



## Pretrial risk assessment tool developed for Alaska

*Pamela Cravez*

Beginning January 1, 2018, new information about defendants at their first pretrial bail hearing became available in all of Alaska's courts. Judicial officers, defense, and prosecuting attorneys are receiving information from a new pretrial risk assessment tool that calculates whether a defendant is at low, moderate, or high risk for failure to appear at trial or to commit another crime if released. The tool, incorporated in Alaska's new bail statute, aids in the judicial officer's decision regarding pretrial bail conditions.

The turn to evidence-based pretrial practices is in response to the growing number of defendants who are remaining in custody through disposition of their cases. From 2004 to 2014, the number of pretrial inmates in Alaska's prisons grew by 81 percent (Alaska Criminal Justice Commission (ACJC), 2017). "[I]n some cases, low-risk defendants who were unlikely to engage in new criminal activity remained behind bars because they



Bail hearing at Anchorage Correctional Complex Court with Judge Douglas H. Kossler presiding.

couldn't afford bail, while high-risk defendants who were likely to engage in new criminal activity and who paid bail were released" (ACJC, 2017: 17). The likelihood that a person released from jail on bail would fail to appear (FTA) for their court hearings was 14 percent. The likelihood that they would be re-arrested on another offense while out on bail was 37 percent (Crime and Justice Institute, 2017).

decisions as well as sentencing, probation, and parole. This article looks at risk assessment tools in general and the development of Alaska's pretrial risk assessment tool.

**Risk assessment tools are being used throughout the country in pretrial, sentencing, probation, and parole. This article looks at risk assessment tools in general and the development of Alaska's pretrial risk assessment tool.**

### ► History of assessment tools

The use of predictive models in criminal justice goes back to the 1920s and efforts to address crime by incapacitating "career criminals" (Kehl, Guo, & Kessler, 2017: 3).

Many early models relied on simple math and the assessment of correctional staff and clinical professionals. In the 1960s and early 1970s, studies questioned criteria being used by the models, their accuracy, and individual fairness (Kehl et al., 2017: 4-5).

Over time, risk assessment tools have evolved, with the largest shift accompanying a movement toward evidence-based practices. "Evidence-based risk/needs assessment instruments consider the interplay between *static* and *dynamic* risk factors," according to Kehl et al. (2017: 8; emphases in original).

couldn't afford bail, while high-risk defendants who were likely to engage in new criminal activity and who paid bail were released" (ACJC, 2017: 17).

A review of defendants released pretrial from 2014 to 2015 in Alaska found that the

Alaska's new pretrial assessment tool will improve these numbers and public safety, according to Geri Fox. Fox leads the Alaska Department of Corrections' Pretrial Enforcement Division. The division, created in 2016, is performing pretrial risk assessments on all defendants, as well as providing court reports and recommendations, monitoring individuals released pretrial, and providing other pretrial supervision services.

Risk assessment tools are being used throughout the country to aid in pretrial de-

Please see *Pretrial risk assessment*, page 2

### INSIDE THIS ISSUE

- Benefit vs. cost of Alaska criminal justice programs (page 5)
- Expanded view of recidivism in Alaska (page 6)

**Pretrial risk assessment**  
(continued from page 1)

Static factors are those that do not change, including age at first arrest and current charge. Dynamic factors are those that can change over time, including current age, employment status, and whether a person has a substance use disorder.

Dynamic factors are often used to determine programming and treatment in addition to risk, since they provide a window into an offender’s criminogenic needs. These

factors, which are collected in interviews, have the potential drawback of perpetuating gender and racial bias.

The drawback of static factors is that their immutability makes it more difficult for a defendant to show positive behavioral change (Bonta & Andrews, 2007). The latest generation of risk assessment tools use complex algorithms and large data sets that can be tweaked and adjusted over time to new data.

► **Alaska’s pretrial tool**

Alaska worked with the Crime and Justice Institute (CJI), a division of the Boston-based nonprofit research and analysis organization Community Resources for Justice, to develop an Alaska-specific pretrial risk assessment tool for two reasons. First, while pre-existing open tools such as the Arnold Foundation’s Public Safety Assessment (PSA) are available, they have not been validated against Alaska populations. Second, many off-the-shelf

Please see *Pretrial risk assessment*, page 3

**Table 1. Failure to Appear (FTA) Scale**

Six risk factors	Weights
<b>Age at first arrest</b>	0 = 22 and older 1 = 21 and younger
<b>Prior FTA warrants</b>	0 = 0 prior FTA warrants ever 1 = 1 prior FTA warrant ever 2 = 2 or more prior FTA warrants ever
<b>FTA warrants in last 3 years</b>	0 = 0 prior FTA warrants in past 3 years 1 = 1 prior FTA warrant in past 3 years 2 = 2 or more prior FTA warrants in past 2 years
<b>Current FTA</b>	0 = No current FTA charge 1 = Yes current FTA charge
<b>Current property charge</b>	0 = No property charge on current arrest/case 1 = Yes at least one property charge on current arrest/case
<b>Current motor vehicle charge (non-DUI)</b>	0 = No motor vehicle charge on current arrest/case 1 = Yes at least one motor vehicle charge on current arrest/case
<b>Total points possible</b>	<b>0 to 8 points possible</b>

