CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

          Of the

COMMITTEE ON TECHNOLOGY

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                    April 4, 2019
                    Start: 1:10 p.m.
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HELD AT: 250 Broadway- Committee Room
                   14th Fl.

B E F O R E: PETER KOO
                   Chairperson

COUNCIL MEMBERS: Robert Holden
                  Eric A. Ulrich
                  Brad Lander
                  Kalman Yeger

A P P E A R A N C E S (CONTINUED)

Jeff Thamkittikasem, Director
Mayor's Office of Operations &
Chair of Automated Decision Systems
Taskforce

Kelly Jin, Chief Analytics Officer and
Director
Mayor's Office of Data Analytics

Brittny Saunders, Deputy Commissioner
Strategic Initiatives at the New York City
Commission on Human Rights

Janet Haven, Executive Director
Data and Society Research Institute

Rashida Richardson, Director of Policy
Research
AI Now Institute at NYU

Albert Kahn, Executive Director
Surveillance Technology Oversight Project
(STOP)

Noel Hidalgo, Executive Director
BETA NYC.

Jordan Kroll, Director of State and Local
Information Technology Industry Council

Solon Barocas, Researcher
Microsoft New York City
Professor of information science
Cornell University

SERGEANT-AT-ARMS: Sound check for the Committee on Technology. April 4th, 2019 being recorded by Israel Martinez. Fourteenth floor committee room 250 Broadway.

CHAIRPERSON KOO: So, everybody settled down and we're going to start in one minute. Yeah. [Background comments]

[gavel]

CHAIRPERSON KOO: Good afternoon. I am Council member Peter Koo and I am the Chair of the Committee on Technology. I want to welcome you all to today's hearing which will focus on getting an update on the progress of the Automated Decisions Systems Taskforce created by local law 49 of 2018. The adoption of new technologies offers significant benefits that can vastly improve people's everyday lives. They allow us to communicate easier and enable us to operate more efficiently. However, as these technologies advance, we must acknowledge that, if left unchecked, they can have negative consequences. In today's kinetic world, people produce massive amounts of data while going on there every day lives and when accessing government services. This data is fundamental to the city's

2 operations. Many agencies to employ advanced data

3 analytics and algorithms and make use of this data

4 and to make decisions. [inaudible 00:02:27] utilize

5 through our city agencies in order to evaluate

6 communities and individuals and are used to determine

7 where service says go and how penalties are set. In

8 October 2017, my predecessor, Council member Walker,

9 used the example of education. How does the city

10 determine what school student can attend? While and

11 it is undeniable that the tools help city agencies

12 operate more effectively and offer residents more

13 targeted impacted services, algorithms are not

14 without issues. There's a common assumption that

15 automated decision systems automatically result in

16 unbiased decisions. However, there have been studies

17 that detail situations and went child car alarms

18 produce biased outcomes. And that is, remain and

19 then from the public view making it unclear when and

20 why agencies use algorithms. When agencies to use

21 algorithms, often unclear their assumptions they are

22 based upon, what data they even consider, and how

23 that data is weighted. These tools are often

24 developed by [inaudible 00:04:07] developers who do

25 not is close their predictive models are algorithms,

2 nor do they lose the source code for their software

3 leaving little transparency from the public. Local

4 law 49 was enacted by the city to establish a task

5 force that is required to provide recommendations on

6 how information on agency automated decisions systems

7 may be shared with the public and agencies may

8 address instances where people are harmed by agency

9 automated decision systems. Local law 49 also

10 requires the task force to issue a report 18 months

11 after the establishment of the task force and its

12 members are charged with recommending procedures for

13 reviewing and assessing the city's automated

14 decisions systems to ensure equity and fairness.

15 This legislation was the first in the country and is

16 important and that New York City continues to be a

17 leader and serve as a model for other jurisdictions

18 who are pursuing this issue. Therefore, the

19 committee looks forward to testimonies from the

20 administration and advocates to discuss compliance

21 with local law 49 ensuring governmental transparency

22 and automated decisions systems and to understand the

23 challenges faced by ADS task force to reveal whether

24 there algorithms used by city agencies are fair and

25 just. I look forward to hearing from the panels

2 today and I would like to thank the technologies

3 staff, Patrick Molehill (sp?), Sebastian Batri (sp?),

4 Ivory Bahauski (sp?), and my own staff, Elaine Chung,

5 for putting together this hearing. I would like to

6 recognize the Technology Committee members, Council

7 member Holden and Council member Ulrich. So, now we

8 will begin the public hearing and we have panel one:

9 Kelly Jean, Brittney Sanders, and Jeff Tee. Right?

10 Yeah. So, you can identify or not. You have to be

11 sweared in by the counsel. Yeah.

12   LEGAL COUNSEL: So, do you firm to tell

13 the truth, the only truth, and answer honestly to

14 council member's questions today?

15   PANEL: We do.

16   CHAIRPERSON KOO: Yeah.

17   LEGAL COUNSEL: Thank you.

18   CHAIRPERSON KOO: Now, please identify

19 yourself and start. Yeah.

20   Thank you, Council member Koo and the

21 Committees on Technology. My name is Jeff

22 Thamkittikasem. I am the Director for the Mayor's

23 Office of Operations and Chair of the Automated

24 Decision Systems Taskforce.   I am joined by my

25 fellow co-chairs, Kelly Jin, the city's Chief

2   Analytics Officer and Director of the Mayor's Office

3   of Data Analytics, as well as Brittny Saunders, who

4   is Deputy Commissioner for Strategic Initiatives at

5   the New York City Commission on Human Rights. We are

6   here today to testify about the tax forces work today

7   and our upcoming work and engagements. I will start

8   with some background, some of which has been touched

9   up on by councilmember Koo, some background and

10   basics about the task force. As you know, the

11   Automated Decision task force, the ADS task force,

12   was established by local law 49 of 2018 sponsored by

13   then Council member Vacca. As noted, to our

14   knowledge, the city's ADS is the first of its kind in

15   the country for local government. The law mandates

16   the task force to issue recommendations specifically

17   related to the following: a process for publicly

18   disclosing information about agency ADS where

19   appropriate, a procedure for individuals to request

20   and receive information about decisions affecting

21   them that are made using an ADS, as well as a

22   procedure for the city to determine any

23   disproportionate impact based upon an individual's

24   protected status and for addressing any instances of

25   harm under such circumstances. Recommendations on

2   criteria for identifying which agency ADS systems

3   should be subject to one or more of the above

4   procedures and a feasibility analysis for archiving

5   agencies systems and the associated data. As you

6   know, the task force's mandate is a new frontier for

7   city government and one that we are very thankful to

8   have the opportunity to lead. Our recommendations

9   will spur continued importing conversations

10 surrounding the complex field of ADS and we need to

11 really want to emphasize how much, and not just as we

12 as the chair-- of the task force, but all of the

13 task force members take seriously and are thankful

14 for the opportunity. Local governments have always

15 made decisions based on information and data, but

16 today governments increasingly rely on data and

17 technology to improve the way they deliver services

18 to and engage with residents. Automated Decision

19 Systems are instruments that can help improve

20 fairness, streamline workflows, and increase in data-

21 driven decision-making. They have the opportunity to

22 increase accountability and transparency. These

23 positive outcomes of using ADS are why they are

24 becoming more prevalent in government. They can help

25 better connect New Yorkers with city programs,

2   improve social delivery-- special service delivery

3   and, in some cases, can help make decisions fair and

4   more equitable. However, we also know that,

5   unfortunately, ADS also has the potential to

6   perpetuate bias and disproportionately impacts

7   certain people or populations. We applaud our

8   partners on the city Council for bringing attention

9   to ADS through the creation of this task force and

10   for making space for the import and challenging

11   discussions around the development and use of tools,

12   of ADS tools, and decision-making. One of the goals

13   of the task force recommendations will provide much-

14   needed clarity to city agencies and the public about

15   the nature, purpose, and management of ADS in the

16   local New York City government context. As part of

17   our mandate, we strive to develop clear

18   recommendations that allow for continued research,

19   dialogue, and encourage ongoing insight and comment

20   from the public and advocates. Now, like to take a

21   moment to discuss the work the task force itself is

22   undertaking. The Mayor's Office of Operations, the

23   Mayor's Office of Data Analytics, and the City

24   Commission on Human Rights all serve as co-chairs of

25   this task force and I think it is important to note

2   because it reflects our dedication to bring different

3   and balanced perspectives, project management, and

4   analysis to all the work ahead, not just within this

5   task force timeframe, but moving forward. The task

6   force also has 18 additional members, 12 of whom work

7   outside of city government and have rich backgrounds

8   and expertise in the private sector, academic

9   research, social justice advocacy, and technology.

10 The other six members represent a diverse field of

11 city agencies. The Administration for children's

12 Services, the Mayor's Office of Criminal Justice, the

13 Department of Education, the New York City Police

14 Department, and the Department of Social Services,

15 and the Department of Transportation. You can find a

16 full listing of all the members and their biographies

17 on the ADS task force website so you can read more

18 about their backgrounds on the task force. As

19 required by the law, the task force was first

20 convened in May 2018 and has since met regularly to

21 discuss strategy, deliverables, processes, research,

22 and legal interpretations. As you can imagine, our

23 discussions have, at times, been challenging. This

24 is an emerging and continually evolving field about

25 which many people include-- including many of the

2   experts on our task force. They have strong,

3   differing opinions and keen lines of inquiry.

4   Special areas that they want to focus on. In these

5   challenges, however, highlight exactly why it task

6   force like ours is so important. When it comes to

7   discussing the best practices around the use of ADS

8   in government, the conversation must start somewhere

9   and no better place than with such a rich

10   participation of different viewpoint. That brings me

11   to our progress to date. So far, our task force, as

12   I said, met regularly both as a full group and in

13   smaller groups focused on specific topics to work

14   through the deliverables required by the local law--

15   by local law 49. We've worked hard to develop a

16   process to make sure all members of the task force

17   have room to be heard and, as such, has had many

18   engaging in important discussions with a specific eye

19   towards identifying areas where we have agreement,

20   those places where we had to send, and other areas

21   for which we may have to break out time, even beyond

22   the task force to have further discussion. We have

23   also developed and refined it processes that will

24   keep our public engagement and research work streams

25   on track and have been working diligently on

2   preparing for and sessions for the public engagement

3   upon which our work is critically dependent. Since

4   it was first convened, the task force has devoted a

5   substantial amount of time to clarifying which

6   systems and tools might fall under the laws

7   definition of what constitutes an agency ADS. As you

8   can imagine, this has been a challenging, but

9   essential, step in the task forces work and I am not

10   afraid to say it is taken more time then I think we

11   originally thought might-- that it would take. The

12   law requires the task force to develop criteria to

13   determine which ADS systems and tools should be

14   subject to procedures it recommends. Because the

15   laws definition of ADS is broad, many of our task

16   force members immediately upon entering into this

17   process, flagged early that the task purview could

18   very well include a vast array of computerized models

19   along the spectrum of automation, but to also include

20   as generalized thing calculators or advanced Excel

21   spreadsheets. Logically, then, we must, therefore,

22   try to clarify what types of systems and tools to

23   qualify as agency ADS' before we can create criteria

24   to evaluate those which should or should not be

25   subject to the task force's recommendations. To

2 address this, we are currently developing factors and

3 considerations to help identify what constitutes in

4 the ADS tool or system with the input of the task

5 force, and, from there, recommending criteria and

6 procedures can then follow. To be clear, the ADS

7 task force is not going to produce a list of

8 algorithms in use by the city, but will develop and

9 issue the recommendations and criteria mandated by

10 local law 49 to allow agencies to do citywide

11 assessments. Finally, that brings me to the vital

12 role the public will continue to play in the work of

13 the ADS task force. Later this month, the task force

14 will be kicking off its public engagement efforts

15 which will include two large public forums and New

16 York Law School on April 30th and May 30th and then a

17 series of community-based events throughout the

18 summer. Because a large part of the task force

19 mandate focuses on disclosing information, improving

20 transparency, and addressing any disproportionate

21 impact or harm to individuals and populations, it's

22 vital that the task force here not only from

23 technical and subject matter expertise, but also

24 members of the public who are impacted by these

25 systems. Without such insights, our analysis would

2   be incomplete. So using our own research insights

3   from the public, per the local law, the task force

4   plans to release its recommendations later this year.

5   However, we know that our recommendations will not be

6   the end of the discussion. In fact, many of us are

7   focused on the fact that this is the beginning of

8   that discussion. We've looked forward to continuing

9   the conversation around ADS and know that the task

10   force efforts with inform continued work on this

11   important subject. So thank you very much for the

12   opportunity to testify today and to answer your

13   questions. We are welcome to any questions you have

14   for us.

15   CHAIRPERSON KOO: Thank you. Thank you,

16   Jeff. Yeah. So, my first questions is can you list

17   the current members of the task force?

