



Public
Safety

Through

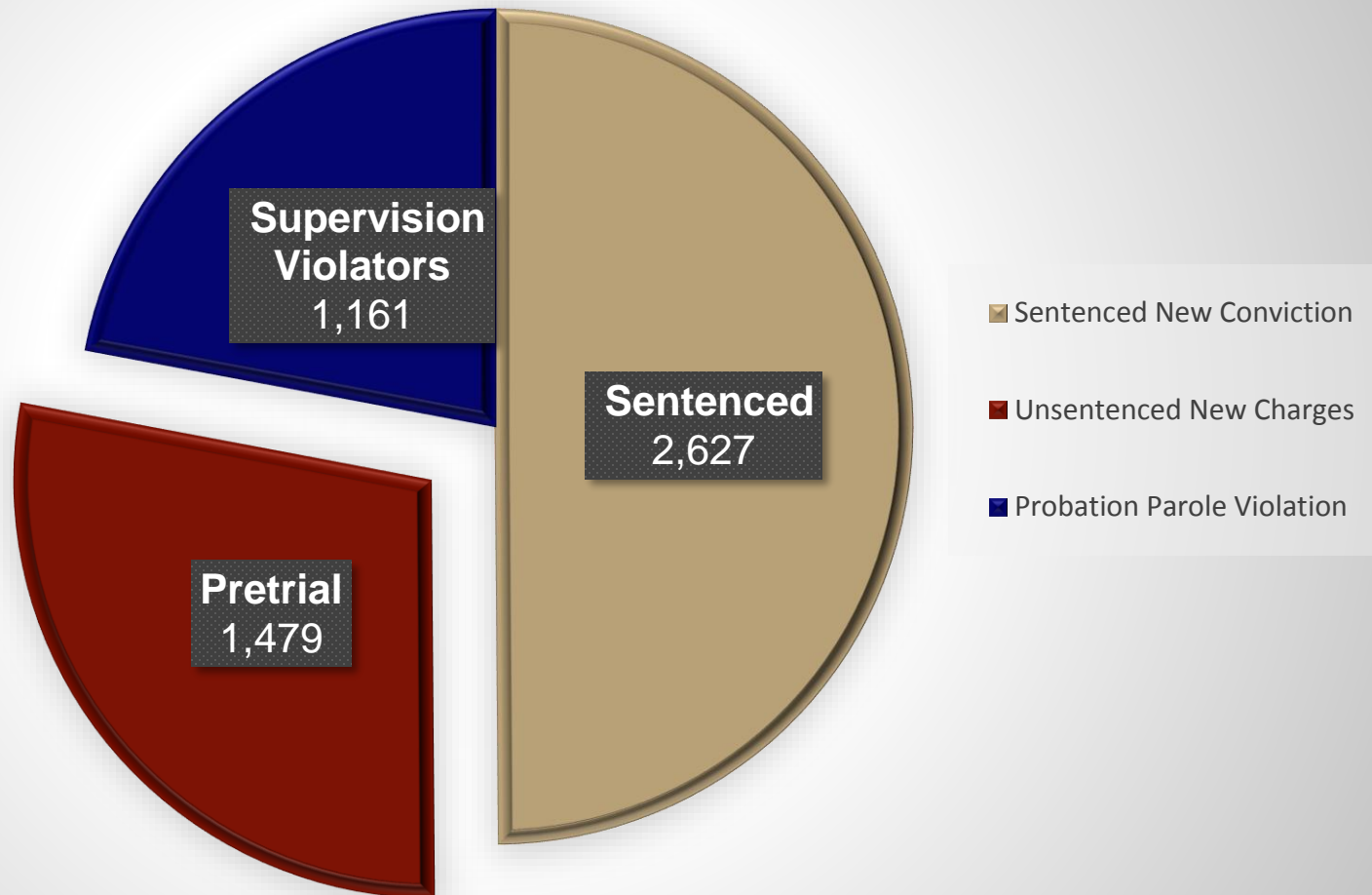
PRETRIAL

Justice

STRENGTH
COURAGE
SERVICE

Alaska's Incarcerated Population

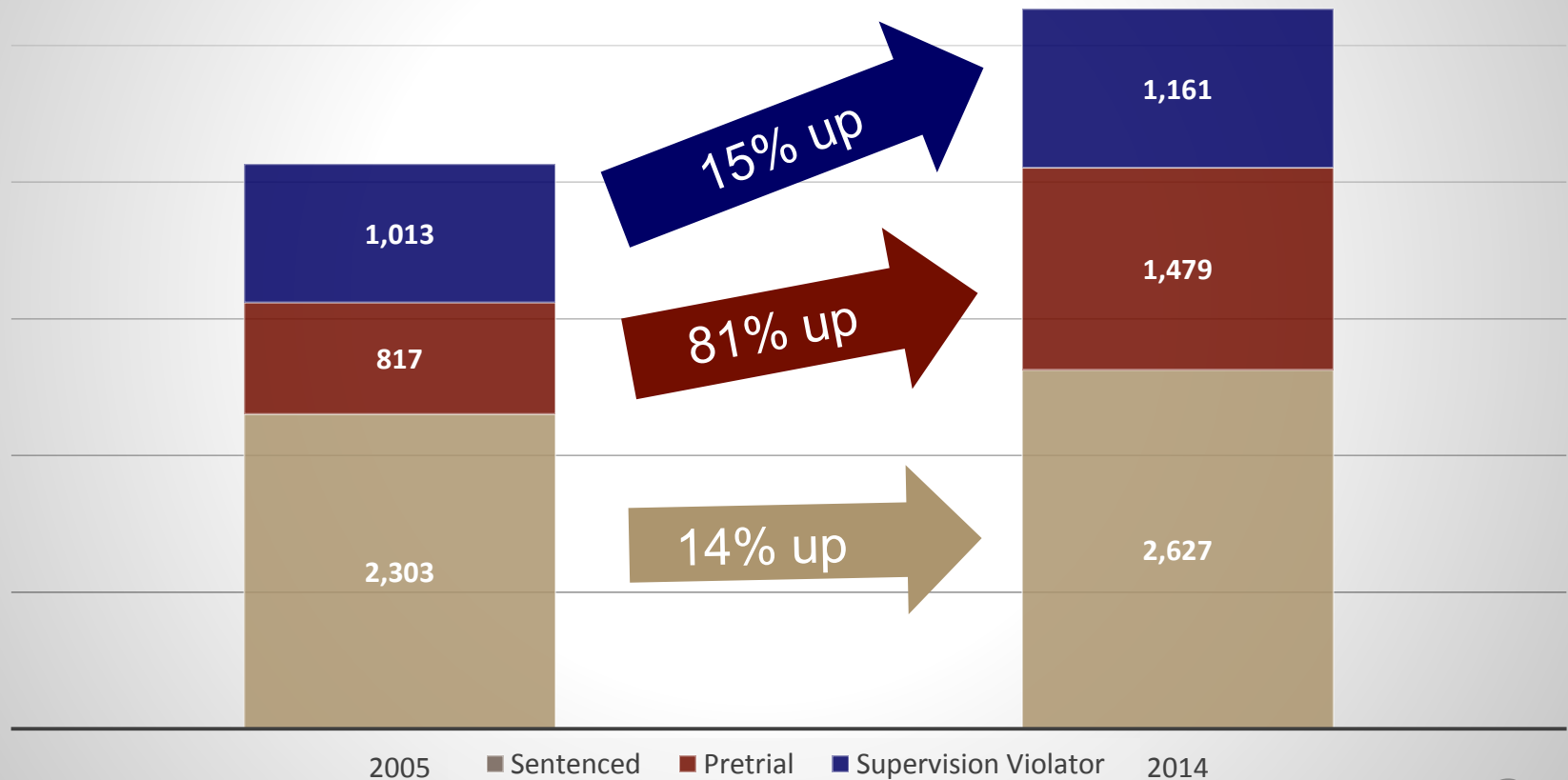
July 1, 2014 Population Report by Status



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



Article 1: Declaration of Rights

Alaska State Constitution

PRESUMED
INNOCENT

RIGHT TO BAIL

- § 12. Criminal Administration

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation [Amended 1994].

RIGHT TO NON-
EXCESSIVE BOND

EQUAL
PROTECTION
UNDER THE LAW

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.

Alaska Criminal Justice Commission Findings – Justice Reinvestment Report (2015)

- In deciding whether to release a defendant pretrial, courts generally consider two factors: the likelihood that the defendant will miss their court hearings and the likelihood that the defendant will engage in new criminal activity if released.
- Research has shown that risk assessment tools can accurately predict these risks by identifying and weighing factors that are associated with each type of pretrial failure.