Source: Alaska Department of Corrections, Pretrial Enforcement Division

**Proprietary and open risk assessment tools**

Alaska, Virginia, and Pennsylvania use risk assessment tools developed specifically for their state. Most, jurisdictions, though, use one of the commercial risk-assessment tools. The Level of Service Inventory – Revised (LSI-R), developed by Multi-Health Systems (the LSI-R isn’t used in pretrial), and COMPAS, created by the Northpointe company are two popular tools. These commercial tools employ both static and dynamic factors. COMPAS, which uses proprietary software and offers little transparency regarding its calculations, has been the subject of controversy. In a recent ProPublica investigative journalism piece on the use of COMPAS in Broward County, Florida, it was found that the tool predicted re-arrest at an accuracy rate of 61 percent, “somewhat more accurate than a coin flip.” ProPublica also found that the COMPAS algorithm predicted black offenders to be “future criminals” at twice the rate of white offenders (Angwin, Larson, Mattu, & Kirchner, 2016; see also State v. Loomis, 2016).

In 2014, U.S. Attorney General Eric Holder voiced concern about risk assessment tools. “Although these [risk assessment] measures were crafted with the best intentions, I am concerned that they may inadvertently undermine our efforts to ensure individualized

and equal justice.” Speaking at the annual meeting of the National Association of Criminal Defense Lawyers, Holder added that the tools “may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and our society.”

Risk assessment tools used for pretrial decisions generally focus on static risk factors. The Public Safety Assessment (PSA), developed by the Laura and John Arnold Foundation, is used by 29 jurisdictions in the country including all of Arizona, Kentucky, and New Jersey (Kehl et al., 2017: 10). PSA uses a narrow group of static risk factors — offender’s age at time of arrest, criminal history, prior FTA’s — and is based on data from 1.5 million crimes spanning 300 U.S. jurisdictions. Unlike proprietary, blackboxed commercial tools such as COMPAS, PSA makes all factors open to public scrutiny.

Lucas County, Ohio adopted the PSA tool in January 2015. A study funded by the Arnold Foundation found no race or gender bias in outcomes. Those released without bail increased from 14 percent to about 28 percent. Those out on release who were arrested for another crime was cut from 20 percent to 10 percent (Tashea, 2017).

Find full citations online.



# Alaska's evidence-based investment

As we enter a new year, there is heightened awareness of the important goals of public safety and investing state dollars wisely. Evidence-based practices — those which have undergone rigorous academic study — have been incorporated in Alaska and other places with the goal of addressing both of these concerns. In this issue, we look at a new evidence-based practice, the pretrial risk assessment tool, and a recent report that provides a benefit cost analysis of Alaska's more established evidence-based programs designed to reduce recidivism.

It will take a while before we know whether Alaska's new pretrial risk assessment tool will improve public safety and reduce criminal justice costs as intended. What we do know, however, is that most of Alaska's evidence-based adult criminal justice programs are showing positive return on state investment of money. The

Alaska Justice Information Center's (AJIC) Alaska Results First analysis not only shows the benefit to cost ratio — or monetary return on the state's investment — it also provides tools for assessing how changing the cost structure and delivery method can impact benefit to cost ratios of current programs as well as providing benefit to cost ratio estimates for prospective programs. An added benefit to the analysis — a new eight-year recidivism rate study.

As always, I encourage you to go online to read the *Alaska Justice Forum* where you will find the full AJIC Alaska Results First report as well as a video discussion of the new pretrial risk assessment tool.

Pamela Cravez

AlaskaJusticeForum@alaska.edu

## Pretrial risk assessment

(continued from page 2)

commercial tools are proprietary — details of how they work are not made public, which has caused some challenges. (See "Proprietary and open risk assessment tools," page 2.)

CJ used sample data from the Department of Corrections, Alaska Court System, and Department of Public Safety that was comprised of defendants who were either released from custody during the pretrial period (N=20,456) or who were detained and released on or after disposition of their

**Table 3. Score Matrix**

Failure to Appear (FTA)		New Criminal Arrest (NCA)	
Total risk score	Risk level	Total risk score	Risk level
0-4	Low	0-5	Low
5-6	Moderate	6-9	Moderate
7-8	High	10	High

*Source: Alaska Department of Corrections, Pretrial Enforcement Division*

The Pretrial Enforcement Division will use the highest score of the two scales when considering recommendations for the Court, according to Geri Fox.

case (N=8610). After cleaning and coding, 19,188 cases were identified to develop the pretrial risk assessment of failure to appear (FTA) and new criminal arrest (NCA).

