• Ask questions at the appropriate time.
Welcome and Introduction
## ADS Workgroup Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>1. Jennifer Lee</td>
<td>ACLU</td>
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<td>2. Eric Gonzalez</td>
<td>ACLU</td>
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<td>3. Bill Block</td>
<td>ACLU</td>
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<td>4. Nancy Aguilar</td>
<td>CHA</td>
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<td>5. Allison Krutsinger</td>
<td>DCFY</td>
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<td>6. Aaron Mason</td>
<td>DCYF</td>
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<td>7. Vickie Ybarra</td>
<td>DCYF</td>
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<td>8. Elena McGrew</td>
<td>DES</td>
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<td>9. Robin Japhet</td>
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<td>10. Greg Fisher</td>
<td>DOC</td>
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<td>11. David Luxton</td>
<td>DOC</td>
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<td>12. Barbara Hanneman</td>
<td>DSHS/ALTSA</td>
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<td>13. Jenise Gogan</td>
<td>DSHS/BHA</td>
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<td>14. David Mancuso</td>
<td>DSHS/RDA</td>
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<td>15. Robert Allred</td>
<td>ESD</td>
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<td>16. Elizabeth Gordon</td>
<td>Governor's Committee for Disability Issues and Employment</td>
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<td>17. Christopher Chen</td>
<td>HCA</td>
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<td>18. Cathie Ott</td>
<td>HCA</td>
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<td>19. Ashley Del Villar</td>
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<td>20. Kirsta Glen</td>
<td>LNI</td>
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<td>21. Katy Ruckle</td>
<td>OCIO</td>
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<td>22. Maria Angel</td>
<td>UW Law</td>
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<td>23. Derek Puckett</td>
<td>WaTech</td>
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Overview: Scope of Work and Timeline
Scope of Work from Budget Proviso

• Develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies.

• Assess the impact of those recommendations by evaluating existing system in use by an agency as described within the proviso.

• Produce a final report to the legislature and governor by December 1, 2021.
Timeline

- Report delivered to Governor and Legislature December 1, 2021.
Scope of Work from Budget Proviso

- Workgroup must examine specific use cases relative to ADS technology.
- For this work, the ADS workgroup must select at least one of the following systems:
  - DCYF system used to determine risk in the family child welfare system;
  - DOC system used to determine risk for purposes of evaluating early release and/or sentencing; or
  - DSHS system used for hospital admissions.
- Ranked choice voting on systems – Pick 1st/2nd/3rd choice for review via survey link. Top ranked system will be reviewed by Workgroup.
## Proposed Meeting Schedule and Topics

<table>
<thead>
<tr>
<th>Mtg</th>
<th>Date</th>
<th>Proposed Agendas/Work plan</th>
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<tbody>
<tr>
<td>1</td>
<td>July 15, 2021</td>
<td>Kickoff and System Presentations; Determine Operational Guidelines for Workgroup</td>
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<td>2</td>
<td>July 29, 2021</td>
<td>Presentations on AI and Background on Algorithm Bias; Determine Framework for System Review</td>
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<td>3</td>
<td>August 12, 2021</td>
<td>Presentation(s) on System Procurement in Washington; Start system review</td>
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<td>4</td>
<td>August 26, 2021</td>
<td>Recommendation discussions; complete system review</td>
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<td>5</td>
<td>Sept. 9, 2021</td>
<td>Recommendation discussions/Begin drafting</td>
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<td>6</td>
<td>Sept. 23, 2021</td>
<td>Recommendation discussions/Drafting</td>
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<td>7</td>
<td>Oct. 7, 2021</td>
<td>Recommendation discussions/Drafting</td>
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<td>8</td>
<td>Oct. 21, 2021</td>
<td>Recommendation discussions/Drafting</td>
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<td>9</td>
<td>Nov. 4, 2021</td>
<td>Near final draft of report</td>
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<td>10</td>
<td>Nov. 18, 2021</td>
<td>Wrap-up work – only meet if needed</td>
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<tr>
<td>11</td>
<td>Dec. 2, 2021</td>
<td>Final Report Review/Presentation – only meet if needed</td>
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System Presentation –
Department of Social and Health Services
State Hospital Admissions

Automated Date Systems Review
07/13/2021
Populations Served/Process Type

Forensic Services (RCW 10.77)
- Not Guilt By Reason of Insanity (NGRI)
- 72 Hour Civil Commitment Evaluation (72 Hr CC)
- Competency Evaluation/Restoration (CE/CR)
  - Partially automated/partially manual admissions process for all.

