

EDITED TRANSCRIPT

CENTER FOR DEMOCRACY AND TECHNOLOGY

[Centering Disability in AI, One Year After the Blueprint for an AI Bill of Rights](#)

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>> **Alex Givens:** All right, everybody. We're going to get started. My name is Alexandra Givens, and I'm the CEO for Center for Democracy & Technology. We're thrilled to have you join our webinar, Centering Disability and AI One Year After the Blueprint of AI Rights. I am a blond woman with blue eyes wearing a black suit jacket, and I have behind me strangely enough a big window overlooking the San Francisco skyline. I'm out of town for a conference right now. We're so glad that you're joining this meeting today that we hope will both be a moment to share information about what is happening at the intersection of AI and disability rights, a moment to celebrate some of the progress our field is seeing so far, and really what will be an invitation in for more groups and more advocates to do this important work at the intersection of AI and disability rights. Now is a very active time in AI policy. The White House recently released an AI executive order. There are legislative hearings happening in the United States Senate and in the House as well. Legislation on AI governance passing in the European Union and various federal agencies issuing guidance. How the use of AI in public benefits systems can lead to people's benefits being cut, or them being wrongly accused of fraud. We've examined the

use of AI in schools the amazing speakers we have today are going to talk about these and many more issues. The areas for advocacy action and hopefully how you can get involved as well. In doing so, they're going to celebrate some of the progress we've seen so far, including real leadership on this issue from the White House and agencies in the Biden Administration, most notably the Department of Justice's civil rights division and the Equal Employment Opportunity Commission. I'm particularly honored, as we start this conversation, that we have with us a leader who is helping to center these fights within the White House. Judy Brewer, who is assistant director for accessibility within the Office of Science and Technology Policy. Those of you who know her know that Judy actually requires no introduction whatsoever. She is a leader in our field, and has been for a very long time, most notably as director -- we say that we want advocates in the White House who have deep experience working on these issues. It is still an absolutely beautiful thing when it happens, and having Judy in the White House really is a gift to those of us who care so much about making sure that technology advances the rights of people with disabilities. So Judy, with that, I'm going to pass to you to introduce yourself to kick us off and then we'll have the panel chime in after that. So thank you again to everyone for joining us, and Judy, over to you.

>>**JUDY BREWER:** Thank you so much, and just making sure the audio is still working okay here? Okay. Thank you so much for those -- for that kind introduction, Alex. And thanks for the opportunity to speak with you all today about AI and disability rights. On behalf of the White House Office of Science and Technology Policy, or OSTP for sure. I'm a white woman with short, brown hair and a kind of tweedy jacket today. So it's an honor to be here today, and as I know the important work that the Center for Democracy & Technology does for disability rights and for AI and putting those together in an important way. President Biden reminded us at a recent celebration of the Americans with Disabilities Act and Rehabilitation Act anniversaries, how important it is to make the Web and mobile apps accessible to Americans with disabilities. This is just one of the areas in which OSTP contributes to advancing disability rights through technology. The Office of Science and Technology

Policy's role within the administration involves advising the president and White House senior staff on key issues related to science and technology, coordinating federal government technology policy and priorities, and ensuring equity, inclusion and integrity in science and technology. OSTP works across many science and technology areas, including climate and environment, industrial innovation, health outcomes, national security, science and society and technology. Many of these areas have implications for accessibility and for disability inclusion. Years ago, OSTP played an important role with regard to digital accessibility and disability rights by recognizing the need to ensure that The Worldwide Web could be accessible to people with disabilities. OSTP helped gather international, government and industry support to launch what became the Web accessibility initiative, which developed the Web content accessibility guidelines, WCAG, or WCAG for short, and as you may be aware, WCAG became the basis for the U.S. Section 508 standard. OSTP is currently working on multiple issues which impact digital accessibility and disability rights inclusion. Disability data equity -- sorry -- let me see. OSTP's currently working on multiple issues which impact digital accessibility rights. For instance, increasing STEM accessibility and disability inclusion, disability data equity actions, strengthening section 508 implementation, and clarifying Web and mobile accessibility under ADA Title II. OSTP is also working to build a clearer understanding across federal government of the importance of digital accessibility, including the essential role digital accessibility plays in ensuring disability rights in the modern world. Why universal design default accessibility benefits everyone, why universal design is often the most economical approach to 508 and ADA compliance. Why it's a great foundation for customer experience and innovation, and why digital accessibility is an essential precursor to disability inclusion. I know that there's great interest in AI at this webinar. The Biden/Harris Administration is committed to ensuring that AI is developed and used in a manner that advances equity for all people, including underserved and marginalized communities. That protects their human rights and fundamental freedoms, and that supports their equal access to opportunities and vital services. To advance these goals last year, the administration published a blueprint for an AI bill of

