

January 2024

Judicial Branch AI Policy Update

AI Board

AI Policy high level updates

Policy is due on 2/1/2024

Policy package is a combination of a core policy (what) plus 4 procedures (how)

Policy framework is anchored in 3 core principles to strike a balance between policy and innovation:

- Purposeful use

- Meaningful guardrails

- Workforce empowerment and education

Procedure AI-01 – AI Determination Characteristics

Procedure AI-02 – AI Intake and Inventory

Procedure AI-03 – AI Fairness and Risk Assessment

Procedure AI-04 – AI Procurement Due Diligence Checklist

Artificial Intelligence (AI) Vision for State of Connecticut

The State of Connecticut has always embraced emerging technologies to advance its innovation agenda, spur economic growth, enhance quality of life for everyone, and empower its workforce to better serve business and residents. Fostering an AI-friendly mindset will position Connecticut as a national and global leader and play a key role in shaping Connecticut's ability and capacity to ***continue innovating with intent.***

AL Framework Elements

- Policy AI-01 – AI Responsible Use Policy
- Procedure AI-01 – AI Determination Characteristics
- Procedure AI-02 – AI Intake and Inventory
- Procedure AI-03 – AI Fairness and Risk Assessment
- Procedure AI-04 – AI Procurement Due Diligence Checklist

Scope and Enabling Legislation

AI software, hardware, services, and appliances

Developed, procured, and embedded AI

Covers all State agencies as defined in Section 4d-1 of the Connecticut General Statutes

Covers all consultants/contractors performing work for the State of Connecticut

All vendors and third-party stakeholders offering services to State agencies

Different branches of government

Legislation

Above in accordance with C.G.S. §4d-8a, the Office of Policy and Management is responsible for developing and implementing policies pertaining to information technology for state agencies.

Specific to AI, Public Act No. 23-16, effective July 1, 2023, directs the Office of Policy and Management (OPM) and the Department of Administrative Services (DAS) to develop and establish policies and procedures concerning the development, procurement, implementation, utilization, and ongoing assessment of systems that employ AI and are in use by state agencies.

Terminologies Related to AI

Artificial Intelligence – As per PA 23-16, AI means an AI system that:

- Performs tasks under varying and unpredictable circumstances without significant human oversight, tasks requiring human-like planning and learning, think or act like a human
- **Explain-ability** – The property of an AI system to express essential factors influencing the AI system results in a way that humans can understand
- **Large Language Model (LLM)** – A type of AI program that can recognize and generate text, among other tasks. Applies to all languages
- **Machine Learning** – The use and development of computer systems able to learn and adapt without following explicit instructions, by using algorithms and statistical models to analyze and draw inferences from patterns in data
- **Training / Test Data** – A dataset from which a model learns / is tested.

Terminologies Related to Bias and Fairness

- **Algorithmic discrimination** – Different treatment or impacts disfavoring people based on their race, gender, age, religion, disability, or sexual orientation
- **Bias mitigation process** – In the context of fairness, bias is an unwanted characteristic that places one group at a systematic advantage and another group. A process for reducing unwanted bias in training data, models, or decisions
- **Human Rights** – The human rights to privacy and data protection, equality and non-discrimination are key to the governance of AI
- **Individual Rights** – Under data protection law individuals have a number of rights relating to their personal data
- AI models should be DEI compliant

AI Implementation Phases

The “procurement, implementation and ongoing assessment” of artificial intelligence systems must be done in accordance with the following stages. The policy segments implementation into four distinct phases:

- **Intake and exploration** - The AI Board will maintain an intake form for new AI systems, that will cover the AI Guiding Principles for AI. Setup Microsoft Form managed by the AI board
- **Equity and Fairness Risk Assessment** - AI Board will be equipped with tools and perform risk assessments as a part of the review process
- **Procurement** - Third parties or external vendors should explicitly agree to ongoing monitoring and assessment. Contract language should include terms and conditions for introduction, upgrade and product firmware changes incorporating AI models Ability to opt in or opt out of such functionality after an impact assessment and review by AI Board.
- **Implementation** - As a State agency moves to implementation for a new AI system, whether embedded within a solution, procured from a vendor or developed in-house, the State agency shall review technical parameters to ensure responsible use of the AI system

Guidelines Specific to Large Language Models (LLMs) and Generative AI

Large Language Models (LLMs), such as ChatGPT, Bard, Bing Chat, and Dalle, offer potential opportunities to improve service delivery and enhance workforce productivity. Example – Microsoft Co-pilot – Invoicing, responding to RFP, measuring productivity

AI Board should be equipped with tools to explore these models but connecting the models with production systems are not allowed unless AI board does a risk assessment

LLM capabilities could assist with research, generating text and visual content, creating and editing documents, correspondence, and a host of other useful applications. State agencies are likely to explore those capabilities first because the market is more mature with readily available tools and products.

Compliance with PII, PCI, HIPAA, CJIS, IRS 1075 etc

Copyright concerns – AI generated images, music, Font, Logos, templates etc

AI Procedure AI-02 AI Intake and Inventory

Public Act 23-16 directs the Department of Administrative Services (DAS) to conduct an annual inventory of all systems that employ AI

Intake and Inventory Reporting Requirements – Intake form maintained by AI Board

Inventory Transparency – Publish inventory list on branch website

Inventory Scope - The inventory collected will not include commodity products embedded in other systems that pose little risk to the state or its citizens. Examples of commodity products include auto-complete functionality in email clients, smart virtual assistants embedded in smartphones, and email spam filters. While these technologies make use of AI and machine learning, their use is limited in nature and poses little risk.

