

Criminal Justice Working Group

1029 W. Third Avenue, Suite 201, Anchorage, AK 99501



Co-Chairs
Chief Justice Walter Carpeneti
Attorney General Daniel S. Sullivan

MEMORANDUM

TO: CJWG: PACE File
FROM: Teri Carns
DATE: November 9, 2010
RE: Update on PACE pilot project

Introduction to PACE

The Anchorage pilot program, PACE (Probationer Accountability with Certain Enforcement) is modeled on Hawaii's Project HOPE. The concept is simple – in Hawaii's HOPE program, whenever a probationer in the program violates probation by testing positive for drugs or missing an appointment with the probation officer, the offender is arrested immediately. Within two business days, the offender is in court on a motion to modify probation and is sent to jail for a short time. Sanctions are swift and certain, and probationers respond.

Data collected after the HOPE program started in 2004 showed that within three months, the rate of positive drug tests for probationers on HOPE dropped by half. More than half of the probationers never missed a drug test or appointment after their first warning meeting with the judge, and of those who did miss, 40% missed only once. A randomized study of Project HOPE found that after one year in the program, 9% of the HOPE probationers had not appeared for an appointment, as compared to 23% of the control group. Only 13% of the Project HOPE probationers had positive urine tests, as compared to 46% of the control group. Only 21% of the HOPE probationers had been rearrested (for any reason), compared to 47% of the control group.

The Anchorage PACE program is structured like the Hawaii HOPE program – whenever a probationer in the program violates probation by testing positive for drugs or alcohol, or for missing an appointment with the probation officer, the offender is arrested immediately. Within two business days, the offender is in court on a Petition to Revoke Probation. Instead of a petition to revoke probation process that usually takes two or three court proceedings, the probationer is arraigned, counsel appointed, and the probationer is adjudicated and sentenced in one single court proceeding. The sanction is normally a short period of incarceration, which may be slightly longer with successive petitions to revoke.

PACE data after three months

The Anchorage program held its first set of warning hearings for twenty-nine probationers starting in mid-July. Three months have elapsed, allowing time for a preliminary report to see how closely the pattern of Anchorage matches that found in Project HOPE. The data here are those reported in mid-October at the PACE team meeting.

- Thirteen of the 29 probationers originally assigned have gone for two months with no violations, and have had the frequency of their random testing reduced.
- One probationer was at large with an outstanding warrant for arrests (as of November 9).
- Of the probationers rearrested and sanctioned, most have only been rearrested once. Two probationers are being held on new charges, and Probation is working to get at least one other (who has failed several tests) into residential treatment. Thus, the data available from our first group track Hawaii's data very closely.

PACE process and resources after three months

At the October 19, 2010 meeting, the PACE team members discussed their ability to handle the present PACE participants and considered adding more.

- Court staff reported that processing PACE cases requires some additional work on the part of clerks, but they are able to accommodate it. The need to schedule sanction hearings with relatively short notice requires some attention, as does scheduling the warning hearings, but they have managed these issues satisfactorily.

- Probation staff reported that they are able to handle the PACE caseload. If more than seventy probationers enter the program, additional resources will be needed for drug testing. A couple of probationers have challenged their positive drug tests; no information was available on the outcomes of the retesting.
- Law enforcement reported that they have had no problem serving the warrants, and did not anticipate any problem with handling more PACE participants.
- Mr. Campion (DA's office) and Mr. Cashion (PD's office) said that they appreciated the program, and that they could handle more participants.
- Judge Morse said that his schedule was flexible enough to allow time for more PACE hearings.
- The Judicial Council provided funding to ISER for interns to enter the data for the first 29 probationers, including their history of probation revocations in the past year. The interns will enter data about new participants, and about a randomly selected control group. The Council will fund ISER's analysis of data about all of the participants, with a report scheduled for May.

PACE plans for expansion

Because the data from the Anchorage pilot project tracked the Project HOPE data so closely, and because expansion appeared feasible from the standpoint of each agency's workload, the PACE team agreed to add more participants in the next three months, with a goal of seventy participants. As of November 8, Probation had identified 37 more people, which includes a participant group of fifteen, a control group of fifteen, and seven additional probationers who could fill in if one or more of the participants becomes ineligible before the scheduled warning hearings. The team set warning hearings in November for November 1 (four probationers), November 9 (seven probationers), and November 16 (four probationers). No new probationers will be added in December because of reduced staff in all agencies during that month.

Judges and other criminal justice agency staff people throughout the state have expressed strong interest in the pilot program. At its November 3, 2010 meeting, members of the Criminal Justice Working Group emphasized the pilot nature of Anchorage PACE, and were encouraged by the interest in the program. Members agreed to the following time table, which allows time for a preliminary evaluation of the program before its expansion to other communities.

Time line for PACE

- November 2010: PACE will add 15 new probationers, randomly selected from a group of 37 identified by Probation. The remaining probationers will comprise a control group.
- December 2010: No new probationers added to PACE.
- January 2011: Fifteen more probationers added, again randomly selected from a group of at least thirty identified by Probation.
- February 2011: Ten to fifteen more probationers added.
- March - May 2011: Data collected on all probationers in program.
- End, May 2011: Preliminary evaluation of Anchorage PACE published.
- June 2011: Court and CJWG stakeholders may consider expanding PACE to other communities.