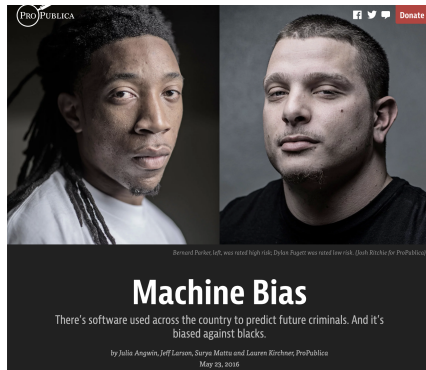


ALGORITHMIC BIAS IN JUSTICE

ALGORITHMIC BIAS IN JUSTICE

Algorithmic systems predict whether defendants are likely to appear at their court date, recommending the level at which to set bail.

These algorithms reflect and amplify racial biases in society (Buolamwini and Gebru [2018](#); Lambrecht and Tucker [2018](#); Thebault-Spieker, Terveen, and Hecht [2015](#)).

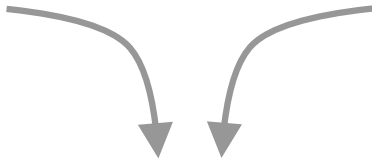


Behavior

Defendant's situation
and behavior

Bureaucrats

Judge



Judgment

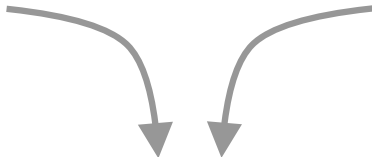
Should this defendant be
eligible to go free on bail?

Behavior

Defendants from many
different jurisdictions,
environments,
backgrounds

Algorithm

Algorithmic judge tasked
with predicting whether
the defendant will return
for trial



Judgment

Ideally

Account for the circumstances of defendants' environments

In reality

Re-enact old cases, even if new intersectional ones arise

Behavior

Defendants from many
different jurisdictions,
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TAKEAWAYS

Here we have something new: a street-level bureaucrat interacting with a street-level algorithm. Bureaucrats can resist or buffer the algorithm's recommendations when needed (Christin [2017](#); Veale, Van Kleek, and Binns [2018](#)).

Even a perfectly fair, transparent, and accountable algorithm will make errors of generalization in cases at the margin. Bureaucrats reason by extension from precedent and case law. How should an algorithm reason?