18   DIRECTOR THAMKITTIKASEM: Yes. Would

19   you like it read for-- They're available on the

20   website, but, if need be, I can--

21   CHAIRPERSON KOO: Oh, you can just--

22   DIRECTOR THAMKITTIKASEM: read it for--

23   Sure.

24   CHAIRPERSON KOO: Yeah.

25

2   DIRECTOR THAMKITTIKASEM: We have as the

3   co-chairs: me, Jeff Thamkittikasem, Brittny Saunders

4   of the New York City Commission on Human Rights,

5   Kelly Jin of the-- Director of the Mayor's Office of

6   Data Analytics. We also have Solon Barocas,

7   assistant professor at Cornell University, Shelby

8   Chestnut, a national organizing and Policy Strategist

9   for the Transgender Law Center. Just for time, I'm

10 maybe going to skip the title and actually just read-

11 -

12   CHAIRPERSON KOO: Yeah. Okay.

13   DIRECTOR THAMKITTIKASEM: Khalil

14 Cumberbatch for New York United for Justice, Howard

15 Friedman of the DOE, Judith Germano for the New York

16 City Center on Law and Security, Dan Hafetz at DSS,

17 Tonya Meisenholder at PD, Fife Nasher at the Council

18 on American Islamic Relations, Michael Replogle at

19 the Transportation, Jennifer Rogers for the Center of

20 Advancement and Public Integrity at Columbia Law

21 School, Julie Samuels at TECH NYC, Susan Sommer at

22 MOCJ, Vincent Southerland at the Center of Race

23 Equality and Law at NYU law school, and then also

24 Julia Stoyanovich at New York University. Oh.

25 Sorry. Back page.

1

2   CHAIRPERSON KOO: Yeah. Uh-huh.

3   DIRECTOR THAMKITTIKASEM: Andrew White

4 at ACS, Meredith Whitaker, AI Now and student at NYU,

5 Maya D. Wiley at the New School, and Jeanette Wing at

6 Columbia University.

7   CHAIRPERSON KOO: Thank you. Yeah. So,

8 are these the original members of the task force that

9 was originally appointed?

10   DIRECTOR THAMKITTIKASEM: Well, I will

11 say that I am the new one. [laughter] Because the

12 Director of Operations position changed, the movement

13 of the Chair came to me as I took the position of the

14 Director of the Mayor's Office--

15   CHAIRPERSON KOO: I see.

16   DIRECTOR THAMKITTIKASEM: of Operations.

17 I have also appointed Kelly Jin, who is new, as a co-

18 chair with Britney who is an original member. Kelly

19 brings her background certainly has the Director for

20 the Mayor's Office of Data Analytics.

21   CHAIRPERSON KOO: Thank you. So why is

22 the task force lacking members from the private

23 sector with the exception of Tech NYC?

24   DIRECTOR THAMKITTIKASEM: I think one of

25 the big things that we focused on was trying to build

2   the most diverse group of people who could be

3   involved in the conversation while still trying to

4   facilitate kind of reasonable conversation. And so,

5   we inherently had a limit on numbers and we tried to

6   address people who are not just identified with

7   academics who had conversations with the private

8   sector, but also city agencies because it did impact

9   the city agencies themselves. I'll let Britney, who

10 was there in the beginning, also speak to that.

11   BRITNNY SAUNDERS: Yeah.

12   CHAIRPERSON KOO: Yeah.

13   BRITNNY SAUNDERS: I mean, as you'll see

14 from legislation, as you're probably familiar, it

15 really requires us to have folks who-- Oh. Sorry.

16   DIRECTOR THAMKITTIKASEM: Sorry.

17   BRITNNY SAUNDERS: So, as you will see in

18 the legislation, right, part of our mandate was to

19 make sure that we selected folks who both had insight

20 into the technology, as well as folks who had insight

21 with and experience with communities that it impacted

22 by these technologies. And then, as Jeff mentioned,

23 we added to that what we thought was really critical

24 expertise of folks have some understanding of

25 government and how policy is made and those sorts of

2 questions. And I think, when in each of those

3 categories, there is a really rich diversity of

4 perspectives and I think we have, you know, the

5 precise mix of expertise that we need, but we also

6 have other avenues for people to engage with others,

7 as well. So we've got community engagement sessions

8 coming up and there will be opportunities to comment

9 and there are also opportunities to comment website.

10   DIRECTOR THAMKITTIKASEM: And certainly,

11 Council member, just to make a fair point, just

12 because there is an actual task force member doesn't

13 mean that we aren't trying to invite more voices to

14 be a part of the conversation either through these

15 very formal public forums, but also the network of

16 task force members are tasked, in fact, to kind of

17 reach out and have their own conversations to bring

18 back just so we can limit the conversation within the

19 proper task force process.

20   CHAIRPERSON KOO: so, how often does the

21 task force meet?

22   DIRECTOR THAMKITTIKASEM: So, we meet

23 regularly. Right now, as of the beginning of this we

24 have had about 20 meetings. 10 of them are really

25 focused on kind of the entirety of the task force and

2   then, maybe, 10 or so are subgroups where the-- a

3   certain set of the task force members talk about

4   specific focus of the legislation. We will keep

5   having more of these and we will set out, certainly,

6   some more public schedules for the public forums and

7   those community forums that are going on during the

8   summer.

9   [Background comment]

10   CHAIRPERSON KOO: Oh. Sorry. Where the

11 meetings recorded?

12   BRITNNY SAUNDERS: No. The meetings

13 haven't been recorded.

14   CHAIRPERSON KOO: So you don't have

15 minutes for--

16   BRITNNY SAUNDERS: I mean, I'm--

17   DIRECTOR THAMKITTIKASEM: We-- Yeah.

18 We take notes in terms of like a--

19   CHAIRPERSON KOO: Uh-hm.

20   DIRECTOR THAMKITTIKASEM: focus on next

21 steps and kind of the ideas that are presented

22 because we've tried to make a commitment within the

23 task force to make sure that every voice is heard

24 and, even if that document is in agreement or a

25 dissent or a challenge, but we don't have any formal

2 kind of recording of it or an actual each thing that

3 everybody said.

4   CHAIRPERSON KOO: Oh. Yeah. The reason I

5 ask that is because the state of Vermont that created

6 a similar task force--

7   DIRECTOR THAMKITTIKASEM: Yep.

8   CHAIRPERSON KOO: they publicly post each

9 agenda and minutes.

10   BRITNNY SAUNDERS: Uh-hm.

11   CHAIRPERSON KOO: So are your minutes of

12 the task force publicly available?

13   BRITNNY SAUNDERS: So, to be clear, we

14 don't have kind of specific minutes on what everyone

15 has said in every meeting and part of the reason

16 that, you know, the meetings are kind of meetings of

17 our members is because we want to make sure that

18 people feel like they have an opportunity to speak

19 pretty openly about their concerns and their

20 perspectives. I don't know if there's anything else

21 you wanted to add about the other--

22   KELLY JIN: Yeah. I think I would add as

23 we are heading into the upcoming public forums for

24 April 30, May 30, as well as heading into the

25 communities sessions, so those conversations, with

2 task force members, but also with members of the

3 public, those will all be clearly documented and also

4 included as part of a broader report at the end of

5 this year.

6   CHAIRPERSON KOO: Okay. Huh. So does

7 anyone other than members of the task force attend

8 your meetings?

9   BRITNNY SAUNDERS: Some.

10   KELLY JIN: I think--

11   DIRECTOR THAMKITTIKASEM: We certainly

12 have staff support.

13   CHAIRPERSON KOO: Okay.

14   DIRECTOR THAMKITTIKASEM: from the

15 different agencies. Sorry. The Mayor's Office of

16 Operations provide staff support for different

17 purposes, depending on the topic of the discussion.

18 Some are just for planning and others are actually

19 for substantive conversation.

20   CHAIRPERSON KOO: So, why are members of

21 the city Council not allowed to attend these

22 meetings?

23   DIRECTOR THAMKITTIKASEM: Well, I don't

24 think that-- first of all, I think that what we've

25 tried to do is offers several times to kind of breeze

2   the Council on where we stand and we are happy to

3   continue to offer that. I think one of the things,

4   as Britney and said, as we are also trying to create

5   a safe space for several of the members to kind of

6   voice out and within the context of that--

7   BRITNNY SAUNDERS: Uh-hm.

8   DIRECTOR THAMKITTIKASEM: task force to

9   have those private conversations that they need to

10   kind of discuss through the issues and, you know,

11   disagree openly and come to consensus.

12   BRITNNY SAUNDERS: Yeah. But as Jeff

13   said, I think we're happy to brief you

14   CHAIRPERSON KOO: Yeah. So can we

15   participate in the next meeting you?

16   BRITNNY SAUNDERS: I mean--

17   CHAIRPERSON KOO: Send somebody?

18   BRITNNY SAUNDERS: The way--

19   DIRECTOR THAMKITTIKASEM: What I'm

20   saying I think that certainly we are setting up the

21   public forums and other community meetings to have

22   people in there. We'd like to create and keep within

23   just the general task force the opportunity for them

24   to speak freely--

25   BRITNNY SAUNDERS: Uh-hm.

2   DIRECTOR THAMKITTIKASEM: within that

3 task force, within that membership. But we're very

4 happy to even have several members, and we can talk

5 about it in terms of a briefing.

6   CHAIRPERSON KOO: Okay. You have. So I

7 have some questions on [inaudible 00:24:02] Okay.

8 Yeah. I just got-- So could you list ADS that you

9 have examined? Please name at least five. Yeah.

10   BRITNNY SAUNDERS: Sure. I mean, do

11 you want to start?

12   DIRECTOR THAMKITTIKASEM: Sure. I think

13 that one thing to be very clear about, we have not

14 been focused on examining specific agency ADS mostly

15 because what the focus of the task force is to

16 provide and develop that guidance necessary for ADS--

17 for agencies to decide which systems may or may not

18 fall into the definition of an ADS.

19   CHAIRPERSON KOO: Uh-huh.

20   DIRECTOR THAMKITTIKASEM: And then,

21 furthermore, what process we would want to engage in

22 terms of what could be made public or not public.

23 So--

24   BRITNNY SAUNDERS: Right. Yeah. And

25 I think the way we view the work is really a first

2   step. Right? So that tasks that are in front of us,

3   as Jeff referenced in his testimony are pretty robust

4   set of questions that the task force has to speak to.

5   So, you know, understanding what's in the universe of

6   ADS is one of the primary ones that we have been

7   focused on. Going beyond that to understanding how

8   individuals were impacted by decisions made by ADS

9   can get information about that, understanding how we

10   can identify when systems are having a

11   disproportionate impact on the basis of folks

12   membership in protective categories, how to address

13   harm that comes out of that, how to make public

14   information available and what's the process for

15   that, and then, beyond that, the feasibility of

16   archiving old systems. So, those are really the

17   first steps to kind of lay a foundation and that's, I

18   think, how we approach the work.

19   KELLY JIN: Yeah. And I would also just

20   add to both of my co-chairs up here, I think, when

21   you look at local law 49, the actual definition that

22   written out is incredibly broad and so, when we are

23   speaking with city agencies as part of this this

24   broader effort over the upcoming year that

25   conversation can be-- can start and one and as Jeff

2   stated in his testimony of Excel spreadsheets that

3   are living on somebody's computer all the way to much

4   more advanced and sophisticated analysis being done

5   at city agencies. So, again, I think back to also

6   Britney's point on this being step one of the broader

7   conversation.

8   CHAIRPERSON KOO: So, what steps debut

9   take, if any, and order to obtain information about

10   ADS?

11   DIRECTOR THAMKITTIKASEM: I think what--

12   Sorry. Again, just to, because of the questioning,

13   we stayed away from trying to kind of pull anything

14   because there was already a focus on the task for us

15   to try to define the criteria for which we might kind

16   of further talk to agencies about what would be in or

17   out. But, otherwise, we have been relying heavily on

18   kind of the expertise and examples and conversation

19   topics of our task force members. Some of those

20   bring out questions based on their experience within

21   the advocacy in the academic world and then others

22   from the city agency members talking through about

23   how they automated certain processes or trying to

24   kind of talk for what examples might fall or might

25   not fall in. And so, trying to categorize that and

2 figure out what the common criteria or guidance might

3 be that allows for the entire city to look at ADS in

4 the same way.

5   CHAIRPERSON KOO: So, you have not made

6 any examinations since the task force was created

7 why?

8   DIRECTOR THAMKITTIKASEM: We haven't

9 focused on reviewing any specific systems. We've

10 really been focused on the-- you know, trying to

11 advance the idea that this process has two kind of

12 focus on--

13   CHAIRPERSON KOO: Uh-hm.

14   DIRECTOR THAMKITTIKASEM: how to

15 identify which systems give guidance because there

16 isn't a common language on how to talk about it. And

17 so, from a transparency's standpoint, we really want

18 to focus on making clear that we can develop guidance

19 for the city so that people can speak about it the

20 same way and there isn't a question about just

21 different agencies reacting different ways.

22   CHAIRPERSON KOO: can you list the ADS

23 that New York City currently uses?

24   DIRECTOR THAMKITTIKASEM: I don't have

25 that list. We haven't been focused on creating it.

2   BRITNNY SAUNDERS: And, again, the

3   work of the task force really, as laid out in the

4   legislation, as around setting out some foundational

5   guidance for agencies. And with one of the

6   preliminary questions being, you know, how can we

7   clarify the definition that's in the legislation, how

8   can we--

9   CHAIRPERSON KOO: [interposing] So--

10   BRITTNY SAUNDERS: kind of understand

11 the one thing that--

12   CHAIRPERSON KOO: So, can you forward the

13 list to our committee?

14   DIRECTOR THAMKITTIKASEM: Again, I think

15 that what we are waiting for is finalization of the

16 recommendations from the task force to determine what

17 guidance. One of the main goals of the task force

18 also is recommendations on how to decide what parts

19 can be made public and what the process is.

20 Obviously, there are privacy and security kind of

21 concerns that we have to develop with regards to what

22 can be made public. So I think that the work of the

23 task force--

24   BRITTNY SAUNDERS: Uh-hm.

25

2   DIRECTOR THAMKITTIKASEM: is less about

3   kind of providing any type of list--

4   CHAIRPERSON KOO: Uh-hm.

5   DIRECTOR THAMKITTIKASEM: and really

6   more about the underlying guidance and

7   recommendations on protocols and policies that the

8   city should consider.

