

IN THE TRIAL COURT FOR THE STATE OF ALASKA

In the Matter of:)
)
IN-CUSTODY DEFENDANT)
TRANSPORTS)
_____)

PRESIDING JUDGE STATEWIDE ADMINISTRATIVE ORDER
GOVERNING IN-CUSTODY DEFENDANT TRANSPORTS

In criminal cases the court often calls upon Judicial Services to transport in-custody defendants between courts within a judicial district and between judicial districts, often requiring air transportation. Unnecessary transports and cost-ineffective transports occasionally occur when there is a lack of sufficient planning or a lack of sufficient advanced notice. In the interest of promoting more principled and cost effective in-custody defendant transports, a statewide transport order should issue. Accordingly, unless otherwise ordered,

IT IS HEREBY ORDERED:

1. All in-custody defendant transport orders for transport between judicial districts should allow for at least 10 days' notice to Judicial Services so that transportation can be arranged and made in a secure, efficient, and cost-effective manner.

2. All in-custody defendant transport orders for transport within a judicial district should allow for the amount of notice set forth in an order from that district's presiding judge.

3. When a court date is needed for an in-custody defendant requiring transport, the clerk of court should provide dates that will allow for the 10 days' notice required under this order.

4. If Judicial Services receives a transport order that appears to present an avoidable inefficiency, a security concern, or a practical logistical concern, Judicial Services should bring the order to the attention of the Presiding Judge, the issuing judge, or a judge assigned to the defendant's cases for a review and possible revision.

5. When appropriate, a transport hearing may be scheduled by the presiding judge, a judge assigned to the defendant's case, or the arraigning magistrate so that the court can hear from counsel and judicial services with regard to the scheduling needs of an in-custody defendant and so that an efficient transport plan can be devised and ordered.

6. Unless otherwise ordered, if an in-custody defendant is being held on new charges or a new Petition to Revoke Probation, the defendant should not be transported for an initial appearance on a Petition to Revoke Probation in another district or in another court within the same district that would require significant transportation. Initial denials on such a petition can be made telephonically. The new charges or new probation violations where the in-custody defendant is being held should be completed before the defendant is transported to address a Petition to Revoke Probation in another district or in another court within the district that would require significant transportation.

7. If a defendant is being held in a correctional facility away from the defendant's trial site, unless otherwise ordered, transport of the defendant to court should be consistent with the following:

- a. Judicial Services shall transport defendants who require air transportation and who are being held at a detention facility away from the trial or hearing site only for hearings where the defendants' in-person presence is required pursuant to Criminal Rule 38(a). Accordingly, except as set forth below, these defendants shall be

transported only for a felony first appearance, an arraignment, any hearing where evidence will be presented, a change of plea hearing, at every stage of trial, including the impaneling of the jury and return of the verdict, at a sentencing hearing, and at a hearing on an adjudication or disposition for a petition to revoke probation. The defendant shall participate telephonically for all other hearings.

b. If the defendant has otherwise agreed to participate telephonically or otherwise waived the right to be present, then the defendant shall not be transported.

c. If approved television systems are available, then in-custody defendants shall appear by way of television for arraignment, pleas, and non-evidentiary bail reviews in traffic and misdemeanor cases. If approved television systems are available, then in-custody defendants shall appear by way of television for initial appearance hearings, non-evidentiary bail reviews, and not guilty plea arraignments in felony cases, unless otherwise ordered for cause stated by the presiding judge.

d. If the defendant consents, sentencings may be done by way of telephone or television in traffic and misdemeanor cases and the defendant shall not be transported.

e. The trial court judge may order that a defendant be transported for court proceedings if the judge finds that the criminal rules so require, that the defendant's rights would be prejudiced by use of a television or telephone system, or that transport to court is otherwise appropriate in the interest of justice.

Dated at Ketchikan, Alaska this 11th day of December 2018.

/s/
Trevor N. Stephens
Presiding Judge First Judicial District

Dated at Kotzebue, Alaska this 11th day of December 2018.

/s/

Paul A. Roetman
Presiding Judge Second Judicial District

Dated at Anchorage, Alaska this 11th day of December 2018.

/s/

William F. Morse
Presiding Judge Third Judicial District

Dated at Fairbanks, Alaska this 12th day of December 2018.

/s/

Bethany S. Harbison
Presiding Judge Fourth Judicial District