

**Final Report of the**

**Task Force to Address the Backlog  
in Service of Traffic Bench Warrants  
and Other Arrest Warrants**

**Submitted to the  
Twenty-Fourth Legislature, Hawai'i, 2007**

**Pursuant to Act 308, Session Laws of Hawai'i, 2006  
and Senate Concurrent Resolution 91, S.D. 1,  
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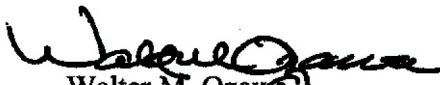
## FOREWORD

The legislative mandates of Senate Concurrent Resolution 91, Senate Draft I and Act 308, both called for the formation of task forces made up of representatives from various state, local, and private sector agencies to address the singular issue of addressing the backlog in service of traffic bench warrants and other arrest warrants. Because both mandates **were** nearly identical in membership requirements, with one to be convened by the Department of the Attorney General and the other by the Hawai'i **State** Judiciary, and because **the** work to **be** accomplished might be duplicative, **we** agreed to form a joint task force to benefit from a collaborative effort to address the issue of the backlog of **unserved** bench warrants,

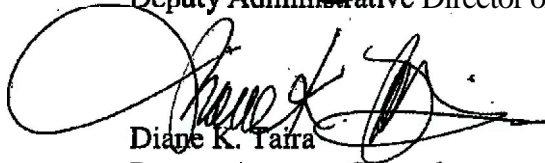
This report cannot adequately describe the depth and quality of discussion that occurred during our meetings. A total of fourteen separate agencies were brought together, including the four county police departments, prosecuting attorneys, the Hawai'i State Bar Association, Department of Public Safety, and Public Defender, **as well** as the Department of the Attorney General, and the Judiciary. **Attending** meetings, often more than once a week, was especially challenging for those traveling from the Neighbor Islands.

Over thirty individuals actively participated and contributed to **this** effort. All participants came together in a collegial manner, **focused** on the mission of the task force, and worked through the problems and possible solutions that are described in this report. In addition, the Center for Alternative Dispute Resolution played a vital role in assisting the task force by identifying and providing skilled facilitators to support the task force and its working subcommittees, and keeping us focused on the tasks and **timelines** that were established.

On behalf of **the** Department of the Attorney General and the Judiciary, we wish to sincerely thank and acknowledge each and every member of the task force and their respective agencies for their support **and** invaluable participation.



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Many thanks to the following members and participants for their hard work and dedication to the effort and to the Judiciary's Center for Alternative Dispute Resolution for its facilitation.

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## EXECUTIVE SUMMARY

The Task Force identified twelve major issues leading to the backlog in the service of traffic bench warrants and other arrest warrants. These twelve problems and the recommended solutions to each problem are numbered and discussed in Section IV of this report. These issues are not listed in any order of priority, but are discussed in the order of how warrants are created and processed by the Judiciary and law enforcement.

Although tasked to develop a comprehensive plan going beyond fiscal solutions, the Task Force recognizes that most, if not all, of its recommendations have budgetary implications, some of which may be extraordinary. Even if all of the Task Force's recommendations are implemented, however, the warrant backlog is expected to grow if the number of law enforcement officers available to serve warrants does not keep pace with the ever-increasing number of outstanding warrants.

Implementation of many of the proposed recommendations requires a coordinated effort by Task Force members and other stakeholders. Only through communication and full participation by affected stakeholders can an effective and efficient system to address the reduction of warrants be designed, implemented, and maintained.

## I. INTRODUCTION

The 2006 Legislature of the State of Hawai'i, through Senate Concurrent Resolution 91, Senate Draft 1 (S.C.R. 91, S.D. 1), and Act 308, directed the convening of two groups, a task force and a review committee, to identify and address issues responsible for the backlog in the service of traffic bench warrants and other arrest warrants. In doing so, the Legislature found that, among other things:

1. [I]n the O'ahu district court system, there are over one hundred thousand outstanding bench warrants.<sup>1</sup>
2. [T]he number will continue to increase because when a person is sentenced to prison, especially for a felony, and then misses an appearance in district court for a traffic case, a bench warrant is automatically issued and the case remains unresolved. Many outstanding traffic warrants also go unserved because the person is sentenced to a term of prison in an unrelated case and the underlying traffic case is never addressed.
3. [T]he present practice regarding service of traffic bench warrants causes numerous problems. First, outstanding warrants clog up the court system for years. This situation is partly due to the fact that incarcerated persons are unable to appear in district court to clear up minor traffic violations. The warrants are not served upon them in prison

<sup>1</sup> The Task Force would like to note that there is a discrepancy between the number of unserved warrants as cited in S.C.R. No. 91, S.D. 1 and Act 308, SLH 2006, and that it is unsure as to how the "over one hundred thousand" number was determined. As of July/August 2006, the total number of unserved warrants was 73,925 according to data presented to the Task Force by the Judiciary.

because the backlog is so extensive that law enforcement resources devoted to service of warrants are focused on arresting persons charged with serious offenses who are at large in the community. Second, inmates are denied parole or drug treatment because they have not resolved outstanding court matters. Third, inmates, once released from prison, must immediately turn themselves back in on traffic warrants that have remained pending for three, five, ten, or even twenty years.

4. The unserved arrest warrants are costing the State a potential of \$20,000,000 in unpaid fines and fees.<sup>2</sup>

5. The considerable number of unserved warrants creates a public safety concern.

### Legislative Mandates

S.C.R. 91, S.D. 1 directed the task force, under the leadership of the Department of the Attorney General, to determine the number of traffic warrants and felony and misdemeanor warrants outstanding; develop a comprehensive plan to permanently alleviate the backlog of unserved arrest warrants, going beyond only fiscal and budgetary discussions or solutions; prepare proposed legislation; and engage in any other activities necessary to carry out the intent of the resolution.

Act 308 requested the Judicial Council, established pursuant to section 601-4, Hawai'i Revised Statutes, through a review committee, to conduct a comprehensive review of the entire backlog of unserved arrest warrants, including the backlog of arrest warrants

<sup>2</sup> S.C.R. No. 91, S.D. 1 cited a "potential cost to the State of \$20 million in unpaid fines and fees." The Task Force is uncertain how this number was derived.



waiting to be served upon persons incarcerated in the state's correctional facilities, and recommend to the legislature action necessary to serve these warrants without further delay. The Act mandated the study to cover more than only fiscal problems, and the review to include an investigation into initiatives that participants can take to alleviate the problem permanently. Copies of S.C.R. 91, S.D. 1 and Act 308 are included as *Appendices I and II*.

#### **A Joint Effort**

Pursuant to the legislative mandates of S.C.R. 91, S.D. 1 and Act 308, the task force and review committee would include representatives from the same organizations, with the only difference being that Act 308 required the participation of a representative from the private criminal bar. Because of the nearly identical task force membership requirements, the Department of the Attorney General and the Judiciary (for the Judicial Council) agreed to jointly convene one group to address the mandates in both measures.

The members included representatives from the Judiciary, Department of the Attorney General, Department of Public Safety, Sheriff Division of the Department of Public Safety, Department of the Prosecuting Attorney for each county, Police Department for each county, Office of the Public Defender and private criminal law practitioners (as recommended by the Hawai'i State Bar Association). The group is collectively referred to as the Task Force.

#### **The Process**

With assistance from the Judiciary's Center for Alternative Dispute Resolution, the Department of the Attorney General and the Judiciary

created a Design Committee, a small, diverse group of Task Force members to help develop an overall meeting process to achieve the desired outcomes. The Design Committee met in July 2006 to formulate ideas and design agendas as well as to establish a meeting process for the Task Force. The Design Committee also provided guidance to the Task Force by clarifying questions, setting timelines, and providing assistance when issues arose.

At its first meeting, the Design Committee agreed to recommend to the Task Force: (1) suggested ground rules (including making decisions by consensus whenever possible); (2) adding representatives from the Hawai'i Paroling Authority and the Hawai'i State Bar Association's Collection Law Section; and (3) inviting members, especially a member from the neighbor islands, to join the Design Committee. The Task Force agreed to these suggestions at its first meeting.

The Task Force met as a whole at eight facilitated meetings. Each meeting lasted approximately three and one-half hours. Collectively, Task Force members and others in their organizations spent hundreds of hours compiling and reviewing information, outlining procedures, identifying problems and issues, and brain-storming recommendations to improve the warrant system. The Task Force also invited representatives from other organizations to provide additional input.

Representatives from the Hawai'i State Bar Association also came forward to participate in Task Force discussions and expressed concerns about unserved civil warrants. While not comprising a significant portion of the backlog, many

warrants issued in civil litigation are not being served.

During one subcommittee meeting, representatives of the Judiciary and Sheriff Division resolved one problem that has resulted in the more efficient processing of warrants. It involved changing the form in which some warrants were delivered to the Sheriff's office. Although a seemingly minor change, it helped to streamline the way traffic warrants are processed. As a result of the collaboration, Sheriff Division staff is processing traffic warrants more quickly and efficiently.

The Task Force identified 12 major problems and corresponding solutions to address the problems. The problems and solutions are discussed in Section IV.

#### **A Nationwide Problem**

It is important to note that a backlog in the service of warrants is not just a problem in the State of Hawai'i. The Massachusetts Senate Committee on Post Audit and Oversight succinctly reported in its January 1999 report entitled WARRANTING IMPROVEMENT: Reforming the Arrest Warrant Management System (Appendix III), as follows:

"Law enforcement experts consider the issue of outstanding arrest warrants sitting uselessly in boxes and file cabinets to be a *nationwide* problem. Criminal justice experts acknowledge that arrest warrants can be a valuable asset in the criminal justice system's crime-fighting arsenal and can become part of the solution to serious community crime problems such as drug dealing and prostitution. However, in order for arrest warrants to fulfill their intended role, their use must be properly managed. Arrest warrants and the

information they contain must be timely, accurate, and accessible. Furthermore, enforcement of arrest warrants must be *coordinated* among the district attorneys, police, and the courts. A database is only as good as the information in it and the way that the information is used." (emphasis added)



## **II. BACKGROUND INFORMATION ON WARRANTS**

A warrant is an order to arrest a named individual. Three entities – the courts, the Hawai'i Paroling Authority, and the Department of Public Safety's Intake Service Center – have the authority to issue warrants.

Warrants are generated for a variety of reasons. Some warrants are for the arrest of an individual because of an alleged offense or crime. Other warrants are generated because an individual failed to appear at a court hearing or failed to pay a fine.

Once created, the warrant is processed for service. The Sheriff Division of the Department of Public Safety and the county police departments serve warrants. Processes for service differ among the counties. For example, on O'ahu, traffic warrants are served by the Sheriff Division whereas in the County of Maui, the Maui Police Department serves traffic warrants. The different entities involved in the creation and service of warrants maintain their own records management systems. (*Appendix IV*)

### **III. THE NUMBERS**

The Task Force recognizes that in spite of budgetary, manpower and resource constraints, law enforcement agencies successfully serve numerous warrants on a daily basis. However, for various reasons, there are approximately 74,000 unserved warrants in the State of Hawai'i, according to data presented to the Task Force by the Judiciary. It should be noted that in an attempt to obtain data, the Judiciary struggled with the respective limitations and associated problems inherent in all of its case management systems.

#### **No Centralized Statewide Warrant Database**

No centralized, statewide repository of information on all types of warrants exists in the State. The numbers of unserved warrants presented in Table 1 were compiled from several Judiciary databases.

#### **Existing Warrant Data is Not Comprehensive**

The Judiciary recently converted its TRAVIS database of traffic case information into a new case management system, called the Judiciary Information Management System (JIMS),<sup>3</sup> and the number of unserved traffic warrants reported for each circuit were generated from this system. Unfortunately, all other Judiciary database systems are antiquated, are not standardized or integrated, and have varying degrees of capabilities and limitations in terms of the kind of summary data that each system can generate.

For example, the Judiciary cannot generate the number of warrants ordered or outstanding in felony cases from its Circuit Court and Family Court criminal and civil case management system because the Hawai'i Justice Information System (HAJIS) can extract as a data element only the last official action taken in a case.

Because the data the Judiciary presented to the Task Force came from different case management systems, the specific information available differed depending on which system was used to generate the data.

Warrant processing problems caused by the new JIMS system are discussed in Section IV.

#### **57% of Warrants are Traffic Warrants**

Fifty-seven percent of the 74,000 warrants reported by the Judiciary as outstanding as of July/August 2006 are related to traffic cases. In addition to the 42,041 JIMS traffic warrants unserved statewide as of July 2006, the Judiciary presented a chart showing the number of First Circuit TRAVIS traffic warrants that were issued, recalled, served by the Honolulu Police Department or the Sheriff Division, and unserved for each year from 1983 to July 2006. The same report could not be generated for the other circuits since the TRAVIS warrant system was not implemented on the neighbor islands.

#### **Majority of Warrants are for Missed Court Dates or Non-Payment of Fines**

The Judiciary was asked to provide data on the number of warrants issued because people either missed their court dates or did not pay court-ordered fines.

<sup>3</sup> Due to the conversion to JIMS, the Honolulu Prosecutor's Office agreed to move to recall over 37,000 older First Circuit traffic warrants in 2004.

Unfortunately, coded data on defaults on fines/payments and court-ordered appearances, and other violations for which the warrants were issued, is not entered into the system and, therefore, the information could not be generated in summary form. Judiciary officials, however, believe that the majority of unserved warrants in the State are warrants issued for missed court dates and non-payment of fines, and are often issued in connection with misdemeanor or traffic cases.

**Four Different Systems Used for Data on Misdemeanor, Intake Services, Grand Jury, Hawai'i Paroling Authority, Adult Probation and Juvenile Warrants**

The Judiciary also reported on the number of misdemeanor warrants that were issued, recalled, served and unserved from 1974 in the First Circuit, 1975 in the Second Circuit, 1995 in the Third Circuit, and 1996 in the Fifth Circuit. The numbers were generated from DC CRIM, the Judiciary's District Court criminal case management system, in July 2006.

Although TRAVIS was replaced by JIMS in October 2005, it is still used by the Sheriff Division to record and track Intake Service Center warrants and Grand Jury warrants ordered in the First Circuit and warrants issued statewide by the Hawai'i Paroling Authority. This system was used to generate data on the number of warrants issued, recalled, served by the Honolulu Police Department and Sheriff Division, and unserved for each year from 1990 to July 2006.

In addition, data on the number of currently active or unserved warrants for

adults on probation for the First, Second, Third, and Fifth Circuits as of August 2006 were provided to the Task Force.

JUSTIS, the Family Courts' statewide juvenile case management information system, was used to generate data on the number of bench warrants issued, recalled, served and unserved in each circuit from 1983 to August 2006.

**Warrants are Issued in Civil Cases**

Although the Task Force focused on warrants issued in criminal and traffic cases, at the request of a Task Force member representing the Hawai'i State Bar Association, the Judiciary attempted to research the number of warrants issued in civil cases. Generally, civil warrants are ordered at the request of a party as a consequence of non-compliance with a civil judgment or court order to appear. The number of District Court civil warrants issued, recalled, served and unserved in the First Circuit from 1997 to August 2006 were manually counted by a court clerk. No effort was made to count the number of civil warrants unserved in the other courts and circuits.

**Table 1**  
**Warrant Backlog as of July/August 2006**

<b>Type of Warrant</b>	<b>Count</b>
<b>Traffic (JIMS)</b>	
First <sup>4</sup>	42,041
Second	4,170
Third	4,626
Fifth	555
<b>Total Unserved Traffic Warrants</b>	<b>51,392</b>
<b>Misdemeanor (DC Crim)</b>	
First	16,161
Second	1,886
Third	1,338
Fifth	425
<b>Total Unserved Misdemeanor Warrants</b>	<b>19,810</b>
<b>Grand Jury (TRAVIS)</b>	
First	112
<b>Total Unserved Grand Jury Warrants<sup>5</sup></b>	<b>112</b>
<b>Intake Services (TRAVIS)</b>	
First	810
<b>Total Unserved Intake Services Warrants<sup>5</sup></b>	<b>810</b>
<b>Hawai'i Paroling Authority (TRAVIS)</b>	<b>230</b>
<b>Probation Violations (PROBER)</b>	
First	713
Second	201
Third	94
Fifth	17
<b>Total Unserved Probation Violations Warrants</b>	<b>1,025</b>
<b>Juvenile (JUSTIS)</b>	
First	132
Second	19
Third	39
Fifth	3
<b>Total Unserved Juvenile Warrants</b>	<b>193</b>
<b>District Court Civil</b>	
First	353
<b>Total Unserved District Court Civil Warrants<sup>5</sup></b>	<b>353</b>
<b>TOTAL UNSERVED WARRANTS</b>	<b>73,925</b>

<sup>4</sup> Over 37,000 First Circuit traffic warrants were purged from the TRAVIS system in 2004 to reduce the backlog of unserved warrants.

<sup>5</sup> Numbers for the Second, Third, and Fifth Circuits are not available.

#### IV. DEFINING THE PROBLEMS AND RECOMMENDING SOLUTIONS

The Task Force proceeded as follows:

- Identified factors and problems contributing to the backlog.
- Grouped the factors and problems into three main subjects.
- Formed four subcommittees to address each main subject by developing problem statements and suggesting solutions.

Over the course of several months, each of the four subcommittees presented its problem statements to the Task Force. After considerable discussion during several meetings, the Task Force finalized the wording of 12 problem statements. The process was repeated for the suggested solutions to the identified problems. After several meetings, the Task Force reached consensus on some of the solutions suggested.<sup>6</sup>

For the purpose of this report, the 12 problems were grouped in order of how warrants are processed by the Judiciary and law enforcement: (1) Point of Origin of a Warrant; (2) Classification of Bench Warrants; (3) Prioritizing Service of Bench Warrants; and (4) Service of Bench Warrants. The last major problem relates to Public Perception.

