
Anchorage PACE Probation Accountability with Certain Enforcement

A Preliminary Evaluation of the Anchorage Pilot PACE Project

September 2011

Teresa W. Carns (AJC) and Dr. Stephanie Martin (ISER)

Contact:

Larry Cohn, Executive Director
Alaska Judicial Council
1029 West Third Avenue, Suite 201
Anchorage, AK 99501

(907) 279-2526
www.aj.state.ak.us

Acknowledgments

The impetus to create the PACE program as a pilot project in Anchorage came from the Department of Corrections. In October of 2009, then-Special Assistant to the Commissioner, Carmen Gutierrez, assembled stakeholders from the Division of Probation, the Alaska Court System, the Anchorage Police Department, the Anchorage offices of the district attorneys, public defense and Office of Public Advocacy, and other stakeholders to discuss the possibility of following the HOPE model to reduce the significant problems caused by increasing numbers of petitions to revoke probation. The team researched the HOPE model, considered the feasibility of carrying out a similar program in Anchorage, went to Hawaii for training, and in July of 2010 inducted the first PACE probationers. Since then, they have spent substantial time and effort to make PACE a workable program.

We would like to recognize the contributions of Keith Thayer and Jo Ann Wallace, supervisors in the Anchorage Probation office; Kim (Matt) Matthews and Rebecca Tuominen, the probation officers who have worked with all of the PACE participants; Judges William Morse and John Suddock who have heard the PACE cases; Tiffany Harkleroad and her criminal court clerk staff who have handled the paperwork; Clint Campion and Emma Haddix, Assistant District Attorneys; John Cashion, Assistant Public Defender; Brendan Kelly, Office of Public Advocacy; Sgt. Chris Jones and Lt. Richard Stouff of the Anchorage Police Department who assured the service of arrest warrants; and Judicial Services, the office that handled the PACE probationers when they were in custody. Research interns Leigh Coppola and Katherine Jackstadt invested many hours working with ISER to compile the data for the report.

Judge Steven Alm and the Hawaii HOPE stakeholders provided support, encouragement and training that made the project possible, and Dr. Angela Hawken's work was a model for this evaluation.

Table of Contents

Part 1: Background.....	1
A. Introduction.....	1
B. Description of PACE.....	1
1. Background.....	1
2. Program.....	2
3. Stakeholder roles.....	3
4. The PACE process.....	3
C. Evaluation Methodology.....	4
1. Outcome measures.....	4
2. Study subjects and controls.....	4
a. Pace participants.....	4
b. Control probationers.....	5
3. Data.....	5
4. Analysis and report.....	6
Part 2: Findings.....	7
A. Drug use appeared to drop after beginning PACE.....	7
B. The majority of PACE participants had no drug test failures during the first three months.....	9
C. PACE participants had more recorded probation violations after starting the program, an expected result of PACE.....	10
D. Three PACE participants were arrested on new charges during the three months after starting the program.....	11
E. Not enough data were available to measure other outcomes.....	12
Part 3: Conclusions and Suggestions.....	13

Anchorage PACE Pilot Evaluation

Part 1: Background

A. Introduction

On July 12, 2010, Anchorage judges conducted the first warning hearings for the initial group of twenty-nine probationers assigned to the PACE – Probation Accountability with Certain Enforcement – pilot program. Modeled after Project HOPE in Hawaii,¹ Anchorage’s PACE added another fifty-one probationers between November 2010 and February 2011.² This report describes the progress of the program, and the data on outcomes collected between July 2010 and June 2011.

B. Description of PACE

1. Background

In October 2009, the Department of Corrections, Anchorage judges, attorneys and others began to discuss the increasingly unmanageable number of probation violations filed monthly in the Anchorage superior court.³ About 25 petitions each week to revoke probation because of technical violations were being filed in the Anchorage court. These required court, probation officer, and defense and prosecuting attorney time. Probation officers believed that the process was not as effective as it could have been.

