AK-2SR Pretrial Risk Assessment Guide

To complete the AK-2S Revised (AK-2SR), the assessor shall: use the data source indicated in the scoring guide, not use juvenile records and not use national records (ie: NCIC) in scoring the risk assessment items. The assessor should document the extra NCIC data questions as required within the report. These additional NCIC questions are not scored, but the data will be assessed to see if it should be included in the AK-2S in the future.

Data Sources

ACS: Alaska Court System (Courtview)

DOC: Department of Corrections (ACOMS)

DPS: Department of Public Safety (APSIN)

Definitions

Arrest Date: The date the individual was arrested or cited for the current offense.

Current Arrest: The arrest that caused the pretrial risk assessment to be completed.

Disposition Date: The date of the latest disposition for all charges in the current arrest.

Failure to appear (FTA): At the time of the AK-2S creation, this was defined as a defendant not appearing in court and a bench warrant was issued. As of April 2017, the court hearing result code FTABW (defined as: defendant failed to appear – bench warrant issued) should be used to determine if a failure to appear occurred. To count as a failure to appear, the failure to appear warrant must be issued between the current arrest and disposition dates, and not during a period when the defendant was booked into the prison. If a defendant has multiple FTA bench warrants on the same day, only one FTA would be counted.

New Criminal Activity (NCA): Meaning a citation was issued or an arrest was made for a new misdemeanor or felony between the current case arrest and disposition dates. This cannot be during a period when the defendant was detained pretrial.

Past Three Years: When calculating a risk factor within a timeframe, only look back the specified number of years (three) from the current arrest date. Any events that were older than the specified time period should not be counted.

Pretrial Period: The time between the current arrest date and disposition date.

Prior Arrest: A citation or physical arrest that occurred prior to the current arrest.

Prior Conviction: A conviction that occurred prior to the current arrest or citation.

Prior Sentence that Included a Period of Incarceration: A conviction prior to the current arrest that had a sentence which included a period of incarceration that was not wholly suspended.

Prior Sentence that Included a Period of Probation: A conviction prior to the current arrest that had a sentence that included a period of probation.

SIS: Suspended Imposition of Sentence. When an individual has an SIS, they have been convicted of the crime but their sentence is suspended. The judge provides some sort of requirements (such as probation and/or conditions) for the individual. If the requirements are fulfilled, the individual does not need to serve the sentence and the conviction is set aside (this reads as SIS-Set Aside in APSIN). If the requirements are not fulfilled, a sentence is imposed and the conviction stands.

SEJ: Suspended Entry of Judgment. Individuals who have an SEJ are given an opportunity to complete the court's requirements (such as probation and/or conditions) prior to conviction and entry of a sentence. If the individual completes the SEJ, there is NO conviction. If the individual does not complete the SEJ, a conviction will be imposed.

Defendants Appropriate for Assessment
New Charges

A risk assessment should be completed for any defendant who has been arrested for a new criminal charge that is either a misdemeanor or felony, including new misdemeanor or felony Violating Conditions of Release or Failure to Appear. Additionally, for those defendant's ordered to pretrial supervision who have not yet had a completed risk assessment, one shall be completed to determine appropriate reporting requirements.

NCA Scale Risk Factors
The NCA Scale only looks at the likelihood of an NCA for the current case. The following questions make up the total points for the NCA Scale:

1. **Total Number of Prior Arrests in Past Three Years:** The total number of arrests and citations for a misdemeanor or felony that occurred in the 3 years prior to the date of the current arrest. Calculated by adding up the number of prior arrests/citations within the previous 3 years.

   - Data Source: DPS
   - Scoring:
     - If the defendant has no prior arrests/citations in the past 3 years, score this item as 0.
     - If the defendant has 1 or 2 prior arrests/citations in the past 3 years, score this item as 1.
     - If the defendant has 3 or more prior arrests/citations in the past 3 years, score this item as 2.
   - Clarifications:
     - If an individual was arrested in the past for VCOR and it was only a violation with no other misdemeanor or felony charges, it does not count as an arrest. If an individual was arrested in the past for a misdemeanor or felony VCOR charge, the arrest would count.
     - Case numbers should be used to determine arrest/citation events. Each arrest/citation charge with the same case number should be considered a single arrest/citation and therefore counted as 1 arrest.
       1. If an individual is arrested for multiple cases during one arrest, an assessment can be completed for each case, but the current arrest cannot be counted as a prior arrest for any of these cases. Also, the risk factor regarding pending cases should not be marked for these cases (because they were not going through the court process prior to the arrest).

2. **Total Number of Prior Convictions in the Past 3 Years:** The total number of convictions that occurred in the 3 years prior to the date of the current arrest. Calculated by adding up the number of prior convictions within the previous 3 years.

