

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 20
AMENDED FEBRUARY 23, 1990

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

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Clerk of the Appellate Courts Senior Staff
Third District Rural Training Asst Administrative Associate
Full-Time Clerks of Court
Magistrates at locations with no full-time clerk
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan

SUBJECT: Confidential Tapes

The following is the policy for recording confidential proceedings:

I. GENERAL POLICY

All confidential hearings must be recorded on cassettes which have a label marked "confidential." Except as provided in Section II below, several confidential hearings may be recorded on the same cassette tape, but non-confidential hearings may NOT be recorded on a confidential tape. Confidential hearings are listed in Section IV of this bulletin.

II. EXCEPTIONS TO GENERAL POLICY

- A. Each SEARCH WARRANT APPLICATION hearing must be recorded on a separate cassette tape marked "Confidential."
- B. Each GRAND JURY case must be recorded on its own cassette tape(s) marked "Confidential."

III. ACCESS TO AND COPIES OF CONFIDENTIAL HEARINGS

- A. If an authorized person requests a copy of a confidential hearing, only the requested hearing may be duplicated. If the requested hearing is recorded on a tape containing other confidential hearings, the requested

hearing must be duplicated in accordance with instructions from Electronic Engineering. If the requested hearing is on a separate tape (i.e., search warrants, grand jury proceedings), the entire tape may be duplicated or reformatted and provided to the authorized person.

B. Grand Jury

Unless otherwise ordered by the court, grand jury tapes are confidential.

1. Prior to the time an indictment is returned by the grand jury, access to grand jury documents, unless otherwise ordered by the court, is limited to a) court personnel for case processing purposes only, and b) the prosecuting attorney for use in the performance of his/her duties. Criminal Rule 6(1)(1).
2. After an indictment is returned by the grand jury, access to and copies of the grand jury tapes for that case, unless otherwise ordered by the court, is limited to:
 - a. the defendant;
 - b. counsel of record;
 - c. individuals with a written order from the court authorizing access; and
 - d. court personnel. Access by court personnel is for case processing purposes only.

Criminal Rule 6(1)(1) and 6(m).

3. Retention of and access to grand jury audio tapes relating to "No True Bill" indictments is governed by Criminal Rule 6(n).

C. Search Warrants

Access to and copies of search warrant tapes and files are governed by Administrative Bulletin No. 48.

D. In-Camera Hearings

The tapes of in-camera hearings are confidential and must be sealed using the procedures set out in Administrative Bulletin No. 48, Standard 6.G, for sealing documents. Access to tapes of in-camera hearings are

restricted to the judge and to persons authorized by written order of the court.

E. Other Confidential Hearings

Unless otherwise ordered by the court, access to and copies of tapes of confidential hearings are limited to:

1. parties to the action;
2. counsel for record;
3. individuals with a written order from the court authorizing access; and
4. court personnel. Access by court personnel is for case processing purposes only.

IV. CONFIDENTIAL HEARINGS

Criminal cases:

Proceedings before the Grand Jury
Search Warrant Application Hearings
In-Camera Hearings (for example, to discuss revealing names of confidential informants)

Children's proceedings:

All hearings in child in need of aid and delinquency cases.

Sanity:

All hearings in sanity cases.

Adoption:

All hearings in adoption cases.

Guardianship & conservatorship:

All hearings in guardianship and conservatorship cases.

Other

Any other hearing which a judge orders to be confidential.

Dated: _____

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Arthur H. Snowden, II
Administrative Director

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