The following is a summary of the problems and solutions, which, unless

otherwise noted, were agreed to by the Task Force. Some agreements were "conceptual agreements," which means that the Task Force agreed to the theory or idea but not to the details or methods of implementation. In addition, the Task Force recognized the following limitations: (1) there are other affected entities that should be involved in the design and implementation phases of many of the solutions; and (2) there are resource and budget constraints that would hinder the implementation of solutions. The full participation of all affected stakeholders, both within and outside of the Task Force, prior to implementation is critical if many of the solutions are to succeed. Not only is communication with the stakeholders important to allow informed decisions to be made, but input from the different perspectives of the various stakeholders will result in a more comprehensive solution.

##### Point of Origin: Alternatives to Bench Warrants

The Task Force began with the understanding that the majority of unserved warrants are issued because a person failed to appear in court. The Task Force explored alternatives to issuing warrants for missed court dates.

##### **Problem 1:**

Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.

##### **Solutions:**

More alternatives to Bench Warrants need to be considered such as:

- Conceptual agreement to automatic calling systems.
- Conceptual agreement to devote personnel to call people to remind them (e.g., Project Contempt in the Fifth Circuit).

<sup>6</sup> Members of the Task Force believed it important to mention several of the originally proposed solutions that were not agreed upon by consensus, so that the Legislature would have a broader view of the discussions held. As agreed to by the Task Force, these proposed solutions are also noted in this section. The solutions that did not have the consensus of the Task Force are attached as *Appendix V*.

**Comments:**

The Task Force agreed in concept, but not to the particulars of a calling system—whether automated or personally serviced—that would remind defendants of upcoming or missed court dates and the steps that can be taken to remedy the situation.

The Task Force recognized the following limitations: (1) there are other affected entities that should be involved in the design and implementation phases of such solutions; and (2) there are resource and budget constraints that would hinder the implementation of such solutions.

Other existing court procedures were considered by the Task Force such as Penal Summons and Orders to Show Cause. A Penal Summons is a court order that requires a person to appear in court or pay a fine. An Order to Show Cause requires a person to appear in court to explain why he or she missed a court date. Although it would be easy for the Task Force to recommend that the courts use these other procedures, such procedures would probably only result in a backlog in court scheduling and processing of the orders. For example, penal summons and orders to show cause must be documented and mailed or otherwise served on defendants. If defendants do not respond to orders, the summons and orders may add to the warrant backlog since a bench warrant is the next step in the process. To a certain extent, these alternatives are used by the courts at the present time.

Another possible alternative to consider, but which will require further study, is the concept of using "stoppers" in lieu of bench warrants. Stoppers are indicators (or reports) to other departments or

agencies requiring the department or agency to deny service or issuance of a certificate or to revoke a benefit to an individual who is the subject of a warrant. The use of stoppers is recommended for further study because other departments or agencies that were not a part of the Task Force would be impacted. The Task Force does not presume to know all of the impacts (the clearing of some stoppers reportedly can be very difficult) and possible impediments such as (fiscal, conflicting laws) to implementing the warrants and various stoppers. Fiscal impacts on the courts and law enforcement is also an issue since management of stoppers may require additional personnel and interfaceable computer systems.

In addition to the possibility of issuing a stopper in lieu of a warrant, possible alternatives to the current driver's license stoppers are stoppers on tax returns, worker's compensation payments, recreational licenses and permits, construction permits, professional licenses, vehicle registrations, public employment opportunities, University of Hawai'i registration, Department of Health certificates and other public benefits. Affected departments and agencies would include the Department of Taxation, Department of Labor, Department of Land and Natural Resources, Department of Commerce and Consumer Affairs, Department of Human Services, Department of Health, University of Hawai'i, and the Department of Finance of the various counties.

**Classification of Warrants**

Currently, there is no overall system to classify warrants. This problem became evident during the Task Force's efforts



to identify the components of the backlog.

**Problem 2:**

There is no automated method to sort all outstanding warrants by category, e.g., serviceability, jurisdiction, type of offense, payment only warrants, etc.

**Solution:**

- Establish a coded system. Warrants with inaccurate information would be a coded category.

**Comments:**

The current systems are very inefficient for the identification and classification of warrants. For example, without a coded system, bench warrants for missed court dates cannot easily be distinguished from warrants issued for non-payment of fines. With such high numbers to filter through, a manual search becomes a time-consuming and resource-intensive process. The systems are also not set up to easily identify warrants that cannot be served due to erroneous information or warrants that cannot be served at all. These warrants, usually created based on information given by individuals/defendants to law enforcement officers, often contain errors that make them unserviceable. A coded system, which would keep track of the types and numbers of warrants, would lead to more efficient service of warrants and better flag those warrants that cannot be served.

In designing a coded system, Hawai'i could look to other jurisdictions for workable models (e.g., New York and Pennsylvania).

**Problem 3:**

The lack of a central database is an impediment to the warrants system.

**Solutions:**

- Conceptual agreement to create a central database (with 24-hour availability, preferably outside the court system).
- A statutory change to obtain vital statistics from the Department of Health (DOH) in a less burdensome way.

**Comments:**

The Task Force agreed in concept with the first of the above solutions and recognized the following limitations: (1) other affected entities should be involved in design and implementation phases of the solutions; and (2) staffing and budget constraints would determine the extent to which such a solution may be implemented.

The Task Force agreed that statutory change to obtain vital statistics information from DOH in a less burdensome way is needed. The Department of the Attorney General is pursuing legislation that may be helpful.

**Prioritization of Service of Warrants**

The Task Force recognized that staffing and other resource considerations affect counties differently in the ways they set their priorities for the service of warrants.

**Problem 4:**

There are no uniform criteria for service of warrants; each jurisdiction needs to improve its prioritization system. This matter mainly affects district court warrants between counties.

**Solutions:**

- Because there are different resources in different jurisdictions, a statewide uniform solution is not advised. The counties should continue to establish

their criteria and make them known to the others.

- Public education about pleas by mail and other methods of clearing warrants should be considered.
- Jurisdictions should work with the Judiciary to electronically categorize/identify traffic warrants by charge.

### **Service of Warrants**

#### **Problem 5:**

Aids/resources for more effective or efficient service of warrants are lacking.

#### **Solutions:**

- Conceptual agreement with non-automated and automated calling systems.
- Conceptual agreement to interface warrant computer database systems with certain state agencies (e.g., DOH).
- Court should calendar matter upon motion of defendant, e.g., motion to recall bench warrant, when warrant is known to exist but not actually served (including development of user-friendly form for defendant).

#### **Comments:**

Conceptual agreement with non-automated and automated calling systems to be used to call defendants after a bench warrant has been issued and informing them of how to address the situation before law enforcement is involved.

#### **Problem 6:**

There is a lack of detailed and accurate information that hampers service of warrants.

#### **Solutions:**

The issue needs to be addressed on several fronts:

- Drivers' licenses as "smart cards" embedded with person's information.
- Electronic thumbprint upon citation photograph and thumbprint on warrant.

#### **Comments:**

Sometimes, there is a lack of detailed and accurate information that hampers the service of warrants. For example, in the District Court of the First Circuit, the court creates the traffic bench warrant based upon the information provided by law enforcement when they complete the traffic citation or arrest report. If a name has been misspelled, or if the person cited provides incorrect identifying information, this misinformation may then be transmitted and used when the warrant is created. The incorrect information may then be fatal to the service of the warrant. Once a warrant is deemed "unserviceable" by the server, it will typically remain on the books, potentially for years. While implementation of the proposed use of "smart cards" or electronic thumbprints was not discussed in detail by the Task Force, the effective service of warrants requires timely, accurate, and accessible information.

#### **Problem 7:**

Despite the recommended system changes, the current resources and staffing are inadequate to keep pace with the volume of issued warrants and the growing backlog of unserved warrants.

#### **Solutions:**

- Reduce the backlog of warrants already issued.
  - Conceptual agreement to use current bench warrant fees to fund service of warrants.
  - Conceptual agreement to authorize and fund law

enforcement retirees to serve bench warrants.

- Conceptual agreement to send payment warrants to a collection agency.
- Consider periodic review/recalls of bench warrants (e.g., on annual basis).
- Notify persons with outstanding warrants to clear their warrants (e.g., notice by mail, phone); and, for adjudicated persons, notice by publication and on-line listings.
- Statutory change to obtain vital statistics from DOH in a less burdensome way.<sup>7</sup>

**Comments:**

The Task Force agreed conceptually with some of the solutions noted above and recognized the following limitations: (1) other affected entities should be involved in design and implementation phases of such solutions; and (2) staffing and budget realities would influence the practicality of such solutions.

The Task Force also noted that although Act 28 of the 2006 Legislature directed the Department of the Attorney General to draft administrative rules for a program that would allow law enforcement retirees to serve warrants, no monies were appropriated to fund such a program and no department was empowered to implement such a program.

**Problem 8:**

Delays in the inputting, creation, and

transmission of warrants create difficulties in the service of warrants.

**Solutions:**

- Conceptual agreement to have paperless warrants.
- Before sentencing, ACS could check for warrants.

**Comments:**

The Task Force agreed conceptually with the solution of paperless warrants and recognized the following limitations: (1) all affected entities should be involved in design and implementation phases of that solution; and (2) staffing and budget realities would affect the implementation of and transition to paperless warrants.

One of the problems in the timely creation of warrants is caused by the new JIMS system. Although the JIMS system was created to bring the court's technology up to current standards, it actually requires more manual data entry and does not allow for "batching," (creation of multiple warrants at one time). This creates a strain on court staff, causes a delay in the physical creation of warrants, and, delays the time the warrants are available for service. The Task Force is in agreement that a "fix" to the JIMS system would be necessary to implement certain solutions.

**Problem 9:**

The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.

**Solutions:**

- PSD Management Information System (MIS) staff will continue to research, explore, and implement possibilities to interface various existing databases such as JIMS,

<sup>7</sup> Legislative action would be needed to obtain vital statistics from DOH in a more cost-effective manner (for law enforcement). Currently, the information is available to the public and other agencies for a fee; DOH uses these fees to support and maintain the technological infrastructure necessary to keep such records.

TRAVIS, and LEQM with PSD's Offender Trak.

- Annual review by Judiciary, Prosecutors, PSD, and police departments (manual review and stoppers).

**Problem 10:**

Law enforcement does not consistently conduct warrant checks for detained individuals.

**Solutions:**

- Law enforcement should conduct warrant checks for all persons in their custody (including investigative stops, arrestees, holding cell, incarceration, whenever practical).
- Agreements and coordination among police, prosecutors, PSD, and defense bar for service of warrants.

**Problem 11:**

There needs to be improved prioritization of resources.

**Solutions:**

- Access to embedded personal information on driver's license for correct information.
- Department of Public Safety, Law enforcement, the Judiciary, and Offices of Prosecutors should coordinate and collaborate in reviewing and discarding old warrants.
- Develop/utilize system of volunteers to make calls (e.g., Judiciary's Volunteers in Public Service, and law and Masters in Social Work students).

**Comments:**

Existing capabilities and resources should be used to their fullest extent. For example, the bar code on the back of

driver's licenses contains information identifying the person and address for whom the license was issued. If law enforcement were able to use the information contained in the driver's license bar code in issuing a citation, a defendant could be more accurately identified on a warrant. The use of the bar code would prevent the inadvertent transposing of numbers or misspelling of names when a citation is completed. Incorrect information on the citation is often incorporated in warrants. However, the Task Force recognizes that the ability to fully utilize such technology would have significant budgetary impact, and requires more coordination and discussion among the various agencies involved.

The Judiciary and the various prosecuting attorneys' offices have conducted, from time to time, massive concerted efforts to review cases for possible dismissal or recall even though such efforts are labor and time intensive. Periodic reviews, however, should continue and, in the future, involve the Department of Public Safety.

With regard to use of volunteers, both the Judiciary and the Department of Public Safety have existing volunteer programs that might be expanded to encompass tasks that could assist in efforts to reduce the warrant backlog.

**Public Perception**

The Task Force also addressed the broader issue of why persons did not fulfill their obligations to the justice system in the first place. The following recommendations include preventative measures, as well as development of a strategic direction in order to identify offenders who pose the most risk to the community.

**Problem 12:**

Violators disregard their responsibilities to the justice system.

**Reasons why:**

1. No immediate and/or consistent consequences.
2. Consequences are not severe enough.
3. Violators claim lack of knowledge:
  - (a) about the existence of bench warrants; or
  - (b) about how to clear bench warrants; or
  - (c) claim they lack the resources needed to clear warrants.
4. Some violators manipulate the process by causing delays, knowing that the judge will likely continue the trial.
5. Apathy and/or lack of respect for the system.

**Solutions:**

- Identify and prioritize the violators with the greatest number of bench warrants or who pose the greatest risk to community safety.
- Where a defendant has consulted and is present with an attorney or has properly waived the right to an attorney, and wishes to enter a plea agreement or to accept complete responsibility for the charges brought against him/her, judges are encouraged to adjudicate the cases.
- Strengthen civics education and outreach programs of DOH, DHS, YMCA, YWCA, Judiciary, police department, and other entities. Ensure that those programs foster compliance with laws and respect for the courts and law enforcement.

**Comments:**

It should be noted that a significant portion of the traffic warrants can be attributed to a relatively small number of multiple offenders. One printout of

outstanding traffic warrants indicated that of the approximately 52,000 warrants across the State, almost 23,000, or over 40 percent, related to approximately 8,900 defendants.

**Remarks from the Task Force**

The Task Force members realize that the discussions of many proposed solutions have budget and staffing implications. Moreover, the Task Force notes that some recommended solutions require early and significant input by other agencies that would be affected by changes and who were not involved with the Task Force.

Coordination and collaboration among agencies to plan for and implement such suggestions is critical. Further study will need to be done if any of these types of suggestions are to be pursued, with input from other affected agencies solicited at the earliest possible stage.

# **APPENDIX I**

## **SENATE CONCURRENT RESOLUTION 91, S.D. 1**



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## SENATE CONCURRENT RESOLUTION

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ESTABLISHING A TASK FORCE TO EXAMINE THE BACKLOG IN UNSERVED  
ARREST WARRANTS.

1 WHEREAS, the State has an estimated backlog of 76,881  
2 arrest warrants that remain unserved; and

3  
4 WHEREAS, this backlog includes traffic, felony, and  
5 misdemeanor warrants; and

6  
7 WHEREAS, the unserved arrest warrants are costing the State  
8 a potential of \$20,000,000 in unpaid fines and fees; and

9  
10 WHEREAS, the considerable number of unserved warrants also  
11 creates a public safety concern; and

12  
13 WHEREAS, the Legislature acknowledges that there are many  
14 factors that contribute to the backlog in unserved arrest  
15 warrants; and

16  
17 WHEREAS, the Legislature seeks to find a permanent solution  
18 to this problem and to clear up the current backlog and ensure  
19 that in the future, arrest warrants are served in a timely  
20 manner; now, therefore,

21  
22 BE IT RESOLVED by the Senate of the Twenty-third  
23 Legislature of the State of Hawaii, Regular Session of 2006, the  
24 House of Representatives concurring, that a task force be  
25 convened to conduct a comprehensive review of the entire backlog  
26 of unserved arrest warrants and recommend to the Legislature  
27 action necessary to permanently alleviate the backlog; and

28  
29 BE IT FURTHER RESOLVED that the task force shall be  
30 comprised of the following members:

- 31  
32 (1) The Attorney General, or the Attorney General's  
33 designee;  
34



- (2) The Administrative Director of the Courts, or the Director's designee;
- (3) A member from the Department of Public Safety's Sheriff Division;
- (4) The Director of Public Safety, or the Director's designee;
- (5) A member from each county's prosecuting attorney's office;
- (6) An attorney from the Office of the Public Defender; and
- (7) The chief of police from each county's police department or the chief's designee;

and

BE IT FURTHER RESOLVED that the Attorney General or the Attorney General's designee shall serve as the chairperson and facilitator for organizational purposes; and

BE IT FURTHER RESOLVED that the task force shall:

- (1) Determine the number of outstanding traffic warrants;
- (2) Determine the number of outstanding felony and misdemeanor warrants;
- (3) Determine a comprehensive plan to permanently alleviate the problem of a backlog in unserved arrest warrants, with a comprehensive plan to go beyond only fiscal and budgetary discussions or solutions;
- (4) Prepare proposed legislation; and
- (5) Engage in any other activities necessary to carry out the intent of this Concurrent Resolution;

and



S.C.R. NO. <sup>91</sup>  
S.D. 1

1 BE IT FURTHER RESOLVED that the task force is requested to  
2 report its findings and recommendations to the Legislature no  
3 later than twenty days prior to the convening of the Regular  
4 Session of 2007; and  
5

6 BE IT FURTHER RESOLVED that certified copies of this  
7 Concurrent Resolution be transmitted to the Attorney General,  
8 the Administrative Director of the Courts, the State Sheriff  
9 Division, the Director of Public Safety, each County's  
10 prosecuting attorney's office, the Office of the Public  
11 Defender, and each County's police department.



# **APPENDIX II**

**ACT 308, SLH 2006**

---

**A BILL FOR AN ACT**

RELATING TO UNSERVED ARREST WARRANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that in the Oahu district  
2 court system there are over one hundred thousand outstanding  
3 bench warrants. It is unknown how many outstanding warrants  
4 there are on the neighbor islands. These numbers continue to  
5 increase because when a person is sentenced to prison,  
6 especially for a felony, and then misses an appearance in  
7 district court for a traffic case, a bench warrant is  
8 automatically issued and the case remains unresolved. Many  
9 outstanding traffic warrants also go unserved because the person  
10 is sentenced to a term of prison in an unrelated case and the  
11 underlying traffic case is never addressed.