Civil Services (RCW 71.05)
- 90/180 day Civil Commitment
  - Manual admissions process
  - In the process of being reworked in a BH Transformation workgroup
Forensic Admissions – Process Change

• Trueblood Settlement required new admissions process for forensics
  • Lack of available beds/High need for beds
  • Triage process needed to determine who gets next bed for the most acute
  • Workgroup convened to develop new process as early as 2015/2016
Automated Process for Forensic Admissions

• Points are given based on
  • Legal authority
  • Current location of individual
    • In-jail versus Community
  • Days waiting
Manual Process #1 for Forensic Admissions

- Expedited Admissions request review
  - Requested by jail or Department of Assigned Counsel (even prosecutors can make referrals)
  - Licensed clinical staff conduct records review to determine clinical acuity
  - Makes recommendation to Chief Medical Officer (CMO) at respective state hospital
  - CMO makes final determination
  - Expedited Admission goal is admission within 48-hrs of final decision
Manual Process #2 for Forensic Admissions

• Bed Allocations
  • Varies based on the state hospital waitlists for number of persons awaiting
    • NGRI
    • 90 day CR
    • 45 day CR
    • Competency Evaluation
  • Ex. If no NGRI patients on the waitlists, 0-1 NGRI bed(s) will be held for that admission type.
### Example of Forensic Admission Algorithm

<table>
<thead>
<tr>
<th></th>
<th>Patient 1</th>
<th></th>
<th>Patient 2</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Legal Authority</td>
<td>CR</td>
<td>500</td>
<td>CR</td>
<td>500</td>
</tr>
<tr>
<td>Location/Custody Status</td>
<td>In Jail</td>
<td>160</td>
<td>Community</td>
<td>0</td>
</tr>
<tr>
<td>Days Waiting</td>
<td>50</td>
<td>50</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Expedited Request</td>
<td>No</td>
<td>0</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>710</td>
<td></td>
<td>600</td>
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Patient 1 will be admitted before patient 2.
Data Bias - Evaluation of Process

• Automated process (Waitlist Order of Admission)
  • Does not include demographic data (gender, race, disability etc.) in calculation
    • Whether in custody or in forensic/civil system could have bias, but is outside of this hospital admission process

• Manual process (Expedited Admission)
  • Demographic data (gender, race, disability etc.) available to evaluator
  • However, this assessment is based on clinical evaluation of safety based on risk of harm to self.

• Manual process (Bed Allocation)
  • Does not include demographic data (gender, race, disability etc.) in calculation but rather based on beds available and data related to numbers of referrals being made
Thank you

Jenise Gogan, MA, LMHC  /Director of Community Transitions
Behavioral Health Administration
Washington State Department of Social and Health Services
[C] (360) 338-5005  Jenise.Gogan@dshs.wa.gov
System Presentation –
Department of Children, Youth, and Families
DCYF
Safety and Risk Assessments

July 13, 2021
Vickie Ybarra, PhD, MPH, RN
Director, Office of Innovation, Alignment, and Accountability

www.dcyf.wa.gov
Child Welfare Overview CY 2020

Total Requests for Intervention
TOTAL = 105,080

CPS Reports of Abuse/Neglect
TOTAL = 94,969
(10,111 Non-CPS Requests*)

CPS Reports Screened-In for Response
TOTAL = 37,923**
(57,046 Screened Out)
53,779 Children Required Face-to-Face Response

