

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
- - - - -X
PUBLIC ENGAGEMENT FORUM
AUTOMATED DECISION SYSTEMS TASK FORCE

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May 30, 2019
The New York School of Law
185 West Broadway
New York, New York 10013
6:26 p.m.

BEFORE:

JEFF THAMKITTIKASEM, Task Force Chair
BRITTNY SAUNDERS, Task Force Chair
KELLY JIN, Task Force Chair

JENNIFER ROGERS, Task Force Member
DAN HAFETZ, Task Force Member
MICHAEL REPLOGLE, Task Force Member
JULIA STOYANOVICH, Task Force Member
VINCENT SOUTHERLAND, ESQ., Task Force Member
ANDREW WHITE, Task Force Member
MEREDITH WHITTAKER, Task Force Member
TANYA MEISENHOLDER, Task Force Member
JULIE SAMUELS, Task Force Member

Douglas F. Colavito, Court Reporter

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2 MR. THAMKITTIKASEM: All right, everyone.
3 Thank you all very much for all your patience.
4 Sorry about that. We just wanted to make sure
5 we got the AV and everything, because
6 (indiscernible) for several people in the room.
7 One just -- if anyone needs any translation
8 services there, please (indiscernible) right up
9 front at the desk; we can get that to you.
10 Lavatories are out at the end of the hallway to
11 the right just so people know.

12 And with that, I will kick off and thank
13 you all for being patient and being here.
14 Welcome to the ADS task force's second public
15 engagement forum. My name is Jeff
16 Thamkittikasem. I'm the director for the
17 mayor's office of operations and one of the
18 chairs of the automated decision task force.

19 On behalf of all the members here, thank
20 you for taking the time to join us. Obviously,
21 this is a very important part of our process to
22 have you here engaging with us and sharing your
23 recommendations particularly those on our
24 expert panel. It's not easy work, but it's
25 important work.

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2 New York City is the first municipality in
3 the nation to dedicate this level of time and
4 attention to a complicated function of or
5 government. We are really appreciative of all
6 the people engaging in that. We got an
7 ambitious task ahead of us. And we need you to
8 be a part of that conversation.

9 So before we talk too much more about
10 tonight's forum and the speakers, I want to
11 quickly acknowledge my co chairs. Brittny
12 Saunders, deputy commissioner of strategic
13 initiatives at the city commission on human
14 rights. And Kelly Jin, the chief analytics
15 officer and the director of the mayor's office
16 of data analytics. I'd like to take a little
17 moment to give the task force members to
18 quickly give us their names and titles. We'll
19 go down the row.

20 MS. STOYANOVICH: Julia Stoyanovich
21 assistant professor of computer science and of
22 data science at NYU.

23 MR. HAFETZ: Hi. Dan Hafetz, special
24 counsel, DSS, first deputy commissioner, New
25 York City Department of Social Services

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2 overseeing the (Inaudible. Not speaking into
3 microphone.)

4 MR. SOUTHERLAND: Hi. I'm Vincent
5 Southerland, executive director of Center on
6 Race, Equality, and the Law and the NYC School
7 of Law.

8 MS. WHITTAKER: Meredith Whittaker,
9 co-founder AI Now Institute at NYU. And
10 founder of Google's Open Research Group.

11 MS. MEISENHOLDER: Tanya Meisenholder,
12 assistant commissioner for Strategic
13 Initiatives Statistic, New York City Police
14 Department.

15 MR. WHITE: Hi. Andrew White, deputy
16 commissioner for policy and planning NYC
17 Administration for Children's Services.

18 MS. SAMUELS: Hi. Julie Samuels,
19 executive director of Tech NYC.

20 MS. RODGERS: Hi. I'm Jennifer Rodgers.
21 I'm a lecturer at Columbia Law School.
22 (Inaudible.)

23 MR. THAMKITTIKASEM: Thanks everyone for
24 being here, and all these folks have dedicated
25 their own time on top of their full-time jobs

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2 to participate in this task force. So we
3 appreciate all the dedication and thought
4 they've put into this work.

5 By now, many of you are probably familiar
6 with the task force, as been mandate -- but
7 I'll give a quick summary. The task force is
8 charged with developing a set of
9 recommendations for how automated decision
10 systems should be used within New York City
11 government. These will include processes for
12 assessing bias or harm, providing information
13 about systems to members of the public, and
14 archiving elements of the systems among others.
15 You can find a full list of our mandate on the
16 task force website as well as bios for each of
17 the task force members.

18 At our last public forum, we heard from
19 panel experts who gave commentary to inform our
20 recommendations. And we also heard from
21 members of the public. Since that last forum,
22 the task force has achieved a couple of key
23 milestones in our process. One, we held our
24 first deliberation session on the
25 recommendations received at the last session.

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2 It was a great opportunity for us to all start
3 to talk about the ideas that we shared. And we
4 also had hosted presentations from two city
5 agencies on automated tools and systems
6 currently in use. They gave clear sense of how
7 agencies are developing, using, communicating,
8 and building their own capacity around these
9 tools.

10 Now, we -- now, we have more guidance
11 around privacy and security protocols for
12 sharing these systems. We look forward to more
13 agency presentations. Helpful in generally
14 informing our broader recommendations. I
15 talked about this before but the task force has
16 devoted substantial time to clarify what an ADS
17 really is. Especially considering the nature
18 of the field and the diversity of use that come
19 into play when talking about it. We made
20 substantial progress and while there are
21 certainly still alternative viewpoints, we're
22 determining the best ways to document what we
23 have agreed to and what are our views. We're
24 making progress also in trying to put more
25 documentation on the website.

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2 We recently drafted up a clarification of
3 terms checklist, a guidance document that
4 clarifies some of the terms that we are using
5 in our -- that are used in the local law's
6 definition of ADS. It's on our website now.
7 And that was produced with the review from the
8 entire task force.

9 And with that, I want to kind of move us
10 forward just to kind of speed up and get to our
11 time, but today's progress -- sorry. Today's
12 program and the work ahead. So we're excited
13 to have our second opportunity to hear from
14 additional panelists and members of the public.

15 So thank you all for being here. We
16 really appreciate every one trekking out in the
17 rain to be here. As with the last forum, we'll
18 kick off this evening with some prepared
19 commentary for our panel of experts.

20 After each panelist speaks, we'll open up
21 questions from the task force. And then once
22 we wrapped up the expert commentary, we will
23 have public suggestions from those of you in
24 the audience who want to contribute. If you
25 haven't already, please we ask and if you can

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2 sign up to speak using the form outside, it
3 will be better for us to better prioritize who
4 in order we should get to.

5 I want to emphasize and we really want to
6 hear -- that we really want to hear from all of
7 you here. We want to hear what you think we
8 should be considering as we develop our
9 recommendations, and we don't want this
10 conversation to stop. I think as many people
11 heard in the first forum and will repeat here,
12 these are our first two. We will try to set up
13 other community engagement meetings throughout
14 the summer. As we're here, these are our first
15 foray into this. So it's kind of a broad
16 audience and several experts speak we'll try to
17 identify some topics to talk to you about.
18 Some questions that you may want -- you may
19 want to consider as you think about this -- oh,
20 okay. Sorry. Slowing down.

21 Some questions that you may want to
22 consider as you think about this: Are there
23 areas that you think the city should or could
24 deliver services by using technology. Which?
25 Why? And then of those areas, are there those

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2 that you would be concerned about the city
3 using these types of technologies, the whiches
4 and the whys. What kind of information would
5 you want to know about the system that makes
6 decision that might affect you or your
7 community. Who or what organizations would you
8 trust to be involved in deciding whether these
9 systems get used and what information about
10 them is made public. Why? Those are a couple
11 of questions that come up in some
12 conversations.

13 So with all that being said, I'm going to
14 hand things over to Kelly to kick off our
15 panelists. Thank you again for all being here.
16 We really appreciate it.

17 MS. JIN: Great. Thanks Jeff.

18 And I just want to note Michael from the
19 Department of Transportation, another task
20 force member has just joined us as well this
21 evening.

22 So really to echo Jeff's points and I will
23 also accelerate my opening here, I'm really,
24 really excited that you all are here this
25 evening. And for those who experienced the run

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2 of show at the April 30th, tonight will be
3 very, very similar to our first forum. There's
4 a few things that I'll note. So we'll have one
5 panel this evening with three various esteemed
6 panelists. I'm going to just given the
7 interest of time let, them all introduce
8 themselves and the organizations that they
9 represent. We're actually going to start with
10 all of you giving your recommendations and
11 comments.

12 And then we'll turn it over to Q and As
13 from the task force members. I think that a
14 few additional points is that after we conclude
15 the panel, we will then turn it over to public
16 comments. And this portion of the evening that
17 Brittny will help us facilitate.

18 So without further ado, I will actually
19 briefly give the names and titles and
20 organizations of our esteemed panelists. And
21 then I will actually turn it over to them.

22 So we have Chancey Fleet who is a fellow
23 from Data & Society and assistant technology
24 coordinator. Andrew Heiskell Braille and
25 Talking Book Library at New York Public

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2 library.

3 And we have Aaron Pallas, professor of
4 sociology and education at Teachers College at
5 Columbia University.

6 And Dr. Rumman Chowdhury, senior principal
7 global lead of ethical artificial intelligence
8 from Accenture.

9 So thank you all for making the journey
10 here to join us this evening. And without
11 further ado, I will turn it over to Chancey
12 first to provide recommendations.

13 MS. FLEET: Hi. My name is Chancey Fleet.
14 I'm a library-based technologist and educator.
15 I am a fellow at Data & Society Research
16 Institute. And I am the vice president of the
17 National Federation of the Blind of New York
18 with the city chapter and the state.

19 But tonight, I speak not for my employers,
20 or affiliations but for myself as someone
21 dedicated to helping New Yorkers with
22 disabilities understand and traverse the often
23 rough, frequently unmapped terrain of emerging
24 technologies and as someone who hopes to make
25 that terrain safer for us to travel.

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2 It's a challenge and a joy to address you
3 tonight. Local Law 49 has been passed to bring
4 long overdue scrutiny and policy craft to a
5 problem posed by modern technology. It can be
6 hard to agree on definitions. City agencies
7 aren't always going out of their way to assist
8 with the project. People who initially greeted
9 the formation of this task force with pride and
10 optimism, people who were glad to be called to
11 serve are perhaps feeling weighed down by
12 unresolved ambiguities and logistical sandbags.

13 I hope to be an emergently useful voice on
14 issues where automated decision systems and
15 disability intersect. Oh my God, a pop up.

16 I know that I am a career expert though in
17 the genre of bureaucratic pain and personal
18 divestment that can occur when people are given
19 a mandate to improve conditions to align with
20 values of fairness, accountability, and
21 transparency without receiving commensurate
22 authority and access to necessary information.
23 Because we've been through this in the world of
24 accessibility.

25 I have served on committees tasked with

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2 recommending accessibility standards for
3 third-party products without the benefit of an
4 RFP to examine products that were direct
5 introduction to the users who were allegedly
6 protecting.

7 I've been asked to give accessibility
8 advice without the expectation that I would
9 ever examine the system in question, let alone
10 question its creators. I've come perilously
11 close to leaving this work because it can be so
12 discouraging but I implore you to stay in the
13 trouble. Take solace in granular, persistent,
14 well-documented action.

15 In order to draft meaningful
16 recommendations and to move the city towards a
17 culture of transparent ADS, you have to firmly
18 and cohesively state your need for a full
19 accounting of ADS currently in use by city
20 agencies. This must include many things, the
21 structure and scope of current and historical
22 RFPs, how and whether explainability,
23 anti-bias, vendor measures and vendor liability
24 exist in procurement contracts. What systems
25 exactly are currently deployed? How and where

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2 they acquire their data? How that data is
3 processed algorithmically? Whether and when
4 that data is processed, stored, and shared by
5 third-party vendors. Whether and how results
6 of ADS are presented as individual cases for
7 human review. Who does that reviewing?
8 Whether and how people affected by the results
9 of an automated decision are informed about
10 those factors proceeding. And how or whether
11 affected people can appeal automated decisions
12 in particular, or flag the system for review in
13 its entirety.

14 In communities of disability, ADS can have
15 unpredictable potentially devastating
16 consequences when we show up as outliers in
17 data sets, when bias against us is encoded, and
18 when ADS reinforce and routinize existing
19 inequities we face.

20 Consider facial and body tracking
21 technology for threat modeling and traffic
22 control. Some disabilities manifests in
23 movements that might seem erratic or unusual.
24 My blindness manifests in a gaze that
25 perpetually shifts and perennially evades eye

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2 contact. If disabled bodies and gazes like
3 mine aren't in data sets where erratic movement
4 and gaze collaborate -- correlate with threat,
5 we may be flagged as dangerous and handled
6 accordingly.

7 Wheelchair users passing through
8 intersections may register in some ADS as
9 bicycles on account of the wheels. As
10 automated vehicles enter the cityscape, being
11 an outlier from pedestrians in an ADS model
12 could kill you.

13 Around the country, blind parents
14 sometimes lose custody of their kids because a
15 social worker or nurse somewhere equates
16 blindness with risk to a child.

17 People in our civil rights movement have
18 fought protracted court battles and spent years
19 with their families torn apart. We need to
20 know that those realities won't be magnified
21 and perpetuated in ADS. That none of the
22 systems that touch our families such as child
23 risk and safety assessments will ever encode
24 disability as though it were a salient factor
25 as a risk that merits separation from our loved

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2 ones.

3 Although children with disabilities carry
4 the full range of human potential, our youth
5 are beset by disadvantages including uneven
6 access to instructional resources and the
7 persistence of architectural barriers to entry
8 in many city schools. We need to know that the
9 school assignment algorithm can balance every
10 student's preferences with physically disabled
11 students absolute need to attend an
12 architecturally accessible school that's also
13 an academic fit.

14 We also need to know that students who
15 might thrive -- who might thrive in challenging
16 academic programs but test poorly because of
17 inaccessible or biased test design have a clear
18 and effective way to appeal when an algorithm
19 underestimates their abilities because of test
20 scores.

21 The task force is perhaps not empowered to
22 demand this level of transparency outright, but
23 you are equipped to ask for it and to make a
24 granular record of answers and silences. I
25 hope that agencies will realize as they weigh

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2 the risks and benefits of cooperating that this
3 time of inquiry in response to Local Law 49's
4 public mandate constitutes a unique opportunity
5 to share information, identify problems, and
6 develop more accountable and equitable systems
7 going forward at a reduced reputational cost.

8 In the world of digital accessibility with
9 which I'm familiar, once legislation is passed
10 the arc of time does end -- does bend toward
11 justice. Those entities who transcend their
12 territorial instincts to work on the common
13 project and get investigation and improvement
14 become leaders who inform better practices
15 within their organizations and around the
16 world.

17 Those who chose to do only what's
18 absolutely required are cited in cautionary
19 case studies and often in case law. Executive
20 and agency resistance to the cultural movement
21 toward digital equity is not a sensible
22 long-term plan. And while documenting this
23 resistance day after day is surely dispiriting,
24 it's useful to our shared long -- our shared
25 long-term goal of making public servants

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2 accountable for how they employ and govern ADS.
3 Communities of disability and other
4 marginalized groups who are at high risk for
5 collective harm by opaque bias and
6 unaccountable ADS are your allies in this work
7 to the extent that you activate us. Each
8 member of the task force can reach out to
9 colleagues and stakeholder groups and ask us to
10 shake our respective grapevines and solicit
11 written comment, presence and advisory groups
12 and input as definitions and recommendations
13 are fine tuned.