12       The legislature also finds that the present practice  
13 regarding service of traffic bench warrants causes numerous  
14 problems. First, outstanding warrants clog up the court system  
15 for years. This situation is partly due to the fact that  
16 incarcerated persons are unable to appear in district court to  
17 clear up minor traffic violations. The warrants are not served  
18 upon them in prison because the backlog is so extensive that law



1 enforcement resources devoted to service of warrants are focused  
2 on arresting persons charged with serious offenses who are at  
3 large in the community. Second, inmates are denied parole or  
4 drug treatment because they have not resolved outstanding court  
5 matters. Third, inmates, once released from prison, must  
6 immediately turn themselves back in on traffic warrants that  
7 have remained pending for three, five, ten, or even twenty  
8 years.

9 The purpose of this Act is to require due diligence in  
10 serving all traffic warrants issued against a defendant and to  
11 require the Hawaii paroling authority to report to the  
12 appropriate court and arresting authorities whether a parolee  
13 has any outstanding traffic warrants.

14 PART I

15 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 \*§353- Suspension or revocation; arrest warrants arising  
19 from traffic violations. In the event of suspension or  
20 revocation of parole, the Hawaii paroling authority shall inform  
21 the appropriate courts and arresting authorities of all



1 outstanding traffic warrants issued against the parolee so that  
2 the warrants may be served on the parolee in a timely manner."

3 SECTION 3. Chapter 604, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§604- Arrest warrants arising from traffic violations.  
7 In any criminal proceeding, due diligence shall be used in  
8 serving any outstanding traffic warrants on the defendant."

9 PART II

10 SECTION 4. The judicial council, established pursuant to  
11 section 601-4, Hawaii Revised Statutes, through a review  
12 committee, shall conduct a comprehensive review of the backlog  
13 of arrest warrants waiting to be served upon persons  
14 incarcerated in the state's correctional facilities and the  
15 entire backlog of unserved arrest warrants and recommend to the  
16 legislature action necessary so that these warrants will be  
17 served without further delay. The participants of the review  
18 committee shall consist of representatives from:

- 19 (1) The judiciary;  
20 (2) The department of the attorney general;  
21 (3) The department of public safety;

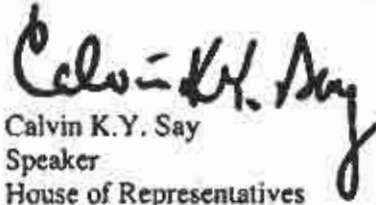


HB No. 3016 HD 1 SD 1 CD 1

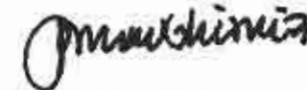
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say  
Speaker  
House of Representatives



Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

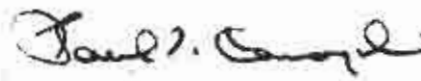
THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda  
President of the Senate



Paul Kawaguchi  
Clerk of the Senate

## **APPENDIX III**

### **WARRANTING IMPROVEMENT: REFORMING THE ARREST WARRANT MANAGEMENT SYSTEM (MASSACHUSETTS REPORT)**

## SENATE, No. 2381

Report of the Senate committee on Post Audit and Oversight (under the provisions of Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) entitled "Warranting Improvement: Reforming the Arrest Warrant Management System" (Senate, No. 2381).

### The Commonwealth of Massachusetts



In the Year One Thousand Nine Hundred and Ninety-Eight.

## WARRANTING IMPROVEMENT: Reforming the Arrest Warrant Management System

A Report of the  
Senate Committee on Post Audit and Oversight  
January 1999

Massachusetts Senate  
The Honorable Thomas F. Birmingham  
Senate President

Senator Cheryl A. Jacques, Chair  
Senator Robert A. Havern, Vice Chair  
Senator Robert A. Durand  
Senator Robert L. Hedlund  
Senator Mark C. Montigny  
Senator Marc R. Pacheco  
Senator Warren E. Tolman

---

### Senate Committee on Post Audit and Oversight

#### Senator Cheryl A. Jacques, Chair

The Senate Committee on Post Audit and Oversight works to ensure that state government is accountable to the citizens of the Commonwealth. The Committee's charge is to monitor compliance with state laws, to act as a watchdog to protect taxpayers from waste and fraud, to evaluate the efficiency and effectiveness of state agencies and programs, and to recommend corrective actions through legislation, regulation, or administrative initiatives.

### Senate Post Audit and Oversight Bureau

Joel Andrés Barrera  
Director and Editor

Angus McQuilken

## SPAO - Arrest Warrant Management

Chief of Staff, Senator Cheryl A. Jacques

Victoria Grafflin

Deputy Director and Principal Writer and Researcher

The Bureau acknowledges the work of Amy Craig, Roberto Di Marco, Stephen Habbe, Natasha Harvey, Rosina Lucibello, Ellyce Makrauer, Rita Noonan, Tobi Quinto, Carolyn Ringel, Stacey Rolland, Joju Thomas, Maria Van Buren, Joel Warner, and Cynthia Williams.

The Bureau would also like to acknowledge the assistance of the Office of the Chief Justice for Administration and Management of the Trial Court, the Executive Office of Public Safety, the Criminal History Systems Board, the Department of the State Police, the Registry of Motor Vehicles, the Massachusetts Association of Chiefs of Police, and all of the individual police and court personnel who offered their expertise and insight on the subject of arrest warrant management.

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### IV. Findings and Recommendations

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## Executive Summary

Despite the creation of a statewide, electronic arrest warrant database in 1995, people with outstanding warrants continue to commit serious crimes while they remain at large.

- On October 1, 1997, 10-year-old Jeffrey Curley of Cambridge was brutally murdered. One of the men convicted of the crime, Charles Jaynes, was wanted on 75 outstanding arrest warrants from 18 District Courts at the time of the murder.<sup>1</sup>
- On October 21, 1997, Annie Glenn was shot and killed in Lowell in front of her three young children by Richard Kenney, an ex-boyfriend who was wanted on outstanding warrants for crimes such as possession of cocaine and receiving stolen property.<sup>2</sup>
- On June 25, 1998, Gilberto Sanchez, a convicted sex offender who was wanted on six outstanding warrants for crimes such as violating a restraining order, defaulting on drug charges, and assault, allegedly sexually molested a 12-year-old Framingham girl after climbing through her bedroom window while she slept.<sup>3</sup>

In December 1994, the Legislature enacted the Warrant Reform Act creating a statewide, electronic, arrest warrant database known as the Warrant Management System (WMS). As a result, Massachusetts became the first state in the nation to create a statewide, 24-hour-a-day, seven-day-a-week, real-time warrant database. The warrant reform measures were prompted by several incidents that demonstrated the inadequacy of Massachusetts' system of handling arrest warrants, including the murder of Boston Police Officer Berisford Anderson by a man wanted on a default warrant in connection with another shooting.

Prior to 1995, WMS did not exist. Instead, the Massachusetts criminal justice community relied on a combination of paper files, in-house databases, and a predecessor electronic system administered through the Criminal Justice Information System (CJIS). The electronic system was grossly inadequate because there was no statutory requirement to include warrants in the database.

In creating WMS, policymakers hoped that by replacing a 350-year-old paper-based system with a centralized computer database of all Massachusetts warrants, police officers would have easier access to better warrant information. Lawmakers also hoped that incidents like the senseless death of Officer Anderson could be avoided in the future. WMS has partially accomplished these goals. In the past, knowing whether a person was wanted outside of a police officer's own jurisdiction was almost impossible. Today, a police officer is able to check whether a person is wanted by another police department in Massachusetts simply by querying the computerized warrant database.



Law enforcement experts consider the issue of outstanding arrest warrants sitting uselessly in boxes and file cabinets to be a nationwide problem.<sup>4</sup> Criminal justice experts acknowledge that arrest warrants can be valuable assets in the criminal justice system's crime-fighting arsenal and can become part of the solution to serious community crime problems such as drug dealing and prostitution.<sup>5</sup> However, in order for arrest warrants to fulfill their intended role, their use must be properly managed. Arrest warrants and the information they contain must be timely, accurate, and accessible. Furthermore, enforcement of arrest warrants must be coordinated among the district attorneys, police, and the courts. A database is only as good as the information in it and the way that the information is used. The Senate Post Audit and Oversight Bureau's research found that Massachusetts' system warrants improvement and that WMS has not yet met its full potential.

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### Problems with Warrant Management

#### Warrants Without Meaning

1. **There is a backlog of more than 275,000 outstanding arrest warrants in WMS, a number that is growing by more than 5,000 per month.**<sup>6</sup> This huge number of outstanding warrants dilutes the effectiveness of WMS and makes it more difficult to identify dangerous, repeat offenders.
2. **Almost two-thirds of all arrest warrants are default warrants, i.e., warrants issued solely because people skip court dates or do not pay court-mandated fines.** This high percentage of default warrants indicates widespread disrespect for the court system. Although penalties for defaulting exist, they are often not imposed.<sup>7</sup> When somebody does not show up for a court date, a default warrant is issued, but the wanted person is not notified and often the warrant is never executed. The message sent to scofflaws is that there are no real consequences for disregarding the Commonwealth's courts.
3. **Thousands of wanted individuals collect taxpayer-funded financial benefits and other state privileges.** A 1997 comparison of the WMS database against state welfare rolls identified 14,000 people who were receiving welfare benefits even though they had warrants outstanding for their arrest.<sup>8</sup> There are numerous other Massachusetts benefits and privileges such as workers' compensation, unemployment benefits, and professional licenses that wanted individuals can currently receive.
4. **The Registry of Motor Vehicles (RMV) is failing to fulfill its intended role in Massachusetts' system of arrest warrant management.** Although the Warrant Reform Act prohibits the RMV from issuing new drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a new applicant has an outstanding arrest warrant.<sup>9</sup> Although there is a system for the non-renewal of licenses held by people with outstanding arrest warrants, wanted people can currently receive a new driver's license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.
5. **Warrant management is more passive, in some respects, than before the creation of WMS.** Since the implementation of WMS, warrant apprehension is usually a result of random encounters by police with wanted people during routine traffic stops.<sup>10</sup> Furthermore, as reliance on the computerized system has increased, active warrant practices, such as mailing notification letters to people who are issued an arrest warrant for a misdemeanor, have been dropped.
6. **Most police departments lack the resources to field their own warrant apprehension teams.** Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS) provides warrant apprehension services in conjunction with local police departments for the rest of the state.<sup>11</sup> However, VFAS consists of only six state troopers who are able to do just three or four major warrant sweeps per year.<sup>12</sup>

#### The Legacy of Legacy Warrants

1. **Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system.** In addition to the backlog of outstanding warrants in WMS, there are hundreds of thousands of so-called "legacy" warrants in boxes and file cabinets in police departments and courts across the state that still have not been entered into WMS.<sup>13</sup> The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.
2. **There is no official policy on what to do with the hundreds of thousands of legacy warrants.** Nearly 60% of the District Courts that responded to a Senate Post Audit and Oversight Bureau survey reported that they review legacy warrants before reissuing them in WMS.<sup>14</sup> Without guidance on how to handle legacy warrants, decisions about whether to cancel or reissue them are being made on an ad-hoc basis without proper authority or accountability.

## Effective Warrant Management

1. **WMS does not help police prioritize who to apprehend.** An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. For example, because WMS is not currently set up to flag people with multiple warrants, or those who are wanted for committing a serious felony, the warrant status of dangerous repeat offenders such as Charles Jaynes lie buried in electronic limbo.
2. **Police do not have regular access to several databases that may contain more accurate address information than is contained in WMS.** When police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies that have potentially valuable name and address databases are under no obligation to share this information with law enforcement officials.
3. **Few Massachusetts warrants are visible to other states through the FBI's National Crime Information Center (NCIC), which serves as the national warrant clearinghouse.** While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.
4. **WMS does not provide one-stop-shopping for all warrants.** Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody.<sup>15</sup> However, several categories of warrants such as Parole and Department of Youth Services warrants are not included in WMS, which means that other electronic databases and physical files must be searched in order to do a comprehensive check.
5. **Warrant management in Massachusetts remains fragmented.** Responsibility for the implementation of WMS has been split between the Judicial and Executive branches of state government, inhibiting both a cohesive vision of the system's purpose and a unified strategy for achieving its goals.
6. **Inaccurate and insufficient information continues to impede the execution of arrest warrants.** Police officers cite inadequate information as one of the biggest hindrances to serving warrants.<sup>16</sup> The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.
7. **Three years after the implementation of WMS, there are no measures of its effectiveness.** Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

## Resource Issues

1. **Police and courts lack the resources needed to use WMS to its full capacity.** For example, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants.<sup>17</sup> Without this equipment, all WMS inquiries must be routed through a radio dispatcher which ties up the channel and prevents other communication. Moreover, many local police departments also lack this equipment.
2. **There are large disparities in the number of WMS-connected computer terminals in the courts.** Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers.<sup>18</sup>

---

## Recommendations:

### Making Warrants Meaningful

**Criminals need to understand that warrants have consequences.** The penalties for having an outstanding arrest warrant should be overhauled and toughened, and renewed emphasis should be placed on clearing the warrant backlog.

1. **The number of troopers in VFAS should be doubled in order to better help police departments throughout the Commonwealth apprehend wanted criminals.** In addition, VFAS should develop an on-going program to train local police departments in the techniques of successful warrant execution.
2. **People with outstanding warrants should not be able to collect state financial benefits or privileges such as unemployment benefits or workers' compensation until they have appeared in court and cleared their warrants.** Currently, transitional assistance benefits are supposed to be cut off to people who have outstanding *default* warrants; the law should be expanded to cover all outstanding warrants and other state financial benefits and privileges.

## SPAO - Arrest Warrant Management

3. State licenses such as professional and recreational licenses should be suspended for people with outstanding arrest warrants until the warrants are cleared.
4. People with outstanding arrest warrants should not be able to collect a state tax refund until they have cleared the warrants.
5. The Default Warrant Removal Fee, payable to the city or town in which a wanted person is arrested on a default warrant, should be increased to \$75 to help offset the cost of warrant apprehensions by local police departments.
6. The RMV should comply with the 1994 Warrant Reform Act by screening new applicants for a driver's license for outstanding warrants before the license is issued. In addition, the RMV should be required to immediately suspend the driver's license of anybody wanted on an outstanding felony warrant. The RMV should also improve the match rate of outstanding warrants to licensed drivers by, for example, reviewing the match criteria currently used. Furthermore, a notation should be added to any "non-renewal" flag in the RMV database indicating whether or not the non-renewal status is a result of an outstanding arrest warrant.
7. When a warrant is issued, the issuing court should automatically mail a letter informing the person of the warrant and outlining the consequences of failing to clear the warrant. The Boston Police Department reported that when they used to routinely send out warrant notification letters for misdemeanor warrants, approximately 30% of such letters resulted in people coming to court to clear their warrants.
8. The Trial Court Administration should allow people with misdemeanor warrants that simply require payment of a fine to clear them without having to actually appear in court. Rather, payment to the issuing court could be made by mail or credit card.

## The Legacy of Legacy Warrants

1. The Warrant Reform Act should be amended to require that all legacy warrants be evaluated and where appropriate be reissued through WMS by January 1, 2001.
2. The Trial Court Administration and the Executive Office of Public Safety should jointly establish guidelines for evaluating warrants before re-issuing them in WMS. Inter-disciplinary teams should be established in each jurisdiction to evaluate legacy warrants and where appropriate to reissue them through WMS.

## Effective Warrant Management

1. VFAS should be given statutory authority to receive, through cross matching, potentially valuable address information held by other state agencies. This information should also be available upon request to local law enforcement agencies.
2. WMS should be programmed to help police prioritize who to apprehend first by highlighting people with multiple warrants and those wanted for serious felonies. The Criminal History Systems Board (CHSB) should regularly publish and transmit lists of people with multiple warrants and people wanted for serious felonies to law enforcement agencies so that they can concentrate resources on these scofflaws.
3. Law enforcement agencies should enter all eligible Massachusetts arrest warrants into NCIC. As soon as practicable, CHSB should create a system that will transmit eligible Massachusetts arrest warrants directly into NCIC.
4. CHSB should move quickly to link all of the databases that contain arrest warrants so that complete information is available through one computer search. CHSB should offer one-stop-shopping for warrant information by January 1, 2001.
5. A Warrant Oversight Commission should be established and charged with coordinating and overseeing the WMS database and warrant management in general. Its responsibilities should include the following:
  - developing standards for measuring the effectiveness of WMS;
  - developing guidelines for reviewing legacy warrants;
  - overseeing the production of warrant management procedural manuals;
  - coordinating warrant management efforts throughout the state;
  - providing on-going training for court and law enforcement personnel;
  - creating a quality control team to audit WMS and publish an annual report on warrant apprehension rates for all cities and towns across the state; and
  - providing an effective forum for input from the frontline users of WMS.
6. To improve the accuracy of the information on arrest warrants, the following steps should be taken:
  - Currently the police have limited access to WMS for adding or updating information on an arrest warrant. CHSB should give police greater access to WMS for adding additional address information.

- All Massachusetts arrest warrants should conform to CJIS quality standards, unless the requesting law enforcement agency seeks an exemption for a particular warrant.
- New or updated address information obtained through cross matching with other databases should be integrated into WMS so that law enforcement officials have access to the most accurate and up-to-date information possible.

