

# Alaska Criminal Justice Commission

## Meeting Agenda

Wednesday July 5, 2017

4:30 PM

Audio-teleconference

Commissioners: Sean Case, Matt Claman, Jahna Lindemuth, Walt Monegan, Greg Razo, Quinlan Steiner, Trevor Stephens, Dean Williams, Steve Williams

Participants: Dunnington Babb, Geri Fox, Rob Henderson, Amory Lelake, Natasha McClanahan, Melissa Threadgill, John Skidmore, Jordan Shilling, Erin Shine

Staff: Susanne DiPietro, Barbara Dunham

### **Introductions**

Chair Razo indicated he was on the road and designated Susanne DiPietro to lead the meeting.

### **Approval of Meeting Agenda**

Commissioner Lindemuth moved to approve the agenda, Judge Stephens seconded the motion, and the motion passed with no opposition.

### **Process for Reconciling the Pretrial Assessment Tool with the Statutes**

Ms. DiPietro summarized the problem before the Commission. Researchers from Alaska's technical assistance provider, the Crime and Justice Institute (CJI), gave a presentation the previous week to explain the pretrial risk assessment tool that they had developed for Alaska. There were two takeaways from this presentation. First, the tool is very solid—the predictive value of the tool is quite strong meaning the correlations on the risk factors are good, and the factors work well across demographic groups. Compared to other tools Ms. DiPietro has seen, this tool is excellent. Second (and reason for this meeting), the factors that predict failure to appear are not the same as those that predict new criminal arrests. In many tools, they are used in the same scale, but the math wouldn't allow them to be used in one scale using Alaska's data.

Ms. DiPietro explained that it might actually be better to have two scales, because it allows for a more nuanced view of the defendant, but the problem is that the applicable statute is written differently. The statute, which directs the Department of Corrections (DOC) to design and implement the tool, envisions a single-scale tool. Not only does Alaska's new tool have two scales, but there are more than three outcome categories for each. The statute is written for one scale, with three outcome categories (low, moderate, high).

The Commission's task now is to reconcile using the tool with the legal framework— to figure out the best way to align the two. This meeting was called to find process that everyone can

agree on. The proposal from staff is to form a small rapid response committee that can come up with a solution and present it to the Commission later.

Commissioner Lindemuth said she thought the working group idea was a good one. The initial take on this issue at the Department of Law is that the statute is flexible enough to work through this problem with a regulation; the statute (section 117 of SB 91) directs DOC to work in conjunction with Law and the public defenders to implement this tool. Judge Stephens agreed.

Commissioner Claman agreed. Regulations can be troublesome; sometimes they do work, but there isn't always the necessary flexibility in statute; he thought the group should be sure to figure that out.

Chair Razo said he agreed with the workgroup idea, and said that it should be a small group to come up with a solution quickly. He recommended a 4-person group, with representatives from Law, DOC, and the public defender. He moved to create this group. Commissioner Monegan seconded the motion.

Ms. DiPietro asked whether there should be a court system representative. Judge Stephens noted that section 117 called for DOC to consult with the court system and victims' services representatives.

Commissioner Monegan said he would like input from the arresting officers to be included in the tool. Ms. DiPietro said that one thing that hasn't been decided yet is what will be in the report from pretrial services to the court. The thought is that it might also include other information aside from the risk assessment. Geri Fox, director of pretrial services, said she was not sure a police report will be available to her team, but the prosecutor should have that information available at arraignment.

Ms. DiPietro asked to clarify the motion—would the group be comprised of the three people named plus another? Chair Razo said yes, another volunteer; the group would also have to consult with the representatives named in statute. Chair Razo volunteered Judge Stephens to join the group. Judge Stephens said that would be fine if no one else was opposed. Commissioner Steve Williams said he thought that was a great idea.

Ms. DiPietro called for a vote on the motion; there were none opposed.

Ms. Fox noted that the group would have a tight timeline; she would like her unit to have at least a sense of the direction to head in within a month, though they don't need every detail. They are programming the database right now.

#### **Public Comment**

There was an opportunity for public comment but none was offered.

#### **Future Meeting Dates & Tasks**

The next meeting was set for August 23; the meeting will be held at the Snowden Training Center.