14 To best engage us, please, we need
15 frequent updates on the task force's work and
16 challenges with granular action items that
17 clearly indicate how we can help and where the
18 trouble spots are.

19 For those of us who are lifelong advocates
20 that may be new to ADS, I really recommend that
21 the task force -- and it sounds like some of
22 this has very recently happened with the
23 clarification of terms -- add to its online
24 presence a page of plain language explanations
25 of terms, a road map of completed and planned

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2 work, a schedule of upcoming opportunities for
3 engagement, a readily discoverable way to
4 submit comments, and a way for New Yorkers to
5 ask questions. Many advocates don't engage
6 because they encounter material that makes this
7 topic seem highly technical, academic, and
8 welcoming of discussion by experts only. Plain
9 language material and a way to ask questions
10 will help strong community advocates develop
11 the confidence they need to be helpful in your
12 work and to know that their perspectives are
13 worth hearing.

14 I also want to say something about
15 approachable and equalizing public spaces.
16 This is a beautiful venue. It's
17 architecturally barrier free, and it's open to
18 the public. Most of my library patrons would
19 never come here. We need to pursue meeting in
20 spaces that are equalizing that are perhaps not
21 so grand that are not associated with any
22 particular level of socioeconomic standing or
23 academic achievement such as community centers
24 and libraries.

25 Thank you so much for your service. I'm

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2 in solidarity with all of you on the task
3 force, workers within the agencies, with
4 advocates and everyday New Yorkers. All of you
5 who choose to endure through this sometimes
6 frustrating but deeply necessary time of
7 transition and growth toward a city that makes
8 ADS accountable, understandable, fair, and safe
9 for all New Yorkers and all humans. Thank you.

10 MS. JIN: Thank you for those very
11 personal recommendations.

12 And I want to turn to Aaron who I believe
13 we are going to have slides potentially up
14 here, at some point. All right. Hang tight
15 for one moment.

16 MR. PALLAS: Slides because I'm naked
17 without a PowerPoint.

18 This is a big screen although my goal is
19 eventually to do a PowerPoint on a screen the
20 size of (indiscernible) field.

21 So thank you for the opportunity to
22 participate in this public forum. I'm going to
23 talk tonight about a very specific automated
24 decision system that's used in the evaluation
25 of public school teachers in New York City

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2 known as Advance. It affects about 70,000 city
3 employees. And so in this respect, my
4 presentation I think will be very different
5 from Chancey's but I hope informative perhaps
6 in a different way. In -- in 2010, the state
7 legislature passed a law creating a new
8 state-wide system for evaluating teachers and
9 integral to the law was breaking down a
10 longstanding firewall that separated student's
11 academic performance from teacher evaluation.
12 The law has been revised a few times since
13 2010, but it basically calls for summarizing a
14 teacher's performance annually as being in one
15 of four categories, highly effective,
16 effective, developing, or ineffective based on
17 their ratings in two different domains. One,
18 measures of student learning and the other
19 measures of teacher practice. And there's a
20 matrix that's used to look at these two
21 different domains and determine the final
22 overall rating for a teacher.

23 In New York City, a teacher who is rated
24 ineffective or developing is placed on a
25 teacher improvement plan. And a teacher who is

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2 rated ineffective two consecutive years may be
3 subject to an expedited hearing in which they
4 are presumed incompetent and subject to
5 dismissal regardless of their tenure status.
6 Implementation of parts of the law call for
7 local bargaining between school districts and
8 teacher unions.

9 And New York City, the ratings for
10 measures of student learning are derived from
11 an automated algorithm that was developed
12 jointly by the New York City Department of
13 Education's office Talent Research and Data and
14 a non-profit firm known as Education Analytics
15 that specializes in developing what are called
16 value added or growth models.

17 There's also a technical advisory
18 committee that's jointly agreed upon by the
19 local teacher's union and the department of
20 education that -- that oversees the model. And
21 I'm one of the members of that technical
22 advisory committee.

23 In developing the model what's known as
24 the New York City growth model, the DOE sought
25 to adhere to a set of design principles. A

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2 fair model, for example, would not provide
3 advantages or disadvantages to teachers based
4 on the kind of students they teach or the
5 features of their schools and classrooms. The
6 models intended to yield results that are
7 reliable and valid in predicting teacher
8 performance to involve the minimum of
9 disruption of ordinary school processes to
10 allow schools and teachers to have some
11 discretion in the choice of outcome assessments
12 and to assist teachers in making instructional
13 decisions in the classroom.

14 And in the realm of transparency, the
15 model is intended to be clear and
16 understandable to teachers. The operation of
17 the model in the algorithm is complicated, and
18 I'll just sketch what's involved very, very
19 briefly.

20 First step is a set of common business
21 rules that are used to associate students with
22 their teachers based on enrollment and
23 attendance patterns. And essentially the model
24 seems to estimate if a particular teacher's
25 students learn more less or about the same as

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2 they would have if the students had been taught
3 by other teachers in New York City. Teachers
4 whose students learn substantially more than
5 similar students will be rated highly
6 effective. Those whose students learn a bit
7 more about the same or a bit less than similar
8 students, will be rated effective. Those whose
9 students learn somewhat less than similar
10 students will be rated developing. And those
11 whose students learn substantially less than
12 similar students will be rated ineffective.

13 And to develop these estimates, each
14 student associated with a teacher is summarized
15 using a statistical tool and matched with 100
16 other students throughout the city in the same
17 grade taking the same end-of-year assessments
18 based on the students previous academic
19 performance, demographic characteristics and
20 school and classroom characteristics. These
21 101 students are then ranked on their score on
22 the relevant end-of-year assessment. And the
23 student's location is summarized by what's
24 called the student growth percentile.

25 Basically, the percentile of a particular

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2 student relative to the peer group. Indicating
3 whether the student did better than of the
4 students, about the same, or worse. A student
5 growth percentile of 71 for example would
6 indicate that a student did better than 71
7 percent of similar students in that student's
8 peer group. So each teacher's student gets a
9 student growth percentile for the appropriate
10 end-of-year assessment and these are averaged
11 to create a teacher's mean growth percentile
12 where values greater than 50 indicate that on
13 average the teacher's students are doing better
14 than similar students on the end of year
15 assessment. And values less than 50 signifying
16 that teacher's student did worse than their
17 peers. No two students are identical. And
18 thus there is some imprecision and uncertainty
19 in defining a group of students as being at the
20 same academic starting point and with the same
21 demographic characteristics as well as some
22 imprecision in estimating a student's location
23 relative to the peer group. The growth model
24 adjusts for this imprecision and uncertainty.
25 Essentially, pulling teachers towards the

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2 middle of the distribution and the rating will
3 affect it.

4 There are more than a hundred different
5 end-of-year assessments that are available for
6 use in the Advance system. And this is
7 necessary -- necessary to accommodate teachers
8 teaching different grades and different school
9 subjects. And this slide shows just a subset
10 of the different assessments that are used in
11 the Advance growth model.

12 And what I've described has been done
13 separately for each assessment. Each
14 combination of grade and subject. Which means
15 that there are more than a hundred different
16 growth models that are estimated out of the
17 system.

18 Now statistical models such as the one
19 used in the Advance growth model are sometimes
20 derided by critics as junk science. I don't
21 think that's a fair characterization, but there
22 can be little doubt that the interworkings of
23 the model are difficult for non-specialists to
24 understand.

25 So this slide shows just one of several

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2 computations that are used as part of
3 estimating the teacher's overall rating. I'm
4 not going to comment on it. It's just sort of
5 to convey the complexity. So one of the
6 results of the model, the vast majority of
7 teachers are in fact rated effective under the
8 model with a small fraction who are rated
9 highly effective and an even smaller fraction
10 rated ineffective. And these percentages are
11 pretty stable regardless of a teacher's grade
12 level or the subjects that the teacher is
13 teaching or the features of the teacher's
14 school. These ratings feed into the matrix
15 that I showed earlier in which a teacher's
16 overall rating is based on these two
17 components, the measures of student learning
18 typically produced by this algorithm. And the
19 measures of teacher practice in the form of
20 classroom observations done by a teacher's
21 supervisor and scored against a standardized
22 rubric known as the Danielson Framework for
23 Teaching. And that part is definitely not
24 automated.

25 Is the growth model transparent? Yes and

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2 no. Yes, in the sense that teachers get some
3 of the information that goes into the
4 production of their measure of student learning
5 and reading including a roster of the students
6 that are linked to them and these students'
7 end-of-year assessment performance, previous
8 academic performance, student growth
9 percentiles, attendance, and enrollment status.

10 And yes, two in the sense that there is a
11 technical report produced annually for the
12 growth model that's published on the Department
13 of Education's intranet, its internal website
14 available to educators who work in the system.
15 And that report does document how the growth
16 percentiles are calculated and the department's
17 efforts to ensure that the ratings are valid
18 and fair.

19 However, as the gory equation I showed
20 earlier documents, there's a lot about the
21 derivation of the measures of student learning
22 rating that really require specialized
23 expertise to understand. Most teachers treat
24 the algorithm as, at best, a black box, and, at
25 worst, junk science.

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2 Developed by the Department of education,
3 the New York State Education Department which
4 has a similar model, and the United Federation
5 of Teachers have not been successful in
6 communicating how the model works. I've
7 interviewed along with a research team 145
8 teachers in the city, and it's clear that most
9 teachers don't understand the model and feel
10 they have no control over the results that it
11 generates. Under these conditions, it's
12 unlikely that the model will serve as a
13 resource that will actually change teachers
14 practices in the classroom. What I'm pointing
15 to here is an interesting tension between
16 fairness and transparency.

17 To be fair, algorithms such as the Advance
18 Growth Model may need to be extremely complex
19 with many moving parts neither accessible to
20 nor understood by the individuals who are
21 affected by them. Figuring out an appropriate
22 balance between fairness and transparency is an
23 ongoing challenge both for the Advance Growth
24 Model and for Automated Decision Systems in
25 general.

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2 MS. JIN: Thank you, Aaron.

3 And I'll turn things over to Dr.
4 Chowdhury.

5 MS. CHOWDHURY: Thank you.

6 The responsible AI team at Accenture has
7 played an active role not only to advise on and
8 implement systems of governance at private
9 corporations but also to advise on and
10 implement these systems for the public sector.
11 Responsible AI team has branches in San
12 Francisco, Atlanta, London, Brussels, and
13 Singapore. Our input to this task force
14 mirrors the recommendations we have provided to
15 the Federal Trade Commission, the Singapore
16 Personal Data Protection Commission, the U.K.
17 House of Lords Committee on AI and other
18 similar bodies.

19 Accenture is committed to New York City.
20 We employ 5,000 individuals throughout the city
21 including an active public services arm engaged
22 currently in the development of AI systems.
23 Our advisory services extend to our engagement
24 with the New York City Economic Development
25 Council on the new Responsible AI Center.

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2 Before I begin with my thoughts on
3 transparency for algorithms, I want to make a
4 broader statement about standards and
5 regulation: As the human impact of -- and
6 implications of AI decisions increase; so does
7 the need to explain. Moreover does the need to
8 effectively evaluate recommendations to make
9 sure they are both helpful and fair. In areas
10 such as credit risk profiling and police
11 investigations as well as medical diagnoses,
12 the potential cost rises dramatically. If
13 explainability is limited in these areas then
14 the risk of making a wrong decision may
15 outweigh the benefits it could bring in terms
16 of the speed, accuracy, and efficiency of
17 decision making. This means that humans must
18 retain -- maintain responsibility over the AI
19 and insure they are adhering to the very best
20 guidelines in governance as they innovate. In
21 that vein, we encourage all policy makers to
22 derive best practices through globally driven
23 guidelines that can help create and safeguard
24 trust at the heart of AI driven systems and
25 business models and permit the flexibility for

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2 innovation allowing codes to develop with the
3 technology.

4 Because AI is not a singular technology
5 and because algorithms themselves are very
6 complex and unique in their applications,
7 standards are limited in that they can only
8 give guidance into the development of the
9 technology and create a process -- oh sorry. I
10 will slow down a bit.

11 Because AI is not a singular technology
12 and because algorithms themselves are very
13 complex and unique in their applications,
14 standards are limited in that they can only
15 give guidance into the development of the
16 technology and create a process by which
17 companies can prepare for regulators and
18 stakeholders to audit the results of derived
19 said process. Standards or assessments must
20 not be used to create a checklist for ethics or
21 fairness.

22 Because of how the technology works, the
23 governance of algorithms must include both
24 quantitative and qualitative measures.
25 Quantitative measures are the empirical

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2 evidence necessary to prove AI systems are
3 effective, fair, and transparent. Qualitative
4 measures enable the critical thinking necessary
5 to interpret evidence effectively.

6 Because there is no one definition of
7 fairness, nor one understanding of sufficient
8 transparency, both context and evidence are
9 necessary to understand risks. Evaluations of
10 fairness and transparency in AI systems such as
11 algorithmic impact assessments can be tools to
12 proactively identify, mitigate and monitor
13 these risks, but they should also be used to
14 foster conversations between policy makers,
15 regulators, and stakeholders, not to certify
16 the technology is fair.

17 Now, onto transparency: The objective of
18 this session is to consider the practical
19 implementation of transparency in the use of
20 algorithmic systems in the civic sphere.
21 Before discussion on practical implementation,
22 I'd like to first address the notion of
23 transparency.

24 In addition, I encourage policy makers to
25 consider that just like the city would want to

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2 ensure that both the technology of the subway
3 train is properly vetted, they would take care
4 to ensure that the train operator is properly
5 vetted and trained. We must take care to
6 consider both sides of the equation.

7 Transparency is the ability to understand
8 how and why an AI system decides and acts
9 particularly in the context of increasingly
10 complex models.

11 Transparency should include two important
12 factors, understandability and
13 interpretability. Understandability enables a
14 non-technical person, a business executive, or
15 a citizen to gain insight into how an algorithm
16 works and why it made a given decision. It is
17 critical that non-technical persons understand
18 how their data is being used and how their
19 actions can generate new predictions. There is
20 an important difference between merely meeting
21 legal requirements to be transparent versus a
22 desire to establish trust and prioritize
23 understandability.

24 Interpretability allows a technical expert
25 such as an AI machine learning expert to

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2 understand why an algorithm made a given
3 decision. Interpretability would allow
4 government to know how their models would act
5 in the real world. Interpretability tends to
6 be the focus of what organizations such as
7 DARPA called explainable AI. DARPA defines
8 explainability as the ability for machines to,
9 one, explain their rationale; two, characterize
10 the strengths and weaknesses of the
11 decision-making process; and three, convey a
12 sense of how they will behave in the future.
13 In addition, organizations may want to consider
14 how to proactively justify their design choices
15 by explaining: One, why they chose a particular
16 data set to draw inferences; two, why these
17 inferences are relevant and ethical for the
18 chosen decision they are trying to make; and
19 three, whether the data and methods used to
20 draw the inference are accurate and
21 statistically reliable for the population they
22 are trying to serve.

23 For example, a data set full of Iowans
24 would not serve the population of New York
25 whose population is full of different

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2 characteristics. Human participation is
3 critical to creating AI systems. In
4 considering the human impact of integrating AI
5 into high-risk areas such as criminal justice
6 and healthcare, organizations can set out to
7 design, build, and deploy AI systems whereby
8 human responsibility is enhanced.