### Resources

1. Massachusetts should set a goal to have a laptop computer in every police cruiser in the Commonwealth by January 1, 2002. Funding should be allocated to provide on-board laptop computers for all State Police cruisers in the Commonwealth and the Legislature should establish a matching grant program to encourage local police departments to purchase this equipment.
  2. As part of the Warrant Oversight Commission's auditing duties, a review of court access to WMS and computer resources should be conducted to ensure that all courts have the ability to enter warrant information in a timely fashion.
- 

### Background

In response to several high profile crimes committed by wanted individuals, the Legislature took action in 1994 by reforming the management of arrest warrants in Massachusetts. The Weld administration filed House Bill 4689, *"A Message by the Governor Recommending Reform of the Warrant Management System."* In June 1994, the bill was approved by the Joint Committee on the Judiciary, co-chaired by Senator Cheryl A. Jacques and Representative Salvatore DiMasi, and was enacted by the Legislature several months later. In December 1994, Governor William Weld signed the bill into law as Chapter 247 of the Acts of 1994.

The warrant reform measures were prompted by several incidents that demonstrated the inadequacy of Massachusetts' system of handling arrest warrants. One incident that sparked the call for reform legislation was the February 1994 murder of Boston Police Officer Berisford Anderson. Officer Anderson was fatally shot by Dalton Simpson, who was wanted on a default warrant that was issued because he skipped a court appearance involving another shooting.

Another incident that gained widespread public attention pointed to problems with the quality and quantity of information on warrants. In 1992, William Santiago, who had outstanding warrants for assault and battery and malicious destruction of property, was sworn in as a Chelsea Police officer. Because the warrants issued against him did not have enough identifying information, such as physical descriptors or a social security number, the Chelsea Police Department was unaware of the warrants when he was hired. Only after Santiago kidnapped his ex-girlfriend in March 1993 were the outstanding warrants discovered.<sup>12</sup>

The reform legislation created Massachusetts' electronic Warrant Management System (WMS), and defined the information to be contained within an arrest warrant. The legislation also specified that the Trial Court is responsible for issuing and recalling warrants while the Criminal History Systems Board (CHSB), an agency under the Executive Office of Public Safety, is responsible for administering and maintaining WMS.

### Major Provisions of the 1994 Warrant Reform Legislation

The following are the major elements of the 1994 WMS reform:<sup>20</sup>

1. Creates WMS and provides for the integration of paperless warrants into current police and court practices by, for example, allowing a computer printout from WMS to constitute a "true copy" of the warrant.
2. Requires all new warrants to be accessible to all law enforcement agencies and the Registry of Motor Vehicles (RMV) via the Criminal Justice Information System (CJIS).
3. Requires courts and law enforcement officials to check for outstanding warrants before releasing from custody any person who has been brought before the court on a criminal matter.
4. Forbids the Registrar of Motor Vehicles from issuing, renewing, or reinstating a driver's license for anybody with an outstanding warrant.
5. Gives increased authority to the court where a person is arrested to handle outstanding warrants issued by other courts. For example, any court in the Commonwealth can now accept payment of a fine for any other court and then discharge a person.
6. Requires increased coordination among courts on warrants by, for example, letting one court set bail for a person arrested on an outstanding warrant from another court. The first court must confer with the second court to pick an appearance date.



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7. Requires that transportation to the court that issued a warrant be provided if the defendant is not released on bail or recognizance by the court where the person was arrested.
8. Creates an additional penalty for defaulting in the form of a \$50 "Default Warrant Assessment" fee payable to the Commonwealth. This fee is in addition to the existing "Default Warrant Removal Fee" or alternative sanction of a day of community service imposed when a person is arrested on a default or probation violation warrant. The original Default Warrant Removal Fee goes to the city or town where the person is arrested and was intended to offset the costs that local police departments incur when they apprehend and process a person for defaulting.<sup>21</sup>
9. Restricts the ability to set bail for, or release on recognizance, a person brought to court who has an outstanding default warrant. By repealing a section of the previous law, only a judge, not a clerk magistrate or other person with authority to set bail, can release a person on bail or recognizance for a default warrant outside of regular court hours. In practice, this means that a person arrested on Friday night who has an outstanding default warrant must be kept in custody until the next court session, usually the following Monday morning.

### **What is WMS?**

WMS is a statewide computer database of arrest warrants. There are two kinds of arrest warrants: "straight" warrants, which are issued as a result of a criminal complaint or indictment, and "default" warrants, which are issued because a person defaults on their responsibility to either appear in court or pay a court-mandated fine.

### **What is an Arrest Warrant?**

An arrest warrant is "an order in writing, issued by a judge or other competent authority, in the name of the Commonwealth, directed to the proper officer, naming a person charged with a crime, and commanding the officer to arrest and bring before the court, the person named therein."<sup>22</sup>

### **What is a Legacy Warrant?**

A legacy warrant is an arrest warrant that was issued before the creation of WMS. Many of these warrants have been incorporated into the system, but many others have not. The term "legacy" warrant is used to describe pre-WMS warrants that were entered into the CJIS system by the police as well as paper warrants and other electronic warrants that have not yet been incorporated into the WMS database.

### **Who Issues Arrest Warrants?**

Although arrest warrants are issued by several agencies and courts such as the Parole Board, the Department of Corrections, the Department of Youth Services, and the Housing and Superior Courts, over 90% of all arrest warrants are issued by the District Courts.<sup>23</sup>

### **What information is in an Arrest Warrant?**

The 1994 warrant reform legislation requires that court clerks enter all new warrants issued by their courts into WMS.<sup>24</sup> The law also requires that, to the extent known, the following identifying information be included in the warrant:

- name,
- last known address,
- date of birth,
- height and weight,
- hair and eye color,
- offenses for which the warrant is requested,
- designation of offenses such as felony or misdemeanor,
- any known aliases, and
- name of responsible police department.

### **What is CJIS and how does it relate to WMS?**

CJIS is a computer network that links many separate criminal justice databases, some of which are nationwide like the National Crime Information Center (NCIC), which is managed and regulated by the Federal Bureau of Investigation (FBI). Because CJIS is linked with the FBI's national criminal information databases, all information in CJIS must conform to FBI standards, which are more stringent than WMS standards.

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All law enforcement agencies and the RMV are allowed access to CJIS for retrieving criminal justice information such as warrants. The courts do not have access to CJIS. Instead, they enter information directly into WMS via the Trial Court's central computer system in Cambridge. Warrant information is then instantly transmitted to the CJIS network located in Chelsea. Only the warrants that include sufficient information to meet the national CJIS standards are included in the CJIS database. The other, non-conforming warrants are included in WMS, but not in CJIS.

Before the 1994 reform law, police officers were responsible for entering and removing warrant information in CJIS. However, for a variety of reasons, most warrants were not entered into the system. Many police departments had in-house computer databases through which they tracked arrest warrants. Given personnel constraints, it did not always seem valuable to the police to enter warrants into CJIS as well as their own databases.<sup>25</sup> Furthermore, there was no statutory requirement to enter warrants into the CJIS system.

The 1994 warrant reform legislation made WMS the new central repository for arrest warrants. The legislation mandated that all new warrants be included in the system and shifted responsibility for entering warrants away from the police and to the courts.

### **SCOPE OF THE WARRANT MANAGEMENT REVIEW**

The Senate Post Audit and Oversight Committee reviewed the implementation of the 1994 Warrant Reform Act, with a broader goal of determining whether or not the full potential of WMS is being used to prevent crime and apprehend criminals. This review of Massachusetts' warrant management system is intended to present recommendations to build on the accomplishments of WMS and the warrant reform legislation.

Primary research was conducted through interviews with officials from the Trial Court Administration, District Courts, the Executive Office of Public Safety, police officers from various departments, and administrators from the RMV. An all-day public hearing was held on June 10, 1998 to give interested parties an opportunity to provide insight into the implementation of WMS.

Research on other states' warrant management systems was conducted via the Internet and through telephone interviews. Legal research included reviewing the Massachusetts General Laws and the Warrant Reform Act of 1994 as well as judicial memoranda regarding implementation of the statutory changes.

Information was gathered through a survey sent to all of the District Courts by the Senate Post Audit and Oversight Bureau. Other information was obtained from the Criminal History Systems Board, the Trial Court Administration, local and state police departments, the FBI, the RMV, and the Department of Transitional Assistance.

### **Accomplishments of Warrant Management in Massachusetts**

The accomplishments of Massachusetts' warrant management system should be recognized. Massachusetts was the first state in the nation to create a statewide, 24-hour-a-day, seven-day-a-week, real-time warrant database. Only two other states, Colorado and Utah, have anything close to WMS. However, warrants entered into Utah's system are not immediately visible to the police because the system is only updated once each day. Massachusetts' real-time system is continually updated as new warrants are issued. Colorado's integrated criminal justice information system does not provide access to district court warrants and so is not as comprehensive as Massachusetts' WMS.

The Trial Court Administration managed to implement WMS in only six months, from the time the warrant reform legislation was enacted in December 1994 to the time the system was operational in July 1995. Dedicated professionals at the Trial Court Administration, the Criminal History Systems Board, and law enforcement agencies throughout the state have worked together and made improvements in the system. Massachusetts continues to be a leader in the developing field of criminal justice information systems.

Some of the statistics on warrant execution rates are encouraging. Within a year of WMS' inception, the number of warrants served as a percentage of those issued in a given year doubled. In 1995, the District Courts issued 153,222 arrest warrants; of those, 6% were served. In 1996 the percentage of warrants served rose to 12% even as the overall number of warrants issued increased to 287,859. In 1997 and 1998, the percentage of warrants served remained at this new, higher level. In all, since the inception of WMS, 70% of warrants issued have been resolved, either by being served or recalled.<sup>26</sup> However, with more than 250,000 warrants issued each year in the past two years, the 30% of warrants issued that remain outstanding have begun to constitute an unwieldy backlog.

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## **PROBLEMS WITH WARRANT MANAGEMENT**

In spite of the progress made by creating a centralized, electronic warrant database, WMS has not solved all of the problems that it was supposed to. The Committee has identified several areas of particular concern.

## WARRANTS WITHOUT MEANING

### Huge Backlog of Arrest Warrants

There is a backlog of more than 275,000 outstanding arrest warrants in WMS, a number that is growing by more than 5,000 per month.<sup>27</sup> Between November 1997 and December 1998 the number of outstanding warrants in the system has grown by more than 15%. This huge number of outstanding warrants dilutes the effectiveness of WMS and makes it more difficult to identify dangerous, repeat offenders. As a result, wanted individuals remain at large, free to commit more crimes.

#### CHILD MURDERER WAS WANTED ON 75 ARREST WARRANTS

In April 1993, Charles Jaynes wrote a letter threatening to rape his high school teacher and her children. He was convicted of making a threat, sentenced to a year of probation, and ordered to seek psychiatric help. Only three months into his probation, he stopped appearing for meetings with his counselor and probation officer. He started accumulating default and other arrest warrants for crimes such as violating probation, robbing ATMs, fraud, and forgery. From 1994 to October 1997, when Jaynes was arrested and charged with the murder of 10-year-old Jeffrey Curley of Cambridge, he had accumulated 75 arrest warrants. During this time he lived in plain view of the police, in Brockton with his father, and then in Cambridge with his mother, apparently without any fear of being arrested on any of those 75 outstanding arrest warrants.<sup>28</sup>

- o On October 21, 1997, Annie Glenn was shot and killed in Lowell in front of her three young children by Richard Kenney, an ex-boyfriend who was wanted on outstanding warrants for crimes such as possession of cocaine and receiving stolen property.<sup>29</sup>
- o On November 20, 1997, Deon Bailey of Malden, who was wanted on outstanding warrants for assault with intent to kill, assault and battery, and violating probation, shot and killed New Jersey Police Sergeant Patrick King, execution style, in the back of the head while Sergeant King waited in line for food at a Chinese restaurant.<sup>30</sup>
- o On June 25, 1998, Gilberto Sanchez, a convicted sex offender who was wanted on six outstanding warrants for crimes such as violating a restraining order, defaulting on drug charges, and assault, allegedly sexually molested a 12-year-old Framingham girl after climbing through her bedroom window while she slept.<sup>31</sup>

### Deluge of Default Warrants

Almost two-thirds of all arrest warrants are default warrants, i.e., warrants issued solely because people skip court dates or do not pay a court-mandated fine. This high percentage of default warrants indicates widespread disrespect for the court system.

Percentage of Outstanding Warrants  
Which Are Default Warrants



Source: Senate Post Audit and Oversight Bureau Survey of District Courts, February-March 1998<sup>32</sup>

There are sanctions for defaulting, such as the \$50 Default Warrant Assessment and Default Warrant Removal fees that were codified as part of the 1994 warrant reform legislation. Unfortunately, judges often do not impose these sanctions on defaulters because so many people coming to court claim to be indigent.<sup>33</sup> When somebody does not show up for a court date, a default warrant is issued, but the wanted person is not notified and often the warrant is never served. The alternative sanction of a day of community service can be imposed, but apparently few judges choose to use this option.<sup>34</sup>



#### DEADLY DEFAULTS

On July 15, 1998, fire raced through an illegal Boston rooming house, killing one man and critically injuring a woman. The owner of the building had 20 default warrants outstanding against him relating to housing code violations. No law enforcement authority was looking for the owner, Philip "Sonny" Baiona, at the time of the fire. Though wanted on 20 default warrants, Mr. Baiona felt comfortable enough to give interviews to the press after the fire despite the fact that police officers were standing by his side.<sup>35</sup>

The problem of default warrants and the disrespect for the judicial system that they reflect was one of the issues that prompted warrant management reforms in 1994. The shooting death of Police Officer Berisford Anderson by Dalton O. Simpson, who had skipped a court date and was wanted on a default warrant at the time of the shooting, made default warrants a focus of the warrant reform effort. With more than 160,000 default warrants in WMS, and hundreds more being added every day, it is clear that disrespect for the court system is still rampant.<sup>36</sup>

#### Wanted Individuals Collect State Benefits and Privileges

Thousands of wanted individuals collect taxpayer-funded financial benefits and enjoy other state privileges. A 1997 comparison of the WMS database against state welfare rolls identified 14,000 people who were receiving welfare benefits even though they had warrants outstanding for their arrest.<sup>37</sup> There are numerous other Massachusetts benefits and privileges such as unemployment benefits, workers' compensation, and professional licenses that wanted individuals currently receive.

#### Criminals Collect Workers' Compensation

A recent State Police comparison between WMS and claims filed for workers' compensation revealed approximately 4,000 matches for people wanted on felony arrest warrants. Some of the offenses that these benefits claimants are accused of committing include: homicide, rape, arson, felony assault, narcotics distribution, weapons offenses, sex offenses, and robbery.<sup>38</sup>

Massachusetts has begun to deny access to some benefits for individuals with outstanding arrest warrants. The 1995 Welfare Reform Act prohibits a person from receiving transitional assistance if they have a *default* warrant outstanding against them.<sup>39</sup> However, under state law, individuals wanted on straight warrants are still eligible to receive welfare benefits. The law does, however, specify that the list of public assistance recipients may be matched against WMS as a way for law enforcement officials to get better address information so that they can arrest wanted criminals.<sup>40</sup>

#### Registry Road-Blocks Limit Effectiveness of Warrant Management

The RMV is failing to fulfill its intended role in Massachusetts' system of arrest warrant management. Although the Warrant Reform Act prohibits the RMV from issuing *new* drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a new applicant has an outstanding arrest warrant.<sup>41</sup> Although there is a system for the non-renewal of licenses held by people with outstanding warrants, wanted people can currently receive a *new* driver's license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.<sup>42</sup>

In order to determine which licensed Massachusetts drivers to put on non-renewal status for having an outstanding arrest warrant, the RMV's computer system runs a nightly cross match against warrant activity transmitted by CHSB. Unfortunately, the match rate of warrants to licensed drivers appears to be unacceptably low. The RMV uses strict match criteria before placing a driver's license on non-renewal status. Therefore, even though 75% of arrest warrants in the system include either a driver's license or a social security number, and 72% of Massachusetts residents are licensed drivers, the RMV only matches one-third of the warrant records to licensed drivers.<sup>43</sup>

The RMV can be assumed to have more accurate address information than that contained on the average arrest warrant; however, there is no mechanism for feeding this information back to WMS when a match is made.<sup>44</sup> Also, when a person with an outstanding warrant whose license is already on non-renewal status walks into a RMV office and hands the clerk an application to renew their driver's license, they are merely informed of their non-renewal status. The application, which contains important current address information, is handed back to the applicant. As a result, the law enforcement community is losing potentially valuable address information that could improve warrant apprehension rates.

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The RMV's role in arrest warrant management is further diminished because the driver's license sanction for an outstanding warrant is limited to license non-renewal, regardless of the severity of the alleged crime. Putting a driver's license on a non-renewal status has little or no immediate impact on a person with an outstanding arrest warrant because drivers' licenses only need to be renewed once every five years. This means that a person wanted on a serious felony warrant can keep his or her driver's license for up to five years.

There are many infractions for which people are put on a non-renew status, ranging from failure to pay parking tickets and automobile excise tax to an outstanding felony warrant. However, regardless of why a person's license is put on non-renewal status, a police officer in the field simply sees or hears "non-renew" when checking a person's driver's license. There is no further notation indicating whether the non-renewal is for an outstanding warrant or for an unpaid excise tax bill. This lack of information endangers police officers' lives and adds to the problem of wanted people walking (or driving) free.

