

## Jane Pierson

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**From:** Cindy Smith  
**Sent:** Thursday, March 04, 2010 8:55 AM  
**To:** Jane Pierson  
**Subject:** FW: Court Statiscs for Bail Bill  
**Attachments:** cases w charges filed in fy09.pdf; ptrp actions fy09 - criminal cases.pdf

Fyi.

**From:** Doug Wooliver [mailto:dwooliver@courts.state.ak.us]  
**Sent:** Wednesday, March 03, 2010 2:12 PM  
**To:** Carpeneti, R Anne D (LAW); Svobodny, Richard (LAW); Peeples, Dwayne B (DOC); Steiner, Quinlan G (DOA); Levitt, Rachel E (DOA); Cindy Smith; McLean, Susan S (LAW)  
**Subject:** Court Statiscs for Bail Bill

Hello all. Our tech people have gone through our CourtView courts (all courts except those in the first district; first district cases are not included in these numbers) and come up with numbers for the various categories of offenses that will be subject to the rebuttable presumption of no bail. Now I have to figure out how to make sense of all of it. We have broken down the numbers by category, but because there will be a lot of overlap (for example a person counted in the category for any of the particular offense categories may also be counted in the category of persons subject to a petition to revoke probation), we can't just add up the categories and come to a number. Once I go through all of this I will let you know how I plan to assess the impact. Please let me know if you have any questions or comments about these data. Doug

These data are arranged by statute reference in sections 4 and 12 of the bill.

AS 12.30.011(d)(2)(A): See attached. Note that there is a difference between the number of offenses and the number of cases. I think that we need to look at the number of cases because one person may be charged with more than one offense that would trigger the presumption. I think that once the presumption is triggered, the presumption attaches and other offenses don't need to be counted.

AS 12.30.011(d)(2)(B): There were 4,134 defendants charged with a felony (other than a felony from the bill's list of specific offenses) during FY09.

Of those, **1,403** had been convicted of a felony in the prior 10 years. (7/1/1998 or later) This was our measure of those who commit a felony within five years of the date of their unconditional discharge. We can't directly track by unconditional discharge date, but we can track by conviction date. This search assumed that each felony defendant served 5 years probation and thus five years following their unconditional discharge would be ten years from the date of their conviction. Some of the periods of probation will be longer than 5 years and some less, but this was the average we settled on. This number does not include those with an out-of-state conviction

AS 12.30.011(d)(2)(C): We don't have a way to track those who commit an offense while on bail from an earlier charge.

AS 12.30.011(d)(2)(D): There were 3148 defendants charged with a DV related crime during FY09. Of those, **919** were previously convicted of a DV related crime in the prior 5 years.

AS 12.30.011(d)(2)(E): In CourtView locations during FY09 there were 96 cases where the defendant was charge with the following: AS12.70.120: Arrest Prior To Requisition (Fugitive from Justice)

AS 12.30.055 (in section 12 of the bill): See attached.

Alaska Court System  
**Cases/Charges Filed for Specified Action Codes**  
 CourtView Locations  
 FY09

Charge Description	# of Cases Charged
AS11.41.100: Murder 1	4
AS11.41.100(a)(1)(A): Murder 1-Intent To Cause Death	26
AS11.41.100(a)(2): Murder 1- Repeat Phys Injury To Child	1
AS11.41.100(att): Attempted Murder 1	10
AS11.41.110: Murder 2	1
AS11.41.110(a)(1): Murder 2-Intend Serious Injury	13
AS11.41.110(a)(2): Murder 2-Extreme Indifference	7
AS11.41.110(a)(3): Murder 2-Felony Murder	8
AS11.41.120: Manslaughter	1
AS11.41.120(a)(1): Manslaughter -Death Not Murder 1 Or 2	7
AS11.41.120(a)(1): Manslaughter	1
AS11.41.160: Manslaughter of Unborn Child	1
AS11.41.200: Assault 1	18
AS11.41.200(a)(1): Assault 1- Serious Injury, Weapon	101
AS11.41.200(a)(2): Assault 1- Serious Injury, Intent	17
AS11.41.200(a)(3): Assault 1- Serious Injury, Extreme Indif	5
AS11.41.200(a)(4): Assault 1- Serious Injury, Weap, Repeat	1
AS11.41.280(a)(2): Assault Unborn Child 1 - w/ intent	1
AS11.41.300(a): Kidnapping	10
AS11.41.300(a)(1)(B): Kidnapping- Use Victim As Shield/Hostage	1
AS11.41.300(a)(1)(C): Kidnapping- Injury Or Sexual Assault	31
AS11.41.300(a)(1)(c): Kidnapping	2
AS11.41.300(a)(1)(E): Kidnapping- To Commit Felony Or Escape	4
AS11.41.300(a)(1)(e): Kidnapping	1
AS11.41.300(a)(2)(B): Kidnapping- Risk Of Serious Injury	4
AS11.41.410: Sexual Assault 1	2
AS11.41.410(a)(1): Sex Assault 1- Penetrate w/o Consent	57
AS11.41.410(a)(2): Sex Assault 1- Att. Penetrate, Injure	1
AS11.41.420: Sexual Assault 2	3
AS11.41.420(a)(1): Sex Assault 2- Contact w/o Consent	48
AS11.41.420(a)(3): Sex Assault 2- Penetrate Incap Victim	26
AS11.41.425: Sexual Assault 3	2
AS11.41.425(a)(1)(A): Sex Assault 3- Contact w/ Ment Incapable	1
AS11.41.425(a)(1)(B): Sex Assault 3- Contact w/ Incapacitated	6
AS11.41.425(a)(1)(C): Sex Assault 3- Contact w/ Unaware Victim	2
AS11.41.434(a)(1): Sex Abuse Minor 1- Penetrate Vic Undr 13	28
AS11.41.434(a)(2): Sex Abuse Minor 1-Penetr Own Chld Undr 18	8
AS11.41.434(a)(3)(A): Sex Abuse Minor 1-Penetr Undr 16, Hshld	4
AS11.41.434(a)(3)(B): Sex Abuse Minor 1-Auth Fig Penetr Undr 16	3
AS11.41.436: Sexual Abuse Of Minor 2	4
AS11.41.436(a)(1): Sex Abuse Minor 2- Penetrate, Vic 13-15	37
AS11.41.436(a)(2): Sex Abuse Minor 2-Contact, Vict Undr 13	29
AS11.41.436(a)(3): Sex Abuse Minor 2- Contact, By Parent	8
AS11.41.436(a)(5)(A): Sex Abuse Minor 2-Contact Undr 16, Hshld	2
AS11.41.436(a)(5)(B): Sex Abuse Minor 2-Auth Fig Cntact Undr 16	1
AS11.41.436(a)(6): Sex Abuse Minor 2-Auth Fig 18 yrs+	2
AS11.41.438: Sexual Abuse of Minor 3	11
AS11.41.450(a)(1): Incest- Penetr Ancestor Or Descendant	3

