	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: FEB 17 2010	POLICY NO.: COR.16.02
		SUPERSEDES (Policy No. & Date): COR.16.02 & 05/06/2002	
	SUBJECT: PROCEDURES FOR RELEASE OF PERSONS IN CUSTODY		Page 1 of 6

1.0 PURPOSE

To ensure the prompt release of pretrial detainees and inmates entitled to release from custody, without sacrificing the public safety, and to facilitate coordination between the Department of Public Safety (PSD) and the Judiciary. It also identifies the appropriate requirements of releasing remanded persons from the custody of the PSD.

2.0 REFERENCES

- .1 Hawaii Revised Statutes (HRS), 353C-2, Director of PSD, Powers and Duties
- .2 State Judiciary Criminal Administrator Order No. 5.5, revised 2002
- .3 Departmental Policies and Procedures, COR.05.07, Release Documentation; ADM.08.20, DNA Sampling for Convicted Felons; COR.16.04, Covered Offender Notification; COR.17.02, Personal Property of Inmates; COR.17.03, Inmate Clothing.
- .4 American Correctional Association, (ACA), Standards for Adult Correctional Institution, 4th Ed., 4-4446, 4-4447.
- .5 ACA, Performance-Based Standards for Adult Local Detention Facilities, 4th Ed., 4-ALDF-5B-18.
- .6 ACA, Guidelines for the Development of a Security Program, 3rd Ed.

3.0 POLICY

- .1 The custodial agency responsible for the inmate at the time of acquittal or dismissal shall be responsible for ensuring a properly authorized, prompt release, documented on the Release Status Form PSD 8281 (see attached).
- .2 The Warden of each correctional facility shall be responsible for establishing operational procedures to effectuate this policy, and for updating any policies and procedures, which is related only to the Warden's facility.
- .3 The Administrator of the Sheriff's Division shall be responsible for establishing operational procedures within the Division to effectuate this policy, and for

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updating any policies and procedures, which is related only to that division or a particular judicial circuit.

- .4 Each Warden and the Administrator of the Sheriff's Division will be responsible for documenting and notifying the Director of PSD through their respective chain of command, of any problems relating to timely releases which indicates a need for better coordination between the Judiciary and PSD.
- .5 All facilities shall provide the necessary resources and staff to process the committed person upon any type of release.
- .6 All persons remanded to the PSD shall undergo a thorough screening proper to release.

4.0 PROCEDURE

- .1 Prior to Any Court Hearing:
 - a. Checking for Holds. Each day, prior to transporting an inmate/detainee to court, the holding facility will conduct a background check to the extent feasible in light of the facility's capability to determine all holds, warrants, or detainers on the inmate. The facility will document its findings by completing Part 1 of the Release Status Form PSD 8281. The facility will send the completed Release Status Form to court along with each inmate/detainee.
 - b. Clothing. The facility will transport each pretrial inmate/detainee who is scheduled for a court appearance in street clothes, or with their street clothes readily available at court. All other inmates may be transported to court in prison clothes. Anyone entitled to release from the courtroom will be offered street clothes or paper suits to change into. It is the option of the facility Warden to have the inmates' property taken to court with him/her so in the event of an acquittal, dismissal, or nolle prosequi; the inmate will not have to return to the facility for their property. If the property is not sent to court with the inmate, it is up to the court-released inmate to pick up their property from the facility at a later time, not exceeding policy standards for disposition of property.
- .2 Releases of Acquittal, Dismissal and Nolle Prosequi: In-Courtroom Releases of Acquitted Defendants and Defendants in cases that have been dismissed

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or decided Nolle Prosequi, the following applies to each inmate who is not being held on any matter other than the immediate matter before the Court.

