ETHICAL AI



HENNELLY & GROSSFELD LLP

MIKE KING

4640 ADMIRALTY WAY SUITE 850 MARINA DEL REY, CA 90292 (310) 305-2100 www.hgla.com

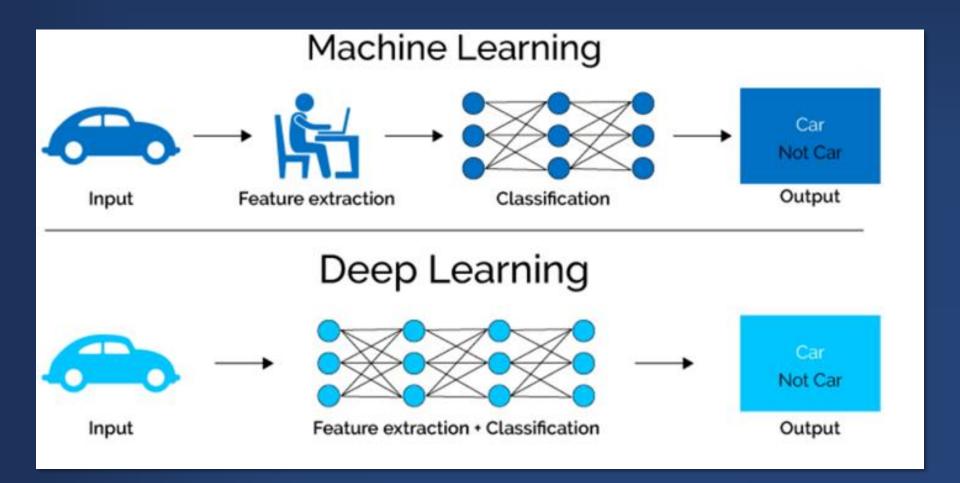
Isaac Asimov's Three Laws of Robotics (1940)

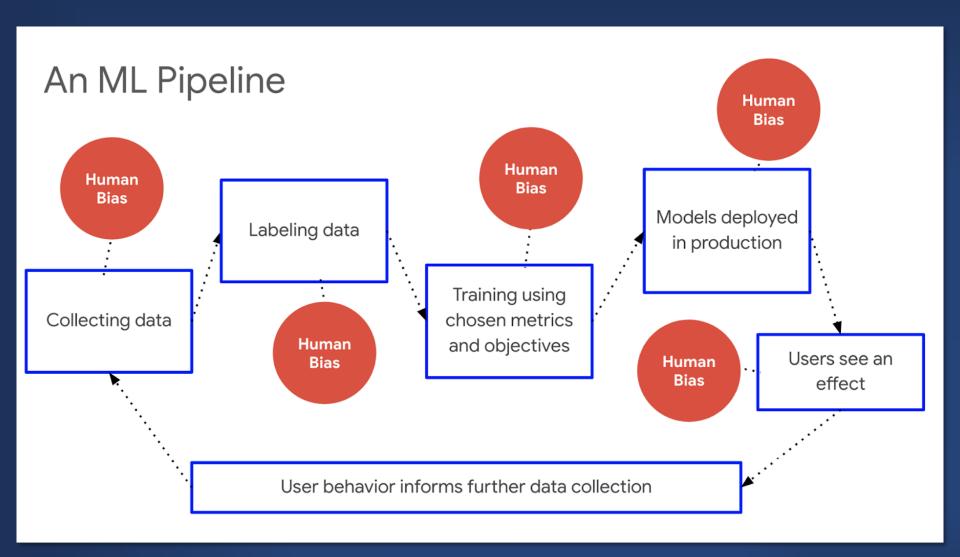
First Law: A robot may not injure a human or through inaction, allow a human to come to harm.

Second Law: A robot must obey the orders given it by human beings, unless such orders would conflict with the first law.

Third Law: A robot must protect its own existence, as long as such protection does not conflict with the first or second law.

Al can be described as a set of math functions (model) that given some inputs (data), learn something and use that to infer something else (make **predictions**). In other words AI is data, model and predictions. Ethical exploration of this realm covers issues like bias in a models' predictions and fairness (or lack thereof) of the outcomes; as well as approaches to address them via accountability and transparency.







Al Fairness 360 Toolkit (AIF360)

FAST @MPANY

10.28.19 8:00 AM

Technology biased against black patients runs rampant in hospitals

A new study shows that a widely used algorithm for predicting which patients get additional care is disproportionately counting out black patients—and could have left tens of thousands without adequate medical care.