¹ Hawaii Opportunity Probation with Enforcement, started by Judge Steven Alm in 2004. See A. Hawken and M. Kleiman, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s HOPE*, 2009, for description and evaluation of the Project HOPE.

² A total of seventy-nine probationers were assigned to PACE between July 2010 and February 2011 – 29 in July 2010; 18 in November 2010; 18 in January 2011; and 14 in February 2011. Of these, the fourteen in the February group were not included in the analysis because the data were not collected due to a miscommunication. Two of the November probationers moved out of Anchorage after assignment to PACE, and no information was available for them. A total of 63 PACE inductees were available for the analysis.

³ Alaska has formal probation supervision only for offenders convicted of a felony. Although misdemeanor offenders spend time on probation, there is no formal supervision of their overall activities.

Members of the group decided to try a pilot probation monitoring and enforcement project modeled after Project HOPE in Hawaii.⁴ They consulted extensively with Judge Alm,⁵ who arranged for an Alaskan team to meet with their counterparts in the Honolulu law enforcement, court, prosecutors, probation and defense attorneys' offices.⁶ During the week of July 12 - 16, 2010, Judges Morse and Suddock who had volunteered for the program gave warning hearings to the first twenty-nine offenders. Another 50 probationers were inducted in November 2010, and January and February 2011. The November, January, and February inductees were part of a group whose members were randomly assigned to PACE or probation as usual.⁷

The pilot program was carried out with the cooperation of all of the agencies involved, and without additional resources. The size of the initial group of probationers assigned was based on the capacity of the stakeholders to assume any extra work associated with the program using only existing staff and funds for drug testing. The Alaska Judicial Council (Council) funded the evaluation, monitored the PACE progress and wrote the report. The Institute for Social and Economic Research (ISER) at the University of Alaska Anchorage collected the data and conducted the analysis.

2. Program

Probationers assigned to PACE were required to comply with all probation conditions, including random drug testing and periodic meetings with their probation officers. A positive drug or alcohol test, failure to appear for a scheduled test, or failure to attend a meeting with the probation officer were the three conditions targeted in the PACE program. If offenders failed to comply with any one of these, they were immediately arrested or a warrant was issued for their arrest. A court hearing was scheduled, usually within 72 hours. At the hearing, the judge imposed a sanction of a short jail term, generally two to three days. If the offender violated again, the process was repeated, with another sanction. The essence of the program was that every single violation that was included in the PACE program was dealt with quickly, and a sanction was imposed each time.

⁴ *Supra*, note 1.

⁵ Judge Steven Alm of Honolulu, Hawaii, designed and developed the HOPE program. See *Managing Drug Involved Probationers*, *supra*, note 1.

⁶ The Alaska Mental Health Trust Authority provided much of the funding for the training-related travel.

⁷ See Methodology *infra* for discussion of the difficulties with the control group.

Probationers were not allowed to opt out of the program. If they completed two months without violation, the frequency of testing was usually reduced. One or more additional violations typically resulted in an increased emphasis on treatment, or in other actions by the court. Probationers did not return to court unless they were arrested; there were no scheduled status hearings as are used in the therapeutic courts.

3. Stakeholder roles

Each offender was required to attend a warning hearing set before one of the project judges. After that, the judge only saw the offender if a warrant was issued for the offender's arrest because of violation of a condition. If the offender was arrested for a new offense, the new charges were handled through regular court channels, generally without involving the PACE judges.⁸

Defense attorneys, prosecutors, and probation officers participated in any scheduled sanctioning hearings. The Anchorage Police Department made serving PACE warrants a top priority, and was responsible for most of the warrants served. The Alaska State Troopers and the federal marshals also assisted with the program, as needed. The Department of Corrections supervised all violators and incarcerated all offenders.⁹ The Department made handling the pilot PACE program one of its top priorities, and expedited any actions associated with PACE probationers.