9 Transparency provides insights into the
10 systems driving decision making, human
11 participation enables the ability to change or
12 alter how consumers interact with that system.
13 An added complexity that is aligned with issues
14 of transparency is the accountability of human
15 and algorithmic systems.

16 Presumably, we built algorithms, at least
17 in part, to standardize and address human bias
18 even while we simultaneously say AI is biased
19 and call for human oversight. Because of this
20 we need to remain focused on tracing decision
21 making not just of algorithms but of people.
22 In addition, ethics are critical to informing
23 an organization strategy for its technology
24 deployments. Organizations should consider
25 what are the values that should be encompassed

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2 in their product and how these values might
3 vary across different demographics.

4 Organizations can then proceed by developing AI
5 that incorporates those values. Policy makers
6 have long used the word "transparency" to
7 address issues and data privacy and security
8 but not algorithmic harms or disparate impact.

9 This is an important distinction as any
10 discussion of potential harm to impacted
11 communities must consider systemic and
12 institutionalized bias and discrimination as
13 well as systems of power. This means that
14 representative data sets must be selected
15 carefully and that even an organization were to
16 build what they consider to be a representative
17 data set, especially in cases that would impact
18 a human life such as in criminal justice,
19 healthcare, or finance, we need to consider
20 implementing systems that enable agency defined
21 as the ability to take meaningful action
22 against harm.

23 While transparency is necessary, it is --
24 it is insufficient. When we consider
25 transparency in algorithmic systems, it is

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2 often framed as a top down explanation of a
3 system and how it performs. When implementing
4 a system, we must strive to describe in a
5 user-understandable fashion what the system is
6 doing and how it operates. Agency moves beyond
7 transparency to acknowledge and address the
8 disparity and power dynamics between government
9 agencies utilizing algorithmic systems and the
10 communities that are subject to them. Citizen
11 empowerment requires resolving differences in
12 levels of technical literacy, access to
13 resources, and an understanding of ones rights
14 within the system.

15 With regards to the implementation of
16 transparency in agency, it is important to note
17 that technical tools are only one part of the
18 solution. To address the specific questions
19 raised by the task force, namely the three
20 questions about whether -- whether there are
21 systems or areas that the city should or could
22 deliver services, whether there are systems or
23 areas that we'd be concerned with, and what
24 kind of information that we would want to know
25 about a system that makes the decisions on

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2 behalf of citizens. In our suggestions to both
3 government and private organizations, we
4 encourage inclusivity by design. This means
5 meaningful engagement. And design deployment
6 of -- design development and deployment of
7 algorithmic systems with all stakeholders
8 including impacted communities. This also
9 means allowing for meaningful and transparent
10 systems of addressing and redressing harms and
11 importantly, a culture and pipeline for
12 constructive descent as well as the right to
13 veto the use of an algorithmic system.

14 Specifically when thinking about the
15 requirement that the team has for processes by
16 which impacted people can request information
17 about ADS, we suggest asking the following
18 questions: Why would an individual request
19 this information? What are the knowledge gaps
20 that may exist? How can this communication be
21 structured in a way that is understandable and
22 meaningful for the requester? Once given this
23 information, what agency does the individual
24 have to action on it? Are there choices they
25 can make and are these choices evident and

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2 relevant for them? When thinking about
3 strategies for publicly disclosing information
4 about those systems, we ask how can the
5 existing community and civic organizational
6 infrastructure in New York City be leveraged to
7 disseminate this information? This would
8 address two issues, first, improving technical
9 literacy of communities through local
10 leadership and second, allowing for feedback
11 from the bottom up to iterate and improve the
12 dissemination process.

13 On behalf of Accenture, I appreciate the
14 opportunity to engage this task force in its
15 important charter.

16 I hope this process continues to yield
17 stakeholder engagement and in addition, I hope
18 that the product of this process yields
19 something which will lay a foundation that we
20 can continue to work on together, all
21 stakeholders, to iterate them. We are
22 encouraged and hope that the City of New York
23 continues to engage a broad stakeholder
24 audience in this process to ensure that city
25 officials gather the perspectives beyond data

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2 scientists, AI developers, and non-IT
3 government program experts. Professionals from
4 across disciplines and interest including
5 non-tech civil society must work closely
6 together during AI development to
7 systematically tackle these key requirements
8 around AI fairness and this process to develop
9 technical best practices should reflect that as
10 well. Thank you.

11 MS. JIN: Thanks to all three panelists
12 for your remarks and comments.

13 I think just a quick note for the folks in
14 the room here, as well as on livestream; so the
15 panelists comments will be made public and
16 posted on our website. Also, the transcript
17 will also be available within the next week as
18 well as a video recording of this evening as
19 well. Just for your reference, for those folks
20 who may be taking notes.

21 We're going to switch to Q and As with
22 task force members.

23 And I'm going to selfishly ask one
24 question just to kick things off which is
25 geared toward Mr. Pallas but also for all three

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2 panelists. You know, I think reviewing this
3 presentation and -- and the comments, one thing
4 that we are working through as a task force is
5 that there is an intersection between city ADSs
6 and, also, the use of ADSs that comply with
7 federal or state regulations and -- and
8 mandates. And so really interested in first
9 off, the New York City, slash, New York State
10 intersection but also any advice or
11 recommendations from you as well as all three
12 of the panelists because that is something that
13 certainly here in New York City is -- is
14 something that we're grappling with and I think
15 is an important lane that we think about in our
16 recommendations.

17 MR. PALLAS: So New York State had a
18 similar growth model using the test that the
19 state administers annually to students in
20 Grades 3 through 8 in English and math. And
21 the state legislature and the governor agreed
22 to have a moratorium on the use of that model
23 because of concerns about the nature of the
24 tests.

25 And one thing that makes the New York City

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2 model a bit distinctive is there is much more
3 discretion regarding what tests are -- are
4 used. And one set of tests are called New York
5 City performance tests, tasks that were
6 developed jointly by the United Federation of
7 Teachers and the Department of Education. So
8 there's more shared agreement about how best to
9 measure student performance across a wider
10 range of grade levels and subject areas. The
11 state still does produce growth models that are
12 applied to some teachers, particularly using
13 regents' exams as outcomes.

14 Frankly, New York City has a lot more
15 capacity. The Department of Education has
16 staff that are more skilled in the development
17 of these models than the state education
18 department does. But one of the transparency
19 objectives for the city was to use a model that
20 would be familiar to teachers because they have
21 been subject to the state model. The city's
22 model is better. It's -- it's -- it's a more
23 sensitive and -- and I think a more accurate
24 model than what the state has done. But it is
25 a challenge. I think the city was fortunate

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2 that the state has given local school districts
3 a lot of discretion and implementation.

4 There's still state oversight regarding what
5 the models look like and how districts go about
6 generating these overall ratings.

7 So the state vets that but the city and
8 the teachers union here locally were given much
9 more free rein to figure out how to do that.

10 MS. JIN: All right. We will open up the
11 floor for task force questions, Meredith.

12 MS. WHITTAKER: Yeah. I want to -- I want
13 to thank you all for testifying.

14 And I -- just a question for Aaron. And
15 this is to push a little bit on the distinction
16 or the sort of tension you drew between
17 transparency and fairness. Because, of course,
18 when I look at the equation you showed, you
19 know, the terms are defined. It looks fairly
20 untransparent. And I might nod along thinking,
21 yeah, that's the kind of explanation that some
22 of the things I might want if we are talking
23 about transparency. Surely, that might not be
24 appropriate questions. But when I look at some
25 of the inputs that we used to test -- I'm not,

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2 you know, I'm not familiar about this education
3 sector. So I'm maybe schematizing a little
4 bit. We have things like attendance and so
5 some of the transparency I could come up with
6 is, you know, are there infrastructural
7 difficulties and transport that might affect
8 the attendance scores at a given school?

9 Were there reasons that different students
10 were unable to attend and can we take those
11 into account?

12 Does the score take those into account?

13 Things like standardized testing are any
14 of the tests that are used -- they have been
15 tested for racial bias. I'm thinking about,
16 you know, only seven black students were
17 admitted to Stuyvesant this year. A lot of
18 people pointed to standardized testing as, you
19 know, one of the reasons that we're seeing such
20 biased admissions at some of these elite
21 schools.

22 So there are deeper questions about the
23 inputs or, you know, the data inputs that are
24 used for this test and how we can actually
25 understand whether that data is reflecting, you

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2 know, teacher performance or, you know, other
3 contextual factors that would need to be taken
4 into account. And when I see sort of a list of
5 standardized tests, you know, I wonder if those
6 are -- the construction of those tests, what
7 types of skills they are testing for. You
8 know, who performs better on those tests and
9 why are all questions -- I really want
10 transparency on to be able to understand how
11 this test is functioning especially given the
12 significant determination that can be affected
13 and had on the teachers and students.

14 MR. PALLAS: Sure.

15 That's a very fair question, and the
16 reality is that an automated decision system
17 like this that relies on test scores is only as
18 good as the quality of the tests that are being
19 used as -- as outcome measures. And it's a --
20 it's a constant frustration for me that we
21 actually know more about the algorithm that
22 generates these ratings than about all the
23 properties of the tests that go into it.

24 MS. WHITTAKER: Yeah.

25 MR. PALLAS: Some of the tests we know a

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2 lot about. And these are all tests that we
3 generally accepted psychometric criteria for
4 reliability and fairness. But a lot of the
5 information is not made accessible to the
6 public or to the people who are affected by --
7 by the algorithms.

8 So for example, the New York State
9 Assessments that are used for the New York
10 State Growth Model, the technical report that
11 documents the property of the state test is
12 typically released about two years later long
13 after consequential decisions have been made.
14 Now, it happens that, in general, the tests are
15 constructed in ways that survive scrutiny. And
16 there are standard ways of testing whether test
17 items function differently for members of
18 different social groups.

19 Differential item functioning is an
20 important criterion in -- in developing tests
21 as is the use of field tests. And New York
22 State and New York City use tests that have
23 been developed I think in good ways. But it's
24 still the case that there is a gap between some
25 of the information that you want to have

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2 available in a timely way and -- and when it
3 actually is available.

4 Just the one thing about attendance is the
5 reason that's in the model is so that teachers
6 are only -- a student who is not present a lot
7 of the time is not going to count as much
8 towards a teacher's rating as a student who is
9 there all the time. So it's a waiting factor
10 to -- to make sure that a teacher is not
11 penalized by virtue of the fact that a student
12 does not show up for (indiscernible).

13 MR. SOUTHERLAND: I want to also thank you
14 for all of you testifying.

15 I have a question about in terms of -- if
16 your teacher doesn't score in the highly
17 effective category, what's your mechanism for
18 challenging the results of the --

19 MR. PALLAS: They're -- the contract
20 between United Federation of Teachers and the
21 Department of Education provides mechanisms for
22 appeals.

23 They typically can be on the grounds that
24 the -- the calculations were done incorrectly.
25 But that involves figuring out if they were.

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2 There -- there has been operationally what I
3 would call a kind of safety valve. Because
4 there are these two different dimensions that
5 go into the calculation of the overall rating.
6 The measures of student learning section where
7 about four percent of teachers annually are
8 rated ineffective and maybe seven or eight
9 percent developing. And the measures of
10 teacher practice which is the observational
11 ratings.

12 And when those two things are put
13 together, typically, 99 percent of teachers are
14 rated developing or higher. Only about one
15 percent of teachers in the city get -- get an
16 overall rating of ineffective each year. But
17 there still are ways of challenging that.

18 But as a practical matter, it has not have
19 much consequence even though there is this law
20 that says that teachers who receive ineffective
21 ratings two years in a row can be subject to
22 dismissal regardless of their tenure status.
23 I'm not aware of any teachers who've actually
24 had that happen to them.

25 MS. JIN: Questions from task force

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2 members down the row.

3 TASK FORCE MEMBER: I have a question.

4 (Inaudible.) And I actually have two
5 questions: One for Chancey and one for Aaron.

6 Chancey, thank you so much for your
7 testimony. (Inaudible.) You really made me
8 cry. Both describing the personal story of a
9 person living with disabilities but also
10 describing your story of being engaged in
11 efforts where not enough power was given to
12 participants to really get the results.

13 So specifically what I would like to know
14 is how do you go about documenting lack of
15 response? How do you go about documenting
16 silences?

17 MS. FLEET: I think -- I think it's a team
18 effort. On -- on committees where we have
19 improved our outcomes with the strategy, it
20 begins with whoever is on a committee or
21 whoever is acting in concert sending sort of a
22 formal letter and a follow up and then just
23 having a document that takes note of what was
24 sent, when it was sent, what came back, if
25 nothing came back. And just doing the really

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2 unglamorous work of -- of being your own sort
3 of secretary and making a chronicle. Because
4 if it turns out that a body is unable to do its
5 best work because of lack of cooperation, it
6 helps to have a clear and convincing timeline
7 as you advance up the chain of responsibility
8 or -- or escalate things to another -- to
9 another sort of stage.

10 And I hope that that's -- I hope that
11 that's helpful and that that generalizes well.
12 It can be when there are so many folks that
13 have a little bit of responsibility for
14 something and no one who has all of the
15 ultimate responsibility.

16 It's very easy for people to use their
17 silence, strategically, to avoid giving you
18 what you want. But have -- turning that into a
19 timeline, can make it a little -- a little more
20 stark and a little harder to avoid confronting
21 I think.

22 TASK FORCE MEMBER: Thank you for -- this
23 is very helpful.

24 And also a question for Aaron, and this is
25 when -- when you spoke to teachers and you of

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2 course observed that they didn't really
3 understand these models and they didn't
4 understand the formulas, do you have any
5 insight as to how we might engage with
6 stakeholders like teachers or others being
7 affected or decision-makers in designing
8 methodologies for interpretability?

9 How might we go about figuring out what a
10 good way is to explain things to them?

11 MR. PALLAS: I -- I think that with a
12 model like the Advance Growth Model, the
13 development has been done by specialists in the
14 Department of Education statisticians,
15 economists, psychometricians. There is
16 representation in the form of input from the
17 United Federation of Teachers which does
18 represent the stakeholders who are in fact
19 affected by the model.

20 But I don't know that there's been any
21 systematic effort on anybody's part to try to
22 figure out what would be helpful to them in
23 understanding how this algorithm actually
24 works. It's something that I'm personally
25 interested in doing. But still I'm struggling

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2 to figure out why it is that they don't
3 understand the model?

4 And I think that part of the challenge is
5 the labels that have been used by this -- the
6 city which are mandated by the state of highly
7 effective, effective, developing, and
8 ineffective convey certain things that really
9 have very little to do with the workings of the
10 model. Teachers who are tenured take great
11 offense at being labeled ineffective or
12 developing. Teachers who are probationary
13 think it's appropriate. They should be
14 classified as developing. But it's -- it's --
15 there's an emotional charge to the labels. I
16 think that interferes with the ways in which
17 they make sense of how the model works.

18 MS. CHOWDHURY: One model you might want
19 to look at: So I sit on the advisory board for
20 the Royal Society of the Arts Citizen's AI
21 Jury. And the RSA periodically does citizen's
22 juries to advise the U.K. government on certain
23 topics. And it's structured the way grand
24 juries are where they get a representative
25 sample of the U.K. population they are posed a

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2 question and in this case the question was, in
3 which cases should AI not be used and they are
4 presented with evidence by experts. So they
5 are not lectured at. They are not told what
6 they should think. But instead they
7 interrogate these experts. They ask for people
8 to come. And at the end of it, they write a
9 perspective on what their thoughts are. And
10 these thoughts are then used to inform the U.K.
11 Government.

