

Comment of Recidiviz

Public Interest Comment on the National Telecommunications and Information Administration (NTIA) Dual Use Foundation Artificial Intelligence Models with Widely Available Model Weights Request for Public Input

Regulations.gov Docket No. NTIA–2023–0009
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Recidiviz's Vision and Impact

Recidiviz is a nonprofit technology company that works with state level corrections and supervision agencies to improve outcomes in the criminal justice system. We partner directly with corrections departments across the U.S. to modernize their use of data and drive change at scale. Our engineering team has built an open source data platform that ingests and processes data from our 15 state partners and provides tools to assist their staff in identifying and moving people through the system who have gotten stuck. Our tools identify the thousands of people who are currently sitting behind bars, despite being eligible for release, and surface the thousands more who could be eligible with targeted support. This work helps agencies implement bipartisan laws already on the books, and helps people reconnect with their families, communities, and lives sooner. Since 2019, Recidiviz has scaled this model to 15 states — reaching 39% of the U.S. incarcerated population — and helped safely accelerate 103,500 people out of the system. Over five years, Recidiviz has reached unprecedented scale in a notoriously fragmented space, and is using that scale to safely reduce incarceration and disparities in the U.S. justice system.

Impact of Open Source Software on Equity in Criminal Justice – Questions 3(c) and 9

Core to our mission of building the technical infrastructure for a smaller, fairer criminal justice system, is making the methodologies, tools, and software open source. As we work to embed transparency and accountability into the criminal justice system, our open source technology enables trust between our organization and the agencies we are partnered with that our tools will do what they are intended to do, and that our algorithms are built conscientiously with careful attention to avoiding unintended harm. There is substantial potential for harm in

technology built for public institutions, specifically in the criminal justice field, so it feels essential to our mission and work that we maintain open source technology for all of our tools.

Recidiviz is also exploring the potential risks and benefits of AI in the criminal justice field very carefully. Open source foundation models allow for both the source code and the weights to be readily accessed, but we feel to truly verify a model's efficacy, one must also be able to review the data the model was trained on to understand how that data was generated and coded – this may involve access to the training data itself or to thorough documentation explaining and cataloging the training datasets, depending on the datasets and their privacy implications. It is also important to be able to review the evaluations that were performed, including specific benchmarks, evaluation criteria, and results. It is all too easy for AI to encode and perpetuate biases and harm; particularly in criminal justice, there is a risk that a model might assign undue weight to certain personal characteristics such as race, gender, or age. Insight into the source code, weights, training data, and evaluation methods are necessary for agencies and organizations to feel confident employing models for the public benefit. As we explore the potential of AI within our own field, we want to ensure that criminal justice agencies have access to all of this information to ensure that the models they might deploy produce results that minimize unintended harm. Open source has a key role to play in providing this transparency.

Thank you for the opportunity to comment on this important matter.