4. The PACE process

A stakeholder group that included courts, corrections, defense and prosecution, law enforcement, and the project evaluators met monthly starting in January of 2010 through May of 2011. The team continued to meet as needed to resolve issues of substance or procedure that arose during the project's operations. A wide range of issues – such as probationers moving out of town to avoid the program, court clerk workloads, criteria for assignment to the program – were dealt with by the PACE team. The PACE process was documented with public reports of the meetings. Stakeholders cooperated throughout the project to resolve problems and assure the program's effectiveness.

⁸ The judges assigned to PACE normally handled only civil cases.

⁹ Alaska has both a unified corrections system with no local or county jails, and a unified court system, with no local or county courts.

C. Evaluation Methodology

1. Outcome measures

To assess the effectiveness of the PACE program, stakeholders agreed to measure change in several outcomes:

- Number of positive or refused drug tests;
- Number of missed drug tests;
- Number of missed appointments with probation officers;
- Number of probation revocations;
- Number of new arrests/charges;
- Number of incarceration days served; and
- Number of positive or failed alcohol tests.

Other purposes of the project were to a) determine the extent to which the Division of Probation electronic databases would be useful for subsequent evaluations of PACE and other evidence-based programs that the Department of Corrections was interested in using to achieve its goals of rehabilitation and protection of public safety;¹⁰ and b) identify any obstacles to a large scale evaluation.

2. Study subjects and controls

a. Pace participants

The criteria for assignment to the program (or control group) were that the probationers be identified by the Anchorage probation office as at risk for a probation revocation for not complying with conditions of probation; that they have drug or alcohol testing as a specific condition of probation;¹¹ and that they not be on parole.¹² The final evaluation set of 63 PACE

¹⁰ Evaluators and the Department of Corrections knew that it would be necessary to use paper files for some aspects of the data collection for this project.

¹¹ The data showed that 94% of the final PACE evaluation group had a condition of no drug use, and 86% were required by the original probation conditions to subject to drug testing. Ninety-seven percent had a condition of no alcohol use or no use to excess, and 35% had a condition of alcohol testing.

¹² Additional criteria included that the probationers not be on the specialized probation supervision caseloads for sex offenders or offenders with mental health issues, and that they not have any active probation revocation petitions outstanding.

participants included 42 males and 21 females.¹³ The mean (average) age was 33.7 years old. Sixty-six percent of the PACE participants were Caucasian, fifteen percent were Alaska Native/American Indian, and the others were Asian-American or Black.

b. Control probationers

The PACE team experimented with identifying and tracking a randomly assigned control group for the project. For each of the PACE groups inducted between November and February, the probation office identified twice as many people as were expected to be PACE participants. ISER randomly assigned one-half of each group to PACE and the other half to the control group. There were no statistically significant differences on the characteristics of age, gender, and ethnicity between the two groups.

One of the more important findings of the pilot project was that the control group was too difficult to track to provide useful data. While the PACE participants all were supervised by two experienced probation officers, the control group members continued with their ten previously assigned probation officers.¹⁴ The PACE officers were meticulous record-keepers while the other officers had varying degrees of ability. Research technicians had greater access to PACE participant files than to control group files, which were in use most of the time, making data collection impractical and sometimes interfering with the work of probation officers.

3. Data

The primary data for the analysis were provided by the Division of Probation. Basic demographic and case-related data came from the Department of Corrections offender management system, ACOMS.¹⁵ Data related to positive or refused drug tests were compiled from ACOMS. Most of the other evaluation-related data were collected from paper case files.

The biggest impediments to the evaluation were (1) lack of electronic data for many of the variables; (2) non-systematic reporting of appointments with probation officers, and of alcohol and drug test results for control group; and (3) omission of the February 2011 PACE participants from the analysis because of a miscommunication between the evaluators and data

¹³ Two of the probationers originally in the PACE evaluation set were not in the program long enough to compile data about their experience, because they moved to other communities in the state where PACE supervision and testing were not available.

¹⁴ Starting in about February, the control probationers were reassigned to three experienced probation officers.

