

Questions for DOC, following 2/6/18 subcommittee meeting.

- 1. Commissioner Williams: You said that the Pretrial supervision function will reduce recidivism and improve public safety. Please define “public safety” and how an increase is measured.**

Most pretrial models use a calculation referred to as the “safety rate” as a measure of public safety. The safety rate is typically defined as follows:

Safety Rate: The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.

Alaska is currently working with criminal justice partners and the Crime and Justice Institute to finalize how AK will define and pull our data for this measurement. This is still in development, but we believe that we will likely provide two measurements, a measurement of anyone arrested for a new criminal offense during the pretrial stage, and another measure for those arrested on violations of conditions of during the pretrial stage.

All of the outcomes measurements are in development now and we will work with ACJC and other criminal justice partners to provide a variety of outcome measurements.

- 2. Re: Risk Assessment Tool: Please describe in more detail how information on a prisoner’s criminal record in other states is/is not included in the Risk Assessment Tool or is/is not available to the judge making decisions on the prisoner’s pre-trial release or supervision.**

- a. Is the value of delaying use of such data until there’s a year’s worth that can be evaluated to verify the tool’s predictive data worth the potential damage to public safety if a court ignores records of a prisoner’s Outside criminal history in making release decisions?**

I have attached an FAQ that explains the Out of State criminal history information.

The out of state criminal history is available and provided to the judge. The assessment tool is simply a tool for additional information for the judge to consider and the out of state information is available and a synopsis is provided at the arraignment.

- 3. Slide 19: It seems that the Judicial Release Decision Guidelines are heavily weighted toward release on own recognizance (OR) – there only three of 15 cases in which OR is not mandatory or presumptive. Why should the public not be concerned about this orientation toward release?**

In the state constitution, there has always been a presumption for the right to bail. This has not changed. The judicial release decision matrix articulates the law, and in most cases, the judge can consider multiple other factors when making bail decisions. There are at least 12 other factors they can consider, in addition to the risk assessment tool.

Previously --- the judge did not have the following:

- 1) There was no risk assessment – and now there is – in addition to all of the other factors they could still consider.
- 2) There was no one to provide proactive monitoring and supervision to defendants, and now there are certified officers with arrest authority who are monitoring and supervising defendants who are released on bail.

4. Slide 25: First bullet, states 99.04 % of bookings had ASPIN numbers. Does ASPIN number mean a case number (i.e. an individual) or does it mean numerical data (e.g. scores on an assessment).

The APSIN number is merely a way of identifying an individual. It is similar to a social security number that the government uses to verify identity across various databases.

In Alaska, the APSIN number is a number assigned to individuals who have a criminal arrest. Because DOC did not always have the APSIN numbers at the time of booking – it has always been a challenge to compare our data to the data that the Courts have on an individual. Now that we are getting APSIN numbers on almost all cases, it simply allows us to better link all of the available data with other systems so that we can have more confidence in our outcome measurements.

It's really just a technical issues that we have been trying to resolve for years and the new Pretrial process took on this project to ensure better data quality in the future.

5. Is the Risk Assessment Tool the only tool DOC has available to use on prisoners? Based on the testimony I heard in support of SB 21, I was under the impression the bill would provide DOC with more detailed tools that could, for example, indicate which prisoners needed or were more amenable to substance abuse treatment; what behavior modification techniques might be more effective, etc. Where and when are any such assessments performed, and how are they employed?

Assessment tools are not new to Corrections. The department uses a variety of assessment tools. One of these tools is used in probation and parole and it is called the Level of Service Inventory – Revised (LSI-R). Assessments are also used in the treatment field. They help determine what level of treatment an individual needs.

Pretrial defendants do not typically receive a substance abuse or mental health evaluation that is ordered by the Court. The reason for this has to do with a defendant's constitutional rights – such as the right not to incriminate oneself, the right to a trial, the right to legal representation, and the right to due process and the presumption of innocence. Treatment programs and assessments require a defendant to admit to conduct that may implicate them in a criminal matter. For this reason – most judges will not order treatment and evaluation at the pretrial level.