- a. Acquittals. Each inmate/detainee who is acquitted (who is found not guilty after a trial by the court or a jury) will be released forthwith from the courtroom.
- b. Dismissals/Nolle Prosequi. Each inmate/detainee who is ordered released by the court because the Judge dismisses the charges (dismissal nolle prosequi) will be released forthwith in accordance with the release order. The following procedures shall be adhered to:
 - 1) Checking for holds or warrants. In no circumstances will there be a further check for holds after a Defendant is acquitted or had all charges dismissed unless the Court has denied in-court release to give the prosecutor an opportunity to appeal the dismissal.
 - 2) No transportation of discharged Defendants. The PSD will not provide transportation back to the correctional facility or elsewhere to any person who is entitled to be released forthwith from the court.
 - 3) No restraining or searching of discharged Defendants. The PSD will not search, handcuff, or restrain in any way any person entitled to be released from the courtroom.
 - 4) Completion of Part 3 of the Release Status form. The PSD representative in the courtroom with the inmate/detainee will complete Part 3 of the Release Status Form, and if applicable, will be responsible for ensuring that the victim/witness contact person is notified of any release. Immediately notify the facility the inmate/detainee was housed so release process can be completed in Offendertrak.

.3 Release from Facilities

- a. Release When Court Retains Jurisdiction (Supervised Release, Release on Own Recognizance, Probation):

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The inmate/detainee will be returned to the holding facility in restraints for processing for release within a reasonable time in accordance with the court's order.

b. Time Served with Court Retaining Jurisdiction:

When the court sentences the Defendant but rules that the sentence is already satisfied because the court has credited the Defendant with "time served", the inmate/detainee will be returned to the facility in restraints for processing for release, and will be released within a reasonable time.

c. Release Following Expiration of Sentence:

All inmates who have completed their sentences shall be released the day on which they are entitled to release.

d. Release on Parole

Inmate has met minimum standards set by the Parole Board and the Parole Board has issued an order granting Parole. Inmate shall be released on the date given by the Parole Board.

.4 Release Procedures from Facilities

a. Check all release/transfer documents as per COR.05.06, Release Documentation, and assure all pertinent information from the release documentation match's the detainment documents in the file. Assure that all legal documents have these five elements:

- 1) Name
- 2) Date of document
- 3) Criminal number and/or Police report numbers
- 4) Disposition (release date, parole date, bail amount, supervised release type and to who, etc.
- 5) Judge or Clerk's signature

b. Initiate PSD 8219 Release Checklist (see attached). The release checklist sheet shall be utilized to assure the information gathered is logged and documented for the inmate being released.

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- c. If the inmate is a convicted offender, assure that the proper sex offender registration has been completed. Refer to COR.16.04.
- d. Upon implementing a determined release, identification of the inmate must be made to assure the correct offender is being released by matching the name, social security number, picture identification or wristband identification, fingerprint and by questioning the inmate on known information to assure he/she is the correct inmate being released.
- e. If the inmate is a convicted felon, assure a DNA sample is on file. If no sample is registered on the Criminal Justice Information System or the Offendertrak, take DNA sample, notate in Offendertrak and forward according to COR.08.20.
- f. All state items shall be collected from inmate prior to release.
- g. All inmate personal items and money shall be returned to the offender upon his/her release or as soon as practical.
- h. All bail and bonded releases shall be in accordance to with COR.16.06.
- i. Victim Witness notification shall be made in accordance with COR.16.05.
- j. Upon release, assure the Offendertrak system is updated immediately. If Offendertrak is not working properly make appropriate phone call to ensure that Statewide Automated Victim Information Notification (SAVIN) is made.
- k. If the inmate is granted supervised release to a sponsor or program, make positive identification of the sponsor or program and get signatures and contact information from the sponsor or program person on the release checklist prior to releasing the inmate.
- l. If a detainer or hold is placed on the inmate scheduled for release, contact the agency that placed the hold. Do not release the inmate unless the detainer has been rescinded or the requesting agency has taken custody.

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- m. Appropriate court documents must be on file prior to releasing an inmate to a Writ of Habeas Corpus Ad Prosequendum.
- n. Emergency releases shall be in accordance with COR.16.11.
- o. State and Federal inmate releases shall be in accordance with COR.16.03.

5.0 SCOPE

This policy applies to all PSD personnel that work with offenders whether at court or correctional facilities and centers. It does not apply to release of persons whom the court commits to the legal custody of the Director of Health, such as persons found mentally unfit to proceed, or who are acquitted by reason of mental disease or defect.