rights and the AI Risk Management Framework. The blueprint laid out five core protections everyone should be entitled to when it comes to AI and automated systems. First, safe and effective systems. You should be protected from unsafe or ineffective systems. Second, algorithmic discrimination protection. You should not face discrimination by algorithms, and systems should be used and designed in an equitable way. Third, data privacy. You should be protected from abuse of data practices via built-in protections, and you should have agency over how data about you is used. Fourth, notice and explanation. You should know that an automated system is being used, and understand how and why it contributes to outcomes that impact you. And fifth, human alternatives, consideration of fallback. You should be able to opt out, where appropriate, and have access to a person who can quickly consider and remedy problems you encounter.

On October 30th, 2023, President Biden issued an executive order on safe, secure and trustworthy artificial intelligence. Given that the full executive order is over 100 pages, I recommend to you the accompanying fact sheet, which summarizes provisions in the executive order. Among these are measures to protect -- to preserve privacy, to address algorithmic bias, to advance the responsible use of AI in healthcare, and to mitigate the harms and maximize the benefits of AI for workers. I want to draw your attention to multiple sections that have some bearing on accessibility. The U.S. Access Board is encouraged to engage with the public on risks and benefits of AI to the disability community. Also, in the executive order, there is attention to AI risks and algorithmic bias, worker surveillance and automated decision making. There is also a call to surge the AI workforce, which I hope people with digital accessibility expertise and disability rights awareness take heed of. There are opportunities to look at the trainable data sets that inform different automated systems. On November 1<sup>st</sup>, the Biden/Harris Administration also published draft policy guidance on U.S. government use of AI, advancing governance, innovation and risk management for agency use of artificial intelligence. This guidance would establish AI governance structures in federal agencies. It would advance responsible AI innovation. It would increase transparency, protect federal workers, and

manage risks from government uses of AI. Let me mention a few specifics from this proposed guidance for your interest, as this is currently under public review. This guidance would direct federal agencies and departments to designate chief artificial intelligence officers to establish internal mechanisms for coordinating AI efforts, and to expand reporting on the ways agencies --

[Speaker is muted]. [captioning cannot hear speaker].>> So I think we may have just lost Judy's audio. We're going to give her one second there. So we're just going to give Judy one minute there to dial back in, and while she does that -- oh, I think she may be doing it right now. Let's give her one second. Thank you all for bearing with the tech issues.

>>**JUDY BREWER:** We're going to retry this and see if it's possible for the audio to come through now. I'm so sorry. It's been an interesting tech day in many ways, so I wanted to mention a few specifics from the proposed guidance for your interests. And again, this is the guidance that's under public review right now through December 5th. So want to make sure you're aware of some of the issues that might be accessibility or disability inclusion-related. The guidance would direct federal agencies that designate chief AI officers, establish mechanisms and so forth, it would advance responsible AI innovation, including through expansion of the AI workforce capacity to successfully develop and govern use of AI, remove unnecessary barriers to the use of responsible AI and explore safeguards and oversight through use of generative AI. It would mandate the implementation of specific safeguards through the use of AI that impact the rights and safety of the public, including identifying and also mitigating factors contributing to algorithmic discrimination and disparate impacts. And it would define uses of AI that are presumed to impact rights and safety across a broad range of federal services. Public participation and community engagement is vital to this process. The public commentary for this is through December 5th, as I've mentioned. We welcome your comments on this. And for AI, there is much work to do to mitigate AI risk, and to realize the benefits of AI for accelerating accessibility. It's important the disability rights and digital accessibility experts are in the workforce and at the table. I want to thank you very much for the opportunity to talk with you today. I

also want to mention that a colleague has recently joined me at OSTP, Adam Politis, who is focusing on disability and equity issues, and will be working on a number of topics, including some of the data equity issues and STEM accessibility and disability inclusion, and also some AI. So at this point, I need to go to another meeting, so my apologies, but I know you'll have a fantastic panel here and I will be watching the recording because I want to listen to all of your presentations and hear the discussion. So again, thank you so much for the opportunity to present. My apologies for the technical glitches, and I look forward to hearing the dialogue that comes out of this important CDT event. So many thanks.