CPS-Investigations
TOTAL = 19,719

CPS-FAR
TOTAL = 16,477

Open for Services
TOTAL = 19,837***

Children Placed
TOTAL = 4,262

5,408 Exits from Placement
- 3,462 Reunifications
- 1,749 Adoptions
- 130 Guardianships
- 387 Other Exits

* Includes CFWS, FRS, licensing rule infractions, and other non-CPS intakes
** Includes 1,727 LD-CPS investigations on providers
*** Service counts indicate services provided in addition to the CPS response

Published: DCYF OIAA May 2021
DCYF System for ADS Review

(i) The department of children, youth, and families system used to determine the risk in the child welfare system
-ESSB 5092. SL

Safety Assessment
Questions that assess 17 safety threats in 6 areas of family life that assess nature and threats of child maltreatment and ongoing threats to child safety.

Safety Assessment informs placement recommendations and safety planning

Structured Decision Making Risk Assessment®
Structured tool to assess risk factors in child and family functioning, to consider risk for future maltreatment.
SDM informs service referrals

Neither of these assessments are fully automated. They inform professional decisions by caseworkers and supervisors. There is a data entry portion so that scores are totaled, and the range of scores inform action per policy and statute.
Safety Assessment
DCYF Policy 1120

Purpose
A Safety Assessment is based on comprehensive information gathering and is used to identify safety threats and determine when a child is safe or unsafe throughout the life of a case.

Policy
1. Child safety will be determined by gathering and assessing comprehensive information about a family's behaviors, functioning and conditions.
2. A Safety Assessment will be completed at key decision points in a case to determine if safety threats exist and whether a safety plan can be developed with families to control or manage the identified threats.

References:
RCW 26.44.195
RCW 26.44.030
PL 105-89
Safety Assessment

• Our own recent analyses of the Safety Assessment has identified some racial disparities
• Forthcoming research brief

Figure 1. Caregiver(s) having Concern “indicated” on Any of 17 Safety Assessment Items, by Race.³
Purpose

The Structured Decision Making Risk Assessment (SDMRA) is a household-based assessment focused on the characteristics of the caregivers and children living in that household. By completing the SDMRA following the Safety Assessment, the worker obtains an objective appraisal of the risk to a child. The SDMRA informs when services may or must be offered.

Policy

1. The SDMRA risk assessment tool is required as a part of the Investigative Assessment and is completed on all screened-in CPS intakes requiring a CPS response.
2. Services must be offered to families with a high SDMRA score.
3. Services may be offered to families with a moderately high SDMRA score.
4. Services are not offered to families when observable, verifiable, and describable changes have been made within the family that reduces the identified risk in the SDMRA.
5. Cases with a high SDMRA score must be staffed with a Child Protection Team (CPT) for identified child victims aged six years or younger.

References:
RCW 26.44.030
Executive Order 12-04
• Our own recent analyses on the SDM tool shows sensitivity in predicting future maltreatment less than we would like.
The results indicate that the SDM is functioning in the *poor* range, providing limited information into which families are most likely to receive a new referral for child maltreatment.
DCYF Assessment Evaluation & Oversight

• Based on these analyses, as well as recent legislation, DCYF is working now to establish a structure for Assessment Evaluation & Oversight

• Focus juvenile justice and child welfare

• Systematically examine utility and disparities, including engaging outside experts and researchers

• Recommend implementation of changes where needed
System Presentation – Department of Corrections
Why a Risk/Needs Assessment Tool?

• The Department needs an evidence-based assessment tool to:
  ◦ Determine Risk classification levels
  ◦ Determine Supervision levels
  ◦ Determine criminogenic needs to guide appropriate interventions/services

• General risks (as with similar systems):
  ◦ False positives/negatives
    ◦ Public safety
    ◦ Restricting rights/freedom
  ◦ Potential for unintentional bias (e.g., algorithmic, human judgment/bias), as with any decision making system
  ◦ Impact on resources (staffing, other costs)
**WA ONE Description**

