

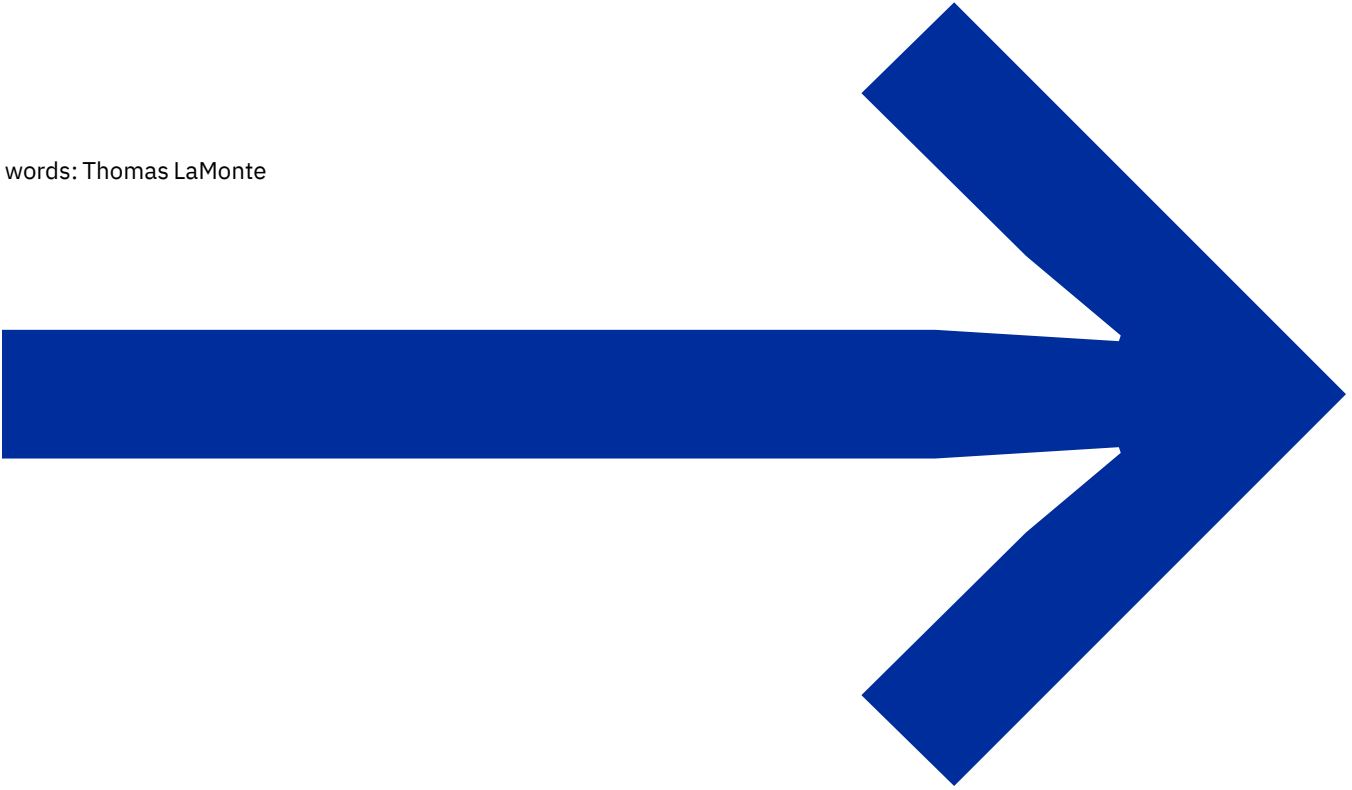
↓ New Jersey champions bail reform with data and AI



New Jersey's quest for an unbiased bail system is righting the scales of justice

It was nearly a decade ago when the New Jersey Judiciary came to a critical conclusion: bail is broken.

words: Thomas LaMonte







A troubling number of pretrial defendants were spending days, even weeks, in New Jersey jails awaiting charges. The reason? They could not afford bail.