>>**ARIANA ABOULAFIA:** Thank you so much for that, Judy. And thank you for all of the work that you do. I will do a quick intro of myself and of our panelists, and then we will dive in here. So my name is Ariana Aboulafia. I have dark brown, curly hair that goes to a little bit past my shoulders. I'm wearing a black suit jacket, a white collared shirt and glasses, and I am the policy counsel for disability rights and technology at the Center for Democracy & Technology. We are so happy to have you all join us here for a conversation on the importance of centering disability in AI, both one year after the blueprint for the AI Bill of Rights and just a few weeks after the executive order on AI that Judy mentioned. So we have with us today some really fantastic panelists, very much looking forward to this conversation. We have Priscilla Mensah from Ford Foundation. We have Maitreya Shah, who's a Berkman-Klein fellow. We have Dame Men Patrick Williams, professor at UNC Charlotte, and we have Carol Tyson from the Disability Rights and Education Defense fund, which some of you may know as DREDF. So with that very brief introduction, and you all can please feel free to do visual descriptions when I do call on you, I want to kind of dive right in to the panel itself. And so the first thing I want to do is, you know, jump off of some of the things that Judy had said and sort of do a little bit of table-setting. So I want to start with you, Priscilla. You know, why would you say that it's important to center disability in conversations on AI? What does that mean to you?

>>**PRISCILLA MENSAH:** Thanks, Ariana, and hello, everyone. My name is Priscilla Mensah. I am a

dark skinned black woman with closely cropped hair with a dark jump suit and gold loop earrings. I myself am partially blind and have been working this space due to the policy imperative, and it was really a privilege to listen to Judy talk about, you know, the White House's perspective on why the government feels the need to be in this area, and you know, I would agree. I think that, you know, what we know is that disabled people are less likely to be tech enabled, but in my perspective, disability often calls for very specific assistive technology that can make the lives of disability people easier. And of course AI has the ability to, you know, troubleshoot and indeed also boost the efficacy of A tech devices in a number of different areas of device. My research was looking into augmentative and alternative ways of communication devices, and we found looking at those devices, that AI really has the chance to really boost efficacy to make those devices a lot quicker, and in constructing sentences, and this is a huge question and a huge challenge for those with speech disabilities who use these devices. A big question, and a big challenge is how quickly you can construct a sentence, and AI has a real opportunity to improve the rate of conversation. But of course at the same time as doing that, that raises a number of questions around data, because, of course, without good data, it's very hard to create good assistive technology devices for individuals. And so why we need to center disabled people, one has to do with the data around disabled people presently in AI systems. A lot of these systems do not have really adequate amount of disability data where it comes to computer vision, for example, or where it comes to LLMs. Again, we're not seeing that these systems have a real diverse set of data to improve their algorithms. And as a result of that, you then end up with systems that have these real, you know, clear blind spots, pun intended. You need for these systems to be far more efficacious, and you don't do that unless you have the data from disabled people. But where companies and firms get that data, it has to be in direct partnership with disabled people. And so if they are not centered in the conversation, then I do worry about how that data is being procured and how that data is going to be used. So we also see a couple of examples more recently, I believe, Judy spoke to the example of how algorithmic bias can, you know, dramatically impact someone's

benefits or affect the social welfare. The same thing holds true in terms of how governments are regulating against AI systems, potentially because it's reactionary -- reactionary regulation to some data risk or some AI risk, but for example, if you're thinking about computer vision and regulating against computer vision, how it's used in criminal justice, for example, that may then go on to affect how atech devices are using computer vision to make the most efficacious assistive technology devices and so if disabled people aren't in the center of this conversation, there are ways in which we can be regulating AI that may actually preclude the opportunities that disabled people have.

To use atech, because we're thinking about how AI can impact and discriminate other marginalized groups. And so in order to get that very subtle balance right, there needs to be some people at the center of the conversation. So that's where I would start.

>>**ARIANA ABOU LAFIA:** And that's a really great place to start. And so part of centering disability and disabled people, right, in tech and in AI means both prioritizing and also understanding some of the unique risks that disabled people face when they're confronted with algorithmic systems or with technology. And so Maitreya, I was hoping that you could talk specifically about some of those risks.

