

IN THE TRIAL COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT

IN THE MATTER OF:

Outdated Warrants

Presiding Judge's Administrative Order  
21- 05

\*REPLACING PJ Order 21-01\*

**SUPERSEDING PRESIDING JUDGE'S STANDING ORDER QUASHING AND  
RECALLING OUTDATED ARREST WARRANTS AND SUMMONSES**

The Alaska trial courts are vested with broad authority to issue and recall arrest warrants and summonses.<sup>1</sup> Arrest warrants or summonses may be issued by a judicial officer upon the filing of an indictment, information, or complaint supported by probable cause.<sup>2</sup> Pursuant to Alaska Court Administrative Bulletin Number 80 ("AB80"), each and every such warrant is delivered to the local office of the state troopers ("AST") or local law enforcement and tracked in the court system database.<sup>3</sup> Each summons is delivered to the local judicial services unit and likewise tracked in the court system database.

Any arrest warrants that are not executed or recalled remain indefinitely as an active "command" to any peace officer to arrest the defendant and bring that person

---

<sup>1</sup> In addition to the general powers afforded the judiciary in Article IV Section 1 of the state constitution, AS 22.10.020 vests the superior court with the broad authority to issue "all other writs necessary or proper to the complete exercise of its jurisdiction" and AS 22.15.100 vests district court judges and magistrates with the more specific power to issue "warrants of arrest" as well as "summons."

<sup>2</sup> See Alaska Criminal Rule 4 ("Warrant or Summons Upon Complaint") and Rule 9 ("Warrant or Summons Upon Indictment or Information"). These court rules implement the probable cause requirement under the Fourth Amendment to the U.S. Constitution and Article 1, Section 14 of the Alaska Constitution.

<sup>3</sup> According to the publicly available AST Active Warrants list as of the date of this order, AST Detachment C is currently tracking 448 active warrants and AST Detachment D is currently tracking 773 active warrants. On this same list, the "4FA" Fairbanks court warrants alone number 699 and stretch back to the early 1980's.

before a judge or magistrate.<sup>4</sup> All summonses not served remain indefinitely as an active “command” to that defendant to appear before a judge or magistrate. In each instance, so long as the writ remains in place, the court’s grant of authority is ongoing and may be executed on the court’s behalf at any time.

Because they do not expire and the cases they are attached to have no future court date, writs issued by judicial officers for the arrest or appearance<sup>5</sup> of defendants pursuant to criminal cases ranging from disorderly conduct to unclassified felony allegations may remain unexecuted and unserved for years and even decades. This situation can and does give rise to the appearance, false though it be, that the court system allows criminal cases and related court orders to “slip through the cracks”<sup>6</sup> or that the judiciary does not demand that due regard be given to its orders. The responsibility and inherent authority to avoid such an appearance falls squarely to the judicial branch.

Moreover, the presiding judge of each judicial district is required to supervise judicial officers and court personnel “in the carrying out of their official duties” and to “expedite and keep current the business of the court” within the judicial district.<sup>7</sup> Just as executive branch agencies and private enterprises create and maintain retention policies and administrative measures to prioritize and regulate their business, so must the judicial branch. Specifically, in the area of arrest warrants and summonses, the

---

<sup>4</sup> Criminal Rule 4(b)(1) and 9(b)(1).

<sup>5</sup> In theory, a summons should be returned as unserved by the court date listed in the document. However, over time, some percentage are not served and not returned creating a backlog.

<sup>6</sup> This is especially true at present because there is no regular mechanism or policy to audit the warrant and summons lists between executive branch agencies and the judicial branch. Given the time frames and the statistical rate of error for any administrative system, there are now active warrants that have fallen off the law enforcement lists and recalled warrants or dismissed cases with warrants that remain active. A cursory review of the current court system list and the AST active warrant list reveals cases in both categories.

<sup>7</sup> A.S. 22.10.130.

court system is obligated to administratively track and review its writs for arrest and appearance to ensure efficiency, public confidence, and fairness to all parties and victims. Parties, victims, and the public alike should have confidence that the court's administration of the criminal justice process is careful, thorough, and equally applied in all cases.