¹⁵ Alaska Corrections Offender Management System.

sources. ISER research technicians spent almost 500 hours collecting data for the 63 participants included in the evaluation and the control group probationers in the November and January groups. Some data were electronically available in the ACOMS database but inconsistencies between what was reported in ACOMS and in written documents resulted in the study using paper files as the primary data source for most information. This evaluation did not include alcohol violations, missed appointments, or incarceration days because consistent data were missing for many or all of the participants during the three months prior to their induction into PACE, and for all of the controls. Lack of data and inconsistent reporting also made justification of selection into PACE difficult.

Data compiled about each participant and control group probationer included date of birth, ethnicity, gender, offense of conviction, and relevant probation conditions. To measure outcomes, data – when available – were entered about missed appointments, drug tests, alcohol tests, new charges, new arrests, and new probation violations, during the three months prior to entry into PACE or designation as a control, and during the first three months after entry into PACE.

4. Analysis and report

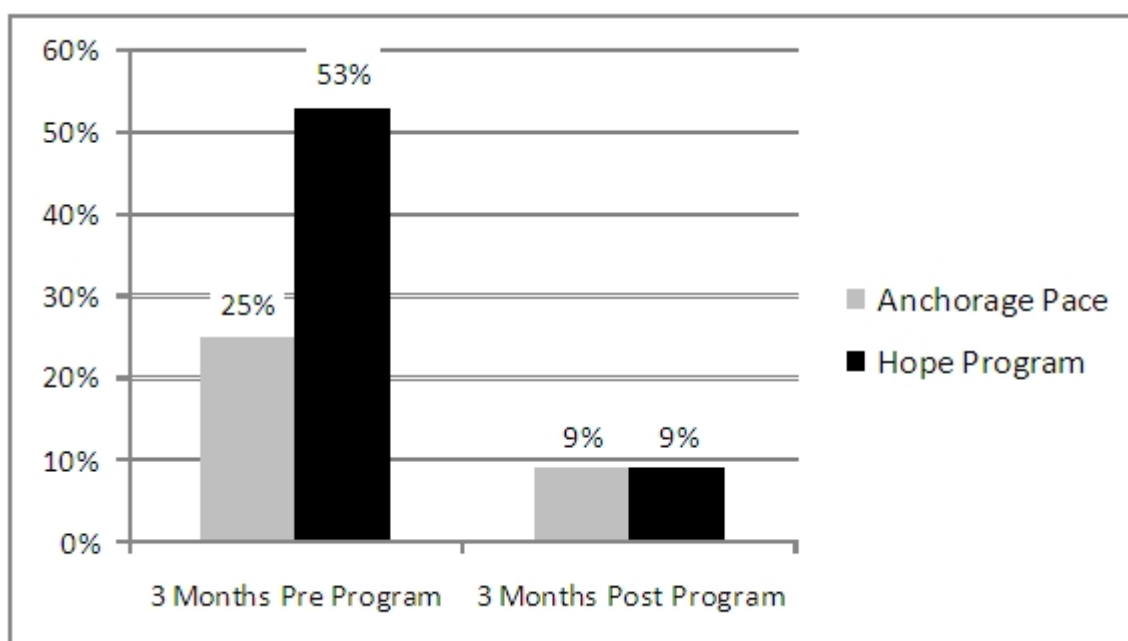
Data were analyzed by ISER, using SPSS programs. The analysis focused on the outcomes for the variables for the PACE participants during the first three months after entry into the program, as well as during the three months prior to their participation with PACE. The analysis also looked at how many violations were accumulated by each probationer. Because of the difficulties in accumulating any information about the control group, the data have been analyzed and reported without reference to controls.

Part 2: Findings

A. Drug use appeared to drop after beginning PACE

- Drug use by PACE participants, as measured by positive tests, appeared to decrease substantially during the three months following induction into PACE. PACE participants failed 25% of the 157 drug tests performed during the three months prior to starting the program. They failed 9% of the 587 tests conducted during the three months after the program.¹⁶

Figure 1
Anchorage PACE participants positive drug tests compared to HOPE¹⁷ positive drug tests, first three months after starting the program



- The comparable data from the Hawaii HOPE program evaluation showed a similar pattern, with the percentage of the average number of positive drug tests dropping

¹⁶ Paired t-test, $t=2.833$, $p=0.006$.