>>**MAITREYA SHAH:** Thank you so much, Ariana, so I am Maitreya Shah. I am a brown-skinned South Asian man with curly hair, and I'm wearing this big pair of headphones. I am blind. I'm a lawyer, and I've been working on the intersection of technology and disability for a few years now. So, you know, we already have a good premise to understand why disability needs to be centered in the conversations on AI. To your question, Ariana, I think I really like the term "unique." So people with disabilities indeed face unique risks, which are quite different from other identities that are I think at the center of the conversations on AI and harms, like race and gender, because disability, even as a group, is quite heterogeneous to, if I can start with that, and we have further risks with other genderality and neutrality that the AI systems are purported to bring to the world. On the other hand, I tend to put -- or to cluster the risks of AI and algorithmic systems on people with disabilities, and this broader idea of existential risks. And when I say existential risks, it is quite different from the popular



school of thought that says that the AI is going to take over the world, and erase the human race. I think for me, existential risks with AI systems and disability are the risks that people with disabilities are facing, which are hampering their existence in the society and their existence in the world. So it is inherently an impediment to the right to life. To give you a few examples of those risks, on the one hand, you have these algorithmic prenatal screening technologies which are used in raising certain -- erasing certain disabled fetuses to basically prevent disabled fetuses from getting born in the world. That is one. There are these private actors that have this fundamental notion that disabled bodies are abnormal and problematic, and they need to be fixed, so technologies are being developed to, quote unquote, fix disabilities, which is, again, hindering the existence of people with disabilities. There are governments that probably think that there are these millions of people eating up the Social Security budgets, and so there had to be designed a way where you can curb the number of people who are eligible to get those benefits, and disability is always at a priority when it comes to cutting down on costs. Finally, we have also learned from the pandemic, we have seen it in the United States, where in the healthcare rationing of the triage, people with disabilities were at a great peril, at a great risk of being marginalized and losing access to crucial healthcare. And there is also this goal internationally and within the United States to use the so-called neutral algorithmic and AI-based systems to -- in the crucial healthcare rationing or triage contexts, which, again, amplifies all the risks that we are talking about. So I think it's important to recognize the most fundamental risks that people with disabilities are facing right now, and to center the voices of people with disabilities in these conversations, and to start thinking critically and different from the generality of the conversations and deliberations that we have. I think I'll end there.

**>>ARIANA ABOULAFIA:** Thank you for that. So I want to, you know, keep talking a little bit about risks and sort of go back to the executive order and the blueprint. So, you know, the executive order on AI that was recently released just a couple of weeks ago specifically mentions people with disabilities and states that they should be able to benefit from AI's promises while being protected

from risks. And some of those risks certainly include, you know, as Maitreya said, the Sheen of, you know, neutrality and how that winds up impacting folks with disabilities. The AI Bill of Rights, the blueprint for the AI Bill of Rights that was released approximately one year ago by the White House Office of Science and Technology Policy also specifically mentions the importance of ensuring that algorithmic systems do not discriminate against people on the basis of a disability. And so naming people with disabilities as a group that should be explicitly protected from algorithmic discrimination, and from discrimination in AI systems is a huge step. But we do know that people with disabilities do face discrimination in AI right now. And so Damien, I was hoping you could talk a little bit about some of the ways in which we see AI leading to discriminatory outcomes for people with disabilities.

**>>DAMIEN PATRICK WILLIAMS:** Hi. Yeah.

Thank you for that question, Ariana, and thank you, everyone, for your answers and your discussions so far. I'm a Black man with facial hair, natural hair on top of my head, round in the middle. Glasses, I'm wear a black shirt, silver/gray checked vest, red paisley tie. Behind me is a bookshelf filled with books and framed documents. So I want to kind of weave all of this together because both Priscilla and Maitreya have hit on some really important considerations all right. These questions of what risk looks like and how discrimination plays out in the current systems. In addition to the kinds of things that we've talked about so far, we also have hiring algorithms which regularly discriminate against people with disabilities, and CDT has done a lot of good work in trying to advocate for better auditing systems to make sure that the algorithmic hiring that gets put in places in places like New York City actually takes disability status into account and understands the needs of disabled people. We have computer vision systems, which very often are not trained on disabled people in various embodiments. The people who use wheelchairs or people who use crutches to get around are often still under-represented within computer vision training data, and so they are miscategorized more often by computer vision systems that get used in everything from general surveillance, visual recognition systems, but also cars, increasingly at play within self-driving vehicles. Voice recognition

