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| | Chapter: | Reception and Orientation | | |
| | Subject: | Authority to Admit | | |

I. Authority

In accordance with 22 AAC 05.155 the Department will maintain a manual comprised of Policies and Procedures established by the Commissioner to interpret and implement relevant sections of Alaska Statutes and Section 22 of the Alaska Administrative Code.

II. References

Alaska Statutes

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|--------------|--------------|-------------------|--------------|
| AS 44.28.020 | AS 33.30.011 | AS 33.30.021 | AS 33.30.031 |
| AS 33.30.051 | AS 47.37.170 | AS 47.30.700-.705 | |

Alaska Administrative Code

22 AAC 05.005-.035

III. Purpose

To establish procedure to ensure prisoners are properly admitted to correctional institutions in accordance with Alaska Statutes, the Alaska Administrative Code, and other laws.

IV. Application

To all staff.

V. Definitions

As used in this document, the following definitions shall apply:

- A. Commitment Papers/Mittimus. The written court order committing an individual to incarceration, referred to in legal terms as in “mittimus”.
- B. Detainer. A warrant/hold on an individual in a federal, state or local correctional facility, notifying the holding authority of another jurisdiction’s intention to take custody of that individual, when the individual is released.
- C. Remand. Commitment to the custody of the Department of an individual by means of a lawful on-view arrest by law enforcement officer, arrest warrant, court order or other lawful jurisdiction such as Probation, Parole or Federal Authority.

VI. Policy

All Department employees involved in the booking process at institutions authorized by the Commissioner to admit persons charged or convicted of a crime, or in need of protective custody, must have knowledge of lawful means by which an individual can be committed to, and detained within, a correctional institution.

VII. Procedures

- A. Once a remanded prisoner has been searched per 811.04, Search Upon Admission, and the Health Screening per 811.03, Health Examinations, has been completed, the prisoner may be admitted to an institution per 811.02, Booking, when any one of the following conditions are met:
 - 1. The arresting or transporting officer or official produces commitment papers properly executed by a Court;
 - 2. The arresting or transporting officer or official executes a Remand-to-Custody in the presence of an admitting institutional staff member; or

3. The officer who has taken custody of a person and seeks to admit that person under AS 47.30.700 produces a court order of commitment or indicates that a judge has issued an oral order of commitment, which must be verified by the admitting staff member; or
4. The officer who has taken custody of a person and seeks to admit that person under AS 47.30.705 or AS 47.37.170(a) or (b), respectively, executes a remand-to-custody order in the presence of the admitting staff member and certifies in writing that he or she has exhausted all other alternatives for placement under AS 47.30.705 or AS 47.37.170(a) or (b), respectively, and;
 - a. For admittance under AS 47.30.705, further certifies that he or she has probable cause to believe that the person is gravely disabled or is suffering from mental illness and is likely to cause serious harm to self or others of such immediate nature that considerations of safety do not allow initiation of involuntary commitment procedures set out in AS 47.30.700; or
 - b. Under AS 47.37.170(a) or (b), further certifies that the person is intoxicated or incapacitated by alcohol; and
5. An individual presents self in response to a Court Order to report to serve sentence, and the institution has the appropriate documentation, and the prisoner has been scheduled to report. Individuals reporting to serve a sentence for whom commitment papers are not provided or on hand will not be admitted. However, reasonable effort should be made to obtain documentation and commitment papers from the Court so that the individual may be admitted per this policy.

B. Remands

1. The Remand to Jail Custody and Receipt for Prisoner (form 811.01A) is lawful authority for receiving a prisoner from a law enforcement officer who does not have a warrant or mittimus from the Court. Any prisoner to be placed in confinement on a remand must first have been brought before a Magistrate (if one is available) to have bail/bond or release conditions set. A remanded prisoner who has not been before the Magistrate must be brought before a Magistrate or Judge within 48 hours, except Title 47 commitments, per G. below. If the prisoner is not arraigned within 48 hours, notification to the Court by the Shift Supervisor or designee is required for a decision concerning release or continued hold in all instances except Parole violations per D. below and Title 47, per G., below; and
2. A signed Remand to Custody must always be obtained when receiving Custody of a prisoner without mittimus from Federal/State Law Enforcement Authorities and Municipal Polices or other officials remanding a prisoner into a State "holding" facility.

C. Court Warrant

If a person is remanded on a Court Warrant on a weekend or holiday, the individual must be arraigned within 48 hours of the time of remand. This may be accomplished by bringing the prisoner before the Court scheduled to handle all weekend and holiday arraignments.