Similar to PSA, Alaska decided to use only static risk factors. These factors are collected

Please see *Pretrial risk assessment*, page 3

**Table 2. New Criminal Arrest (NCA) Scale**

Six risk factors	Weights
<b>Age at first arrest</b>	0 = 22 and older 1 = 21 and younger
<b>Arrests in last 5 years</b>	0 = 0 prior arrests in past 5 years 1 = 1 to 2 prior arrests in past 5 years 2 = 3 or more prior arrests in past 5 years
<b>Convictions in last 3 years</b>	0 = 0 prior convictions in past 3 years 1 = 1 prior conviction in past 3 years 2 = 2 or more prior convictions in past 3 years
<b>Sentences that included probation</b>	0 = 0 prior probation sentences 1 = 1 prior probation sentence 2 = 2 or more prior probation sentences
<b>Sentences in past 5 years that included probation</b>	0 = 0 prior probation sentences in past 5 years 1 = 1 prior probation sentence in past 5 years 2 = 2 or more prior probation sentences in past 5 years
<b>Sentences that included incarceration not wholly suspended in past 3 years</b>	0 = 0 prior incarcerations in past 3 years 1 = 1 or more prior incarcerations in past 3 years
<b>Total points possible</b>	<b>0 to 10 points possible</b>

*Source: Alaska Department of Corrections, Pretrial Enforcement Division*

## Pretrial risk assessment

(continued from page 3)

electronically without the need for an interview.

In addition, risk factors for FTA did not always predict well for NCA. For instance, total prior FTA warrants, FTA warrants in the past 3 years, and current FTA charge were all found to be predictive of future FTA, but not predictive of NCA. As a result, two scales

Prosecutors and defense attorneys will receive information from the tool prior to a bail hearing and continue to play a critical role in assisting the court with relevant information, according to Fox.

“The judge has limited time to look at a case, try to understand it, and evaluate the risk. Alaska will now have an assessment to provide judges with some actuarial, statistical analysis of what we might be able to expect with defendants,” Fox said.

### Prosecutors and defense attorneys will receive information from the tool prior to a bail hearing and continue to play a critical role in assisting the court with relevant information, according to Fox.

were developed to contain the strongest predictors for each measure (Tables 1 and 2).

Once the list of predictors was established, they were tested in terms of gender and race to make sure that they were equally predictive whether a defendant was male or female, White or Alaska Native (CJI, 2017).

The judge is still going to consider statutory guidelines such as the nature and circumstances of the offense, weight of the evidence, family ties, employment, length of residence, conviction record, FTA record, danger defendant poses to the victim, and reputation, character, and mental condition (AS 12.30.020 (i)).

Although judges have discretion to make bail decisions, research shows that when presented with an algorithm, judges and prosecutors frequently give the actuarial analysis more weight. Rejection of the algorithm is often based on bias (Christin, Rosenblat, & Boyd, 2015: 7).

Studies also suggest that a well-designed algorithm may be far more accurate than a judge alone (Neufeld, 2017).

Transparency and oversight are two features of assessment tools that critics call essential to reducing inequities (Tashea, 2007).

Fox is committed to continuing to improve Alaska’s tool while providing information

about how it is being used. (See “Limitations and quality assessment of Alaska pretrial screening tool” below.)

*Find full citations online.*

*Pamela Cravez is editor of the Alaska Justice Forum.*



Editor: Pamela Cravez

Editorial Board: Allan Barnes, Jason Brandeis, Sharon Chamard, Ron Everett, Ryan Fortson, Kristin Knudsen, Cory R. Lepage, Brad Myr Stol, Troy Payne, Deborah Periman

Typesetting and Layout: Melissa Green

Brad Myr Stol, Interim Director, Justice Center

Published quarterly by the Justice Center

College of Health

University of Alaska Anchorage

3211 Providence Drive

Anchorage, AK 99508

(907) 786-1810

(907) 786-7777 fax

uaa.justice@alaska.edu

<http://www.uaa.alaska.edu/justice/>

© 2018 Justice Center, College of Health,  
University of Alaska Anchorage  
ISSN 0893-8903

The opinions expressed are those of  
individual authors and may not  
be those of the Justice Center.

UAA is an AA/EO employer and  
educational institution and prohibits  
illegal discrimination against  
any individual: [www.alaska.edu/  
titleIXcompliance/nondiscrimination](http://www.alaska.edu/titleIXcompliance/nondiscrimination).

## Limitations and quality assessment of Alaska pretrial screening tool

Some of the strategies the Pretrial Division team will use to ensure quality pretrial assessment is a process they refer to as Inner-Rater Reliability (IRR), according to Pretrial Division Director Geri Fox. Every month, approximately six percent of all assessments will be scored by another officer who is unaware that the assessment was previously scored. When errors are detected, officers will receive coaching to assist them with future assessment. Officers also receive initial training and follow up training to ensure quality assessment. Finally, the software application has internal checks to reduce potential errors, according to Fox.

