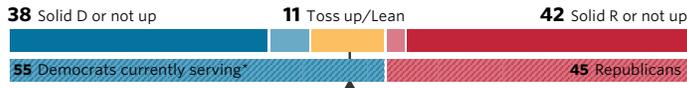




CURRENT ELECTION PROJECTIONS -THE SENATE



CAPITAL JOURNAL DAYBREAK

Your essential guide to the 2014 midterm elections with the latest polls, news, and analysis from Washington and the nation DAILY IN YOUR INBOX »

U.S. NEWS

# Holder Cautions on Risk of Bias in Big Data Use in Criminal Justice

## Data-Driven Programs Could Adversely Affect Minority Groups, Attorney General Says

Email Print 40 Comments

By **DEVLIN BARRETT** CONNECT

Aug. 1, 2014 2:10 p.m. ET



Attorney General Eric Holder at the Department of Justice in Washington. TK

WASHINGTON—Attorney General [Eric Holder](#) warned Friday that a new generation of data-driven criminal justice programs could adversely affect poor and minority groups, saying such efforts need to be studied further before they are used to sentence suspects.

In a speech in Philadelphia to a gathering of the National Association of Criminal Defense Lawyers, Mr. Holder cautioned that while such data tools hold promise, they also pose potential dangers.

"By basing sentencing decisions on static factors and immutable characteristics—like the defendant's education level, socioeconomic background, or neighborhood—they may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society," Mr. Holder told the defense lawyers. Criminal sentences, he said, "should not be based on unchangeable factors that a person cannot control, or on the possibility of a future crime that has not taken place."

The attorney general applauded other uses of aggregate data collection in criminal justice, such as crime mapping pioneered by the New York Police Department, and steering certain defendants toward non-prison rehabilitation programs.

At issue is a trend toward statistical analysis made famous by the book and movie, "Moneyball," about a baseball general manager who used sets of data to better predict which players would succeed.

### Popular Now

What's This?

#### ARTICLES

- A Push to Back Traditional Chinese Medicine With More Data**
- Saudi Price Cut Upends Oil Market**
- Giant Diamonds Lure Investor Cash to Botswana**
- Meat Companies Go Antibiotics-Free**
- Serena the Unconquerable**

#### VIDEO

- One World Trade Center's First**

That approach has since moved into other sports, and other professions, including criminal justice. Some states and localities have begun using risk assessment calculations to help decide which suspects should be released on bail while awaiting trial, and which ones should be sent to jail to await trial.

States are beginning to experiment with data-driven risk assessments to help determine prison sentences. Pennsylvania and Tennessee have passed laws requiring the use of risk assessments in sentencing decisions. Kentucky has a project to apply risk assessments to determine which defendants should be released on bail while awaiting trial.

"No risk assessment should have a racial bias, and if that's what he's saying, I couldn't agree more," said Anne Milgram, a former New Jersey attorney general who now works for the Laura and John Arnold Foundation, which is involved in the Kentucky pretrial project.

The foundation said the risk assessments reduced crime by nearly 15% among the defendants awaiting trial, while at the same time releasing more suspects on bail. And defendants flagged by the program as at risk of being arrested for committing violent crime turned out to be 17 times more likely to do so than defendants who weren't flagged as risks, the foundation said.

"We're not doing anything that has a racial bias, period," said Ms. Milgram, who added that her group does not use risk assessments that use education level or demographic information about defendants in its analysis.

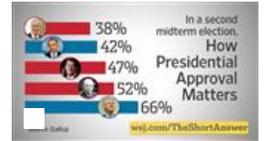
Employees Arrive



2 Apple and Google's Movie Deal With Disney



3 Midterm Elections: The Presidential Approval Factor



4 Tues., Nov. 4: Watch Alibaba Stock

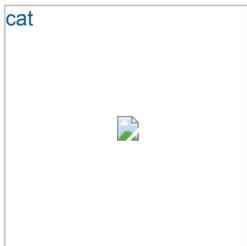


5 Oil Price Tumbles After Saudi Arabia Cuts Prices



Email Print 40 Comments Order Reprints

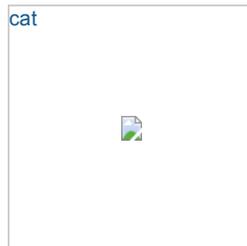
WSJ In-Depth



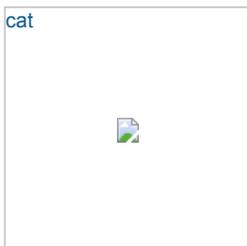
Convert to Islam Tests German Terror Laws



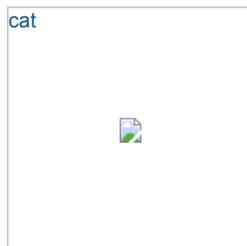
Google Nexus Player Review: Android's Bid for the Living Room



Malls Fill Vacant Stores With Servers



How College Can Help You Become an Entrepreneur



A Little Guilt Can Be Good for You



Improper Pilot Command Cited in Virgin Galactic Crash



Subscribe / Login

Back to Top

Customer Service

- Customer Center
- New! Live Help
- Contact Us
- WSJ Weekend
- Contact Directory

Policy

- Privacy Policy
- Cookie Policy
- Data Policy
- Copyright Policy
- Subscriber Agreement

Ads

- Advertise
- Place a Classified Ad
- Sell Your Home
- Sell Your Business
- Commercial Real Estate Ads

Tools & Features

- Apps
- Emails & Alerts
- Graphics & Photos
- Columns
- Topics

More

- Register for Free
- Reprints
- Content Partnerships
- Conferences
- SafeHouse