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Alaska Pretrial Intervention Found Successful

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Complete report: Evaluation of the Alaska Pre-Trial Intervention Program

Related article: Alternatives to Incarceration: Suggestions from the Past (Winter 1993)

Schafer, N.E. (1988). "Alaska Pretrial Intervention Found Successful." *Alaska Justice Forum* 5(3): 1–2, 7 (Fall 1988). The Alaska Pretrial Intervention (PTI) project of the Alaska Department of Law was intended to provide an alternative to full prosecution in cases where the nature of the offense did not appear to warrant such prosecution. This article reports findings of a study conducted by the Alaska Justice Statistical Analysis Unit evaluating the PTI program's success, and concludes that the program succeeded according to a number of factors.

From 1983 to 1986, the Alaska Pretrial Intervention (PTI) program provided diversion services in thirteen locations throughout the state. The program operated under the aegis of the Alaska Department of Law, a state agency headed by the Attorney General, which has as one of its primary responsibilities the prosecution of persons accused of criminal behavior in the state.

A recent study completed by the Alaska Justice Statistical Analysis Unit at the Justice Center indicates the program functioned successfully according to several factors: it met its own objectives, it lived up to the expectations of community groups, and it successfully intervened in the potential criminal behavior of a large portion of its clients.

The PTI program was intended to provide an alternative to full prosecution in cases where the nature of the offense behavior did not appear to warrant such prosecution. The objectives of the

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program were: (1) to provide prosecuting attorneys with a viable alternative to formal processing within defined criteria and guidelines; (2) to provide rehabilitative services to Alaska residents charged with essentially non-serious first offenses; and (3) to provide restitution either to the victim through reimbursements for monetary damages or to society through performance of community service. Program guidelines stipulated that non-prosecutable cases could not be referred to the program.

The Department of Law built an evaluation component into the PTI program in order to assure that it was operating in the best interest of the community, the victim and the defendant. While internal program evaluations are often geared toward self-perpetuation, the Alaska Department of Law was committed to the accumulation of information to be used for program improvement and hence, at program initiation, incorporated ongoing program evaluation by an independent agency. This evaluation effort involved the Justice Center of the University of Alaska Anchorage from the beginning. As part of its evaluation of a pilot PTI program in Anchorage the Justice Center had identified the types of data needed for statewide evaluation, designed data collection instruments, and formulated the processes and procedures necessary for the generation of program evaluation information.

PTI personnel worked with Center researchers to develop standardized data forms and design a structure for continuous data collection, verification, and computer storage and processing. As a result of its involvement throughout the life of the pretrial program in Alaska the Justice Center accumulated a complete computerized data base for the program, which included extensive client and program information.

While the data were used to generate annual aggregate information for the use of PTI staff, the Department of Law, and policymakers, no analysis of the complete data set was completed until 1988. At that time, a grant from the Bureau of Justice Statistics provided funds for the merging of yearly data files and the addition of new data.

With the assistance and cooperation of the Alaska Department of Public Safety, criminal history data were added to the data base so that recidivism factors could be included in the evaluation.

The primary goal of the PTI program was to provide an alternative to full prosecution in cases where the offense behavior seemed to warrant it. Pretrial diversion programs in other states have frequently been found to result in "net widening"; i.e., these programs did not remove offenders from the system but added offenders to it by referring to the program individuals who would not have been prosecuted, usually

Pretrial Intervention Program Client Profiles

Age			
Mean		26.05	
Median		23.0	
Range		17-66	
Sex			
		#	%
Male	1402		75.2
Female	463		24.8
Total	1865		100.0
Race			
White	1297		69.5
Black	94		5.0
Native	398		21.3
Other	76		4.1
Total	1865		99.9
Marital Status			
Single	1024		54.9
Married	538		28.8
Divorced	230		12.3
Separated	52		2.8
Widowed	19		1.0
Unknown	2		.2
Total	1865		100.0
Education			
No High School	468		25.1
GED	224		12.0
H S Diploma	719		38.6
Some College	345		18.5
AA Degree	43		2.3
BA Degree	32		1.7
Graduate work	34		1.9
Total	1865		100.1
Employment			
Full-time	763		40.9
Part-time	257		13.8
Unemployed	595		31.8
Other (student homemaker, retired, etc.)	250		13.5
Total	1865		100.0
Offense Type			
Felony	688		36.9
Misdemeanor	1177		63.1
Total	1865		100.0
Record			
Prior	677		36.3
None	1188		63.6
Total	1865		99.9
Type of Attorney			
None	517		27.7
Private	463		24.8
Public defender	767		41.1
Court appointed	114		6.1
Unknown	4		.3
Total	1865		100.0

because of inadequate evidence, even if there had been no diversion program. With the exception of one offense category, the Alaska PTI program did not appear to result in net widening. Three variables underscore this conclusion: the percentage of clients charged with felonies (39.9% of all clients), the percentage of clients with prior

records (36.3%), and the types of offenses for which clients were referred.