12 So there might be a similar model whereby
13 it's actually driven by the public rather than
14 thinking of it as a teaching moment for the
15 experts to educate people.

16 TASK FORCE MEMBER: Thank you.

17 MR. HAFETZ: Excuse me. So I have a
18 couple questions for Rumman. One is you have
19 laid out a couple terms, "explainability" --
20 I'm sorry "understandability" and
21 "interpretability." I think you used the DARPA
22 definition for interpretability which I got a
23 little confused by cause I thought it referred
24 back. If your -- in your mind, if you could
25 just clarify the distinction between -- sorry

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2 -- interpretability and explainability.

3 MS. CHOWDHURY: So actually I believe the
4 terms I used were understandability and so
5 interpretability.

6 MR. HAFETZ: Sorry. Thank you. Yeah.

7 MS. CHOWDHURY: So understandability means
8 that a non-technical person can gain insight
9 into how an algorithm works. So in practice
10 and actually quite similarly when we work with
11 teams to vet their projects and algorithms,
12 there's often a very visceral reaction.

13 You know, people don't like to think that
14 they make biased decisions. It's very
15 difficult if you have a female program lead to
16 say you should vet your algorithm for gender
17 bias because they would then say I'm a woman,
18 why would I make a model that has gender bias?

19 So understandability enables a
20 non-technical person to gain insight into how
21 an algorithm works. Because often they are not
22 necessarily -- the project itself is developed
23 by a non-technical person such as the project
24 manager while they may have technical people
25 working with them.

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2 Interpretability is a very close -- the
3 data science definition of an algorithmic
4 understandability. So this allows a technical
5 expert to understand why an algorithm made a
6 decision. This may mean understanding a neural
7 net, understanding, you know, the output of a
8 random forest. What an output of a random
9 forest is maybe understandable to me as a data
10 scientist.

11 It would not be understandable to, let's
12 say a teacher who is subject to the outcome.
13 So it would be translating a data science
14 outcome into something that, let's say, a
15 teacher is able to understand.

16 MR. HAFETZ: Okay. Thank you. That's
17 helpful.

18 You had also gone through a list. It
19 sounded like a list to me. It was like a list
20 of questions that an agency, a government
21 agency, or an architect of AI could ask itself.
22 That's sort of how I was interpreting it. But
23 the questions were to the effect of, how would
24 someone who's affected -- why would someone who
25 is affected by the AI ask for information about

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2 it? What are some of the informational gaps?
3 Can you talk a little bit more about not
4 necessarily a list of the questions but how you
5 -- where those questions come up, how you would
6 see them being used.

7 MS. CHOWDHURY: Absolutely. So when you
8 think about especially the diversity of New
9 York City. We have so many different
10 communities that come from so many different
11 backgrounds and very different struggles. What
12 they prioritize in their life may or may not be
13 the things that we prioritize in our lives. So
14 asking a question of what would be the process
15 is useful, but at the same time these processes
16 need to be developed from the perspective of
17 the person who would be requesting the
18 information. And why would they even want to.
19 How is it relevant to their day-to-day lives?
20 If I am a struggling single mother with
21 children, why do I, you know, why is it
22 important to me that algorithm is making a
23 decision on my behalf? Am I even understanding
24 what this algorithm means?

25 Often because we create human-centric AI

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2 solutions, it will be a human being that is
3 talking to them and let's say deciding what
4 their benefits should be. But behind the
5 scenes, there is an algorithm that is informing
6 let's say a social worker, a case worker. The
7 individual being impacted, the single mother
8 may not actually be aware or understand how the
9 algorithm is playing a role in this decision
10 making. So my ask here is that understand --
11 before we can think through what the process
12 is, it's important to also think through the
13 knowledge gaps. And what would be the
14 motivations for an individual to request this
15 information?

16 And importantly it's actually wrapped up
17 in the notion of agency. What -- what can they
18 do with this information once they have it?
19 What are their choices?

20 And I love the question about what -- what
21 pushback teachers can give because it's the
22 same question. If I am told in a transparent
23 fashion this is why a decision was made, but
24 again understanding the systems of power, I may
25 not actually have a system of redressing the

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2 harms because simply having the information
3 doesn't always give me the ability to do
4 something about it.

5 MR. HAFETZ: One of the -- sorry to ask a
6 follow up.

7 But I think one of the -- where I'm trying
8 to get through to know actually, what can
9 agencies do sort of internally; what sort of
10 questions should they ask? It sounded like the
11 list of questions that you went through would
12 be -- potentially, it could be a viable
13 exercise for an agency to sort of ask itself
14 for -- if it's thinking about something that
15 could fall, what could be an AI and to sort of
16 evaluate.

17 Is it fair to say that these -- one,
18 that's how you envision -- is that a -- is that
19 a role that you envision these questions
20 playing? And then two, if you can talk a
21 little bit more about any agencies, bodies that
22 have, sort of, some of the processes that they
23 use to, sort of, interrogate a business
24 solution or business process, something that
25 would involve AI before implementation around

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2 the issues of fairness and transparency.

3 MS. CHOWDHURY: Yeah. Great question.

4 So yes. I think this is a start of a good
5 set of guidelines to think through transparency
6 and agency mechanisms. I think there's maybe
7 an interesting parallel to be made with the
8 GDPR and general data protection regulations.
9 And in implementing it people were given the
10 right to access to their information, the right
11 to not be found, et cetera.

12 And at Accenture, we helped companies
13 adhere to this law. And actually it's quite
14 difficult. Because you now have to have an
15 infrastructure. I would just -- somebody
16 requests their information, you have to way to
17 compile and send that over. That doesn't
18 automatically happen.

19 So I think often when we think about
20 governance systems, we think it -- of a
21 top-down perspective, when we also need to
22 think of the bottom-up perspective. If
23 somebody were to take advantage of this ability
24 to ask for their information, do I have the
25 infrastructure in place to provide that to

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2 them? That's actually not an easy task to
3 develop and deploy. And then sort of thinking
4 through again this notion of -- of agency to --
5 to the point of have we seen this implemented?

6 I mean, I can't speak to specific clients,
7 but absolutely, this is -- this is why I
8 emphasize the need for things like constructive
9 descent. The ability to actually influence the
10 development of the system, not just during
11 development but actually close development.
12 All of these models are iterative. All of
13 these things will be forever ongoing processes.

14 I don't imagine your task will be done
15 once you've come up with the system. And
16 actively building that infrastructure shouldn't
17 -- needs to actually happen and should not just
18 be assumed.

19 TASK FORCE MEMBER: I've got a quick
20 question: I want to dig in a little bit to the
21 interpretability kind of point. You know, with
22 the understanding that a lot of agencies and a
23 lot of parts of city governments might not have
24 internal expertise -- you know, thank you.
25 Thanks. With the understanding that at least

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2 in the near term, you're not going to have a
3 lot of kind of the data science expertise
4 in-house. When you start thinking about how
5 these kinds of systems can be interpreted, I'm
6 curious if Rumman or anyone has thoughts on
7 what best practices might look like, what kind
8 of validation, should it be third party, should
9 -- where should it come from? And that is --

10 MS. CHOWDHURY: So you're actually asking
11 a question that some of our clients ask.

12 If we remove tech companies from the
13 narrative, and we think about companies, telcos
14 or retail clients that are adopting AI, a lot
15 of times, they actually just use a third-party
16 vendor and you're basically asking the same
17 question. If they don't have the internal
18 expertise and they are hiring some third-party
19 AI company to, let's say, do their
20 personalization or recommendation algorithm,
21 how are they to understand if there is some
22 sort of unfair outcome. I think like that's a
23 question that I think a lot of companies are
24 grappling with at the moment.

25 This is where the notion of algorithmic

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2 impact assessments can come in. The notion of
3 quantitative biased checks married to policy of
4 critical thinking questions. It's important to
5 develop these.

6 And what we have been doing at Accenture,
7 actually, we've created an arm called
8 responsible innovation and responsible
9 business, where we vet every single project
10 whether it's internal projects, projects we
11 build for clients. Actually, importantly,
12 vendor projects -- contracts we have with
13 vendors. So we have actually internally
14 developed a process to vet our vendors.

15 And one suggestion might be this could be
16 a standardized process for the vendor
17 acquisition pipeline. If somebody wants to bid
18 on a project as a third-party vendor, they may
19 have to go through this level of transparency,
20 you know, that's sort of standardized or
21 adjusted to the technology that they would be
22 providing, just a thought.

23 MR. THAMKITTIKASEM: So similarly,
24 actually, I have a question on this idea --
25 it's all right. I'm trying to speak louder.

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2 (Indiscernible.)

3 I think to that point, what models have
4 been in place for trying to set standards that
5 -- I think we are trying to make
6 recommendations for the city's understanding
7 that each of the agencies have different areas
8 of expertise and therefore just taking both of
9 the examples for teacher assessment, there is
10 something very particular about knowing and
11 understanding the categories that would go into
12 that and whether or not there will be
13 appropriate pieces or not versus what would say
14 a third party whether it's private or
15 linked-to-the-city-kind of set standards or
16 evaluate whether or not there should be extra
17 scrutiny or a review of something. I think
18 that's something certainly on a personal level,
19 I'm trying to figure out.

20 You've got a lot of different people who
21 inside their own organizations may not have a
22 lot of expertise, but may not understand the
23 process by which you'd evaluate an algorithm or
24 an ADS. At the same time, you have many people
25 who have probably expertise in algorithms, ADS

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2 and so forth, but don't have a good
3 understanding. And how do we bring that
4 together in some process that would allow for,
5 you know, that kind of review?

6 MS. CHOWDHURY: So the best example I can
7 give actually, internally, we created a
8 responsible AI for HR task force. So as I
9 mentioned, or responsible business and
10 innovation deployment started off as us saying
11 we have to be very, very careful about all the
12 algorithms that we use internally for hiring,
13 externally for clients, et cetera.

14 And we ended up actually creating a
15 multidisciplinary task force where we have data
16 scientists, strategy folks, legal team as well
17 as actually what I think is probably I would
18 argue the most important on the team the
19 industrial organizational psychologist.
20 Somebody who actually vets the measurement
21 systems.

22 So when we think about -- this is how else
23 to teach in measurements -- how do we
24 operationalize the variables?

25 So this actually does draw on the

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2 expertise of this individual who has worked
3 with HR to understand measurement. I think a
4 good way maybe to think about it is to create
5 this task force. We spent about six months
6 developing a process. And now we're in what I
7 call basically red team mode where we actually
8 vet each of these algorithms.

9 And I'll tell you kind of the challenge we
10 ran into: It's quite difficult to scale. If
11 we are to have a level of thoughtfulness
12 required to vet these things, one of the
13 challenges we have is scaling. Simply the
14 number of algorithms that are used, the number
15 of projects and pipelines and giving
16 everything, you know, the -- the -- the time it
17 -- it deserves. I cannot tell you there is a
18 good solve for that. Maybe there will be over
19 time. Maybe as we develop these processes.
20 You know, it's a still learning curve for
21 everybody. Maybe we will all get better at it.
22 Maybe we will all sort of improve our
23 abilities.

24 But actually I think drawing on the
25 expertise of the teams themselves is often

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2 very, very helpful and their voice is actually
3 quite necessary.

4 MR. THAMKITTIKASEM: Can I kind of clarify
5 a statement that I think that you had made
6 around the standards not necessarily being a
7 checklist. Just if -- I would just like to
8 hear a little bit more about that in terms of
9 what your thoughts were on that.

10 MS. CHOWDHURY: Right.

11 So when we think about -- you said, I
12 believe you mentioned in your introductory
13 statement that this is an evolving space.
14 Creating a static checklist is not always --
15 it's not future-proof. And will require
16 constant iteration.

17 The other issue is that if we make a
18 checklist, we may not allow people to do the
19 level of critical thinking required to really
20 think deeply about the impact of what they're
21 building. People will optimize. People
22 inherently optimize towards a metric. If I
23 give you a list of ten things you have to do,
24 you are just going to, kind of, do those
25 things.

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2 So I'll give you a kind of a frivolous
3 example of weight loss. Why are people so
4 obsessed with the number of steps they take or
5 the number of calories they consume when that
6 actually does not have very much to do with
7 fitness because it's a number you can optimize
8 towards. I can say I walked 10,000 steps per
9 day and think that I am healthy even if I have
10 an unhealthy lifestyle of smoking a pack of
11 cigarettes, right. So if -- if we are not
12 asking people to holistically assess, let's
13 say, their healthiness and instead emphasize
14 here are the five things you need to do to be,
15 quote, healthy, we are doing them a disservice
16 because we are not asking them to think about
17 their lifestyle choices.

18 MS. SAUNDERS: Sorry. Just to follow up
19 on that.

20 In your experience from what you've seen,
21 like what's the kind of best structure to
22 encourage that kind of thoughtful interrogation
23 over time. I mean, maybe it is the -- the kind
24 of task force structure you just described but
25 with the challenges of scale that come with it.

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2 But I just wanted to ask you that.

3 MS. CHOWDHURY: Yes. That's a great
4 question.

5 So when we develop our products the way I
6 think about it having been a data scientist,
7 this needs to fit into the way we do our work.
8 Right.

9 So like when we have to gather data,
10 analyze data, build a model, test a model,
11 deploy the model, how do we create key
12 intervention points where we ask these
13 questions, ask for that level of review and
14 understanding. And are able to allow the time
15 for teams to critically reflect, and that's
16 built into their development process. One
17 thing and -- and I think the diversity and
18 inclusion space is the same thing. Bringing
19 this in at the very end is quite difficult.
20 Because then we are seen as a blocker. There's
21 -- this one ends the same thing.

22 There's -- there's human psychology
23 component to this. If we are allies by design
24 from the beginning, we are received so much
25 more positively than if we are a team that

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2 comes in at the end and they think of us as
3 trying to poke holes in what they have so
4 painstakingly built. So sort of a way to frame
5 this where it's helping them build it well
6 rather than us policing them or telling them
7 what's wrong.

8 MS. STOYANOVICH: So about the -- the
9 framework that you guys developed at Accenture
10 to oversee the development and deployment of
11 these complex algorithmic systems, how much
12 insight did you actually have into the systems
13 that are governed by the framework to help you
14 develop the framework itself?

15 MS. CHOWDHURY: Yeah. And I think this is
16 related to the sort of third-party vendor
17 question.

18 Even before we do an impact assessment, we
19 actually do a level of riskiness so like it's
20 sort of a risk versus impact. So the
21 probability of something going wrong and how
22 bad is it if something goes wrong. And that
23 ends up sort of influencing how in depth we are
24 going to go with this analysis.

25 To your question of visibility, we have

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2 different levels. So if we are building it
3 in-house, we have absolute visibility in a pure
4 white box model. We know what the data is. We
5 know what the model is. We can interrogate it.
6 We can literally talk to data scientists,
7 right.

8 A second tier level might be if it's a
9 project for your client where I'm not actually
10 going to access to the data but as Accenture I
11 may be able to talk to the team and say what
12 kind of models did you use, you know, and ask
13 for metrics of that model. But I'm not going
14 to necessary know because of client data
15 protections, what the variables are, the
16 problems, the variables.

17 And the third and most opaque would be a
18 third-party vendor where I sort of send them
19 homework, and they send me back their answers.
20 And each has its different level of scrutiny.

