

## Why People Do Not Trust Algorithms and Algorithmic Scores?

Artificial intelligence (AI) impacts every aspect of our lives, both positively and negatively. Prior to the advent of AI, in *Modern Computing History*, it is noted that computers were human clerks who performed the mathematical calculations now done by electronic computers, as in the case of the Black women who were mathematicians and referred to as “West Computers.” They recently were recognized in the book and movie *Hidden Figures* for the contributions they made in 1935 in advancing aeronautics at the Memorial Aeronautical Laboratory. Since that time, as noted in *Tech For Good*, the modern “development and adoption of advanced technologies including smart automation and artificial intelligence have the potential not only to raise productivity and GDP growth, but also to improve well-being more broadly, including [healthier li[ves], longevity and more leisure.”

There are many forms of technology to include *AI Forms* of “perception, natural language processing, machine learning, planning and reasoning, knowledge representation, and robotics.” This paper focuses on the adverse impacts of AI in its different forms, and argues that AI cannot be trusted and must be regulated to curtail and minimize its adverse consequences, in particular racially discriminatory practices constituting the “*New Jim Code*,” as phrased by Ruha Benjamin in *Race After Technology* (2019, 8). Areas that require regulation to eliminate illegitimate practices and discriminatory effects in AI include, *inter alia*, privacy, inequity, absence of fairness, as well as explicit, implicit and systemic bias.

*Why is it that people do not trust algorithms and algorithmic scores?* There are plenty of examples that give rise to this sentiment. For example, in a recent healthcare case, *Healthcare For Blacks*, an insurance company developed an algorithm designed to collect data on dollars spent rather than on the patients’ health to determine if patients had any special healthcare needs. The algorithmic equation only captured the “cost” factor and construed the data to mean “less well, more care, more cost.” In order for the Black patients to achieve the same algorithmic score as the white patients, they needed to have more healthcare for chronic illnesses. As a result, Black patients were disproportionately denied the needed treatment due to the algorithmic bias. In an education case, Cathy O’Neill’s *Weapons of Math Destruction* exposed the District of Columbia’s firing of 206 public school teachers based on algorithmic scores that ranked them in the bottom 2% and another in 5%, using a faulty teacher assessment tool, to include teachers with an excellent performance record. (2016, 4) In the employment area, Pauline Kim revealed in *Data-Driven Discrimination at Work* how employees were denied equal employment opportunities, when employers relied on data mining techniques without identifying the correlations and made decisions based on factors with no clear causal connections to job performance. (2017, 865 – 866) In the penal system, state judicial systems have used biased facial recognition systems to determine bail and parole, rating Black prisoners higher for potential recidivism as compared to white prisoners with similar criminal records, as noted in *Hidden Biases*.

As these examples and others demonstrate, bias in AI impacts every aspect of life, to include healthcare, education, employment and the judicial system, requiring their regulation. Thus, while it is undeniable that uses of AI can be and are beneficial, it also has a dark side that exploits and further marginalizes protected groups, particularly, African Americans. As shown, legislative action is required to bring transparency and accountability to prevent future AI abuses, and to foster trust and alleviate bias.