



Alaska Department of Corrections



FY2019
House Finance Sub Committee
Pretrial & Electronic Monitoring
Overview
February 6, 2018

Public Safety

Through

PRETRIAL

Justice

STRENGTH
COURAGE
SERVICE

The graphic features a dark blue horizontal band. On the left, the words 'Public' and 'Safety' are stacked vertically in a dark brown font. To their right, a white arrow curves from the top of the word 'Through' (which is written vertically) towards the 'P' of the word 'PRETRIAL'. The word 'PRETRIAL' is rendered in large, bold, dark blue capital letters with a white outline. To the right of 'PRETRIAL', the word 'Justice' is written in a dark brown font. Further to the right, the words 'STRENGTH', 'COURAGE', and 'SERVICE' are stacked vertically in a light gray font.

Pretrial Enforcement Division

Pretrial Services is 3.3% of the DOC total budget of \$331,107.5

- Pretrial Assessments
 - Pretrial Risk Assessments within 24 hours of booking
- Pretrial Basic Supervision
 - Ensures defendants stay in contact with the court
- Pretrial Enhanced Supervision
 - Higher risk defendants receive more intensive support and oversight

TOTAL	\$ 10,233.8
UGF	\$ 10,233.8
DGF	\$ 0.0
Other	\$ 0.0
Federal	\$ 0.0
Budgeted Positions	61
PFT	61
PPT	0
Non Perm	0

Cost of Services



COST OF INCARCERATION

The current cost of incarceration is \$162.49 a day.

COST OF PRETRIAL SUPERVISION

Projected average daily cost is approximately \$4.60.

FY2019: \$10,233.8



Establishing Pretrial

- Hiring & training of staff
 - Two academies – 3rd academy begins in March
 - 164 Pretrial candidates interviewed since last May
 - 34 hired to date, 27 still to hire
- Established district offices
 - Developed partnerships with Probation & Parole where possible
 - Regional partnerships to provide supervision in rural areas
- Database development
- Finalizing policies and operating procedures



Outcomes

Assessment Distributions

Score Distribution

FTA: Measures the likelihood that someone will appear for Court

NCA: Measures the likelihood that someone will receive a new criminal arrest

FTA			NCA	
LOW	78%		LOW	46 %
MOD	21 %		MOD	34 %
HIGH	1 %		HIGH	20 %

Operational Measurements

- Number of Pretrial Assessments Completed

1489

- Total Number of Defendants on Assigned to Supervision

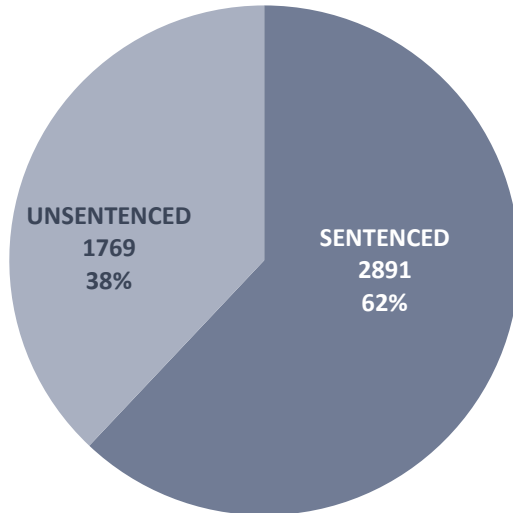
288

- Caseload Growth Rate

10.3 Cases a Day

Alaska's Incarcerated Population by Legal Status

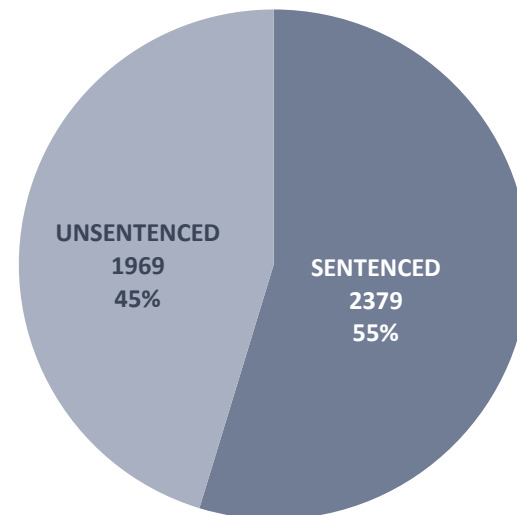
PRISON POPULATION BY LEGAL STATUS: JUL. 2016