- Web-based (front end) database system with real-time data entry, built into the Offender Management Network Information (OMNI) system.
- Accessed/data entered by DOC Staff (Classification Counselors/case manager, etc.)
- Data provided through interview process w/incarcerated individuals: 106 questions (with multi-answer)
- Reassessments may be conducted anytime a case manager believes it would be informative to the case plan, are required at transition points between prisons and work release and to community supervision, and they are required at 6 month intervals or annually, depending upon whether the person is in prison, and every 6 months for persons in the community.
- Other data is auto-updated/pulled from other data systems, e.g., the Offender Management Network Information (OMNI) and the Criminal Conviction Record.
- Uses “locally weighted” prediction models (incarcerated persons in WA)
- Uses “Weighted, then summed domains” (WSD), as opposed to “item specific weighting” (ISW)
- Uses cut points to define “risk bands”
- Proprietary weights (intellectual property agreement)
Risk Category Hierarchy

- Violent Model
- Property Model
- Drug Model
- Any Recidivism

Level 6 – High Violent, Property, & Drug

Level 5 – High Violent

Level 4 – High Property

Level 3 – High Drug

Level 2 – Moderate

Level 1 – Lower
Example items (Scored)

• Age
• Living with friends with anti-social influences
• Threatening, aggressive, or violent behaviors
• Need for independent living services unknown
• Impulsive, does not think before acting
• Felony assault offense, not DV related
• Alcohol problem in last 6 months
• Indifferent toward authority, some compliance
• Full-time employment
WA ONE Development/Status

• Created models with development sample (~n=45,000)- included the known outcomes of persons on supervision as well as those in prisons
• Determined preliminary risk category cut points
• Pilot study – examined how new items and weights work with offender sample
• Established risk category cutpoints
• Examined labor impact (new scores/cutpoints have implications of resources)
• “Norming” work - (assessing labor impacts, manual reviews, etc.)
• WSIPP currently evaluating “validity” and race/gender groups differences (Due November 2021)
General Considerations (of any system)

- Predictive tool sensitivity. Subgroup differences?
- Human-level bias at data input (staff interviews, overrides, etc.)
- Responsivity of current/future population changes (e.g., after change in crime-specific laws), population changes, etc.)
- Transparency of tool’s function (how it is working)
- Need for third-party evaluation.
Workgroup Member System Questions and Discussion
Operation of Workgroup

• Meeting Agendas will be posted online the week before we meet.
• Meetings will be available for outside participants to attend and observe
• Meetings will be recorded and posted on OPDP website
• Meeting attendance and minutes/highlights/decisions will be taken and posted.
• Teams Channel created to share documents and drafts with ADS Workgroup members.
Operation of Workgroup

• For workgroup to discuss and decide:
  • How formal do you want the workgroup to operate?
    • Formal motion on minute reviews and adoption? Or are recorded meetings and posting of meeting highlights/decisions acceptable?
    • Quorum required to make decisions? 60%?
    • Keep record of majority/minority view in report recommendations?
    • Other Meeting Guidelines?
    • Other operational or organizational considerations? - Anyone willing to co-chair with me? Or on rotating basis?
Workgroup Charter Discussion
Discussion of Charter

Background
In the 21-23 biennial operating budget, the legislature provided one time funding to the office of the chief information officer (OCIO) to convene a workgroup and produce a report related to the adoption and use of automated decision making systems (ADS) in the state. Due to the nature of automated decision systems and the increasing adoption of emerging technology in government, it is important that these systems are deployed in a manner which is fair, transparent, and accountable.

Purpose
The purpose of the ADS work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The ADS work group will examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, and accountable and do not improperly advantage or disadvantage Washington residents. This charter will serve as the governing document that outlines the responsibilities, membership, and outcomes of the ADS workgroup.
Discussion of Charter

Responsibilities

The ADS workgroup established as part of the 21-23 biennial budget process laid out clear deliverables of the workgroup, as well as processes and definitions. The workgroup is primarily tasked with the following activities:

- Develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies.
- Assess the impact of those recommendations by evaluating existing system in use by an agency as described within the proviso.
- Produce a final report to the legislature and governor by December 1, 2021.
- In addition to these core responsibilities, the work group must examine specific use cases relative to ADS technology. These are described below in the “Relevant Details” section.
Discussion of Charter