9   CHAIRPERSON KOO: Do you know about any

10   ADS the city uses?

11   DIRECTOR THAMKITTIKASEM: I mean, I--

12   Yeah.

13   BRITTNY SAUNDERS: Yes. So, again,

14   our work has been really focused on trying to figure

15   out how to clarify the definition of ADS in the

16   legislation and then how to set out some

17   recommendations around rules of the road that the

18   city should consider moving forward, so we know have

19   like a list or-- Yeah. But part of the work, also,

20   to be clear, and Jeff referenced it, part of the work

21   of the task force is also identifying a process for

22   determining when systems can be made public or what

23   information about systems can be made public. That

24   is something that we are also hard at work on.

25

2   CHAIRPERSON KOO: So, what is the

3 definition of ADS? The ADS as defined in the law.

4 So what is your definition?

5   DIRECTOR THAMKITTIKASEM: Yeah. And I

6 think as I referenced inside the testimony, one of

7 the things that task force members dated right away

8 was take a look at the definition, understand it was

9 pretty broad, and have immediate questions about what

10 did or didn't fall into that because one could take

11 that broad definition and think about a very advanced

12 Excel spreadsheet or calculator, because it helps to

13 make certain decisions. But, obviously, those aren't

14 the things that we are really concerned about. So,

15 while there is the definition and we thank the start

16 of it, we want to-- we spent time trying to clarify

17 which parts of that require further discussion and

18 clarity for the purposes of actually using it.

19   CHAIRPERSON KOO: So, you have mentioned

20 privacy, right? So, how is privacy protected?

21   BRITTNY SAUNDERS: So, the city has a

22 pretty robust set of privacy protocols that were

23 developed by the Chief Privacy Officer working in

24 collaboration with other folks and I think those--

25 Part of what the task force is trying to do is to

2 think holistic way and broadly about the various

3 different considerations that have to be-- that have

4 to be considered when thinking specifically about the

5 question of what systems might become public. So

6 those are precisely the sorts of questions that we

7 have been discussing them will continue to be

8 discussing, which is how do we account for all of

9 those.

10   DIRECTOR THAMKITTIKASEM: Yeah. And

11 Council member, I think that in many ways, a lot of

12 the work of this task force, the privacy issues were

13 also similar. I think the city is trying to grapple

14 with something that is emerging and pervades kind of

15 government services now, not just the privacy issue

16 and the type of data that we use, but also the

17 systems. And we're really focused on trying to

18 tackle that transparent essay question. The city had

19 recently stood up a privacy task force and that task

20 force also didn't go about identifying all the

21 different pieces of information that should be

22 private, per se, is guidelines that allow for

23 agencies to develop agency specific privacy protocols

24 and policies so they can guide their specific things.

25 Each agency has a different type of use and so, all

2   of it needs guidance citywide, but then needs to be

3   tailored at an agency level. And we're not there

4   necessarily to kind of make those specific agency

5   recommendations at this time.

6   KELLY JIN: Yeah. And I'll add one of

7   the foremost foundations of this work is that we care

8   about New Yorkers and their information. And so, I

9   think guiding principle to this work, how do we

10 ensure we're balancing that with the recommendations

11 that we would come out with. Brittny already

12 mentioned our broad privacy work here within the

13 city. I would just echo that there are privacy

14 officers, agency privacy officers, within each of

15 those agencies and then, more broadly, that the

16 systems, the ADS systems, potentially across the city

17 are really looking at individual level data and there

18 are hundreds of regulations that govern the use of

19 individual level data at the federal, state, and

20 local levels and those are all things that we are

21 working on in partnership with our colleagues across

22 the city.

23   DIRECTOR THAMKITTIKASEM: [inaudible

24 00:33:25]

25   KELLY JIN: And I should--

2   DIRECTOR THAMKITTIKASEM: Oh, sorry.

3   KELLY JIN: I was just going to say that

4 I should also mention that the city's Chief Privacy

5 Officer also plays an advisory role to the task

6 force. So that's part of how we are trying to make

7 sure that those issues come through.

8   CHAIRPERSON KOO: So, was the method of

9 differential privacy used?   Differential privacy?

10 Did you use the method?

11   DIRECTOR THAMKITTIKASEM: I'm sorry if I

12 don't client understand that.

13   CHAIRPERSON KOO: Oh.

14   DIRECTOR THAMKITTIKASEM: I apologize.

15 And so far as we are sa-- we have the chief privacy

16 officer as an advisor and we are trying to take into

17 consideration why then our own recommendations on

18 what type of protocols would also take into account

19 privacy concerns. We are definitely doing that.

20   BRITTNY SAUNDERS: But if that's a

21 term of our-- it refers to--

22   DIRECTOR THAMKITTIKASEM: Yeah. I may--

23   BRITTNY SAUNDERS: some specific--

24   DIRECTOR THAMKITTIKASEM: It may just be

25 me.

2   KELLY JIN: Yeah. So I--

3   BRITTNY SAUNDERS: Uh-huh.

4   KELLY JIN: I can chime in. So the

5   method of differential privacy is something that, I

6   can, as we are speaking with many different city

7   agencies may be a method that they are using, but

8   that is something that we will look into as part of

9   the task force and the recommendations that we have.

10   CHAIRPERSON KOO: [inaudible 00:34:30] It

11   was off. I'm sorry. How does the task force balance

12   privacy, security, and transparency?

13   KELLY JIN: Well, those are all concerns

14   that we have been considering, particularly as we

15   think about the questions of, you know, what sorts of

16   questions should we be asking? What sorts of things

17   that the city be considering when it determines what

18   sort of information about these systems can be made

19   public? But, generally, things like privacy and

20   security-- A commitment-- crosscutting commitment

21   to equity, these are all things that inform the work

22   of the task force.

23   CHAIRPERSON KOO: When was the task force

24   established?

25   DIRECTOR THAMKITTIKASEM: May.

CHAIRPERSON KOO: May?

KELLY JIN: Yeah. We've launched in May of--

CHAIRPERSON KOO: May 2018?

DIRECTOR THAMKITTIKASEM: Yes.

KELLY JIN: Uh-huh.

CHAIRPERSON KOO: So, can you give us an exact date?

LEGAL COUNSEL: It's May 16th.

CHAIRPERSON KOO: Ah. So, we have it as your task force established on May 16th, 2018?

BRITTNY SAUNDERS: Uh-hm. Yeah.

CHAIRPERSON KOO: All right. Yeah. That correct?

BRITTNY SAUNDERS: That's correct.

CHAIRPERSON KOO: Yeah. So when is the report due?

DIRECTOR THAMKITTIKASEM: End of November.

BRITTNY SAUNDERS: Yeah. End of November.

CHAIRPERSON KOO: In November? Huh. So we are looking forward to see the report and-- Who is responsible for drafting the report?

2   DIRECTOR THAMKITTIKASEM: Well, I think

3   that, in terms of staff support, the Mayor's Office

4   of Operations has been staffing the task force that

5   sells and so, we'll take all of the recommendations

6   and notes from the task force members. I'm sure

7   there will be some drafting by some of the task force

8   members themselves, but, ultimately, the Mayor's

9   Office of Operations will kind of package together.

10   CHAIRPERSON KOO: Well, it's only April,

11 but have you started drafting the report?

12   DIRECTOR THAMKITTIKASEM: No. I think

13 what we were trying to do is just document a lot of

14 the notes so far and, obviously, were going to get--

15 Sorry. We will gain a lot more out of these public

16 forums in the summer community-- smaller community

17 meetings.

18   CHAIRPERSON KOO: Okay. Thank you. So,

19 now we want to talk about public outrage. Yeah. So,

20 after our hearing day was posted in February, the

21 task force announced two public meetings to be held

22 on April 30th and May 30th. We appreciate you

23 reaching out to the public. So, what is the goal of

24 the outreach?

25

2   BRITTNY SAUNDERS: Yeah. So, you

3 know, we've had a long-standing commitment, I think,

4 to making sure that insights from the public informed

5 the work of this task force and so part of what we

6 are trying to do in the sessions that we will be

7 holding in April and May is to make sure that we can

8 talk about some of the work that we have done to date

9 and where we see the work heading. Also, make sure

10 that we invite some folks in to share some of their

11 particular in science specific to the questions for

12 some legislation. I should also say that we define

13 the kind of realm of expertise that's going to be

14 useful here really broadly, so to include people who

15 have been impacted--

16   CHAIRPERSON KOO: Yeah.

17   BRITTNY SAUNDERS: by the

18 technologies, people have, you know, specific

19 expertise on kind of the technological aspects,

20 people who might be subject matter experts in

21 particular, policy domains, as well as to have some

22 time set aside for members of the public to, you

23 know, voice their concerns and their ideas and their

24 insights, as well. And then we are going to follow

25 those two sessions up with smaller community

2   engagement sessions during the summer. So I think

3   that we anticipate that, you know, we will have the

4   large sessions, but there may still be constituencies

5   or groups that we haven't heard enough from and so we

6   will want to make sure that we go out and connect

7   with those folks and get some specific insight, as

8   well.

9   KELLY JIN: Yeah. And I think there also

10   is-- Brittny covered this a lot already, but I think

11   because we are talking about a very complex field and

12   complex terms, that we want to make sure that these

13   conversations are not just with technologists--

14   BRITTNY SAUNDERS: Uh-hm.

15   KELLY JIN: in the room, in these forms,

16   and the community sessions, so we do want to make

17   sure that we are having these broader conversations

18   in the open and being transparent about that.

19   CHAIRPERSON KOO: So, who is invited to

20   the forums?

21   BRITTNY SAUNDERS: That is something

22   we are working through right now

23   CHAIRPERSON KOO: You--

24   BRITTNY SAUNDERS: with the task force

25   members.

2   DIRECTOR THAMKITTIKASEM: Yeah. We're

3 commitment to the diversity of viewpoints that we can

4 bring to this field. Not just those who are

5 inherently kind of knowledgeable about what and ABS

6 might be, but actually people who may feel just that

7 there is an impact in direct services. So, we have

8 solicited from the task force members themselves and

9 are thinking through other options just to make sure

10 we get this wider group as we can get.

11   CHAIRPERSON KOO: Have you invited some

12 experts?

13   DIRECTOR THAMKITTIKASEM: Yes. I--

14   BRITTNY SAUNDERS: Yeah. We

15 [inaudible 00:39:33]

16   KELLY JIN: Yeah.

17   DIRECTOR THAMKITTIKASEM: Yes.

18   CHAIRPERSON KOO: Yeah? Oh.

19   DIRECTOR THAMKITTIKASEM: Yes.

20   CHAIRPERSON KOO: So who is responsible

21 for analyzing the results of the outreach?

22   DIRECTOR THAMKITTIKASEM: Well, think

23 that ultimately what we were trying to do is ensure

24 that a lot of this outreach is not just for the three

25 of us or even this staff, but for the entirety of the

2 task force. So each task force member would then

3 have the opportunity to kind of hear what is going

4 on, come back. We would have a session with the task

5 force to discuss through what we heard, and then one

6 of the purposes of those smaller groups in the summer

7 would be potentially the follow up on areas where

8 task force members may raise kind of questions or

9 ideas they didn't hear about, they want to hear more

10 about from the public. So it's kind of staggered in

11 order to allow us to kind of follow up.

12   CHAIRPERSON KOO: The first meeting where

13 we-- New York Law School. Where is the second

14 meeting taking place?

15   BRITTNY SAUNDERS: Both of the large

16 public engagement forums are going to be at New York

17 Law School.

18   CHAIRPERSON KOO: At New York Law School?

19   BRITTNY SAUNDERS: Yeah. But we

20 anticipate that the community sessions will probably

21 be in the outer boroughs, but they are not determined

22 yet for the other boroughs.

23   CHAIRPERSON KOO: So, I would suggest you

24 have some meetings in the outer boroughs--

25   BRITTNY SAUNDERS: Uh-hm.

2   CHAIRPERSON KOO: in Queens or in

3 Brooklyn.

4   BRITTNY SAUNDERS: Yep.

5   CHAIRPERSON KOO: Now I have some

6 questions on public [inaudible 00:40:50]. On your

7 website, you solicit public opinions or public

8 comments. How many comments did you receive?

9   BRITTNY SAUNDERS: I think we'd have

10 to go back and look.

11   DIRECTOR THAMKITTIKASEM: We'd have to

12 check. I don't actually have that on hand.

13   CHAIRPERSON KOO: Huh.

14   DIRECTOR THAMKITTIKASEM: Sorry.

15   CHAIRPERSON KOO: What is the process of

16 addressing them?   Well, after you receive the

17 comments, what's the process of addressing them?

18   BRITTNY SAUNDERS: I would imagine--

19   DIRECTOR THAMKITTIKASEM: Yeah. I

20 think, ultimately, we pull them out and we provide

21 them to the-- and add them to kind of our task

22 force-- to the task force for consideration. Some

23 will be bucketed. Others, if they are broader, will

24 just address them holistically.

25

2   CHAIRPERSON KOO: Has the task force

3 connected with individuals who are directly impacted

4 by an ADS?

5   BRITTNY SAUNDERS: That is part of

6 goal of the public engagement that we're doing, so

7 we've actually specifically identified, you know,

8 individuals who identify as being impacted by ADS as

9 one of the categories of folks that we want to invite

10 to participate in the sessions. And I think we also

11 anticipate that if we don't think we hear enough of

12 that feedback in the large sessions, then we will

13 definitely go out and do some of that more aggressive

14 outreach through-- or in preparation for the

15 community sessions. And I think we'd be working

16 through our task force members and through other

17 connections to try to identify who those people are.

18   CHAIRPERSON KOO: Did people who were

19 impacted by ADS come to your meetings?