Although the PTI program was intended for those charged with non-serious first offenses, program guidelines permitted referrals of defendants with prior records and/or defendants charged with felonies rather than misdemeanors. That prosecutors chose to refer a substantial number of people from both these groups to the diversion program suggests that PTI was used to provide a genuine alternative to further processing, thus reducing the burden on the Alaska criminal justice system.

Five offense categories accounted for nearly 75 per cent of all PTI intake offenses: theft (N=530), drug offenses (N=227), burglary/trespass (N=206), assault (N=205), and underage drinking (N=204). The offenses were categorized for easier presentation of the data. Within these categories are several degrees of seriousness. The burglary/ trespass category included 15 charges of burglary in the first degree, a Class B felony; 112 charges of burglary in the second degree, a Class C felony; and 79 counts of criminal trespass, a misdemeanor. Referral decisions were made on a case-by-case basis. Of particular interest is the large number of clients charged with underage drinking, which has been a Class A misdemeanor in Alaska since 1983. Since these offenders have traditionally been treated with a warning or a summons to appear rather than with arrest, the appearance of this charge among the top five in the data set suggests net widening, for this offense. If this is so, it is true at only one PTI location, since 88.0 per cent of the PTI clients charged with underage drinking were in the Fairbanks PTI office. Although pretrial diversion in Alaska operated under a state agency and standard guidelines, local policies and concerns necessarily colored some referral decisions.

Since successful completion of the program results in dropped charges and no conviction record, pretrial diversion is viewed as a lenient disposition for those charged with crimes. In some programs in other states this option is offered more often to erring middle class offenders than to minority or poor offenders. In Alaska the Advisory Committee on Minority Sentencing Practices (1980) urged increased use of diversion to alleviate discrimination in sentencing. Several variables lead to the conclusion that pretrial diversion fulfilled this goal. Its services were made available to a broad spectrum of Alaska residents: to the young, the old, the unemployed and underemployed, high school dropouts, etc. Alaska Natives were represented among PTI clients in greater numbers than their proportion in the general population (16.9%). Since they are also disproportionately represented within the Alaska Department of Corrections, it can be inferred that Alaska Natives were referred to the PTI program to avoid further processing which would have resulted in probation or incarceration.

A variable which can be used to measure either net widening or restricted access to a lenient option is type of attorney. The data on this variable suggest that PTI referrals were made for unrepresented clients and for clients of both private attorneys and public defenders. Neither legal characteristics nor social or demographic characteristics appeared to have played a role in prosecutors' decisions to refer defendants to the program.

The Pretrial Intervention program met the needs of crime victims by overseeing the payment of \$435,081 in restitution. It met community needs by enabling breadwinners to remain employed and by providing more than 65,000 hours of community service activities to public and/or nonprofit agencies whose needs would otherwise have gone unmet.

The PTI program met the needs of offenders both by offering a chance to avoid the stigma of a criminal conviction and by providing access to a variety of treatment programs. As part of their PTI contract, 1,233 clients (66.1%) were required to participate in treatment programs. Half were assigned to alcohol counseling programs. Because alcohol abuse is a major social problem in Alaska, this percentage is not unexpected. The remainder were assigned to drug programs, domestic violence

counseling, psychological counseling and career counseling. Their progress in these treatment programs played a role in whether or not they were favorably or unfavorably terminated from the PTI program.

Successful completion of the conditions of their PTI contracts did not necessarily mean that participants remained free of criminal involvement after program termination. The addition of criminal histories to the PTI data file facilitated a look at rearrest as a measure of client "success." In order to assure a follow-up period of more than one year all clients whose intake year was 1986 were eliminated from the recidivism sample. Of the 1,753 clients remaining, more than two-thirds had not recidivated (N=1,179). The recidivism rate of 32.7 per cent is slightly higher than that reported in many studies of pretrial diversion programs elsewhere, but it should be noted that the Alaska policy of referring only prosecutable cases probably contributed to the likelihood of recidivism. Most studies with which it might be compared measured recidivism after a follow-up period of fewer than two years. Since 67.3 per cent of PTI clients remained crime-free in the community for 2 1/2 to 5 years after referral, the program in Alaska can be deemed as effective on this measure as other programs reported in the literature.

Certain factors which characterized the Alaska program might prove instructive in the development of other pretrial diversion programs. Primary among these were its inclusion of an external evaluation component from the outset and its location under a state prosecutorial agency. Placement under a state prosecutor, with carefully articulated referral guidelines, forestalled net widening. The evaluation component permitted the accumulation of data necessary for program monitoring, assessment and policy decisions.

The complete study, "Evaluation of the Alaska Pretrial Intervention Program," from which this article is adapted, is available at nominal cost through the Justice Center, University of Alaska Anchorage.