- Data Source: DPS
- Scoring:
  - If the defendant has no prior convictions in the past 3 years, score this item as 0.
  - If the defendant has 1 prior conviction in the past 3 years, score this item as 1.
  - If the defendant has 2 or more prior convictions in the past 3 years, score this item as 2.
- Clarifications:
  - For individuals with an SIS case, this case counts as a conviction UNLESS the case was set aside. This will read as "SIS-Set Aside" in APSIN.
  - For individuals with an SEJ case, this case does NOT count as a conviction unless the SEJ was not successfully completed. In that case, it will appear in APSIN as a conviction.
  - Case numbers should be used to determine the number of convictions. Each charge with the same case number should be considered a single case and therefore counted as 1 conviction.
  - Probation violations do not count as a conviction even if suspended time was imposed.

3. **Total Number of Prior Sentences that Included a Period of Incarceration in Past 3 Years:** The total number of sentences that included a period of incarceration that occurred in the 3 years prior to the date of the current arrest. Calculated by adding up the number of prior convictions with a sentence that included a period of incarceration within the previous 3 years.

  - Data Source: DPS
  - Scoring:
    - If the defendant has 0 prior sentences that included a period of incarceration in the past 3 years, score this item as 0.
    - If the defendant has 1 or more prior sentences that included a period of incarceration in the past three years, score this item as 1.
  - Clarification:
    - A period of incarceration is determined by case number. For individuals that were convicted of multiple charges within a case number, if one or more charges had a sentence that included a period of incarceration in the last 3 years, then the individual should count that case number as 1 probation sentence.

4. **Total Number of Prior Sentences that Included a Period of Probation in the Past 3 Years:** The total number of sentences that included a period of probation that occurred in the 3 years prior to the date of the current arrest. Calculated by adding up the number of prior convictions for which the sentence that included a period of probation within the previous 3 years.

  - Data Source: DPS
  - Scoring:
    - If the defendant has 0 prior sentences that included a period of probation in the past 3 years, score this item as 0.
    - If the defendant has 1 prior sentence that included a period of probation in the past 3 years, score this item as 1.
    - If the defendant has 2 or more sentences that included a period of probation in the past 3 years, score this item as 2.
  - Clarifications:
    - For individuals with an SIS case, this case counts as a sentence that included a period of probation.

o   For individuals with an SEJ case, this case does NOT count as a sentence that included a period of probation because a formal judgement and sentence were not entered. However, if the SEJ was not successfully completed and the judge the entered a sentence that includes a period of probation, the case WOULD count as a sentence that included a period of probation.

o   A period of probation is determined by case number. For individuals that were convicted of multiple charges within a case number, if one or more charges had a sentence that included a period of probation in the last 3 years, then the individual should count that case number as 1 probation sentence.

5. **Total Number of Prior Sentences that Included a Period of Probation:** The total number of sentences that included a period of probation that occurred prior to the date of the current arrest. Calculated by adding up the number of prior convictions for which the sentence included a period of probation.

- Data Source: DPS
- Scoring:
    o   If the defendant has 0 prior sentences that included a period of probation, score this item as 0.
    o   If the defendant has 1 prior sentence that included a period of probation, score this item as 1.
    o   If the defendant has 2 or more sentences that included a period of probation, score this item as 2.
- Clarifications:
    o   For individuals with an SIS case, this case counts as a sentence that included a period of probation.
    o   For individuals with an SEJ case, this case does NOT count as a sentence that included a period of probation because a formal judgement and sentence were not entered. However, if the SEJ was not successfully completed and the judge the entered a sentence that includes a period of probation, the case WOULD count as a sentence that included a period of probation.
    o   A period of probation is determined by case number. For individuals that were convicted of multiple charges within a case number, if one or more charges had a sentence that included a period of probation, then the individual should count that case number as 1 probation sentence.

6. **Any prior Alaska felony convictions:** Assesses whether the defendant has one or more prior felony convictions in the State of Alaska. The date of conviction for the felony needs to be prior to the date of arrest on the current charged offense.
- Data Source: DPS
- Scoring:
    o   If the defendant no prior felony convictions from the State of Alaska score this item as 0.
    o   If the defendant has one or more prior felony convictions from the State of Alaska, score this item as 1.

7. **Age at First Arrest:** The defendant's age the first time he or she is arrested. Calculated by subtracting the defendant's date of birth from the earliest arrest date and converting to years. If the current arrest is the first arrest, use the age of the defendant at the time of the current arrest.

- Data Source: DPS
- Scoring:
    o   If the defendant was 22 or older for his or her first arrest, score this item as 0.
    o   If the defendant was 21 or younger for his or her first arrest, score this item as 1.

- Clarifications:
  - If an individual is within a few days of his or her 22nd birthday at the time of the first arrest, you should still use the age the individual was at the time of the first arrest in the risk assessment. The fact that the arrest is very close to his or her 22nd birthday can be noted on the pretrial release recommendation report.
  - The easiest way to determine age at first arrest is to subtract 22 years from the first arrest date. If the individual's date of birth is after that date, then they were 21 or younger at the time of their first arrest; if their date of birth is before that date, then they were 22 or older at the time of their first arrest.

