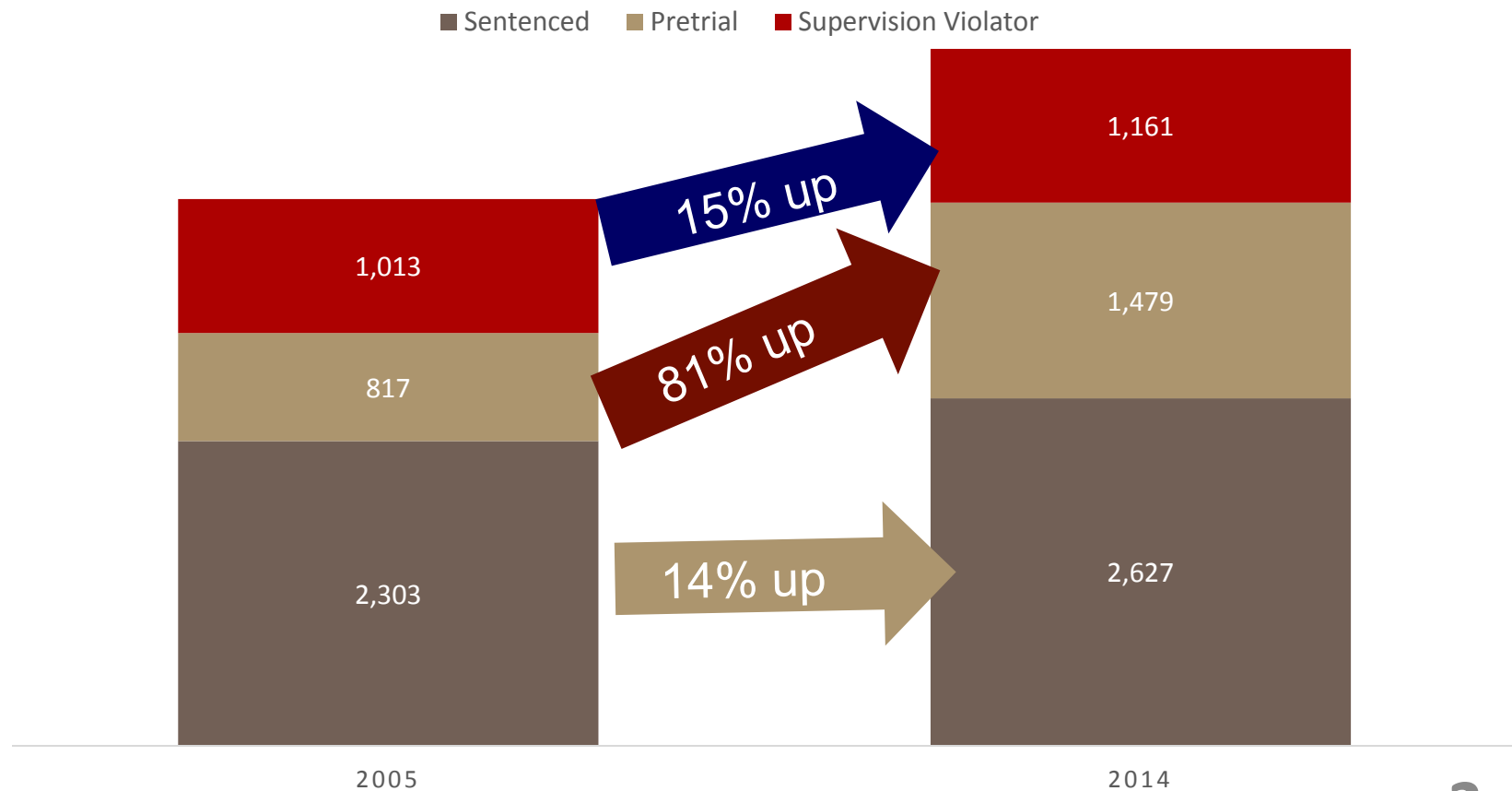




# Alaska's Incarcerated Population

July 1, 2014 Population Report by Status

## ALASKA PRISON POPULATION ON JULY 1, 2005 AND 2014, BY STATUS



# History of Recommendations for Pretrial Services

1973

Alaska Judicial Council

## **Report on Repeat Bail Recidivists**

Recommendation to establish a pretrial agency

2003

Alaska Criminal Justice Council

## **Legislative Recommendations**

Establish pretrial processes , supervision, and diversion

2009

Alaska Law Review Publication

## **Author Elizabeth Johnston**

Alaska should develop an independent Pretrial Services Agency

2015

Alaska Judicial Council

## **AJC Sentencing Alternatives Workgroup Proposals**

Recommendation for pretrial diversion and deferred disposition

# History of Recommendations for Pretrial Services



## FINDINGS

**Pretrial Services has been requested for more than 40 years.**

Traditional pretrial concerns have included issues such as:

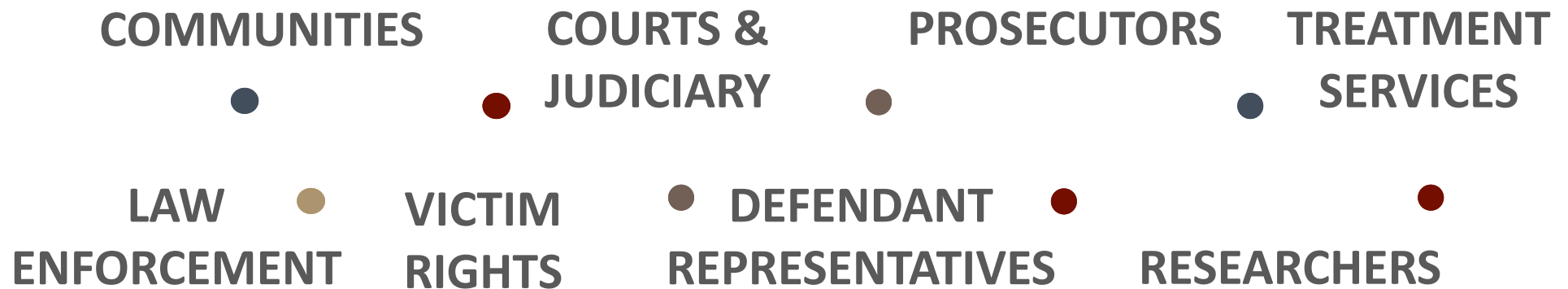
- Lack of available information for judiciary
- Lack of information about offender risk
- Lack of oversight for those who post bail and need supervision
- Lack of options for release supervision and diversion

SB91 Presented the opportunity for the State of Alaska to implement a long-standing public safety priority

# January 2018

- Implement Pretrial Services for the state of Alaska
- Defendants will be **assessed** within 24 hours
- Low risk offenders may receive **monitoring** if appropriate
- Moderate and High risk offenders may receive **supervision** if appropriate

# Pretrial Development Team



# The Purpose of Bail

- Although “**bail**” is often associated with money, the term refers *generally* to...
  - the process of releasing people from custody,
  - while reasonably ensuring court appearance,
  - and minimizing the likelihood of new offenses.

# Forms of Release



**OR**

**Own Recognizance:**

Defendant assumes responsibility to appear in court.



**UB**

**Unsecured Bond:**

Defendant is released but if he or she fails to appear in court, they are liable for the entire bond amount.



**SB**

**Secured Bond:**

Defendant posts entire bail amount, **deposit bond** (a percentage of the bail), **property bond** (using property as collateral), or a **commercial/surety bond** (defendants pay a 10% nonrefundable fee to a bail agency which posts bail).



**CR**

**Conditional Release / Pretrial Services Supervision and/or Monitoring:**

Defendant is released after being assessed and agrees to certain conditions, such as; drug tests, court reminders, check-ins, and electronic or GPS monitoring.



