

A Second Look: Pre-trial Risk Assessment Scores in the Legal System

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Abstract

Adapted from the undergraduate honors thesis research, *Parsing Through Predictions*, this law review article will contextualize the role of legal risk assessment tools and the relationship judges cultivate with the outputted data amongst broader legal scholarship. Risk assessment scores are statistical tools used to predict the likely behavior of arrested persons within three categories: failure to show up to court, violating terms of release, and recidivism. These tools convey their predictions on behavior on a spectrum of scores and it is this single digit score that is shared with a judge. The question then remains, How do judges interpret risk assessment scores during arraignments to fairly sort arrested persons awaiting their day of adjudication? Is it fair for arrested persons to be judged based off the factors used to calculate their risk score (which includes age, zip code and education level)? What implication does automated legal judgement pose to due process of law? Moreover, how can the legal system work towards a fairer and more objective process to alleviate the disproportionality of demographics within the prison population along with inconsistencies in sentencing patterns? Throughout this article, these questions will be tackled and put into conversation with legal scholarship and legal tenants with the aim to more thoroughly investigate the integrity, purpose and role of risk assessment technology.