Since the July 1 roll-out of SB91:

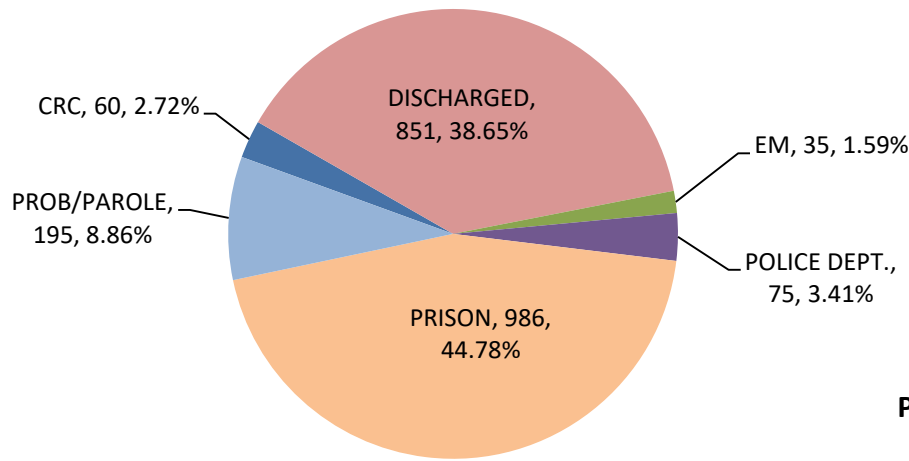
- Unsentenced prison population increased 11.3%.
- Sentenced prison population decreased 17.7%.

PRISON POPULATION BY LEGAL STATUS: JAN. 2018



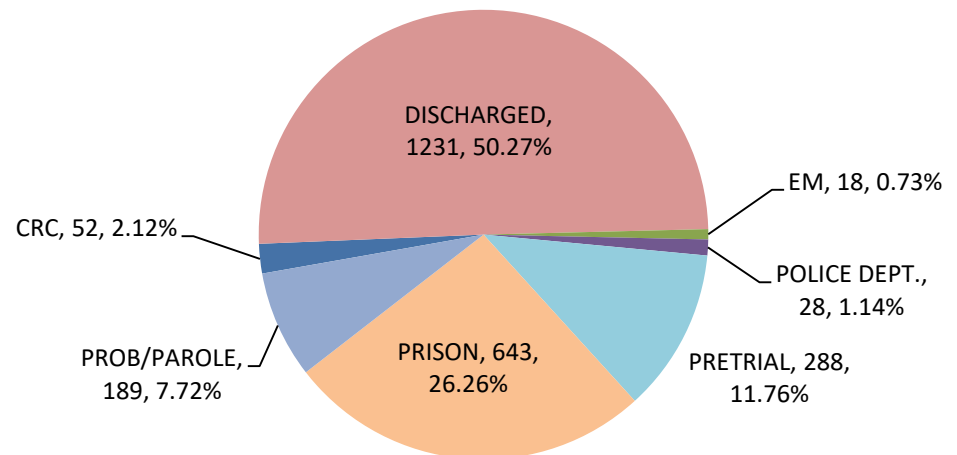
Post Booking Location

POST BOOKING LOCATION 01/01/2017 THRU 01/28/2017



The number of bookings has increased over 11% but those located in jail has decreased 34%. This *implies* Pretrial is indeed diverting people away from costly prison beds.

POST BOOKING LOCATION 01/01/2018 THRU 01/28/2018





Pretrial Process

Pretrial Functions



Pretrial Assessment
report to the court
within 24 hours



Supervision

Defendants who are released from jail while awaiting trial will be supervised by the Pretrial Enforcement Division.