¹⁷ Figure 1 compares HOPE and PACE data about drug tests for three months pre-and post starting the respective programs. For purposes of this report on PACE, we have reproduced only the HOPE results for HOPE probationers during the three months prior to beginning HOPE and the three months after beginning HOPE. The original Figure 1 in the Hawken report, supra note 1, has information about the HOPE control group, and information about drug test (urinalysis) results for six months after starting HOPE.

The following note was associated with Hawken, Figure 1, and is replicated here for completeness. “Note: Data are from PROBER. For comparison probationers, data reflect urinalysis results for regularly scheduled UAs. For HOPE probationers UAs include regularly scheduled tests, and random testing. Pre (3m) refers to the average number of positives UAs in the three months before the study state date (baseline). Follow-up (3m) refers to the average number of positive UAs in the three-month period following baseline and Follow-up (6m) refers to the average number of positive UAs in the six-month period following baseline.”

substantially after the program started (in HOPE, the drop was from 53% of the probationers with positive tests before to 9% with positive tests after).¹⁸

- There were insufficient data to evaluate missed drug test appointments for PACE participants. It is possible that probationers missed drug test appointments because they knew that they would have positive results. It is difficult to assess the overall finding of a reduced number of positive drug tests without also having the data about missed drug test appointments.

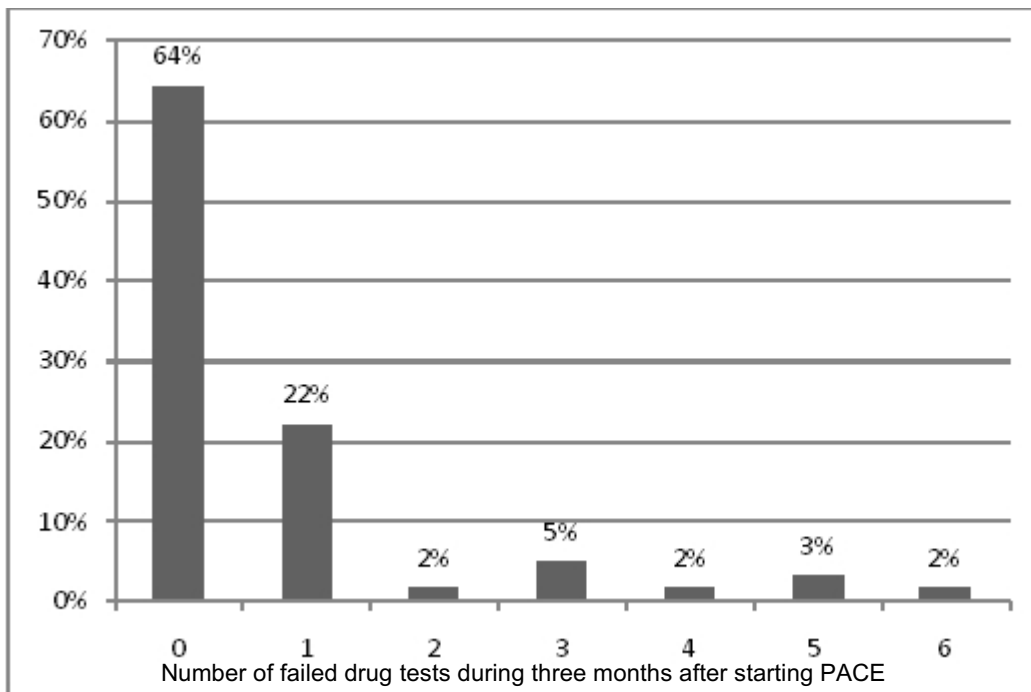
¹⁸ Hawken and Kleiman, *supra* note 1, Figure 1, page 18.

