

Changes to Pretrial in Alaska

What You Need to Know

On January 1st, 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.

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.

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