Booking

Assessment & Initial Appearance

Electronic
Monitoring

Pretrial Supervision



Initial Appearance

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

Electronic Monitoring

Some defendants will be on electronic monitoring



Development of the Risk Assessment Tool

- Developed using Alaska data
 - Limitations due to data availability (can only test factors that are available)
- Risk factors, scores, and levels set by data analysis
- Tested to confirm predictive validity in Alaska
 - Also tested to ensure tool is equally predictive regardless of race or gender
- Tool must be regularly re-validated to ensure it remains predictive and free of bias
 - First re-validation study after one year of use

Out of State Criminal History

- Data on out of state criminal history is typically provided by the National Criminal Information Center (NCIC). As a rule, NCIC does not provide data for research purposes (i.e. creating a pretrial tool), which meant the data were unavailable when creating the AK pretrial tool.
- As a result, the developers of the tool could not test data on out of state convictions to determine if this data is predictive of pretrial failure/success.
- Until the data are available to test, out of state convictions cannot be included when scoring the tool without compromising the predictive validity of the tool.
- **SB 150** addresses this concern in the interim.

Failure to Appear Scale

Six Risk Factors	Weights
Age at first arrest	0 = 22 and older 1 = 21 and younger
Total Number of Prior FTA Warrants	0 = 0 prior FTA warrants ever 1 = 1 prior FTA warrant ever 2 = 2 or more prior FTA warrants ever
Total Number of Prior FTA Warrants in the last 3 years	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 3 years
Currently Booked on an FTA	0 = No current FTA charge 1 = Yes current FTA charge
Currently Booked on a Property Charge	0 = No property charge on current arrest/case 1 = Yes at least one property charge on current arrest/case
Currently Booked on a Motor Vehicle Charge (non-DUI)	0 = No motor vehicle charge on current arrest/case 1 = Yes at least one motor vehicle charge on current arrest/case
Total Points Possible	0 to 8 points possible

New Criminal Arrest Scale

Six Risk Factors	Weights
Age at first arrest	0 = 22 and older 1 = 21 and younger
Total Number of Prior Arrests in the Past 5 Years	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
Total Number of Prior Convictions in the Past 3 Years	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
Total Number of Sentences that Included a Period of Probation	0 = 0 prior probation sentences 1 = 1 prior probation sentence 2 = 2 or more prior probation sentences
Total Number of Sentences that Included a Period of Probation in Past 5 Years	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
Total Number of Sentences That Included a Period of Incarceration (that was not wholly suspended) in Past 3 Years	0 = 0 prior incarcerations in past 3 years 1 = 1 or more prior incarcerations in past 3 years
Total Points Possible	0 to 10 points possible

Baselines

- Failure to Appear (FTA) Baseline:

14%

- New Criminal Arrest (NCA) Baseline:

37%

Pretrial Release Decisions

STEP 1

The Pretrial Enforcement Division provides the risk assessment to attorneys and the court

STEP 2

Prosecutors and defense attorneys may provide the court with additional information

STEP 3

Judges make a release decision based on the risk level, crime charged, and other pertinent information

Judicial Release Decision Guidelines

	Misdemeanors [exceptions]	Class C felonies [exceptions]	DUI/refusal	FTA/VCOR	Other
Low-risk	Mandatory OR	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR
Mod-risk	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR	No Presumption
High-risk	Presumptive OR	Presumptive OR	Presumptive OR	No Presumption	No Presumption

Secure Bond (Money Bail)

- **When Can Cash Bail Be Ordered?**

Always:

- All violent crimes
- All sex offenses
- All person crimes
- All unclassified, Class A and Class B Felonies

With some limitations:

- DUI/Refusal
- FTA/VCOR
- Higher risk individuals charged w/ Class C Felony
- High risk individuals, regardless of offense charged

Defendant Name

Defendant

DOB:DOB

AK – 2S PRETRIAL REPORT
Pretrial Enforcement Division (PED)
Department of Corrections

Arrest Date: 7/7/2017

Assessment Date <version>: 7/8/2017 10:00 AM

APSIN ID:

DMV NO:

ATN:

OFN (ACOMS):

Case #: 3##-##-###

CONFIDENTIAL

BOOKING CHARGES:

AS11.71.040 –Misconduct Involving a Controlled Substance in the Fourth Degree

AS25.35.030- Felony Driving Under the Influence (2+ Priors)

New Criminal Arrest (NCA) Score:

10 – (High)

The assessment score of HIGH places this defendant in the statutory release category of:

PRESUMPTIVE RELEASE TO PERSONAL RECOGNIZANCE

Supervision by the Pretrial Enforcement Division (PED) **IS RECOMMENDED** for defendants in this category.

