

RECOMMENDATION TO THE LEGISLATURE OF ALASKA FROM THE ALASKA CRIMINAL JUSTICE COMMISSION

Recommendation 6-2020, adopted September 10, 2020:

Make Bail Conditions Accessible to Law Enforcement Officers

When a person is charged with a crime and released from jail before trial, a judge will assign that person conditions of release which the person must follow until trial. These conditions of release are often known as bail conditions. In addition to requiring payment or assurance of a cash bond, common bail conditions include restrictions on travel as well as prohibitions on the use of alcohol and controlled substances, possessing weapons, or contact with victims or witnesses.

If a person who is released pending trial violates any of the assigned bail conditions, that person can be charged with violating a condition of release (VCOR), arrested, and sent back to jail. Court-ordered conditions of release therefore play a key role in ensuring that pretrial defendants will appear for their trial and will not pose a threat to victims, witnesses, or the larger community.

However, it is difficult for law enforcement officers to enforce these conditions of release because most officers in Alaska do not have direct access to bail conditions. Bail conditions are ordered by a judge and set forth in a paper order. If an officer comes into contact with a pretrial defendant, the officer will not know what the defendant's bail conditions are without consulting the paper file in the local courthouse.

In some locations in Alaska, local courts have found a way to share information on bail conditions with law enforcement. In Fairbanks, court personnel enter information on bail conditions into the Department of Public Safety's criminal justice database, the Alaska Public Safety Information Network (APSIN); law enforcement personnel can then access the information easily. This system is staff-intensive and costly for the courts, and therefore has not been implemented in other locations.

Still, the Commission believes that public safety would be enhanced if bail conditions were more accessible to law enforcement personnel statewide, and therefore recommends that state agencies and the court system continue to work together to explore viable methods for making them available and easily accessible. This may be achieved using the Fairbanks model or another method. Regardless of the method used, it would ideally allow real-time or rapidly-entered changes to the bail conditions, so that officers have access to the most current bail conditions.