### **Passive Warrant Management**

Warrant management is more passive, in some respects, than before the creation of WMS. For example, as reliance on the computerized system has increased, active warrant practices, such as mailing notification letters to people who are issued arrest warrants, have been dropped. Since the implementation of WMS, warrant apprehension is usually a result of random encounters by police with wanted people during routine traffic stops.<sup>45</sup>

According to law enforcement sources, prior to WMS the use of such notification letters was more common. The Boston Police Department reports that before the creation of WMS, it regularly sent out notification letters for misdemeanor warrants and got approximately a 30% response rate.<sup>46</sup> This simple, but active warrant management practice saved scarce police resources by reducing the number of wanted people that police officers needed to apprehend.

### **Active Warrant Apprehension Limited by Lack of Personnel**

Most local police departments lack the resources to field their own warrant apprehension teams. Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS), in conjunction with the Governor's Warrant Task Force, provides information, resources, and warrant apprehension services for the rest of the state.<sup>47</sup> However, given the huge backlog of outstanding warrants in the Commonwealth, the six person VFAS is woefully understaffed. Although VFAS' success rate, measured by the hundreds of targeted individuals apprehended, is impressive, they are only able to do three or four major warrant sweeps per year.<sup>48</sup>

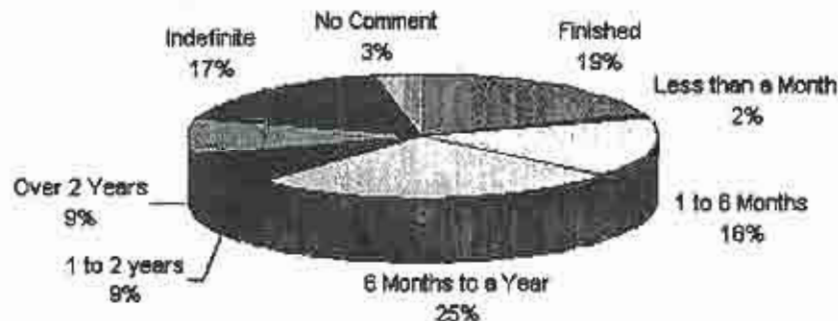
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## **THE LEGACY OF LEGACY WARRANTS**

### **Hundreds of Thousands of Legacy Warrants**

Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system. In addition to the backlog of outstanding warrants, there are hundreds of thousands of additional so-called legacy warrants in boxes and file cabinets in police departments and courts across the state that still have not been entered into WMS.<sup>49</sup> The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.

### Length Of Time Needed By Courts To Enter All Remaining Legacy Warrants Into The Warrant Management System



Source: Senate Post Audit and Oversight Bureau Survey of District Courts, February-March 1998<sup>50</sup>

#### No Official Policy on Legacy Warrants

As time permits, the courts are entering these legacy warrants into WMS. However, no regulations or statutory guidelines have ever been issued regarding how to handle these warrants. In fact, there is no statutory mandate that the legacy warrants be included in WMS at all. The Bureau's survey indicates that 57% of District Courts are reviewing legacy warrants before re-issuing them in WMS. However, without guidance on how to handle these warrants, decisions about whether to cancel or reissue a warrant are being made by court personnel without proper authority or accountability.

An administrative assistant from one district court testified at the public hearing on warrant management that she unilaterally dismisses legacy warrants that are old or of little apparent importance.<sup>51</sup> Given the high percentage of courts that report internal review of legacy warrants, it seems likely that she is not the only staff person put in the difficult position of making these decisions without proper guidance or authority.

### EFFECTIVE WARRANT MANAGEMENT

#### Lack of Prioritization

An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. Because WMS is not currently set up to flag people with multiple warrants, the warrant status of dangerous repeat offenders such as Charles Jaynes lie buried in electronic limbo. The murder of ten-year-old Jeffrey Curley of Cambridge in October 1997 illustrates the shortcomings of an electronic database that does not actively help police prioritize who to look for. With so many warrants in WMS and no prioritization, the database becomes little more than an "electronic phonebook" that is useful only when queried about a specific person or warrant.<sup>52</sup>

The importance of prioritizing the apprehension of career criminals was underscored by Robert Hayden, Undersecretary of the Executive Office of Public Safety, at the Committee's public hearing on warrant management in June 1998. Hayden testified that a small number of people are responsible for the bulk of serious crimes committed in Massachusetts.<sup>53</sup> Several studies support his contention, showing that approximately 10% of criminals are responsible for the majority of crimes committed and that getting these people off of the street has a strong crime-reduction impact.<sup>54</sup> Given the evidence that the same people keep committing crimes, it makes sense to prioritize the apprehension of people with multiple arrest warrants.

At the request of the Senate Post Audit and Oversight Bureau, CHSB produced lists showing: 1) all people with five or more felony warrants, 2) the 20 people with the largest number of felony warrants, and 3) the 20 people with the largest number of default warrants.

CHSB had to do extra programming of the system to create these reports and it took them over two weeks to produce them. However, when WMS was programmed to identify people with multiple warrants, alarming trends were revealed. The data indicate that many chronic lawbreakers have valid warrants for their arrest, but are essentially lost in a system that does not help police prioritize who to look for.



### THE WANTED WALK FREE

At the request of the Senate Post Audit and Oversight Bureau, CHSB identified individuals with numerous outstanding warrants including the following:

- 208 people in Massachusetts wanted on five or more felony warrants
- One man wanted on 23 outstanding felony warrants
- 15 people wanted on at least 20 outstanding felony warrants

All of these wanted individuals are free to live their daily lives and commit more crimes even though they are chronic lawbreakers.<sup>55</sup>

### Cross Matching: Missed Opportunities

Police do not have regular access to several databases such as those managed by the Department of Revenue (DOR) and the Department of Employment and Training (DET) that may contain more accurate address information than is contained on many arrest warrants.<sup>56</sup> To the extent that police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies with potentially valuable name and address databases are under no obligation to share this information with law enforcement officials. The RMV and the Department of Transitional Assistance (DTA) are statutorily required to regularly compare their databases with WMS for the purpose of denying wanted people certain driving and welfare privileges.

According to Lieutenant Kevin Horton of VFAS, a typical warrant sweep without the benefit of cross matching nets approximately 10% of the targeted individuals. However, in 1997, cross matching between WMS and state welfare rolls helped VFAS nab almost 40% of their intended targets in a 35 day sweep.<sup>57</sup> Cross matching is effective because the address information in state databases is often more accurate than the addresses in WMS; after all, even criminals want to be found when a check is in the mail.

### CROSS MATCHING CATCHES CROOKS

A 1997 cross match of state welfare rolls against WMS found 14,000 wanted individuals who were receiving public assistance. More than 1,400 of these people were wanted for serious crimes.<sup>58</sup> Because the address information from DTA was more accurate than addresses that normally appear in WMS, the apprehension rate of the State Police warrant sweep was much greater than warrant sweeps done without cross matching. Almost 40% of the 1,461 targeted individuals were arrested during the 35 day warrant sweep.<sup>59</sup>

Among the fugitives arrested were:

- three wanted for murder and one for motor vehicle homicide;
- 10 wanted for attempted murder;
- four wanted for rape of a child with force;
- 11 wanted for armed robbery;
- six wanted for kidnapping; and
- 358 wanted for assault and battery and 186 for assault and battery with a dangerous weapon.

As more state laws specify that certain privileges will be withheld from individuals with outstanding warrants, cross matching will need to be done more regularly. Guidelines and systems for carrying out these cross matches will need to be implemented. Massachusetts' 1996 welfare reform law prohibits anybody with a *default* warrant from receiving welfare benefits. Procedures developed to comply with this provision of the law require DTA to send two electronic tapes per month containing identifying information of welfare recipients to CHSB for the purpose of cross matching against WMS and the Probation Central File.<sup>60</sup>

As of October 21, 1998 the Massachusetts Gun Control Act of 1998 prohibits the issuance of a gun license to anyone with an

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outstanding arrest warrant. This law highlights the important role of cross matching in both warrant management and other public safety functions. Fulfillment of the new law will require that cross matching procedures between WMS and the Firearms Recordkeeping Bureau be implemented.

### Few Massachusetts Warrants are Available for Other States to See

Few Massachusetts warrants are visible to other states through NCIC, which serves as the national warrant clearinghouse. While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.

Approximately 2,500 out of about 70,000 Massachusetts felony warrants are visible through NCIC.<sup>61</sup> As of December 1998, Massachusetts was 32<sup>nd</sup> out of 50 states in terms of the number of warrants in NCIC. Relative to the population of Massachusetts and the number of warrants in WMS, this number is extremely low.

Alerting out-of-state police to people wanted in Massachusetts is a national police officer safety issue. Listing warrants through NCIC is also important because of the Brady Law's National Instant Check System (NICS), which was activated on November 30, 1998. One of the disqualifiers for purchasing a gun is classification as a fugitive. If gun dealers from other states do not know whether or not a person attempting to purchase a gun in their state is a fugitive from Massachusetts, the system will not work properly.

<b>WE CAN SEE THEIRS, BUT THEY CAN'T SEE OURS <sup>62</sup></b>			
<b>Top 10 Rank</b>	<b>State</b>	<b>Number of Warrants in NCIC</b>	<b>Population (in Millions)</b>
1	FL	49,399	14.4
2	NY	45,376	18.1
3	TX	41,345	19
4	CA	34,363	32
5	NJ	25,609	8
6	VA	24,639	6.7
7	OR	19,081	3.2
8	PA	18,600	12
9	IL	17,442	11.8
10	MO	17,254	5.4
32	MA	2,542	6

### WMS Does Not Offer One-Stop-Shopping For Arrest Warrants

WMS does not provide one-stop-shopping for all warrants. Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody.<sup>63</sup> However, thousands of warrants are not included in WMS, such as Parole and Department of Youth Services warrants, which means that other electronic databases and physical files must be searched in order to do a comprehensive check.

The standard query a law enforcement officer makes when looking for warrant information is called a Q2 query. The Q2 query accesses several databases through CJIS, including the Board of Probation's Central File (PCF) and the RMV's database. The FBI's NCIC is also searched through the Q2 query. NCIC contains nation-wide information on wanted and missing persons, Secret Service alerts, and threats to national security.

The Q2 query, which was created in early 1998 in order to provide a more comprehensive search for warrants, is a step in the right direction. However, because some warrants entered into WMS by the courts do not meet federally regulated CJIS standards, they are not included in the CJIS database and therefore are not seen when doing a Q2 query. In order to see these warrants, police must do a separate search of WMS. Additionally, the continued existence of paper warrants that are not part of any computerized system further complicates the situation. Since the system does not offer one-stop-shopping, there is a risk of unintentionally releasing a wanted criminal because a police officer or court official is unaware that the person has an outstanding arrest warrant.

Additionally, WMS is not integrated with other key criminal record databases. For example, there is no link between WMS and the PCF which "serves as the central repository for criminal records in the Commonwealth," and uses a unique identification number for

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each of the over 2.4 million individuals contained within its database.<sup>64</sup> A link between PCF and WMS has been recognized by the Trial Court Administration and the Criminal History Systems Bureau as essential; however, it is unclear just how close this link is to becoming a reality.<sup>65</sup>

### A Fragmented System of Warrant Management

Responsibility for the implementation of WMS has been split between the Judicial and the Executive branches of state government, inhibiting a cohesive strategy for managing WMS and using it to effectively apprehend wanted individuals.

- The creation of WMS was the first large-scale operational project that the Trial Court Administration had ever undertaken.<sup>66</sup> Previously, the role of the Trial Court Administration was mainly to set broad goals, which were then implemented by the District Courts.<sup>67</sup> The warrant reform legislation required a much greater degree of operational coordination among the courts than the Trial Court Administration had ever overseen.
- Although the warrant reform legislation made several significant changes in how warrants are handled, it appears that both the Trial Court Administration and the Executive Office of Public Safety approached the reforms with a focus on the technological aspects of warrant management.<sup>68</sup> Given the short time frame within which the system was to be operational and the enormous logistical challenges this presented, it is understandable that emphasis was placed on the technological aspects of the reform legislation and not on the broader systemic issue of how warrants are managed from complaint to execution. Now that the system is operational, these broader systemic issues need more attention.
- After the 1994 Warrant Reform Act was enacted, meetings between the judicial and law enforcement communities concerning WMS began as wide-ranging discussions covering all aspects of warrant policies and procedures.<sup>69</sup> However, the logistical challenge of creating and connecting the electronic database to all of the courts and training personnel to use the system appear to have permanently overshadowed the policy side of warrant management. CHSB continues to sponsor quarterly meetings with the law enforcement community to discuss WMS, but these meetings are run by technical managers and generally do not address policy issues.<sup>70</sup>
- In almost every interview the Bureau conducted with law enforcement and court personnel, the need for more and better training was raised. Court personnel report that because their training was done months before the implementation of WMS they had largely forgotten what they had learned by the time the system was up and running. Because the training focused on use of the WMS software, court personnel were never given a sense of how they fit into the larger picture of warrant management. The consulting firm that provided the training had no expertise in the Massachusetts criminal justice system, so, as one court staffer pointed out the trainers could not answer questions that were not technical in nature. One police officer reported that a staff member at the local district court did not understand that the documents they were creating in WMS were actually used by police to apprehend wanted individuals.<sup>71</sup>

### Inadequate Identifying Information

Inaccurate and insufficient information continues to impede the execution of arrest warrants. Police officers cite inadequate information as one of the biggest hindrances to serving warrants.<sup>72</sup> The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.

- The police have only limited ability to update information in WMS. Instead, police can forward any new information such as up-to-date addresses to court personnel who then add it to the warrant. This system is inefficient, and according to law enforcement officials, discourages adding valuable new information to warrants that could help improve warrant apprehension rates.<sup>73</sup>
- WMS does not have any minimum standards for warrant quality. Mass. General Laws Chapter 276 § 23A, requests a list of identifiers for inclusion on an arrest warrant "to the extent known to such requesting authority," which means that none of the identifying data listed is actually required in order for a warrant to be issued. Warrants with insufficient address or identification information are of little use to the police who must execute them. Thousands of poor quality warrants clog the system and obscure other warrants that could be executed.

### Performance Measures Do Not Exist

Three years after the implementation of WMS, there are no measures of its effectiveness. Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

## Resource Issues

### **Police Need Field Access to Warrants**

Every time a police officer knocks on a door or approaches a vehicle, he or she faces potential danger. With more than 275,000 outstanding warrants in WMS, it is not uncommon for police to encounter people with outstanding warrants in the course of their everyday patrols. The more information the officer has about who might answer that door or who is in that vehicle, the safer the officer is. Conversely, the danger of these routine situations is greatly magnified if the officer lacks crucial criminal background information such as whether or not the person has an outstanding arrest warrant.<sup>74</sup>

#### **OFFICER ASSAULTED BY MAN WITH FOUR OUTSTANDING WARRANTS**

On September 30, 1998 State Police Trooper William Nasuti pulled over a blue Pontiac Grand Am that was weaving through traffic at high speed and tailgating. When the officer attempted to get the real name of the driver by asking another person in the car, the driver, Amando Ferrera, elbowed him in the face and tried to grab the officer's gun. The officer's subsequent background check on Ferrera, showed that he had four outstanding warrants for his arrest. According to the police incident report, the female passenger in the car stated that Ferrera knew he was wanted and would be sent to jail on the outstanding warrants, which led to his assault on Officer Nasuti.<sup>75</sup>

Despite a common perception that driver's license and warrant inquiries are done during every traffic stop, in reality police are limited in doing this by a lack of remote access equipment in the field. According to Colonel Reed Hillman, Superintendent of the Massachusetts State Police, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants.<sup>76</sup> Many local police departments also lack this technology. Without this equipment, all WMS inquiries must be routed through a radio dispatcher, which ties up the channel and prevents other communication.

### **Uneven Distribution of Computers in the Courts**

There are large disparities in the number of computer terminals the courts have connected to WMS. Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers. Brockton District Court, the third busiest court in the state, has only one computer that is linked to WMS. Worcester District Court, the second busiest, has only three. However, Gardner District Court, ranked 57<sup>th</sup> out of 69 in terms of the number of criminal complaints processed, has six WMS-linked computers, and Clinton District Court, ranked 56<sup>th</sup> out of 69, has seven WMS-linked computers.<sup>77</sup> Overall, information technology resource distribution among the District Courts appears to be skewed. The disparity in the distribution of WMS-linked computers among the courts is troubling.

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## **FINDINGS AND RECOMMENDATIONS**

### **Making Warrants Meaningful**

#### **FINDING:**

There is a backlog of more than 275,000 arrest warrants in WMS, making it difficult to identify chronic lawbreakers and diluting the effectiveness of the system. In addition, because almost two-thirds of all warrants issued are default warrants, it is clear that disrespect for the judicial system is rampant.

#### **RECOMMENDATION:**

Criminals need to understand that warrants have consequences. The penalties for having an outstanding arrest warrant should be overhauled and toughened, and renewed emphasis should be placed on clearing the warrant backlog.

1. People with outstanding warrants should not be able to collect state financial benefits and privileges



such as unemployment benefits or workers' compensation until they have appeared in court and cleared their warrants. Currently, transitional assistance benefits are supposed to be cut off to people who have outstanding *default* warrants; the law should be expanded to cover all outstanding warrants and other state financial benefits and privileges.

2. State licenses such as professional and recreational licenses should be suspended for people with outstanding arrest warrants until the warrants are cleared.
3. People with outstanding arrest warrants should not be able to collect a state tax refund until they have cleared the warrants.
4. The Default Warrant Removal Fee, payable to the city or town in which a wanted person is arrested on a default warrant, should be increased to \$75 to help offset the cost of warrant apprehensions by local police departments.
5. When a warrant is issued, the issuing court should automatically mail a letter informing the person of the warrant and outlining the consequences of failing to clear the warrant. The Boston Police Department reported that when they used to routinely send out warrant notification letters for misdemeanor warrants, approximately 30% of such letters resulted in people coming to court to clear their warrants.
6. The Trial Court Administration should allow people with misdemeanor warrants that simply require payment of a fine to clear them without having to actually appear in court. Rather, payment to the issuing court could be made by mail or credit card.