B. The majority of PACE participants had no drug test failures during the first three months

- Of the 59 probationers in PACE with drug use conditions, 64% (N=38) had no drug test failures at all during the three months after admission to PACE, compared to 20% of the same probationers during the three months prior to PACE with no drug test failures. Of the 36% (N=21) with failed drug tests, 62% (N=13) failed only once.

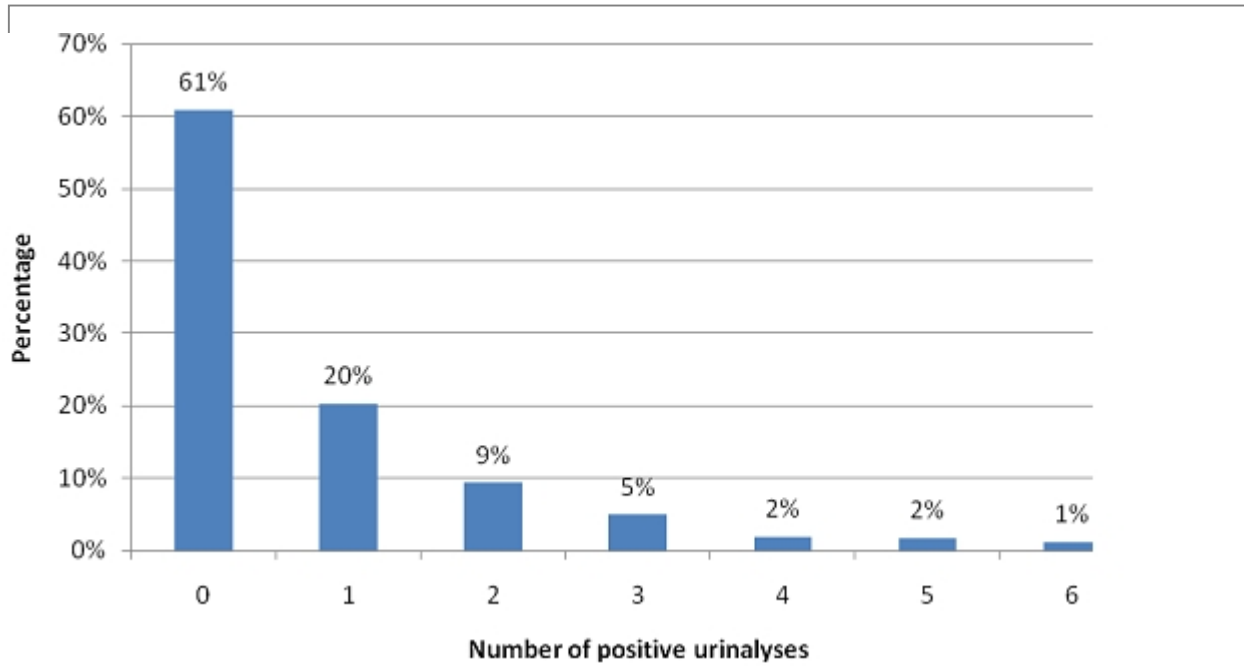
Figure 2

Number of failed drug tests for PACE participants with drug use conditions in three months after PACE



- The comparable data from the Hawaii HOPE program for a 12-month period (Figure 3) show a similar pattern, with the majority of HOPE participants having no failed drug tests, 20% having only one failed drug test, and small numbers having two or more failed drug tests. Although the pattern is similar, it is important to note that the data from PACE are for a three-month period while the HOPE data were recorded over a twelve-month period, four times as long.

