



The Civil Rights Implications of Algorithms in Connecticut

January 2023

Connecticut Advisory Committee

In September 2022, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights (Commission) began its examination of the civil rights implications of algorithms used by the state of Connecticut. It held an in-person briefing at the Legislative Office Building in Hartford on September 8. The Committee subsequently convened three virtual briefings. The presentations focused on defining algorithms; how algorithms may create or perpetuate discrimination; the current use of algorithms by government agencies; and regulatory approaches to address bias and discrimination.

The Connecticut Advisory Committee has deemed it appropriate to issue an interim memorandum to the Commission due to the time-sensitive nature of the legislation session beginning in the Connecticut General Assembly this month. It is important to note that this memorandum is preliminary and is not be inclusive of all testimony received , findings and recommendations.

Preliminary Observations and Recommendations:

The Committee intends to submit a more comprehensive report to the Commission, including formal findings and recommendations, during the legislative session, which ends June 7, 2023.

The issue of the intersection of algorithms and civil rights is relatively new. The *Blueprint for an AI Bill of Rights* released by the White House at the end of 2022 recognizes that “the use of technology, data, and automated systems ... threatens the rights of the American public.”¹ There is already litigation and legislative efforts surrounding this important civil rights issue.²

Algorithmic bias and algorithm discrimination are terms the Committee is uses to describe the issue. The bias, however, is not in the actual algorithm, or set of instructions, but rather the data used in the algorithms. The Committee’s examination is a reflection that the issue is an emerging

¹ Blueprint for an IA Bill of Rights, The White House, Office of Science Technology Policy, Oct. 2022, <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>

² See <https://www.justice.gov/opa/pr/justice-department-secures-groundbreaking-settlement-agreement-meta-platforms-formerly-known>; see also <https://www.npr.org/local/305/2021/12/10/1062991462/d-c-attorney-general-introduces-bill-to-ban-algorithmic-discrimination>.

civil rights concern that must be addressed; because algorithms are created by humans and operate using this information, they are not free from bias. Instead, bias can emerge from many factors, including but not limited to reliance on data sets that themselves are tainted by bias: data sets that are used improperly; by replicating the biases of their human creators; and as a due to malicious intent.³

Based on the testimony the Committee heard and additional research conducted, the Committee is concerned that algorithms and the use of computers for decision making may limit individuals' opportunities such as for employment or credit; prevent access to critical resources or services such as housing; reflect and reproduce existing inequities in highly policed neighborhoods; and/or embed new harmful bias and discrimination through inaccurate language translation for example.⁴ The following preliminary recommendations call for transparency and accountability in the use of algorithms and suggest guardrails to help ensure this technology does not negatively affect the public, and in particular does not have a negative disparate impact on people with lower income and people of color.

Recommendations

The Advisory Committee recommends that the Commission encourage the Connecticut General Assembly to be a national leader in the movement to address algorithmic bias and discrimination. This can be done by enacting a comprehensive Connecticut AI Bill of rights that incorporates the principles set forth in the White House AI Blueprint. Any legislation should include guardrails for the development, use and monitoring of algorithms to minimize the potential for bias and discrimination as well as a process to monitor the development and deployment of algorithms.

As the Committee prepares the report to the Commission, it recommends that three areas of algorithmic discrimination protections that should be considered by the Connecticut General Assembly as the legislative branch regulates the government's use of algorithms:

Auditing and Assessments

- Validate system designs prior to implementation to minimize built-in bias.
- Ongoing independent audits of algorithms with publicly available reporting in the form of an algorithmic impact assessments, including disparity testing results and information about mitigation efforts.

Transparency

- Revise Connecticut freedom of information laws to explicitly provide the public access to data regarding state agencies' use of algorithms.

Accountability

³ Source

⁴ Source. Cite to the testimony heard.

- Provide an opt-out option and an appeal process that includes human decision-makers for people who believe that they have been negatively impacted by algorithms used by the government;
- Prohibit sharing or sale of data with meaningful consequences for transferring personal information without permission.

This memo was unanimously approved by the Committee at its meeting on December 19, 2022.

**Connecticut Advisory Committee to the
U.S. Commission on Civil Rights**

David McGuire, *Chair*, West Hartford

Venesia Hurtubise, *Vice Chair*, Hartford

Ingrid Alvarez-DiMarzo, New Fairfield

Saud Anwar, South Windsor

Anthony Ciolli, West Hartford

Christine W. Corgel, Westport

Charles Gardner, Sandy Hook

Mark Gius, Southington

Melanie S. Rausch, Bethany

Cheryl Sharp, Cheshire

John M. Tanski, South Glastonbury

Susan D. Toliver, Stamford

Michael D. Werner, East Haddam

Olivia S. White, Essex

**Connecticut Advisory Committee to the
United States Commission on Civil Rights**



U. S. Commission on Civil Rights Contact

USCCR Contact	Regional Programs Unit U.S. Commission on Civil Rights 230 S. Dearborn, Suite 2120 Chicago IL, 60604 (312) 353-8311
---------------	---

This interim advisory memorandum is the work of the Connecticut Advisory Committee to the U.S. Commission on Civil Rights. The interim report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.