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NEWS RELEASE



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**Third-Party Custodians Face Prosecution Over Failure to Watch
Criminal Defendants Left in Their Care:**
**Attorney General announces that recently passed crime legislation already
making an impact towards improving public safety**

(Juneau) – Anchorage prosecutors filed misdemeanor criminal charges against five third-party custodians (“TPC”) who failed to notify authorities that defendants released into their custody engaged in serious activities that violated the conditions of their release. In three of these cases, the defendants conduct gave rise to new criminal allegations. The charges against the TPCs stem from provisions of the most comprehensive crime legislation passed in nearly a decade. The legislation, sponsored by Governor Frank H. Murkowski, became effective on July 1, 2004.

“An increasing number of defendants are released under the supervision of third parties. But often friends or relatives, in some instances, fail to live up to their responsibilities and place the public at substantial risk,” said Attorney General Gregg Renkes. “In three of these cases where the third party custodians failed, the defendants have been charged with new felony violations.”

Judges exercise substantial discretion for imposing conditions for releasing individuals charged with crimes. These conditions include posting bail or corporate bond in addition to prohibiting defendants from participating in certain, specified conduct.

The TPC system allows for monitored release of defendants in carefully structured and supervised environments. The system was intended to provide some criminal defendants with the means to be released in situations where they are unable to post bail or bond. Often these custodians are family members or friends who express the willingness and ability to supervise their charges.

“It is important to point out that the new law is not intended to make TPCs responsible for the conduct of defendants released to their care,” said Assistant District Attorney Mary Anne Henry. “Custodians are responsible for knowing where and what their charges are doing at all times and they have an affirmative responsibility to contact authorities when any violations occur.”

More

(TPC Release, Con't.)

Prior to the enactment of the new law state prosecutors had limited ability to pursue remedies for TPCs who failed to notify authorities about violations. Judges could conduct order to show cause hearings to determine if the TPC was in contempt of court. Even if a judge found this to be the case the usual punishment was to require the TPC to pay a \$100.00 fine.

The new law makes failure to notify a misdemeanor offense. If the defendant was initially charged with a felony offense, the TPC could be prosecuted for a class A misdemeanor. If the initial charge is only a misdemeanor, the TPC could be prosecuted for a class B misdemeanor.

The prosecutions brought by the Anchorage District Attorney's office represent serious violations of the TPC duty to notify. In three of the cases the defendants were initially charged with felony violations including misconduct involving a controlled substance, larceny and assault. These defendants were subsequently charged with new felony violations including drug charges, assault, forgery and vehicle theft.

Two defendants were initially charged with felonies and, while released, committed serious violations of the conditions for their release. In one case a defendant was charged with sexual abuse of a minor and is alleged to have attended a party where alcohol and minors were present. A second defendant was originally charged with assault three and was not supposed to have contact with any minors. This defendant was alleged to have been with an intoxicated minor.

"We do not want to discourage people from assuming responsibility to act as custodians," said Renkes. "But we need to put them on notice that there will be consequences if they fail to carry out these duties in a responsible manner."

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