

The Alaska Department of Corrections (DOC) Pretrial Enforcement Division (PED)



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DEPARTMENT OF CORRECTIONS

Introduction:

The Pretrial Enforcement Division (PED) is the newest division of the Alaska Department of Corrections (DOC). This division was developed after many years of discussion between the Alaska Legislature, DOC and the public of Alaska. This effort is an attempt to try and reduce the rate of crime and recidivism within the State that has been leading to the increased prison population.

PED exists to provide a risk assessment of defendants in the period of time after they are arrested and before they are arraigned, in an attempt to ensure the defendant is not held in custody unnecessarily and that they make all of their court appearances. The courts now have an option to have defendants that are released placed on supervision with PED. The supervision of pretrial defendants that PED performs adds an additional layer of safety and security for the community at large, as well as the pretrial defendant.

Organization And Structure:

PED is comprised of the Director's Office located in Anchorage and four (4) pretrial district offices covering various regions of Alaska. The pretrial district offices are located in:

- Anchorage.
- Mat-Su / Palmer.
- Fairbanks.
- Juneau.

In places without a district office, other law enforcement entities contract with DOC or PED satellite offices and may supervise pretrial defendants.

Each pretrial district office is run by a Pretrial Supervisor along with Pretrial Officers and support staff.

PED History:

DOC established the PED in July of 2016 as part of Senate Bill 91 (SB 91), with the provision that the full pretrial function of the Department would become operational in January of 2018.

After hiring the PED Director in August of 2017, the Department set about organizing the new division by carrying out such steps as: hiring and training staff; acquiring offices around the state; creating operational documents and policies and procedures; developing a new database; establishing a pretrial stakeholder team; outlining criminal justice processes; establishing electronic monitoring (EM) operations; developing the pretrial assessment tool; and contacting law enforcement agencies and courts within the State to build working relationships.

Legal Authority:

Alaska Statute (AS) 12.30.011 and AS 33.07 provide the legal foundation that gives PED the authority to provide for the custody, care, and support services (i.e. diversion and voluntary referrals to treatment and social



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services) to defendants released under pretrial supervision. The objective of pretrial supervision / monitoring and diversion alternatives for defendants on pretrial release is to ensure community safety and to provide defendants with the structure and stability necessary to reasonably assure their appearance in court.

The Alaska Legislature has recognized that the early success of “front end” programs such as pretrial is worth both emulating and evaluating for future statewide criminal justice system initiatives due to the high cost savings and beneficial custodial alternatives that it produces. By offering effective diversion alternatives coupled with supportive services and supervision / monitoring techniques, the court gives defendants an opportunity to engage in productive behavior and prove to the court and to the community that an otherwise appropriate sentence of imprisonment is unnecessary, in whole or in part. An additional layer of security exists because defendants who are released on bail also receive community supervision which was never available prior to the establishment of PED.

Under SB 91, Pretrial Officers (PO) are authorized to supervise defendants during the pretrial period. They must, however, impose the least restrictive level of supervision necessary to reasonably ensure court appearance and public safety, and prioritize higher levels of supervision for moderate- and high-risk defendants and those accused of serious charges.

Program Summary:

PED focuses its efforts on five (5) primary objectives:

- The administration of a pretrial risk assessment instrument using an objective, data-based, validated risk assessment tool and the submission of legal and evidence-based recommendations to the court regarding release decisions and conditions;
- Recommending the least restrictive release conditions, based on the charge and the defendant’s level of risk, to reasonably assure that the defendant will appear for scheduled court dates and reduce the potential threat to any person or to the community while on pretrial release;
- Monitoring and supervision of pretrial defendants released to the community;
- Responding quickly to non-compliance by pretrial defendants. When violations of conditions are detected, PED employs all available sanctions (including a warrantless arrest) at their disposal. In addition PED will inform the court and seek judicial sanctions, to include revocation of pretrial release and bail reviews when appropriate.
- Pretrial program evaluation and data tracking.

PED may also:

- Coordinate with community-based organizations and tribal courts and councils to develop and expand pretrial diversion options and submit pretrial diversion recommendations to the court;
- Refer defendants for a voluntary substance abuse evaluation and treatment;
- Refer defendants to court ordered programs.



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Agency Pillars:

PED Mission:

PED strives to help provide positive change in every town, village, and neighborhood in Alaska by:

- Enhancing public safety;
- Assisting the courts with the fair administration of justice for victims and defendants; and by
- Providing quality supervision that holds pretrial defendants accountable.

All this is done while connecting pretrial defendants to community partners and resources that can provide an individual with the tools for long-term change and success.