[Photo: Image Source/Getty Images]

5 sources of bias: Historical bias already exists in the data while representation bias and measurement bias are a result of how the dataset is created. Evaluation and aggregation biases are a result of the choices made while building the model.

"Unfortunately, we have biases that live in our data, and if we don't acknowledge that and if we don't take specific actions to address it then we're just going to continue to perpetuate them or even make them worse."

— Kathy Baxter, Ethical Al Practice Architect, Salesforce

"There's a real danger of systematizing the discrimination we have in society [through Al technologies]. What I think we need to do — as we're moving into this world full of invisible algorithms everywhere — is that we have to be very explicit, or have a disclaimer, about what our error rates are like."

Timnit Gebru, Research Scientist, Google Al

"There is a *silver lining* on the bias issue." For example, say you have an algorithm trying to predict who should get a promotion. And say there was a supermarket chain that, statistically speaking, didn't promote women as often as men. It might be easier to fix an algorithm than fix the minds of 10,000 store managers."

— Richard Socher, Chief Scientist, Salesforce

"We're seeing a kind of a *Wild West* situation with Al and regulation right now. The scale at which businesses are adopting AI technologies isn't matched by clear guidelines to regulate algorithms and help researchers avoid the pitfalls of bias in datasets. We need to advocate for a better system of checks and balances to test AI for bias and fairness, and to help businesses determine whether certain use cases are even appropriate for this technology at the moment."

— Timnit Gebru, Research Scientist, Google Al

AI & LAW BAIL, SENTENCING & PAROLE



AI & LAW

Q: COMPAS violate due process b/c proprietary nature hinders challenging scientific validity or because it takes gender into account?

A: No.

Warning required

Judge must independently determine

State of Wisconsin v. Loomis, 881 N.W.2d 749 (2016)

COMPAS & BIAS

ProPublica claimed COMPAS program was biased using "false positives" analysis

Black defendants who did not recidivate within 2 years were nearly twice as likely to be misclassified as higher risk compared to white defendants (45% v. 23%)

COMPAS & BIAS

COMPAS claimed program was not biased because it satisfied "predictive parity"

COMPAS scores accuracy rate was the same for black and white defendants (about 60%)



COMPAS & BIAS

Existence of bias depended upon statistical measuring stick used:

false positives vs. predictive parity

EU'S ETHICAL AI GUIDELINES



EU'S ETHICAL AI GUIDELINES



EU's ETHICAL AI GUIDELINES

"Trustworthy AI has three components:

- (1) it should be lawful, ensuring compliance with all applicable laws and regulations,
- (2) it should be ethical, ensuring adherence to ethical principles and values and
- (3) it should be *robust*, both from a technical and *social perspective* since to ensure that, even with good intentions, AI systems do not cause any unintentional harm."

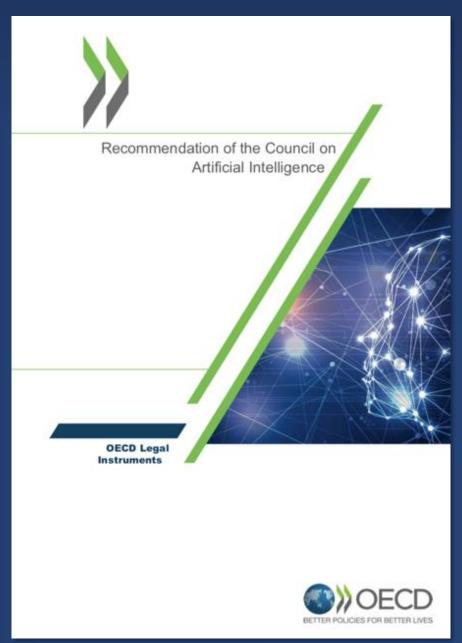
EU's ETHICAL AI GUIDELINES

- Unfair bias avoidance: Did you establish a strategy or a set of procedures to avoid creating or reinforcing unfair bias in the Al system, both input data and algorithm design?
- Depending on the use case, did you ensure a mechanism that allows others to flag issues related to bias, discrimination or poor performance of the AI system?

EU'S ETHICAL AI GUIDELINES

Did you ensure an adequate working definition of "fairness" that you apply in designing AI systems?

OECD'S AI PRINCIPLES



OECD'S PRINCIPLES ON AI

The OECD Artificial Intelligence (AI) Principles in short

- Al should benefit people and the planet by driving inclusive growth, sustainable development and well-being.
- All systems should be designed in a way that respects the rule of law, human rights, democratic values and diversity, and include appropriate safeguards for example, enabling human intervention where necessary to ensure a fair and just society.
- >>> There should be transparency and responsible disclosure around AI systems to ensure that people understand when they are engaging with them and can challenge outcomes.
- Al systems must function in a robust, secure and safe way throughout their life cycle and potential risks should be continually assessed and managed.
- Organisations and individuals developing, deploying or operating AI systems should be held accountable for their proper functioning in line with the above principles.