21 I think one good way that we have been
22 thinking about it is trying to draw from some
23 of the new model assessments that are coming
24 out from different research organizations. I'm
25 looking at black box models. But again, I

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2 think what you're touching on is absolutely
3 correct as the level of transparency to model
4 development increase -- decreases, it becomes
5 increasingly harder.

6 And then I would suppose that the best
7 thing to do is have the right sort of systems
8 of model monitoring post-deployment to make
9 sure that the kinds of biases the disparate
10 impact that might happen don't actually happen
11 when they are put into the wild. And also
12 giving people the right to address and
13 readdress harms that happen.

14 And I will say here that there is no --
15 we're not going to be able to make perfect
16 systems. Things will go wrong. So we actually
17 do need to make sure that there's sort of a way
18 to mitigate and help people when things go
19 wrong because that is -- that is inevitable.

20 MS. STOYANOVICH: But just to -- maybe too
21 often (inaudible) because as you were
22 developing -- as you were developing mechanisms
23 and criteria for what kinds of systems to
24 assist to what degree in the process of
25 framework development, were you looking at

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2 actual systems?

3 MS. CHOWDHURY: Yeah. Absolutely.

4 MS. STOYANOVICH: Thank you.

5 MS. CHOWDHURY: We -- you know do -- I
6 guess what we usually do in AI building the
7 plane as we fly it, you know, we're, we were
8 already looking at using AI in particular
9 systems, and we just latched onto projects that
10 were already in -- in play.

11 MS. STOYANOVICH: Great. And do you think
12 that you could have develop an effective
13 framework if you did not have access to the
14 systems as you were developing that framework?

15 MS. CHOWDHURY: I think it would be -- it
16 would not be the easiest thing to do, you know.
17 I really can't, kind of, (indiscernible) it.
18 I'm not sure how to answer that question. I
19 don't think it would have been the easiest
20 thing in the world to do, no. I think there
21 are maybe guidelines you can make or
22 recommendations but the ability to purely
23 investigate on the ground (indiscernible) with
24 the team was very helpful in our development.

25 MS. STOYANOVICH: Thank you very much.

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2 TASK FORCE MEMBER: I found from your
3 discussion about algorithmic impact assessment
4 a strong inclination to look at systems that
5 are sort of in the early stages of development
6 rather than to try to go in and critique
7 existing systems which suggest to me that one
8 approach to -- for complex set of institutions
9 like New York City might be to offer some
10 recommendations for the contracting process,
11 for new ADS systems as they are being developed
12 as opposed to trying to go back and
13 systematically root out bias in existing
14 systems.

15 What -- what are your thoughts on that?

16 MS. CHOWDHURY: I think there are two
17 different processes. I think the revise and
18 review of existing algorithms is absolutely
19 necessary. And impact assessments can be
20 adjusted accordingly. It is -- it is not the
21 easiest because there's institutional momentum.
22 And also, you know, we can create something
23 that is maybe fair and equitable moving forward
24 doesn't necessarily give justice to the harms
25 that may have happened before.

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2 So there is this notion of okay, well,
3 it's going to be good from now on but what
4 about the cases in which it didn't happen? I
5 think there's a lot of thoughtfulness that
6 needs to be put into vetting existing systems
7 not to think about moving -- not just to think
8 about moving forward but think about
9 retroactively.

10 TASK FORCE MEMBER: You're -- I guess your
11 -- Accenture is brought into act as an advisor
12 to companies that are trying to develop these
13 systems. My sense is that there is fairly
14 limited institution or, you know, technical
15 capacity to do these kinds of algorithmic
16 impact assessments across the world. And so in
17 thinking about how to prioritize scarce
18 bandwidth and technical capacity to go in and
19 do algorithmic impact assessment, what's your
20 sense as an expert of where the best balance
21 lies in terms of focusing on developing new
22 systems that demonstrate new models and
23 approaches that are more effective versus sort
24 of going back and trying to battle over
25 existing frameworks?

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2 MS. CHOWDHURY: So is your question about
3 technical expertise more about there are not
4 enough data scientists?

5 TASK FORCE MEMBER: Yeah.

6 MS. CHOWDHURY: Okay. That is certainly
7 an issue. I'm not quite sure how to solve that
8 problem, and we do run into this at some of our
9 clients and companies were attracting data
10 science talent to, you know, a company that may
11 be a data scientist wouldn't find to be as
12 attractive or as sexy as, you know, a big tech
13 giant, is quite difficult.

14 One of the -- one of our men -- one of the
15 ways we built our impact assessment was to make
16 sure we choose methods of understanding bias,
17 et cetera, that were understandable by what I
18 would call an average data scientist. That
19 level of expertise can be found most of the
20 time. I think there are a lot of data
21 scientists that are interested in this kind of
22 work. I think it's a new and growing field
23 that I increasingly find younger data
24 scientists are very interested to be engaged
25 in.

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2 Actually, the number one question I get
3 asked within Accenture by young data scientists
4 is: How do I get to work on your team? So
5 there -- there is hope. People really do want
6 to do this kind of work. I think enabling them
7 to do it, making it clear that their job is of
8 value is what will attract data scientists.

9 TASK FORCE MEMBER: So capacity building
10 itself may be a key area for New York City to
11 focus on as it tries to engage this more
12 effectively.

13 MS. CHOWDHURY: I think young data
14 scientists are simply not aware that New York
15 City might want to hire people to do this kind
16 of work.

17 TASK FORCE MEMBER: Thank you.

18 MS. JIN: Questions?

19 MR. SOUTHERLAND: Thanks. This is Vincent
20 Southerland.

21 Chancey, I really appreciate your comments
22 and your testimony. I was wondering kind of
23 based on your experience, you have a lot of
24 wonderful recommendations. I'm wondering if
25 you could point to any models that might be

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2 useful for the task force to follow in terms of
3 doing its own work based on your own
4 experiences that have been successful.

5 MS. FLEET: Can you be a little bit more
6 specific?

7 MR. SOUTHERLAND: So I mean -- so I guess
8 what I'm saying is you mentioned kind of in
9 terms of your own experiences of work you've
10 done in the past and having run into issues in
11 terms of getting access to systems and things
12 of that nature, I'm wondering if you have had
13 any positive experiences I might try to point
14 to as a model for us to follow as a task force
15 as we do our work.

16 MS. FLEET: I can't be terribly specific
17 in what I disclose, but what I can say is that
18 I think it's important to have direct
19 conversations with folks that might be in the
20 agencies or places where these systems are
21 being deployed and really have, where possible,
22 a lot of face time and build trust. Because in
23 my accessibility work, we often have to proceed
24 from and diffuse the assumption that the
25 process is going to be adversarial. And that

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2 the best way forward for the other party lies
3 in just not engaging. And I think we have to
4 have rigor in our expectations but also a
5 degree of faith in the good intentions of the
6 other party that we can gain enough concrete
7 and specific information to make
8 recommendations.

9 I often find that once we hit that point
10 and we are able to issue recommendations to the
11 other party, if those recommendations are
12 implementable and if we can back them up with
13 reasoning, we -- we often, not always, but
14 often can go far. And we find out that we do
15 share a common purpose. Because the other
16 party, at the end of the day, does not want a
17 system that is dysfunctional, one hopes. And
18 does not want a system that is going to be
19 dragged into the limelight at some future time
20 by litigation, by complaint and so if it's
21 possible to build those person-to-person
22 bridges and build a degree of trust so that you
23 can have a more concrete conversation, I think
24 that that's the first and sometimes hardest
25 step. And I think it's a -- it's a terribly

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2 big undertaking. But if you can identify one
3 or two agencies, one or two working teams where
4 you have the seed of a little bit of rapport
5 and you can start working with those teams,
6 when productive work comes out of a few
7 collaborations and it turns out that the end
8 product is -- is something all parties can live
9 with and, in fact, welcome that makes other
10 folks more happy to hop aboard the effort.

11 And, again, I'm very well versed in
12 accessibility. And I have been looped in on
13 ADS for about nine months. And I hope very
14 much that all of this generalizes, and I think
15 that it does.

16 I also think that another conversation
17 that you can have very productively going
18 forward, although, you can't have it instead of
19 the one about existing systems is figuring out
20 what language can be used in RFP solicitations
21 and -- and procurement contracts in terms of
22 where the liability rests. In terms of really
23 specific, concrete expectations for
24 understandability and interpretability and --
25 and -- and right of action by folks impacted by

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2 the system. I think those are things that if
3 you don't encode them into procurement
4 contracts, you enter a very unhappy loop of the
5 contractor saying that what was -- what's being
6 asked for wasn't specified in the contract and
7 folks in the agencies having to defend their
8 lack of contractual specificity. And if you
9 could keep that loop from happening in the next
10 wave of procurements, you can make future work
11 easier if not the work that's needed to
12 retrofit existing systems.

13 TASK FORCE MEMBER: Thank you.

14 MS. WHITTAKER: No. I was waiving the mic
15 for Vincent. I didn't realize he --

16 MS. JIN: Questions? All right. So --
17 all right. So I think we are close to almost
18 8:00 and I'm going to turn things over to my
19 esteemed co-chair Brittny Saunders.

20 MS. SAUNDERS: So thank you everyone.
21 Again, we very much appreciate the time that
22 you are taking to be a part of this important
23 policy conversation. And, again, we are really
24 grateful to the folks on our panel who came and
25 shared their perspectives. And now, it's the

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2 part of the program where we are really excited
3 to hear from members of the public.

4 So if you have not already signed up, I
5 ask that you let, I guess, Alex know. So that
6 you can get in the cue. As we've noted before
7 the commitment to public engagement as part of
8 this process is something that everyone on this
9 task force shares. And we started building
10 that in early by creating a channel for
11 submission of public comments on the website
12 that created. We've done outreach through a
13 range of civic and community-based
14 organizations in order to make them aware of
15 the work of the task force and the public
16 engagements opportunities.

17 We've tried to plan these two events with
18 -- that focused on inclusion and accessibility
19 in mind. And we're also as I think Jeff
20 mentioned at the top, planning a series of
21 community sessions that would take part in
22 other parts of the city. And I think to --
23 Chancey's point is a point well taken around
24 finding a range of different spaces to convene
25 people and arrange different ways to engage

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2 people. And I think to Dr. Chowdhury's point
3 thinking about the -- the access point and the
4 relevance and how we can kind of structure
5 these conversations so that folks can find
6 their point of entry.

7 And we are really incredibly excited to
8 nurture a broader public conversation on ADS
9 and recognize that's something that will not
10 probably stop at the end of this task force
11 process but that will be ongoing at the city
12 level. And appreciate also that there are a
13 range of different types expertise that are
14 going to be relevant here, right. So we have,
15 you know, folks who might spend their 9 to 5
16 thinking about these issues and that's
17 incredibly important and incredibly helpful.
18 But we are also really eager to hear from folks
19 who might not engage with the issues as
20 technological issues or might not engage with
21 them as often. So very excited to open up that
22 part of the conversation as well.

23 And this is a really valuable opportunity
24 I think for folks to share their ideas and
25 their recommendations with the task force

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2 because we will be going back and deliberating
3 as a group over them. As Jeff mentioned, there
4 are number of questions that can help to spark
5 thinking here. So some of them might be are
6 there systems or areas where you think the city
7 could or should deliver services using
8 technology. Are there systems or areas where
9 you might be concerned about the use of these
10 types of technologies. What kind of
11 information, again, would you want to know
12 about the system that makes decision that might
13 impact you or your community. And who or what
14 organizations would you trust to be involved in
15 deciding whether these systems get used. And
16 what information about them is made public.

17 So each person will have about three
18 minutes to share their insights. And we set
19 that time limit in order to ensure that we hear
20 from as many folks as possible. So please do
21 bear with us if we interject in order to let
22 you know that your time is up or to kind of
23 clarify the thoughts that you are sharing. And
24 we -- I'm happy to report that we have a nice
25 list of folks who shine -- who have signed up

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2 already. So with that, we'll get started with
3 Abraham -- sorry.

4 MS. JIN: And let me -- apologies because
5 this was my notes but I completely forgot -- to
6 our esteemed panelists, thank you very much.
7 You are welcome, more than welcome to stay for
8 the public comments if you do need to head out
9 this evening. We really do appreciate it.

10 MS. SAUNDERS: Thank you, Kelly.

11 So we'll start with Abraham Hemio [ph.] or
12 Himiel.

13 MR. HIMIEL: Do I need a microphone? Can
14 everybody hear me?

15 AUDIENCE MEMBER: No.

16 MR. HIMIEL: Okay.

17 TASK FORCE MEMBER: You have to scream --

18 MR. HIMIEL: Okay. Okay. Is it on? I've
19 been following this issue for a few years. And
20 I work in a consulting company in data science
21 and analytics similar to the one that Dr.
22 Chowdhury represents.

23 A personal anecdote is -- anecdotes are
24 becoming more common, I personally have not
25 seem to be affected by any automated

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2 decision-making systems in the City of New York
3 but who knows. I had a conference call about
4 changes to my employee health plan, employees
5 mostly are tech workers and a fair portion of
6 them are in data science and analytics. The
7 plan change to a data driven one that quote,
8 eliminates waste and selects only
9 high-performing providers, end quote. The
10 result was that the vast majority of providers
11 was eliminated and every person on the call
12 would comment or question or on the web ex chat
13 express their disgust.

14 MS. SAUNDERS: Sorry. Could you hold the
15 microphone a little further away --

16 MR. HIMIEL: Further. Sorry. Farther.
17 Put it on the desk. Like this. Okay. Okay.

18 The point being data-driven solutions to
19 problems are not necessarily better for people
20 who are just minding their own business.
21 However, data scientist like myself are trained
22 to optimize business outcomes and cut costs
23 especially the ones that are really close to
24 the ground.

25 As a result, it's really hard for me to

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2 put any trust into an organization to oversee
3 algorithmic transparency or ADS that have ties
4 to private companies or publicly traded ones
5 since their goals are in profit margins or
6 shareholder value and not justice.

7 Also, it's very hard for me to trust the
8 NYPD or groups like DARPA for strategic control
9 of data resources to serve power. They always
10 don't equate to justice. I quite enjoyed Dr.
11 Chowdhury's suggestion about citizen juries in
12 the U.K.

13 But what would justice look like? For the
14 most part, I agree with the recommendations of
15 Chancey Fleet not everyone is a software
16 engineer. So stakeholders should at the very
17 least create an FAQ about each automated
18 decision-making algorithmic in use, how much it
19 is purchased for, what the procurement process
20 was like, what's the time period of any service
21 contracts, whom does it affect, how it makes --
22 how to appeal decisions, and to publicize this
23 information especially in transit and get as
24 many -- get in front as many people as possible
25 and as many languages as possible.

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2 Furthermore, I'm -- I'm people like my
3 end, the source code of such decision-making
4 systems hopefully -- I mean, I'm a little
5 radical here, but I think it should be released
6 along with anonymized (indiscernible) trained
7 it to the extent that that exists. Unit tests,
8 integration tests, et cetera, the schedule of
9 deliverables for the vendor and any
10 documentation.

11 I'm very concerned about policing, facial
12 -- facial recognition, mass surveillance
13 without accountability. And especially
14 concerned that the affects will be greatest for
15 our already marginalized populations. I'm also
16 very concerned that software engineers and data
17 scientist are not trained in science and
18 technology studies or sociological implications
19 of data science and automated decision-making
20 systems.

