

Appendix D: Sector Context Guidance

Before classifying any AI system, you should establish your **current practice baseline** and assess how AI changes it.

Step 1: Document your current practice baseline

How are decisions currently made without AI? What are current outcomes, error rates, and fairness levels? What safeguards exist in current processes?

Step 2: Assess marginal change

Does AI add, maintain, or reduce risks compared to this baseline? Does AI create opportunities that improve on current outcomes?

Step 3: Document your reasoning

Record which sector-specific factors influenced your classification. Explain specifically how AI compares to current practice in your Classification Memo.

The key question is about marginal change: How does the AI system change risk and opportunity compared to current practices? A high-stakes decision context doesn't automatically mean AI increases risk. What matters is whether AI makes the existing process *more or less* risky, fair, and effective compared to current practice.

Sector-Specific Factors

LAW ENFORCEMENT

Risk Factors

AI May Increase Risk	AI May Maintain or Reduce Risk
Enables new surveillance scope or data aggregation	Replaces more biased decision-making with more objective criteria
Influences stops, searches, or arrests with less review	Adds accountability and transparency
Lacks safeguards present in existing processes	Operates in administrative functions not affecting constitutional practices
	Includes stronger safeguards than exist currently
	Has community support as an improvement

Opportunity Factors

High Opportunity	Low Opportunity
Independent evidence of better performance, including significant efficiency gains	Current methods already work well
Reduction in disparate impacts	Offers only marginal efficiency gains
Improved outcomes (public safety, community cooperation, constitutional compliance)	Problems could be better addressed through other changes
Community validation that it addresses real problems	

COURTS

Risk Factors

AI May Increase Risk	AI May Maintain or Reduce Risk
Reduces transparency in reasoning	Makes implicit biases explicit and measurable
Generates recommendations where judges currently exercise fuller discretion	Provides better information than currently available
Creates information asymmetries favoring one party	Improves adversarial balance
Less contestable by defense	Reduces unwarranted disparities through better information

Opportunity Factors

High Opportunity	Low Opportunity
Evidence of better decision quality	Current practice already produces clear, well-reasoned decisions
Evidence of more efficient operations	Claimed benefits aren't validated against baseline
Reduction in unwarranted disparities	Problems could be better addressed through judicial training or policy reforms
Enhanced individualized consideration	
Preserved or improved due process	
Validation showing improvement across demographic groups	

CORRECTIONS

Risk Factors

AI May Increase Risk	AI May Maintain or Reduce Risk
Reduces transparency or contestability in classification	Makes institutional classifications or decisions more auditable
Restricts programming access beyond current limitations	Identifies service needs better than informal processes
Reduces rehabilitation focus	Improves program matching
	Includes stronger protections for vulnerable populations

Opportunity Factors

High Opportunity	Low Opportunity
Evidence of better reentry outcomes	Current practice provides adequate program matching
Improved program matching	Benefits accrue to management without enhancing rehabilitation
Enhanced identification of service needs	Problems could be better addressed through policy changes
More access to information for incarcerated people and/or community members	Claims aren't validated against baseline
Demonstrated benefits for incarcerated individuals	
Significant efficiency gains	

COMMUNITY ORGANIZATIONS

Risk Factors

AI May Increase Risk	AI May Maintain or Reduce Risk
Introduces monitoring beyond trust-based relationships	Improves service matching
Creates service access barriers	Identifies needs currently missed
Shares data with justice agencies beyond current practice	Reduces bias in service decisions
Reduces human interaction	Enhances rather than replaces relationships
Makes participation less voluntary	Maintains or exceeds privacy protections
Serves vulnerable populations with fewer protections	Increases transparency
Damages trust or advocacy reputation	Increases individual agency and choice

Opportunity Factors

High Opportunity	Low Opportunity
Evidence of better individual outcomes	Current practice already provides effective service matching
Increased access to services	AI does not improve individual outcomes
Improved operational efficiency	Staff capacity increases could better address existing limitations
Confirmation of enhanced relationship-building	Current trust-based approach is already effective
Evidence of more effective advocacy	
Demonstration it responds to community-identified needs	