AI ORGANIZATIONS

MIT AI POLICY CONGRESS



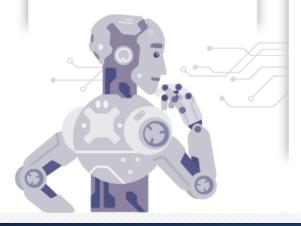


AI ORGANIZATIONS

Asilomar AI principles

RESEARCH

- 1. Research goal
- 2. Research funding
- 3. Science-policy link
- 4. Research culture
- 5. Race avoidance



ETHICS AND VALUES

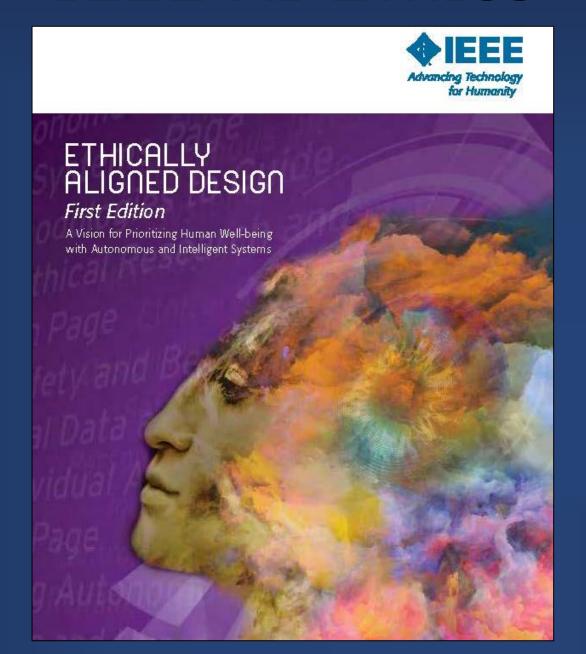
- 6. Safety
- 7. Failure transparency
- 8. Judicial transparency
- 9. Responsibility
- 10. Value alignmnet
- 11. Human values
- 12. Personal privacy
- 13. Liberty and privacy
- 14. Shared benefit
- 15. Shared prosperity
- 16. Human control
- 17. Non-subversion
- 18. Al arms race

LONGER-TERM ISSUES

- 19. Capability caution
- 20. Importance
- 21. Risks
- 22. Recursive self-improvement
- 23. Common good



IEEE AI ETHICS



MICROSOFT'S AI PRINCIPLES

Values AI needs to respect



Chart 5.

Source: Microsoft Corporation

MICROSOFT'S AI PRINCIPLES



Microsoft will be adding AI ethics to its standard checklist for product release

BY ALAN BOYLE on March 25, 2019 at 2:09 pm

BOT or NOT? This special series explores the evolving relationship between humans and machines, examining the ways that robots, artificial intelligence and automation are impacting our work and lives.



WSJ PRO ARTIFICIAL INTELLIGENCE

SUBSCRIBE SIGN IN

Vatican Advisory Group Issues Call for AI Ethics

IBM and Microsoft have signed on to the Pontifical Academy for Life's charter on artificial intelligence

By John McCormick

Feb. 28, 2020 7:30 am ET | **WSJ PRO**

RECENT DEVELOPMENTS



Perspectives on Issues in Al Governance

AI & LAW

"...this paper is a call for governments and civil society groups worldwide to make a substantive contribution to the Al governance discussion. Specifically... explainability standards, approaches to appraising fairness, safety considerations, requirements for human-Al collaboration, and general liability frameworks."

AI IN SPECIFIC INDUSTRIES

- Al subject to laws/regs of industry
 - Healthcare
 - Automobiles
 - Defense
 - Energy
 - Manufacturing

DATA ISSUES

- "Biased" data
 - Too little, too skewed over/under-sampling proxy
 - Human/user-generated "real world"
 - Labeled culturally calibrated and inclusive
 - Confidence score
- What's "fair"?
 - Group, individual, process, results balance

DATA ISSUES



How Define?