systems, which have problems with the speech of those who might have a speech impediment to any number of reasons oftentimes still fail to capture those voices correctly, even as, on the other side, we do have voice production systems which work so much better over time, tools like dragon speech to text and text-to-speech, you know, that still do such amazing things within that space. And then we have, of course, benefits of systems which oftentimes recommend lower payments for people with disabilities than they actually need and are done so in an opaque way that is, as was discussed, considered neutral, it's just math that's making these decisions, and really there are many layers of human decision making which have been programmed in and reinforced by these systems. And that kind of gets at the heart of your question, I think. The way that these things happen is that when these systems are built and trained and set into operation, they've given a picture of the world that's based on data. It's based on assumptions which do not accurately reflect the lives and lived experiences of lived experiential knowledge of disabled people. There are ableist assumptions that sit at the heart of so many of how these technologies work that then become the framing questions that we seek to answer, the data that we seek to gather, the tools that we then build out of that data to operate on that data, to work in and supposedly for the lives of disabled people, where, at every step of the way, most of the time, disabled people are not consulted about these things until such things go wrong. Right? And so this question that's already been asked of who's in these rooms, who's conducting or who centered the research. There's this kind of idea that is often thought of in terms of regulation of policy, but it can be thought of within research as well, it's a capture of, there's like one kind of group who holds the expertise, and that group gets to dictate to whatever marginalized group the technology or the science is being built for, what they should accept. And that paradigmatic capture, it turns into the kinds of tools that people make that are supposed to help, quote unquote, disability or to quote unquote fix disabilities. Ashley Shew has the term techno-ableism, where technology that gets developed is meant to completely remediate and fix and improve the lives of disabled people in a way that they don't necessarily care for. They don't seek themselves, but it's

thought that they must want this fixed. They must want this way of being made, quote unquote, better, being, quote unquote, improved. And that sits at the heart of so many of these tools is that assumption about what disabled people ought to want, or should need without actually bringing disabled people in as the experts of their own lived experience, without centering those other than the people who are inside those technology groups, oftentimes creating the very harm that they are supposedly seeking.

**>>ARIANA ABOULAFIA:** And thank you for that, Damien. There are so many really important things that you've brought up there, and that, you know, our panelists thus far have brought up, consistently asking that question of who's in the room and who's able to be a stakeholder, who's able to have a, you know, metaphorical seat at the table, and that's part of what we're doing in these conversations about centering disability and centering disabled people. And Priscilla, I was planning on coming to you next, and I'm going to ask one more question about the blueprint. And I think that Judy had brought this up in her remarks as well. One of the core concepts of the blueprint for an AI Bill of Rights is the importance of considering privacy and data privacy in AI systems. And Priscilla, I would love for you to speak a little bit about both personal privacy and data privacy, privacy in general, and why those things can be particularly important for people with disabilities in the tech context.

**>>PRISCILLA MENSAH:** Yeah.

Thank you. And Damien, thank you as well, because so much there that I want to also come back to. You know, in my thinking about this, particularly given my focus, my research focus, on AAC devices, it was not just the case that this was about personal data of the individual, the individual user or agent, so to speak, but also about their communication partners. AI systems would be capturing data, for example, in these devices about conversations had with others. AI would be capturing computer vision for these systems that would be scanning an area, so that would be, you know, computer vision, that is looking at other people, and so there's not just the question of the individual user's privacy, but also what happens when that is about the wider environment and individuals, their concern, their privacy, their questions about their agency as well. And I feel like that question comes,

to my mind, is unique to disabled people in ways that it won't necessarily be as pertinent for those who are non-disabled, because disabled people, these are questions around how they're using tech and how that tech then interacts with their carers, interacts with their families, interacts with their communication partners. And so these questions about personal data and privacy I think are quite unique to Maitreya's point. They have some really unique elements to them when it comes to disabled users. You know, when I think about individuals using AI in the internet of things, you have individuals using AI across their household, for example, in order to live independent lives. And for me, that creates a really strong imperative around ensuring that that data about how a disabled person is using their environment, living in their environment, is then not used or weaponized to then determine what kind of benefits they get. While, you know, we have seen cases already where, you know, some sort of -- some self-righteous math has decided that an individual no longer gets X amount of hours of care work, but rather gets a decreased number of hours, and that's because of the systems being considered to just have it right. And if there's any situation in which an individual's personal privacy and home environment can be used to further potentially compromise their access to care, that's something that I think would be of -- you know, would be of grave concern, disability advocates and people with disabilities who are accessing these systems. To that point as well, and this is to Damien's point about this tech ableism, this idea that these systems are just correct, my politics is that, you know, if disabled people are being impacted by these algorithms, and are not able to seek answers as to how these things were done, that is not on the fault of disabled people for quote unquote not understanding these systems. It is fully, to my mind, in the court of -- in the -- not so much the legal courts, but the ball is in the court of government and in the court of tech companies to make these systems intelligible to the individuals using them for them to be able to then make informed decisions about how they want this data to be used. Like I mentioned, I'm partially blind, and so I use an outgoing seeing AI that can help me sort of identifying food stuffs when I go shopping, identifying the streets around me when I'm trying to find my friends or head out and about, and, you know, it's my

