# The Use of Algorithmic Tools in the Criminal Justice System: Beyond Parole Decisions

Algorithmic tools that are built based on statistical models are commonly used for risk-assessment in sentencing, bail decisions, and –more importantly for the sake of this paper– parole decisions. While many argue that the use of algorithmic assessment tools (hereinafter, "AATs") in parole decisions is problematic, the obligations of the state given that the state would use these tools anyway have been overlooked. In this paper, I draw attention to one of these obligations. The state has a duty to use AATs for the purpose of identifying the individuals who are less likely to be granted parole to offer them extra services (like job-training plans, anger-management programs, etc.). In other words, the responsible use of AATs requires using the tool for allocating extra resources at earlier stages of incarceration. In the meantime, the funding for these extra services should be supplied from the resources that otherwise would be given to non-incarcerated individuals.

My argument is constituted of three steps. In the first step, I draw attention to the state's duty to accelerating the release of the incarcerated individuals. In the light of this duty, the individuals who seem less likely to be granted parole must receive extra resources that enable them to fulfill the conditions of release. Nevertheless, in a hypothetical world where AATs are not used for parole decision, the duty to accelerating the release of the incarcerated individuals may be discharged since the individuals who are less likely to be granted cannot be identified in practice. In the next step, I explain that the AATs that are currently used for parole decision are fast, cheap, consistent and accurate means to singling out the individuals who are less likely to be granted parole since many of the individuals that the tool identifies as "high-risk" long before the eligibility period are the ones who will be identified as "high-risk" by the same tool at the time of the parole decision. As a result, the individuals who are identified as "high-risk" by the AAT at the earlier stages are the ones who are less likely to be granted parole if the circumstances remain the same. Hence, the use of AATs for parole decision obliterate the state's excuse for not singling out the individuals who are less likely to be granted parole, and these

individuals should be offered extra resources that can change some of the circumstances that matter for the parole decision. In the next step, I argue that the extra services should be provided by deducting from what otherwise would be spent on the non-incarcerated citizens – insofar as fairness is the governing norm for distributing resources – because the non-incarcerated citizens have a more substantial role than incarcerated individuals in the decisions that have determined the current distribution of resources, namely, by legitimizing the use of AATs in parole decision. Hence, if one group should go through some losses, it should not be the incarcerated individuals.