



<b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Pretrial Enforcement</b>		PAGE: Page 1 of 2
	CHAPTER: <b>1330</b>	NUMBER: <b>1330.02</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Conditions Of Release</b>		
	APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>04/12/18</b>
ATTACHMENTS / FORMS: <b>(None.)</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155 AS 33.30.011</b> <b>AS 33.05.010 AS 44.28.030</b> <b>AS 33.07.010-030 DOC P&amp;P 1320.02</b> <b>AS 33.16.180</b>	

**POLICY:**

- I. It is the policy of the Department of Corrections (DOC) that after arrest, individuals found to meet certain specified criteria shall be released from custody under court-ordered conditions of release until their court proceedings are concluded and adjudication has been determined.
- II. It is the policy of the Pretrial Enforcement Division (PED) to have in place uniform procedures for the recommendation, to the court, of conditions of release for pretrial defendants.

**APPLICATION:**

This policy and procedure will apply to all Department employees and designated contractors.

**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. Pretrial Release Condition Recommendations:
  - A. In all cases, recommendations for general conditions of release will minimally include a condition that the defendant attend all court proceedings as ordered and a condition that the defendant not engage in new criminal activity (NCA).
  - B. In addition, PED should recommend the least restrictive release conditions necessary to reasonably ensure the defendant's appearance in court and public safety.
  - C. In determining the conditions of release, the court shall consider the following:

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1. The nature and circumstances of the offense charged;
2. The weight of the evidence against the defendant;
3. The nature and extent of the defendant's family ties and relationships;
4. The defendant's employment status and history;
5. The length and character of the defendant's past and present residence;
6. The defendant's record of convictions;
7. The defendant's record of appearance at court proceedings;
8. Assets available to the defendant to meet the monetary conditions of release;
9. The defendant's reputation, character and mental condition;
10. The effect of the offense on the victim, any threats made to the victim, and the danger that the defendant poses to the victim;
11. The conditions of release recommended by Pretrial Officers (PO);
12. The defendant's pretrial risk assessment scores (see DOC P&P 1320.02, PED Risk Assessment Instrument) calculated by Pretrial Officers, using a validated pretrial risk assessment; and
13. Any other facts that are relevant to the defendant's appearance or the defendant's danger to the victim, other persons, or the community.

II. Pretrial Release Conditions Considerations:

The following shall be taken into consideration when a PO is formulating recommendations for conditions of release:

- A. That the imposition of conditions of release does not detract from the defendant's presumption of innocence.
- B. PED shall recommend only conditions of release that, if violated, PED reasonably would be able to enforce.
- C. Conditions of release should be tailored to address pretrial risks of a particular defendant and the specifics of the charged offense(s) or previous history of substance abuse, or public safety threat.
- D. PED shall monitor and / or supervise compliance with conditions of release as necessary to implement the orders of the court.

III. Pretrial Release Conditions Types:

- A. There are three (3) types of conditions of release that PED staff may recommend to the court:
  1. General Conditions;
  2. Offense Specific Conditions; and
  3. Special Conditions (including Electronic Monitoring conditions).

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