

	State of Alaska Department of Law Policies and Procedures	Index #: 3.22
		Effective: January 2020
		Page 1 of 2
Chapter 3: Criminal Practice		
Subject: Review and Retention of Arrest Warrants Policy Applies: Office Chiefs and Designees		

[3.22] Review of Retention of Arrest Warrants

POLICY

The Office Chief or the Office Chief Designee is responsible for actively reviewing arrest warrants for cases in the office(s). The Office Chief or Designee must also develop a schedule to clear outstanding arrest warrants, consistent with the following:

1. Arrest warrants for the following offenses should be retained indefinitely:
 - a. Murder; attempt, solicitation, or conspiracy to commit murder;
 - b. Felony sexual abuse of a minor;
 - c. Sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425;
 - d. A violation of AS 11.41.425, 11.41.427, 11.41.450-458, 11.66.110-130, or former AS 11.41.430, when committed against a person who was under 18 years of age at the time of the offense;
 - e. Kidnapping;
 - f. Distribution of child pornography in violation of AS 11.61.125;
 - g. Sex trafficking in violation of AS 11.66.110-11.66.130 that is an unclassified, class A, or class B felony committed against a person who was under 20 years of age at the time of the offense;
 - h. Human trafficking in violation of AS 11.41.360-365.
2. Absent good cause, arrest warrants for felony offenses in violation of AS 11.41.120-330, AS 11.41.427, or AS 11.41.500 should not be retained more than 10 years after the commission of the offense.
3. Absent good cause, arrest warrants for all offenses not noted above and petitions to revoke probation should not be retained more than five years after the offense was committed or the violation of probation was committed.

4. Arrest warrants should not be retained if the probation violation offense cannot be proved based on the availability of witnesses or if the underlying offense for which the defendant was convicted is no longer enforceable under the law or the statute has been declared unconstitutional. Arrest warrants for failure to remand, failure to pay restitution, or failure to pay a fine should remain active.

PURPOSE

This policy recognizes the substantial resources invested by law enforcement agencies in arrest warrants and emphasizes our obligation to take special precautions to ensure defendants are accorded procedural justice. This policy is guided by AS 12.10.010-040. *See also Shaw v. State*, 634 P.2d 381 (Alaska App. 1981) (statutes of limitation serve to encourage promptness in prosecution of actions and thus avoid injustice which may result from prosecution of stale claims).

[Back to Table of Contents](#)