

Pretrial Tool Group Meeting
8/4/2017

Commissioners Present: Jahna Lindemuth, Quinlan Steiner, Trevor Stephens, Dean Williams, Joel Bolger, Greg Razo

Attendees: Melissa Threadgill, Kristin Bechtel, John Skidmore, Nancy Meade, Barbara Dunham, Geri Fox, Robert Henderson, Dunnington Babb, Natasha McClanahan, Tara Rich, and Susanne DiPietro

Meeting Notes:

The following is what was decided today for recommendation to the August 23 Commission meeting.

Question 1: Use the NCA scale only or pick the highest scale?

- Answer: pick the scale with the highest rating.
- Ratings on both scales will be reported, but it should be clear at the top of the report what the “binding” score is.
- The solution presented right now (to pick the highest) seems to best reflect the statutory requirement that pretrial release decisions take into account both risk of failure to appear and safety of the victim/community.
- The group agreed that the full Commission should discuss and decide whether to ask the legislature to change the statute. A recommendation for a statutory change could adopt our current solution, or it might advance a different solution. In the meantime, however, DOC needs to move forward with its regulatory process, and it will do so with the current solution.

Question 2: How to group the categories for NCA?

- Answer: very low + low = low; moderate + moderate high = moderate; high = high.
- This is the CJI recommendation and will give the best outcomes.
- In other words, for the NCA scale:
 - o 0-5 = low
 - o 6-9 = moderate
 - o 10 = high
- For the FTA scale:

- 0-4 = low
- 5-6 = moderate
- 7-8= high

Question 3: How should this information be presented to the judges & parties?

- Geri and her team are working on this. They will give the low/mod/high designation and the scores, and hopefully a visual of some kind.
- The group discussed whether to report the original designations provided by Dr. Bechtel (e.g. very low/low/moderate/moderate high/high) but it was decided this would be too confusing.
- The group also discussed whether the report should include both grids—i.e. whether it should explain how the statutory requirements are different for the pre-trial officer's recommendation vs. the judge's release decision. It was decided this was not necessary, though it would be helpful to have the information on what the given outcome requires. For example, it would say "Defendant scored Low; pretrial recommendation is OR release; OR release is mandatory" or "Defendant scored Moderate, pretrial recommendation is OR release; OR release is presumptive."

Action items:

- Training: the group agreed that training for practitioners will be useful (training for judges is already planned for the judicial conference on October 25 in Girdwood). Geri and Susanne agreed to help organize one or two workshops in Anchorage the week after the judicial conference, and the individual agencies can supplement as they see fit. Training for judges and for practitioners should include enough detail to satisfy them that the tool is evidence-based and fair.
- Law will get to drafting a regulation with the above recommendations. Susanne reminded everyone that they would need to consult with OVR during the regulatory process.

Susanne