20   BRITTNY SAUNDERS: So the meeting

21 have been, you know, folks who are like sitting on

22 the task force, so we have not yet--

23   CHAIRPERSON KOO: You haven't--

24   BRITTNY SAUNDERS: folks who are

25 impacted by it.

2   CHAIRPERSON KOO: invited them.

3   BRITTNY SAUNDERS: I think we'd be

4 very open to having folks, you know, join us for a

5 meeting or something like that.

6   CHAIRPERSON KOO: Can you walk through the

7 process for determining whether an algorithm has a

8 disproportional impact on members of protective

9 groups?

10   BRITTNY SAUNDERS: So that's a very

11 important questions and precisely the sort of

12 question that the task forces-- one of the questions

13 that the task force. Like--

14   CHAIRPERSON KOO: Yeah.

15   BRITTNY SAUNDERS: Yeah.

16   CHAIRPERSON KOO: So can you walk us

17 through the process?

18   BRITTNY SAUNDERS: We haven't

19 determined or finalized--

20   CHAIRPERSON KOO: Yeah.

21   BRITTNY SAUNDERS: that yet.

22   CHAIRPERSON KOO: You haven't--

23   BRITTNY SAUNDERS: Yeah. That's

24 part of-- That's one of the recommendations that

25 we're coming forth with.

2   CHAIRPERSON KOO: Okay. So what relevant

3 technical information on the systems do you plan to

4 reveal?

5   BRITTNY SAUNDERS: So, I think I

6 mentioned earlier out one of the things that we are

7 tasked with doing is developing a process or

8 recommendations around the process for making

9 information publicly available. And so, as part of

10 that, we are trying to develop a program called that

11 would account for, you know, security concerns,

12 privacy concerns, may be proprietary concerns and

13 other things.

14   CHAIRPERSON KOO: Okay. So I have maybe

15 one more question and then I will ask the members to

16 ask questions. So, how do you recommend to identify

17 the instances of the disproportionately impact? Can

18 you address this impact if they are [inaudible

19 00:44:03] to exit?

20   BRITTNY SAUNDERS: Yeah. So, that

21 questions of, you know, how bias may be operating

22 through technologies is a really important one and

23 the one that I think we have particular interest in

24 the commission, but it's also a commitment that

25 shared, and interest shared across the task force.

2 But that is actually one of the recommendations that

3 we are tasked with like delivering at the end of this

4 process. So we don't have a final answer on how that

5 would work.

6   CHAIRPERSON KOO: Okay. Oh, okay. I have

7 one more question. The Committee on Technology

8 recently received several letters from advocates

9 addressed to the task force, the task force chairs,

10 including a letter dated January 22nd, 2018 and one

11 August 17th, 2018 and March 1st, 2019. Those letters

12 sent recommendations to the task force. Copies of

13 these letters are also available online. Did you

14 discuss these letters with the task force members?

15   BRITTNY SAUNDERS: Well, I mean, yeah.

16   DIRECTOR THAMKITTIKASEM: Yeah.

17   BRITTNY SAUNDERS: That information

18 has definitely informed our discussions. The first

19 letter was helpful in terms of identifying who we

20 might appoint to the task force. It's informed out

21 conversations around public engagement and other

22 questions that [inaudible 00:45:26].

23   DIRECTOR THAMKITTIKASEM: Yeah. And I

24 think the other letter certainly kind of gave us an

25 emphasis to kind of move forward with a little more

2   clarity on process leading up to the production of

3   the recommendations. I think as, you know, again,

4   all of the people on the task force really want to

5   address this issue and tackle the questions around

6   transparency and accountability and being able to

7   offer good recommendations to allow the city to kind

8   of act more proactively. Being the first in this

9   nation, I think it's a challenging conversation, so

10   what we've been trying to do is, you know, in the

11   first, you know, months of the conversation there was

12   a little more time, as I stated focused on just on

13   criteria that might fall in or out. As we move

14   forward, we wanted to kind of make sure there was a

15   little more clarity on how we were going to move

16   forward to actual recommendations and there we had a

17   lot more discussion around the decisions to just say,

18   look, we have a limited amount of time and we know

19   that this is just the beginning, so it's better if we

20   just accept what we have agreed to, accept what we

21   dissent and disagree on and then identify the topics

22   for which we know that more time is going to be

23   necessary because nothing would be more important

24   than reflecting the diversity of viewpoints that

25

2 everyone has on the task force. Everyone cares and

3 we want to get all that out on the recommendations.

4   CHAIRPERSON KOO: Thank you. So, Council

5 member Holden?

6   COUNCIL MEMBER HOLDEN: Yes. Thank

7 you, Chair Koo. And thank you all for your

8 testimony. It's a daunting task ahead of you. It

9 sounds like you had 18 meetings, you said, already?

10   DIRECTOR THAMKITTIKASEM: Just around.

11 Yeah. 18-20.

12   COUNCIL MEMBER HOLDEN: Now, after the

13 report comes out in November, is the task force going

14 to continue to meet?

15   DIRECTOR THAMKITTIKASEM: So,

16 technically, under the law, and disbanded within 60

17 days of the report.

18   COUNCIL MEMBER HOLDEN: Okay. So, but

19 there's not an idea to put a smaller task force to

20 continue-- because everything changes. We now

21 technology changes and whenever you come out with a

22 report in November, there could be advances and so

23 forth.

24   DIRECTOR THAMKITTIKASEM: Yeah.

25   COUNCIL MEMBER HOLDEN: And new--

2   DIRECTOR THAMKITTIKASEM: I think that

3 from the task force standpoint, we've all had

4 conversations about the fact that our recommendations

5 won't just be necessarily answering--

6   COUNCIL MEMBER HOLDEN: Right.

7   DIRECTOR THAMKITTIKASEM: these, but we

8 well want to talk about what's next, as well.

9   COUNCIL MEMBER HOLDEN: Yeah. And

10 we'll know that some agencies are more transparent

11 then others and it sounds like-- I mean, some of the

12 comments that you said: you're leaving it up to the

13 agency to determine their priorities. Would that be

14 correct?

15   DIRECTOR THAMKITTIKASEM: Well, I think

16 what we want to do is also paid deference to the fact

17 that each of the different agencies has different

18 services that they are providing to New Yorkers. And

19 so, while we want guidance across-- for the entire

20 city on one systems should fall in or shouldn't and

21 what things-- the procedures and processes that may

22 work for identify disproportionate impact, how people

23 can appeal, we want to in-- you know, defer in terms

24 of operationally how the agencies would actually

25 enact and move forward with policies--

COUNCIL MEMBER HOLDEN: But-- But--

DIRECTOR THAMKITTIKASEM: and protocols.

COUNCIL MEMBER HOLDEN: what I think is--

DIRECTOR THAMKITTIKASEM: Yeah.

COUNCIL MEMBER HOLDEN: and you might discuss this in the task force. Agency might not recognize that they can be more transparent or they should be more transparent. So we need some money actually outside the agency say, this is what you are not providing. This is what should be provided. And I think that is important for somebody on the outside looking in and I don't know if you take that back because I wouldn't realize how much on the agency, especially if there is a problem that is been recognized by the public for the perception.

DIRECTOR THAMKITTIKASEM: Sure.

COUNCIL MEMBER HOLDEN: So, will--

DIRECTOR THAMKITTIKASEM: We'll raise that.

COUNCIL MEMBER HOLDEN: Will you raise?

DIRECTOR THAMKITTIKASEM: Yes. Absolutely.

2   COUNCIL MEMBER HOLDEN: I appreciate

3 it. Okay. I guess that's it. Thank you.   Yeah.

4   [Background comments]

5   CHAIRPERSON KOO: We are joined by Council

6 member Yeger. Yeah. So, let me ask a couple more

7 questions, then. Do ADS us advanced technologies

8 such as deep learning?

9   KELLY JIN: So I think just to echo some

10 of our earlier comments, there is a whole variety of

11 different technologies that are changing week to week

12 and year to year. I think, again, just to say that

13 we are working in partnership with our city agencies,

14 but I can say in particular if anyone is using deep

15 learning.

16   CHAIRPERSON KOO: So, how does the city

17 plan to make petitions by deep learning [inaudible

18 00:49:35]. Yeah.

19   [background comments]

20   BRITTNY SAUNDERS: Like how to make it

21 interpretable? I mean, so yeah. I think, obviously,

22 transparency and the ability of New Yorkers to

23 understand how these systems are operating and how

24 they may be impacted by them is one of the key

25 drivers behind the legislation here. And, you know,

2   one of-- As I had mentioned before, one of the areas

3   where the task force has to develop a set of

4   recommendations is around what information can be

5   made available to New Yorkers who might be impacted

6   by a particular decision or what information should

7   be made more generally publicly available to New

8   Yorkers. Publicly available to New Yorkers and how--

9   what's the process for determining that. So that is

10   certainly part of how we will be addressing those

11   concerns.

12   CHAIRPERSON KOO: So, I think that we can

13   make deep learning interpretable. Yeah. So how can

14   you do it? Yeah.

15   BRITTNY SAUNDERS: Well, I would

16   imagine the question of how we make deep learning

17   interpretable as a question-- big issue is the kind

18   of computer science--

19   KELLY JIN: [interposing] Yeah. So I

20   think there is an element of, like we've been saying,

21   how can we better contextualize the terms that we are

22   using which is something the task force is working

23   with just with the term Automated Decision Systems.

24   Deep learning is one of them. There's many terms in

25   the broader technology and data space that we are

2 working with and just to echo my-- Brittny's point

3 there, there are a lot of existing protections in

4 place and that algorithms and ADS' are augmenting

5 decision-making and supporting decision-making within

6 city agencies.

7   CHAIRPERSON KOO: Thank you. We will

8 send you follow-up questions.

9   BRITTNY SAUNDERS: Okay.

10   DIRECTOR THAMKITTIKASEM: Great.

11   BRITTNY SAUNDERS: Great.

12   CHAIRPERSON KOO: Okay?

13   DIRECTOR THAMKITTIKASEM: Happy to.

14   CHAIRPERSON KOO: So, thank you for

15 testifying before us. Yeah.

16   BRITTNY SAUNDERS: Thank you.

17   KELLY JIN: Thank you.

18   DIRECTOR THAMKITTIKASEM: Thank you so

19 much. Thank you.

20   CHAIRPERSON KOO: No more further

21 questions?

22   [background comments]

23   CHAIRPERSON KOO: Where's the second

24 panel? Albert Kahn, Janet Haven, and Rashida

25

2 Richardson. Okay. We will start with Janet. Janet

3 Haven. Yeah.

4   JANET HAVEN: Yes.

5   CHAIRPERSON KOO: You can identify

6 yourself and begin.

7   JANET HAVEN: Thank you. Can you hear me?

8   CHAIRPERSON KOO: Yes.

9   JANET HAVEN: Thank you for having me. My

10 name is Janet Haven. I am the Executive Director of

11 the Data and Society Research Institute. I'm sorry?

12 Is the microphone? Yes? Thank you. I'd like to

13 thank the Committee on Technology for having us here

14 today and also the task force for the work that they

15 have done to date. This testimony was prepared

16 together with Andrew Selps (sp?) who is a

17 postdoctoral scholar at Data and Society Research

18 Institute and a visiting fellow at the Yale

19 Information Society Project. We are an independent

20 nonprofit research Institute dedicated to studying

21 the social and cultural impacts of data driven and

22 automated technologies. Over the past five years,

23 Data and Society has focused on the social and legal

24 impacts of automated decision-making and artificial

25 intelligence, publishing research and advising policy

2 makers and industry actors on issues such as

3 algorithmic bias, explain ability, transparency, and

4 accountability, more generally. Government services

5 and operations play a crucial role in the lives of

6 New York City citizens. Transparency and

7 accountability, and the government's use of automated

8 decision-making systems matters. Across the country,

9 automated decision-making systems based on nonpublic

10 data sources and algorithmic models currently

11 informed decision-making on policing, criminal

12 justice, housing, child welfare decisions,

13 educational opportunities, and a myriad of other

14 fundamental issues. This task force was set up to

15 begin the hard work of building transparent and

16 accountable processes to ensure that the use of such

17 systems in New York City is geared to just outcomes

18 rather than only those which are most efficient. The

19 adoption of such systems requires a reevaluation of

20 current approaches to do process and to the adoption

21 of appropriate safeguards. It may require entirely

22 new approaches to accountability when the city uses

23 automated systems, as many such systems through their

24 varied design, can obscure or conceal policy or

25 decision-making processes. We, at Data and Society,

2 along with many of our colleagues across the city

3 lauded the decision to establish a task force focused

4 on developing a better understanding of these issues.

5 Indeed, we celebrated the city leadership's

6 precedents and being the first government in the

7 nation to establish a much-needed evidence base

8 regarding the inherent complexity accompanying ADS

9 adoption across multiple departments. Unfortunately,

10 we have seen little evidence that the task force is

11 living up to its potential. New York has a

12 tremendous opportunity to lead the country and

13 assigning these new public safeguards, but time is

14 growing short to deliver on the promise of this body

15 with the report due at the end of November. So I

16 would like to make two main points in my testimony

17 today. First, for the task force to complete its

18 mandate and a meaningful sense, it must have access

19 to the details of ADS systems in use by specific

20 agencies and the ability to work closely with

21 representatives from across agencies using ADS. We

22 earned shut that task-- that the task force members

23 being given immediate access to specific agency level

24 automated decision-making systems currently in use,

25 as well as to the leadership of those departments and

2   others with insight into the design and use of these

3   systems. Social context is essential to defining

4   fair and just outcomes. The city is understood to be

5   using ADS and such diverse context as housing,

6   education, child services, and criminal justice. The

7   very idea of a fair or just outcome is impossible to

8   define or debate without reference to the social

9   context of the system. Understanding the different

10 value trade-offs and decisions about pretrial risk

11 assessments, for instance, tells you nothing

12 whatsoever about school choice. What is fair, just,

13 or accountable in public housing policy says nothing

14 about what is fair, just, and accountable in child

15 services. This ability to address technological

16 systems within the social context where they are used

17 is what makes the ADS task force so important and

18 potentially is so powerful into finding real

19 accountability measures. The legislative mandate

20 itself also demonstrates why the task force requires

21 access to agency technologies. Under the enacting

22 law, the purpose of the task force is to make

23 recommendations particular to the city's agencies.