Pretrial Risk Assessment

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

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)

Alaska's Pretrial Assessment Parameters



- Utilization of current data sources



- Assessment design based on Alaska data



- Ongoing analysis and validation

Pretrial Recommendation Guidelines

	Misdemeanors	Class C Felonies	DUI/Refusal	FTA/VCOR	Other
Low	OR Recommended	OR Recommended	OR Recommended	OR Presumptively Recommended	OR Presumptively Recommended
Mod	OR Recommended	OR Recommended	OR Recommended	OR Presumptively Recommended	SB Authorized
High	OR Recommended	OR Recommended	OR Presumptively Recommended	SB Authorized	SB Authorized

The following offenses fall under “Other”: Unclassified offenses, class A & B felonies, person offenses, sex offenses, and domestic violence offenses.

Judicial Matrix Guidelines

	Misdemeanors	Class C Felonies	DUI/Refusal	FTA/VCOR	Other
Low	Mandatory OR	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR
Mod	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR	SB Authorized
High	Presumptive OR	Presumptive OR	Presumptive OR	SB Authorized	SB Authorized

AS 12.30.011: Unless the judicial officer finds on the record, that there is clear and convincing evidence that no non-monetary conditions of release in combination with the release of the person on the their own recognizance, or upon execution of an unsecured bond, can reasonably ensure the appearance of the person in court and the safety of the victim, other persons, and the community.

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.

Alaska

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

Kentucky Safety Rates

FY15	Release Rate	Appearance Rate	Public Safety Rate
Low	86%	91%	94%
Mod	72%	83%	88%
High	56%	78%	84%
Overall	75%	85%	89%

FY14	Release Rate	Appearance Rate	Public Safety Rate
Low	84%	90%	93%
Mod	70%	81%	88%
High	51%	76%	84%
Overall	75%	85%	90%

Alaska Criminal Justice Commission Findings – Justice Reinvestment Report (2015)

- The Commission heard from many judges and magistrates who said they would release more defendants from jail pretrial if there were more options for meaningful supervision in the community to reduce the defendants' risk of committing new crimes or failing to appear for court.