# Pretrial Best Practices



# Pretrial Tools

- Virginia:  
Virginia Pretrial Risk Assessment (VPRAI)
- Ohio:  
Ohio Risk Assessment System – Pretrial (ORAS-PAT)
- Broward County Florida:  
Correctional Offender Management Profiling for  
Alternative Sanctions (COMPAS) – Pretrial
- Kentucky, North Carolina, Santa Cruz, CA:  
Public Safety Assessment – Court (PSA – Court)

# Common Assessment Parameters

Assessments use common factors to predict pretrial outcomes:

- ☐ Current charge(s)
- ☐ Outstanding warrants at time of arrest
- ☐ Pending charges at time of arrest
- ☐ History of criminal arrest and convictions
- ☐ History of Failure To Appear (FTA)
- ☐ History of violence
- ☐ Active community supervision at time of arrest (pretrial, probation, parole)

# Pretrial Risk Assessment

- Measures two risk components:
  1. The likelihood that someone will Fail To Appear (FTA) for scheduled court hearings;
  2. The likelihood that someone will have a New Criminal Arrest (NCA) while during pretrial release status.

# Limitations

- ❖ A risk assessment tool will not predict behavior 100% of the time for 100% of the population.
- ❖ A tool will not replace experienced and quality professionals, but it does lead to better decision making.
- ❖ Despite some limitations of a risk assessment tool, this process is an enhancement to public safety and it fulfills a gap and a request of criminal justice professionals that has existed for more than 40 years.

# Benefits

- ❖ Actuarial pretrial risk assessments have a higher predictive validity than clinical or professional judgment alone\*.
- ❖ Eliminates the unnecessary detention of low risk defendants while simultaneously allocating the more intensive and restrictive options (e.g., pretrial supervision, detention) for higher risk defendants.

\*Bechtel, K., Lowenkamp, C., Holsinger, A.; *Identifying the Factors of Pretrial Failure; A Meta-Analysis*, June 2011

# Recidivism Drivers

- The longer low risk defendants are detained before trial, the more likely they are to commit a new crime within two years of case disposition.
- One study found that low-risk defendants who were held in jail for 2-3 days were 39% more likely to be arrested than those who were released on the first day. Those held 4-7 days were 50% more likely to be arrested, and 8-15 days were 56% more likely.

Laura and John Arnold Foundation, Lowenkamp, C., Van Nostrand M., Holsinger, A.: *The Hidden Costs of Pretrial Detention*, November 2013: [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf)

# Alaska

- In Alaska, only 12% of defendants in the sample were released on personal recognizance, and an additional 10% had unsecured money bail.
- 52% of sampled defendants were never released prior to their case being resolved.
- For offenders whose bail was set at \$1,000 or more, and were eventually able to secure their release, they spent an average of seven weeks detained prior to pretrial release.



# Harris County, Texas

- If all misdemeanor defendants between 2008 and 2013 who were assigned money bond of \$500 had been released without financial conditions there would have been 40,000 more people released pretrial; and \$20 million in saved supervision costs.

# Kentucky

- 88% of all arrested people are released at the pretrial phase.
- Approximately 3% are given extra supervision conditions.
- Kentucky saved counties approximately \$25 million in jail costs in one year by increasing the pretrial release rate by 5%.
- Supervision costs in Kentucky are 2%-10% of detention costs.

# Pretrial Functions

## Assessment

Low, Moderate, High,  
with a report to the  
court within 24 hours



Booking or Summons

Assessment & Initial Appearance

LOW

MOD  
HIGH

Diversion

## Monitoring

Low/Moderate  
risk defendants  
will be  
monitored.