**FINDING:**

Most police departments lack the resources to field their own warrant apprehension teams. Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS) provides warrant apprehension services in conjunction with local police departments throughout the rest of the state. However, VFAS consists of only six state troopers and is able to do just three or four major warrant sweeps per year.

**RECOMMENDATION:**

The number of troopers in VFAS should be doubled in order to better help police departments throughout the Commonwealth apprehend wanted criminals. In addition, VFAS should develop an ongoing program to train local police departments in the techniques of successful warrant execution.

**FINDING:**

The RMV is failing to fulfill its intended role in Massachusetts' warrant management system. Although the Warrant Reform Act prohibits the RMV from issuing *new* drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a new applicant has an outstanding arrest warrant. Although there is a system for non-renewal of licenses held by people with outstanding warrants, wanted people can currently receive a *new* license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.

**RECOMMENDATION:**

The RMV should comply with the 1994 Warrant Reform Act by screening new applicants for a driver's license for outstanding warrants before the license is issued. In addition, the RMV should be required to immediately suspend the driver's license of anybody wanted on an outstanding felony warrant. The RMV

should also improve the match rate of outstanding warrants to licensed drivers by, for example, reviewing the match criteria currently used. The RMV should be required to retain and forward updated addresses of licensed drivers with outstanding arrest warrants that are obtained through cross matching or when a wanted person comes into an RMV office. Furthermore, a notation should be added to any "non-renewal" flags in the RMV database indicating whether or not the non-renewal status is a result of an outstanding arrest warrant.

#### **The Legacy of Legacy Warrants**

##### **FINDING:**

Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system. The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.

##### **RECOMMENDATION:**

The Warrant Reform Act should be amended to require that all legacy warrants be evaluated and where appropriate be reissued through WMS by January 1, 2001.

##### **FINDING:**

There is no official policy on what to do with the hundreds of thousands of legacy warrants. Without guidance on how to handle them, decisions about whether to cancel or reissue warrants are being made without proper authority or accountability.

##### **RECOMMENDATION:**

The Trial Court Administration and the Executive Office of Public Safety should jointly establish guidelines for evaluating warrants before reissuing them in WMS. Inter-disciplinary teams should be established in each jurisdiction to evaluate legacy warrants and where appropriate reissue them through WMS. These teams should be comprised of representatives from the District Court, the District Attorney's Office, and the local police department.

#### **Effective Warrant Management**

##### **FINDING:**

WMS does not help police prioritize who to apprehend. An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. For example, because WMS is not currently set up to flag people with multiple warrants, or those wanted for serious felonies, the warrant status of dangerous repeat offenders lie buried in electronic limbo.

##### **RECOMMENDATION:**

WMS should be programmed to help police prioritize who to apprehend first by highlighting people with multiple warrants and those wanted for serious felonies. CHSB should regularly publish and transmit lists of people with multiple warrants as well as people wanted for serious felonies to law enforcement agencies so that they can concentrate resources on these scofflaws.

##### **FINDING:**

Police do not have regular access to several databases such as those managed by the DOR and the DET that may contain more accurate address information than is contained on many arrest warrants. To the

extent that police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies with potentially valuable name and address databases are under no obligation to share this information with law enforcement officials.

**RECOMMENDATION:**

The State Police Violent Fugitive Arrest Squad (VFAS) should be given statutory authority to receive, through cross matching, potentially valuable address information held by other state agencies. This information should be available upon request to local law enforcement agencies.

**FINDING:**

Few Massachusetts warrants are visible to other states through NCIC. While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.

**RECOMMENDATION:**

Law enforcement agencies should enter all eligible Massachusetts arrest warrants into NCIC. As soon as practicable, CHSB should create a system that will transmit eligible Massachusetts arrest warrants directly into NCIC.

**FINDING:**

WMS does not provide one-stop-shopping for all warrants. Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody. However, several categories of warrants are not included in WMS, meaning that other electronic databases and physical files must be searched in order to do a comprehensive check.

**RECOMMENDATION:**

CHSB should move quickly to link all of the databases that contain arrest warrants so that complete information is available through one computer search. CHSB should offer one-stop-shopping for warrant information by January 1, 2001.

**FINDING:**

Warrant management in Massachusetts remains fragmented. Responsibility for the implementation of WMS has been split between the Judicial and Executive branches of state government, inhibiting both a cohesive vision of the system's purpose and a unified strategy for achieving its goals.

**RECOMMENDATION:**

A Warrant Oversight Commission should be established and charged with coordinating and overseeing the WMS database and warrant management in general. Its responsibilities should include the following:

- developing standards for measuring the effectiveness of WMS;
- developing guidelines for reviewing legacy warrants;
- overseeing the production of warrant management procedural manuals;
- coordinating warrant management efforts throughout the state;
- providing on-going training for court and law enforcement personnel;
- creating a quality control team to audit WMS and publish an annual report on warrant apprehension rates across the state; and
- providing an effective forum for input from the frontline users of WMS.

**FINDING:**

Inaccurate and insufficient information continues to impede the execution of arrest warrants. The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.

**RECOMMENDATION:**

To improve the accuracy of the information on arrest warrants, the following steps ought to be taken:

- o Currently the police have limited access to WMS for adding or updating information on a warrant. CHSB needs to give police greater access to WMS for adding additional address information.
- o All Massachusetts arrest warrants should conform to CJIS quality standards, unless the requesting law enforcement agency seeks an exemption for a particular warrant.
- o New or updated address information obtained through cross matching with other databases should be integrated into WMS so that law enforcement officials have access to the most accurate and up-to-date information possible.

**FINDING:**

Three years after the implementation of WMS, there are no measures of its effectiveness. Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

**RECOMMENDATION:**

Standards and measures for WMS must be developed. As part of a regular quality control function, an annual listing of warrant apprehension rates for all cities and towns should be published. Such a list would help set acceptable standards for warrant apprehension rates and provide clear goals on warrant apprehension for local police departments.

**Resource Issues**

**FINDING:**

Police lack the resources needed to use WMS to its full capacity. For example, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants. Without this equipment, all WMS inquiries must be routed through a radio dispatcher which ties up the channel and prevents other communication. Many local police departments also lack this equipment.

**RECOMMENDATION:**

Massachusetts should set a goal to have a laptop computer in every police cruiser in the Commonwealth by January 1, 2002. Funding should be allocated to provide on-board laptop computers for all State Police cruisers in the Commonwealth and the Legislature should establish a matching grant program to encourage local police departments to purchase this equipment.

**FINDING:**

There are large disparities in the number of WMS-connected computer terminals in the courts. Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers.



**RECOMMENDATION:**

As part of the Warrant Oversight Commission's auditing duties, a review of court access to WMS and computer resources should be conducted to ensure that all courts have the ability to enter warrant information in a timely fashion.

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**Endnotes**

**Endnote 1.** Ellement, John and Gaines, Judith. "Cruelty of Crime Unseen in Two Suspects Records." *The Boston Globe* 4 Oct. 1997: B6.

**Endnote 2.** Cole, Caroline and Daniel Vazquez. "Mother Slain in Lowell as Children Watch; Man Held." *The Boston Globe* 22 Oct. 1997: A1; Richard Kenney was convicted of first degree murder on December 9, 1998.

**Endnote 3.** Sullivan, Jack. "Sex Attack Sparks Fear, Anger." *The Boston Herald* 29 June 1998: 1.

**Endnote 4.** Kennedy, David. Senior Researcher, Program in Criminal Justice Policy and Management at the Malcolm Wiener Center for Social Policy, JFK School of Government, Harvard University. Telephone interview, 29 June 1998.

**Endnote 5.** Conner, Roger. Executive Director, Center for the Community Interest. Telephone interview. 2 Nov. 1998.

**Endnote 6.** Statistics provided by the Trial Court Administration indicate that on average 18,635 warrants are issued per month. Of that total, an average of 2,179 or 12% are served and an average of 10,879 or 58% were recalled, leaving average monthly growth in the number of outstanding warrants at 5,577. On a year-to-year basis, statistics indicate that the number of outstanding warrants in WMS grew by 15% between December 1997 and November 1998.

**Endnote 7.** Caruso, David B. "Thousands of Suspects Scoff at District Court." *The Middlesex News* 12 Sep. 1997: A1. The analysis is supported by conversations with various court personnel and assistant district attorneys.

**Endnote 8.** McManus, Tim. Bureau of Special Investigations, Department of Transitional Assistance. Letter to Senator Cheryl A. Jacques. 28 July 1998.

**Endnote 9.** MASS. GEN. LAWS. Ch. 90 §22 (b); Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Testimony at Public Hearing. 10 June 1998.

**Endnote 10.** Caruso, David B. "Thousands of Suspects Scoff at District Court." *The Middlesex News* 12 Sep. 1997: A1. This analysis is supported by several conversations with law enforcement officials as well as testimony at the Public Hearing held on June 10, 1998.

**Endnote 11.** Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad (VFAS), Massachusetts State Police. Personal interview. 14 Apr. 1998.

**Endnote 12.** Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad (VFAS), Massachusetts State Police. Personal interview. 17 Dec. 1998.

**Endnote 13.** The Senate Post Audit and Oversight Bureau survey revealed over 200,000 estimated legacy warrants not yet entered in WMS. Additionally, conversations with Lieutenant Kevin Horton of the Massachusetts State Police on April 14, 1998 and Boston Police Sergeant Detective William H. Kelley, Jr., of the Boston Police Department's Warrant Unit on February 6, 1998 indicate that the number of

outstanding warrants not in WMS could be well in excess of 500,000.

**Endnote 14.** Thirty-three of the 58 District Courts that responded to the Senate Post Audit and Oversight Bureau survey conducted in February and March of 1998 reported that they review legacy warrants before deciding whether or not to reissue them in WMS.

**Endnote 15.** MASS. GEN. LAWS. Ch. 276 §29

**Endnote 16.** Duggan, Richard. Director, Massachusetts Trial Court Information Technology Department. Personal interview. 16 Dec. 1997; Kelley, William H. Jr. Warrant Unit, Boston Police Dept. Personal interview. 30 Jan. 1998; Cicard, Donald. Sergeant, Springfield Police Dept. Personal interview. 11 Apr. 1998.

**Endnote 17.** Hillman, Reed. Superintendent, Massachusetts State Police. Testimony at Public Hearing 10 June 1998.

**Endnote 18.** Number of computers per court was determined by the Senate Post Audit and Oversight Bureau Survey of District Courts. Volume of criminal complaints entered in each district court published in the Annual Report on the State of the Massachusetts Court System, FY 1997.

**Endnote 19.** Krupa, Gregg. "Hiring of Chelsea Officer Sought in Assault Raises Questions." *The Boston Globe* 23 Mar. 1993: B18.

**Endnote 20.** Chapter 247 of the Acts of 1994

**Endnote 21.** Shea, Michael J. Legal Counsel, District Court Department of the Trial Court. Personal interview. 19 May 1998.

**Endnote 22.** Smith, Kent B. *Criminal Practice and Procedures 30 Mass. Practice Series*, § 74 at 55 (2d ed. 1983)

**Endnote 23.** Shea, Michael J. Legal Counsel, District Court Department of the Trial Court. Personal interview. 19 May 1998.

**Endnote 24.** Irwin, John J., Jr. Former Chief Justice for Administration and Management of the Trial Court of Massachusetts. Inter-Office Memorandum. 25 Jan. 1998.

**Endnote 25.** CHSB Report on Warrant Management System. 16 Mar. 1998: 1.

**Endnote 26.** Numerical data provided by the Trial Court Administration. Statistical analysis completed by the Senate Post Audit and Oversight Bureau. A warrant is recalled when someone turns himself or herself in to the court or the warrant is nullified for a variety of reasons, such as a suspect's death.

**Endnote 27.** Statistics provided by the Trial Court Administration indicate that on average 18,635 warrants are issued per month. Of that total, an average of 2,179 or 12% are served and an average of 10,879 or 58 % were recalled, leaving average monthly growth in the number of outstanding warrants at 5,577. On a year-to-year basis, statistics indicate that the number of outstanding warrants in WMS grew by 15% between December 1997 and November 1998.

**Endnote 28.** Talbot, David. "Curley Case Showcases Probation Meltdown." *The Boston Herald* 26 Oct. 1997: 1; Ellement, John and Judith Gaines. "Cruelty of Crime Unseen in Two Suspects' Records." *The Boston Globe* 4 Oct. 1997: B6. Charles Jaynes was convicted of second-degree murder and kidnapping on December 11, 1998. He was sentenced to life in prison plus 10 years for kidnapping and will be eligible for parole in 23 years. The other man accused in the crime, Salvatore Sicari, was convicted of first-degree murder and sentenced to life in prison without parole.

**Endnote 29.** Cole, Caroline and Daniel Vasquez. "Mother Slain in Lowell as Children Watch; Man Held." *The Boston Globe* 22 Oct. 1997: A1; Richard Kenney was convicted of first degree murder on December 9, 1998.

**Endnote 30.** Kornblut, Anne E. "Police Probe How N.J. Gunman Eluded Mass. Authorities." *The Boston Globe* 26 Nov. 1997: B2.

**Endnote 31.** Sullivan, Jack. "Sex Attack Sparks Fear, Anger." *The Boston Herald* 29 June 1998: 1.

**Endnote 32.** 84% of District Courts responded to the Senate Post Audit and Oversight Bureau Survey.

**Endnote 33.** Morrissey, Robert. Clerk Magistrate, Springfield District Court. Personal interview. 11 Apr. 1998; Linsky, David. Assistant District Attorney, Middlesex County. Telephone interview. 9 Nov. 1998.

**Endnote 34.** *ibid.*

**Endnote 35.** Meyers, Jack and Meredith O'Brien. "Police Seeking to Arrest Rooming House Landlord." *The Boston Herald* 18 July 1998: 13; O'Brien, Meredith. "Landlord Surrenders." *The Boston Herald* 21 July 1998: 7.

**Endnote 36.** Statistics provided by The Trial Court Administration.

**Endnote 37.** McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998.

**Endnote 38.** Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter to Senate Post Audit and Oversight Bureau. 6 Nov. 1998.

**Endnote 39.** (Mass. Gen. Laws. Ch. 18 § 2(e)(f) (1996)) as created by 1995 Mass. Acts § 11(f)

**Endnote 40.** McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998; and attached Memorandum of Understanding Between the Criminal History Systems Board, Massachusetts Parole Board, Department of Transitional Assistance, and the Bureau of Special Investigations of the Department of Public Safety.

**Endnote 41.** MASS. GEN. LAWS. Ch. 90 §22 (h); Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Testimony at Public Hearing. 10 June 1998.

**Endnote 42.** Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Letter to Senate Post Audit and Oversight Bureau. 1 May 1998.

**Endnote 43.** Shea, Michael. Legal Counsel, District Court Department. Letter to Senate Post Audit and Oversight Bureau. 16 June 1998.

**Endnote 44.** Interviews with law enforcement officials indicate that lawbreakers tend to give less accurate address and other identifying information to police than they do to officials of agencies that are providing a benefit or service such as a drivers license or state financial benefits.

**Endnote 45.** Caruso, David B. "Thousands of Suspects Scoff at District Court." *The Middlesex News* 12 Sep. 1997: A1. This analysis is supported by several conversations with law enforcement officials as well as testimony at the Public Hearing 10 June 1998.

**Endnote 46.** Flaherty, Maurice. Captain Detective, Boston Police Dept. Testimony at Public Hearing. 10 June 1998.

**Endnote 47.** Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter



to the Board of Awards. 20 Oct. 1997. The Governor's Warrant Task Force is a "partnership of State, Federal, and Local agencies supervised by the Massachusetts State Police." The Task Force helps to coordinate agencies and resources on all levels of government for the purpose of warrant apprehension.

*Endnote 48.* Hayden, Robert. Undersecretary, Executive Office of Public Safety. Testimony at Public Hearing. 10 June 1998. A VFAS warrant sweep would typically include the identification of individuals wanted for serious crimes in a certain geographical area, followed by efforts to locate and apprehend those individuals.

*Endnote 49.* Senate Post Audit and Oversight Bureau survey of District Courts revealed over 200,000 estimated legacy warrants not yet in WMS. Additionally, conversations with Lieutenant Kevin Horton of the Massachusetts State Police on April 14, 1998 and Boston Police Sergeant Detective William H. Kelley, Jr., of the Boston Police Department's Warrant Unit on February 6, 1998 indicate that the number of outstanding warrants not in WMS could be well in excess of 500,000.

*Endnote 50.* 84% of District Courts responded to the Senate Post Audit and Oversight Bureau Survey.

*Endnote 51.* Testimony at Public Hearing. 10 June 1998.

*Endnote 52.* Kennedy, David. Senior Researcher, Program in Criminal Justice Policy and Management at the Malcolm Wiener Center for Social Policy, JFK School of Government, Harvard University. Telephone interview. 29 June 1998.

*Endnote 53.* Hayden, Robert. Undersecretary, Executive Office of Public Safety. Testimony at Public Hearing. 10 June 1998.

*Endnote 54.* Wilson, James Q. *Thinking About Crime*. New York: Random House, 1985.

*Endnote 55.* CHSB information to Senate Post Audit and Oversight Bureau. April 1998.

*Endnote 56.* According to Lieutenant Kevin Horton of the Massachusetts State Police Violent Fugitive Arrest Squad, access to address information from these databases has in the past been available only on an ad-hoc basis.

