



<b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Pretrial Enforcement</b>		PAGE: <b>Page 1 of 5</b>
	CHAPTER: <b>1320</b>	NUMBER: <b>1320.02</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Pretrial Enforcement Division (PED) Risk Assessment Instrument</b>		
	APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>04/12/18</b>
ATTACHMENTS / FORMS: <b>(A.) AK-2S Pretrial Risk Assessment FAQ.</b> <b>(B.) AK-2S Pretrial Risk Assessment Scoring Form.</b> <b>(C.) AK-2S Pretrial Risk Assessment Guide.</b> <b>(D.) AK-2S Pretrial Risk Assessment NCIC Data Collection Guide.</b> <b>(E.) AK-2S Pretrial Risk Assessments And Out Of State Convictions Guide.</b> <b>(F.) Pretrial Risk Assessment Publishing Checklist.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155</b> <b>AS 33.30.011</b> <b>AS 33.07.010-030</b> <b>AS 33.30.021</b> <b>AS 33.05.010</b> <b>AS 44.28.030</b> <b>AS 33.16.180</b> <b>DOC P&amp;P 1330.02</b>	

**DISCUSSION:**

The pretrial risk assessment tool is entitled the “Alaska-2 Scale” (AK-2S). The AK-2S assigns two (2) scores, a Failure to Appear (FTA) score and a New Criminal Arrest (NCA) score. The tool was developed by researchers who are skilled in advanced statistical analysis. The AK-2S was developed using data provided by the Alaska Court System, the Alaska Department of Corrections and the Alaska Department of Public Safety. The data was analyzed in order to mathematically determine the risk factors for pretrial failure in the Alaska criminal justice system. The tool does not require a defendant interview. The tool relies upon static data that is primarily available in criminal justice information systems. The AK-2S is similar to actuarial tools used in other fields such as medicine and insurance. These are evidence-based tools proven to produce better criminal justice outcomes. The AK-2S was developed based on a sample population of defendants from 2015 who had been released from jail while on pretrial status. It is important to note that the AK-2S does not imply a “general” risk posed by a defendant. The tool is strictly limited to measure the likelihood of failure while on pretrial release. It cannot be used to determine the risk of long-term recidivism.

The AK-2S does not contain any calculations which take in to consideration a defendant’s juvenile criminal history, or any out-of-state criminal history. Additional data collection is ongoing in order to include out-of-state criminal history in future validations of the pretrial risk assessment instrument. Juvenile criminal history is unlikely to appear in future risk assessment calculations due to the difficulty in acquiring this information and accurately scoring it between jurisdictions.

The AK-2S is a Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) protected document due to the nature of the questions and the sourced data necessary to complete the instrument. However, the questions associated with the risk tool and the risk tool scoring guide, are considered to be public information.

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More information about the AK-2S risk assessment tool can be found in the *AK-2S Pretrial Risk Assessment FAQ* (Attachment A) as well as on the Department’s Pretrial Enforcement Division webpage.

**POLICY:**

- I. It is the policy of the Department of Corrections (DOC) that all defendants who enter a DOC institution and are booked on a new criminal charge(s) are assessed using the validated Alaska pretrial risk assessment instrument described herein. The results of the pretrial risk assessment shall be reported to the court with recommendations for release, according to Alaska Statute. The report shall also contain recommendations for pretrial supervision and conditions of release.
- II. It is the policy of the Department that when a defendant is placed on pretrial supervision, Pretrial Officers (PO) or designated contractors will supervise the defendant based on their assessed risk level and their court-ordered conditions of release.

**APPLICATION:**

This policy and procedure will apply to all Pretrial Enforcement Division (PED) employees and designated contractors.

**DEFINITIONS:**

For definitions of key words or phrases used in this policy and other policies concerning the Pretrial Enforcement Division (PED), please refer to DOC P&P 1300.09, Pretrial Enforcement Division Definitions.

**PROCEDURES:**

- I. Conducting Pretrial Risk Assessments:
  - A. A pretrial risk assessment shall be completed prior to the defendant’s arraignment:
    - 1. All defendants who require risk assessments must be added to the DOC offender management system:
      - a. POs or designated contractors shall assess defendants in the order of prioritization, which is typically determined by the date and time of the arraignment.
      - b. POs or designated contractors may prioritize the risk assessments for cases in their supervision jurisdiction, if doing so will not affect the timeliness of other risk assessment reports.
    - 2. Pretrial risk assessments must be completed prior to arraignment, including holidays and weekends.
    - 3. Statute recognizes that there are instances where a pretrial risk assessment may not be available. In these instances the court is directed to proceed with bail hearings even if an assessment is not

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available. These instances should be the exception.

