

	<b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> MAR 03 2010	<b>POLICY NO.:</b> COR.14.01
		<b>SUPERSEDES (Policy No. &amp; Date):</b> 493.14.01 & 9/26/85	
	<b>SUBJECT:</b> <b>ARREST WARRANTS FOR FURLOUGHED INMATES</b>		Page 1 of 4

## 1.0 PURPOSE

To establish guidelines on the issuance of arrest warrants for inmate furlougees.

## 2.0 REFERENCES AND DEFINITIONS

### .1 References

- a. Departmental Policy and Procedures (P&P), COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- b. Hawaii Revised Statutes (HRS), Section 353-17, committed persons, furlough, and employment.
- c. HRS, Section 353-8, Conditional Release Centers for Committed Persons
- d. HRS, Section 353C-2, Director of Public Safety; powers and duties.
- e. HRS, Section 710-1020, Escape in the first degree.
- f. HRS, Section 710-1021, Escape in the second degree.

### .2 Definitions

- a. Furlough - Refers to the conditional release of inmates.
- b. Warrant - Refers to the warrant document submitted to the police, which authorize the retake (arrest) and reimprisonment of an inmate.

## 3.0 POLICY

The Department may issue warrants of arrest for their inmates when there is probable cause to believe that they have violated their conditions of furlough and/or Corrections Administrative Rules. In addition, warrants of arrest shall be issued when:

- .1 The inmate will not voluntarily return to the furlough facility and/or;
- .2 The safety of the community requires their apprehension by the police.

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#### 4.0 PROCEDURES

- .1 All inmates on furlough shall abide by the terms and conditions of their furlough and the Department's P&P, COR.13.03, Adjustment Committee Procedures Governing Serious Misconduct Violations.
- .2 Corrections staff shall enforce the rules and conditions of furlough and the Administrative Rules.
- .3 Wardens or their designee shall be a authorized agent of the Department of Public Safety (PSD) for purposes of issuing warrants of arrest for furloughed prisoners in accordance with this policy.
- .4 Each inmate participating in a furlough shall be provided the terms and conditions of their furlough and shall agree to same in writing.
- .5 If there exists probable cause to believe that a furloughed inmate has violated the terms and conditions of their furlough and:
  - a. The inmate will not voluntarily return to the furlough facility and/or;
  - b. The inmate's furlough pass has not yet expired, however the inmate cannot be located.
  - c. The safety of the community requires their apprehension by the police.

The Warden may prepare and issue a warrant of arrest and submit it for processing to the Warrants Section of the Police Department or Sheriff Division of their respective jurisdiction. To ensure receipt of the warrant and to facilitate the processing of the warrant, a telephone call to the respective jurisdiction may be made.

- .6 In the event that a Warden or in his absence, the Acting Warden or the next senior administrator is unavailable for the issuance of a warrant of arrest, the request for issuance shall be forwarded to the Institutions Division Administrator (IDA) who is also empowered to issue warrants as authorized agents of the Director of the PSD.
- .7 Upon execution of a warrant of arrest, the inmate shall be securely housed and shall be provided with an Adjustment Committee hearing on the alleged

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violations of terms and conditions of furlough and/or Corrections Division Administrative Rules.