right that these things are intelligible to me so I understand how this data is being used. And so for me, this is a question about responsibility. This is also a question about civil and human rights, and it's putting some people at the heart of that conversation before mistakes are made, to Damien's point, and ensuring that, you know, there is recourse, and the ability to ask, let's pull the curtain back. You know, what do these things mean, why are they affecting my life in a particular way, and not to be told, well, that's just the math. And that is why we need to be centered in this conversation.

**>>ARIANA ABOULAFIA:** Yeah.

Absolutely. Thank you for that, Priscilla. And what I'm going to do now is I want to dive in a little bit more in to something that you just mentioned, which is sort of the ways in which disability and AI intersect with kind of specific sociotechnical systems. And I know you had mentioned benefits determinations and we're going to dive into that in a moment, but before we do that, Carol, I would love if you could discuss for us how some issues with disability and AI manifest in education settings.

**>>CAROL TYSON:** Sure. Hello, everyone, this is Carol Tyson. I'm white, very straight hair, and physical and mental disabilities. At first I want to say, the students with disabilities are also black and brown students and LGBTQIA + students and may experience multiple forms of discrimination, and also that students are children. So I really like to say that. I think it really changes all of what I'm about to say. In education, we see all -- everything that everybody here has talked about, and it's such an honor to be on this panel with everybody. Generative AI is being used by students with little guidance and a risk of spreading misinformation, confusion and leading to increased discipline. It's unclear how many students are actually using AI tools, and schools and teachers may presume its use and discipline students unfairly. And generative AI does not always provide factual information. There is a real risk when students are using AI tools without guidance, especially around researching topics like mental health. AI and technology is being used by schools to monitor student activity and to filter in black internet content. A higher percentage of students report that it is hard to complete their assignments because of the filtering, and currently content associated with LGBTQIA + and students

of color is more likely to be blocked. This isn't a surprise. The risk of harm is increased when you consider that lawmakers are already pushing to deny rights to LGBTQIA + students and adults, and some of the measures that we see across the country, at the state and federal level, are explicitly targeting autistic LGBTQIA people and those with mental health disabilities and are seeking to restrict LGBTQIA discussions in schools. This limiting of content and discussion can add to the feelings of isolation and higher rates of depression and self harm among children with disabilities in schools. And then finally, monitoring. When devices are shared from the school or when students are using a school network, the school may be using a variety of technologies to monitor students during and outside school hours, including facial recognition and enabling cameras, software for remote proctoring to determine if the student is cheating, software to track a student's physical location or to monitor their activity and schoolwork and attendance in school or if they're at home, if they're getting their education from home or after school hours. This data can be shared with law enforcement, which can include a police officer and immigration officer, or a school resource officer. It can be used for discipline, and can monitor what students are posting on their social media accounts, which can be used to out an LGBTQIA + student. This use of monitoring and data is especially concerning right now because students with disabilities and black and brown students with and without disabilities are already disciplined at higher rates than non-disabled students, and are at an increased risk of law enforcement interactions and discipline. These actions and interactions can stay with the child and lead to lasting trauma and institutionalization throughout their life. And during and after Covid, we heard stories of law enforcement appearing at a disabled student's home when they were doing their best to stay engaged in their education. And finally, in addition, when software is being used to try to predict future behavior, students with disabilities are at an increased risk of targeting because of implicit bias. There is a continued association of gun violence with mental illness in people, including students and children, with mental illness and other disabilities are more likely to be victims rather than perpetrators of violence. We need to focus instead on creating environments that instill trust

between students and the parents and schools, and that ensure that students with and without disabilities have access to the accommodations and technology that supports their growth and allows them to thrive.Thanks.