B. Prior to the arraignment, the PO or designated contractor must complete the pretrial risk assessment using the AK-2S module in the DOC offender management system. When needed the *AK-2S Pretrial Risk Assessment Scoring Form* (Attachment B) is available to be completed by hand. The *AK-2S Pretrial Risk Assessment Guide* (Attachment C) may also be referenced as needed. To complete the pretrial risk assessment, the PO or designated contractor must:

1. Verify, to the extent possible, the defendant's identity prior to completing an assessment.
2. Conduct a criminal record check on the defendant:
  - a. Conduct an Alaska criminal records check using databases from the Courts, DOC, and the Department of Public Safety to answer the pretrial risk assessment questions.
  - b. Conduct a National Crime Information Center (NCIC) criminal records check to answer the NCIC questions. Officers may refer to the *AK-2S Pretrial Risk Assessment NCIC Data Collection Guide* (Attachment D) for additional information.
3. Answer all questions for both the FTA and NCA risk scores. Some scores may be pre-populated automatically by the software; however, officers should review and verify each score individually.
4. Answer all of the supplemental NCIC questions. Officers may refer to the *AK-2S Pretrial Risk Assessments And Out Of State Convictions Guide* (Attachment E) for more information.
5. Verify that the FTA and NCA risk scores are correct.
6. Verify that the DOC offender management system selects the appropriate statutory release category based on the risk assessment score and most serious charged offense.
7. Verify that the DOC offender management system selects the appropriate recommendations for whether or not supervision by PED is recommended. Officers also have an option to override the software's default recommendation for supervision. The officer should only override the default recommendation based on public safety criteria and review and approval must be gained from a supervisor.
8. POs or designated contractors should select the most appropriate supervision conditions to recommend to the court.
9. Once all information has been added to the pretrial risk assessment, the PO or designated contractor must create a report (that is auto-populated with a total actuarial risk score and risk level in the data management system) and publish the report to make it accessible to all parties of the court.

C. The DOC offender management system will auto-populate some data elements into the defendant's

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pretrial risk assessment. POs or designated contractors may request a recommendation override when the auto-populated data is not appropriate for a specific case. Any overrides must be approved by a Pretrial Supervisor.

- D. Officers should routinely review risk assessments prior to publication in order to verify that all steps of the risk assessment have been completed and that the assessment is accurate. Officers are encouraged to use the *Pretrial Risk Assessment Publishing Checklist* (Attachment F) as a quality assurance and guidance tool. For this reason officers may choose to complete the checklist as a regular part of the assessment process.
- E. When a defendant receives new criminal charges they shall receive a new pretrial risk assessment.

II. Pretrial Risk Assessment Levels:

- A. The AK-2S assigns an appearance risk level to a defendant based on static risk factors. An appearance risk level is referred to as the Failure to Appear (FTA) score. The point values associated with the risk level for the FTA score are outlined below:
  - 1. “**Low**” risk level: **0-4** points.
  - 2. “**Moderate**” risk level: **5-6** points.
  - 3. “**High**” risk level: **7-8** points.
- B. The AK-2S assigns a criminal arrest risk level to a defendant based on static risk factors. A criminal arrest risk level is referred to as the New Criminal Arrest (NCA) score. The point values associated with the risk level for the NCA score are outlined below:
  - 1. “**Low**” risk level: **0-5** points.
  - 2. “**Moderate**” risk level: **6-9** points.
  - 3. “**High**” risk level: **10** points.

III. Use Of Pretrial Risk Assessments:

The pretrial risk assessment is to be used to inform the court regarding recommendations for a defendant’s conditions of release. All recommendations must take into account:

- A. The defendant’s risk level for failure to appear (FTA) and new criminal arrest (NCA);
- B. The defendant’s charges;
- C. If any previous bench warrants have been issued against the defendant for FTA in the past;
- D. The appropriateness of the defendant’s release to own recognizance, unsecured bond, or secured bond as outlined in statute. The highest score will be used for this recommendation;
- E. Appropriate release conditions (see DOC P&P 1330.02, Conditions Of Release);

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- F. Other relevant information related to release decisions (e.g., if a defendant is already on probation for a previous case); and
- G. Information that may be introduced by the prosecution or defense during the arraignment. The judicial authority is not bound by the recommendations provided in the pretrial court report and may consider other introduced factors relevant in release decisions.

IV. Pretrial Risk Assessment Fidelity:

Inter-Rater Reliability (IRR) checks will be utilized to ensure consistency and accuracy in scoring the pretrial risk assessment statewide:

- A. The DOC offender management system allows two (2) staff members to randomly and anonymously score pretrial risk assessments independently to determine accuracy and consistency.
- B. A set number of pretrial risk assessments will be double scored daily to track accuracy rates and identify areas where improvement is needed.

V. Pretrial Risk Assessment Validation:

- A. The Alaska pretrial risk assessment validation shall begin one (1) year after implementation.
- B. After the year one (1) Alaska pretrial risk assessment validation, the Alaska pretrial tool shall be validated at least every three (3) years.

VI. Pretrial Risk Assessment Training:

- A. Prior to conducting pretrial risk assessments, POs and designated contractors must attend the required training in administration of pretrial risk assessments.
- B. POs and designated contractors may be required to complete remedial training when problems are identified.
- C. To maintain the pretrial risk assessment certification, a PO or designated contractor must receive ongoing training.

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