Figure 3
HOPE:* Number of failed drug tests in 12 -months



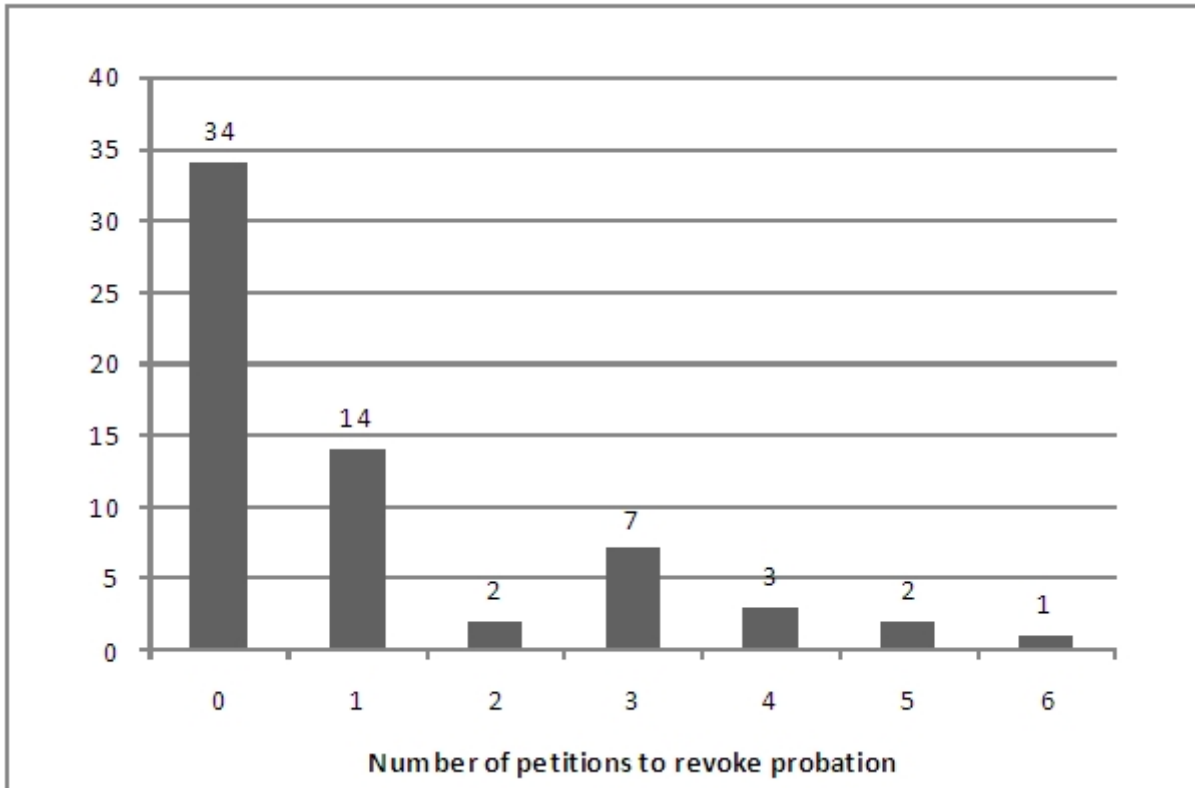
* This chart replicates Figure 2 in the Hawken/Kleiman report, supra, note 1.

- The lack of sufficient data to measure missed drug test appointments could also have affected this finding.

C. PACE participants had more recorded probation violations after starting the program, an expected result of PACE

- The 63 PACE participants had a total of 40 petitions to revoke probation filed against them during the three months prior to starting PACE, and a total of 67 petitions to revoke probation filed against them during the three months following their induction into PACE.
- A slight majority of the PACE participants did not have any petitions to revoke probation filed during the three months after they started PACE compared to a slight majority who had at least one petition before they started PACE. Otherwise the patterns to revoke probation during the pre- and post- periods were similar, with a few probationers who had several petitions. That a slight majority had no petitions filed after starting PACE suggests that the program was effective, although that cannot be firmly concluded without a more rigorous evaluation. The following figure shows the distribution of petitions to revoke probation during the three months after starting PACE.

Figure 4
Petitions to revoke probation, during the three months after starting PACE



One of the most important features of PACE was the requirement that probationers be sanctioned for each violation of probation that was targeted in the PACE program, in contrast to the usual procedure of filing a petition to revoke probation after several violations. The premise on which the program was built, therefore, led to an expectation of an increase in petitions to revoke probation.