APPROVAL RECOMMENDED:

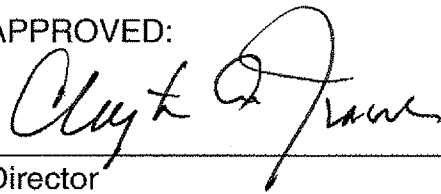


Deputy Director for Corrections

2/4/2010

Date

APPROVED:



Director

2/17/10

Date



STATE OF HAWAII

DEPARTMENT OF PUBLIC SAFETY

RELEASE CHECKLIST

DATE: _____

ATTACH PHOTO
HERE

SECTION A: IDENTIFIERS (CONTROL STATION ACO/CLERK)

- 1. OFFENDER NAME: _____ AKA: _____
(LAST, FIRST, MIDDLE NAME)
- 2. HT.: _____ 3. WT.: _____ 4. HAIR COLOR: _____ 5. EYES COLOR: _____
- 6. SSN: _____ 7. DOB: _____
- 8. HOUSING UNIT: _____
(BLOCK/UNIT OR MODULE)
- 9. REMARKS: _____

SECTION B: RELEASE TYPE (CONTROL STATION ACO/CLERK)

- BAIL
 - FINE
 - SUPERVISED RELEASE
 - BOND
 - PAROLE
 - SUPERVISED RELEASE TO PROGRAM
 - DEPORTED
 - PROBATION
 - _____ PROGRAM NAME
 - DISCHARGED
 - RECESS
 - DISMISSED
 - RELEASE TO APPEAR
 - SUPERVISED RELEASE TO A SPONSOR
 - EXTRADITED
 - RELEASE TO HSH
 - _____ SPONSOR'S NAME
 - TRANSFER
 - TIME SERVED
 - SUSPENDED SENTENCE
 - OTHER _____
- REMARKS: _____

SECTION C: DOCUMENT TYPE (CONTROL STATION ACO/CLERK)

- BOND DOCUMENT
 - ORDER
 - CASH BAIL RECEIPT
 - PAROLE DOCUMENT
 - JUDGEMENT
 - RECORD OF PROCEEDINGS
 - OCA/PCA ADMINISTRATIVE MEMORANDUM
 - OTHER _____
- REMARKS: _____

SECTION D: RECORD CHECK (CONTROL STATION ACO/CLERK)

- 1. DOCUMENT MATCH (Commitment vs. Release Document)
 - BAIL AMOUNT MATCH (IF APPLICABLE)
 - POLICE REPORT NUMBER(S) MATCH
 - CHARGE(S) MATCH
 - RELEASE DATE MATCH
 - CRIMINAL NUMBER(S) MATCH
 - OTHER _____
- REMARKS: _____
- 2. SCREENING OF ACTIVE INMATE/DETAINEE FILE
 - HOLDS
 - DETAINMENT DOCUMENT(S): YES NO
 - PENDING CHARGE(S): YES NO
- REMARKS: _____

3. NOTIFICATION (S)

- NOT APPLICABLE
- BUSINESS OFFICE (during business hours only)
- POLICE DEPARTMENT
- ISC PROGRAM SERVICES UNIT
- PAROLE DIVISION
- PROBATION DIVISION
- PROSECUTORS OFFICE (i.e. Victim/Witness Kokua Services)
- U.S. MARSHALS
- IMMIGRATION
- OTHER _____

REMARKS: _____

I have reviewed the active case record of the inmate/detainee and have found all of the paperwork to be in order.

Date/Time

Control Station ACO/Record Clerk

SECTION E: INMATE/DETAINEE IDENTIFICATION

- PHOTOGRAPH
- DATE OF BIRTH
- SOCIAL SECURITY NUMBER
- MEDICAL UNIT (medication etc.)

REMARKS: _____

I have identified the inmate/detainee for release/transfer by matching the above information provided on this checklist.

