

ACJC Workgroup on Rural Criminal Justice Commission  
**Staff Notes and Member Assignments, January 12, 2015**  
Denali Commission, 510 L St., Anchorage

Commissioners attending: Alex Bryner, Greg Razo, Quinlan Steiner, and Terry Vrabec (tel.)  
Staff present: Mary Geddes,  
Participating: Gregg Olson, Tracy Wollenberg

**Future meetings:** **February 9, 9 to 11 a.m., Anchorage location TBD**  
•March 3, 9 - 11 a.m., Anchorage location, TBD  
•April 7, 9 - 11 a.m., Anchorage location, TBD

## **INFORMATION**

Terry Vrabec previously provided information concerning the costs to DPS for arrestee/prisoner transport. See attachment (page 4).

## **DISCUSSION**

### ***DPS Transportation of defendants***

Mr. Vrabec discussed data about the costs of prisoner transport that he had provided to the committee. In FY2014, DPS spent \$2,874,800 to move 78,356 prisoners. A slightly smaller amount is budgeted for FY 2015 (July 1, 2014 through June 30, 2015).

Mr. Vrabec said that prisoners are transported to and from their home communities at arrest, as a result of a conviction, and for hearings and trials. DPS uses its own equipment from planes to snowmachines, or pays for transportation on commercial carriers. Sometimes an offender will miss a hearing because he or she can't afford to pay for the plane fare to get to court. The judge issues a warrant and the Troopers will pick the person up on the warrant and bear the cost of getting them to court. Once an offender is in the custody of the Department of Corrections, DOC pays for transportation. He said that with greater use of technology to conduct hearings, the state could save substantial amounts of money now spent transporting prisoners.

Mr. Razo asked whether DPS kept data about how many of the people who were transported then stayed incarcerated while on bail. Mr. Vrabec said that he did not, but DOC might be able to find the information. He also said that DPS has responsibility for all pre-conviction transportation, so that it will reimburse DOC for any transportation expenses incurred. Mr. Razo suggested that in some areas, defendants now check in periodically with the VPO or VPSO, sometimes to take a breathalyzer or drug test, in lieu of having a third-party custodian. With training and the cooperation of the DA, these methods could be tried in a larger number of communities. With the cooperation of the court and available technology, more hearings could be held telephonically, also reducing the need for prisoner transport.

Mr. Olson said that the law mandates arrest in DV cases and a few other types of offenses. He noted that at first arrest, people may not be ready for a safe release because they are still drunk, angry, or otherwise a danger. Other defendants may be continually re-arrested because they don't understand the conditions of release or are unwilling to follow them.

Members discussed situations in which police can issue a citation or summons for arrest, rather than make an actual arrest. Mr. Olson said that the DA can lose up to 30 days of the Rule 45 time available to make a case if a summons is issued, suggesting that was a reason why police might prefer an arrest. Mr. Vrabec said that in misdemeanor cases an officer might issue a citation if the defendant was being cooperative. But if the defendant is not cooperating, there will be an arrest, to avoid any possible public safety problems. Members also discussed omnibus and other types of hearings, and the need for defendants to be transported for those.

Justice Bryner said that people often set up local systems that work for them, and that this knowledge should be shared throughout the state. He added that each area should be required by statute to have a local working group to discuss bail policies and practices, to compile data about them, to evaluate their effectiveness every six months, and make and document changes as needed. The group would include the local law enforcement, judge or judge-magistrate, attorneys, and probation officers (to the extent that they are involved with people on probation committing new offenses). The group would also include other local organizations such treatment programs, health workers, or monitoring organizations, tribal courts and any other group related to setting and monitoring bail performance.

### ***Data Needs***

Members discussed data collection and sharing and agreed that it would be helpful to have the coordinator of the state's MAJIC group speak with them at their next meeting. Members also thought it would be helpful to hear from each agency about what data the agency had available. Ms. Geddes suggested that the data group (Justice Bryner, Terry Vrabec, and Quinlan Steiner) might want to take on that investigation. She noted that The Trust's Steve Williams, the Justice Center's Andre Rosay, and Council staff Teri Carns also assist the data group.