*Endnote 57.* Donlan, Ann E. "When Welfare Checks Due, Police Find Fugitives Nearby." *The Boston Herald* 17 Nov. 1997: 6.

*Endnote 58.* McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998.

*Endnote 59.* Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter to Colonel Paul Reagan et al. 5 Sep. 1997.

*Endnote 60.* McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998 and attached Memorandum of Understanding Between the Criminal History Systems Board, Massachusetts Parole Board, Department of Transitional Assistance, and the Bureau of Special Investigations of the Department of Public Safety.

*Endnote 61.* CHSB information to Senate Post Audit and Oversight Bureau. According to John MacPherson at CHSB the figure of approximately 70,000 felony warrants includes some temporary arrest warrants.

*Endnote 62.* NCIC information. 4 Dec. 1998.

*Endnote 63.* MASS. GEN. LAWS. Ch. 276 §29

*Endnote 64.* Commonwealth of Massachusetts Criminal Record Improvement Plan FY 1998: 6.

*Endnote 65.* Duggan, Richard. Director, Information Technology Department, Trial Court Administration. Testimony at Public Hearing. 10 June 1998.

*Endnote 66.* Shea, Michael. Legal Counsel, District Court Department. Personal interview. 19 May 1998.

*Endnote 67.* *ibid.*

*Endnote 68.* Although Chief Justices Irwin and Zoll issued memoranda summarizing changes in warrant practices as a result of the enactment of Chapter 247 of the Acts of 1994, conversations with Trial Court Administration personnel involved in the genesis of WMS indicate that the technological aspects of the project took precedence. Interviews with District Court personnel confirm that training was confined to use of the computer system.

*Endnote 69.* *ibid.*

*Endnote 70.* *ibid.*

*Endnote 71.* Sicard, Don. Sergeant, Springfield Police Dept. Personal interview. 26 March 1998.

*Endnote 72.* Duggan, Richard. Director, Information Technology Department, Trial Court Administration. Personal interview 16 Dec. 1997; Kelley, William H., Jr. Warrant Unit, Boston Police Dept. Personal interview. 30 Jan. 1998; Sicard, Don. Sergeant, Springfield Police Dept. Personal interview. 11 Apr. 1998.

*Endnote 73.* The need for greater ability to update information in WMS was mentioned by virtually all police officers interviewed for this study.

*Endnote 74.* Johnson, Richard. Trooper, Massachusetts State Police Personal interview. 2 July 1998.

*Endnote 75.* Nasuti, William J. Trooper, Massachusetts State Police. Record of Investigation. 30 September 1998; Rodriguez, Cindy. "Man Tried to Grab Trooper's Gun in Route 3 Scuffle, Police Say." *The Boston Globe*, 1 October, 1998: B3.

*Endnote 76.* Hillman, Reed. Superintendent, Massachusetts State Police, Testimony at Public Hearing. 10 June 1998

*Endnote 77.* Number of computers per court was determined by the Senate Post Audit and Oversight Bureau Survey of District Courts. Volume of criminal complaints entered in each district court published in the Annual Report on the State of the Massachusetts Court System, FY 1997."

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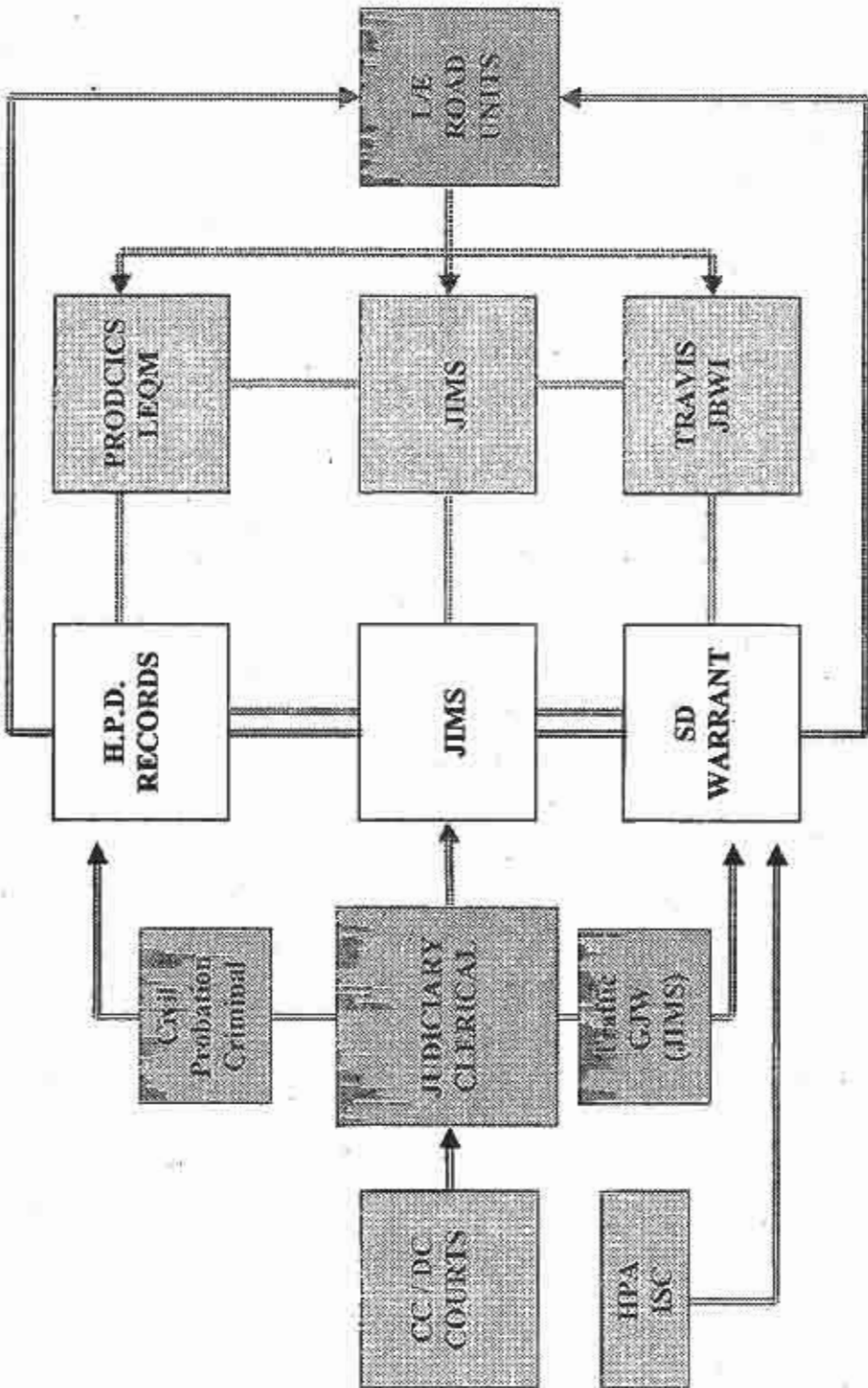
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## **APPENDIX IV**

### **BENCH WARRANT FLOW CHART FOR THE ISLAND OF O'AHU**

## ISLAND OF OAHU

Note: Appendix IV reflects the creation and flow of bench warrants for the Island of O'ahu.



# **APPENDIX V**

## **SOLUTIONS THAT DID NOT HAVE THE CONSENSUS OF THE TASK FORCE**

**Solutions that did not have the consensus of the Task Force**

1. Reduce the backlog of warrants already issued...using the fees to fund positions or pay off-duty police/sheriffs to serve bench warrants.
2. Reduce the backlog of warrants already issued...set time limits on age of warrants but law enforcement can request reissuance if serious.
3. Amnesty for traffic matters for incarcerated felons.
4. Set on calendar without bail for non-violent cases.

## GLOSSARY

### **Frequently Used Abbreviations**

ACS .....	Adult Client Services
AG .....	Department Of The Attorney General
CC .....	Circuit Court
DC .....	District Court
DC CRIM .....	District Court Criminal Case Management System
DCCA .....	Department Of Commerce And Consumer Affairs
DHS .....	Department Of Human Services
DNLR .....	Department Of Land And Natural Resources
DOH .....	Department Of Health
DOT .....	Department Of Transportation
GJW .....	Grand Jury Warrant
HAJIS .....	Hawai'i Justice Information System
HPA .....	Hawai'i Paroling Authority
HPD .....	Honolulu Police Department
HSBA .....	Hawai'i State Bar Association
ISC .....	Intake Service Center (Department Of Public Safety)
JIMS .....	Judiciary Information Management System
JUSTIS .....	Family Courts' Juvenile Case Management Information System
LE .....	Law Enforcement
LEQM .....	A Honolulu Police Department Warrant Inquiry System
MIS .....	Management Information System (PSD)
MSW .....	Master's Degree In Social Work
PROBER .....	Information System Used By Court Probation Offices
PSD .....	Department of Public Safety
SCR .....	Senate Concurrent Resolution
SLH .....	Session Laws of Hawai'i
TRAVIS .....	Traffic Violations Information System
VIPS .....	Volunteers In Public Service (Judiciary)
YMCA .....	Young Men's Christian Association
YWCA .....	Young Women's Christian Association



# **MEETING SUMMARIES**

**AUGUST 8, 2006**  
**AUGUST 22, 2006**  
**SEPTEMBER 12, 2006**  
**SEPTEMBER 26, 2006**  
**OCTOBER 9, 2006**  
**OCTOBER 16, 2006**  
**OCTOBER 23, 2006**  
**NOVEMBER 30, 2006**

**Meeting Summary**  
**Unserved Warrants Backlog Task Force**

Tuesday, August 8, 2006, 9:00 – 1:00 p.m.

Merit Appeals Board Conference Room

15<sup>th</sup> Floor Leiopapa A Kamehameha Building (235 S. Beretania Street)

**Present:** Benjamin Acob, William Bagsol, Cappy Caminos, William Chur, Craig DeCosta, Frank Dela Rosa, Tommy Johnson, Jay Kimura, Marsha Kitagawa, Harry Kubojiri, Malia Manol, Mae Matsuura, Louise Kim McCoy, Iris Murayama, Richie Nakashima, Walter Ozawa, William Plum, Renee Sonobe Hong, Rich Stacey, Diane Taira, Dana Viola, Iwalani White, Jack Wong

**Facilitation Team:** Jen Graf and Elizabeth Kent

**Welcome, Introductions and Background on Design Group**

Walter Ozawa and Diane Taira welcomed and thanked attendees for their participation. Iwalani White and Willie Bagasol explained that the Design Group is a small, diverse group that will guide and focus the Task Force meeting process by formulating ideas and setting agendas. They invited other Task Force members, especially one from a Neighbor Island, to join the group. (Facilitator's note – Craig DeCosta agreed to join). The Task Force reviewed and accepted the draft agenda.

**Ground Rules and Timeline**

The group approved ground rules (Appendix A). The Task Force also reviewed the timeline and dates for the next meetings (Appendix B).

**Requirements of SCR 91 and Act 308**

The Task Force discussed the requirements and purpose of SCR 91 and Act 308 (Appendix C).

**Task Force Membership**

The Task Force agreed to add the following members: Tommy Johnson of the Hawaii Paroling Authority, William Plum of Collection Law Section of the Hawaii State Bar Association, and a representative from the Hawaii Criminal Justice Data Center. The Task Force also agreed to invite others as resources as particular issues arise, including a representative from the Hawaii Association of Criminal Defense Lawyers, judge, and probation officer.

**Arrest Warrant Backlog**

Marsha Kitagawa reviewed and responded to questions pertaining to the Judiciary's compilation of traffic, misdemeanor, grand jury, Hawaii Paroling Authority and Intake Service Center warrant data generated thus far (see handout from meeting). Input of new traffic cases into the Traffic Violations Information System (TRAVIS) database ended October 2005 and the information was transferred to the Judiciary Information

Management System (JIMS). The Task Force discussed the other Judiciary databases and methods to access important information to aid the Task Force. The Judiciary will provide the Task Force with a written description of the different databases and their scope and limitations. Task Force members expressed concern whether information about Grand Jury, Paroling Authority and Intake Service Center warrants would be transferred to JIMS.

#### **Discussion of Problems and Challenges Related to the Unserved Warrant Backlog**

- Initially the third circuit issued license stoppers. At one point the judges issued contempt warrants and this added to the increase in the backlog. There are not enough deputy sheriffs to serve warrants. A lot of police department time is spent serving subpoena and temporary restraining orders.
- The Maui Office of the Prosecuting Attorney brought an issue with the Maui Police Department which resulted in the latter's improvement of warrant processing to ensure service of new warrants when arrests are made. Prisoners assisted by Maui Economic Office (MEO) are checked for outstanding warrants before they are released so they are not released only to be arrested again due to an outstanding warrant.
- There is only one clerk at Kauai Department of Police (KPD) that processes all warrants, subpoenas, temporary restraining orders, orders for Protection and summons. That has not improved. What has changed is the cooperation between KPD, Sheriffs, the Office of the Prosecuting Attorney and the Judiciary in keeping each other informed of which defendants who have court dates in one court also have outstanding bench warrants issued from other courts. Project Contempt was initiated several years ago and was successful.
- The Maui Department of Police (MPD) is updating its records management system. High profile warrants are handled by special teams. Problems arose when warrants are served and later dismissed by judges because the statute of limitations has passed. These cases are periodically culled from the system. MPD would like to fully implement scanning of driver's licenses to find information about outstanding warrants.
- The Hawaii Police Department is implementing a new records management system to categorize its warrants (traffic, misdemeanor, family court, felony, etc.). Recordkeeping includes a service control form. The majority of warrants are served when an individual is arrested for another offense. Publishing a list of people with outstanding warrants in a West Hawaii newspaper was successful. The individuals whose names were listed came in on their own to pay outstanding fines and address other issues. Another successful strategy was having officers from the cell block call individuals with outstanding warrants and ask them to come in. The individuals also were told that if they did not come in, officers

would find them and bring them in. Eighty percent (80%) of the outstanding warrants are traffic warrants.

- The majority of warrants the Honolulu Police Department (HPD) serves are criminal warrants (felonies and misdemeanors). HPD received 8,400 warrants and served 4,300 thus far in 2006. HPD has also had success calling individuals and asking them to come in and through "warrant sweeps." HPD strongly encourages field officers to do warrant checks when they pull people over or otherwise detain them. High profile warrants and serious criminal warrants are prioritized and handled by specialized forces. HPD's biggest concerns are lack of resources, the need for better access to databases to locate individuals (e.g., access to child support records, tax returns, vital statistics information to determine if an individual is dead, drivers' license information and photos, and the like).
- Materials from the Department of Public Safety are attached (see materials handed out at meeting). Because the Sheriff's Division does not have access to JIMS to input data about Grand Jury, Paroling Authority and Intake Services Center warrants, deputies still receive hard copies that they input into TRAVIS. There was some success when the Judiciary sent mail outs to persons with outstanding warrants but that practice was discontinued due to cost. Having reserve deputies call persons with outstanding warrants also produced good results. The division participates in Operation Falcon with federal officials but this only occurs once per year and focuses on felons with federal warrants outstanding.
- The lack of timely access to data and lack of access to data creates problems for the Office of the Public Defender and other offices as well. Another problem is that prisoners are released with outstanding warrants.

#### **Next Steps/Assignments**

- **Bill Plum** will send the data the Collection Section of the HSBA has gathered to Marsha Kitagawa.
- **Craig DeCosta** will provide information on Project Contempt.
- **Diane Taira or Dana Viola** will invite a representative from Hawaii Criminal Justice Data Center to join task force.
- **Iris Murayama and Renee Sonobe Hong** will provide the Task Force with the criteria they used in 2004 to recall 37,000 bench warrants.
- **Jack Wong** will report to the Task Force regarding September 1, 2006 deadline regarding input of warrant data (Grand Jury, Paroling Authority, and ISC warrants) on TRAVIS.

- **Marsha Kitagawa** will investigate whether it is possible to separate warrants according to payment warrants vs. arrest warrants.
- **Marsha Kitagawa** will provide information concerning juvenile warrants.
- **Marsha Kitagawa** will provide information about warrants for felony defendants on probation.
- **Marsha Kitagawa** will report to the Task Force about using JIMS to track Grand Jury, Paroling Authority and ISC warrants.
- **Marsha Kitagawa** will provide the Task Force with descriptions of the Judiciary's data systems, including their scope and limitations.
- **Richie Nakashima** will inform the Task Force about the reason for dismissal by the courts of some "failure to appear warrants" (Statute of limitations, Rule 9, or State v. Lei).
- **Walter Ozawa** will send the Prosecutors' Offices for their review and comment the message that was sent to judges asking them to specify charging sections.

#### **Next Meeting**

The next meeting will be **Tuesday, August 22, 2006, from 9:00 a.m. to 1:00 p.m.** The meeting will be held at **Merit Appeals Board Conference Room, 15<sup>th</sup> Floor Leiopapa A Kamehameha Building (235 S. Beretania Street)** (same room as last time).