Juvenile convictions are not generally part of pretrial assessment tools, Fox pointed out.

The current Alaska pretrial assessment tool lacks out-of-state criminal history information due to FBI security rules for criminal justice data. However, over the next year, Fox’s team will collect information about out-of-state convictions. A new validation

study will be completed to include out of state criminal history as part of future pretrial assessments. In the meantime, judges have discretion in most cases to factor any out-of-state criminal history into release decisions. Multiple data points will be tracked over the next few years and outcomes of the new pretrial functions monitored, according to Fox.

The tool will change over time, Fox says, as information is collected about its effectiveness. It will continue to improve. “This is part of the reason criminal justice systems have adopted evidence based practices. Information and quality data can assist with future policy making to enhance public safety.”

The Crime and Justice Institute webinar “Alaska Pretrial Risk Assessment” describes the risk assessment tool, and can be viewed by registering name and email address at <https://attendee.gotowebinar.com/recording/1467307448127263490>.

*Find full citations online.*

# Benefit vs. cost of Alaska criminal justice programs

In October 2017, the Alaska Justice Information Center (AJiC) released its Alaska Results First (RF) report on Alaska's adult criminal justice programs. The report found that approximately \$20.58 million in state funds were invested annually in 19 programs

to reduce recidivism, AJiC needed to understand Alaska's patterns of recidivism without the programs. To do this, AJiC collected information on all convicted offenders released from Alaska Department of Corrections (DOC) institutional custody in 2007. Because

through the end of each year during the follow-up period, or the *cumulative recidivism rate*.

AJiC used national data for evidence-based programs similar to those in Alaska to estimate the recidivism reduction rate that could be expected if individuals participated in Alaska's programs. The criminal justice administration costs and costs to victims that would be avoided due to this recidivism reduction were also computed. This "benefit" was then weighed against the program's costs to arrive at a benefit cost ratio.

**The Alaska RF model provides new information including eight-year cumulative recidivism rates, how effective a program may be at reducing recidivism, how changing cost structure and delivery method can impact benefit to cost ratios and the ability to gauge benefit to cost estimates for prospective programs.**

whose effectiveness has been evaluated by academic studies and rigorous reviews. Using Alaska-specific inputs, including program costs, recidivism patterns, and criminal justice system costs, along with national criminal justice data from the Pew-MacArthur Results First Initiative, Alaska RF provides a benefit cost analysis of the state's investment in evidence-based programs.

of the date of release, these individuals had likely not participated in the evidence-based programs.

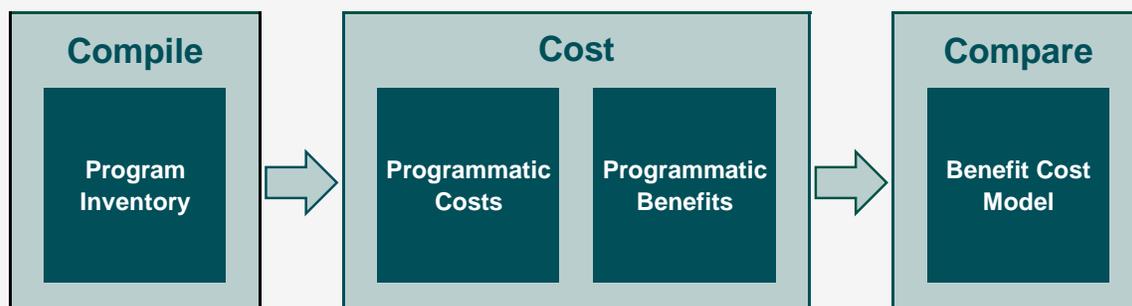
## ► Calculating recidivism

AJiC developed nine cohorts from among the offenders released in 2007. These cohorts were made up of groups of offenders who would have been eligible to participate

## ► New information from Alaska RF

The Alaska RF report provides a wealth of new information to policymakers including eight-year recidivism patterns for the nine cohorts of offenders, measures of how effective a program may be at reducing recidivism, and how changing cost structures and delivery methods may impact the benefit to cost ratio of programs. The RF model may

## Alaska Results First Initiative



<https://www.uaa.alaska.edu/ajic/>

## ► Benefits and costs

The benefit to cost ratio, or monetary return on the state's investment in adult criminal justice programs, was calculated by comparing program costs with costs avoided by a program's ability to reduce recidivism. Avoided costs — or benefits — include avoided future criminal justice costs and avoided future victimization costs.

In order to calculate a program's ability

in the evidence-based programs.

The cohorts were tracked for eight years following their release from DOC institutional custody in 2007. AJiC used information from the Department of Public Safety to determine when individuals in the cohorts had been arrested for a new crime that resulted in a conviction. This information made it possible to compute the percentage of those who recidivated from the release date

also be used to assess the benefit to cost ratio of new programs — providing an estimate of how a new program would impact recidivism and its return on investment using Alaska criminal justice costs.