"Fairness"

"21 Definitions of Algorithmic Fairness"

- There are more than 30 different mathematical definitions of fairness in the academic literature.
- There isn't a one, true definition of fairness.
- These definitions can be grouped together into three families:
 - Anti-Classification
 - Classification Parity
 - Calibration



Arvind Narayanan

Individual Fairness

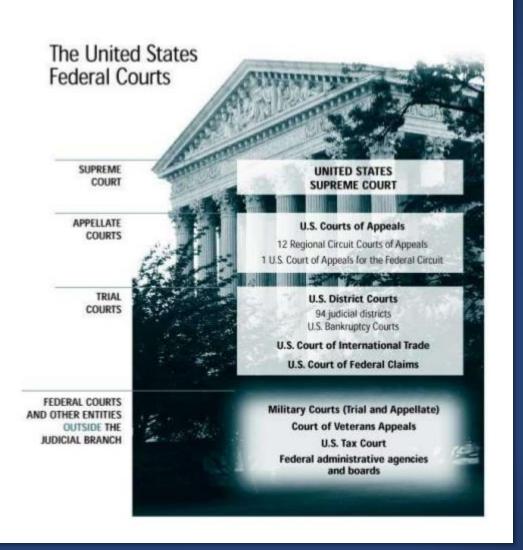


GROUP FAIRNESS



PROCEDURAL FAIRNESS

The US Federal Court System



COMPOSITIONAL FAIRNESS

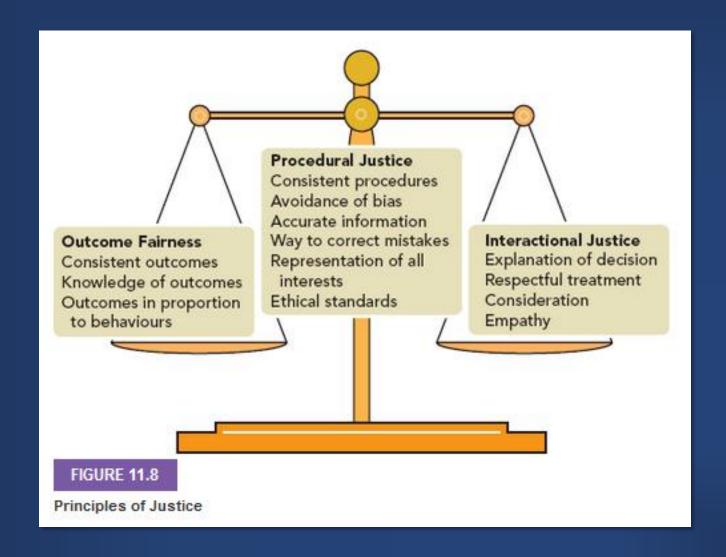


COUNTERFACTUAL FAIRNESS

If I had left the event early,
I would not have met
my soulmate.

Counterfactual

OUTCOME FAIRNESS



COMBINATIONS & TRADEOFFS

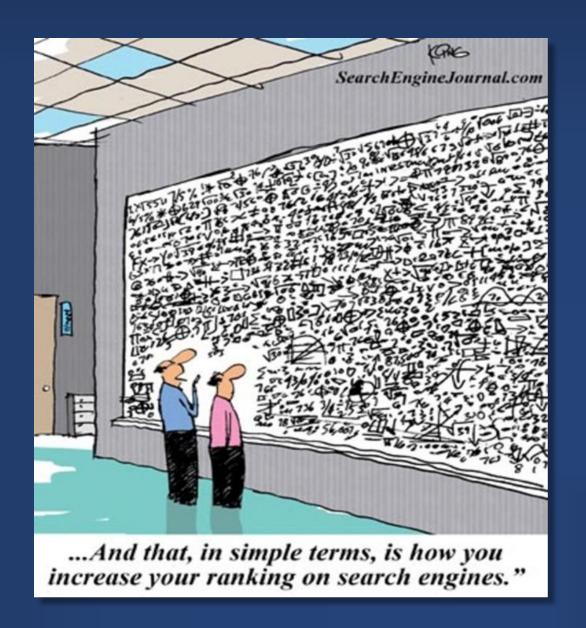
- Use multiple definitions?
- Tradeoffs?

FAIRNESS & ACCURACY

- Fairness affects accuracy
- Tradeoff Accuracy & Fairness
- Fairness constraints backfire?
 - Loans to those who cannot pay them back can negatively affect their credit score

- If AI denies:
 - Loan
 - Bail/parole
 - Promotion or job
- Explanation?







Testing/validation – e.g., drug trials



If I had left the event early,
I would not have met
my soulmate.

Counterfactual

- "If your income was \$10,000/year more, then your loan would have been approved"
- Explanation consistent with fair process

RECOMMENDATIONS

Treat data and algorithmic bias as defects that must be investigated and overseen throughout the product development lifecycle and monitored post-sale

RECOMMENDATIONS

Risk Assessment Flow Chart