*ACOMS records indicate that the defendant is **CURRENTLY ON FORMAL PROBATION and/or PAROLE and/or PRETRIAL SUPERVISION.**

*The defendant has **OUT OF STATE CRIMINAL HISTORY.**

AK – 2S PRETRIAL ASSESSMENT DETAIL

FTA			NCA		
Risk Factor	Pts	Description	Risk Factor	Pts	Description
Age at first arrest?	1	21 and younger	Age at first arrest?	1	21 and younger
Total number of prior FTA warrants?	1	1 in entire adult AK court history	Total number of prior arrests in past 5 years?	2	3 or more prior arrests in past 5 years
Total number of prior FTA warrants in past 3 years?	0	0 in last 3 years of adult AK court history	Total number of prior convictions in the past 3 years?	2	2 or more prior arrests/convictions in past 3 years
Currently Booked on an FTA?	0	Current case does NOT include a FTA charge	Total number of prior sentences that included a period of probation?	2	2 or more sentences with period of probation
Currently Booked on a Property Charge?	1	Current case includes a property crime charge	Total number of prior sentences that included a period of probation in the past 5 years?	2	2 or more sentences with period of probation in last 5 years
Currently Booked on a Motor Vehicle Charge? (NON- DUI)	0	Current case does NOT include a motor vehicle charge	Total number of prior sentences that included a period of incarcerations in past 3 years?	1	1 or more prior incarceration in past 3 years
Total	3		Total	10	

FTA Score	Risk Level
0-4	Low
5-6	Moderate
7-8	High



NCA Score	Risk Level
0-5	Low
6-9	Moderate
10	High

Additional Information:

The following information was collected from NCIC and pertains only to out of state criminal history.

1. Does the defendant have an out of state criminal history? Yes
2. Total number of prior misdemeanor convictions: 2
3. Total number of prior felony convictions: 2
4. Total number of person (violent) convictions (e.g., assault, sex, domestic violence, attempted homicide, homicide, robbery, kidnapping): 2
5. Total number of prior incarcerations: 2
6. Total number of prior probation sentences: 2
7. Total number of prior probation revocations: 2

STATE OF ALASKA

Plaintiff,

vs.

Defendant Name

Defendant

DOB:DOB

**The Division of Pretrial Enforcement
respectfully recommends the Court consider
ordering the following Conditions of Release
(COR) for supervision.**

Court Case.: CT#-YR-Case#CR

ATN:

APSIN:

DMV:

ACOMS:

GENERAL CONDITIONS OF RELEASE:

- ☒ Obey all Court orders and appear in court when scheduled.
- ☒ Obey all laws.
- ☒ If ordered to pretrial supervision, report to the Pretrial Enforcement Division, or their designee, by the next business day following release from custody or initial arraignment and report as directed thereafter.
- ☒ Notify the Court, the Pretrial Enforcement Division or their designee, and the defense attorney, if represented, of any change in physical address, telephone number, and email address within 24 hours of change.
- ☒ A law enforcement officer or the Pretrial Officer may arrest the defendant without warrant for failure to comply with any condition of release. If the defendant is arrested for violating the conditions of release set forth in this order, then this order is revoked and the defendant shall be held without bail until a new bail is set by this court or by an arraigning magistrate.