In the following article, Araceli Valle, author of the Alaska RF report, discusses how tracking offenders for eight years for the RF project is adding to our understanding of recidivism in Alaska.

# Expanded view of recidivism in Alaska

Araceli Valle

Recidivism is a problem, both nationally and in Alaska, with many who are released from prison returning to the criminal justice system convicted of new crimes. As part of its Alaska Results First (RF) analysis, the Alaska Justice Information Center (AJiC) looked at recidivism rates for individuals convicted of crimes who were released from an Alaska Department of Corrections (DOC) facility in 2007. By following these offenders for eight years, AJiC is expanding our understanding of recidivism patterns for a large group of offenders, beyond any prior study.

While AJiC's analysis is consistent with older two and three-year studies of recidivism conducted by the Alaska Judicial Council (Carns et al., 2007; Carns et al., 2011), additional years of study surface questions about recidivism patterns related to offense type and changes that occur beyond three years.

## ► Differences among offense-based cohorts

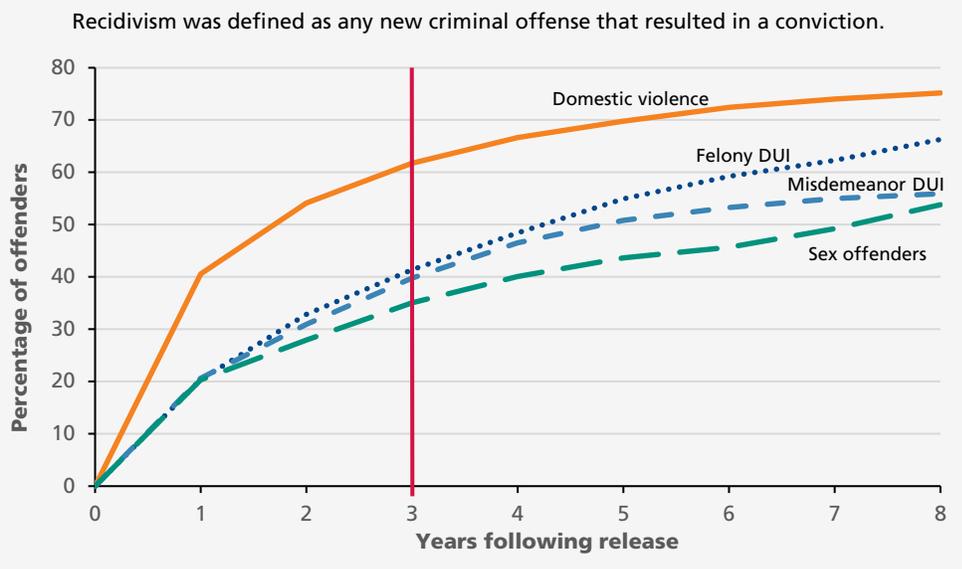
Within the framework of the RF analysis, recidivism was defined as a new criminal conviction, measured by the time of the arrest that resulted in the conviction. Only the conviction for the first re-offense was counted when calculating recidivism. (Offenders were tracked a year and a half beyond the 8-year period to address lag time between arrest and conviction.)

To illustrate differences in recidivism related to crime type, we focused on recidivism for four groups of offenders. These RF cohorts were defined based on criteria for domestic violence (DV), sex offender, and Driving Under the Influence (DUI) therapeutic court programs.

Cumulative recidivism curves, like those in Figure 1, show the percentage of offenders who have recidivated for the first time by a given year. For example, among DV offenders, 41 percent recidivated in the first year after release. By the second year, 54 percent had recidivated and by the third year, 62 percent. By the eighth year, approximately 75 percent of offenders in this cohort had recidivated.

In general, recidivism curves rise sharply in the first year, and then begin to flatten.

**Figure 1. Cumulative Recidivism Rates (2007–2015): Offense-based Cohorts**



**Table 1. Cohort Selection Criteria**

### Domestic Violence Proxy (n=2,325)

Conviction similar to those flagged DV by Department of Public Safety  
Male incarcerated 120 days or less

### Felony DUI (n=353)

Felony DUI conviction  
At least one prior DUI conviction

### Sex Offender (n=197)

Sex offense conviction (excluding failure to register as a sex offender)  
Male

### Misdemeanor DUI (n=533)

Misdemeanor DUI conviction  
No felony associated with this conviction  
At least one prior DUI conviction

Although all RF cohorts followed this trend, there were differences among cohorts. Some cohorts rose more sharply, some flattened more quickly, demonstrating the differences in cumulative recidivism among the cohorts.

For instance, although the percentage of first time recidivists is highest in the first year among all cohorts, the rate for the DV cohort is 20 points higher than other cohorts.

Overall, the DV cohort had the highest rate of recidivism, and the sex offender cohort had the lowest rate, during each year of the follow-up period. DUI cohorts had recidivism rates in between these two. The greatest difference occurred in the third year, when 62 percent of offenders in the DV cohort and 35 percent of those in the sex offender cohort had recidivated.

