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Research Brief

TO: Senator John Coghill
FROM: Roger Withington, Legislative Analyst
DATE: January 13, 2014
RE: Estimated Cost of Incarceration Due to Technical Violations of Participants in the Probationer Accountability with Certain Enforcement (PACE) Program Compared to Those Not in the PACE Program
LRS Report 14.087

You asked for information the Probation Accountability and Certain Enforcement (PACE) program. Specifically, you asked us to compare the estimated cost of incarceration due to technical violations by probationers participating in the PACE program compared to those who are not in the program.

In July 2010, the Anchorage Superior Court, in partnership with a number of other criminal justice agencies, started the Probationer Accountability with Certain Enforcement, or PACE, pilot project.¹ Generally, under this “swift and certain” model, when a probationer violates a condition of his or her probation by, for example, testing positive for drugs or alcohol, failing to appear for a scheduled drug or alcohol test, or missing an appointment with a probation officer, that individual is arrested immediately and brought to court within 72 hours. At the court hearing, the judge imposes a sanction of a short jail term, commonly two to three days. If the offender violates his or her terms again, the process is repeated. In short, every single probation violation is dealt with quickly and a sanction is imposed each time.²

In contrast, under “probation as usual,” petitions to revoke probation might not be filed or a court hearing held until several probation violations are reported.³ As a result, the process may take several court hearings over a six-month period and can be generally characterized as anything but “swift and certain.”

Kaci Schroeder, Special Assistant to the Commissioner of the Alaska Department of Corrections (DOC), provided us with a comparison of the number of days individuals were incarcerated due to probation violations between probationers participating in the PACE program to those who are not in the program.⁴

¹ Alaska’s Probationer Accountability with Certain Enforcement, or PACE, program is modeled after Hawaii’s Project HOPE. Three sources of additional information regarding Hawaii’s Project HOPE are <http://hopehawaii.net/>, http://www.courts.state.hi.us/special_projects/hope/about_hope_probation.html, and for description and evaluation of Project HOPE see *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s HOPE*, at <https://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

² For a summary and preliminary evaluation of the PACE program see *Anchorage PACE: Probation Accountability with Certain Enforcement: A Preliminary Evaluation of the Anchorage Pilot PACE Project*, at <http://www.ojc.state.ak.us/reports/pace2011.pdf>.

³ In general, the probation revocation process consists of arraignment, counsel appointment, adjudication on the petition to revoke probation, and sentencing to a term of incarceration.

⁴ Ms. Schroeder can be contacted at 907-465-1854.

Table 1: Median and Mean Length of Incarceration for Parole and Probation Violations for PACE Offenders and a Non-PACE Control Group

Cohort	Cohort Size	Mean Stay in Days	Median Stay in Days
PACE Participants	117	5.95	3.00
Control Group	260	83.28	27.50
<p>Notes: The "mean" is one measure of central tendency and is frequently known as an average. The "median," also measure of central tendency, is the "middle" value in the list of numbers ordered from smallest to largest. The median is not overly sensitive to outliers, or extreme values, in a set of data, particularly those data sets that are small.</p> <p>Stay days are inclusive. In other words, if an offender's period of incarceration began on January 1 and ended on January 2, then it is calculated as 2 days even though it is possible the offender only stayed for 24 hours.</p> <p>The PACE cohort consists of a sample of 117 offenders who entered the program from December 27, 2010 through December 11, 2012. The stay days reported represent the days sentenced on the probationer's first violation following the assignment to the PACE program. Also, for the PACE cohort, some probationers were already on "traditional" probation before being placed into the PACE program and may have spent time incarcerated as a result of a probation violation.</p> <p>The Control Group consists of a sample of 260 offenders convicted of a parole or probation violation in calendar year 2010 who also had a prior alcohol related conviction within five years of the probation violation. As with the PACE cohort, the stay days are based on the first probation violation following the probationer's "placement" into the Control Group. Some of these 260 probationers may have already been convicted of a probation violation prior to 2010, and spent time incarcerated as a result. Also, the Control Group may include probationers who were released from supervision because they "flat-timed," or fulfilled the terms of their original sentence while incarcerated for a probation violation.</p> <p>Source: Kaci Schroeder, Special Assistant to the Commissioner of the Alaska Department of Corrections, 907-465-1854.</p>			

Using the current average daily cost of incarceration of \$158.67, and the mean, or average, number of days these two cohorts spent incarcerated due to a technical violation, the PACE cohort would have accounted for a total incarceration cost of \$110,458, or approximately \$944 per probationer, while the Control Group cohort would have accounted for a total incarceration cost of approximately \$3,435,650, or \$13,214 per probationer.

Using the median number of days these two cohorts spent incarcerated due to a technical violation, the PACE cohort would have accounted for a total incarceration cost of \$55,693, or approximately \$476 per probationer, while the Control Group cohort would have accounted for a total incarceration cost of approximately \$1,134,491, or \$4,363 per probationer.

However, we urge caution when considering these data, particularly any cost differences between the two probation methods. In our view there are a number of deficiencies in this analysis, the most notable of which is the decision by the Department of Corrections to limit the "stay days" reported to the first period of incarceration for both cohorts. In our view, a more accurate way to compare these two cohorts would be to examine the total number of days spent incarcerated due to a probation violation measured during a specific period of time.

The DOC notes that the PACE program is relatively new from a data analysis point of view and since a high number of the original participants are still in PACE, only the first violation was measured. They also note that as PACE matures and more offenders "graduate" from the program, a more comprehensive analysis can be performed.

We hope this is helpful. If you have questions or need additional information, please let us know.