Date/Time

Residency Unit Officer/Rank

Date/Time

Escorting Officer

SECTION F: FINGERPRINT IDENTIFICATION/REGISTRATION

- MATCHED
- NOT MATCHED
- UNAVAILABLE
- DNA
- SEX OFFENDER REGISTRATION

REMARKS: _____

Date/Time

Fingerprinting Officer/Intake Security

SECTION G: RECIPIENT'S IDENTIFICATION

I hereby indicate by my signature that the inmate/detainee whom I have visually identified and whose name appears on the front of this document is the person to be released to me. Furthermore, if applicable, Federal and State authorities acknowledge the responsibility to maintain the physical as well as the mental well being of the inmate/detainee while under their custody.

Date/Time

Recipient's Signature

Recipient's Address/Telephone Number

SECTION H: SUPERVISOR'S REVIEW (INTAKE CENTER SUPERVISOR/DESIGNEE)

- MATCH INMATE/DETAINEE'S NAME ON RELEASE DOCUMENT WITH COMMITMENT DOCUMENT AND NAME ON PHOTOGRAPH.
- MATCH CHARGES AND CASE NUMBERS OF RELEASE DOCUMENT WITH COMMITMENT DOCUMENT.
- MATCH DOCUMENT'S RELEASE DATE WITH DATE OF RELEASE.
- CHECK FOR ADDITIONAL CHARGES OR DETAINERS.
- CHECK FOR NOTIFICATIONS/REGISTRATIONS, i.e., DNA, SEX OFFENDER REGISTRATION.
- OFFENDER RELEASE INFORMATION HAS BEEN ENTERED IN OFFENDERTRAK BEFORE INMATE IS PHYSICALLY RELEASED. IF OFFENDERTRAK IS DOWN, NOTIFY APPRIS BY PHONE AND RECORD TIME CALLED ON RELEASE LOG.
- IF BAIL OR BOND IS POSTED, CHECK THE TOTAL AMOUNT.
- IF SUPERVISE RELEASE TO A SPONSOR OR PROGRAM, VERIFY THE PRESENCE OF THE AUTHORIZED SPONSOR OR PROGRAM REPRESENTATIVE.

I have reviewed the case file and the release checklist on the inmate/detainee for the release/transfer.

REMARKS: _____

Date/Time

Intake Center Supervisor/Designee

IF IN DOUBT, HOLD, DO NOT RELEASE

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
CORRECTIONS DIVISION
RELEASE STATUS**

PART 1 - THIS SECTION TO BE COMPLETED BY THE DEPARTMENT OF PUBLIC SAFETY

FACILITY: _____

DEFENDANT'S NAME: _____

CRIMINAL CASE # or CHARGE(S): _____

RELEASE STATUS:

NO LEGAL HOLDS EXCEPT THIS CASE

HOLD, SERRVING TIME

HOLD, PENDING CHARGES, BAIL SET

HOLD, EXTRADITION

HOLD, DETAINER

HOLD, DEPT. OF HEALTH

HOLD, Other: _____

Remarks: _____

Inmate/Detainee is on medication that must be continued upon release

Victim/Witness Notification Needed: **NO** **YES**

Contact: _____

Telephone#: _____

PART 2 - THIS SECTION TO BE COMPLETED BY THE COURT: **Circuit** **District** **Family**

Courtroom: _____ Judge: _____ Date: _____ Case No. _____

Decision of the Court on the calendared case:

Defendant released forthwith

Defendant returned to custody to be processed for release within a reasonable time

Defendant released to the legal custody of the Director of Health

Defendant returned to custody

Remarks: _____

Court clerk or bailiff: _____

Signature

PART 3 - THIS SECTION TO BE COMPLETED BY DEPARTMENT OF PUBLIC SAFETY:

Date of Release: _____ Time of Release: _____

Notifications Completed Victim/Witness Contact Person: _____

Date/Time of Notification: _____ Contact Telephone #: _____

Notifying Officer: _____ Badge/ID: _____

Printed Name of Releasing Officer

Signature

Badge/ID#

Original: COURT(S)
Copies: SHERIFFS/CORRECTIONS/PSD/FACILITY