Looking at the pattern beyond the three-year mark (the vertical line in Figure 1) we see that the gradual flattening of the re-

cidivism curve does not continue smoothly among all cohorts. Curves for the DUI felon and sex offender cohorts begin to steepen slightly during the last two years, rather than continue to flatten.

In the following, we look at the three general offense types: sex offenders, domestic violence, and DUI offenders (misdemeanor and felony). We also look at cumulative recidivism rates of felons versus misdemeanants.

## ► Least likely to recidivate: Sex offenders

After one year, 20 percent of sex offenders had recidivated, similar to the rate for the DUI-related cohorts. By year two, sex offenders had the lowest rate of recidivism of all cohorts. Over half remained clear of a new conviction for seven years after release. In all other cohorts, more than half of offenders recidivated by the fifth year or earlier.

Overall, these results are consistent with prior reports that sex offenders are less likely to recidivate than other offenders (Carns et al., 2007; Carns et al., 2011; Durose et al., 2014). Nonetheless, the steepening of the curve in the last two years surfaces questions about what might be accounting for a rise

**By following offenders for eight years, AJIC expands our understanding of recidivism patterns in Alaska.**

in recidivism when offenders are tracked for a longer period of time and how this trajectory might look if tracked even longer.

Consistent with prior research, when sex offenders recidivated, they were most often convicted of a misdemeanor (Myrskog, Rivera, & Parker, 2016). The RF analysis found 70 percent convicted of a misdemeanor and less than 10 percent convicted of another felony sex offense.

► **Most likely to recidivate: DV**

Domestic violence is defined by Alaska Statute 18.66.990. A DV offense is determined by the relationship between the offender and the victim, and may involve a variety of offenses, including murder, assault, burglary, criminal trespass, arson, terroristic threatening, harassment, and violating a protective order. The Department of Public Safety (DPS) maintains a DV-conviction flag in offenders' criminal history, but the information is not available in DOC records.

AJIC used DPS records from 2014 to identify the distribution of offenses associated with a DV-conviction. Misdemeanor assault (65.4%), violation of a DV protective order (7.1%), and assault 3 (5.3%) accounted for three quarters of convictions in the DV distribution. To develop the DV cohort, AJIC randomly selected offenders released from DOC in 2007 to match this distribution of convictions (Valle, 2017: 79, 80).

The DV cohort had the highest recidivism rate of all the RF cohorts. Within one year of their release, 41 percent had recidivated, twice the percentage seen for the other offense-specific cohorts. Although the cumula-

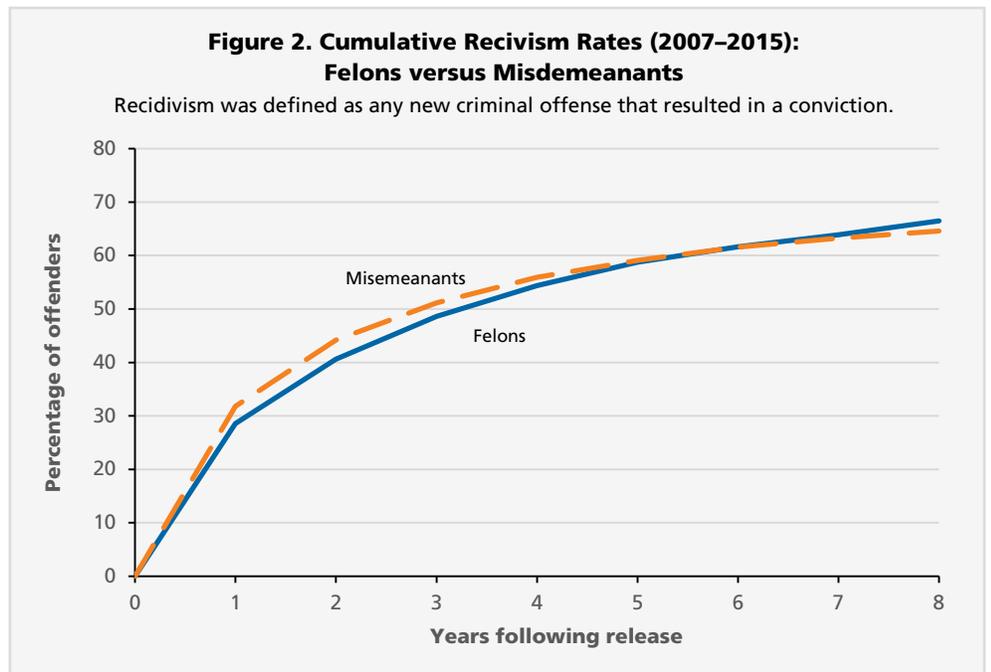
tive recidivism rate remained higher for this cohort throughout the eight-year follow-up, the curve flattened markedly in the second year. With the exception of the higher recidivism rate in the first year, the recidivism curve was most similar to that of the DUI misdemeanor cohort.

