Exhibit A

Tyrangiel, Elana (OLP)

From:	Tyrangiel, Elana (OLP)
Sent:	Wednesday, November 19, 2014 4:03 PM
To:	kate_e_heinzelman@who.eop.gov
Cc:	Krulic, Alexander (OLP)
Subject:	Predictive Analytics
Attachments:	Predictive Analytics - FINAL.pdf; Predictive Analytics Cover Memo.pdf

Kate, attached please find a cover memo and a report on predictive analytics (b) (5) ▮▮▮▮▮▮▮▮▮▮
▮▮▮▮▮▮▮▮▮▮▮▮

Thanks,
Elana

Exhibit B

From:	Krulic, Alexander (OLP)
Sent:	Wednesday, November 19, 2014 4:46 PM
To:	Hecker, Elizabeth (OLP); Pazur, Shannon (OLP); Siger, Steven B. (OLP); Fried, Hannah (OLP)
Subject:	Predictive Analytics
Attachments:	Predictive Analytics - FINAL.pdf

Final copy of the Predictive Analytics paper attached! Elana just sent it to WHCO.

Thank you for all of your great work!

Alex

Exhibit C

From:	Hecker, Elizabeth (OLP)
Sent:	Friday, October 24, 2014 5:40 PM
To:	Tyrangiel, Elana (OLP); Krulic, Alexander (OLP); Siger, Steven B. (OLP); Pazur, Shannon (OLP); Fried, Hannah (OLP)
Subject:	Predictive Analytics in Law Enforcement - DRAFT
Attachments:	Predictive Analytics - Draft 10.24.14.docx

Team

Attached is the most recent version of the Predictive Analytics in Law Enforcement draft. Alex has not yet reviewed some of the new sections, but we wanted to go ahead and send in case you would like to take a look at it over the weekend.

Beth

Elizabeth Parr Hecker
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Room 4242
Washington, D.C. 20530
202-514-2160
Elizabeth.Hecker@usdoj.gov

Exhibit D

From:	Tyrangiel, Elana (OLP)
Sent:	Friday, November 07, 2014 3:31 PM
To:	Cheung, Denise (OAG)
Subject:	predictive analytics
Attachments:	Predictive Analytics - Draft 11 07 14 CIRCULATION VERSION.docx

Denise, FYI, here's the version of the predictive analytics report that we're circulating to components today, with a COB Monday request for comments. We will recirculate for leadership clearance next week. If you have any questions, please feel free to call me. Thanks, and hope you're having a good trip.

Exhibit E

From:	Brown Lee, Erika (ODAG)
Sent:	Thursday, November 13, 2014 12:25 PM
To:	Tyrangiel, Elana (OLP); Walsh, James (ODAG); Lan, Iris (ODAG)
Cc:	Krulic, Alexander (OLP); Siger, Steven B. (OLP)
Subject:	RE: Predictive Analytics Paper
Attachments:	Predictive Analytics - Draft 11 07 14 CIRCULATION VERSION - EBL Edits.docx

Elana – Thanks for providing the opportunity to review the report, which is very well written. Attached for your consideration are proposed additions based on the materials we submitted in our Sept. 15 response to the WH.

Best regards,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: 202-307-0697
Erika.Brown.Lee@usdoj.gov

From: Tyrangiel, Elana (OLP)
Sent: Wednesday, November 12, 2014 6:30 PM
To: Walsh, James (ODAG); Lan, Iris (ODAG); Brown Lee, Erika (ODAG)
Cc: Krulic, Alexander (OLP); Siger, Steven B. (OLP)
Subject: Predictive Analytics Paper

Hi all –

Attached is a copy of the predictive analytics paper, which is ready for review and clearance. This version incorporates some light edits from components. I would love to chat tomorrow about next steps but wanted to be sure you had a copy of the paper asap. (b) (5)
(b) (5)

Thanks,
Elana

<< File: Predictive Analytics 11 12 14 Clearance Copy.docx >>

Exhibit F

Tyrangiel, Elana (OLP)

From:	Tyrangiel, Elana (OLP)
Sent:	Friday, November 14, 2014 3:53 PM
To:	Cheung, Denise (OAG)
Subject:	predictive analytics
Attachments:	Predictive Analytics - Draft Nov 13 at 530pm.docx

Denise, FYI, attached is a newer version of the paper I previously sent to you on predictive analytics. This version includ ▮(b) (5)▮. We're sending this (once we do a final review for typos and formatting) up to the DAG today in order to hit the Monday deadline.

If you have any questions, please feel free to call!