D. Three PACE participants were arrested on new charges during the three months after starting the program

One person in the PACE evaluation group was arrested four times for new offenses during the three months following induction into PACE. Two PACE participants were arrested for new charges one time each. Other PACE participants were arrested on new charges after the three-month measurement period had elapsed. Data about arrests during the three-month period

prior to entering PACE were not available to determine whether this finding showed improvement.

E. Not enough data were available to measure other outcomes

Several outcomes – missed appointments for drug tests, missed appointments with the probation officers, positive alcohol tests, and incarceration days – could not be measured because of insufficient data. The discussion above, in the Methodology section, outlines some of the reasons for this.

Part 3: Conclusions and Suggestions

PACE appeared to be successful at reducing positive drug tests. Data showed that the PACE group did significantly better during the three months after starting PACE than they did during the three months prior. Data about missed drug test appointments would help verify this finding.

Sixty-four percent of the PACE participants had no drug test failures at all, compared to 20% of the same probationers who had no failed drug tests during the three months prior to starting PACE. About 36% of PACE participants had one failure. About one-quarter of them had only one failure. Only 14% had two or more failures. This pattern tracks closely that found in the study conducted of HOPE participants in Hawaii. Again, including missed drug test appointments in the data would help to assess the importance of this finding.

Fifty-four percent of the PACE participants did not have any petitions to revoke probation filed against them during the test period. Twenty-two percent had only one petition to revoke probation filed against them during the three months after starting PACE. The patterns for the number of petitions filed per probationer were similar during the pre and post periods, with only a few probationers having three or more petitions filed in each period. Although the PACE probationers (as a group) had more petitions filed after beginning PACE than before, this was an expected outcome of the program.

The positive drug tests, new petitions to revoke probation filed, and new arrests were concentrated among a few PACE participants. This followed the HOPE model. In the evaluation of HOPE, the authors stated, “HOPE identified a small minority of probationers who did not desist from drug use under sanctions pressure alone. This ‘behavioral triage’ function – identifying those in need of treatment by documenting their actual conduct rather than relying on assessment tools – is an independent benefit of HOPE processing.”¹⁹ The control group, to the extent that data were collected, also appeared to also have a few offenders who were responsible for most of the violations. However, because those violators were not monitored as closely as the PACE offenders, their violations were not dealt with as quickly.

The data available were insufficient to track many of the other outcome measures that were planned for the pilot evaluation. The data available for the evaluation were not enough, particularly for the randomly assigned control group, to analyze prior criminal history, probation violations that did not result in a revocation, new arrests, and days of incarceration. One of the purposes of the project was to determine what data were available for evaluation. The present

¹⁹ Hawken and Kleiman, *supra* note 1, Figure 1, pages 19-20.

evaluation of the pilot project showed that data were inadequate, despite considerable efforts on the part of some of the Division of Probation staff to assist in compiling data.

Miscommunications did occur and the data collection process should be carefully monitored in future projects.

Future evaluations of the Anchorage PACE project and similar projects in the state should provide for more rigorous evaluations. Central to the state's ability to adequately evaluate the effectiveness of PACE are:

- Assignment of both participants and controls to a few probation officers with the ability to meticulously record all information needed for the evaluation.
- Limitation of the outcome variables to clearly defined, unambiguous measures.
- Provision of electronic means to record data rather than relying primarily on paper files. This could be done by providing a module in the Department of Corrections ACOMS management information system for entering data for all probationers, with the needed fields for this type of evaluation included.
- An opportunity for a longer-term evaluation that can assess the outcomes for PACE participants during a follow-up period after they have completed probation.
- Inclusion of a unique offender identification number that is common to other state justice information systems so that more data are available for each offender.²⁰

²⁰ State agencies have agreed to use the APSIN ID number as the common identifying number for all defendants, and a project is underway to implement the conceptual agreement.