

HONOLULU POLICE DEPARTMENT
POLICY
PRISONER AND COURT-RELATED ACTIVITIES

January 23, 2019

Policy 7.08

WARRANTS

POLICY

The Honolulu Police Department's (HPD) primary considerations in serving warrants are the safety of the public and police personnel.

PROCEDURE

I. **GENERAL**

A warrant is a legal document issued under the authority of a judicial official authorizing the search, seizure, and/or arrest of an individual. Different types of warrants include grand jury, parole revocation, Hope Probation, juvenile, traffic, misdemeanor, and felony.

- A. Warrants are issued through judicial procedures in electronic and written form.
- B. Warrant information shall be made available to duly authorized persons by the Records and Identification Division's Warrants Unit in accordance with the Hawaii Revised Statutes (HRS) and departmental directives.
- C. All warrants shall be confirmed through the Communications Division.
- D. Warrants shall be served only during the time periods specified in the orders. When no period for service is specified in the order, warrants shall not be served between the hours of 2200 and 0700 on premises closed to the public unless there is legal justification to be on the premises.

- E. Warrants received by the department shall be held for safekeeping until they are returned to the issuing authority.
- F. All warrants that are served shall have the Return of Service document completed and report number attached to them. The completed warrant shall be scanned and submitted with the report. A copy of the warrant shall be provided for the defendant and the original shall be returned to the issuing authority with the Return of Service document.

II. WARRANT JURISDICTIONS

A. First Circuit Court Warrant

A First Circuit Court warrant is issued with the authority of a State of Hawaii judicial court on the island of Oahu such as the Circuit, District, and Family Courts within the county of Honolulu.

B. Outside Assist Warrant

An Outside Assist warrant is one that is issued with the authority of a judicial court on a neighbor island county within the state.

- 1. Second Circuit Court - Maui County
- 2. Third Circuit Court - Hawaii County
- 3. Fifth Circuit Court - Kauai County

C. Hawaii Paroling Authority

The Administrative Secretary of the Hawaii Paroling Authority can issue a warrant of arrest for any parolee as prescribed by the HRS and Hawaii Administrative Rules.

D. National Crime Information Center (NCIC) Warrant

An NCIC warrant is entered by participating agencies from jurisdictions throughout the nation and made available to those agencies on the NCIC database.

E. Hawaii Integrated Justice Information Sharing (HIJIS) Warrant

An HIJIS warrant is commonly referred to as an electronic bench (eBench) warrant. These warrants are issued with the authority of any State of Hawaii Judicial Court. The judiciary then posts the warrant on the eBench Warrants Internet website where it can be accessed by authorized law enforcement personnel.

III. JURISDICTIONAL AGENCY CONTACTS AND CONFIRMATIONS

A. First Circuit Court Warrant - Oahu

1. The Communications Division shall contact the Warrants Unit to confirm all legacy and other paper warrants that are in the custody of the Records and Identification Division.
2. The Communications Division shall contact the Sheriff's Division of the Department of Public Safety to confirm all legacy and other paper warrants that are in the custody of that department.

B. Outside Assist Warrant

The Communications Division shall contact the neighbor islands to confirm that a warrant for another judicial circuit is valid and whether the agency wants the person extradited.

1. Second Circuit Court - Maui Police Department
2. Third Circuit Court - Hawaii Police Department
3. Fifth Circuit Court - Kauai Police Department

C. NCIC Warrant

The Communications Division shall send a query via the NCIC website to the originating agency to confirm that the warrant is valid and that the agency wants the person extradited.

D. HIJIS Warrant

The Communications Division shall confirm eBench warrants with the appropriate judicial court.

E. Warrants Issued Directly to the Criminal Investigation Division (CID)

The Communications Division shall contact the CID to confirm warrants that are issued directly to investigators of the CID.

IV. RECEIVING WARRANTS

- A. Electronic warrants are issued and posted on the eBench Warrants Internet website by the respective judicial authority.
- B. Written warrants received by the department via the Records and Identification Division shall be routed to the Warrants Unit for processing, posting, periodical validation, and safekeeping. The Warrants Unit shall:
1. Assign a warrant number to the document;
 2. Enter the warrant information into the appropriate database;
 3. When appropriate, make a copy of the warrant and forward it to the respective element for an attempt to serve the document. If served, the serving element will ensure that the Attempt to Serve Legal Instrument, HPD-222 form, is completed in the Case Report System (CRS);
 4. Keep the original warrant on file; and
 5. Verify the validity of the warrant when the warrant is issued from another county (i.e., Hawaii, Kauai, or Maui) and then follow the same procedure as if the warrant was issued by the First Circuit Court.

C. Search warrants, grand jury bench warrants, and other warrants that are issued directly to an investigator shall be maintained by the investigator who shall be responsible for the safekeeping, service, and final disposition of these warrants. Arrest warrants with an authorized official's signature, an embossed seal, and a completed (blanks filled) court clerk stamp may be given to the Warrants Unit for processing.

