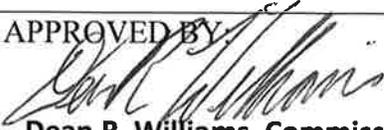


STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Pretrial Enforcement		PAGE: Page 1 of 2
	CHAPTER: 1300	NUMBER: 1300.04	P&P TYPE: Public
	TITLE: Defendant Rights And Notifications		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: 04/12/18
ATTACHMENTS / FORMS: (A.) Pretrial Defendant Intake Form. (B.) Pretrial Defendant Rights Notice.		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.16.180 AS 12.30.011 AS 33.30.011 AS 33.05.010 AS 33.30.021 AS 33.07.010-030 AS 44.28.030	

POLICY:

It is the policy of the Department of Corrections (DOC) to provide pretrial defendants with a written advisement of their rights at their initial supervision interview / contact.

APPLICATION:

This policy and procedure will apply to all Department employees, designated contractors and defendants under the supervision of the Pretrial Enforcement Division (PED).

DEFINITIONS:

For definitions of key words or phrases used in this policy and other policies concerning the Pretrial Enforcement Division (PED), please refer to DOC P&P 1300.09, Pretrial Enforcement Division Definitions.

PROCEDURES:

I. General Procedures:

As there is a presumption of innocence while a defendant is on pretrial release, at the initial supervision interview / contact, the Pretrial Officer (PO) or designated contractor shall:

- A. Provide the Defendant with a *Pretrial Defendant Intake Form* (Attachment A) to complete.
- B. Provide the defendant with a copy of the *Pretrial Defendant Rights Notice* (Attachment B) and inform the defendant of their rights which include:
 1. The right to bail;
 2. The right to due process;
 3. The right to equal protection under the law;
 4. The right against self-incrimination;
 5. The right to counsel; and
 6. The right to protection from unreasonable search and seizures.

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	04/12/23

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- C. Explain the conditions of release imposed by the court and provide the defendant with a copy of their conditions of release, if available. Officers should verify that defendants are in full compliance at the time they review the conditions of release. For example, defendants should not be approved to:
1. Return to an address that is prohibited by the conditions of release;
 2. Associate with any restricted individuals; or
 3. Be in possession of any prohibited substances.
- D. Address pretrial diversion programs, if available;
- E. Remind the defendant of their next scheduled court date;
- F. With the approval of their lawyer or public defender, refer interested defendants for substance abuse screening, assessment, and treatment on a voluntary basis. Assist any defendant with accessing and obtaining appropriate treatment in the community to address those needs;
- G. Provide defendants with referrals to other services on a voluntary basis, i.e. food stamps, applications for public assistance and / or Medicare / Medicaid, resume building courses, bus passes, cab vouchers, IDs, etc.;
- H. Record in the DOC offender management system the defendant's address, telephone number, place of employment, and the relationship of other person(s) residing with the defendant, as well as any other information the PO or contracted designee deems pertinent; and
- I. Take a digital photograph of the defendant if a current photograph is not already available in the DOC offender management system.
- J. Enter a case update in the DOC offender management system verifying that all of the steps listed above were completed and are up to date.

II. Initial Supervision Interview / Contact Record:

The PO or designated contractor shall document the aforementioned information in the DOC offender management system.

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	04/12/23