

Appendix I: Guidance for Deployed AI Systems

Responsible AI governance is an ongoing obligation. Use the approach outlined below to effectively manage the system and minimize negative outcomes.

Triage Assessment

Before conducting a full retroactive assessment, perform a triage to identify systems requiring attention:

Priority 1 – Assess Immediately

- + Systems that influence liberty decisions (detention, sentencing, release)
- + Systems involving surveillance or monitoring of individuals
- + Systems that have generated complaints, errors, or legal challenges

Priority 2 – Assess Soon

- + Systems processing sensitive personal data
- + Systems with known or suspected demographic performance differences
- + Systems that have undergone significant updates since deployment
- + Systems approaching contract renewal

Priority 3 – Assess on Regular Schedule

- + Administrative systems with limited impact on individuals
- + Systems with existing documentation and no identified concerns

Conduct a Retroactive Assessment

For each existing system, work through the framework phases as follows:

Phase 1 (Foundation and Readiness) – Current State: Document the problem the system was intended to solve and assess your agency’s *current* capacity to manage this system responsibly. *Do you have the capacity to manage this system responsibly today to accomplish the intended solution?*

Phase 2 (Classification) – Full Assessment: Conduct the complete classification process as if you were evaluating the system for the first time. *If this system were proposed today, would you approve it?*

Phase 3 (Procurement) – Contract Review: Review your existing contract against the Procurement Guide (Appendix F). *Does your contract provide adequate protection and accountability?*

Phase 4 (Implementation) – Gap Analysis: Assess which implementation requirements are already in place versus missing. *What implementation safeguards are missing, and how will you address them?*

Decision Framework for Existing Systems

After completing the retroactive assessment, you will face one of four scenarios:

Scenario A: System passes assessment with current safeguards

- + Document findings in Classification Memo
- + Establish ongoing monitoring per Phase 5

Scenario B: System passes assessment but requires additional safeguards

- + Document required safeguards
- + Develop implementation timeline
- + Seek contract amendments if needed

Scenario C: System would be classified as “Generally Avoid” if proposed today

- + Conduct alternatives assessment
- + Develop transition plan if alternatives are available
- + If no alternatives exist, implement maximum safeguards
- + Do not renew contract without leadership-level review

Scenario D: System is Prohibited

- + Cease operations
- + Follow Protocol for Prohibited Systems (Appendix B)
- + Develop transition plan for affected operations

Documentation Requirements for Retroactive Assessments

All retroactive assessments should produce:

1. **Retroactive Classification Memo** – Use the standard template (Appendix E) with an additional section noting:
 - + Date system was originally deployed
 - + Whether original assessment documentation exists
 - + How current assessment differs from original, if applicable
2. **Remediation Plan** (if gaps are identified) – Documenting:
 - + Specific gaps to be addressed
 - + Timeline for remediation
 - + Responsible parties
 - + Resources required
 - + Interim risk mitigation measures
3. **Decision Record** – Documenting:
 - + Final decision (continue, modify, discontinue)
 - + Approval authority
 - + Conditions or limitations
 - + Next reassessment date