A cursory review of records for the Fourth Judicial District at the time of this order clearly demonstrates the need for a district-wide and systematic warrant and summons review policy, for the reasons stated above.<sup>8</sup> The final resulting policy will be to periodically recall warrants or summonses, bring the associated cases back to the desk of the judge or magistrate, and to consider a request to re-issue a warrant in those cases where "an arrest is necessary" to ensure that the defendant appears or because the defendant poses a danger to a victim, other persons, or the community.<sup>9</sup>

However, before such a standing policy can be implemented, an initial order is required for the recall and review of the current backlog of warrants and summonses. Presently there are hundreds of arrest warrants and summonses issued for Fourth Judicial District criminal cases that have not appeared before any judicial officer for many years or in some instances decades. The purpose of the present order is to establish reasonable timeframes for review of warrants and summonses, provide the prosecuting authority with a list of warrants that may be impacted, issue recall notices

---

<sup>8</sup> This process is separate and distinct from any other agency's auditing of warrants and cases. The court system does not prosecute criminal cases and does not seek to influence prosecutorial decision making. However, the court system does have a strong interest in ensuring that every active warrant issued under its authority is properly delivered and honored and that every quashed warrant is properly recalled.

<sup>9</sup> Criminal Rule 4(a)(2) and 9(a). The original determination of probable cause will typically stand and is not at issue in this order.

for warrants and summonses that fall outside the prescribed time-frame, and create an efficient process for any requests to re-issue warrants and summonses.

While the vast majority of warrants impacted by this order are either unserved or post-conviction, it should be noted that this order is administrative in nature and applied generally. Nothing in this order constitutes a finding concerning the defendant's whereabouts in any particular case nor does its application bear on any ongoing efforts to determine the defendant's whereabouts.

In light of the foregoing, IT IS HEREBY ORDERED that the clerk of court for each court location within the judicial district shall serve a complete list of all active outstanding warrants and summonses in electronic form on the appointed district attorney for that court location within 30 DAYS of the date of this order and at least twice yearly thereafter.

IT IS FURTHER ORDERED that after 15 days has passed from the date the list of warrants is served on the district attorney, all outstanding active warrants and summonses that are older than the timeframes listed below shall be quashed and the clerks of court shall issue recall notices for each such warrant to the appropriate agencies in accordance with AB80 and also to the appointed district attorney for each court location:

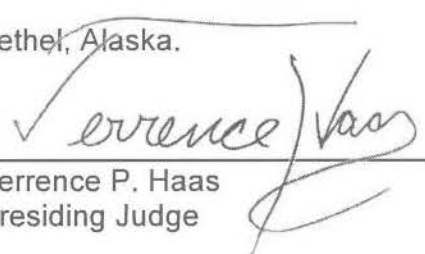
- B Felonies ..... 5 Years
- C Felonies ..... 5 Years
- A Misdemeanors ..... 5 Years
- B Misdemeanors ..... 2 Years

IT IS FURTHER ORDERED that, any Unclassified or A Felony matter with an outstanding warrant or summons pending for over 10 years shall be set for a hearing before the assigned judicial officer within 30 days of the issuance of the order in this matter. Any such matters that are unassigned shall be assigned to a judicial officer and notice shall issue to counsel of record accordingly. At the scheduled hearing, the assigned judicial officer shall address the ongoing need for an arrest warrant per Criminal Rules 4(a)(2) and 9(a).

IT IS FURTHER ORDERED that, for each B and C felony warrant or summons quashed and recalled pursuant to this order, block hearings of up to 20 cases per hearing shall be set before the Presiding Judge at least 30 days after the quash warrant order has issued per this standing order. A new warrant or summons may be issued as appropriate per Criminal Rules 4(a)(2) and 9(a).

IT IS FURTHER ORDERED that, for any misdemeanor warrant or summons quashed and recalled pursuant to this order, application may be made in writing or a hearing requested and a new warrant or summons may be issued as necessary pursuant to Criminal Rules 4(a)(2) and 9(a).

Dated this 25th day of February 2021 at Bethel, Alaska.

  
Terrence P. Haas  
Presiding Judge

Distributed via email:

Bethel COC/Fairbanks COC/Fairbanks DA/  
Bethel DA/Administrative Director's Office

*ACA, RCA*

Presiding Judge's Standing Order Quashing and  
Recalling Outdated Warrants