## Diversion

\*Mental Health  
\*Tribal Courts  
\*Substance Abuse



## Initial Appearance

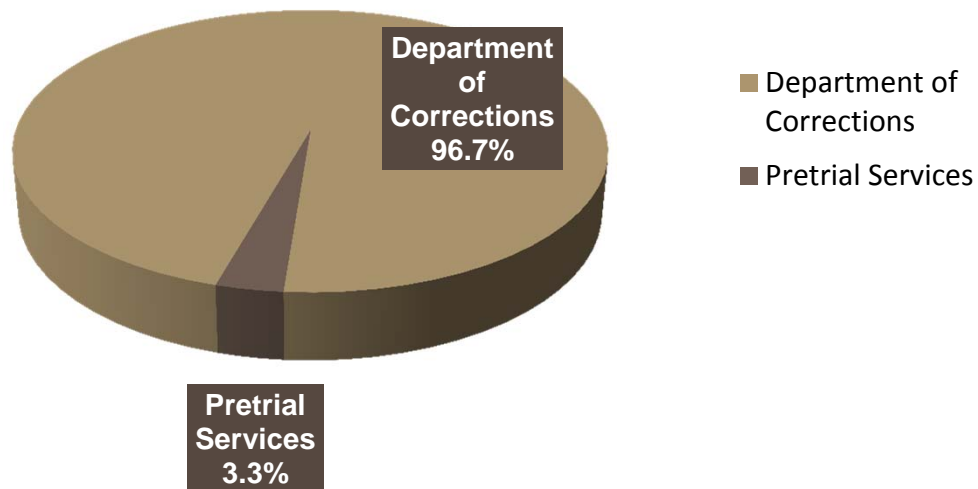
The Court has the option for  
pretrial supervision at this  
juncture.

## Supervision

Moderate & High risk  
defendants, if released, will be  
supervised on standard or  
enhanced pretrial supervision.

# Pretrial Services Budget

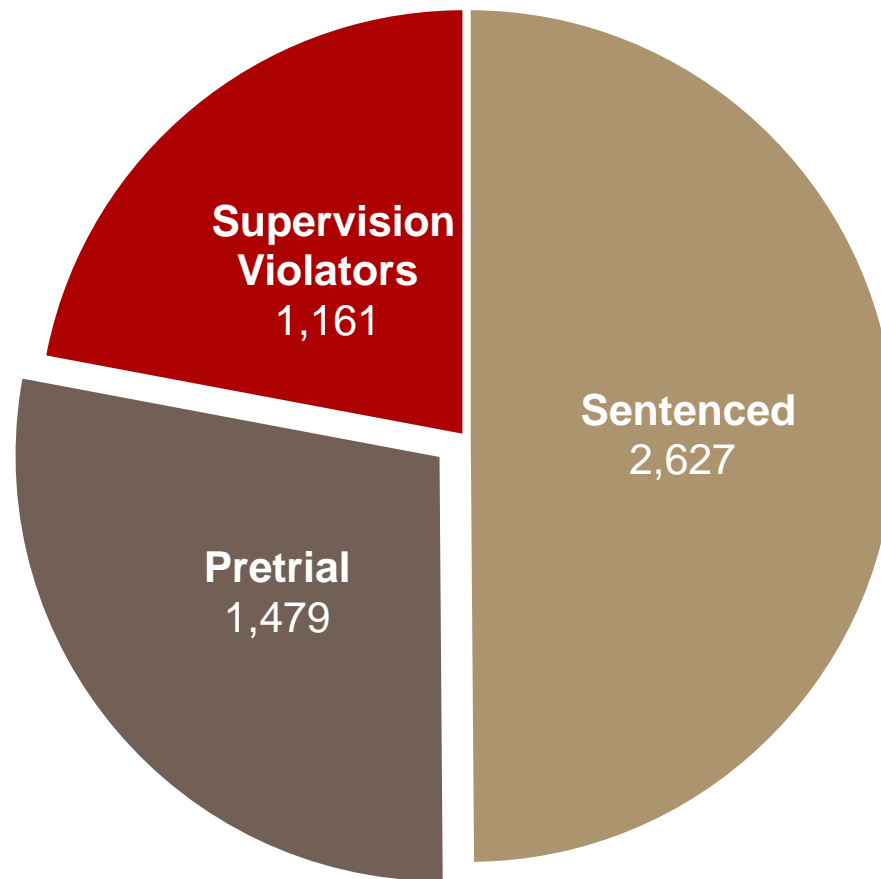
**Pretrial is 3.3% of the DOC total budget of \$309,026.6,**



