WASHINGTON
COURTS

April 25, 2014

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: Dr. Gregg Gagliardi's Request for Access to ASRA

Issue

Dr. Gregg Gagliardi, a forensic psychologist at Western State Hospital's Center for Forensic Services, is requesting access to the ASRA tool to assist in his pre-trial evaluations of criminal defendants referred to him under chapter 10.77 RCW.

Background

The Adult Static Risk Assessment (ASRA) tool is based on the static risk assessment portion of the Static Risk and Offender Needs Guide instrument and validated by the Washington State Institute for Public Policy. The assessment provides a score based on combining several measures of offender characteristics in such a way as to best predict future behavior. It automatically retrieves the offender's criminal history information from JIS and combines age, gender, adult misdemeanors, and adult and juvenile felony history of convictions to predict re-offending. It then categorizes offenders into one of the following risk for re-offense levels: low, moderate, or high. The assessment may be conducted pre-sentence, prior to first appearance, or prior to the arraignment. ASRA currently provides an easily accessible summary of criminal history for the judicial officer, prosecutors, and defense counsel, and is helpful to the court in determining the appropriate conditions for the offender pending trial/plea and sentencing.

The Risk Assessment Executive Steering Committee predetermined who may have access to the ASRA application to create assessments and who may view the completed assessments. Those who can access the risk assessment application and create assessments are:

- Judicial Officers;
- Court Staff;
- Prosecuting Attorneys;
- Prosecutor's Staff; and
- Pre-Trial and Probation Services Staff.

Those who can view the completed assessments:

- Judges and commissioners who are able to view through the Judicial Access Browser Systems (JABS); and

- Public defenders and private defense attorneys who only receive printed copies of the assessment report.

Any other entity that is not included in the endorsed groups must request access. The Risk Assessment Executive Steering Committee must first support the request for access. Once their approval is given, the request goes to the JISC Data Dissemination Committee (DDC). The JIS Committee (JISC) has bestowed the DDC the responsibility of acting on its behalf in reviewing and acting on requests for access to JIS by non-court users.[1] The DD Policy sets forth criteria which this Committee may use in deciding the requests:

- The extent to which access will result in efficiencies in the operation of a court or courts.
- The extent to which access will enable the fulfillment of a legislative mandate.
- The extent to which access will result in efficiencies in other parts of the criminal justice system.
- The risks created by permitting such access.[2]

After approval is given, a judge or court administrator must determine who in the court will be responsible for administering the assessment and if it wants to provide and maintain a JIS Resource Access Control Facility user identification (RACFID) for the requestor.

Dr. Gagliardi, a forensic psychologist at Western State Hospital's Center for Forensic Services, is requesting access to the ASRA tool to assist in his pre-trial evaluations of criminal defendants referred to him under chapter 10.77 RCW. In his request, he cites language from RCW 10.77.084(5) to explain his need for the report. RCW 10.77.084(5) states:

> At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

Though the ASRA tool[3] is not the answer to all his needs when assessing criminal defendants, he believes it would aid in providing better "evidence-based" evaluations to the courts.

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[1] JISC Bylaws, Article 7, Secs. 1 and 2.
[2] DD Policy, Sec. IX.C.
[3] Dr. Gagliardi references the ACRS tool in his letter. ACRS is the DOC risk tool on which ASRA is based.

The Risk Assessment Executive Steering Committee has already approved Dr. Gagliardi's request. To date, no court has agreed to provide him with a RACFID. However, the ability to view the ASRA tool can be provided to Dr. Gagliardi, either by a court agreeing to provide and maintain a RACFID for him, or by the courts including the ASRA report with the other paperwork that is sent to him for the assessments.

Recommendation

Dr. Gagliardi has requested access to the ASRA tool to assist in his pre-trial evaluations for criminal defendants referred to Western State Hospital under chapter 10.77 RCW. Staff recommends providing Dr. Gagliardi access to view the ASRA report to assist him with these assessments. To date, no court has agreed to maintain a RACFID for Dr. Gagliardi, and AOC Staff has no recommendations on how to provide him with one. Therefore, AOC Staff recommends the courts provide the ASRA report with the other documentation that is submitted to Dr. Gagliardi when an evaluation is needed.