24 Specifically the task force must make recommendations

25 for procedures by which explanations of the decisions

2 can be requested, biases can be detected, harms from

3 biases can be addressed, the public can assess the

4 ADS and the systems and data can be archived. Each

5 of these recommendations applied not to automated

6 decision systems generally, but, quote, to agency

7 automated decision systems, a term defined separately

8 in the test of the law. Importantly, the law also

9 mandates that the task force make recommendations

10 about criteria for identifying which agency automated

11 decision systems should be subject to those

12 procedures. Thus, the legislative mandate makes

13 clear that the task force-- that for the task force

14 to do its work, it will require access to the

15 technologies that city agencies currently use or plan

16 to use, as well as the people in charge of their

17 operation. Lacking this level of detail on actual

18 agency level use of automated decision-making

19 systems, the recommendations of this task force can

20 only be generic. Such generic recommendations will

21 be ineffective because they will not be informative

22 enough for the city to act on. If this said they

23 wanted to find generic recommendations or guidelines

24 for ADS', it could have looked to existing

25 scholarship on these issues instead of forming a task

2   force. Indeed, there is an entire interdisciplinary

3   field of scholarship that has emerged in the last

4   several years dedicated to the issues of fairness,

5   accountability, and transparency, otherwise known as

6   FAT star, in automated systems. This field has made

7   significant strides and coming up with mathematical

8   definitions for fairness that computers can parse and

9   creating myriad potential methods for bias reduction

10   and automated systems. That the academic work has

11   fundamental limitations. Much of the research is, by

12   necessity or due to limited access, based on

13   hypothetical scenarios. Toy problems. Rather than

14   real-world applications of machine learning

15   technology. This work is accomplished as its

16   characteristic of theoretical modeling by stating

17   assumptions about the world and data sets that are

18   being used. In order to translate those solutions to

19   the real world, researchers have to know whether the

20   data sets and other assumptions match real-world

21   scenarios. Using information from city agencies, the

22   task force has the ability to advance beyond the

23   academic focus on toy problems to avoid of social

24   context and assess particular issues for systems used

25   in practice. Without information about the systems

2   in use, the task force's recommendations will be

3   limited to procedures at a level of generality.

4   Things we would already gas, such as testing the

5   system for bias or keeping it less complex so as to

6   be more explainable. But with information about

7   these systems, the task force can examine the

8   particular challenges and tradeoffs at issue. With

9   community assistance and guidance, they can assess

10   the appropriateness of different definitions of bias

11   in a given context and debate trade-offs between

12   accuracy and explain ability given specific social

13   environments. The recommendations of the task force

14   will only be useful if they are concrete and

15   actionable and that can only be achieved if they are

16   allowed to examine the way ADS operate and practice

17   with a view into both the technical and social

18   systems and forming outcomes. Second, we urge the

19   task force to prioritize public engagement and we are

20   very glad to hear about the engagement that is

21   planned because social context is essential to

22   defining fair and just outcomes. Meaningful

23   engagement with community stakeholders is

24   fundamentals this process. Once the task force has

25   access to detailed information about ADS systems in

2 use, public listening sessions must be held to

3 understand community experiences and concerns with

4 specificity with the goals of using that feedback to

5 shape the task force's process going forward.

6 Induration and reviewing of recommendations with

7 community stakeholders as the task force moves

8 forward will be important and to arriving at truly

9 transparent, accountable, and just outcomes. I am

10 here today because I believe-- I continue to believe

11 the task force has great potential. I strongly

12 believe the task force's work needs to be undertaken

13 thoughtfully and contextually, centering on

14 cooperation, transparency, and public engagement.

15 The task force's goals need to be offering actionable

16 and concrete recommendations on the use of ADS in New

17 York City government. We hope that the above

18 testimony provides useful suggestions to move towards

19 that goal. Thank you.

20   CHAIRPERSON KOO: Thank you, Ms. Haven.

21 Thank you for your testimony. We will review it

22 again in our office. We know that your prior

23 commitments and understand you don't have time for

24 questions, so I thank you very much for coming here--

25   JANET HAVEN: Thank you.

2   CHAIRPERSON KOO: to testify. Okay. We

3   are joined by Council member Landers. So, we will

4   proceed with the next panelist.

5   RASHIDA RICHARDSON: Okay. Hi.

6   CHAIRPERSON KOO: Please identify yourself

7   and start. Yeah.

8   RASHIDA RICHARDSON: Hi. My name is

9   Rashida Richardson and I am the Director of Policy

10   Research at the AI Now Institute at NYU. AI Now is

11   an interdisciplinary research Institute that focuses

12   on the social implications of artificial intelligence

13   and a large chunk of my research and the work that we

14   have been doing over the past year has been

15   specifically looking at use cases throughout the

16   United States and globally to understand the impact

17   of automated decision systems on society generally,

18   but also developing governance frameworks that can

19   help address many of the risks that we now accompany

20   its use. What I submitted to the committee is

21   actually copies of some of the advocacy letters that

22   myself and some of the panelists who are here and

23   others in the room have sent to the task force. And

24   to just lead with three recommendations for the

25   committee based on our interactions to date. The

2 first is that we strongly encourage this committee to

3 continue to serve as an oversight function on the

4 task force because we've been very concerned about

5 the lack of progress to date and the lack of actual

6 engagement in this process, despite our best efforts

7 to collaborate and cooperate with the task force

8 members, both on the city side and nongovernmental

9 members. And also, part of the reason I put forth

10 the letters that we sent is because it includes

11 robust recommendations that many experts and

12 community members have worked on. So we hope that as

13 this process does not go well, the city Council can

14 use some of the work that we are trying to start and

15 continue with dialogue so we, the city, can continue

16 to lead on this effort. And then I'll raise two

17 concerns that I hope you can react to and I am happy

18 to stay for questions. The first is that I am very

19 concerned that the task force is proceeding without

20 any type of context such as Janet has a referenced in

21 the reason why it is important for them to actually

22 focus on specific examples used in this city is

23 because, if you only look at generic use cases of

24 automated decision systems, there is no way you can

25 make meaningful recommendations to curtail some of

2 the risk that current research is raising. To give a

3 specific example, we know that New York City is using

4 pretrial risk assessments and, in fact, the Mayor's

5 Office on Criminal Justice is in the process of

6 redeveloping a pretrial risk assessment, yet each of

7 those risk assessments that are either available off-

8 the-shelf or developed individually very differently

9 in the risks that are associated with their use can

10 vary drastically. And so, if the city is not looking

11 at this specific use cases that agencies are using,

12 it's possible that their recommendations will be too

13 vague and you will see-- you'll continue to see that

14 the risk that research is warning of being

15 perpetuated in the city. The second is a lack of a

16 robust public engagement process. And while we are

17 very happy about the recent announcement about the

18 April and May hearings and the subsequent summer

19 hearings, it is notable that us as the community of

20 advocates and researchers did try to engage the task

21 force last year, including the robust letter that I

22 mentioned was sent in August and nothing has been

23 done except for an acknowledgment that we received--

24 that they received that letter in August until this

25 past month. And there is increasing--

2   COUNCIL MEMBER LANDER: You're sure that

3 letter was not sent through an automatic [inaudible

4 01:58:33].

5   RASHIDA RICHARDSON: No. We actually

6 received a response from the Chair.

7   [inaudible 01:05:37]

8   RASHIDA RICHARDSON: But I appreciate

9 the humor. And but the other concern is today is

10 April 4th and the first hearing is supposed to be on

11 April 30th, but if you look at the press release that

12 is released, there is no specifics on how the

13 community can actually engage, to what extent people

14 will actually be allowed to be heard, and who will

15 even be present. So it's a little concerning that

16 these hearings are fastly approaching and they are

17 the only opportunity for public engagement, yet no

18 details for how the public will actually engage in

19 any of the public documents to date. And I will stop

20 and I'm available for questions. Thank you.

21   CHAIRPERSON KOO: Yeah.

22   ALBERT KAHN: Good afternoon. My name is

23 Albert Kahn and I am the Executive Director of STOP,

24 the Surveillance Technology Oversight Project, and we

25 are a civil rights, police accountability, and

2 privacy organization based here in New York City at

3 the Urban Justice Center and I have submitted formal

4 testimony for the record that was prepared with the

5 assistance of our resident technologist, Liz

6 O'Sullivan. And, like so many people here, I was

7 very excited by the prospect of the task force when

8 the Council enacted it into law. When we took this

9 leading role in trying to provide an accountability

10 framework for these increasingly powerful forms of

11 artificial intelligence and other automated decision

12 systems that are being deployed across the city and

13 across the country. But while I had the pleasure of

14 working with the task force for its hearing last

15 year, attending those sessions it quickly became

16 clear that we were living up to the expectations that

17 advocates and lawmakers had for what this task force

18 would be doing. You know, there are a number of

19 specific issues I detail in my testimony, but on a

20 high level, they can be broken down into, you know,

21 various groups. One of which is the fact that, as we

22 have heard repeatedly, you cannot build a roadmap to

23 the future if you don't know where you are today.

24 You cannot build a comprehensive framework for ADS if

25 you don't know what those tools look like, how they

2 are being used, what the limitations are. And so,

3 it's indispensable to have access to a complete

4 understanding of what tools are being used throughout

5 the city if we are to have a meaningful framework for

6 ADS regulation. Another difficulty is the fact that

7 we have had this limited public engagement. This is

8 a test subject. It is a test subject to have a

9 citywide campaign to really engage the public on what

10 it means to regulate ADS. There are a lot of

11 technical barriers and we need those individuals who

12 are being impacted by this, whether it's what school

13 their kid goes to or how they are treated in a pre-

14 sentencing context or, you know, housing issues. We

15 need them to have a way to meaningfully understand

16 how these tools work and how this task force is

17 potentially addressing those issues. But we have not

18 seen that style of engagement with the public. And

19 what we are seeing now is an improvement with these

20 planned for, but it's too little too late. And to

21 make some most of the time remaining for the task

22 force, we need a larger citywide effort not simply to

23 have forums, but to have forums where members of the

24 public can interact with task force members where

25 they can hold those members accountable where we have

2 much more public engagement and public education as a

3 preliminary step to make sure that, you know, you

4 don't just have self-selection of the people who are

5 already engaged on this issue because, I mean, I'm

6 sure that if you start to have this conversation with

7 a lot of constituents, it will take time for them to

8 understand what this is and how it is impacting their

9 lives. We also have concerns about the lack of

10 leadership five task force members. You know, the--

11 If you look at the law itself, it talks about members

12 who are from nonprofits that represent individuals

13 impacted by ADS, as well as technical experts in the

14 field and, yet, those individuals have not been

15 leading the day to day management of the task force.

16 Instead, it's been outside consultants. It's been

17 they individuals from the administration who been

18 really taking leadership of the direction of the task

19 force process. And it's wonderful to have engagement

20 from such experienced and knowledgeable individuals

21 in the administration, but for this to be an

22 independent body that truly holds city agencies

23 accountable for how they deploy ADS, it needs to be

24 these outside experts who are the ones leading not

25 just the internal discussions, but also the drafting

2   process and the overall work of the task force. And,

3   similarly, I think really given how little time is

4   left, it's urgent that the Council reestablish and

5   reassert its expectations for what a task force

6   report will constitute to make sure that we don't

7   have a high level thought document, but that we have

8   a document that goes into specific best practices for

9   ADS that goes into some of the issues that we've

10   seen, not just her own transparency, but about

11   fairness and accessibility. And, with that, I will

12   end my remarks.

13   CHAIRPERSON KOO: members who want ask

14   questions?

15   COUNCIL MEMBER ULRICH: Chair, I have

16   a question about the-- the unintended consequences

17   that were referred to in your testimony regarding the

18   city's court administra-- the applications of AI in

19   the court to--

20   RASHIDA RICHARDSON: You want a specific

21   example?

22   COUNCIL MEMBER ULRICH: Yes. Exactly.

23   Please. Yeah.

24   RASHIDA RICHARDSON: Yeah. So, what I

25   mentioned was a pretrial risk assessment and, just to

2   be clear, there are risk assessments used throughout

3   the criminal justice system. That's just one

4   specific case and one major concern, which was

5   profiled in Propublica and many other great articles

6   is a great concern for racial bias in that, if you

7   have a--

8   COUNCIL MEMBER ULRICH: Right.

9   RASHIDA RICHARDSON: system that is

10   disproportionally filled with black and Latino

11   individuals and you are creating a statistical model

12   that's looking at the current prison population to

13   gauge who may be at risk for not showing up for

14   court, then you are more likely to have a risk

15   assessment that is going to lean towards the

16   population that is already disproportionately

17   represented within the jail population. So, that's

18   just one specific concern, but then you can have

19   other concerns depending on the type of risk

20   assessment. And this is why, knowing what the city

21   is actually using as specific-- or important because

22   there is some risk assessment that only looks that

23   they individual who is being assessed information

24   and other risk assessments that generalize based on

25   the jail population or other criminal justice data

2 and in the former that I described, that is more

3 preferential to some in that you are actually getting

4 an independent decision about that individual whereas

5 some other tools you are making generalized

6 suggestions based on a generalized group which you

7 could-- leads to some concerns about disparate

8 impact and other issues.

