

Pre- and Post-Trial Laws & Processes  
**Staff Notes March 16, 2015, 3:00 PM to 4:30 PM**  
Attorney General's Office, 1031 W. 4th Avenue, 5th floor, Room 502, Anchorage

**Commissioners attending:** Stephanie Rhoades, Quinlan Steiner, Trevor Stephens (web), Ronald Taylor (phone)

**Staff Present:** Susanne DiPietro, Giulia Kaufman

**Participants:** Bob Linton, Nancy Meade (part of mtg.; phone), Steve Williams (part of mtg; phone)

**Future Meetings:** **Tuesday, April 28, 2015, 1:30 PM to 3:30 PM**

*The meeting opened at 3:15 p.m.*

**Follow up from parole issues from last meeting –any action items?**

The group discussed that 503 people were eligible for discretionary parole, but the Executive Director of the Parole Board pointed out that some had not applied, many of whom were eligible but not likely to be granted discretionary parole because of the seriousness of the offense. Commissioner Taylor said he would expect to see only about 50 of those 500 actually apply.

Steiner brought up the issue of dual supervision of offenders who are simultaneously on probation and parole. He pointed out that these people have to follow two separate sets of rules that are often similar but not identical, and this is often overwhelming and confusing. In his experience, almost everyone who comes to the PDA for representation on a petition to revoke probation is also on parole. These violations must be litigated both in court and before the parole board. Commissioner Taylor and Linton pointed out that because of this system, people get “double credit” for any time that is imposed as a result of a violation. Steiner agreed to draft a proposal to combine parole and probation.

**Kentucky’s bail statute and its pretrial release program (Judge Stephens to lead discussion)**

Judge Stephens reported that he reviewed many bail studies and generally found that the OR release standard is not happening (please refer to his memo for more detail). He said that pretrial services could enable people to be released without increasing their risk of reoffending and without sacrificing public safety.

Judge Rhoades reminded the group that the largest group of offenders entering DOC custody are MICS IV.

Commissioner Taylor stated that as soon as the session ends, the DOC plans on looking into the barriers to expanding its EM program, so that EM may be used as bail alternative. Judge Rhoades pointed out that in the past EM had been used for wellness court participants on bail

status. The group discussed what it would take to build a pretrial EM program. The group decided that they wanted to hear from Billy Houser on the issue.

### **Discuss results of bail survey (previously sent)**

The results of the judge survey were sent to the group earlier. Susanne will review them for any common themes and brief the working group.

Since the DOL has not yet sent out the bail survey, Bob will follow up with DOL leadership. After the results are received, staff will summarize them and identify common themes.

### **Discuss suggestions for changing the bail statute (previously sent)**

In the interest of time and with regards to the fact that the bail survey has not been completed by all entities, the discussion on changing the bail statute was postponed to the next meeting. However, Judge Rhoades encouraged commissioners and participants to review the bail statute.

### **Recommendation about Judicial Education**

Judge Rhoades suggested that judges could benefit from training on pretrial release procedures, including discussion of best practices, what is evidence-based, and the data showing that unsecured release is highly effective. The group agreed that judicial education on this topic would be a good idea. Judge Rhoades volunteered to draft a recommendation for the working group's review. The group agreed to review the recommendation by email with the goal of having it ready for the Commission's consideration at its meeting on 3/31.

### **Moving Forward**

The group decided to invite Billy Houser of DOC to discuss the parameters for using EM for pretrial release.

The next meeting is set for Tuesday, April 28, 2015, from 1:30 PM to 3:30 PM.