Membership
The following members are required to participate in the work group, as described in the 21-23 operating budget:

- A representative of the office of the chief information officer, who chairs the work group;
- A representative of the department of children, youth, and families;
- A representative of the department of corrections;
- A representative of the department of social and health services;
- A representative of the department of enterprise services;
- At least two (2) representatives from universities or research institutions who are experts in the design and effect of an algorithmic system;
- At least five (5) representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.
- Additional members may be added to the work group at the discretion of the chair.
Discussion of Charter

Procedures

Chair and staff support
The chair of the workgroup is responsible for establishing meeting agendas, conducting the work group meetings, and ensuring that satisfactory progress towards required deliverables is being met. Each state agency identified as a participant on the workgroup must provide staff support to the work group and its activities.

Meetings
The work group must meet at least four (4) times, or more frequently if necessary, to complete its work. Required meetings will be publicly posted, held in ADA-accessible locations, and accommodate auxiliary aids for persons with disabilities when requested in advance. The work group may meet either virtually or in person to accomplish its goals. Meetings are expected to be conducted virtually; however, the chair of the work group has discretion on the way meetings are conducted. Whether an ADS work group meeting occurs virtually or in person will be published at least two weeks prior to any scheduled meeting date.
Discussion of Charter

Attendance
Work group members are expected to consistently attend work group meetings. The chair will provide a meeting agenda at least seven (7) calendar days prior to any scheduled work group meeting. If a member is unable to attend a work group meeting, the member must notify the chair in advance. Substitutes to the work group may be considered at the chair’s discretion.

Public comment
The work group’s agenda will include an opportunity for any attendees from the public to comment on the material discussed in the meeting agenda. The chair may set and monitor time limits during any public comment period. Public comments may also be submitted to the work group in writing outside of meeting activities directly to the contacts listed at the end of this charter.

Meeting minutes
Work group meetings will be summarized via written minutes. These minutes will be made available to the public on the same website as other meeting materials.
Discussion of Charter

Relevant Details
In addition to the deliverables identified in the budget bill, the ADS work group has several tasks and considerations which are prescribed. These are summarized below.

Policy change considerations
When examining use cases for possible policy changes, the work group must consider the following:

- When state agency use of ADS technology should be prohibited;
- When state agency use of artificial intelligence-enabled profiling should be prohibited;
- 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;
Discussion of Charter

Policy change considerations continued…

• How to provide public notice when ADS technology is in use and how to appeal decisions; and

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

• Additionally, other issues may be considered as determined by the OCIO or the Department of Enterprise Services if they are necessary to govern state agency procurement and use of ADS technology.
Discussion of Charter

Impact of recommendations
In order to demonstrate the impact of its recommendations, the ADS work group must select a system in use by a state agency and describe how the implementation of any recommendations would affect:
• the procurement of a new system; and
• the use of an existing system.

For this work, the ADS work group must select one of the following systems:
• The department of children, youth, and families system used to determine risk in the family child welfare system;
• The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or
• The department of social and health services system used for hospital admissions.
Discussion of Charter

Definition of automated decision system
For the purposes of the work group, the following definition of an automated decision system shall be used:

“Automated decision system” or “system” means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

Authorizing statute
The automated decision systems work group is authorized in law by Chapter 334, Laws of 2021, Sec. 151(14).
Resources

- GAO-21-519SP, ARTIFICIAL INTELLIGENCE: An Accountability Framework for Federal Agencies and Other Entities

- NIST Proposal Aims to Reduce Bias in Artificial Intelligence (govtech.com)

- A Proposal for Identifying and Managing Bias in Artificial Intelligence (nist.gov)


- NIST Proposal Aims to Reduce Bias in Artificial Intelligence (govtech.com)

- Coded Bias: This documentary investigates the bias in algorithms after M.I.T. Media Lab researcher Joy Buolamwini uncovered flaws in facial recognition technology.
Thank you!