Inventory Frequency - Information regarding AI systems shall be submitted prior to deployment and updated each year once deployed

Types of AI Software/Hardware

1. **Developed AI** – Custom built AI systems where the branch is involved in the development and implementation of the system to solve a discrete use case. Developed AI is generally Open-Box because the branch can access internal logic, parameters, and training data is available.
2. **Embedded AI** – Solution or tools that are embedded in a software system that the branch owns or subscribes to but one where the branch did not have a role in developing. Embedded AI is generally Closed Box because the branch does not have access to internal logic, parameters, and training data is not available. Only input and output behavior of the model is known.
3. **Open-Source AI** – Open-source AI is the application of open-source practices to the development of AI systems and tools. Many open-source AI products are variations of other existing tools and technologies which have been shared as open-source software by private companies or a development community or consortium.
4. **Procured AI** – A standalone AI solution or tool that is purchased or licensed by the State for the purpose of developing AI systems. Security products, email threat protection, Microsoft co-pilot, forensic products etc

The Judicial Branch Artificial Intelligence Committee

- (a) Guarding against or being prepared for abuse that will come from artificial intelligence*
- (b) Taking advantage of innovative opportunities that could help with Judicial Branch operations, particularly those which will make the process easier for users*
- (c) Conducting an inventory of any systems that employ artificial intelligence, making the inventory publicly available on the Judicial Branch's website not later than December 31, 2023* (completed), and*
- (d) Developing and establishing policies and procedures concerning the development, procurement, implementation, utilization, and ongoing assessment of systems that employ artificial intelligence by February 1, 2024*.*

Members

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Melissa Farley, Executive Director of the External Affairs Division

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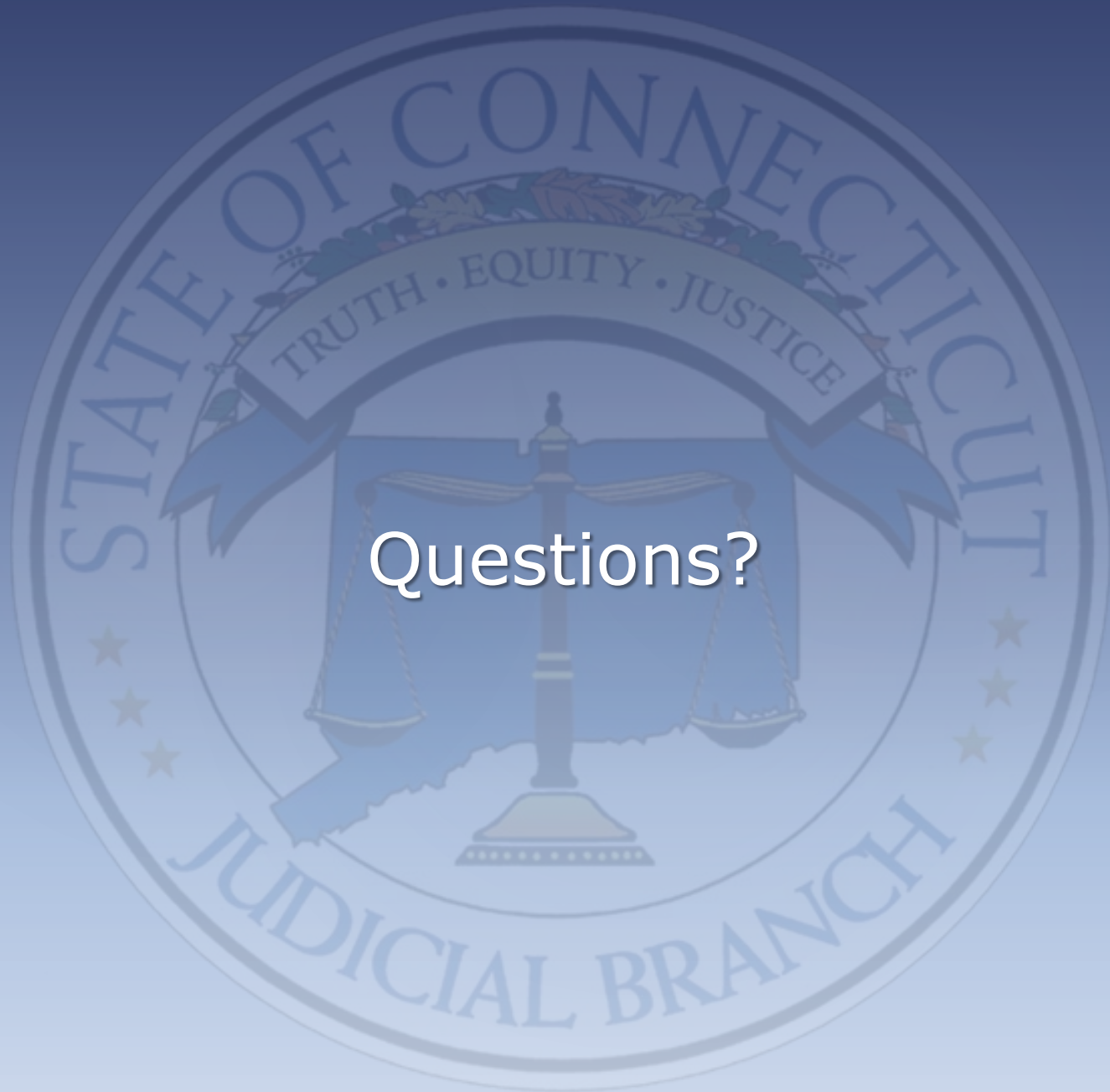
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Questions?