

# Changes to Pretrial in Alaska

## *What You Need to Know*

On January 1<sup>st</sup>, 2018, major changes to Alaska's pretrial system went into effect. Here are the three key changes you need to know about:

### 1) Alaska Now Using a Pretrial Risk Assessment Tool

- Alaska joins jurisdictions around the country in adopting a validated pretrial assessment tool. Alaska's tool was developed **based on Alaska's own state data**.
- This tool predicts the likelihood that someone will:
  - **Fail To Appear** (FTA) for court.
  - Have a **New Criminal Arrest** (NCA) before their case is resolved.
- A risk assessment tool will not predict behavior 100% of the time or replace experienced professionals, but it gives helpful additional information to the court to aid decision-making.
- The tool predicts the overall likelihood of success or failure on pretrial release.
- The risk assessment tool is **not** a measurement for dangerousness – the Court must still evaluate the threat to public safety.

### 2) New Guidelines for Judicial Decisions on Pretrial Release

- Judges will now use both the **pretrial risk assessment** AND information about the **crime being charged**, in addition to other statutory factors, when making decisions about:
  - Whether to set monetary bail; and
  - What pretrial release conditions to order.
- There are new limitations on when secured cash bail and third party custodians can be ordered.
- Non-monetary release conditions, including electronic monitoring, can be ordered if resources are available.

#### **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

### 3) Pretrial Supervision Now Available Statewide

- For the first time, pretrial supervision by trained state officers with full arrest authority is available for defendants who need monitoring and supervision, is available in the state of Alaska.
- Intensity of supervision will be based on risk level.