- .8 Any major program change shall require a program committee meeting and appropriate action (major program changes could be a transfer to another program/facility; an increase in security classification, etc.)
- .9 Form Preparation.
  - a. Warrant of Arrest document, PSD 8254 (Attachment A) shall be processed by respective branches with an accompanying cover letter.
  - b. Corrections personnel shall hand-carry the warrant document to the Police Department or Sheriff Division and shall provide the police/sheriff in a cover letter with any information that will assist the police/sheriff in their execution of the warrant. Facility contact person and telephone number, photograph of the inmate, information regarding violence/suicide, etc.)
  - c. Copies of the warrant document and cover letter shall be forwarded to the Warden. A Central Warrants File shall be maintained by the Warden and shall be reviewed at least quarterly to update the status of outstanding warrants.
  - d. The longest period a warrant of arrest as issued, for the purposes outlined in this policy, should remain outstanding is thirty (30) days. This time limitation is based upon the premise that the longest period of furlough granted at one time is thirty (30) days (extended furlough). If the inmate named in the warrant is not apprehended by that time, a formal report of escape should be made to the police and sheriff.
  - e. A warrant of arrest should be recalled when:
    - 1) An inmate returns or is returned to custody of the PSD.
    - 2) An inmate has been officially reported to the police/sheriff as an escapee at the expiration of this furlough pass.
- .10 A warrant of arrest shall be recalled using the format established in the attached sample letter (Attachment B). The branch shall prepare the letter, which shall be forwarded to the IDA for signature.

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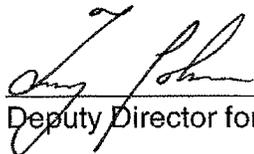
.11 Upon receipt of the recall notice by the Police or Sheriff's Warrant Section, staff shall be notified and the apprehension of the inmate terminated.

**5.0 SCOPE**

This policy covers the issuance of any warrant of arrest originated by the PSD with regard to furloughed inmates.

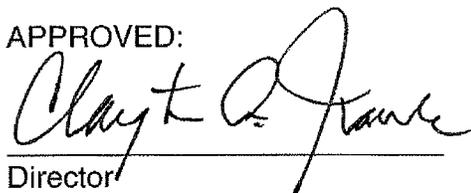
This policy does not apply to felon probationers on court ordered release programs. Problems with felon probationers should be reported to their probation office or respective court.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections

3/3/10  
Date

APPROVED:

  
\_\_\_\_\_  
Director

03/03/10  
Date

STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY

In the Matter of )  
I.D. Number: )

An inmate under the jurisdiction of the Department of Public Safety

-WARRANT OF ARREST-

STATE OF HAWAII:

to the Sheriff of the State of Hawaii or his Deputy; or any law enforcement officer in any county of the State of Hawaii.

GREETING: Pursuant to Hawaii Revised Statutes, Section 353-17, you are hereby directed forthwith to arrest and take the body of the above-named , a furlough inmate, accused of violation of the terms and conditions of his furlough, if he/she can be found, and returned as soon as possible to the custody of the Administrator of ,

State of Hawaii, there to be held by said Administrator pending a hearing before an Adjustment Committee for the purpose of ascertaining and determining whether or not, because of the alleged violation by said inmate of his/her furlough terms and conditions, there is sufficient cause to warrant the revocation of furlough of said inmate, or other action authorized by law.

It is alleged that the above-named inmate did violate the terms and conditions of furlough dated in the following manner:

Make due return of your proceedings upon this writ.

WITNESS: The Department of Public Safety of the State of Hawaii, this day of ,

ATTEST:

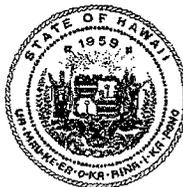
Administrator

-OFFICER'S RETURN-

Executed the within Warrant on the person of named therein, this day of , at the hour of

Name and Title of Officer

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**ATTACHMENT B**

CLAYTON A. FRANK  
DIRECTOR

DAVID F. FESTERLING  
Deputy Director  
Administration

TOMMY JOHNSON  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

December 11, 2009

Name  
Chief of Police  
\_\_\_\_\_ Police Department  
City and County of \_\_\_\_\_  
Address

Dear Chief \_\_\_\_\_:

This letter is to officially recall the warrant of arrest issued on \_\_\_\_\_, for John Doe, SSN #123-45-6789, an inmate under the jurisdiction of the Department of Public Safety.

The aforementioned inmate

(has returned, or has been returned, to the custody of the Oahu Community Correctional Center.)

(has been officially reported to the police as an escapee.)

Thank you for your continued assistance and cooperation in these matters.

Sincerely,

Division Administrator