A study conducted by the New Jersey Court System found that while waiting for their court dates, 15,000 defendants served jail time with assigned bails of \$2,500. This meant the defendants were unable to pay 10% of that amount (\$250) to afford temporary release from state custody.

In fact, according to research conducted by the US Department of Justice, six out of ten people in American jails are awaiting trial. Since 2000, 95% of all jail population growth in the US has been attributed to pretrial defendants: people who have been accused, although, not convicted. And yet, they remain in jail until their trial—often for reasons more to do with the balance of their bank account than for the charges related to their arrest.

For years, the US bail system has been criticized by legal experts for having practices that can be unjust, unequal, and prejudice. Critics to bail say it's a system that is unfairly harsh on lower-income Americans and that it frequently disproportionately affects racial minorities. In the academic research journal *Criminology & Public Policy*, published by The American Society of Criminology, a 2015 study found that Black defendants experience a 25% increase in the odds of pretrial detention relative to White defendants.

And the potential damages of a rampant bail system are considerable, because any amount of jail time harms

the lives of those imprisoned. According to a study of people incarcerated in the New Jersey Courts System, after just 8 hours confined, the imprisoned are more likely to lose their jobs or homes. After days or weeks, lives can begin to unravel.

For Jack McCarthy, New Jersey Court CIO, and Kristin Rangel, Project Manager of Database Administration, the process needed an overhaul. Could the New Jersey Judiciary use technology to leverage data and reduce the number of pretrial defendants jailed because of low-income status?

Over the past seven years, McCarthy and Rangel have reshaped the New Jersey Courts bail system by managing the risk of pretrial defendants using IBM data management tools.

Risk assessments, based on a research-tested algorithm developed by the Laura and John Arnold Foundation, worked in tandem with IBM data solutions. To create the risk assessment, the system culled 40 million records and 200 million cases, surfaced at the instant of a judge's click. These risk reports were used to provide scoring and release recommendations to aid a judge's final decision.

The risk assessment system could create recommendations in 3 minutes—ensuring New Jersey Courts met target deadlines for case disposition. In the place of bail, the system now provided guidance reliant on the defendant's data including pending charges, prior convictions, and previous failures to appear in court to

determine release.

From inception to launch, “show the math” was the team mantra. Information about how the algorithm works and criteria used to derive risk assessments were made publicly available. From every angle, the court was working to eliminate bias. “We sought to automate steps, eliminate the interpretation of data, and take all bias out of decisions as much as we could,” said McCarthy.

Maintaining quality and mitigating bias in the courts’ datasets was also a priority, because release recommendations could only be as trusted as the defendant data that derived them. New Jersey Courts turned to IBM data management tools to reliably retrieve case records, which helped to maintain the quality of the defendant data used to create risk assessments. The IBM tools presented a 360-degree view of defendant information, which gave New Jersey administrators a vantage point from which to mitigate bias in their datasets and contributed a sense of trust in the risk assessment’s findings and recommendations.

No matter if the defendant entered through New Jersey’s criminal, civil, or family court—no matter if the defendant’s data was scattered across these judiciary divisions digitally—IBM technology linked these systems and brought forth a more complete view of each defendant for the judge’s consideration. The goal was a uniform system that worked for everyone. “To make the world a better place, we need to standardize as much as we can,” said Rangel. “Ensuring data is processed the same way every time.”

Within seven years, New Jersey experienced a near 40% drop in jail population with no measurable increase in crime rate, while the courts saved 10 million dollars.

While a court entirely devoid of bias remains a mission of the future, the road to eliminating bias has been made smoother thanks to the technology New Jersey Courts has pioneered. “The road is paved, now you only need to drive on it,” said McCarthy.

Today, the risk assessment technology that started life in New Jersey Judiciary has inspired digital transformation across the whole of New Jersey government. An exciting prospect for this forward-looking team, who, no matter where the AI journey takes them, in their hearts know the destination. “We’re driving to the ultimate goal of fairness,” said McCarthy.



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