Ms. Geddes summarized the meeting consensus as:

- Local officers should have more discretion at arrest for how to manage offenders for public safety and flight risk;
- Statutes that exclude categories of people from citations should be reconsidered to provide broader scope for summonses;
- There should be an organized discussion of the ways that different communities within and outside of the state handle bail releases
- Lisa Fitzpatrick should speak with the group about the magistrate-judges, their resources and practices; and
- The group would like to have more information about the Southeast Conference and its activities and goals.

### ***Bail survey and other methods of outreach and input***

Ms. Geddes said that a subcommittee of the Pre-and Post-Trial Law and Processes workgroup was developing a survey for DAs, public attorneys, and judges about bail practices throughout the state. She asked members with thoughts about it to contact Bob Linton directly.

Mr. Razo said that he wanted to hear directly from people affected by court and law enforcement practices in the rural areas. Justice Bryner suggested that local people could inform the commission about areas that the CJC should be paying attention to. He also said that the substantive committees of the CJC were making proposals that would affect people in urban and rural areas differently, and that rural voices should

be heard about those ideas. He used proposed changes to felony drug possession laws and the proposal to reduce many of them to misdemeanors as an example of something that the rural areas believe will have much different consequences for them. Mr. Razo and Justice Bryner agreed that the information was two-way – people also needed to know that the ACJC was functioning, and what its goals were.

### ***AFN Priorities***

Mr. Razo said that the Alaska Federation of Natives had decided to consider justice system issues in depth this year, including domestic violence, sexual assaults, and fairness of courts and legal processes. Justice Bryner said that the ACJC also needed to discuss the role of tribal law and tribal courts and entities. Mr. Razo read a resolution that has been pre-filed by Rep. Bryce Edgmon that cites all of the previous reports about Alaska Natives. He said that all of them concur in the recommendation that local governments must be strengthened. He suggested that Rep. Edgmon or his staff could give the CJC insight about the next steps that are planned for the resolution, and ways in which the CJC might play a role.

Mr. Olson noted that even with legislative and executive branch support for stronger local governments many lack the resources to act. Members discussed Justice Reinvestment approaches, and the availability of grants and other funding.

### ***Future Planning***

Ms. Geddes summarized the proposed agenda for the next meeting, which would include:

- Presentations and or participation from Tanana Chiefs, possibly from Magistrate Judges McLain (Galena), Jackson (Kake), Lewis (Nome); Lisa Fitzpatrick (Court judge-magistrate coordinator); and Helen Sharratt (MAJIC).
- Review of results of bail survey.
- Further discussion of rural outreach.
- The Rep. Edgmon resolution and CJC response/action.

Members agreed on the next meeting dates. (Listed on page one) The meeting adjourned at 11:00 a.m.

Notes by Teri Carns

## ATTACHMENT

MEMO FROM TERRY VRABEC Sun 12/21/2014 5:53 AM

DPS TRANSPORT COSTS

Good Morning Mary,

I am traveling again but since I had some time at the airport I thought I would catch up on some projects. At our meeting this last week I promised to get you info on what DPS spends on prisoner transports. The numbers are huge, our Commission will be amazed! And these numbers don't include some of the DOC costs for transporting even though we do have DOC help us sometimes and cover their costs. Before I give you the numbers keep in mind that everytime someone gets arrested and if they need to go to the jail, or court, we are mandated to provide that transportation. We use our own resources sometimes (airplanes, boats, cars, 4-wheelers) but also use commercial companies often. There is also the issue of when we have to transport a prisoner or fugitive to or from an outside state. (DOC should have those numbers of the prisoners at facilities in the lower 48).

At our meeting the topic of people not being able to afford to make it to the court house for hearings came up at our last meeting. What sometimes happens is that the person is not being disrespectful, but they cannot afford to fly to the hearing. It is very possible that they just stay where they are at, a court will issue a warrant eventually and then we will go and fly to the remote area and arrest them, thus getting them to their hearing.

Our FY2014 actuals for prisoner transportation were \$2,874.8 (\$2.9 million). We have \$2.854.2 budgeted in our FY2015 Management Plan. DPS moved 78,356 prisoners in FY2014.

I do not have the ability to break that down to whether they were moved before, during or after a conviction. The stats we have basically show that a prisoner was transported. Sometimes a transport could be just across town, but sometimes it could involve days of travel with multiple types of transportation.

After you go over this let me know if you have more questions. And of course this can be shared with our group.

Thanks, Terry