D. When a suspect in custody has a warrant issued by another judicial circuit within the state, that warrant may be faxed directly to the receiving desk of the district detaining the suspect.

V. WARRANT VERIFICATION

A. When an officer has a person detained, the officer shall contact the Communications Division to confirm any outstanding warrants. Prior to locating a person, officers may verify a warrant with the Warrants Unit.

B. All requests from the public for any information on a warrant shall be directed to the Records and Identification Division.

VI. ATTEMPTS OF SERVICE

Each time an officer attempts to serve a warrant or develops a new lead to locate a wanted person, the officer shall record the subsequent information in the Attempt to Serve Legal Instrument, HPD-222 form, located in the Master Person file in the CRS.

VII. WARRANT CONFIRMATION

This section outlines the procedures for confirming a warrant for an individual.

A. An officer who has a person detained shall:

1. Verify the identity of the person; and
2. Request a warrant check from the Communications Division and an NCIC warrant check, if desired.

- B. When the CRS is not available, the Communications Division may conduct warrant inquiries via the:
 - 1. EBench Warrants Internet website that lists warrants electronically issued by the judicial courts;
 - 2. Warrants Unit that has all outstanding warrants received through the Records and Identification Division;
 - 3. Assigned investigator for Grand Jury Bench warrants, arrest warrants, and other warrants that may have been issued directly to the investigator;
 - 4. Department of Public Safety's Sheriff Division that has outstanding warrants issued to it;
 - 5. Neighbor island counties regarding outstanding warrants issued in them; and
 - 6. The NCIC website.
- C. If the person is wanted, the Communications Division shall ask if the officer wants to confirm the warrant.
- D. If confirmation is requested, the Communications Division shall contact the appropriate agencies to validate warrants issued within their jurisdictions.
 - 1. To confirm hard copies of legacy and other paper warrants issued by the State of Hawaii First Circuit on Oahu, the Communications Division shall contact:
 - a. The Warrants Unit for all warrants in the custody of the HPD; and
 - b. The Sheriff Division for warrants in its custody.

2. For Outside Assist and eBench warrants issued by a neighbor island, the Communications Division shall contact the appropriate department to confirm that the warrant is valid and the agency wants the person extradited.
 3. For an NCIC warrant, the Communications Division shall send a query via the NCIC website to the originating agency to confirm that the warrant is valid and the agency wants the person extradited.
 4. The Communications Division shall notify the officer when confirmation of the warrant is received.
- E. When a warrant is issued after normal business hours directly to an investigator from a judge or other authorized agent of any jurisdiction, the warrant shall be confirmed by the investigator who received the warrant. After a court seal is affixed to the document, the custody of the warrant may be transferred to the Warrants Unit that will confirm the warrant.

VIII. SERVICE OF WARRANTS

After confirming a warrant, the officer shall:

- A. Effect the arrest;
- B. Obtain a copy of the original warrant from the respective custodian or by printing it from the eBench Warrants website;
- C. Record the return of service information on the Attempt to Serve Legal Instrument, HPD-222 form, located in the Master Person file of the CRS;
- D. Record the following information on the top, right corner of the original warrant and in the general notes on the eBench Warrants website, if applicable:
 1. The HPD report number;
 2. The serving officer's name and identification number;
 3. The date and time of service; and

- 4. The district in which the warrant was served;
- E. Complete the service information in the appropriate blanks on the Return of Service, including the serving officer's signature;
- F. Scan the original warrant and completed Return of Service into the CRS and submit the scanned images with the police report;
- G. Give a copy of the warrant to the defendant; and
- H. Send the original warrant and completed Return of Service to the issuing authority.

IX. SERVICE OF A WARRANT ON MILITARY PROPERTY

- A. The service of a warrant on military personnel shall be coordinated through the appropriate Provost Marshal's office, Base Legal Officer, Base Police, or Military Command.
- B. When a specific bail amount is set, the serving officer shall inform the Provost Marshal's office, the Base Legal Officer, the Base Police, or Military Command with whom contact is made.

X. ACCESS AND TRAINING IN EBENCH WARRANTS

- A. Element commanders may request access to the eBench Warrants system for their officers by submitting a To/From report to the Records and Identification Division commander. The report must include the officer's full name, rank, identification number, assignment, e-mail address, and reason the officer requires access.

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- B. If access is granted, the Warrants Unit will contact the authorized officer via e-mail to establish access and send a tutorial for the system. If further training is required, the sergeant of the Warrants Unit may be contacted for assistance.

A handwritten signature in black ink that reads "Susan Ballard". The signature is written in a cursive, flowing style.

SUSAN BALLARD
Chief of Police

Post on bulletin
board for one week