Elana

Exhibit G

From:	Krulic, Alexander (OLP)
Sent:	Wednesday, November 12, 2014 11:30 PM
To:	Pazur, Shannon (OLP); Hecker, Elizabeth (OLP)
Subject:	Predictive Analytics Paper
Attachments:	Predictive Analytics 11 12 14 Clearance Copy.docx; ATT00001.htm

Beth and Shannon,

This is the copy that went to ODAG this evening.

Alex

Begin forwarded message:

> **From:** "Tyrangiel, Elana (OLP)" <etyrangiel@jmd.usdoj.gov>
> **Date:** November 12, 2014 at 6:29:55 PM EST
> **To:** "Walsh, James (ODAG)" <jamwalsh@jmd.usdoj.gov>, "Lan, Iris (ODAG)"
> <irlan@jmd.usdoj.gov>, "Brown Lee, Erika (ODAG)" <ebrownlee@jmd.usdoj.gov>
> **Cc:** "Krulic, Alexander (OLP)" <akrulic@jmd.usdoj.gov>, "Siger, Steven B. (OLP)"
> <ssiger@jmd.usdoj.gov>
> **Subject: Predictive Analytics Paper**
>
> Hi all –
>
> Attached is a copy of the predictive analytics paper, which is ready for review and clearance.
> This version incorporates some light edits from components. I would love to chat tomorrow
> about next steps but wanted to be sure you had a copy of the paper asap. (b) (5)
> (b) (5)
>
> Thanks,
> Elana

Exhibit H

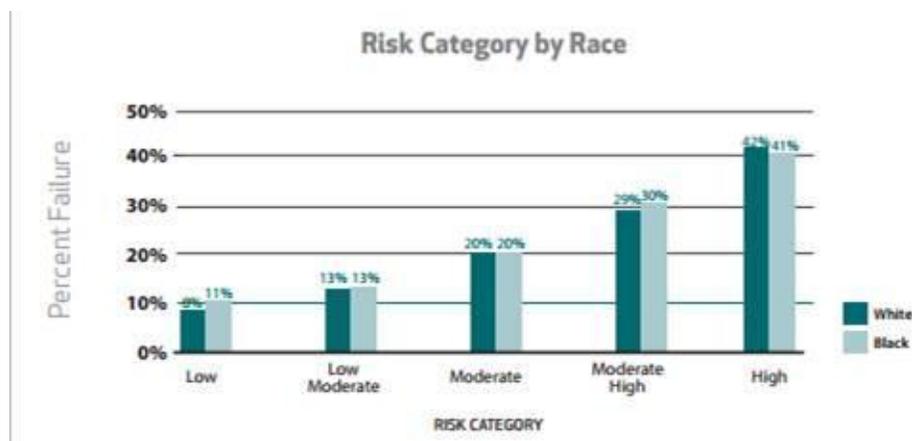| From:	Solomon, Amy
Sent:	Thursday, July 31, 2014 4:13 PM
To:	Fallon, Brian (OPA)
Cc:	Mason, Karol V.; Werner, Sharon (OAG); O'Donnell, Denise
Subject:	RE: Fwd: Time Magazine Interview w the AG: "Attorney General Eric Holder to Oppose Data-Driven Sentencing"

Thanks, Brian. We'll read thru this now. Is it possible to review relevant sections of the speech too?

Also, I just received key data points from BJA, below. It appears that the best risk instruments (even for use at pretrial and sentencing) can construct statistically sound and useful tools that do not exacerbate racial disparity.

