I. Authority
In accordance with 22 AAC 05.155, the Department will maintain a manual composed of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References
AS 33.30.011

III. Purpose
To establish procedures for prisoner marriages.

IV. Application
All staff and prisoners.

V. Definitions
As used in this document, the following definition shall apply:
Marriage:
Pursuant to AS 25.05.011, marriage is a civil contract entered into by one man and one woman that requires both license and solemnization.

VI. Policy
Prisoners in the custody of the Department shall be permitted to marry unless the marriage negatively impacts prisoner reformation, public safety or institutional order and security. Marriage does not provide a prisoner with additional rights.

VII. Procedures
A. The prisoner shall submit a Prisoner Marriage Application (Form 808.10A) to the Superintendent through the Institutional Probation Officer. The application will certify the prisoner understands the following mandatory requirements:
1. All marriage expenses are the responsibility of the prisoner and intended spouse.
2. The marriage must take place in a Correctional Facility.
3. The marriage ceremony arrangements must be specified, including persons who are to attend the ceremony, and must be approved in advance by the Superintendent.
4. If either party has been divorced a copy of the court’s divorce decree must be submitted with the application.
5. If either party’s previous spouse is deceased, a copy of the death certificate must be submitted with the application.
6. Department employees are prohibited from involvement in the marriage ceremony unless approved in writing by the Commissioner upon the recommendation of the Division Director.

B. Upon receiving a Prisoner Marriage Application (form 808.10A) the Institutional Probation Officer shall:
   1. Verify the information provided on the application;
   2. Conduct a meeting between the prisoner and intended spouse to disclose to the intended spouse all information regarding the prisoner’s criminal history, current charge(s), conviction(s), possible or actual sentence(s), any associated limitations on contact while married and the fact that the marriage does not confer any additional rights on the prisoner or intended spouse. The Institutional Probation Officer shall obtain written authorization for such disclosures prior to scheduling the counseling session.
   3. Upon the request of the couple, a joint premarital counseling session may be held with Clergy who is proposed to conduct the marriage ceremony, or another approved counselor of the couple’s choice and at the couple’s expense.
   4. Determine on the basis of best information and belief that there are no legal or administrative impediments to the marriage. In the case of a request to marry by a pre-trial prisoner, or immigration detainee, the Institutional Probation Officer shall notify the District Attorney or the Office of Immigration and Customs Enforcement, respectively, of the prisoner’s marriage application.
   5. Ensure that all State of Alaska requirements for receiving a marriage license are met.
   6. After completion of the meeting and any premarital counseling sessions, the Institutional Probation Officer shall evaluate the marriage application to determine whether the marriage will impact prisoner reformation, public safety or institutional order and security. The Institutional Probation Officer shall make a written recommendation and submit the application to the Superintendent.

C. The Superintendent, or designee, shall review the application and recommendation and forward the application with recommendation of approval or denial to the Deputy Commissioner, through the Division Director. The Deputy Commissioner, after review, shall approve or disapprove the marriage application. Any recommendation against the proposed marriage must be documented and based upon a determination that the proposed marriage would have a substantial negative impact on prisoner reformation, public safety, or institutional order and security.

D. Upon the Deputy Commissioner’s approval of the Prisoner Marriage Application, the marriage license application shall be prepared by the prisoner through the Institutional Probation Officer and notarized. The prisoner shall then send the license application to the Clerk of the Court for processing and issuance of a State Marriage License.

E. Upon issuance of the Marriage License the Superintendent or designee shall complete the arrangements for the marriage ceremony. If the prisoner has requested that a member of the clergy perform the ceremony, this clergy member
must be cleared for entry into the institution by the Statewide Chaplaincy Coordinator, with final approval required from the Superintendent. If the prisoner requests a civil ceremony, the performing official must be cleared by the Superintendent.

F. The marriage ceremony shall be conducted under the direct supervision of a staff member designated by the Superintendent.

G. The performing official shall allow department staff to make and retain a photocopy of the completed marriage license prior to leaving the facility and shall then return the marriage license to the State Office of Vital Statistics.

VII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days.

Date 10/13/14

SIGNATURE ON FILE

Joseph D. Schmidt, Commissioner
Department of Corrections

Forms Applicable to this Policy.

808.10A Prisoner Marriage Application