However --- the Pretrial Officers can work with defense attorneys to help defendants engage with substance abuse and treatment if this is something the defense attorney has the defendant setting up on their own accord. Additionally, if a Pretrial Officer identifies substance abuse as a need, we may at that point, request a bail hearing and notify the Court that additional conditions of release, such as a substance abuse evaluation might be needed. We are typically trying to work with prosecutors and defense attorneys to put treatment plans in place when we learn of the concern.

DOC also just hired a diversion coordinator through a grant. This position will begin working with attorneys to develop diversion programs. Diversion programs enable the system to work with defendants at the pretrial stage that would allow more access and oversight of treatment. These projects are underway.

6. Please elaborate on the circumstances in which a judge may override the presumptions on release decisions provided by the Risk Assessment Tool.

AS 12.30.011(i)

- The nature and circumstances of the offense charged
- The weight of the evidence against the person
- The nature and extent of the person's family ties and relationships
- The person's employment status and history
- The length and character of the person's past and present residence
- The person's record of convictions
- The person's record of appearance at court proceedings
- Assets available to the person to meet monetary conditions of release
- The person's reputation, character, and mental condition
- The effect of the offense on the victim, any threats made to the victim, and the danger that the person poses to the victim
- Any other facts that are relevant to the person's appearance or the person's danger to the victim, other persons, or the community

SB 150 also adds out of state criminal history to this list.

7. **The public has an unfair presumption that a person charged with a crime is automatically suspect, if not actually guilty, and should therefore be incarcerated. Is there any evidence to confirm or dispel this assumption? What percentage of persons charged with a crime are finally convicted of that crime?**

This question would have to be answered by either the Alaska State Court System. Corrections won't have access to the data for all charged offenses or case dispositions.

8. **Slide 32: Please explain the fifth bullet point from the bottom, "Immediate substance abuse treatment availability." Does this mean that a person on EM found to be drinking WILL have immediate access to treatment (i.e., is there a separate path toward treatment programs for those on EM), or does it just mean that the EM provides information that treatment is necessary at the particular point of violation?**

We aren't sure if we are answering your question – but individuals on EM do not jump ahead of everyone else. This slide addresses how we attempt to use EM to support individuals who are trying to maintain sobriety.

9. **Slide 35: IT's a bit confusing; please explain. It says there are two primary types of compliance, but then lists three bullet points. It says there are two primary types of violations, but then lists three bullet points.**

I believe this may actually refer to slide 25.

I agree – it's confusing, I probably started with two bullet points and then thought of additional items, but then inadvertently left the initial language of "two" items. Just an oversight.

10. **Slide 36: What percentage of the EM units measure the wearer's alcohol use? How much more expensive are such units, and does DOC have plans to upgrade their inventory of equipment, or to require contractors to upgrade their equipment inventory?**

We are not sure what percentage of the EM units monitor alcohol. We could probably find this out by contacting our private EM provider. This question sounds like a concern about DOC not having enough EM units that monitor alcohol. At this time we believe we have an adequate number of units.

The TAD carries a cost of \$5.40 per day

The Mobile Breath monitoring device carries a cost of \$5.50 per day

11. What evidence does DOC have that you have sufficient resources to provide sufficient and appropriate response the “problems” that might occur when those released on EM violate their conditions of relief, i.e., consume alcohol, or enter a licensed premise.

- a. Does DOC expect that it will need additional funds to support additional resources, either in short term (supplemental budget) or long-term?**

We believe at the current time that we have enough resources to provide appropriate response and supervision. We will monitor resources and workload very closely. It is difficult to make projections at this time for a variety of reasons.

12. If you have not yet filled all of the budgeted positions for Pretrial Enforcement Division, how do you propose to spend the personnel services funds appropriated for the vacant positions?

Any surplus personnel funds will be spent on significant deficits in the Department and anticipated costs associated with the Pretrial inmate population. As mentioned in earlier testimony, we continue to bring on additional officers.