



STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Pretrial, Probation & Parole		PAGE: Page 1 of 7
	CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
	TITLE: Pretrial Defendant House Arrest		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 03/14/2022
ATTACHMENTS / FORMS: A. House Arrest/Curfew Program Rules B. House Arrest Address Verification C. House Arrest/Curfew Weekly Schedule D. House Arrest/Curfew One-Time Pass E. House Arrest/Curfew Movement Log		AUTHORITY / REFERENCES: AS 33.07.030 AS 33.07.040 AS 12.30.011	

POLICY:

- I. The Department of Corrections (DOC) recognizes that house arrest is the most restrictive form of pretrial supervision available through the Division of Pretrial, Probation and Parole.
- II. The DOC further recognizes that pretrial defendants benefit from placement in the community during the pretrial period and are encouraged to abstain from antisocial behaviors and engage in prosocial / rehabilitative activities. To that end, the DOC may issue passes consistent with court orders for defendants to attend employment, treatment, and other rehabilitative activities.
- III. As time spent on house arrest may be utilized as part of a jail sentence, the DOC shall document movements, to include passes, in the defendant's case record.

APPLICATION:

This policy will apply to all Division of Pretrial, Probation and Parole (DP3) employees and all pretrial defendants ordered to GPS-enforced house arrest or curfew.

DEFINITIONS:

Curfew: A court-ordered condition of release requiring a pretrial defendant to remain in their approved residence between specified hours.

Conditions of Release (COR): Requirements issued by a judge that the pretrial defendant must follow.

Electronic Monitoring Equipment (EM): Electronic technology used to monitor a pretrial defendant.

Emergency Medical Care: The diagnosis and treatment of an unforeseen illness or injury.

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 2 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

Employment Verification: The process whereby a Pretrial Officer verifies a defendant is legally employed and confirms their work schedule and work location with the employer.

Lock-Down: Confinement of a pretrial defendant to their verified residence.

Personal Pass: A pass authorized by a Pretrial Officer, consistent with the defendant’s Conditions of Release (COR) order, allowing the defendant to leave their residence to travel directly to and from a specific location on a specific date during a specific timeframe.

Violation of Conditions of Release: The failure of a pretrial defendant to comply with the conditions of release imposed by a judge.

Verifiable Address: An address that has gone through the residence verification process, has been established as a legitimate residence, and has been approved by a Pretrial Officer or the court.

PROCEDURES:

I. House Arrest or Curfew - GPS Monitoring Requirements

A pretrial defendant who has been court-ordered to house arrest or curfew shall abide by the following requirements:

- A. The defendant shall maintain their equipment according to the instructions provided.
- B. The defendant shall maintain a verifiable residence at all times.
- C. The defendant may only depart their residence with a pre-approved pass from their Pretrial Officer (PO). The defendant shall not deviate or make unauthorized stops to and from their residence and approved travel pass location.

II. Residence Approval and Verification:

- A. Prior to a pretrial defendant being placed on GPS monitoring with house arrest or curfew, the defendant shall provide a verifiable address to the supervising Pretrial Office using the Pretrial Address Verification Form (attachment B).
- B. A PO or designee shall verify:
 - 1. The physical address of the residence.
 - 2. Electronic Monitoring (EM) equipment works in an area the defendant is proposing to reside and the residence is within the guidelines of Pretrial, Probation & Parole Policy 1350.07.

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 3 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

3. Whether the defendant is the homeowner, a confirmed lessee, or is otherwise approved to stay at the residence.
 - C. The conditions of release will specify the legal authority, if any, on which an officer may enter the defendant's home for inspection, equipment maintenance, or a specific search.
 - D. Once a residence has been approved, the PO shall make note in the DOC offender management system and establish a date and time to place the defendant on GPS monitoring.
 - E. If an address cannot be verified or is otherwise unapproved, the PO shall make note in the DOC offender management system and provide notice to the defendant that the proposed residence is denied.
 - F. If a defendant seeks to relocate to another residence, they shall first obtain the approval of a PO and complete the residence verification process outlined above.
 - G. If a defendant seeks to relocate to another district, the residence must be pre-approved by the receiving Pretrial Office before the transfer can occur.

III. Intake

Prior to placing a defendant on an EM device:

- A. A PO or a Criminal Justice Technician (CJT) shall review the EM equipment operations and maintenance with the defendant.
- B. A PO or a CJT shall review and have the defendant complete the House Arrest/Curfew Program Rules (Attachment A). A PO or a CJT shall further establish a reporting schedule and, if necessary, have the defendant complete a House Arrest/Curfew Weekly Schedule (Attachment C) in accordance with their court-ordered conditions.
- C. The defendant shall be directed to report directly to their approved residence.

IV. House Arrest Passes

- A. The defendant shall remain at their approved residence unless granted permission to leave by a PO or when seeking emergency care at a local Emergency Room (ER).