9   COUNCIL MEMBER ULRICH: I wonder if

10 the city Department of Health is using any of this

11 technology.

12   RASHIDA RICHARDSON: So, they're-- I

13 can only speculate based on research of looking

14 nationally, but there is at least one system that I

15 know is being pushed by the CDC that is looking at

16 HIV-- or trying to identify individuals who will be

17 more likely to contract HIV based on existing

18 populations and relationships-- or like a social

19 network monitoring type system.

20   COUNCIL MEMBER ULRICH: Huh.

21   RASHIDA RICHARDSON: And that I don't

22 know for a fact if the city is using, but that is one

23 that I know is being pushed by the federal government

24 and there's funds that comes with using the type of

25 program. And then there are other types of programs

2 like other STI monitoring programs that can be used

3 in prescription monitoring databases where you want

4 to look at doctors who may be overprescribing or

5 individuals.

6   COUNCIL MEMBER ULRICH: Yeah. I think

7 that could be very helpful with the opioid crisis

8 that we're facing right now.

9   RASHIDA RICHARDSON: Yeah. But the

10 problem is I'm giving you examples based on doing

11 research globally and nationally and I don't know for

12 a fact if any city agency is using any of this.

13   COUNCIL MEMBER ULRICH: I mean--

14   ALBERT KHAN: And--

15   COUNCIL MEMBER ULRICH: I think it

16 would be very helpful.

17   ALBERT KHAN: And the one thing to keep in

18 mind is that these tools can be incredibly helpful in

19 better allocating city resources--

20   COUNCIL MEMBER ULRICH: Right.

21   ALBERT KHAN: But, you know, the city has

22 seen historically what happens when you use an

23 analytical framework that proves to be inaccurate or

24 based off of faulty assumptions. I mean,

25 historically in FDNY staffing we saw back in the-- I

2 believe that was the 60s and 70s, for example, of the

3 ran study that made certain assumptions about how

4 many firehouses were needed based off of certain

5 models of how fire-- how the fire department was

6 utilized. That resulted in a huge increase in the

7 amount of fires that went on as a result because

8 there was faulty data, faulty assumptions. And in

9 all of these context, we are dealing with more

10 sophisticated tools that, to the extent we are not

11 policing the data and the underlying algorithms for

12 bias, for errors, for other things that can distort

13 the outcome. They may actually make things worse

14 rather than make things better.

15   RASHIDA RICHARDSON: And to give one

16 more example that I think should be of major concern

17 to this committee and the city as a whole is that

18 there is major costs to these systems that we don't

19 fully understand. And one specific example which I

20 don't know the city is using our public benefit

21 algorithms that help assess who may be eligible or

22 terminated or the level of benefit for SNAP,

23 Medicaid, and other public benefits, and there is

24 been lawsuits in Arkansas, Idaho, and a few other

25 states that have resulted in huge settlements that

2   the state has had to give up. And those states are

3   now still trying to figure out how to redo or fix

4   what was already done. And that is something where

5   we are now looking back a few years to see what's

6   happening and it is still not resolved. But if we

7   don't have a good grasp on what is currently being

8   used, I also think the city would be very concerned

9   about liability in the long run of these systems.

10   COUNCIL MEMBER ULRICH: That's

11   probably true, but I think in the area of public

12   health, it could be extremely helpful in particular

13   with juvenile issues, you know, related to obesity

14   and chronic health conditions that sometimes develop

15   later on in life as a result of lack of access to

16   nutrition or park space or-- You know, these are

17   things that we know to be common sense, but if we can

18   find a way to really work it into a system that could

19   help us make decisions and allocate resources, it

20   might be very helpful.

21   RASHIDA RICHARDSON: And I'll just say

22   my emphasis on the risk does not mean that I don't

23   understand--

24   COUNCIL MEMBER ULRICH: Yeah.

25

2   RASHIDA RICHARDSON: There are tons of

3   benefits that can be gained and I think it's--

4   COUNCIL MEMBER ULRICH: Yeah. I am

5   concerned about privacy--

6   RASHIDA RICHARDSON: Yeah.

7   COUNCIL MEMBER ULRICH: rights and

8   people's ability not to be monitored by big

9   government. Everything from, you know, where they

10   go, what they eat, their blood pressure, their, you

11   know? What they had for dinner last night. It's

12   nobody's business, quite frankly. But, you know,

13   with respect to, again, the public health and also

14   education. Educational outcomes. I think the

15   Department of Education, they spend hundreds of

16   millions of dollars on consultants and contracts that

17   we don't even know about. We have to find out about

18   it at the hearings at budget time that is there was

19   any way to harness some of this technology to really

20   try to look at student outcomes and how students

21   learn and how we could put them on a better track

22   reaching their full potential, I think AI could be

23   very helpful because it does take away the bias when

24   it does have the right variables in, you know-- in

25   the algorithm.

2   ALBERT KHAN: I actually wanted to

3   push back on that point because I would say,

4   actually, all AI is biased. The question is whether

5   you can reduce that bias to a level below what you

6   see with human decision-makers. But even in the best

7   circumstances, you will see some elements of bias

8   entering these systems. Either and how they-- and

9   what data is used, and how that data is evaluated,

10   and the myriad of subjective decisions that go into

11   shaping how these tools work. And so, AI as a class

12   is no different than human decision-makers. Say like

13   judges. You can have a judge who you think is making

14   consistently good decisions. You can have a judge

15   who you think is making consistently bad decisions,

16   but they are all using subjective heuristics and AI

17   can be more powerful, but that doesn't mean it's more

18   fair and it doesn't mean that it's more effective.

19   COUNCIL MEMBER ULRICH: And who

20   would-- just very quickly, who would-- I'm ignorant

21   to this, but who are the major developers of the AI

22   technologies that are being sold to municipalities?

23   Who are we buying them from?

24   RASHIDA RICHARDSON: So--

25

2   COUNCIL MEMBER ULRICH: Is it

3 Microsoft? Is a Google? I don't know. I'm--

4   RASHIDA RICHARDSON: Yeah. So I can

5 give you some generic names, but you really have

6 taken it down into the types of use and what agency

7 uses because there are some vendors that only work in

8 certain sectors. So you have all the big companies.

9 So, IBM, Microsoft, Google, Amazon. They all offers

10 services that the city probably is using in some

11 regard, but then you also have smaller companies. So

12 to narrow in on a specific, in policing there is

13 technologies called Predictive Policing which helped

14 determine where crime may occur or who may be a

15 victim or perpetrator of a crime. And there you have

16 sort of niche vendors like Hunch Lab, Palanteer

17 (sp?), Predpole (sp?), and they primarily work in the

18 policing space. So it's like you really have to get

19 into sector are you interested--

20   COUNCIL MEMBER ULRICH: Right.

21   RASHIDA RICHARDSON: in and then look at

22 the vendors--

23   COUNCIL MEMBER ULRICH: [interposing]

24 Well, you mentioned Microsoft, right? So does

25 Microsoft currently contract with the city to provide

2 AI and in what area? I don't know. I'm not

3 familiar.

4   ALBERT KHAN: Well, one of the

5 difficulties we have is that, since the task force

6 hasn't been given a comprehensive list of the AI and

7 ADS systems are being used by agencies, I don't think

8 is anyone in this--

9   COUNCIL MEMBER ULRICH: [interposing]

10 Well, we should know that.

11   ALBERT KHAN: room who can give you an

12 answer. Yeah.

13   COUNCIL MEMBER ULRICH: Why don't we

14 know that?

15   [background comments]

16   COUNCIL MEMBER ULRICH: Yeah. Okay.

17 But when it is the task force is going to be done and

18 tell us? I mean, that's the--

19   RASHIDA RICHARDSON: Well--

20   COUNCIL MEMBER LANDER: You're saying

21 the same things they're saying. We need a lot--

22   COUNCIL MEMBER ULRICH: Okay.

23   COUNCIL MEMBER LANDER: More

24 information. We need to know a lot about the--

25   COUNCIL MEMBER ULRICH: Right.

2   COUNCIL MEMBER LANDER: Task force

3 before it starts if we're-- anyway.

4   CHAIRPERSON KOO: Council member, do you--

5   COUNCIL MEMBER ULRICH: Thank you.

6   CHAIRPERSON KOO: have a question?

7   COUNCIL MEMBER LANDER: Yeah. Yes.

8 And I think, in some ways, will follow on all these

9 lines, but I'm going to ask you for sort of a little

10 real time consulting, but that I think is designed to

11 help us better understand kind of what is ADR, as

12 well, and actually I think I asked Noel this or some

13 similar questions at the Kopek (sp?) hearing that we

14 had. So I'm currently working on a bill and I'm not

15 sure whether it's ADR or not, so I have been focused

16 on dealing with reckless drivers put New Yorkers at

17 grave risk of death and injury. About a year ago,

18 and driver in my district killed two young kids and

19 it turned out that she had five speed camera and red

20 light violations in the preceding year. And so,

21 there was some indication that she was a reckless

22 driver and, perhaps, if we had acted on that before

23 then she would not have killed those two young kids.

24 We then-- Twitter sort of took to using the existing

25 data about the camera violations and started to look

2   at how many other drivers are there with that bad a

3   record? And it turned out she was in the top one

4   percent of reckless drivers, but that that means

5   there are about 25,000 other drivers who have equally

6   bad or worse track records of driving. They had had

7   violations of that, you know, five or more in a year.

8   So we are putting a bill together to say, when you

9   get to five, we want there to be a consequence. Most

10   people, if you get just one of those tickets, you

11   don't get a second one. But this set of people like,

12   in my opinion, they are driving sociopathic way.

13   They don't care about, you know, the-- hell, they

14   care about more about their convenience than the

15   lives of their neighbors. So we would like to like

16   make them take a class that is been proven to reduce

17   recidivism and reckless driving and, if not, boot or

18   impound their cars until they do. So, that they kind

19   of automated decision-making. Like we are making a

20   decision, I think, that that set of people have a

21   risk of causing harm. Now, it's based on behaviors.

22   Not on identity. But it, you know, I don't know for

23   sure that the which ones of those 25,000 and are

24   going to injure or kill someone if we don't make them

25   to this class. So, I guess, just a couple of

2   questions. Like, one, where making the algorithmic

3   decisions, in this case, like in the legislation--

4   ALBERT KHAN: Uh-hm.

5   COUNCIL MEMBER LANDER: So it's pretty

6   transparent, at least. Although, I could see giving

7   DOT the ability to adjust it over time so that if

8   they discover better predictive information, like if

9   they could add hit and run information, which

10   currently is like locked away in NYPD file drawers so

11   we just don't have it electronically. So, I guess, a

12   couple of questions. Is that automated decision-

13   making? And, therefore, like should show up in the

14   task force's information? Like where is the line

15   between using data and leaving it to some, you know,

16   computer to do the AI or algorithmic work? Am. Let

17   me just leave it there and ask for your help in

18   thinking this through.

19   RASHIDA RICHARDSON: Do you want--

20   Okay. So I think there is a way to see what you

21   described is an automated decision system, but there

22   are a few details I would need to know to feel more

23   confident in that clarification.

24

25

2   COUNCIL MEMBER LANDER: And I'm more

3 looking to help us understand the boundaries than,

4 you know?

5   RASHIDA RICHARDSON: So-- All right.

6 So, let's say you had some type of matching algorithm

7 or alert system so you could identify who, within the

8 existing database, already has five or more

9 violations. That's the technical part, but there is

10 still some type of human decision-making and what I

11 just described to various most of the systems that we

12 are seeing used in government right now and that they

13 are assisting more, in some cases, supplanting

14 government decision-making, but using some type of

15 technical system to either analyze, predict, or

16 identify people within existing data. So I say

17 loosely, yes, on a broad definition, that could fit

18 in automated decision system.

19   ALBERT KHAN: And having worked with

20 your staff on the bill, one concern that comes up

21 with is as with any form of protective policing is we

22 frame it as we are basing it off of behavior, not

23 identity, but when you drill down, you are using a

24 data set of who has gotten five of these violations?

25 That then requires us to look at where the cameras

2   are that are detecting those violations. It makes us

3   look at is there-- are these cameras placed equally

4   throughout the city or are they disproportionately

5   and neighborhoods where New Yorkers of color will be

6   identified and receive violations? Where poorer

7   individuals will be identified? And those sorts of

8   elements of bias can come in like any other form of

9   ADS. And so, where ever we are trying to eliminate

10   the human discretion, the human decision-making that

11   would potentially evaluate those differences and

12   create a uniformed roll, I do think the same sort of

13   ADS concerns come into play. That doesn't mean we

14   should do it, but it means that we need to be

15   rigorous and how we test those sort of ADS tools to

16   make sure that we aren't creating additional levels

17   of bias in the system.

18   COUNCIL MEMBER LANDER: Okay. I mean,

19   I think that's helpful and, as you know, like we have

20   been trying to think about that and this one and make

21   sure and I think a standard that would say-- you

22   know, the algorithm is transparent and we tested for

23   disparate impact seems sensible to me. I guess my

24   next question is I understand the concern that like

25   if we only have a level of generality that is more or

2   less what I just said, you know, the task force might

3   not be able to do useful work if it is sort of so

4   general that it, you know, without-- But what would

5   it look like at another-- you know, I guess, on the

6   flipside, you know, saying that every time we use--

7   you know, I don't know. How do we figure out the

8   right level of specificity because it doesn't seem

9   realistic to expect that every time we are using some

10   kind of data analysis or algorithm we could subject

11   it to the kind of transparency and scrutiny and

12   analysis. So, you know, how do we find a middle

13   ground that is-- Yeah. I mean, I guess that's my

14   question. How to we find a reasonable middle ground?