OFFENSE SPECIFIC CONDITIONS OF RELEASE:

DV/PERSON OFFENSES

- ☐ Have no contact, direct, indirect, or through a third party with victim(s). Victim(s):_____
- ☐ Do not have on your person, in your personal property, residence, or accessible in any vehicle under your control firearms or other deadly weapons.
—

Early Observations

- In the month of January - **99.04%** of bookings had APSIN numbers entered into the database

- **Compliance**

Two Primary Types:

- The majority of individuals are complying
- Primary contacts occur in the community
- Alcohol Monitoring Scenario

- **Violations**

Two Primary Types:

- No Show / Non-Compliance (Warrants)
- Victim Contact (DV Reporting – DV Residence)
- Increase in VCOR Charges

SL-2 Breathalyzer with GPS



SL-2 – A Handheld Breathalyzer with GPS

Anchorage	22
Mat-Su	6
Fairbanks	1
Juneau	1
Valdez	1
TOTAL	31

Pretrial Enforcement Division EM

- Anchorage
- Palmer
- Wasilla
- Fairbanks
- Juneau
- Cordova
- Craig
- Dillingham
- Haines
- Homer
- Kodiak
- Valdez
- Wrangell
- North Slope Borough

Operational Measurements

Agency Active Units Report

1/29/18 6:51



	Total	BI LOC8	HG 206	TAD
Total	44	29	3	12
Alaska DOC Pretrial Anchorage	19	14	3	2
Alaska DOC Pretrial Cordova	2	1	0	1
Alaska DOC Pretrial Fairbanks	9	6	0	3
Alaska DOC Pretrial Juneau	6	4	0	2
Alaska DOC Pretrial Matsu	8	4	0	4

BI LOC8: GPS/Curfew capability
HG 206: Curfew
TAD: Transdermal Alcohol/Curfew capability



Electronic Monitoring

Electronic Monitoring Program

The Electronic Monitoring Program offers an alternative to secure confinement by providing supervised release for qualifying offenders.

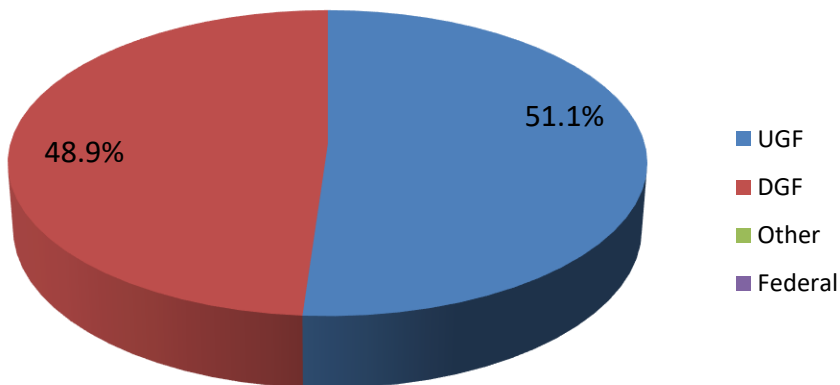
AS 33.30.065 Service of sentence by electronic monitoring:

Section (b): In determining whether to designate a prisoner to serve a term of imprisonment or period of temporary commitment by electronic monitoring, the commissioner shall consider:

- (1) safeguards to the public;
- (2) the prospects for the prisoner's rehabilitation;
- (3) the availability of program and facility space;
- (4) the nature and circumstances of the offense for which the prisoner was sentenced or for which the prisoner is serving a period of temporary commitment;
- (5) the needs of the prisoner as determined by a classification committee and any recommendations made by the sentencing court;
- (6) the record of convictions of the prisoner, with particular emphasis on crimes specified in AS 11.41 or crimes involving domestic violence;
- (7) the use of drugs or alcohol by the prisoner; and
- (8) other criteria considered appropriate by the commissioner.

Electronic Monitoring Program

Electronic Monitoring Program is 1.0% of the DOC total budget of \$331,107.5



TOTAL	\$ 3,211.0
UGF	\$ 1,641.3
DGF	\$ 1,569.7
Other	\$ 0.0
Federal	\$ 0.0
Budgeted Positions	17
PFT	17
PPT	0
Non Perm	0

Electronic Monitoring Program

Benefits of the EM Program:

- Program provides effective offender accountability
- Reduces recidivism
- Does not require offender transportation
- Medical costs are not provided by DOC
- Frees up expensive bed space for housing of more serious/violent offenders
- Offender supervision is less costly

The average daily cost of offenders under the custody of the department are:

- \$ 162.49 - In-State Institutions (hard-bed)
- \$ 128.06 - Community Residential Center (soft-bed)
- \$ 28.76 - Electronic Monitoring (house arrest)

* Rates based on the Department of Corrections 2018 Cost of Care.