TOTAL		\$10,209.3
UGF		\$10,209.3
DGF		\$0.0
Other		\$0.0
Federal		\$0.0

# Alaska's Incarcerated Population

July 1, 2014 Population Report by Status



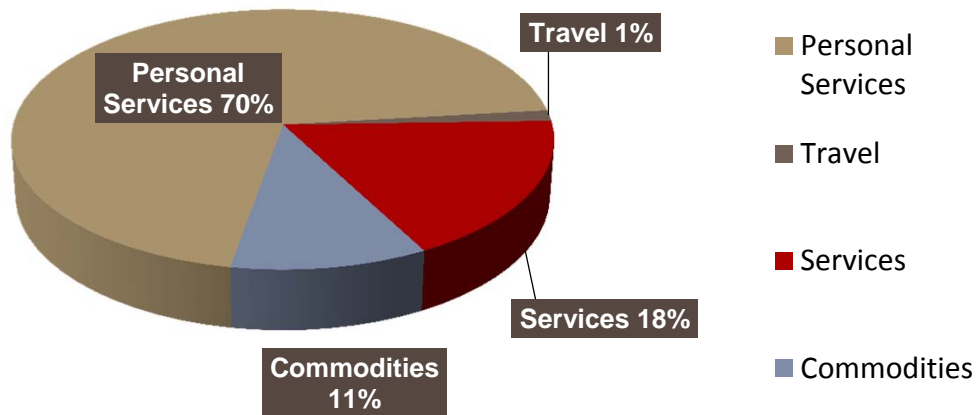
■ Sentenced New Conviction

■ Unsented New Charges

■ Probation Parole Violation

# Pretrial Services Budget

## Pretrial Budget By Line Item



TOTAL		\$10,209.3
Personal Services		\$7,189.6
Travel		\$134.9
Services		\$1,805.0
Commodities		\$1,079.8

