

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: DEC 02 2009	POLICY NO.: COR.05.01
	CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): COR.05.01 & 01/01/2005	
	SUBJECT: CERTIFICATE OF PRE-SENTENCE CREDITS		Page 1 of 2

1.0 PURPOSE

To implement the statutory requirements set forth in Hawaii Revised Statutes (HRS) 706-761, in a consistent and timely manner. The statute requires that all time spent in custody in relation to the charge on which a defendant is sentenced shall be credited toward that sentence as pre-sentence credit. Furthermore, the party having custody of the defendant shall supply a certificate indicating all the pre-sentence credit, to the court prior to sentencing.

2.0 REFERENCES AND DEFINITIONS

.1 REFERENCES

- a. HRS § 706-671 - Credit for time of detention prior to sentence; credit for imprisonment under earlier sentence for same crime.
- b. Policy & Procedure COR.05.05, Sentence Computation

.2 DEFINITIONS

Pre-sentence credit: The total amount of time spent in custody prior to being sentenced, in relation to the charge on which the inmate is sentenced. Pre-sentence credit is generally comprised of any time spent in custody directly in relation to the arrest or after the court ordered detention for the charges on which the defendant is being sentenced.

3.0 POLICY

It is the policy of the Department of Public Safety (PSD) that staff shall initiate the determination of all pre-sentence credit applicable to an inmate's incarceration upon an inmate's initial arrival at a facility. This information should be verified, and kept in the inmate's file for future computations, to provide to the sentencing court, and to provide to the Hawaii Paroling Authority (HPA).

- .1 The pre-sentence credit shall be documented on PSD form 8709, Record of Pre-sentence credits, (Attachment A) with each segment of pre-sentence credit being thoroughly documented on this form.
- .2 The inmate's pre-sentence credit in the police cellblock should be documented upon their initial arrival at a PSD facility. This credit should be obtained and verified by cross-referencing the inmate's case in the Criminal Justice Information System (CJIS).

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- .3 A copy of the PSD form 8709 shall be maintained in the inmate's file.
- .4 A copy of the completed PSD form 8709 shall be sent to the HPA, within one month of any convicted felon's arrival at the designated facility after sentencing. This will provide the HPA with the information required for the minimum term hearing.
- .5 In the event the inmate was also detained at another PSD facility for the same charge(s) for which the inmate was sentenced, the completed PSD form 8709 should be maintained in the inmate's file in order for the staff at the new facility to continue to accurately update the form to record all the inmate's pre-sentence credit. All sentencing documents and orders should be in the inmate's file at the facility where the inmate is currently being detained. Any time a sentence computation is redone or amended, a new PSD 8709 should be completed with the notation that it is an amended document. In addition, the old PSD 8709 should have a line drawn diagonally through it and it should be kept under the current amended PSD form 8709 so that reviewing staff can easily see what changes or amendments were done and by what facility staff.
- .6 The facility having custody of the inmate at the time of sentencing shall provide the proper amount of pre-sentence credit to the court or probation, either by responding to an inquiry from the court or probation, or by sending a copy of the PSD form 8709.

4.0 SCOPE

This policy applies to all PSD personnel. All prior policies, procedures, and practices are hereby superceded to the extent that they are inconsistent with this policy.

APPROVAL RECOMMENDED:



 Deputy Director for Corrections

11/30/09

 Date

APPROVED:


 Director

12/2/09

 Date