21 And I would really like to see more people
22 -- more people doing this work in the future.
23 Thanks.

24 MS. SAUNDERS: Thank you. All right.

25 So next, we have Sumana Harihareswara.

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2 MS. HARIHARESWARA: Hi. Is my voice being
3 amplified sufficiently? Okay. Great.

4 Hi. I'm Sumana Harihareswara. I'm a
5 programmer, a manager. I've worked in the
6 software industry for over a decade. I'm the
7 founder of Changeset Consulting where I've
8 worked on multiple public sector and private
9 sector projects.

10 I have a number of points, many in
11 response to things that have been said tonight
12 or during the previous forum.

13 First, I would like to second Ms. Fleet a
14 lot on the matter of publishing on your public
15 website a road map, slash, schedule for this
16 task force regarding procurement reform,
17 regarding the need to encode in that
18 procurement reform right of action liability
19 clauses regarding vendors.

20 And, second, let's move onto talking about
21 vendors. About the vendors who sell, who make
22 money off of citizen data, and off of, you
23 know, my taxpayer money as the saying goes. If
24 you look at the October 16th, 2017, testimony
25 before the committee on technology of the city

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2 council when we discussed the original
3 introduction that turned into the law creating
4 the task force, open source and transparency
5 are a way to better security. If there are
6 vendors telling you that security means they
7 have to close the source code, look at them
8 with a gimlet eye.

9 If there are businesses in our community
10 making money off citizen data that can't show
11 us the recipes for the decisions they are
12 making, they need to get better and we need to
13 hold them accountable with independent
14 verification and validation and with the
15 leverage that we have for the procurement
16 systems.

17 If they say that we need to give them a
18 nondisclosure agreements because they need to
19 be protected against their competition and that
20 we need to be putting things under escrow so
21 that only certain experts are allowed to even
22 look at their sainted source code, then there
23 needs to be a carve out to make sure that we
24 can talk to other municipalities about what we
25 find.

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2 There needs to be a carve out to make sure
3 that we can report important security
4 vulnerabilities to this and other relevant
5 institutions. It can't be the situation that
6 our expert says, I think you shouldn't use it,
7 but my zips are lipped [sic] about why.

8 And this is a response to Nicklin's
9 testimony from the previous forum on April 30th
10 telling our neighbors about what's good or bad
11 about the software we use is a thing that
12 practically all of us want to do and is at the
13 heart of I think transparency. Development --
14 new development of software being undertaken by
15 the city should be open source by default. And
16 new procurement and RFP's and commissioning new
17 code bases, we should -- even if there is
18 existing code where it would be difficult in
19 various ways to use Chowdhury's point to open
20 up the software then at least say, okay, well,
21 you are making new stuff. It should probably
22 be open from the start to avoid the kinds of
23 problems that we might run into now, right, ten
24 years from now.

25 We should have a goal of being able to

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2 list and inventory of all ADSS run by the city.
3 Especially when it comes to Shadow IT that
4 turns out isn't even being run by centralized
5 IT. It's just oh, someone thought it would be
6 a good idea to have a server there to do XYZ.
7 That inventorying could be an explicit goal of
8 the task force.

9 MS. SAUNDERS: Sorry. So we get three
10 minutes but if you could just wrap up.

11 MS. HARIHARESWARA: Sure.

12 Forensic science labs are an example where
13 business rules and notifications sometimes
14 serve as a kind of algorithm that augments
15 decision making. And I think that's relevant
16 to consider.

17 Looking at the PCATH, the Presidential
18 Council of Advisors on Science and Technology
19 Report from 2016 and the IG, the state-wide IG
20 reports on forensic science labs problems
21 across the state might be a useful guide on
22 that. And training in-house data scientists
23 within the city, people who would like to step
24 up using open licensed curriculum like Data
25 Carpentry is also a way into the lack of

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2 capability problem. Thank you.

3 MS. SAUNDERS: Thank you very much.

4 Next, we have Rashida Richardson from AI
5 Now Institute.

6 MS. RICHARDSON: Thank you.

7 A more detailed (indiscernible) of the
8 recommendations I'm going to be giving and
9 context will be electronically submitted. But
10 for brevity, I'm offering the following
11 recommendations to the task force.

12 First, we encourage the task force to use
13 existing recommendations in recent state and
14 local policy developments. Last August, the
15 task force received a letter with robust
16 recommendations by a group of researchers and
17 advocates.

18 This letter included detailed policy
19 recommendations based on provisions of the law.
20 And we encourage the task force to adopt these
21 recommendations in its final report. Second,
22 the task force should require all city agencies
23 to proactively and publicly release data to
24 assess bias and discrimination concerns related
25 to current and prospective ADS use. And any

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2 agency that wishes to be exempt from this
3 requirement should publicly post an explanation
4 for non-disclosure.

5 For example, the school assignment
6 algorithm used by the DOE has been subject to
7 controversy given the extreme racial and
8 socioeconomic segregation in New York City
9 schools. In response to these growing
10 concerns, the city enacted the school diversity
11 accountability act which requires the DOE to
12 publicly release demographic data related to
13 school enrollment by individual grade levels
14 and programs within schools.

15 However, enrollment data does not show
16 whether there are disparities in who applies to
17 specific schools and who actually gets in. In
18 order to accurately assess whether school
19 assignment algorithms contribute to
20 discriminatory outcomes, the public needs
21 access to the assignment algorithm's data
22 including student choice inputs and matching
23 outputs. Third, the task force should provide
24 a right to protect (indiscernible) advisory
25 guidance to all city agencies on how to

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2 interpret and comply with requests for
3 information regarding the ADS, pursuant to the
4 New York freedom of information law.

5 City agencies have much discretion in
6 assessing which documents are responsive to
7 FOIL requests regarding ADS. Yet instead of
8 providing the public with information, they
9 have the right to review. Some agencies claim
10 to not understand the technological
11 capabilities or other relevant information
12 about the technologies they are currently using
13 and properly claim exemptions to FOIL or other
14 employ other obstructionist practices that have
15 resulted in administrative appeals.
16 Challenging such systems and decisions is
17 resource and time intensive which can have a
18 chilling effect.

19 Given the gravity of some of the risks ADS
20 pose, the task force should ensure that
21 existing laws like FOIL are interpreted in a
22 manner that empowers New Yorkers. Fourth, the
23 task force should recommend data and decision
24 providence requirements regarding any data that
25 is collected by individuals or communities and

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2 subsequently used in an ADS or shared with
3 other agencies in use -- for the use of ADS.

4 And finally, I'd like to close with a
5 question for the task force that I hope you can
6 answer given the time at the end. And that is:
7 To what extent have the task force reviewed
8 whether any ADS currently in use violates
9 local, state, or federal antidiscrimination
10 laws?

11 MS. SAUNDERS: I mean, I guess I'll start.

12 Which is that as folks may or may not know
13 that one of the requirements or the mandates
14 that is before the task force is to set up a
15 process for -- or develop a set of
16 recommendations for a process around how the
17 city would identify if a system is having a
18 disproportionate impact or a disparate impact
19 on the basis of a protected category like race,
20 gender, age, disability, and several others.
21 So that is something that this task force is
22 charged with developing setting a road map for
23 doing that, but we haven't completed that work
24 yet.

25 MR. THAMKITTIKASEM: And just in terms of

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2 -- I think that we certainly have gotten
3 further in trying to get an example from
4 different agencies to start taking a look at
5 and we've had a couple or reviews but none of
6 those were reviews particularly for any of the
7 things that were -- it's more to get an
8 understanding of one, the types of things that
9 would be discussed.

10 And then also some discussion around the
11 plain language versus technical kind of
12 difference in terms of where we should focus
13 our attention. Because some of them are as a
14 couple of the examples brought here. Some were
15 very technical and specific to the activities
16 of agency versus those things that were more on
17 just logic of what the -- it was the system or
18 the example was trying to do.

19 MS. SAUNDERS: So next, we have Angel Diaz
20 of the Brennan Center for Justice.

21 MR. DIAZ: Hi. My name is Angel Diaz and
22 I am counsel to the liberty and national
23 security program at the Brennan Center for
24 Justice.

25 The Brennan Center is a non-partisan law

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2 and policy institute that seeks to advance our
3 systems of democracy and justice. And the
4 liberty and national security program focuses
5 on issues of government oversight and ensuring
6 that crime fighting and terrorism --
7 counterterrorism efforts do so without ethnic
8 profiling.

9 As part of this work, we actively seek
10 greater transparency into the NYPD's use of
11 surveillance technologies including the use of
12 automated decision systems. We are currently
13 party to a multi-year lawsuit with the New York
14 City Police Department seeking information
15 about how it uses predictive policing
16 technologies.

17 As many of you know, these systems use --
18 rely on algorithms to analyze large data sets
19 and generate statistical estimates about crime.
20 These estimates are then used to direct police
21 resources. While predictive policing tools
22 have been roundly criticized by civil rights
23 and civil liberties advocates because they
24 often rely on historical data that both reflect
25 and recreate decades of biased enforcement

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2 against communities of color.

3 Here in New York City, even historic crime
4 data that goes back ten years would be tainted
5 by the department's stop and frisk policies
6 that targeted black and Latinx communities.

7 Unfortunately, our understanding of this
8 system remains very limited. Our public
9 records lawsuit has been slow-balled by NYPD
10 until a judge order them to produce responsive
11 documents and it took almost a year after that
12 order for them to produce some information.

13 We think that this task force is uniquely
14 situated to engage in a more meaningful
15 evaluation of this system. I submitted longer
16 testimony, but I want to use my remaining time
17 to make four quick points.

18 First, some of the city's most invasive
19 and unaccountable uses of surveillance
20 technology -- sorry -- of automated decision
21 systems are being used by the New York City
22 Police Department. We urge that this task
23 force meaningfully engage with some of these
24 systems as they have the potential to harm the
25 public welfare of entire communities.

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2 Second, we urge this task force to
3 evaluate the predictive policing system as a
4 representative case sample of -- of a system.
5 This is one of the systems that was actually
6 contemplated when we established the task force
7 in the first place. And it has many of the
8 problems that we hope that this task force can
9 solve such as tainted inputs and the ability of
10 an algorithm to condemn entire communities to a
11 lifetime of over-policing.

12 Third, we recommended that this task force
13 call on the city council to pass legislation
14 that would require the NYPD to publicly list
15 each surveillance tool that it has, and to --
16 and to list what protections it has in place
17 for the privacy of New Yorkers. Initiative 47
18 known as the post doc would do just that. In
19 cities around the country including San
20 Francisco, Seattle, Nashville, Cambridge have
21 all passed even stronger legislation. It's
22 time for New York City to catch up. And,
23 finally, city contracts with vendors should
24 include provisions that require them to
25 disclose the data sets that were used to

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2 develop and implement ADSs. This information
3 should be made available to auditors who
4 evaluate ADS for bias and disparate impact. In
5 closing, the NYPD's use of surveillance
6 technology threatens to completely redefine the
7 right to privacy, freedom of speech, and equal
8 protection under the law.

9 These are fundamental values that need to
10 be zealously guarded if we're going to maintain
11 a strong local democracy in New York City.
12 Thanks very much.

13 MS. SAUNDERS: Thank you.

14 Next, we have Albert Cahn from S.T.O.P.

15 MR. CAHN: Good evening. My name is
16 Albert Fox Cahn. I'm the executive director of
17 the surveillance technology oversight project
18 or S.T.O.P. We are a local civil rights and
19 privacy advocacy group that litigates and
20 legislates to protect the rights of New Yorkers
21 impacted by ADS and other forms of surveillance
22 technology.

23 I want to echo the remarks of the prior
24 speakers. And to also note that the topic of
25 tonight's discussion, transparency is crucial

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2 not only protecting the rights of New Yorkers
3 impacted by ADS but for also protecting the
4 agencies that deploy them.

5 We've seen countless examples of agencies
6 across the country implementing ADS without the
7 understanding of how the impact marginalized
8 communities only to later find out in
9 litigation that they didn't have a basis to
10 defend themselves against the liability that
11 they incurred. Examples include Arkansas's
12 2016 Medicare ADS which resulted in the
13 cessation of food and other benefits for
14 impacted members. It included an ADS in Idaho
15 that detrimentally affected numerous recipients
16 of benefits for those with -- who are
17 developmentally disabled.

18 We have so many examples of how this goes
19 wrong. And transparency has to be a part of
20 not only how we approach ADS at the agency
21 level but how this task force approaches its
22 mission of engaging in this broader discussion.
23 I want to turn to a specific question regarding
24 the checklist that was recently published by
25 the task force which seems to adopt a narrower

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2 definition of ADS than what had been included
3 in Local Law 49 referring only to algorithmic
4 decisions and those derived therefrom which is
5 narrower than the definition under Local Law
6 49. Is that something else that has been
7 adopted for the purposes of the final report
8 and guidelines that are being used by the task
9 force? And is that something that the task
10 force had complete consensus on? Thank you.

11 MR. THAMKITTIKASEM: To the question of
12 the check list, it was a means by which to
13 actually coalesce around a couple of ideas that
14 we could actually go towards talking to
15 agencies about what we might use as examples
16 for the group because there wasn't a lot of --
17 as we kind of discussed in the first part,
18 there wasn't an immediate consensus on how to
19 use the definition.

20 And one of the things and one of the
21 questions the task force members had were how
22 can we get better understanding of examples, at
23 the same time we also had discussions from
24 agencies around we're not really quite sure
25 what does or does not qualify which is really

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2 recommendations for this group. So a checklist
3 is an opportunity for us to kind of clarify
4 some of the terms.

5 And we've been using them to try to kind
6 of solicit some ideas for further discussion
7 within the group. It's not necessarily the
8 definition that we would record out. I think
9 there are a lot of these recommendations that
10 still have to go in front of each of these
11 deliberation sessions that we are having so
12 that we can kind of get an understanding of
13 what options there are and then we'll have a
14 vote later amongst the group.

15 MS. JIN: And I'll add I think from --
16 from best practice of when you are looking at
17 legislation what are some of the clarifications
18 of specific terms that are in there. And I
19 think just to echo some of Dr. Chowdhury's
20 points to us is an iterative process. And so
21 putting the checklist online for public
22 comments for you all to take a look and review.
23 But also something that we're working in
24 partnership with city agencies on is -- is a
25 part of the process. But we're really, really

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2 looking forward to feedback from you all.

3 And again just to echo the broader points
4 that this is an involving field with a lot of
5 very technical complex terms that we've talked
6 about. And so we can -- if we can upgrade our
7 game there, really open to input.

8 MS. SAUNDERS: So next, we have Kyle
9 Struck.

10 UNIDENTIFIED SPEAKER: So but -- but can
11 -- can we also respond to questions or only the
12 task force chairs?

13 MS. SAUNDERS: No --

14 UNIDENTIFIED SPEAKER: So there was not
15 consensus among the task force on the check
16 list that was published. Thank you for the
17 question.

18 MS. SAUNDERS: No. Just -- I just want to
19 say I think we acknowledged as both Jeff and
20 Kelly have that this is an area where folks
21 have lots of different perspectives. I don't
22 think that it's a secret right that we spent a
23 lot of time discussing the question of
24 definition. And part of that is because it is
25 complex. Right. So we had a definition that

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2 came from the local law. We spent a lot of
3 time grappling with it. People had their
4 concerns about it. And this was an attempt as
5 Kelly said as part of an iterative process to
6 try to put pen to paper on something.
7 Understanding that there would still be kind of
8 differing perspectives. And it's not the end
9 of the conversation.