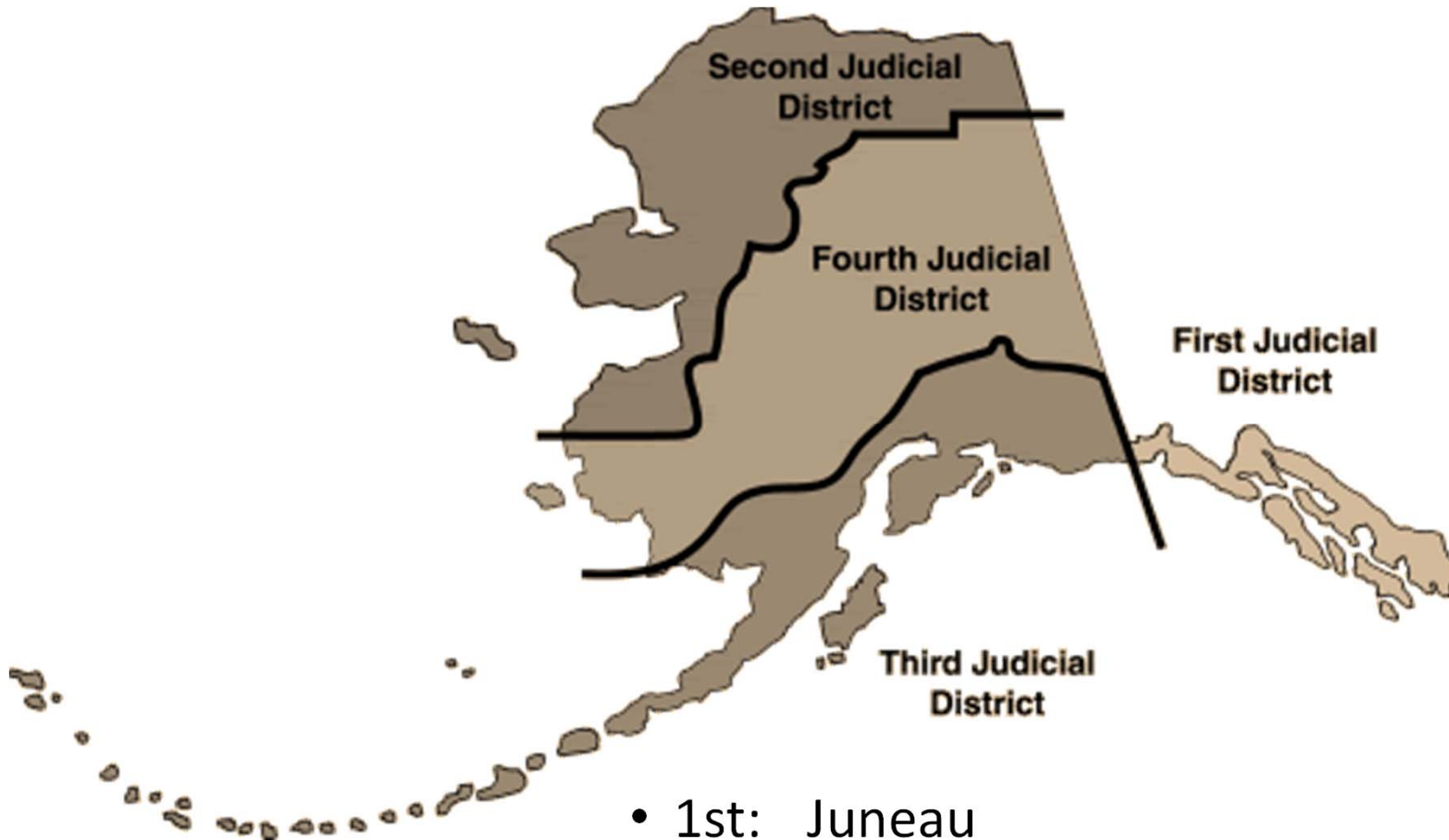
# Pretrial Services Supervised Release

- **Pretrial Services**
  - \$10,209.3 w/ 59 PFTs
- **Pretrial Assessments**
  - Pretrial Risk Assessments within 24 hours of booking
- **Pretrial Basic Supervision**
  - Ensures defendants stay in contact with the court
  - Diversion – where available
- **Pretrial Enhanced Supervision**
  - Higher risk defendants receive more intensive support and oversight

<b>TOTAL</b>	<b>\$10,209.3</b>
UGF	\$10,209.3
DGF	\$0.0
Other	\$0.0
Federal	\$0.0

<b>Budgeted Positions</b>	<b>59</b>
PFT	59
PPT	0
Non Perm	0

# Pretrial District Offices



- 1st: Juneau
- 2<sup>nd</sup>: Fairbanks
- 3<sup>rd</sup> & 4<sup>th</sup> : Anchorage



# Start-Up Expenditures

- Database Development
- Building Leases and Remodels
- Security Cameras and Card Access Systems
- Vehicles
- Metal Detectors
- Urinalysis (UA) Supplies
- Polycom Systems
- Video Court Links
- Office Chairs, Desks, Lobby Furniture, Conference Tables & Chairs
- Training Costs, Travel, & Materials
- General Office Supplies
- Computers / Printers / Phones / Copy Machines

# Pretrial Services Agency

## *Estimates for Alaska*

- Annual Budget: \$10 million
- 59 PFTs
- 32,000 Assessments & Court Reports per year
  - 2,600 Assessments per month
  - Each pretrial officer will complete approximately 55 assessments each month
- 14,000 a year who need basic supervision (66%) of those released
- 3,000 a year who need enhanced supervision (10%) of those released
- 3,500 under supervision on any given day
- 4 months on supervision / high caseload turnover

# Cost of Services



## **COST OF INCARCERATION**

The current cost of incarceration is \$149.62 a day.

## **COST OF PRETRIAL SUPERVISION**

Projected average daily cost is approximately \$4.60.

**FY2017:** \$3,260.1

**FY2018:** \$10,209.3



# Alaska Department of Corrections Pretrial Services Division

## **Geri Miller-Fox**

Director, Alaska Pretrial Services Division

Department of Corrections

[geri.fox@Alaska.gov](mailto:geri.fox@Alaska.gov)

(907) 269-7405