15   ALBERT KHAN: I think there's

16   definitely a spectrum of responses and we could go,

17   you know, with a variety of different routes. I

18   think for something as ambitious as ambitious says

19   the task force, part of the hope was that we would

20   create best practices. Maybe we wouldn't analyze

21   each and every system and gave it a report card or a

22   scorecard on how well it's two, but that we would

23   come up with a framework for analyzing those tools

24   and then going forward, that framework could be used

25   to educate New Yorkers and empower them when they are

2   the victim of discriminatory ADS and really create

3   the system. You know, because in 18 months, you

4   couldn't do that. You couldn't create something that

5   was future proof and was robust enough to hit each

6   and every one of those tools. But it's-- So, I can

7   certainly understand that there would be a flipside

8   where we are trying to create a watchdog that's

9   looking at each and every Excel document and, in city

10   government, that's, obviously, not what we want, but

11   I think there is a lot of room between where we are

12   and where that would be.

13   COUNCIL MEMBER LANDER: And--

14   RASHIDA RICHARDSON: I would also add--

15   I supplied the letter we sent last August. That was

16   recommendations based on a general understanding of

17   the problem. So--

18   COUNCIL MEMBER LANDER: Yeah.

19   RASHIDA RICHARDSON: we had-- That's an

20   attempt at starting a conversation or, at least, some

21   discourse on what could a middle ground be without

22   specificity, but the reason why it's important for

23   the city Council to have specific examples is because

24   there is some recommendations, like disparate impact,

25   that will vary by the types of use cases by agency

2   and other issues that, I think, we gave a starting

3   ground of here is what we are thinking based on our

4   general understanding, but it's important to narrow

5   when based on the concerns--

6   COUNCIL MEMBER LANDER: [interposing]

7   And let me be clear--

8   RASHIDA RICHARDSON: and specific use.

9   COUNCIL MEMBER LANDER: I don't mean

10   that there shouldn't be specific examples of

11   available to and analyzed by the task force. I'm

12   thinking more downstream to what are the kinds of

13   recommendations. You know, so, for example, you

14   know, audit or something you too when you have a set

15   of rules you want to apply. It's not reasonable to

16   expect that there will be a front-end process visible

17   in transparent and through public review every time

18   you two it. But you don't just want to like wave

19   your hand and hope. And so you like audit a certain

20   set of them for compliance. So, yeah. I mean,

21   obviously, we need-- I mean, I totally share your

22   point and I think the committee, it seems like, is in

23   sync that the task force will need specific examples

24   to workshop, develop some clear best practices, and

25   come to a set of recommendations that aren't just

2   such high-level principles that they can have impact.

3   I'm just trying to think a little bit to how we would

4   make sure that our systems broadly are complying with

5   them once we got through it.

6   ALBERT KHAN: And, of course, there

7   are ways to automate that process and to have

8   additional layers of for review. It wouldn't

9   necessarily have two be a manual human review for

10 each and every tool, but to the extent that you had

11 that framework, you could imagine, you know, having a

12 parallel to NYC's open data initiative. That would

13 be some sort of portal that would allow different

14 access to different programs or you could have

15 different standards depending on the scale of the

16 ADS. So there are a lot of different ways you could

17 scale it up so that it was proportional to the tool

18 that was being deployed. But-- And, hopefully, in

19 its final recommendations, the task force will have a

20 framework along those lines.

21   RASHIDA RICHARDSON: And just to be

22 clear, there is also a lot of work, I think, that

23 would fall on the vendors during-- and this would be

24 part of the procurement process. So, things that are

25 not already in use in the city and, one specific

2   example is that-- from that I've learned from doing

3   research in this area is not-- a lot of the systems

4   are already used in government. There haven't been

5   specific validation or bias studies done and having

6   the requirement where any vendor that's contracting

7   with the city or any type of service or product that

8   is used in the city there is been confirmed that

9   there is been a study and it's been reviewed and open

10 to either experts or those in the city to review is

11 something that would technically fall on the vendor,

12 but would give greater assurances than we have right

13 now.

14   COUNCIL MEMBER LANDER: Thank you.

15   CHAIRPERSON KOO: So, thank you. Yeah.

16 So, let me ask you, Mr. Khan, a question.

17   ALBERT KHAN: Uh-hm.

18   CHAIRPERSON KOO: So, in your testimony,

19 you have stated that Jeanette (sp?) Family

20 Foundation.

21   ALBERT KHAN: Uh-hm.

22   CHAIRPERSON KOO: So, can you tell us more

23 about these meetings?

24   ALBERT KHAN: Oh, yes. So, as part of

25 the task force meetings we have the Jane (sic) Family

2 Foundation preparing documents to assist with the

3 task force. And one thing that drew complaints from

4 several members was that, you know, this is not a

5 task force member. It was not an organization that

6 was officially part of the process and, yet, they

7 were, for some portions of our work, you know,

8 driving much of that process to the point where they

9 were creating proposed language for signed off by

10 task force members and, you know, providing, you

11 know, in some ways, rather than supporting the

12 process, at times it felt like they were steering the

13 process.

14   CHAIRPERSON KOO: So, what you expect from

15 the task force [inaudible 01:31:24]. Oh. What do

16 you expect from the task force and this report?

17   ALBERT KHAN: Unfortunately, at this

18 point I don't know what to expect. There is very

19 little time left for drafting a report of the scale

20 we are discussing and, given that we are only now

21 beginning public engagement, to the extent that the

22 report is responsive to the engagement we see at

23 future meetings, it's impossible to predict what the

24 report will say in the end. But given that we heard

25 earlier today that there is not even consensus around

2   the definition of what it ADS is, it's hard for me to

3   see how we go from that position today to having a

4   comprehensive framework for how you evaluate,

5   regulate, and, you know, use ADS in the future.

6   CHAIRPERSON KOO: So let me ask you a few

7   more questions [inaudible 01:32:14]. What ADS are

8   you [inaudible 01:32:21] to examine in your opinion?

9   RASHIDA RICHARDSON: So, it's a little

10 hard to answer because I don't want to create a

11 hierarchy or risk with different use cases, but I do

12 think some of the use cases in criminal justice,

13 public health, child welfare, education are all

14 examples where there's that heightened risk of civil

15 rights and liberties being implicated in problematic

16 ways, but the absence of listing off other use cases,

17 I wouldn't want to say those aren't equally important

18 because part of the problem we have is the lack of

19 transparency. So if we don't fully understand the

20 spectrum of use cases, then it's difficult to sort of

21 rank which risks are higher than another.

22   ALBERT KHAN: I agreed to an extent.

23 It's a known unknown. What I would say is, in my

24 mind, to the extent that you are going to create any

25 sort of prioritization, it should be proportional to

2   the potential deprivation of liberty. So, where we

3   are dealing with tools that potentially can deprive

4   people of their freedom, and oh, policing tools, that

5   those to me would be some of the highest priorities.

6   CHAIRPERSON KOO: Uh-hm.

7   ALBERT KHAN: But, then again, someone

8   to head a police accountability organization, we

9   clearly have an institutional bias in that direction.

10   RASHIDA RICHARDSON: And I would also

11   say any type of tool that would have a negative

12   effect on outcomes of an individual, so that where

13   you get the education and child welfare type of

14   examples.

15   CHAIRPERSON KOO: Do you have any

16   suggestions as to how the task force and its process

17   could be improved?

18   ALBERT KHAN: Well, I believe Ms.

19   Richardson has submitted a letter that details a

20   number of suggestions from a coalition of

21   organizations and, you know, we stand by those

22   suggestions and we continue to believe that the items

23   we lay out, such as, you know, expanded community

24   engagement, are quite crucial for this process and

25   the time left.

2   CHAIRPERSON KOO: So how do you see

3 [inaudible 01:34:20] of the task force?

4   RASHIDA RICHARDSON: At this point it's

5 a little unclear. As I mentioned in my opening

6 remarks, we still don't even know the format of the

7 upcoming hearing or what level of engagement will be

8 allowed. So, if I'm allowed to give testimony, I

9 look forward to participating in that capacity and

10 also bringing along any other advocates and

11 researchers who have a point of view to share. But

12 given that we are at April 4 in the first hearing is

13 April 30 and we have no clue on how we can even

14 engage, I am a little concerned that how I may be

15 able to proceed.

16   ALBERT KHAN: Similarly, I would

17 welcome the opportunity to testify or engage in those

18 public hearings, but it's unclear at this point.

19 And, to clarify my testimony, as I said in the

20 written document, while I participated in the task

21 force hearings, the internal meetings, I was never

22 officially a member of the task force, but I would

23 also welcome the opportunity to contain use some

24 unofficial roll with it.

25

2   CHAIRPERSON KOO: Thank you. Yeah. Any

3 more questions? So, okay. One more question. Do

4 you know about similar taskforces and other

5 jurisdictions?

6   RASHIDA RICHARDSON: So, in the March 1

7 letter that I provided, we listed off a few examples.

8 So, in Vermont followed suit of New York and I've

9 heard that from people in Vermont in creating a

10 statewide task force and currently there is

11 legislation pending in Massachusetts and Washington

12 and a few other states and localities are

13 contemplating similar legislation to create bodies to

14 look at similar issues.

15   ALBERT KHAN: And we also have

16 examples from Pennsylvania, from California. We, you

17 know, really, it's quite sad that something were a

18 national leader in, we are now falling behind these

19 other localities and their level of public

20 engagement.

21   CHAIRPERSON KOO: Yeah. Thank you for

22 your testimony. We well review your suggestions and

23 take appropriate actions. Yeah.

24   RASHIDA RICHARDSON: Thank you.

25   ALBERT KHAN: Thank you.

2   CHAIRPERSON KOO: The next panel we have

3   two people. Noel Hidalgo and Jordan Kroll.

4   NOEL HIDALGO: Thank you. Okay.

5   Here we go.

6   CHAIRPERSON KOO: Yeah. You may identify

7   yourself and start. Yeah.

8   NOEL HIDALGO: My name is Noel Hidalgo,

9   Executive Director of BETA NYC. My printer broke. I

10   apologize. So, I submitted the testimony via Twitter

11   and I'll also be emailing it to you. I will

12   summarize the testimony briefly. It's-- In 2016, we

13   wrote a-- posted something to our blog that said

14   that we wanted to ensure that New York City leads the

15   way in algorithmic-- ethical algorithmic government.

16   We want transparency around data tools, algorithms,

17   artificial intelligence and tracking and we want New

18   York City to be the thought leader and a smart,

19   ethical, algorithmic government. We posted that on 4

20   January 2016. It's been 1186 days since then and, as

21   you know, the Council has introduced legislation, the

22   legislation has passed, the task force has been

23   crystallized, to press releases have been published,

24   and to public hearings have been scheduled. And,

25   from the public's perspective, that's pretty much all

2   that is happened. And from-- We thank you for

3   hosting this hearing to bring transparency on this

4   particular subject. On March 1, we joined the broad

5   coalition that was mentioned beforehand by Rashida

6   asking for a robust and inclusive public engagement

7   process, a review of the evidenced-based research and

8   public communication about the task force process and

9   work necessary that predicates to any publication

10   that the task force produces. And, sadly, we have

11   great concerns about the output of the process if

12   there is no transparency on it. On the transparent--

13   On the we-- Eh. Excuse me. On the task force's

14   website, you can't find press releases. You can't

15   find meeting notes. You can't find actions that it's

16   taken so far. You can't find any timelines, nor the

17   task forces, processes and this is extremely

18   disappointing. While we're honored to have privately

19   met with some of the co-chairs and one of the few

20   groups being considered for follow-up community

21   meetings, we're offering the following advice for the

22   task force:

23   First and foremost is update the website.

24   Share as much information as possible about the task

25   force. This include press releases, task force

2   meeting dates, agendas, timelines. Additionally, as

3   we're heading into this public event time period,

4   make sure that there's a public events calendar and

5   explicitly have a public glossary of terms that-- a

6   public glossary of terms. This is actually a

7   fundamental step in making sure that people who

8   attend these public meetings understand what is being

9   said.

10   Second to that process, while I can see

11   who is on the task force, I cannot see how the task

12   force will be making its recommendations nor how it

13   will be making its recommendations. We call on the

14   task force to openly publish its process and it's

15   timeline. We cannot trust the outcome of this task

16   force without transparency of the process. When it

17   comes down to physical public forums, first we want

18   them all to be recorded and/or live streamed. We

19   want for them to be effectively constructed. Rashida

20   clearly articulated the great concern that many of us

21   have in regards to the structure of these public

22   forums. She said it better than any way that I could

23   say it. Additionally, these conversations must be

24   held at an accessible level. Many of the terms and

25   topics that we discuss our technical and academic and

2 those things need to be kept to a minimum and there

3 is, obviously, going to be made for a massive amount

4 of translation whether it's in language or in

5 terminology. We want to ensure that these physical

6 hearings have a digital analog and, right now, the

7 community has been using NYC algorithms, plural, as

8 the hashtag to kind of centralize that conversation

9 and we hope that these public forums will also

10 embrace that hashtag and be able to allow for public

11 dialog through Twitter. When it comes down to the

12 public community forums, we are one of the few groups

13 that have been contacted. We are excited about this,

14 but, once again, we want to make sure that the

15 community public forums are accessible to as many

16 people as possible to the extent that we want those

17 task force-- the task force website to be

18 representative of all community public forums even if

19 it's a task force member that is going out to

20 represent their work. We want that reflected on the

21 website. Lastly, we want to encourage the task force

22 to use some digital forums for dialogue. There has

23 been this tool that councilmember Leander has talked

24 about, console, which is a great platform that we

25 have seen in Europe, as well as across the Americas

2   using waves to solicit and gather feedback and have a

3   positive constructive online dialogue around idea

4   generation and common team. And we implore the task

5   force to explore console or other tools that will

6   enable this dialogue to happen, not only in the

7   physical public forums, but in the community forms

8   and ultimately online. And that, we conclude our

9   test money.