Members of the DV cohort, like sex offenders, were most likely to reoffend by committing a misdemeanor. However, 60 percent of DV offenders who recidivated committed another offense associated with a DPS DV-conviction flag. A third of these offenses were assaults, most often assault in the fourth degree, a misdemeanor (Valle, 2017: 36).

In year five, the curve for felony DUI diverges from the misdemeanor curve, becoming steeper, and showing a higher cumulative recidivism rate. In the eighth year, the felony DUI curve turns upward. Here, as in the sex offender cohort, the longer time line surfaces questions about what might be influencing an upswing in recidivism when we look farther out. What would we see if we were to extend our analysis beyond year eight? Would it continue to go up, level off, or go down?

► **Felons versus misdemeanants**

The upturn in the felony DUI but not the misdemeanor DUI curves, and upturn in the sex offender but not the mostly (85%) mis-



► **DUI offenders**

Offenders convicted of DUI offenses were more likely to be reconvicted than sex offenders, and less likely to be reconvicted than DV offenders.

Recidivism patterns for DUI misdemeanor and DUI felon cohorts were very similar for the first four years after release, but then diverged. At eight years, felons had a 10-point higher rate of recidivism than misdemeanants (66% versus 56%).

For misdemeanor DUI offenders, the cumulative recidivism curve flattens beginning in year five. In each of the next four years, only about two percent were added to the ranks of recidivists.

demeanor-based DV cohort, raises questions about what we might find if we looked at patterns of recidivism among general groups of felons versus misdemeanants over an eight-year period. Information collected by AJIC researchers while doing the RF analysis made it possible to do this analysis.

In the RF analysis, reconviction data were established for all convicted offenders released from DOC institutional custody in 2007, but recidivism rates were only computed for the cohorts used to model RF programs. To compute cumulative recidivism for all felons, we identified offenders whose jail

Please see *Offender recidivism*, page 8



Go to the *Alaska Justice Forum* online, [www.uaa.alaska.edu/justice/forum/](http://www.uaa.alaska.edu/justice/forum/), where you'll find more stories and you can sign up to get the *Forum* by email.

#### Offender recidivism

(continued from page 7)

time was associated with at least one felony conviction (N = 2,360). For misdemeanants, we included those with no felony convictions and at least one misdemeanor conviction (N = 8,659). Results are shown in Figure 2.

Offenders are at greatest risk for a return to crime during their first year post-release.

**When we look at all felons and misdemeanants in the eighth year, the felons who had been less likely than misdemeanants to recidivate initially are slightly more likely to do so.**

Close to a third of offenders were arrested and later convicted of crimes committed during this period. This is more than twice the rate of first time recidivism seen in any other year. This result is important for policy because it suggests that the immediate reentry period is critical. Programs that facilitate the transition back to the community may have a particularly positive impact on recidivism.

At first, cumulative recidivism is slightly higher for misdemeanants than for felons, consistent with prior results (Carns et al., 2011). However, beginning in the third year, the curve for misdemeanants flattens more quickly than that for felons. The difference between the cohorts becomes smaller, until

year five, when the two lines overlap for a couple of years. By year seven, the recidivism rates are slightly higher for felons than for misdemeanants.

For misdemeanants, the recidivism curve continues to flatten through the eight-year follow-up period. In contrast, the percentage of felons who recidivated for the first time increases in the eighth year over the prior year.

The general felony and misdemeanant analysis mirrors the findings of our RF cohort analysis, surfacing questions about why we are seeing a slight uptick in recidivism when we look farther out.

#### ► Conclusion

Recent AJIC research to support Alaska RF is providing a more nuanced look at recidivism among Alaska's criminal offenders. In general, the RF findings corroborate reports of recidivism patterns one to three years after release (Carns et al. 2007; Carns et al., 2011). In particular, these results confirm the critical importance of supporting the early transition to the community.

What sets the RF study apart, however, is that it explores conviction patterns for general offenders beyond three years. This allows us to extend patterns and surface questions about longer term recidivism. Recidivism curves continue to flatten beyond the three-year mark of previous Alaska studies. However, this trend begins to change by year six.

In year six, we begin to see a difference between felony offense-based cohorts and misdemeanant cohorts. The felony cohorts' recidivism curves rise more steeply relative to previous years while the misdemeanant curves continue to flatten. When we look at all felons and misdemeanants in the eighth year, the felons, who had been less likely than misdemeanants to recidivate initially, are slightly more likely to do so. Taken together, these findings hint at a possible emergence of higher long-term recidivism for felons versus misdemeanants. Further exploration of long-term patterns is important to understand factors that might explain and mitigate an increase in risk of recidivism after many crime-free years.

*Find full citations online.*

*Araceli Valle is a research professional with the Alaska Justice Information Center (AJIC).*

## References for the Winter 2018 print issue

### ► “Pretrial risk assessment tool developed for Alaska”

by Pamela Cravez (pp. 1–4).