- Offenders are able to maintain employment while living in their own home
- Addresses offender criminogenic needs by:
 - Immediate substance abuse treatment availability
 - Employment/education opportunity
 - Develops pro-social habits/routines
 - Instills accountability
 - Benefits their families (financially & emotionally)

Electronic Monitoring Program

The EM Program is offered in:

- Anchorage
- Fairbanks
- Juneau
- Kenai
- Ketchikan
- Palmer

- FY2017 the daily average number of offenders participating in the EM program was 287 for a total annual EM participation of 104,684 man-days.
- Total of 1,749 offenders were discharged from EM of which 1,653 (92%) were successfully discharged.

Regional and Community Jail operated program:

- Barrow
- Kodiak
- Sitka

- Continued EM training for each of the 15 Regional and Community Jail contract officers as a means of community supervision for those offenders that can responsibly be supervised in the community reducing those being held in the hard beds.

Electronic Monitoring Program

Criteria used for offender placement:

- Offenders in pre-trial status are not placed in the program unless it is a probation violation or parole violation
- The offender must be serving sentenced time. No domestic violence (DV), sexual assault, or first time state-charged Driving Under Influence (DUI) placements
 - Statute does not provide for DV crimes to receive jail credit for EM participation
- **Application or referral for offender participation received from:**
 - Individual offender (Confined and Pretrial)
 - Attorneys on behalf of offender
 - DOC Staff (Probation Officers)
- **Application processed by EM Probation Officers after:**
 - Criminal history review
 - Criminogenic risk/needs assessed
 - Resident visit conducted to insure residence is appropriate

* 1st time DUIs automatic placement to EM

Electronic Monitoring Program

Offender Orientation and Booking (enrollment):

- Offenders pay a portion of the program cost, based upon their ability to pay
- Detailed explanation of program rules
- Weekly movement schedule obtained
- First urinalysis test conducted
- EM bracelet placed on individual
- Offender established in Behavioral Intervention software program
- If unemployed – meets with employment counselor
- Only allowed away from home for 12 hours in a 24 hour period for:
 - work
 - program treatment
 - religious services
 - medical appointments
- Four hours per week for personal business such as:
 - paying bills
 - grocery shopping
- NO driving unless permission approved in writing

Electronic Monitoring Program

Program Monitoring:

- Weekly random urinalysis testing
- 24/7 alcohol monitoring via bracelet
- On-going spot checks of movement schedule when away from residence
- Monthly random home visits
- Weekly EM office visit
- Ankle bracelet stores and sends information via a receiver at residence, to a computer call center via telephone line (one in Colorado and a back up in Indiana)
- Call center computer software program analyzes information and generates a text message and/or telephone call to DOC if a problem is detected
- Probation officers access case load at their desktop computer to check status
- Probation officers respond in person to problems detected

Electronic Monitoring Program

Services provided by Behavioral Intervention (BI) Contractor:

- Surveillance device used to do spot checks when individual is away (ability to drive past a building and the surveillance device will register the serial number of the bracelet inside)
- Full range of equipment
- Training to DOC staff on equipment
- 1 full-time and 2 part-time staff to trouble shoot equipment issues and maintain inventory
- Call Center / Operations Center (computer server system that uses software to monitor equipment and automatically send notifications)

Daily Average Population for CRC and EM

DAILY AVERAGE INMATE POPULATION BY FACILITY TYPE: FY2014 THRU FY2017

Locations	FY2014*	FY2015	FY2016	FY2017**	CHANGE FROM FY14 TO FY17	PERCENT CHANGE FROM FY14 TO FY17
CRC	761	691	635	430	-331	-43.50%
EM	386	440	419	287	-99	-25.65%
PRISON	5189	5187	4873	4437	-752	-14.49%
TOTAL	6336	6318	5927	5154	-1182	-18.66%

*2014 is the baseline year for the Pew Initiative

**2017 is the year when SB91 reforms were in effect for one year

Note: The counts may vary slightly from the daily count sheet averages. This is due to this data attempts to include any stay that occurred after the first count and exited before the second count (less than 24 hour stays)

Thank You

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