PED Vision:

We pledge to protect the public, provide service to the court, and assistance in the fair administration of justice to Alaska's diverse population through objective, legal, and evidence based decision making and practices. We believe it is our duty to help assure the safety of Alaskans, protect the rights of victims, respect the right of defendants, and to honor the Constitutional presumption of innocence. The Alaska DOC PED strives to be leaders in the field of pretrial services by exemplifying the highest level of integrity, professionalism, accountability, and devotion to excellence.

Core Values of the Division:

Integrity – Exemplified in the behavior, actions, and decisions of our employees.

Fairness – Exemplified in the consistent treatment of employees, pretrial defendants, and in our dealings with the public.

Dependability and Accountability – Exemplified in doing those things that are necessary to fulfill our mission all the time, every time.

Dignity and Respect – Exemplified in our relationships with each other and those we serve.

Competence, Professionalism, and Devotion to Excellence – Exemplified in the performance of our duties and responsibilities.

Openness and Transparency – Exemplified in all our communications.

Guiding Principles of the Division:

Public Safety –

PED's highest priority is the protection of the public, staff, victims, and pretrial defendants through the highest degree of professional performance at all times.

Reliability and Objectivity –

PED is committed to assemble accurate, reliable, and objective information relevant to the court's determination concerning pretrial release and to provide this information in a timely manner prior to the



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defendant's initial arraignment.

Legal, Evidence-Based Decision Making –

PED is committed to ensure that pretrial release and supervision decisions are based upon evidence based research, validated actuarial assessment tools, measurable goals, and ongoing data collection so as to improve the outcomes of the Alaska criminal justice system.

Impartiality, Fairness, and Equality –

In order to produce fair, impartial, and consistent pretrial release decisions for all criminally charged defendants, judicial officers should give consideration to the factors required by law and an individual's supervision risks in an effort to ensure community safety and court appearance, through the use of non-financial conditions when appropriate. PED uses a data-based, validated risk assessment tool to help judicial officers make informed and effective release decisions by determining the defendant's risk of re-arrest and failure to appear for scheduled court hearings. PED also assists courts in establishing the level of supervision, if needed, and recommending the least restrictive release conditions necessary to promote court appearance and public safety.

Responsivity –

Use the least restrictive conditions of release and supervision that are consistent with an individual's risk for pretrial misconduct.

Discrimination –

Factors such as the race and economic status of a pretrial defendant should not be a barrier to their release.

Victim and Community Centeredness –

If you are a victim of crime, you have legal rights guaranteed by both the Alaska Constitution and Alaska statutes. Your legal rights as a victim include the right to:

- Be informed and heard regarding the pretrial release decision;
- Play a meaningful role in the criminal justice process;
- Be treated with dignity and respect;
- Fair and impartial treatment; and
- Reasonable protection from harm.

Collaboration –

PED is committed to achieving common goals by creating and maintaining working relationships within an adversarial system.

Program Performance:

The performance and success of PED is measured through how well the division achieves its strategic goals. These goals span the agency's major functions and operations and how well the division achieves these goals is based on data collection and analysis:

Strategic Goal 1: Judicial concurrence with Pretrial Officers' recommendations.

The strategic goal related to judicial concurrence with Pretrial Officers' recommendations is consistent with PED's recognition of the court as its primary stakeholder. PED implemented a judicial concurrence measure to



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gauge the rate at which judicial officers impose release conditions that are consistent with Pretrial Officers' recommendations at initial appearance.

Strategic Goal 2: Continued pretrial release.

The strategic goal of continued pretrial release focuses on PED's aim to keep pretrial defendants effectively supervised in the community during the pendency of their cases. This goal is measured through the percentage of released defendants who remain on pretrial supervision without revocation.

Strategic Goal 3: Minimizing re-arrest.

PED's strategic goal of minimizing re-arrests is measured by tracking the percentage of supervised defendants who are not arrested for a new offense during their pretrial period. A new offense is defined as one with the following characteristics: the offense date occurs during the defendant's period of pretrial release; there is a prosecutorial decision to charge; and, the new offense carries the potential of incarceration or community supervision upon conviction.

Strategic Goal 4: Maximizing court appearance.

The strategic goal of maximizing court appearance is one of PED's most basic outcome measurements. National standards on pretrial release identify minimizing failures to appear as a central function for pretrial programs. This strategic goal is expressed as an "appearance rate", and is measured through the percentage of supervised defendants who make all their scheduled court appearances.

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Attachments:

Alaska Pretrial Fact Sheet