Making Bail Better

The scales of justice often tip in unfair ways. When it comes to setting bail, for example, factors that shouldn't matter—income and ethnicity—often carry far more weight than factors that should—such as the probability that a defendant will commit a crime or fail to appear in court. By studying data from nearly one million cases and using a statistical tool known as regression analysis, researchers were able to discover the best objective predictors of a suspect's behavior while on bail. They also incorporated the predictors into an algorithm that has now been proven to be objective and effective in helping judges decide who is at risk to flee or break the law.

The algorithm isn't meant to replace judges but rather to help them come to informed decisions regarding bail. In a six-month test, all counties in one state used the algorithm and were able to reduce both the number of people in jail awaiting trial and the number of crimes committed by those on bail. Furthermore, those desirable outcomes actually took up less of the justice system's resources (because decisions were made without the need to conduct one-on-one defendant interviews). The system is now being applied in other states. A similar mathematical approach of objective, data-driven analysis is being initiated in other legal processes, such as eyewitness identification, the collection of forensic evidence, and neighborhood policing. Justice may not be blind, but it should at least make its decisions with its eyes open.

For More Information: "Judges Replacing Conjecture With Formula for Bail," Shaila Dewan, *The New York Times*, June 28, 2015.