Alaska Criminal Justice Commission (ACJC). (2017). *Alaska Criminal Justice Commission Annual Report: October 22, 2017*. Alaska Criminal Justice Commission. ([http://www.ajc.state.ak.us/sites/default/files/imported/acjc/alaska\\_criminal\\_justice\\_commission\\_annual\\_report\\_2017.pdf](http://www.ajc.state.ak.us/sites/default/files/imported/acjc/alaska_criminal_justice_commission_annual_report_2017.pdf)).

Angwin, Julia; Larson, Jeff; Mattu, Surya; & Kirchner, Lauren. (2016). "Machine Bias: There's Software Used across the Country to Predict Future Criminals. And It's Biased against Blacks." *ProPublica* (23 Mar 2016). (<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>).

Bonta, James; & Andrews, D.A. (2007). *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Public Safety Canada. (<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-nd-rspnsvty/rsk-ndrspnsvty-eng.pdf>).

Christin, Angèle; Rosenblat, Alex; & Boyd, Danah. (2015). "Courts and Predictive Algorithms." Presented at Data & Civil Rights: A New Era of Policing and Justice conference, Washington, DC, 27 Oct 2015. ([http://www.datacivilrights.org/pubs/2015-1027/Courts\\_and\\_Predictive\\_Algorithms.pdf](http://www.datacivilrights.org/pubs/2015-1027/Courts_and_Predictive_Algorithms.pdf)).

Crime and Justice Institute (CJI). (2017). "Alaska Pretrial Risk Assessment" (webinar; 1 hr. 31 mins). Justice Reinvestment Initiative. Boston, MA: Crime and Justice Institute. (<https://attendee.gotowebinar.com/recording/1467307448127263490>).

Holder, Eric. (2014). Remarks presented at the National Association of Criminal Defense Lawyers 57th Annual Meeting and 13th State Criminal Justice Network Conference, Philadelphia, PA, 1 Aug 2014. (<https://www.justice.gov/opa/speech/attorney-general-eric-holder-speaks-national-association-criminal-defense-lawyers-57th>).

Kehl, Danielle Leah; Guo, Priscilla; & Kessler, Samuel Ari. (2017). *Algorithms in the Criminal Justice System: Assessing the Use of Risk Assessment in Sentencing*. Cambridge, MA: Responsive Communities Initiative, Berkman Klein Center for Internet & Society, Harvard Law School. (<http://nrs.harvard.edu/urn-3:HUL.InstRepos:33746041>).

Neufeld, Adam. (2017). "Commentary: In Defense of Risk-Assessment Tools — Algorithms Can Help the Criminal Justice System, but Only Alongside Thoughtful Humans." *The Marshall Project* (22 Oct 2017). (<https://www.themarshallproject.org/2017/10/22/in-defense-of-risk-assessment-tools>).

*State v. Loomis*, 881 N.W.2d 749. (Supreme Court of Wisconsin 2016), 13 Jul 2016. ([https://scholar.google.com/scholar\\_case?case=3222116451721963278](https://scholar.google.com/scholar_case?case=3222116451721963278)).

Tashea, Jason. (2017). "Risk-Assessment Algorithms Challenged in Bail, Sentencing and Parole Decisions." *ABA Journal* (Mar 2017). ([http://www.abajournal.com/magazine/article/algorithm\\_bail\\_sentencing\\_role](http://www.abajournal.com/magazine/article/algorithm_bail_sentencing_role)).

### ► “Expanded view of recidivism in Alaska” by Araceli Valle (pp. 6–8).

Carns, Teresa White; Cohn, Larry; & Martin, Stephanie. (2011). *Criminal Recidivism in Alaska, 2008 and 2009*. Anchorage, AK: Alaska Judicial Council. (<http://www.ajc.state.ak.us/reports/recid2011.pdf>).

Carns, Teresa White; McKelvie, Susan; Cohn, Larry; & Martin, Stephanie. (2007). *Criminal Recidivism in Alaska*. Anchorage, AK: Alaska Judicial Council. (<http://www.ajc.state.ak.us/reports/1-07CriminalRecidivism.pdf>).

Durose, Matthew R.; Cooper, Alexia D.; & Snyder, Howard N. (2014). "Recidivism Patterns of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." *BJS Special Report*. Bureau of Justice Statistics. NCJ 244205. (<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>).

Myrstol, Brad A.; Rivera, Marny; & Parker, Khristy L. (2016). *Alaska Sex Offender Recidivism and Case Processing Study: Final Report*. Anchorage, AK: Alaska Justice Statistical Analysis Center, University of Alaska Anchorage. (JC 1408.02). (<https://scholarworks.alaska.edu/handle/11122/7342>).

Valle, Araceli. (2017). *Alaska Results First Initiative: Adult Criminal Justice Program Benefit Cost Analysis*. Anchorage, AK: Alaska Justice Information Center, University of Alaska Anchorage. (<https://scholarworks.alaska.edu/handle/11122/7961>).