8. **Any Other Pending Charges:** Whether the filing date for the current case was between the filing date and the disposition date for any other case, including other cases filed on the same date.
   - Data Sources: DPS and/or ACS
   - Scoring:
     - If the defendant has no pending criminal charges, score this item as 0.
     - If the defendant has one or more pending criminal charges, score this item as 1.

Total Points: Total the number of points for questions 1-8 for the NCA Scale. This number will indicate what level of risk is associated with the defendant obtaining an NCA.

Total Risk Score	Risk Level
0-3	Low
4-9	Moderate
10-12	High

FTA Scale Risk Factors

The FTA Scale only looks at the likelihood of an FTA for the current case. The following questions make up the total points for the FTA Scale:

1. **Age at First Arrest:** The defendant's age the first time he or she is arrested. Calculated by subtracting the defendant's date of birth from the earliest arrest date and converting to years. If the current arrest is the first arrest, use the age of the defendant at the time of the current arrest.

   - Data Source: DPS
   - Scoring:
     - If the defendant was 22 or older for his or her first arrest, score this item as 0.
     - If the defendant was 21 or younger for his or her first arrest, score this item as 1.
   - Clarifications:
     - If an individual is within a few days of his or her 22nd birthday at the time of the first arrest, you should still use the age the individual was at the time of the first arrest in the risk assessment. The fact that the arrest is very close to his or her 22nd birthday can be noted on the pretrial release recommendation report.
     - The easiest way to determine age at first arrest is to subtract 22 years from the first arrest date. If the individual's date of birth is after that date, then they were 21 or younger at the time of their first arrest; if their date of birth is before that date, then they were 22 or older at the time of their first arrest.

2. **Total Number of Prior FTA Warrants:** The total number of failure to appear warrants that have been issued prior to the date of the current arrest. Calculated by adding up the number of dates that had prior failure to appear warrants. FTA is calculated by the date, so if a defendant has 7 cases that have the same court hearing, they only have 1 FTA (even though there are bench warrants for each 7 cases).

   - Data Source: ACS
   - Scoring:
     - If the defendant has 0 prior FTA warrants in his or her entire adult Alaska Court history, score this item as 0.
     - If the defendant has 1 prior FTA warrant in his or her entire adult Alaska Court history, score this item as 1.
     - If the defendant has 2 or more prior FTA warrants in his or her entire adult Alaska Court history, score the item as 2.

3. **Total Number of Prior FTA Warrants in Past 3 Years:** The total number of failure to appear warrants that have been issued in the 3 years prior to the date of the current arrest. Calculated by adding up the number of dates that had prior failure to appear warrants within the last 3 years (for example, if the original arrest was on 4/17/2017, the assessor would look at the amount of days of FTA bench warrants starting 4/17/2014). FTA is calculated by the date, so if a defendant has 7 cases that have the same court hearing, only 1 FTA would be counted (even though there are bench warrants for each 7 cases).

   - Data Source: ACS
   - Scoring:
     - If the defendant has 0 prior FTA warrants in his or her adult Alaska Court history in the last 3 years, score the item as 0.
     - If the defendant has 1 prior FTA warrant in his or her adult Alaska Court history in the last 3 years, score the item as 1.
     - If the defendant has 2 or more prior FTA warrants in his or her adult Alaska Court history in the last 3 years, score the item as 2.

4. **Currently Booked on a Property Charge:** The case before the court contains one or more charges for a property offense as defined by Title 11 Chapter 46, such as theft, criminal trespass, burglary, forgery, etc.

   - Data Source: DOC Booking
   - Scoring:
     - If the current case before the court does NOT include a charge for a property crime, score this item as 0.
     - If the current case before the court includes a charge for a property crime, score this item as 1.
   - Special Note: DOC scores the tool based on the charges at booking. However, if charges are added or dropped between booking and the initial hearing, the court should update the score at the hearing to reflect the most recent charging information and note that on the court order.

5. **Any prior Alaska felony convictions:** Assesses whether the defendant has one or more prior felony convictions in the State of Alaska. The date of conviction for the felony needs to be prior to the date of arrest on the current charged offense.

- Data Source: DPS
- Scoring:
    - o If the defendant no prior felony convictions from the State of Alaska score this item as 0.
    - o If the defendant has one or more prior felony convictions from the State of Alaska, score this item as 1.

6. **Any Other Pending Charges:** Whether the filing date for the current case was between the filing date and the disposition date for any other case, including other cases filed on the same date.
   - Data Sources: DPS and/or ACS
   - Scoring:
       - o If the defendant has no pending criminal charges, score this item as 0.
       - o If the defendant has one or more pending criminal charges, score this item as 1.

Total Points: Total the number of points for questions 1-6 for the FTA Scale. This number will indicate what level of risk is associated with the defendant obtaining an FTA during the pretrial period.

Total Risk Score	Risk Level
0-2	Low
3-7	Moderate
8	High