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 4 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

1. If the defendant experiences a medical emergency, the defendant does not require the permission of a PO prior to obtaining emergency medical treatment. The defendant shall notify their PO as soon as possible of their travel to ER.
 2. Upon discharge, the defendant shall provide a medical note advising they have been under emergency care.
- B. All pass requests shall be reviewed, verified, and approved by a PO.
- C. If the COR permits only mandatory passes, the defendant shall remain at their approved residence, except the defendant may leave their residence for:
1. Emergency medical treatment – no pass is required (see paragraph IV.B.1)
 2. Scheduled PO office visits and substance abuse testing.
 3. All scheduled court hearings related to defendant’s case(s). Verbal approval may be given by a PO.
 4. All scheduled appointments with their attorney of record. Verbal approval may be given by a PO.
- D. If treatment, work, or other passes are authorized, the defendant may be required to submit a request to their PO for approval utilizing a House Arrest/ Curfew Weekly Schedule (Attachment C) or a House Arrest/Curfew One-Time Pass form (Attachment D).
1. The PO shall review each pass request and either approve, deny, or recommend changes to the pass.
 - a. If approved, the defendant shall strictly adhere to the parameters of the pass.
 - b. If denied, the defendant may request a supervisor review the denial.
 - c. The supervisor will review the request and either approve, deny, or recommend changes to the pass.
 - d. The decision of the supervisor is final.
- E. When authorized to leave their approved residence the defendant:
1. Shall travel directly to, and return from, their approved location.
 2. Shall not deviate or make unauthorized stops.

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 5 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

- F. If recurrent passes are authorized, the defendant shall:
1. Update changes to their weekly schedule before deviating from an approved schedule.
 2. The PO shall enter the approved pass into the Electronic Monitoring (EM) system immediately, if practicable, but no later than close of business the same day.
- G. Treatment passes (i.e., AA/NA, methadone clinic, parenting, counseling) will only be authorized if explicitly approved by the court. Treatment passes shall be approved as scheduled, plus reasonable travel time. A PO will obtain a Release of Information (ROI) for verification.
- H. Work passes will only be authorized if explicitly approved by the court.
1. Work passes may be approved for defendants who are employed, except:
 - i. Pretrial defendants may not “work under the table.”
 - ii. Pretrial defendants may not perform residential delivery or ride-share services (i.e., taxi, food, or flower delivery services).
 2. The defendant must provide their PO with the name of their employer and/or supervisor and contact information for the employer to include address and phone number.
 3. The PO shall verify the defendant’s employment status and work schedule.
 4. Passes will be approved for verified work hours plus reasonable travel time.
 5. If the defendant is required to complete errands while at work, or performs mobile services (i.e., landscaping, mobile mechanic, delivery), a PO may request the defendant document the date, time, method of travel, and each job site location on a House Arrest/Curfew Movement Log (Attachment E).
 6. A defendant who is at work and is scheduled for a break or a meal break may remain at their place of employment or return directly to their approved residence but is prohibited from going to any other location.
 7. Work passes will be approved for defendants who are self-employed. If self-employed, a defendant shall provide a copy of a current business license, or other documentation verifying legitimacy of the business, to their PO.

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 6 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

8. Job search passes may be approved up to six hours per day, three times per week. As part of a job search, the defendant may go to businesses, a library or job placement centers. A PO may request that the defendant keep a detailed log of locations, times, and applications submitted and turn in their log at the end of the week before any other passes are approved.
 9. Job interview passes may be approved for each verified interview, for up to two hours per interview plus reasonable travel time. The defendant shall provide their PO with the date, time, location, and interviewer's name and contact number for each interview.
- I. Other passes at PO discretion will only be authorized if explicitly approved by the court. Passes at PO discretion will include the following:
1. Personal needs passes (i.e., grocery shopping, laundry, haircut, banking) may include multiple locations and be approved up to four hours, one time per week.
 2. Legal and State office visits (i.e., DMV, Public Assistance, OCS) may be approved up to four hours, one time per week.
 3. Non-emergency healthcare appointments (i.e., routine dental, vision, medical) may be approved as scheduled plus reasonable travel time, one time per week. The PO should obtain an ROI for verification.
 4. Transportation of minor children, who live in the same residence with the defendant, to and from school or daycare will be approved as requested with verification by a PO.
 5. Hospital passes to visit immediate family members admitted to a local hospital may be approved for up to four hours, one time per week.
 6. Religious service passes may be approved for up to two hours plus travel time, one time per week.

V. Curfew

The defendant shall remain at their approved residence during the specified curfew hours. Approved passes shall include the passes approved by the court, or when seeking emergency care at a local ER. No pass is required for emergency medical treatment (see paragraph IV.B.1) Pass provisions only apply to curfew hours.

SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	03/14/27

SECTION: Pretrial, Probation & Parole		PAGE: Page 7 of 7
CHAPTER: 1350	NUMBER: 1350.08	P&P TYPE: Public
TITLE: Pretrial Defendant House-Arrest		

VI. Violations of House Arrest Rules

1. If a Pretrial Officer determines that a defendant has violated the conditions of release ordered by the court, the defendant may be arrested and remanded for violating their conditions of release. In making an arrest decision the PO shall consider the impact to the community safety, victim safety, and whether the conduct is related to the current behavior for which the defendant is on pretrial release.

2. Violations include:
 - a. Leaving one’s residence or other place designated by a judicial officer as a condition of release without prior authorization, is a new criminal offense of Violating Conditions of Release (VCOR) and should allege Escape in the Third Degree as described in AS 11.56.320(a)(4)(B).

 - b. Removing, tampering with, or disabling the EM equipment, including failing to maintain their equipment and allowing the battery to be depleted, is a new criminal offense of VCOR and should allege Escape in the Third Degree as described in AS 11.56.320(a)(4)(A).

VII. Reports to the Court

When ordered by the Court, a PO shall complete within five (5) business days of the request, a memorandum detailing the dates in which a defendant was on pretrial House Arrest monitoring along with any noted violations or warnings. The memorandum shall be filed with the Court and copies provided to the prosecutor and defense attorney.

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