10 But did you want to say something, Dan?

11 MR. HAFETZ: Just on the definition. So
12 speaking on behalf of a city agency and as
13 someone who used to work at the city council
14 and has drafted legislation for the city and I
15 think there are -- I have all due respect for
16 that process. I think we have a definition in
17 the law that is perhaps too capacious than is
18 actually really what was intended with the
19 intent of the law. I think a lot of our
20 comments that we heard tonight from the
21 panelists were really were probably speaking
22 more on point to technologies that are sort of
23 a narrower set than what would be covered with
24 the law. And so I think from the agency
25 perspective, what I can say is I'm personally

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2 sort of struggling with that definition, and I
3 think further clarification of that definition
4 would be hugely beneficial to agencies who are
5 doing all sorts of examples and discussions
6 among the task force of how it's just sort of
7 overbroad to a degree that really doesn't make
8 sense and doesn't serve any purpose or doesn't
9 at least serve the purpose that was sort of
10 intended with the task force. So I think to
11 the extent that members of the public or the
12 panelists have suggestions for refinements, I
13 think that would be very -- I mean personally
14 think that would be really beneficial to the
15 task force. I think as we think about what we
16 need to put in place, it would be -- it would
17 be a big burden.

18 MS. SAUNDERS: So next we have Kyle
19 Struck, but you're going to pass.

20 Next, we have Fabian or Fabian Rogers.
21 Fabian. Thank you.

22 MR. ROGERS: Good evening.

23 I want to say I am a living example of one
24 of the people that might be affected by some of
25 the communication that might be had between you

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2 and government officials as well as other sort
3 of organizations that you might be in cahoots
4 with because I am simply here as a resident of
5 249 Thomas S. Boylan, Atlantic Plaza Towers.

6 I'm here off the simple fact that I ran --
7 I, as well as many other tenants within my
8 living residency, are dealing with a problem of
9 facing facial recognition technology being
10 implemented into our buildings not necessarily
11 with our consent. Being under, sort of, the
12 control of our landlord. I don't want to put
13 it in evil terms that way. But you kind of
14 feel like you don't have control of the
15 technological advances that might affect your
16 livelihood and your privacy.

17 And I come here as a living example of the
18 issues and the things that which you speak of
19 and the things that you come to consensus about
20 affect people like me. And I don't have the
21 money, nor do I have the government connections
22 as a lot of people in this room to really
23 create a -- a powerful footstep on my own. And
24 I'm really balancing -- I'm really hoping to
25 project my voice and allow for you folks to

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2 bounce off and be a perfect middle man to
3 explain the things that I don't personally
4 understand on the technological level. Because
5 a lot of this conversation, I will be honest,
6 went over my head because I am nowhere within
7 the technology industry.

8 All I do know that -- all I know is that
9 there's a lot of technology up there that at
10 the end of the day within certain sectors, for
11 me, specifically, the private sector concerns
12 of public residency and places owned by
13 landlords. There's a lot of -- there's not --
14 actually, there's no real regulation on the
15 city nor state level to handle privacy policies
16 in regards to the technology that's being
17 presented on the table not necessarily
18 implemented in all housing although there is
19 some sort of facial recognition within certain
20 parts of the city.

21 But I'm dealing with the fact of trying to
22 stop that implementation and checking the
23 processes being had. Making sure that
24 whatever's being implemented is ethical. It's
25 justful [ph.] For the people that are going to

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2 be affected because ultimately, I was a tenant
3 that didn't have a voice to say, hey, I have
4 security concerns. There were other concerns
5 on my mind within my housing establishment.
6 Security wasn't one of them. The landlord made
7 that a concern. And it concerns me that I had
8 no control in that sort of process.

9 So I'm hoping that me being here, shows
10 that there's real life implications and
11 ramifications being had from these
12 conversations. And from that -- that we take
13 serious the ethical implications of certain
14 things in terms of the technological processes.
15 And that we take serious that there's no real
16 privacy policies against certain technologies
17 that really can be intrusive on people's
18 livelihoods. If I can have just a quick few
19 seconds just to explain.

20 MS. SAUNDERS: Yeah.

21 MR. ROGERS: The facial recognition
22 technology that's being involved within my
23 housing establishment takes a heat mapping of
24 my face. That of which I don't necessarily
25 have consent to either opt in or opt out. I

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2 don't even want to have any sort of particular
3 participation in this process. But my landlord
4 has made it clear on a media level, on a public
5 level, on a national level, if you look into
6 the news that there is no opt out process. So
7 what does that leave me as a tenant that has no
8 understanding of technological processes or the
9 sort of statutes at which the levels of how
10 technology is implemented. How do we go about
11 making sure that it's correct, that it's just
12 and that it's affective. And that it doesn't
13 fail once implemented. There was no
14 conversation with that.

15 So I simply have the fear that if I don't
16 opt into this technology then therefore I don't
17 have a place to live at. And with the rental
18 increases and the rental laws that many tenants
19 have to worry about, that means most likely I
20 might not have a place to live at in Brooklyn.
21 Therefore, I might have to move out of state.

22 So I'm just giving a brief example of the
23 possible implications that can come from not
24 being mindful of all the sectors and all the
25 effects that this technology can have. So I

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2 guess one of my questions is: Does anybody or
3 official currently track the use of invasive
4 ADS used in the private sector that pose
5 significant risk to New Yorkers' civil rights,
6 safety, or security.

7 For example, like the use of facial
8 recognition within residential housing or
9 public schools or companies. I just want to
10 say I'm not -- I didn't want to come from a
11 perspective of bashing. I just wanted to bring
12 prospective because I could see that there's
13 not much conversation being had about certain
14 sectors. And that's perfectly fine because
15 people have certain careers. I just wanted to
16 bring up the fact that there are many other
17 sectors besides the ones that panelists brought
18 up. And I hope those perspectives are open to
19 you all. So thanks, I guess.

20 MS. SAUNDERS: So first, I want to say
21 thank you for joining us tonight. I think that
22 your comments are really valuable.

23 A couple things I'll point out, one, to
24 your question about whether there is any city
25 office or agency that is consistently tracking

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2 in the private sector. I'll say it's an
3 interest of the commission. So we are very
4 interested in those sorts of questions about
5 how use of these technologies in the employment
6 sector, in the housing sector and on public
7 accommodations are kind of intersecting with
8 our law. I will also say that I think that
9 there -- well, kind of the focus of this task
10 force is on the use of ADS in the government
11 context, right, there are lessons I think that
12 we can draw in thinking we can do around
13 people's interactions with these technologies
14 in the private sector.

15 And then two, I would like to take you up
16 on your offer around helping us to think
17 through -- I hope I'm interpreting correctly
18 what you were saying but helping us to think
19 through how to reach folks who may be impacted
20 by these technologies but aren't necessarily
21 kind of thinking about them on the day to day
22 or maybe think about them when something like
23 this happens. But helping us to connect more
24 closely with members of the community. But --

25 MS. JIN: Yeah. I just think to piggyback

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2 off of Point Two, would love to actually set up
3 a conversation. So something that I think both
4 Jeff, myself and Brittny alluded to is we are
5 hosting some community round table sessions in
6 the coming weeks and months. And if you're
7 going to stick around a little bit, I think
8 we'll get your information and reach out and
9 actually come have a conversation with you and
10 some of the residence there as well if you
11 would be up for it. Cool. Thanks.

12 MS. SAUNDERS: So next, we have John
13 Cusick from NAACP Legal Defense Fund.

14 MR. CUSICK: Good evening.

15 As our associate director counselor, Jamai
16 Nelson, testified at the last forum the city's
17 deployment and implementation of ADS especially
18 the NYPD's threaten to exacerbate racial
19 inequities throughout the city. And we know
20 from the limited reporting whether it's through
21 FOIL requests FOILs or disclosures that
22 residents throughout the city are being
23 experimented on by these technologies and
24 deployments of these ADS systems. I think
25 Fabian's -- you know, your story right now gets

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2 at the heart of that.

3 But also the underlying point is I think
4 especially having attended the last forum as
5 well as trying to wrap my head around all of
6 this, it's extremely difficult to really
7 understand this technology and to understand
8 how it's implemented.

9 I know we brought it up last time and my
10 question back to the task force is since the
11 last time, what has been done to try to figure
12 out ways that you can actually share
13 information with how it's being used, how it's
14 being deployed with community members because
15 it seems really difficult again to have a
16 discussion about the impact, the assessment,
17 and how it's going to be used without community
18 members even knowing what the technology is let
19 alone them trying to explain it. And so I'm
20 wondering how you plan on tackling that road
21 map if there is a disclosure about what ADS
22 systems are actually being implemented,
23 deployed, developed in-house. We know that
24 several agencies are deploying it, you know,
25 and they often times conceal it as testimony

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2 has been said through FOIL and the records.

3 That's my question back; I just don't see
4 how robust conversations can happen at the
5 community level when there isn't public
6 disclosure about these systems and how they are
7 actually working.

8 MS. WHITTAKER: Since I learned that task
9 force members can also answer.

10 I personally feel the same way and many of
11 the people on the task force have been asking
12 for a long time for more information about the
13 full spectrum of systems that are being used by
14 agencies, where they are being used, what data
15 they are using, and how might we begin to
16 classify those so that the people most at risk
17 of harm from that use have a voice in, you
18 know, understanding -- have a voice in both
19 determining how these are used going forward
20 and potentially in rejecting their use. So I
21 agree. We cannot have transparency. We can't
22 have accountability. We can't actually do the
23 work of overseeing these technologies if we
24 don't have the sort of foundational
25 understanding that these technologies are being

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2 used where they are being used and, you know,
3 start from there with building accountability.

4 MS. SAUNDERS: Next, we have Katurah Topps
5 from the Legal Defense Fund.

6 MS. TOPPS: Good evening. So I think
7 there is a clear -- can you guys hear me?

8 I think there is a clear theme tonight
9 especially with the worry that these ADS
10 systems will disproportionately affect certain
11 communities. And, particularly, we are
12 thinking of communities of color, black and
13 brown communities.

14 And so I have a question specifically
15 addressing the NYPD and how the task force
16 plans to address the fact that the NYPD has
17 said before that it believes that it could be
18 exempt from disclosing all its ADSs and all the
19 uses of its ADS. That's something that we keep
20 hearing over and over again, and it's a worry.
21 And so I'm just wondering how the task force is
22 interpreting Section 1-6 of the Local Law 49
23 which says specifically, quote, Nothing herein
24 shall require compliance with the task force
25 recommendations or disclosure of any

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2 information where such disclosure would violate
3 local, state, or federal law, interfere with
4 law enforcement investigation or operations,
5 compromise public health or safety or that
6 would result in the disclosure of proprietary
7 information.

8 So how is the task force interpreting
9 that? Is the task force planning to address
10 the fact that the NYPD expects to be exempt
11 from the task force's recommendations? And
12 does the NYPD consider transparency about
13 algorithmic decisions such -- included in that
14 sort of disclosure of law enforcement
15 operations.

16 MS. MEISENHOLDER: I'm curious that who
17 from NYPD said that we wouldn't be exempt from
18 the task force recommendations.

19 MS. RICHARDSON: That's a --

20 MS. TOPPS: Maybe -- let me -- if they're
21 exempt from the task force recommendations but
22 exempt from disclosing all of their current
23 uses and future uses of ADSs.

24 MS. MEISENHOLDER: I think the NYPD is
25 open to transparency just like all of the other

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2 city agencies with respect to our ADS.

3 There may be certain exemptions with
4 respect to law enforcement, privacy and
5 security concerns. But as a member of the
6 NYPD, I don't expect that we would be exempt in
7 a great deal more than any other city agency.

8 MS. WHITTAKER: I guess a question that
9 might be good to clarify is: How would the
10 determination that a system is or is not exempt
11 be made and who would be in charge of making
12 that determination?

13 MS. MEISENHOLDER: Yeah. I think I would
14 probably differ to Jeff on that. I don't think
15 we're in a position to answer that at this
16 point, but certainly open to discussion about
17 it.

18 MR. THAMKITTIKASEM: From the task force
19 perspective, I think that the task of the task
20 force -- sorry -- was really on focusing on a
21 couple of different areas as we kind of
22 repeated in the beginning on the mandates of
23 our work. We got to figure out, kind of, the
24 criteria by which agencies can begin to take a
25 look at what would or would not fall into that

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2 category. We would have to think through, kind
3 of, the processes and the criteria for what
4 would be publicly disclosable and what would
5 not.

6 And then we would have the process around,
7 kind of, assessing harm and bias and then
8 processes for, kind of, the appeal for what
9 disproportionate harm might be and for
10 individuals and for groups whatever they are.
11 Because there is I think as you've heard a lot
12 here, each of the different agencies have
13 different, kind of, experiences and different
14 uses. I think the task force is really trying
15 to set forth recommendations that would be
16 applied across the city. There's no specific
17 agencies that are exempt from it.

18 At the same time, we want to be very clear
19 that we are trying to create standards and
20 recommendations that don't, kind of, apply to
21 the right now so much as they are frameworks so
22 it can be used for, kind of, not just current
23 examples but actually into the future. And so
24 that's some of the work that we're doing right
25 now. And so I think as Tanya mentioned, no

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2 agency is exempt. There will have to be
3 considerations within that second
4 recommendation on, kind of, security or public
5 disclosure. Whatever those are, those will
6 have be decisions we have to make
7 recommendations on. And other people have to
8 feed into that.

9 MS. SAUNDERS: So next we have Icema
10 Downes from the Atlantic Plaza Towers Tenants'
11 Association.

12 MS. DOWNES: Thank you. Good evening.

13 I'm here to piggyback on my fellow tenant.

14 My concern is, is there -- are you all
15 investigating the policy, the city policies and
16 state policies regarding the use of current
17 ADS? Okay. Example, there's a new development
18 that just opened up in the Bronx called Morris
19 Avenue apartments. Okay. They have ADS.
20 Okay. As a resident of New York City, if you
21 need an apartment, you'd almost sell your first
22 born to get an apartment. So these people have
23 moved into this development that has ADS.
24 Okay. Because they need an apartment, but they
25 have no means to challenge this. And you have

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2 to look at the make up of the people who are
3 moving in there.

4 I mean, I think that the ADS residential
5 requirements now are preying on people of
6 color. I live in an area which is Brownsville.
7 And you know Brownsville is mostly of people
8 black, brown, or people of color. Okay. And
9 my landlord has 12 developments in the city,
10 one of which is down in the south sea port
11 area. Okay. But he chose us, a development
12 that is predominantly black females.

13 Predominantly in a black area that has been
14 rezoned, Brownsville has been rezoned. And all
15 we can think of is gentrification. When we
16 asked him why are you coming to us with facial
17 recognition? He said because he wants better
18 tenants. Okay. Better tenants.

19 I have lived there 51 years, just to let
20 you know. Okay. We do not feel that facial
21 recognition belongs in residential buildings.
22 Okay. We pay our rent. We have certain
23 expectations. However, when we got our notice
24 of modification of our lease from DACR, all
25 they asked us is: Check, yes, you want this or

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2 no, you don't want this. If you checked no,
3 you had to explain why you didn't want it. You
4 didn't have to if you checked yes. You didn't
5 have to explain why you wanted it. But you had
6 to explain why you didn't want it. I want to
7 know why nobody is checking on DACR why we have
8 to explain our nos. Okay. What type of policy
9 is that? Okay.