>>**ARIANA ABOULAFIA:** Thank you, Carol.You know, the thing I really just want to highlight from that, it is so important to consider multiple marginalization, not just for students in schools, but in general for abled folks -- disabled folks and to think about sort of all the different ways in which various systems can be interacting with one individual.So I did promise we were going to get back to the question about benefits determinations.So Maitreya, I was hoping that you could talk a bit about benefits determinations, how AI is used in those systems, and it's been sort of brought up by Priscilla, by Damien already, but I was hoping you could dive into it for a few minutes about how AI is used in those systems and how that impacts people with disabilities.

>>**MAITREYA SHAH:** Sure.So that's I think one of the most crucial issues, as I also highlighted, and as Priscilla and Damien also highlighted in their answers, and for the audience as Center for Democracy & Technology's done a fantastic report on some of these issues in the United States, especially looking at the law and policy aspects of this.But I like to take a step back and highlight I think two major ideas that AI systems are used -- and how they are impacting people with disabilities.The first I think is this attempt of -- by successive governments to use AI and algorithmic tools in reducing errors, and to eliminate fraudsters in the social benefits determination context and the Social Security contexts.And the other is I think as Georgia and Jackie Leeks from Australia has nicely penned, the idea that governments across the globe have both broadened the narrow idea of the concept of disability under physical pressures.So I've highlighted this before that, you know, disability is always used as a tool to basically tackle your budgetary pressures or your fiscal pressures.Coming back to how some of these risks are amplified, some of these systems are being used, so we have seen that in the United States where many states have deployed algorithmic tools in determining how people with disabilities can get SSI, Medicaid, SNAP, healthcare or care-giving



benefits. A lot of these tools do not recognize the individuality of people with disabilities, their functional or their behavioral aspects, their identities and their rights, but I think it's essentially just quantifying their disability, and then their public identities and their public documents into an algorithmic format, and then determining what a person can get from the government. And this arises, gives -- you know, there are many risks that come forth from this to give a few examples here. You know, a person with disability who is depending -- their sustenance is dependent on, say, SNAP, SSI or Medicare could have fundamental issues and fundamental risks to their livelihood, to their life and to their functioning of society if their social benefits are cut off. As disabled activists, as disability rights advocates, we have seen how painful the battle of de-institutionalization was in the United States, and when these algorithmic tools are deployed, to curb care-giving benefits in community settings, there is this risk of sending people with disabilities back to those institutions and we know how difficult and how dangerous that could be. So I think there are many, many issues in sort of understanding the data of disabled bodies in the use of algorithmic policies in data and public spheres, and how the government, you know, reduces disability to this weird cost/benefit analysis and this weird Excel sheets or algorithmic data sheets, which is usually opaque, and is full of opacity. So I think there are fundamental risks with this, and there is a lot that needs to be done here.

**>>ARIANA ABOULAFIA:** Absolutely. And so I'm going to ask one more question about systems. And Damien, this is sort of a mammoth of a question, so you can just give us a brief rundown. But I'd love for you to add a little bit of insight on criminal system and how AI can impact or is impacting people with disabilities that have been embroiled in that system.

**>>DAMIEN PATRICK WILLIAMS:** Yeah.

And this gets back to a lot of what Carol was saying in her answer, and I want to kind of link the ideas of both the criminal legal system and the notions of what kind of behaviors get singled out and categorized as problematic behaviors, as disruptive behaviors, as then later on in children's and young adults, and then adults' lives, criminal behavior, right? The categorization of criminality, what

kind of behaviors should be singled out as difficult, as problems within a scope of social institution, like a school or even just walking down the street every day. These are constructed categories of things. And so when a system is oftentimes trained on these -- again, these stereotypes, and these assumptions about what kind of behavior is problematic, what kind of behavior is risky, what kind of behavior is something to keep an eye out for, when it might just be, you know, someone with, you know, neurodivergent, such as autism or a space of, you know, a particular disability that causes different movement of body than is expected by someone in the law enforcement position, it can then cause that person to be singled out for an interaction or encounter with police that otherwise might not have happened. Right? And then when those reports, those engagements, become the data on which predictive policing systems are trained, become the data on which risk assessment tools are trained, when those interactions get turned in to the basis for AI systems meant to guide the choices of police and law enforcement, it then re-engages, reiterates, reinforces those same biases, those same prejudices, those same stereotypical assumptions of certain types of disabled limb embodiment as problematic by its very nature. Center for American Progress has reported that roughly 50 percent of people killed by law enforcement are disabled. And that's a shocking number. And when you think about the kinds of intersections of other marginalized lived identity that we've been talking about, those numbers get worse, when you engage with race and gender presentation. When you engage with sexuality in certain contexts or certain areas, geographical areas, those numbers get worse. And when all of those things are used as data on which these systems operate, without critically interrogating how they operate, why they operate the way they do, without unpacking the biases and assumptions that found them, the possibilities of deadly encounters with law enforcement becomes increasingly high. And the possibilities of even just being singled out by law enforcement for interactions get astonishingly high.