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

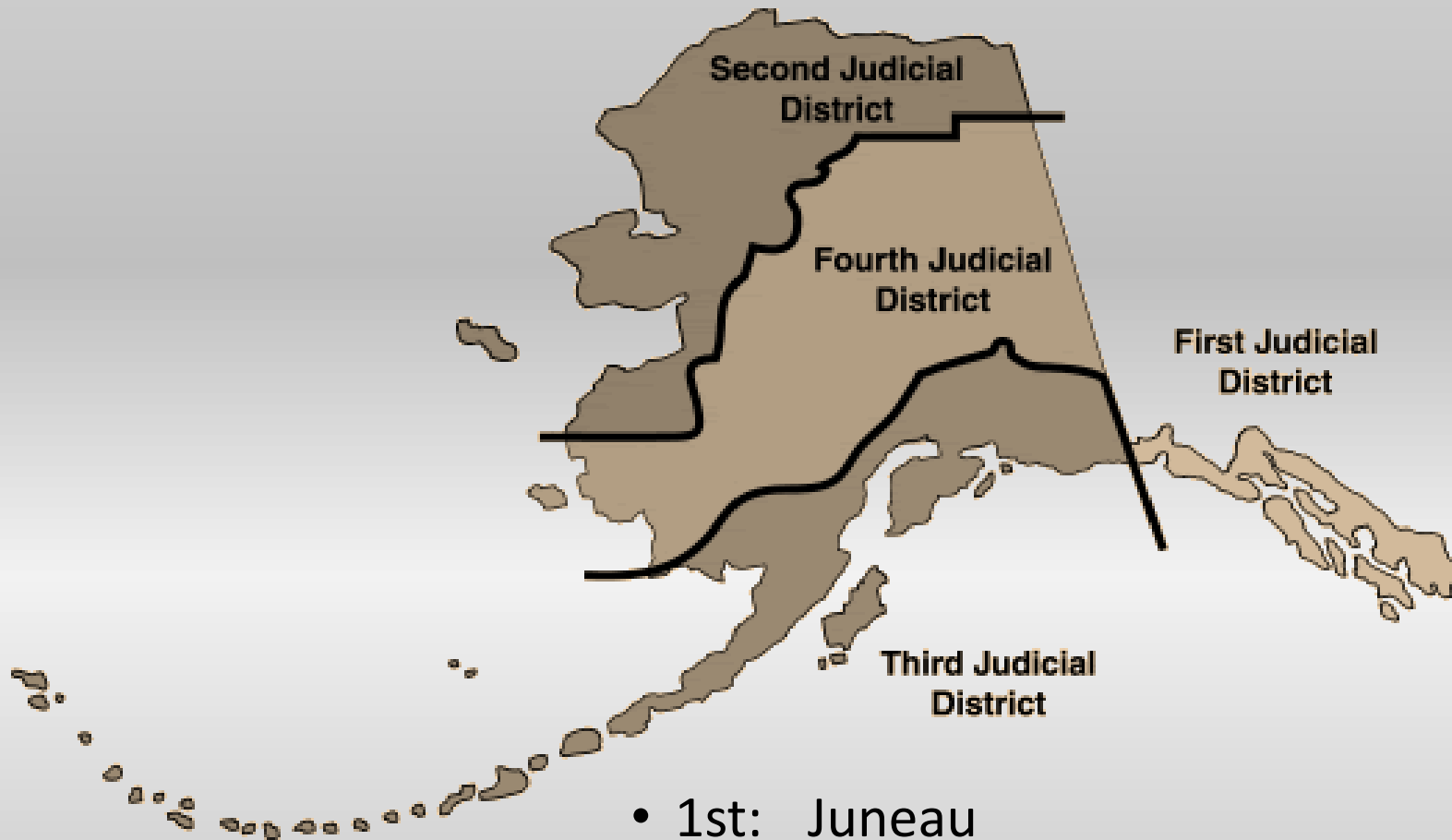
BUDGET

FY2017: \$3,260.1

FY2018: \$10,209.3



Pretrial District Offices



- 1st: Juneau
- 2nd: Fairbanks
- 3rd & 4th : Anchorage

Pretrial Best Practices



Pretrial Functions

Assessment

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



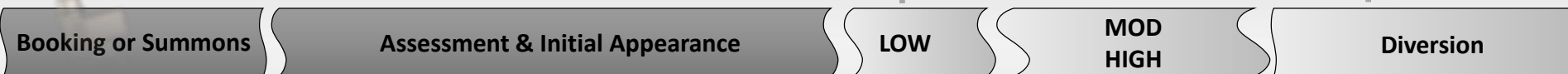
Monitoring

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.

Alaska Criminal Justice Commission Findings – Justice Reinvestment Report (2015)

- Research suggests that restrictive release conditions such as electronic monitoring (EM) and drug and alcohol testing do not improve outcomes for all pretrial defendants.
- Higher risk pretrial defendants should have more restrictive conditions.
- When restrictive conditions are applied to lower risk defendants, they can actually do worse.
- DOC should provide varying levels of supervision for moderate- and high-risk defendants who are released pretrial.

Radio Frequency (RF) – Curfew Only



KEY FEATURES

- **Customizable Curfew Monitoring**
- **Flexible and Reliable RF Monitoring**
- **Cellular/Landline Capable**
- **Pairing Capabilities**
- **24X7 Access to Real-Time Monitoring**

Alaska Criminal Justice Commission Findings – Justice Reinvestment Report (2015)

- The DOC would also be responsible for standardizing and recommending the use of pretrial diversion, conducting outreach to community programs and tribal courts to develop and expand diversion options, and providing referral services on a voluntary basis for substance abuse and behavioral health treatment services.

RF-Transdermal Alcohol Monitor (TAD)



KEY FEATURES

- **Alcohol and Curfew Monitoring Combined**
- **Advanced Technology, Yet Easy to Use**
- **Seven Tamper-Resistant Features**
- **Records and Downloads Information Over Time**
- **Cellular/Landline Capable**

Portable Breath Testing – SoberLink (SL2)



KEY FEATURES

- **Easy to Use Breathalyzer**
- **Customizable Alcohol Testing Schedules**
- **Adaptive Facial Recognition™ Technology**
- **Automated Tamper Detection Features**
- **Embedded Cellular and GPS Capability**

Pretrial Tribal Court Diversion - Pilot

In Development

- Chief Michael Hicks
Cordova City Police Department
- Sarah Kathrein
 - Native Village of Eyak



The Native Village of
EYAK

Ongoing Evaluation & Validation

- ***Safety Rate:*** The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.
- ***Appearance Rate:*** The percentage of supervised defendants who make all scheduled court appearances.
- ***Concurrence Rate:*** The ratio of defendants whose release or detention status corresponds with their pretrial assessment.
- ***Compliance Rate:*** The proportion of defendants who comply with supervision and have no Failure to Appear (FTA) or New Criminal Arrest (NCA) episodes.

Alaska Department of Corrections Pretrial Services Division

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