10 And one of the things that we're pushing
11 for, we're asking the city and the state to set
12 a policy that they will not allow facial
13 recognition in private sector residential
14 buildings. And you know there's a bill that's
15 been introduced in the senate. Okay. But we
16 also need the city to act fast because we are
17 fighting a man who has a lot of buildings and a
18 lot of money.

19 And all we have is our Brooklyn Legal
20 Services to represent us, and they have been
21 doing a good job. But -- I have to give you
22 your props. But tenants do not have the money.
23 And we also don't have the knowledge. All we
24 know is we don't want this. And we have no
25 place to go in the city to help us. We have no

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2 city agency that we could go to and say why is
3 this happening to us? Okay. And I know you're
4 dealing with -- with -- with governmental
5 things, and going on the same level as San
6 Francisco and the Oakland County is talking
7 about -- but you need to think about there is
8 an avalanche coming. Okay. Rolling down the
9 hill, and it's going to go from government ADS
10 into private sector residential. And we're
11 asking you to include this in your program.
12 Thank you.

13 MS. SAUNDERS: First, I want to say again,
14 thank you for coming and for sharing your
15 comments.

16 I think you're certainly right that the
17 government piece of this picture is not the
18 only piece of the picture. That there is a
19 tremendous amount of thinking that needs to be
20 done along the same lines of questions of bias.
21 What are ways for people to appeal and to
22 challenge? What are the questions or the
23 demonstrations that folks who are developing
24 these technologies on the private sector side
25 need to think about?

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2 And I hope that there are folks at the
3 state and local kind of legislative levels
4 thinking about this as well. And I don't know
5 if there are -- and, again, would also like to
6 connect with you on the same kind of question
7 that we raised with Fabian around how to
8 connect with community folks -- Vincent.

9 MR. SOUTHERLAND: Quick comment. So I
10 want to thank both of you and Fabian for your
11 comments, and I think to my mind for us to get
12 our, kind of, job right what we need to be
13 doing is thinking about the people that are the
14 most vulnerable, the most harmed by these
15 tools, and regulate with those folks in mind.

16 And so to the extent that we can garner as
17 much, kind of, information and input from folks
18 who are directly affected by these
19 technologies, I understand there is kind of the
20 need to balance concerns that agencies have but
21 I'm really actually more concerned and far more
22 concerned with the harms that come to everyday
23 New Yorkers. Because I think that's, like,
24 critically important and too often ignored in
25 these processes. So that's to my mind the

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2 purpose of this task force. That's why I think
3 the most expansive definition possible is one
4 that we need to adopt. That's why I think we
5 need to adopt things that in terms of like what
6 Jamai Nelson talked about at the last forum.
7 The presumption that's placed on the agencies
8 who are using these systems that they have to
9 prove that they are not operating in a
10 discriminatory manner rather than putting the
11 onus on individuals to kind of raise harms
12 themselves.

13 So that's my perspective. And that's kind
14 of what I'll be pushing for on this task force.
15 So I really appreciate your comments and hope
16 that in the months ahead, we get more and more
17 public engagement as we go through this
18 process.

19 MS. SAUNDERS: Thank you.

20 Next, we have Mona Khalil. Mona may have
21 Left but next we have I -- Manojit Nandi.

22 MR. NANDI: Hi. So I guess I was just
23 wondering. So like there's a lot of emphasis
24 on transparency, and Dr. Chowdhury brought up
25 the two parts of like interpretability and

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2 certain understanding. But I guess my concern
3 with transparency is it's sort of shortsighted.
4 You can sort of tell why an algorithm made a
5 decision or a particular person but that
6 doesn't really help them improve their
7 outcomes.

8 So for example with the static case of
9 interpretability in sort of in finance for
10 example, if you didn't get a credit loan,
11 here's why you didn't get your credit loan
12 because the model says you don't match XYZ.
13 But it doesn't really give you information of
14 like what can you do to change your outcome?
15 And so as the task force, if you think like
16 promoting transparency would be able to say
17 like this is why you didn't get your -- for
18 example, you were like a bad teacher evaluation
19 for example it's like this is why you're a bad
20 teacher. What you could do better? Do you
21 think that the task force should be more
22 forcing agency or encouraging agencies to be
23 able to say, like, what can you do to change
24 your outcomes rather than just saying like this
25 is why you got a bad outcome or this is why you

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2 get a particular outcome.

3 And, again, a second part is like tying
4 into what Dr. Chowdhury is saying about
5 understanding like: Do you believe
6 understanding could be done at scale? Because
7 different people care about different things.
8 For example -- also, do you think this could be
9 something that could be done proactively? That
10 you could sort of come up with a widespread of,
11 like, layman explanation for people. Or is
12 there something that has to be done reactively
13 where people call in and say like I got this
14 outcome. Like, why did this happen to me? And
15 you have to come up with a custom-made
16 explanation sort of like customer support.
17 Customer support for algorithms of like this is
18 what the algorithm gave you this particular
19 decision-kind of thing. And then I guess tying
20 to that like how do you -- I guess you really
21 can tell why an algorithm made a decision. And
22 how do you allow people tort of, contest that
23 decision?

24 For example, one thing that was brought up
25 was, like, threat modeling is erratic motion.

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2 So that people who do sort of -- condition may
3 be prone to erratic motion.

4 Then there I guess people like me who are
5 like a circus acrobat. Where I could walk
6 normally if I need to but I prefer to walk on
7 my hands or do flips which would flag as like
8 erratic motion. So how could I, like, appeal?
9 Like, no, I am not a threat. I am just walking
10 on my hands in public because that's sort of my
11 job.

12 MR. THAMKITTIKASEM: Sorry. I think
13 that's actually why this task force was
14 developed to try to answer some of those
15 questions because we don't have a kind of
16 routine answer to that in terms of an appeal
17 process, what the action standards should be
18 for what an appeal are.

19 And, I mean, thank you for your questions
20 because some of those are exactly some of the
21 questions that I will just admit on a personnel
22 level, like, it was only a couple months into
23 the plain language issue became a real issue
24 for me. We were thinking a lot around kind of
25 the broad kind of definition but really we got

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2 some examples where just trying to understand
3 what the impact and how to say it in a way it
4 was pretty easy to understand raised an issue.
5 And certainly for me on a personal -- like
6 raising some of the thoughts around how to make
7 recommendations around how to include that
8 within both agency kind of -- and you're going
9 to review the ADS once you do it. There should
10 be some things that you're reviewing for. And
11 there's a lot about the logic model and the
12 data and so forth.

13 I think the other is really about the
14 explainability and some plain language. That's
15 on a personal level. But that's actually what
16 we're supposed to discuss and makes
17 recommendations on. So thank you so much.

18 MS. SAUNDERS: Next, we have Liz
19 O'Sullivan.

20 MS. O'SULLIVAN: Okay. Thank you.

21 So a lot of what I was planning on asking
22 has been asked already so good question. Thank
23 you for that. But I just wanted to say as
24 somebody who has been working in AI for about
25 eight years now, some of the different

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2 advancements in the industry are troubling me.
3 The way that certain engineers might try to
4 debias an algorithm and say, now, we're done
5 here. This is perfectly fair algorithm and
6 maybe it doesn't discriminate against black
7 people, but it's fair enough and we're just
8 going to leave it be. And similarly, also
9 there are a lot of technologies out here
10 claiming that they have fair or explainable AI
11 which again, you know, is maybe well and good
12 enough if they have ability to explain a
13 decision if you're making, you know,
14 uncontroversial decisions.

15 But when you are deciding something like
16 financial support or where to put a police car
17 or whether to arrest a certain person because
18 they maybe look like somebody who might have
19 committed a crime. I just want to reiterate
20 again that I think it's very important that we
21 not just have these definitions be in the
22 technical decision making process explainable
23 but as Rumman said understandable. And that
24 these decisions be -- factors leading into them
25 are explained directly to consumers. So in my

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2 mind, if somebody is arrested with the use of
3 facial recognition technology then that
4 algorithm, that photo for that person for that
5 particular decision and the factors leading
6 into how it was come to need be available for
7 discovery process for a court process cases.

8 So I just wanted to ask you again, like:
9 Have you looked into or have you thought about
10 how this material be relevant to court cases in
11 the case of either appealing these decisions or
12 understanding whether or not there was bias or
13 there was unfair play involved with some of the
14 decisions that are supported by the algorithms?

15 MS. SAUNDERS: So I'll start: I think
16 certainly as we start thinking particularly
17 about the question of disproportionate impact,
18 we'll be looking to, you know, how that's been
19 interpreted by courts just as a bit of guidance
20 but not necessary the only thing that we will
21 consider.

22 But yeah, I think you're right. There's
23 probably a lot of wisdom there, a lot of good
24 there. Or maybe a lot of the things that we
25 want to avoid and do differently. But I don't

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2 know if other folks have --

3 MR. SOUTHERLAND: I mean I think it's a
4 phenomenal question and I think it's one that
5 we're all trying to grapple with because I
6 don't -- you know, quite frankly like the
7 current new regime is not one that has ever
8 been like friendly to marginalized repressed
9 communities that these tools are often aimed
10 at.

11 And so I think to the extent that we adopt
12 something that is within that framework, we're
13 only going to do ourselves a disservice.

14 But then -- first of all, we're up against
15 the reality of what the law actually says right
16 now. And so, you know, to my mind, we're going
17 to need to be kind of reinventing or invent a
18 kind of a new way of holding these types of
19 accountable because the law just simply doesn't
20 do it, and we'll never kind of catch up to it
21 right now as it currently is constructed. So
22 it's certainly something that's been on top of
23 my mind. And I think it's, you know, one of
24 the concerns that I'm really, you know, focused
25 on. And I think many members of the task force

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2 are focused on it as well.

3 MS. SAUNDERS: And our next speaker is
4 Jessica Lax.

5 MS. LAX: Thank you. Well, thank you for
6 organizing this, and I just -- everyone had
7 such amazing comments.

8 I just have a few -- they're like a mix of
9 comment/question. One, is just thinking about
10 technology and how quickly it's moving. And
11 how rapidly it's quote-unquote disrupting
12 everything. And also just has all these really
13 terrifying implications. And on the
14 juxtaposition thinking about government and how
15 slow and bureaucratic everything is. And so
16 really thinking about how are you going to
17 create a system that's going to allow for the
18 flexibility to adjust to constantly changing
19 technology.

20 So I don't think -- for me it's not -- all
21 of these one-off questions are really great but
22 in two years from now, they're going to be
23 completely different questions and we really
24 just need a completely new system for
25 addressing technology within government. So

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2 that's just one thought. Another thing sort of
3 related is it's amazing to have a task force, I
4 know that's first in the country or something I
5 read that quickly. I'm in Google phone right
6 now. And so that's cool but, you know, there
7 needs to be -- I think this all your like
8 extracurricular activity. This needs to be a
9 mayor's office. There needs to be a
10 full-initiative thinking about this across all
11 the agencies and across other mayor's offices
12 as well.

13 But so, you know, I think that's just one
14 thing logistically like really putting some
15 energy towards getting some full-time staff to
16 be thinking and working on this. And then the
17 last piece is about informing the public which
18 came up in a few different ways already. You
19 know, I think so many people are affected by
20 this but A, don't even know it's happening at
21 all. And B, don't even know that it's
22 affecting them or could be. I definitely think
23 there's room to be going to adults, but also
24 wonder what the opportunities are to go to high
25 school students. Specifically, because they

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2 will be impacted in four years from now which
3 is really not that long probably right now, and
4 they will talk to their parents and so it's a
5 nice way to infiltrate with -- with a means
6 that you have access to. And I'm not talking
7 about a full curriculum. Maybe I'm thinking
8 about a one day drop down. So just some
9 thoughts.

10 MS. SAUNDERS: I think that's a great
11 idea. I mean, I'll just state that over the
12 last few weeks I've had a number of
13 conversations with different community-based
14 organizations including youth groups to try to
15 understand, like, what's the, kind of, best way
16 to engage with you. How do you feel that these
17 issues are particularly relevant to you and the
18 like. And it's kind of a tough nut to crack.
19 And one that I can see require ongoing work.
20 But I'd -- like your suggestion around thinking
21 about different modes of engaging with young
22 people, curriculum, et cetera. I like that. I
23 think that's something we could think about.

24 MS. WHITTAKER: Yeah. Thank you for that.
25 I'm going to address the first question around

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2 sort of different speeds, tech versus

3 government.

4 I've been in a private tech company for
5 well over a decade now. And I think, you know,
6 while technology, you know, there certainly
7 have been sort of step changes in technological
8 capacity and certain ways and there's certainly
9 been new markets opened up for new iterations
10 and different gadgets and different
11 capabilities. I think it does make sense to
12 sort of question the -- the narrative of
13 inevitability. The fact that these
14 technologies are just going to keep going, and
15 all we can do is catch up and they set the
16 pace.

17 I think what you saw in San Francisco and
18 what you are seeing across the country is that
19 actually we need to think about iterating on
20 different capabilities. Like allowing industry
21 to just continue to define what technology
22 means and to continue to sort of define what
23 scientific achievement means is -- left us in a
24 place where we have a lot of gadgets but we
25 actually haven't innovated on how to determine

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2 whether those technologies are harming people
3 and how to redress the wrongs of these
4 technologies. How to ensure that they are used
5 in ways that are ethical and to make sure that,
6 you know, they align with the values of the
7 people who are most at risk of harm. So those
8 are things we have a lot of catching up to do.
9 And I am personally okay with, sort of, you
10 know, putting in place some road blocks to the
11 kind of corporate juggernaut of rapidly
12 proliferating technologies to make sure that we
13 have some time to catch up and answer those
14 questions clearly.

15 MS. STOYANOVICH: Thank you for your
16 wonderful comments.

17 I'll just maybe respond that although of
18 course technology will always be moving forward
19 and we can always try to figure out what the
20 future dangers may be, it is my dream for this
21 task force to do something that is practical
22 and relevant to today. Given the kinds of
23 questions and the kinds of dangers and the
24 systems that we already run, I think that it's
25 really on us to come up with a set of

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2 recommendations that are not so high level as
3 to be impractical, but rather something that we
4 can use to improve people's lives today in the
5 city in which we live today. And I hope that
6 this will happen.

7 MS. SAMUELS: So thank you. Did you want
8 to say something?

9 MS. JIN: I feel like now I'm just holding
10 everyone here because it's almost 9:00. I
11 think just two thoughts is being -- I know we
12 have a lot of techies here within the task
13 force, but also in the room. I think the
14 operating mode of how do we actually move
15 purposely and fix things is really important
16 within government. So that's point number one.

17 And then I think point number two, is just
18 this is -- this is like I talked about it first
19 of the kind in the country, but also that this
20 is the start of the conversation. Every single
21 person in this room and in this task force,
22 we're going to be in this together for the next
23 decade at least. And so I think what's really
24 been interesting to me is how do we, again,
25 continue to iterate build infrastructures that

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2 are flexible and figure out like whether there
3 is ownership in a specific office or across the
4 agencies. But really those are just continued
5 to be ongoing conversations as -- as we
6 continue to evolve as government.

7 MS. SAUNDERS: Great. So with that, I
8 want to say thank you again to everyone for
9 giving us such a large portion of your time
10 this evening, and for your really wonderful and
11 thoughtful questions and commentary. And we
12 hope that you'll continue to participate in
13 this conversation which we said is going to be
14 ongoing. And stay tuned for more updates from
15 us. Thank you.

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19 (Time noted: 8:55 p.m.)
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C E R T I F I C A T E

I, Douglas F. Colavito, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

Douglas F. Colavito

DOUGLAS F. COLAVITO

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