Alaska Court System  
**Cases/Charges Filed for Specified Action Codes**  
 CourtView Locations  
 FY09

Charge Description	# of Cases Charged
AS11.41.450(a)(1): Incest	2
AS11.41.450(a)(2): Incest- Penetr Brother Or Sister	4
AS11.41.450(a)(3): Incest- Penetr Uncle, Aunt, Neph Or Niece	1
AS11.41.452(d): Online Enticement of a Minor	1
AS11.41.455(a)(7): Exploit Minor-Make Porn, Sado/Masochism	1
AS11.41.455(b): Exploit Minor-Make Porn, Parent Allows	1
AS11.41.458: Indecent Exposure 1	1
AS11.41.458(a)(1): Indecent Exp 1-vic under 16, masturbate	2
AS11.41.500: Robbery 1	9
AS11.41.500(a)(1): Robbery 1- Armed w/ Deadly Weapon	70
AS11.41.500(a)(2): Robbery 1- Use Weapon	9
AS11.41.500(a)(3): Robbery 1- Cause/ Attempt Serious Injury	18
AS11.46.400: Arson 1- Danger Of Serious Injury	8
AS11.56.300: Escape 1	1
AS11.61.190(a)(1): Misc/Weapons 1- Involving Drug Crime	3
AS11.61.190(a)(2): Misc/Weapons 1- From Vehicle	10
AS11.71.010: Misconduct- Controlled Substance 1	1
AS11.71.010(a)(1): Cntrld Substc 1-Deliv 1A To Minor	2
AS11.71.010(a)(2): Cntrld Substc 1-Dliv II/IIIA To Minr, Age Diff 3+	1
AS11.71.020: Misconduct-Controlled Substance 2	20
AS11.71.020(a)(1): Cntrld Substc 2- Manuf/Deliv IA	80
AS11.71.020(a)(2): Cntrld Substc 2- Manuf Meth	1
AS11.71.020(a)(2)(A): MICS 2- Manuf Meth	2
AS11.71.020(a)(3): MICS 2- Poss Precursor, Intnd Make Meth	3
AS11.71.020(a)(4): MICS 2- Poss Chem, Intnd Make Meth	1
AS11.71.020(a)(4)(A): MICS 2- Poss Chem, Intnd Make Meth	2
AS11.71.020(a)(6)(B): Cntrld Substc 2 - Deliver Listed Chem	1

**Total number of cases: 610**

**Total Number of Charges: 1374**

*NOTE: One case could have more than one charge but is only counted once in this total.*

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*End of Report*

**Petitions to Revoke Probation - Criminal Cases**

Fiscal Year: 2009  
CourtView Locations

	Petition to Revoke Probation	Ptrp - ASAP	Ptrp - Community Work Service	Ptrp - DV Interv. Program	Ptrp - New Criminal Charge	Ptrp - Restitution	Ptrp - Volunteers of America	Total
Felony	5,579	213	85	9	91	1	2	5,980
Misdemeanor	5,262	2,251	1,947	113	541	8	819	10,941
<b>Total</b>	<b>10,841</b>	<b>2,464</b>	<b>2,032</b>	<b>122</b>	<b>632</b>	<b>9</b>	<b>821</b>	<b>16,921</b>