

ACJC WORKGROUP ON PRE- AND POST- TRIAL LAWS AND PROCESSES

Staff Notes and Member Assignments

November 21, 2014 Meeting, 1:30 PM – 4:30 PM

510 L Street, 4th Floor, Foraker Conference Room

Commissioners Attending: Quinlan Steiner, Alex Bryner, Stephanie Rhoades, Trevor Stephens (tel.), Brenda Stanfill (tel.)

Staff Attending: Susanne DiPietro, Mary Geddes (MG), Teri Carns

Also Participating: Nancy Meade (Courts), Bryan Brandenburg (DOC), Bob Linton

The next workgroup meetings (all in Anchorage) are as follows:

Thursday, December 11, 9:00-11:00 AM

Monday, January 5, 3:00-4:30 PM

NEWS AND INFORMATION

Pretrial detention has been a focus of several national organizations. Several states have pursued the idea of using risk assessments for bail setting. These assessments are similar to, but not exactly the same as, tools used for other purposes.

Bryan Brandenburg, Director of Institutions at DOC, gave a presentation about inmate screening procedures, risk/needs assessments, use of programming, and release planning routinely employed by DOC.

DOC now uses evidence-based practices wherever possible in its programming and screening functions, with the goal of reducing recidivism. Initial reviews of recidivism rates suggest that they are trending down from levels existing when programming was absent or not evidence-based: recidivism is down 4%; remands are 4000 less than previously (out of a total of roughly 42,000) per year; and successful discharge from probation/parole supervision has increased 20%. DOC recently hired a contractor to review all its programs, including re-entry programs, for evidence of effectiveness in reducing recidivism.

How does DOC Screen Inmates?

1. Initial screen of inmate within 24 hours for medical and mental health problems also for compliance with the federal prison rape elimination act.
2. Determine CRC eligibility assessment mostly for unsentenced misdemeanants. NB: unsentenced misdemeanants who are transferred to CRCs do not get further risk/need screening, nor is treatment available there.
3. Within 5 days of remand, inmates receive a custody classification for risk level and custody. Any inmate who has minor children will be referred to a parenting class. An inmate without a high school diploma will be referred to a further assessment for educational programming. A substance abuse-related charge or history will result in further screening with possible follow on referrals to the LSSAT

(Life Success Substance Abuse Treatment) program (90 days with no special housing assignment) or RSAT (six months in a dedicated housing area). Both programs have wait lists at all times.

4. For offenders sentenced to 30 days or more, the 54 question LSI-R (Level of Service Inventory- Revised) assessment is given. For others, the LSI-SV is first given. The LSI-SV is an eight-question screening version of the LSI-R. If a person scores in the medium to high risk rangess, he or she is given the full LSI-R. If release is imminent, these offenders are referred to community programs.

5. For those whose release is not imminent, an offender management plan is developed. The Offender Management Plan documents what the medium- or high-risk offender needs in the way of programming, and also documents what programming was received during the inmate's stay. Later a release plan is developed, and closer to release a transition plan. Note: Only 25% of departing inmates are released to probation or parole supervision. For those released to no supervision, DOC refers to them to community re-entry coalitions. Low-risk offenders are unlikely to re-offend and excessive supervision could actually increase recidivism.

What is the LSI-R and how is it used?

It is a tool designed to assess an offender's criminogenic risk of returning to custody and needs. Includes dynamic and static factors (refer to handout MG sent before this meeting for details). Of the 7 dynamic factors, the first four are most predictive: criminal thinking, emotional instability, substance abuse, family and marital relationships. The score an offender receives is translated to a risk level, and there are five categories of risk ranging from low to high.

A review of our existing bail statute shows that many of the conditions listed as being associated with criminogenic risk are actually listed there: seriousness of offense, criminal history, housing, ties to the community, etc.

What programming does DOC offer?

All DOC programs are designed to address the most predictive criminogenic risks – procriminal attitudes, substance abuse, and antisocial personality pattern. Parenting skills also are emphasized in an effort to prevent offenders' children from growing up to repeat antisocial patterns of behavior.

Anger management is assigned based on the offender's score on the "Hostile Interpretation Questionnaire". Three levels are available, and offenders are re-tested after completion to check for decreases in hostile interpretation.

Criminal attitudes program is assigned based on scores received on the "Criminal Sentiments Scale, Modified". DOC reports a 7% reduction in recidivism for those who complete the program versus those who did not attend but were eligible.

Substance Abuse: LSSAT and RSAT. DOC reports that the LSSAT program shows a 6% reduction in recidivism for those who complete compared to those who did not attend but were eligible. There are many more eligible inmates than treatment slots for these two programs.

DV programs are provided in four facilities.

DOC wants to provide more programming but funds are limited.

Electronic monitoring capacity is 500 but actual use has never risen above 430. DOC wants to maximize EM.

Staff Training

DOC staff receive extensive training including a 40-hour orientation, a 252-hour academy, and annual retraining. The training is being revised to increase emphasis on positive communication including motivational interviewing, and encouraging positive inmate behavior.

QUESTIONS:

Is there a way to reduce the number of pretrial defendants in custody that would be acceptable to defenders, judges, and prosecutors?

Is risk/needs assessment a viable approach to separating out those pretrial defendants who could safely be released from those who cannot? What are other states' experiences in this regard? What does the research show?

If risk/needs assessment is a viable approach, what tools are available and who would use them (ie judges or others?).

If risk/needs assessments were used to inform judges about the in/out decision, how might the information be elicited and shared in such a way as not to reveal incriminating or negative information to the prosecution?

In what ways does our bail statute align with what research shows to be the criminogenic risk factors, and are there items missing?

RESOLUTIONS

Continue this discussion.

ASSIGNMENTS:

No individual assignments. Group assignment to review literature and information previously provided.