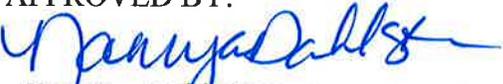


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| STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES | SECTION: Pretrial Enforcement | | PAGE: Page 1 of 4 |
| | CHAPTER: 1320 | NUMBER: 1320.02 | P&P TYPE: Public |
| | TITLE: Pretrial Enforcement Risk Assessment Instrument | | |
| | APPROVED BY:  Nancy A. Dahlstrom, Commissioner | | DATE: 10/17/2019 |
| ATTACHMENTS / FORMS: A. AK-2SR Pretrial Risk Assessment B. AK-2SR Pretrial Risk Assessment Guide C. AK-2SR NCIC Data Reporting Guide D. AK-2SR Publishing Checklist | | AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.011 AS 33.07.010-030 AS 33.30.021 AS 33.05.010 AS 44.28.030 AS 33.16.180 DOC P&P 1330.02 | |

POLICY:

- I. It is the policy of the Department of Corrections (DOC) that all pretrial defendants booked into a DOC institution on a new criminal charge(s) are assessed using a validated pretrial risk assessment instrument. The instrument shall provide two distinct measures of pretrial risk: new criminal activity (NCA) and failure to appear (FTA). The results of the pretrial risk assessment shall be reported to the court with recommendations for release, in accordance with Alaska Statute, and will also provide out-of-state criminal history when available. 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 Division of Pretrial, Probation and Parole employees and designated contractors.

DEFINITIONS:

For definitions of key words or phrases used in this policy please refer to AK-2SR Pretrial Risk Assessment Guide (attachment B) of this policy.

PROCEDURES:

- I. Conducting Pretrial Risk Assessments:

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- A. A pretrial risk assessment shall be completed prior to a defendant's arraignment, including holidays and weekends. The risk assessment shall be conducted in accordance with the information provided in the AK-2SR Pretrial Risk Assessment Guide (attachment B).
1. All defendants who require risk assessments will be completed in the DOC offender management system.
 - a. Risk assessments will be completed in order of priority, typically determined by the date and time of a defendant's arraignment.
 2. In exceptional circumstances, where a risk assessment cannot be completed prior to arraignment, the court will proceed with a bail hearing without the report.
 3. When a defendant is charged with a new criminal offense, they shall receive a new pretrial risk assessment.
 - a. If a defendant was initially released before an assessment was completed and they are booked on a Violating Conditions of Release (VCOR) violation or Failure to Appear bench warrant (both not being new charges), then an assessment shall be completed using their initial booking charge and current booking date.
 - b. If defendant is arrested for either a violation or bench warrant with no new criminal charges (ie: probation violation, failure to appear bench warrant, a hold for another jurisdiction), a risk assessment shall not be completed, as the court is not making an initial release decision about the defendant.
- B. Prior to the arraignment, the PO or designated contractor must complete the pretrial risk assessment using the AK-2SR module in the DOC offender management system. 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 background check on the defendant, by reviewing the following:
 - a. Alaska criminal justice records using databases from the Alaska Court System, the DOC, and the Department of Public Safety.
 - b. National Crime Information Center (NCIC) criminal justice records. Officers shall refer to the AK-2SR NCIC Data Reporting Guide (attachment C) for additional guidance in completing the report.
 3. Answer all questions for both the FTA and NCA risk scores; reviewing and verifying each score individually including those that are auto-populated.

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4. Answer all the supplemental NCIC questions.
 5. Select the appropriate statutory release category based on the risk assessment score and most serious charged offense.
 6. Recommend whether PED supervision is appropriate for the offender. An override of a default recommendation shall be based on public safety criteria and requires the review and approval from a supervisor.
 7. Recommend appropriate supervision conditions to the court.
 8. Publish the report to make it accessible to all parties of the court.
- C. For auto-populated data elements, POs or designated contractors may request an override when the auto-populated data is not appropriate for a specific case or offender. Overrides shall be approved by a supervisor.
- D. Officers should routinely review risk assessments prior to submission 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 AK-2SR Filing Checklist (attachment D) as a quality assurance and guidance tool.
- E. If a defendant is ordered to pretrial supervision and has not had an assessment completed, an assessment shall be conducted to establish the defendant's supervision contact standards. The assessment shall be based on the defendant's most recent booking event.
- F. A pretrial release report may include additional information which is not included as part of the pretrial risk assessment such as, but not limited to: a defendant's prior conduct on supervision, out of state criminal history, and incarceration history.

II. Pretrial Risk Assessment Levels:

- A. New Criminal Activity (NCA) Risk Scale assigns a criminal arrest risk level to a defendant based on static risk factors. The point values associated with the risk level for the NCA score are outlined below:
1. "**Low**" risk level: **0-3** points.
 2. "**Moderate**" risk level: **4-9** points.
 3. "**High**" risk level: **10-12** points.
- B. Failure to Appear (FTA) Risk Scale assigns an appearance risk level to a defendant based on static risk factors. The point values associated with the risk level for the FTA score are outlined below:
1. "**Low**" risk level: **0-2** points.
 2. "**Moderate**" risk level: **3-7** points.
 3. "**High**" risk level: **8** points.

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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 new criminal activity (NCA) and failure to appear (FTA);
- 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 or as otherwise statutorily mandated in AS 33.07.030. The highest score will be used for this recommendation;
- E. Appropriate release conditions (see DOC P&P 1330.02, Conditions Of Release); and
- F. Other relevant information related to release decisions (e.g., if a defendant is already on probation for a previous case, presence of out-of-state criminal history).

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:

After the initial Alaska pretrial risk assessment validation (completed in 2019), the Alaska pretrial risk assessment tool shall be validated as required.

VI. Pretrial Risk Assessment Training:

POs and designated contractors shall:

- A. Attend required training in the administration of pretrial risk assessments prior to conducting pretrial risk assessments, and
- B. Complete ongoing training to maintain the accuracy and validity of the risk assessment tool.

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