D. Probation/Parole Violation

1. In cases where a prisoner is remanded by a Probation Officer for violation of the conditions of probation, the prisoner is required to appear before a Magistrate within 48 hours of remand for arraignment;
2. A parole violation remand is not a Court matter and arraignment is not required.
 - a. A prisoner remanded for a parole violation will be held in No Bail status until that prisoner appears before a Parole Board Member or designated Hearing Officer at a Preliminary Hearing. Only a Parole Board Member or designated Hearing Officer can authorize release following a Preliminary Hearing.
 - b. A prisoner remanded for a parole violation has a right to appear before a Parole Board Member or designated Hearing Officer for a Preliminary Hearing within 15 working days of parole remand,
 - c. It is the responsibility of the assigned Parole Officer to contact the Parole Board member to schedule a Preliminary Hearing.
3. The Probation/Parole Case Record will be updated and sent to the appropriate receiving institution in accordance with Policy & Procedure 603.01 (Probation/Parole Case Record Management) within 24 hours of a probation violation remand and within two work days of a parole violation remand or sentencing commitment;
4. The Remand signed by a Probation Officer is valid authority for holding a probationer or parolee until proper disposition is made. It is the Probation Officer's responsibility to deliver authority document(s) in the form of a copy of the prisoner's Judgment and Order of Probation and Violation Report/Petition to Revoke Probation to the "holding" institution's on-duty Shift Supervisor in advance of the subject prisoner's appearance before a Magistrate.
5. Interstate Probation/Parole Remands:
 - a. Interstate parole remands are processed through Parole Board members via Preliminary Hearing.
 - b. Interstate probation remands are processed through designated DOC staff or the Executive Director of the parole board via Probable Cause Hearing.
 - c. All interstate remands are a No Bail hold.

E. Federal Remand

1. A Federal Remand (facsimile – form 811.01B) must be signed by a Federal Law Enforcement Officer who has the legal authority to detain a prisoner until the prisoner can be taken before a U.S. District Court Judge, Magistrate, or Commissioner. There is no time limitation on a Federal Remand. It is the remanding officer's responsibility to bring the prisoner before the U.S. Court. Only Federal Law Enforcement Officers can remand federal prisoners.
2. Receipt Procedures for Federal Prisoners
 - a. A Federal Law Enforcement Officer can commit a federal prisoner by producing a Commitment Order which has been properly executed by the U.S. Court; or by executing a Federal Remand

and properly signing the Remand in the presence of the Booking Officer.

- b. The Booking Officer must then complete a Federal Receipt for Prisoner and give the Federal Law Enforcement Officer the appropriate copy. (Facsimile – form 811.01B).

F. Order to Detain Alien

U.S. Immigration authorities are permitted to commit prisoners into a State “holding” facility. It is necessary for the committing officer to fill out an Order to Detain or Release Alien (facsimile – form 811.01C). This must be placed in the prisoner’s file with other booking information.

G. Title 47 Commitments

In cases where individual(s) are in danger of hurting themselves or others and alternate means of placement have been exhausted, law Enforcement Officers or other official interested parties may commit an individual under Title 47, as outlined in A.3. and 4. above. When this type of commitment is made, the Non-Criminal Commitment to Jail Custody (form 811.01D) must be completed.

H. Bond Revocation

The remanding bondsman must provide required information on the individual, sign the Remand to Jail Custody and Receipt for Prisoner (form 811.01A) and supply the Bond Revocation documents.

I. Authorized Booking Facilities

Only facilities listed below are authorized to admit persons under this Policy.

1. Anchorage Correctional Complex
2. Anvil Mt. Correctional Center, Nome
3. Fairbanks Correctional Center
4. Ketchikan Correctional Center
5. Lemon Creek Correctional Center, Juneau
6. Mat-Su Pre-Trial, Palmer
7. Wildwood Pre-Trial, Kenai
8. Yukon-Kuskokwim Correctional Center, Bethel

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document.

1/13/2015

SIGNATURE ON FILE

Date

Ronald F. Taylor, Acting Commissioner
Department of Corrections

Forms Applicable to this Policy.

- 811.01A Remand to Jail Custody and Receipt for Prisoner
- 811.01B Federal Remand Facsimile
- 811.01C Order to Detain or Release Alien Facsimile
- 811.01D Non-Criminal to Jail Custody & Receipt for Prisoner

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