10   CHAIRPERSON KOO: Thank you. Next.

11   JORDAN KROLL: Good afternoon. My name

12   is Jordan Kroll. I am a Director of State and Local

13   with the Information Technology Industry Council.

14   Chairman Koo and members of the Committee on

15   Technology, on behalf of the members of the

16   Information Technology Industry Council, or ITI for

17   short, thank you for the opportunity to share our

18   perspective on the New York City automated decisions

19   systems task force. ITI's public sector work

20   represents more than 80 of the most innovative

21   companies offering hardware, software, services and

22   solutions of information and communication

23   technologies to state and local government like New

24   York City. We appreciate the work this committee, in

25   conjunction with the task force, has done to study

2 the responsible use of automated decision-making and

3 algorithms and save a government. Many of our member

4 companies actively provide services to New York City

5 and several of them likely rely on automated

6 decision-making systems to provide the most efficient

7 and cost-effective services to constituents. While

8 the potential benefits of these systems and

9 artificial intelligence broadly are wide ranging, we

10 are still working to determine the future impact

11 these technologies may have. Sorry. Lost my train

12 of thought. Stakeholders globally, including this

13 committee, and the task force, of course, are aware

14 of and working to address these main challenges. For

15 instance, there is a recognition from all

16 stakeholders that they must find ways to mitigate

17 bias, inequity, and other potential harms in

18 automated decision-making systems. As AI is

19 constantly evolving and improving, so too are the

20 tools to address the challenges around explaining

21 ability, bias, and fairness. We believe technology,

22 along with further research, can help address some of

23 the fairness and interpretability challenges that

24 result from the use of these systems. It is our

25 belief the most effective way for New York City to

2 maximize its use of automated decision-making is to

3 collaborate across the public and private sectors to

4 explore solutions to address these challenges. As

5 leaders and the AI field, our members recognize their

6 important role in making sure this technology is

7 built and applied for the benefit of everyone. While

8 we are supportive of New York City's focus on

9 embedding transparency and oversight in the use of

10 ADS and artificial intelligence, we remain concerned

11 by the lack of public engagement by the task force

12 thus far and the lack of balance in task force

13 representation across the private and public sector.

14 We strongly urge the task force in this committee to

15 promote sustained engagement across public and

16 private stakeholder groups as they explore the

17 solutions to the challenges presented by these

18 technologies. This includes, but is not limited to

19 the upcoming public forums that have now been

20 scheduled. And the European Union, the Artificial

21 Intelligence High-level Expert group is composed of

22 52 experts from academia, industry, and civil society

23 and helps to guide and support the implementation of

24 the European strategy on artificial intelligence

25 through recommendations on societal, ethical, and

legal issues as it relates to AI. This group further

interacts with the European AI alliance to help

gather additional feedback from outside stakeholders.

We strongly urge the task force to promote a similar

multi-stakeholder engagement approach in their

efforts. ITI and our member companies stand ready to

partner with New York City, the task force, this

committee, and the city Council in promoting further

transparency and oversight in automated decision-

making. To close, the technology sector supports the

work of the task force to advance the benefits and

responsible use of automated decision-making. We are

at the early stages of the commercialization of AI

and think it is imperative that society, governments,

and the technology sector work together to begin to

solve some of the most complex issues. Any time you

are driving innovation that is transformative, there

are going to be points of tension and we understand

the concerns that are being raised. We look forward

to collaborating with the task force, this committee,

and the general public on the exciting road ahead.

I'm happy to answer any questions at the appropriate

time and think you for the opportunity to share our

perspective.

2   CHAIRPERSON KOO: Thank you. Thank you

3   for your testimony. So let me ask you a question,

4   both of you. What relevant technical information of

5   ADS in your opinion should the task force reveal?

6   [inaudible 01:46:40] models or training data?

7   JORDAN KROLL: I would say that we

8   should protect source code and proprietary algorithms

9   and intellectual property and I would say that,

10 relevant to your question, it would need to be

11 context based and risk specific.

12   NOEL HIDALGO: My fundamental concern

13 is being able to hold any one of these algorithmic

14 decision-making is accountable as the person who has

15 authored the algorithm. And so, I-- regardless of

16 its proprietary algorithm, if it's being used within

17 public decision-making process in my life and the

18 people's lives are being affected by it through the

19 lens of government, that algorithm needs to be

20 accountable and there needs to the methods, whenever

21 they are conceived of, to be able to hold that

22 algorithm accountable. Then I think that that's the

23 goal of the task force. I have seen the task force

24 talked about different types of scorecards. The

25 gentleman from STOP mentioned some type of like--

2   almost like the way to equate it would be a food

3   inspection review, you know, or a-- something that

4   you see as a dietary label of all of the ingredients

5   and what it is it-- what does it do? I think that

6   is the direction that I want to see any algorithm

7   that is adopted by government have on it to bring

8   transparency in regards to what these decision-

9   making-- is digital decision-making or processing.

10   CHAIRPERSON KOO: Council member Lander,

11 you had a question?

12   COUNCIL MEMBER LANDER: I mean, I

13 guess I'll just kind of re-ask the two that I asked

14 of the prior panel. One about those sort of

15 definitional question. How do we think about where

16 the lines are or what is automated decision-making in

17 what is the use of data of the sort that might not

18 be. And then, too, what thoughts do you have about

19 how to-- you know, what kinds of procedures we would

20 want to come out of this to make sure we are

21 achieving compliance?

22   NOEL HIDALGO: Once again, the

23 gentleman from STOP, I think made it clear in regards

24 to your bill around drivers. There is a lot of input

25 that go into who gets ticketed or cited through just

2   the camera. Right? Like the camera has to be placed

3   in a school. Where is the school located? Have we

4   been biased in regards to where schools are built

5   across the city? You know, so there are a lot of

6   inputs into any one single automated decision-making

7   practice and that is where we need transparency. We

8   fundamentally need to understand how to hold these

9   systems-- how can we hold these systems accountable

10   and really understand what is its in-- like its

11   foundation. Like what are the parts that are within

12   the foundation, what are the structural materials

13   that ensure that the foundation of that algorithm is

14   able-- like we are able to pull apart that algorithm

15   in a way that we can really understand how that

16   decision is being made. There will always be a bias

17   in these different systems. This is what Janet has

18   expressed in her testimony. That there is a whole

19   academic field of understanding how these biases are

20   expressed. We are all biased. Our technology

21   fundamentally becomes biased because we are humans

22   and we are biased and I hope that this task force can

23   essentially provide a framework that enables us to

24   explore that bias and make that bias as transparent

25

2 as possible, particularly when it comes to algorithms

3 within government.

4 JORDAN KROLL: If I can't just add one

5 thing, I think, as you noted, there is inherent bias

6 and everything we do with people and, it would make

7 sense, our systems, as well. But there have been

8 instances in which artificial intelligence has

9 uncovered bias that was undetectable previously the

10 humans. So I think our concern is recognizing

11 primarily that artificial intelligence and automated

12 decision systems aren't inherently bad, but

13 recognizing how to put up the guidepost of sorts and

14 the frameworks for when they are impacting

15 constituents and citizens, especially in critical

16 areas like healthcare and others.

17 COUNCIL MEMBER LANDER: Thank you.

18 CHAIRPERSON KOO: Okay. The last panel.

19 Mr. Solon Barocas? Yeah. Before you start, are

20 there anyone else who wants to testify? Yeah. If

21 you want to, please fill out a paper with the

22 Sergeant-at-arms. Last call. Okay? You may start.

23 Identify yourself and start now.

24 SOLON BAROCAS: My name is Solon

25 Barocas. I'm a researcher at Microsoft Research here

2   in New York. I'm also a professor at [inaudible

3   01:52:06] at Cornell. Hopefully that is now on.

4   CHAIRPERSON KOO: The light is on? Yeah.

5   SOLON BAROCAS: Yes. Thank you. I'll

6   just start again. So, hi. I'm Solon Barocas. I'm a

7   researcher at Microsoft research here in New York

8   City. I'm also a professor of information science at

9   Cornell University. I'm here at all for joint

10   testimony with my colleague and fellow task force

11   member, Julia Troyanowich (sp?). She is and

12   assistant professor of computer science at NYU and an

13   assistant professor of data science also at NYU. We

14   have submitted joint testimony and I will read from

15   that testimony now. So in this testimony, we would

16   like to express our concern for the direction of the

17   work of the ADS task force. The intent of law 49 of

18   2018 is to uphold two important principles in the use

19   of ADS and city agencies. To enable greater

20   government transparency and accountability and to

21   ensure fairness and equity. Yet, the work of the

22   task force, so far, has failed to fully satisfy these

23   principles. Despite numerous requests, task force

24   members have not been given any information about

25   ADS's used by the city. To date, the city has not

2   identified even a single system. Task force members

3   need to know about relevant systems used by the city

4   to provide meaningful recommendations. A report

5   based on hypothetical examples, rather than on actual

6   NYC systems will remain abstract and inapplicable in

7   practice. The task force cannot issue actionable and

8   credible recommendations without some knowledge of

9   the systems to which they are intended to apply. The

10 need for examples has been raised by several of us on

11 numerous occasions and have remained unaddressed

12 until yesterday, just one day before this hearing

13 with the city suggesting that two examples might be

14 forthcoming some unspecified future date. The city

15 has cited concerned with privacy and security and

16 response to our requests, but these cannot be used as

17 blanket reasons to stand in the way of government

18 transparency. Privacy and security considerations

19 must be thoughtfully addressed as part of the process

20 of formulating recommendations for transparency and

21 accountability. However, we can only determine how

22 to navigate these tensions as basic details about

23 actual ADS's and specific concerns that justifiably

24 counsel against transparency are shared with the task

25 force. These cannot be negotiated in the abstract.

2 Despite these challenges, the task force was able to

3 make some meaningful progress in developing a

4 methodology for listing relevant information by ADS's

5 using so-called ADS cards that asked developers and

6 operators to provide specific details about the

7 system in question. And we have submitted, as part

8 of this testimony, an example of such a card. ADS

9 cards build on an emerging body of academic research,

10 on transparency and accountability for automated

11 decisions and we view them as a worthwhile and

12 promising effort. Unfortunately, the city had the

13 task force abandon ADS cards at the start of the year

14 for reasons that remain unclear. The problems I have

15 described are exacerbated by the lack of transparency

16 in the city's decision-making about the task force

17 structure and operation. Not only do task force

18 members lack the information about ADS systems that

19 they need to execute the mandate of the law, but they

20 lack information as to how and why these decisions

21 are made. In light of these concerns, we are making

22 the following recommendations. We suggest the city

23 Council urge the city itself to provide task force

24 members with sufficient information and examples to

25 develop well-informed concrete, and actionable

2   recommendations. Should the city failed to be

3   forthcoming, the city Council should amend the law to

4   give task force members legal authority to make such

5   requests. Two, if it is determined that additional

6   time is needed to collect-- to identify and collect

7   information about ADS's, the city Council should

8   amend the law to allocate additional time to the work

9   of the task force. It is important to do this work

10 right, rather than do it quickly. Finally, the city

11 Council should play a more active and consistent role

12 in overseeing the task force with a goal of ensuring

13 that the city works with task force members to

14 fulfill the mandate of the law. The apparent lack of

15 commitment to transparency on the part of the task

16 force leadership casts doubt on the city's intentions

17 to seriously consider or enact the report's

18 recommendations. Recommendations largely about

19 transparency. We hope that the city Council will

20 take deliberate and decisive action to address the

21 concerns we raised in our testimony. Otherwise, we

22 worry that it's highly visible much-anticipated

23 effort, the first such effort in the United States,

24 will be a missed opportunity. Thank you.

25

2   CHAIRPERSON KOO: Thank you. Thank you

3 for taking the time to come here and to testify. We

4 will review your recommendations. And your testimony

5 you have mentioned ADS cards which are attached to

6 your testimony. Why do you focus on Indiana and

7 Virginia, but not on New York?

8   SOLON BAROCAS: We focus on this example

9 because this is one of the few known examples of the

10 jurisdiction having a process that was actually made

11 quite public in the development of some such tool.

12 It was the subject of a New York Times article and,

13 later, one of the examples of academic researcher who

14 investigated such systems. In the absence of having

15 examples in the United States-- from New York,

16 rather, we were forced to used examples from

17 elsewhere. Known examples from elsewhere.

18   CHAIRPERSON KOO: [inaudible 01:57:20]

19   SOLON BAROCAS: At a minimum, it would

20 be very helpful to have even basic information about

21 relevant systems. And I understand the challenge

22 here about settling on the definition and the

23 challenge of figuring out the scope, but the lack of

24 any examples at all or even identifying, not the

25 specific details, but the mere existence of relevant

systems has really impeded any meaningful

conversation about these kinds of systems.

CHAIRPERSON KOO: Yeah. We will keep in

touch and I really appreciate you coming here to

testify.

SOLON BAROCAS: Thank you for the

opportunity.

CHAIRPERSON KOO: Is there any more public

participation? I see none. This meeting will be

adjourned. It's adjourned.

[gavel] [background comments]

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there is no relation to any of the parties to
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Date   May 7, 2019