**>>ARIANA ABOULAFIA:** And thank you, Damien, for that. As always, bringing up, as I said, multiple really, really important things that we could just spend hours diving into. So we have about five

minutes left. For those who are tuned in, if you have any questions, please feel free to drop them in the Q&A. In the meantime, I'm going to sort of popcorn around a question that is for everyone. You can give me in, you know, 30 seconds, in your perfect world, how would federal policymakers address some of the issues that we've discussed here? And I'm going to start with Carol on that.

**>>CAROL TYSON:** They -- we would pass the Keeping All Students Safe act and the Counseling Criminalization Act right away and make sure that students with disabilities and all students, all people with disabilities are at the table and actually helping to make policy and have the power to make policy in AI that's being used in our lives. Thanks.

**>>ARIANA ABOULAFIA:** Carol, you took the 30-second thing very seriously. I love that. Priscilla, you're up next.

**>>PRISCILLA MENSAH:** I don't think I can succeed in doing that. I would say that -- so Judy spoke very briefly to the government recommending governance structures within AI companies, for example. For example, having a chief AI officer. There may be a piece there around how to ensure that disability perspective is integrated at the beginning as opposed to somewhere around the end. And so maybe there is a piece there, and that's sort of a small governance step. I also think there's a question around recourse for disabled people who are attempting to challenge these algorithms and what they have decided, and their ability to be able to do that without being told everything is proprietary, you don't have any ability to look inside the black box here. I don't know what that necessarily looks like, but there may be a piece there to empower disabled people to be able to ask these questions.

**>>ARIANA ABOULAFIA:** Excellent. And I'll -- Maitreya, I will hit you on that question next.

**>>MAITREYA SHAH:** Thank you. I think both Priscilla and Carol have covered a great many deal of things, so I think I've generally loved the approach of the United States government to empower and strengthen the existing federal systems and the agencies that we have, and we've seen that the Equal Opportunity Commission is considered the risks of AI tools in the employment context for people with disabilities. But seriously, I think I would definitely want to see more of that at a federal

level where many, many agencies come out with specific guidance and specific mechanisms to curb the user for AI systems that pose risks to people with disabilities in different sectors, and if that is done through, you know, I think the blueprint and the executive order also included disability in many of its paragraphs. So I think it's a good first step.

**>>ARIANA ABOULAFIA:** And Damien, to close us out on this question.

**>>DAMIEN PATRICK WILLIAMS:** In addition to everything that everybody has already said, which I wholeheartedly support, I would also have them -- have federal lawmakers, congressional lawmakers, executive office, spend time thinking about what those structures that they've recommended look like, and pursuant to what Priscilla has said, thinking about, again, who is centered, not just who has a seat at the table, but who helps to determine the menu. Like who's actually guiding this policy and making sure that the disabled people and other marginalized groups and individuals that again have lived experiential knowledge or expertise are centered in that process, that they're not just reaching out to the Mark Zuckerburgs and the Sam Altmans to come in and help them craft their policy, but they're asking disabled people, policy advocates and people, you know, with CDT definitely, but specifically also every day disabled people.

Who have subject to these systems, what it is that they need, what it is that they want, and what it is that they seek to prevent. Because these things can do real harm. And recognizing who is likely to be harmed and how to prevent that harm before it happened is going to be crucial to everything.

**>>ARIANA ABOULAFIA:** And that's a wonderful way to close us out. Thank you. Thank you so much, Damien. And thank you to all of our incredible panelists, Priscilla, Maitreya, Carol, thank you also to Judy Brewer and to Alex Ruth Givens and to the whole team at CDT here who's done an excellent job in putting this on. Thank you so much for joining us for the panel on Centering Disability and AI, and we hope to see you next time. Thank you all.

[Webinar concluded].

