

Accountability and Transparency Standards for Automated Decision Systems

Support SSB 5116

Washington agencies are widely and quickly adopting technical systems that aim to aid or replace human decision-making. These automated decision systems make important, even life-or-death decisions — from whether you get a job or housing, to what you pay for health care, to how your community is policed, to how much bail is set and how long your sentence is. Our Legislature should protect communities from unaccountable decision-making by enacting clear guidelines to ensure fairness and transparency. Substitute Senate Bill 5116 takes an important first step in that direction.

Automated Decision Systems are Being Widely Adopted without the Public’s Knowledge

Lawmakers and the public are usually unaware when automated decision systems are sold to the government. Because technology vendors use non-disclosure agreements and litigation to hide how their tools work, what data they use, and how they are deployed, agencies often lack the expertise and access to proprietary information necessary to evaluate these systems. This lack of transparency raises critical concerns about civil rights, public policy, and democracy. Agencies and the public should have the information they need to make informed decisions about this technology.

Bad Decisions by These Systems are Impacting People’s Lives and Families

Automated decision systems are often untested and poorly designed for their task. Not only can use of these systems result in errors, but they can also lead to legal or constitutional violations of individual rights. In some cases, there is no human review on decisions made by the automated decision system, and procedures to appeal or even understand them do not exist. For example, people with disabilities had to sue after wrongly losing public assistance benefits in

Arkansas and Idaho because of these unreliable and life impacting decision-making systems.

Vulnerable Communities are at Greater Risk

A growing body of research indicates that automated decision systems are often biased against vulnerable communities. These systems are often designed in ways that result in disproportionate impacts. Moreover, many systems rely on data reflecting historical discrimination to make decisions. For example, predictive policing systems determine where law enforcement should deploy resources but use data that reflect the historical over-policing of neighborhoods of color. Faulty risk assessment systems have recommended different sentences for the same crime based on race. And in the employment market, algorithms that screen applicants often replicate and reinforce the lack of diversity in many different sectors.

Olympia Should Put Basic Standards in Place for these Invisible, Powerful Systems

Washington is a technology leader. Our Legislature should aim to enhance innovation while protecting consumers and promoting fairness, accountability, and transparency. Please support SSB 5116, which would:

- Establish minimum standards of fairness and accountability for any government agency buying or using automated decision systems.
- Ensure public transparency and independent scrutiny for any systems currently in use.
- Starting in 2024, require agencies to get independent review and approval *before* any system can be implemented.
- Prohibit any government agency from developing or using automated decision systems that discriminate against people.