Best practice in developing and validating risk assessment tools includes ensuring that they are race- and gender-neutral (among other categories). For example, Virginia has used risk-informed sentencing since the 1990s. An NIJ-funded evaluation of the Virginia Criminal Sentencing Commission's Risk Assessment Instrument noted that the developers of the instrument ensured it was race-neutral. See *Offender Risk Assessment in Virginia* (2002) at 27-28 & n.10, available at http://www.vcsc.virginia.gov/risk_off_rpt.pdf.
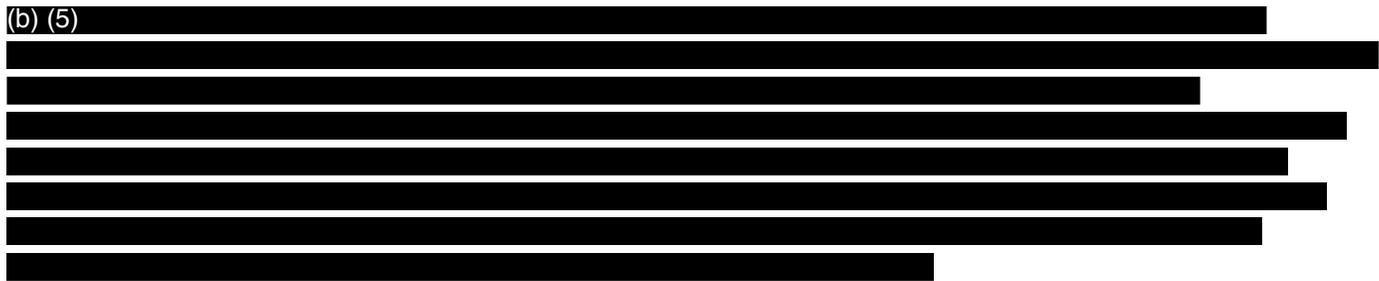
Pretrial instruments provide other helpful examples. Neither the Kentucky Public Safety Assessment (PSA)—Court nor the Virginia Pretrial Risk Assessment Instrument, to name two, use static predictors that strongly correlate with race, e.g., arrest. Instead, they use factors that do not correlate with race but that accurately predict new criminal activity.

This neutrality was confirmed in a recent summary report on the Kentucky PSA found that the tool categorizes defendants such that "black and white defendants at each risk level fail at virtually indistinguishable rates, which demonstrates that the PSA-Court is assessing risk equally well for both whites and blacks, and is not discriminating on the basis of race." See *Results from the First Six Months of the Public Safety Assessment – Court^{TM} in Kentucky* (July 2014) at 4, available at http://www.arnoldfoundation.org/sites/default/files/pdf/PSA-Court%20Kentucky%206-Month%20Report.pdf. The chart below is copied from the report.

Risk Category by Race

1

This is not to say that all risk assessments are created equal. Many fail this test of neutrality, and do result in overclassification of men of color, or women, or some other group. However, the examples above demonstrate that it is possible to construct statistically sound and useful tools that do not exacerbate racial disparity.

(b) (5)

Please let me know if I can provide any other information that would be helpful.

Best,

Julie

Juliene James
Senior Policy Advisor
Bureau of Justice Assistance
U.S. Department of Justice
Washington, D.C.
W: 202-353-9248 | M (b) (6)

From: Fallon, Brian (OPA) (JMD)
Sent: Thursday, July 31, 2014 4:04 PM
To: Solomon, Amy
Cc: Mason, Karol V.; Werner, Sharon (OAG) (JMD)
Subject: RE: Fwd: Time Magazine Interview w the AG: "Attorney General Eric Holder to Oppose Data-Driven Sentencing"

See the report attached. CRM has already submitted it to the Commission.

Here is the relevant portion of the report that expresses concern about risk assessment tools in sentencing:

While we are excited about the promise of using analytics in risk and needs assessments
and otherwise in furtherance of effective reentry, we are troubled by another use of these tools in
sentencing and corrections: the increasing role of risk assessment tools in the sentencing phase of
criminal cases, specifically in determining how long an individual will be imprisoned for a
criminal conviction. As we noted, risk assessments - through the Salient Factor Score - had a
prominent place in the federal parole system in place prior to the Sentencing Reform Act and
were a determinant of the amount of time a federal offender served in federal prison for an
offense. The Sentencing Reform Act was enacted to reduce the role of such assessments and to
base imprisonment terms largely, but not entirely, on the crime committed and proven in court.
In recent years, states are increasingly adding risk assessments to the criminal sentencing
process. Pennsylvania15 and Tennessee,16 for example, have enacted legislation mandating the
use of risk assessments to inform sentencing decisions. Vermont17 and Kentucky18 use sex
offense recidivism risk instruments in sentencing defendants convicted of sex crimes. For many
years now, Virginia has mandated the use of an actuarial risk tool to identify low-risk offenders
for diversion from prison for certain criminal convictions and high-risk sex offenders for an

2

Exhibit I

Pronley, Alyssa (JMD)

From:	Pronley, Alyssa (JMD)
Sent:	Wednesday, September 10, 2014 3:19 PM
To:	Krulic, Alexander (OLP); Hecker, Elizabeth (OLP)
Subject:	Big Data: Review of Academics
Attachments:	Academics in Predictive Analytics_Policing 2.docx

Hello,

Please find a review of the academics, their relevant articles, and what they say about their respective projects attached. I tried to only put bullet points for their own views on what their projects are, and I tried to keep it as to the point as possible. There was a lot of information though. Please let me know if you would like me to do some more research on a specific project or city.

(b) (5)

(b) (6)

Thanks,
Alyssa