## Appendix A

### Ground Rules

- ▶ Respect others. Maintain a positive attitude.
- ▶ Listen to understand & AVOID INTERRUPTING others. Be acknowledged by the facilitator before speaking.
- ▶ Be open about your own ideas as well as others'.
- ▶ Avoid side conversations while someone else has the floor.
- ▶ Express ideas and concerns. Raise all issues during the meeting rather than waiting to raise issues after the meeting.
- ▶ Turn off cell phones & beepers or put them on **vibrate**.
- ▶ Everyone participates as an equal.
- ▶ If you have materials you want the task force to consider, bring at least 20 copies to the meeting.
- ▶ Materials should be distributed before meetings to give participants enough time to review them.
- ▶ It is expected that participants will carefully review all materials sent between meetings prior to attending the next meeting.
- ▶ It is expected Task Force members will try to attend all meetings. If a member cannot attend, s/he should send a representative. It is expected that the member will brief the representative before the meeting, and the representative will brief the member about what transpired at the meeting.
- ▶ Task Force members are encouraged to bring resource staff to support the discussion.
- ▶ Barring extraordinary circumstances, once an issue is completed it won't be re-opened. Absence from a meeting in and of itself is not an extraordinary circumstance.
- ▶ Task Force members should receive advance notice of decision-making.
- ▶ Unresolved issues may be tabled for further discussion (parking lot).
- ▶ Meeting summaries will be distributed to all Task Force members.
- ▶ Decision-making will be by Task Force members. The Task Force will make decisions by consensus, but if that is not possible, differing viewpoints will be included in the report to the Legislature together with identification of names as acceptable to the Task Force.

### **Levels of Agreement (Is There Consensus?)**

- 1) Agree (unqualified "Yes")
- 2) Agree, but ... (Decision perfectly acceptable)
- 3) Ok, but not happy (Can live with the decision)
- 4) Not ok, but won't block decision (Don't fully agree with it)
- 5) Don't agree with decision (Can't live with it, will block)



**Appendix B**  
**UNSERVED ARREST WARRANTS BACKLOG TASK FORCE**  
**DRAFT TIMELINE**

MEETING DATES	OUTCOME
July 27, 2006	First Design Group Meeting
August 8, 2006 (9 a.m. to noon)	First Unserved Arrest Warrants Backlog Task Force Meeting Identify the problems
August 22, 2006	Agreement on the problems: Common perceptions Agreement on problems Task Force will address: <ul style="list-style-type: none"> <li>• Internal</li> <li>• Input</li> <li>• Task Force</li> </ul> Homework
August 29, 2006	Generate solutions
September 12, 2006	Unserved Arrest Warrants Backlog Task Force Meeting
September 19, 2006	Begin legislative report writing
September 26, 2006	Unserved Arrest Warrants Backlog Task Force Meeting
October 2, 2006	Unserved Arrest Warrants Backlog Task Force Meeting
October 9, 2006	Unserved Arrest Warrants Backlog Task Force Meeting
October 16, 2006	Unserved Arrest Warrants Backlog Task Force Meeting Complete final draft report and reach consensus

October 23, 2006	Unserved Arrest Warrants Backlog Task Force Meeting
October 30, 2006	Unserved Arrest Warrants Backlog Task Force Meeting

**Appendix C**  
**DRAFT**  
**UNSERVED ARREST WARRANTS BACKLOG TASK FORCE**

**Purpose:** To conduct a comprehensive review of the arrest warrant backlog problem; make findings and recommendations; develop a comprehensive plan to alleviate the backlog in unserved arrest warrants, including proposed legislation; and report findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2007.

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**Both**

- Report to the Legislature findings, recommendation and comprehensive plan

**SCR 91**

- Determine the number of outstanding traffic warrants
- Determine the number of outstanding felony and misdemeanor warrants
- Determine a comprehensive plan to permanently alleviate the problem of a backlog in unserved arrest warrants, with a comprehensive plan to go beyond only fiscal and budgetary discussions or solutions
- Prepare proposed legislation

**ACT 308**

- Conduct a comprehensive review going beyond fiscal problems and investigate actions to be taken by participants to permanently alleviate the problem

1st Circuit based on Travis Warrant Data (none for other circuits)

Year	Issued	Served	Recalled	Outstanding per year	running total	Served by HPD	Served by Sheriff
1983	8,841	1,782	2,696		2,363	749	1,033
1984	12,258	4,780	2,178		5,300	1,533	3,247
1985	13,159	7,346	1,435		4,378	2,812	4,534
1986	14,486	8,689	1,163		4,634	3,363	5,326
1987	16,665	8,421	2,745		5,499	3,688	4,733
1988	17,689	9,335	3,465		4,889	5,402	3,933
1989	15,331	8,863	3,055		3,413	5,689	3,174
1990	15,099	9,183	2,315		3,601	5,405	3,778
1991	11,427	8,493	1,821		1,113	4,463	4,030
1992	12,004	7,130	947		3,927	79	7,051
1993	13,000	7,391	1,348		4,261	3,502	3,889
1994	14,443	10,981	1,372		2,090	8,203	2,778
1995	17,965	12,239	1,931		3,795	9,042	3,197
1996	20,572	11,001	2,372		7,199	8,657	2,344
1997	23,420	13,110	3,840		6,470	10,127	2,983
1998	21,931	10,867	3,103		7,961	8,419	2,448
1999	21,603	14,093	3,504		4,006	10,574	3,519
2000	20,199	15,619	4,816		-236	12,752	2,867
2001	19,444	11,557	6,852		1,035	9,351	2,206
2002	18,646	14,358	6,494		-2,206	10,671	3,687
2003	18,436	11,336	5,687		1,413	8,767	2,569
2004	19,066	12,717	37,312		-30,963	9,781	2,936
2005	15,143	9,315	4,006		1,822	7,631	1,684
2006	6	5,091	1,762		-6,847	3842	1,249
Actual outstanding difference					38,898		
					19		

crt	loc	warr#	Case ID	produced	year	count	as of 7/20/06
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1982 Count	33
1983 Count	121
1984 Count	157
1985 Count	145
1986 Count	114
1987 Count	119
1988 Count	267
1989 Count	367
1990 Count	438
1991 Count	269
1992 Count	243
1993 Count	219
1994 Count	531
1995 Count	575
1996 Count	684
1997 Count	996
1998 Count	1207
1999 Count	1171
2000 Count	1235
2001 Count	1426
2002 Count	4058
2003 Count	4954
2004 Count	7558
2005 Count	9769
2006 Count	5385

1D HN	Q971109071	9479274PO
1D HN	Q911101079	090342131
1D HN	Q110601076	5305896MO
1D WN	Q150500030	6002303MO
1D WN	Q150500029	6002303MO
1D HN	Q110600309	6039035MO
1D EW	Q130600187	5830692MO
1D KP	Q140601045	001388684
1D EW	Q130600033	SD0408551
1D EW	Q130600015	5797857MO
1D WH	Q120600445	005267351
1D WH	Q110600033	005292028
1D WH	Q120500027	5646427MO
1D EW	Q130600030	5951591MO
1D HN	Q110604083	5958623MO
1D HN	Q110601491	005370157
1D HN	Q110601760	5820811MO
1D HN	Q110602732	5974715MO
1D HN	Q110602544	1701777MH
1D HN	Q110605891	004382362
1D WN	Q150600543	5877606MO
1D HN	Q110604391	5949650MO
1D HN	Q110604654	5917183MO
1D HN	Q110603666	005310264
1D HN	Q110604346	6031134MO
1D KP	Q140500153	5943330MO



1D HN	Q110600848	6006906MO
1D HN	Q110602457	004352717
1D WN	Q150500114	5790636MO
1D WN	Q150500069	5992552MO
1D HN	Q110600357	6007016MO
1D HN	Q110601883	000428985
1D WN	Q150600142	5901024MO
1D EW	Q130601152	5784496MO
1D WN	Q150500012	5790366MO
1D KP	Q140500129	5845053MO
1D HN	Q110601192	6042676MO
1D HN	Q110603555	002349226
1D HN	Q110601127	5868351MO
1D WN	Q150500008	5954696MO
1D WN	Q150500127	5992978MO
1D HN	Q110600455	6028960MO
1D HN	Q110601208	6042554MO
1D WH	Q120600236	5980539MO
1D HN	Q110601779	6059137MO
1D HN	Q110602063	6055556MO
1D HN	Q110602584	6063198MO
1D WN	Q150600461	1DTC-06-013022
1D WN	Q150600398	1DTC-06-001175

**Grand Count** 42041

crt	loc	warr#	Case ID	produced	year	count
					1984 Count	5
					1985 Count	18
					1986 Count	13
					1987 Count	16
					1988 Count	19
					1989 Count	34
					1990 Count	35
					1991 Count	35
					1992 Count	31
					1993 Count	29
					1994 Count	32
					1995 Count	40
					1996 Count	39
					1997 Count	64
					1998 Count	46
					1999 Count	58
					2000 Count	53
					2001 Count	28
					2002 Count	380
					2003 Count	482
					2004 Count	641
					2005 Count	1150
					2006 Count	922
2D	WA	Q210602307	0957359MM			
2D	WA	Q210602216	0966966MM			
2D	LH	Q240600672	0969703MM			
2D	ML	Q250600054	0958699MM			
2D	LH	Q240600673	0951536MM			
2D	WA	Q210602309	2DTA-05-00196			
2D	WA	Q210602472	00392054M			
2D	WA	Q210602192	0956435MM			
2D	LH	Q240600671	0926069MM			
2D	WA	Q210602197	2DTA-05-00305			
2D	WA	Q210602985	2DTC-06-002432			
				Grand Count		4170

crt	loc	warr#	Case ID	produced	year	count
					1987 Count	1
					1989 Count	2
					1990 Count	1
					1995 Count	12
					1996 Count	23
					1997 Count	23
					1998 Count	18
					1999 Count	17
					2000 Count	25
					2001 Count	33
					2002 Count	512
					2003 Count	626
					2004 Count	518
					2005 Count	1396
					2006 Count	1419
3D	SK	Q360500334	2085073MH			
3D	PN	Q370602143	1512237MH			
3D	SH	Q320501809	1878447MH			
3D	NK	Q350600007	2080305MH			
3D	KN	Q370501867	1565885MH			
3D	SH	Q320501813	1890658MH			
3D	KN	Q370501917	00111205H			
3D	PN	Q310500538	1865650MH			
3D	SH	Q320501780	1881570MH			
3D	SH	Q320501894	1878725MH			
3D	SH	Q320501781	1879622MH			
3D	SH	Q320501873	2078350MH			
3D	KN	Q370601975	3DTA-05-00205			
3D	SH	Q320501860	1807600MH			
3D	KN	Q370501950	C0535817H			
3D	KN	Q370501882	1883117MH			
3D	SH	Q320501924	1869994MH			
3D	PN	Q310600644	1761754MH			
3D	SK	Q360600422	1867469MH			
3D	KN	Q370602280	C0507917H			
3D	SH	Q320501824	1888860MH			
3D	KN	Q370501918	1566129MH			
3D	KN	Q370602089	C0534175H			
3D	SH	Q320501883	1892308MH			
3D	SH	Q320501794	1888206MH			
3D	KN	Q370501913	3DTA-05-00267			
3D	SH	Q320602002	1892937MH			
3D	SH	Q320602041	1885232MH			
3D	SH	Q320602040	1885232MH			
3D	KN	Q370602056	3DTA-06-00399			
3D	KN	Q370601998	1883725MH			
3D	PN	Q310600783	1895648MH			
3D	SH	Q320602184	1817559MH			
3D	PN	Q310600867	3DTC-06-060587			
3D	KN	Q370602177	3DTC-06-038649			
3D	KN	Q370602265	3DTA-06-01103			

3D KN Q370602482 3DTA-06-01576  
3D KN Q370602453 3DTC-06-038269  
3D SH Q320602612 3DTC-06-006747

**Grand Count** 4626

**District Court Criminal System  
Bench Warrant Statistics as of 07-25-2006**

<b>Year: 1998</b>	3735	181	1942	154	8 years
<b>Year: 1999</b>	3697	309	3074	53	7 years
<b>Year: 2000</b>	3258	197	4029	93	6 years
<b>Year: 2001</b>	3683	214	2977	399	5 years
<b>Year: 2002</b>	4924	212	2830	1521	4 years
<b>Year: 2003</b>	4680	348	1859	1636	3 years
<b>Year: 2004</b>	6290	573	3316	3106	2 years
<b>Year: 2005</b>	7140	405	2493	4306	1 year
<b>Year: 2006</b>	5088	284	2773	4593	0-180 days
<b>TOTAL</b>	<b>50587</b>	<b>2739</b>	<b>31687</b>	<b>16161</b>	



District Court Criminal System  
Bench Warrant Statistics as of 07-25-2006

Second Circuit	Warrants Produced in the year listed	Warrants Recalled in the year listed*	Warrants Served in the year listed*	Warrants Outstanding from the year produced as of 07/25/06	Age of Outstanding Warrants as of 07/25/06
Year: 1975	1			1	31 years
Year: 1983	1			1	23 years
Year: 1986	1			1	20 years
Year: 1987	1				
Year: 1989	1			1	17 years
Year: 1993	2			2	13 years
Year: 1994	1			1	12 years
Year: 1995	3		1	2	11 years
Year: 1996	31		2	27	10 years
Year: 1997	64	1	3	61	9 years
Year: 1998	104	1	9	92	8 years
Year: 1999	98	4	5	91	7 years
Year: 2000	115	2	1	104	6 years
Year: 2001	141	5	10	133	5 years
Year: 2002	170	8	5	153	4 years
Year: 2003	215	7		206	3 years
Year: 2004	274	13	2	265	2 years
Year: 2005	381	12		369	1 year
Year: 2006	378	3	2	376	0-180 days
TOTAL	1982	56	40	1886	

**District Court Criminal System  
Bench Warrant Statistics as of 07-25-2006**

<b>Third Circuit</b>	<b><u>Warrants Produced</u> in the year listed</b>	<b><u>Warrants Recalled in</u> the year listed*</b>	<b><u>Warrants Served in the</u> year listed*</b>	<b><u>Warrants Outstanding</u> from the year produced as of 07/25/06</b>	<b>Age of Outstanding Warrants as of 07/25/06</b>
<b>Year: 1995</b>	16				
<b>Year: 1996</b>	37		21	5	10 years
<b>Year: 1997</b>	53	7	24	3	9 years
<b>Year: 1998</b>	70	16	23	9	8 years
<b>Year: 1999</b>	290	35	109	55	7 years
<b>Year: 2000</b>	310	48	199	65	6 years
<b>Year: 2001</b>	389	75	203	90	5 years
<b>Year: 2002</b>	482	59	240	147	4 years
<b>Year: 2003</b>	490	116	203	171	3 years
<b>Year: 2004</b>	557	182	242	154	2 years
<b>Year: 2005</b>	780	181	323	268	1 year
<b>Year: 2006</b>	547	139	238	371	0-180 days
<b>TOTAL</b>	<b>4021</b>	<b>858</b>	<b>1825</b>	<b>1338</b>	

**District Court Criminal System  
Bench Warrant Statistics as of 07-25-2006**

<b>Fifth Circuit</b>	<b><u>Warrants Produced</u> in the year listed</b>	<b><u>Warrants Recalled</u> in the year listed*</b>	<b><u>Warrants Served</u> in the year listed*</b>	<b><u>Warrants Outstanding</u> from the year produced as of 07/25/06</b>	<b>Age of Outstanding Warrants as of 07/25/06</b>
<b>Year: 1996</b>	17		10		
<b>Year: 1997</b>	63	5	38	1	9 years
<b>Year: 1998</b>	180	20	115	1	8 years
<b>Year: 1999</b>	322	36	173	4	7 years
<b>Year: 2000</b>	388	73	185	7	6 years
<b>Year: 2001</b>	391	54	277	8	5 years
<b>Year: 2002</b>	231	13	194	9	4 years
<b>Year: 2003</b>	425	40	277	28	3 years
<b>Year: 2004</b>	596	421	295	178	2 years
<b>Year: 2005</b>	475	52	392	105	1 year
<b>Year: 2006</b>	174	42	125	84	0-180 days
<b>TOTAL</b>	<b>3262</b>	<b>756</b>	<b>2081</b>	<b>425</b>	

\* warrant may have been produced the same year recalled/served or warrant may have been produced prior to the year recalled/served. (i.e. warrant produced in 1995, but served in 1997)

# INTAKE SERVICE

YEAR	Issued	Served	Recalled	Oustanding per year	Running total	Served by HPD	Served by Sheriff
1990	1	0	0	1	1	0	0
1991	8	0	0	8	9	0	0
1992	24	3	0	21	30	0	3
1993	51	3	1	47	77	2	1
1994	111	69	6	36	113	21	48
1995	174	108	6	60	173	43	65
1996	181	157	14	10	183	50	107
1997	164	133	26	5	188	59	74
1998	142	173	14	-45	143	67	106
1999	165	126	12	27	170	40	86
2000	150	118	19	13	183	47	71
2001	176	127	22	27	210	54	73
2002	195	139	16	40	250	69	70
2003	186	166	12	8	258	82	84
2004	148	164	25	-41	217	60	104
2005	135	157	20	-42	175	78	79
2006	64	111	16	-63	112	53	58

# GRAND JURY

YEAR	Issued	Served	Recalled	Oustanding per year	Running total	Served by HPD	Served by Sheriff
1990	160	116	0	44	44	3	113
1991	1,862	1,280	31	351	395	46	1234
1992	1,515	1,282	39	194	589	11	1271
1993	1,330	1,319	27	-16	573	126	1193
1994	1,728	1,469	25	234	807	317	1152
1995	1,557	1,499	113	-55	752	318	1181
1996	1,397	1,328	64	5	757	250	1078
1997	1,486	1,319	106	61	818	261	1058
1998	1,241	1,182	86	-27	791	193	989
1999	1,167	1,087	32	48	839	217	870
2000	966	972	12	-18	821	169	803
2001	970	869	62	39	860	148	721
2002	928	875	18	35	895	161	714
2003	825	811	18	-4	891	124	687
2004	933	938	45	-50	841	121	817
2005	870	825	33	12	853	102	723
2006	522	541	24	-43	810	65	476



# HAWAII PAROLING

YEAR	Issued	Served	Recalled	Oustanding per year	Running total	Served by HPD	Served by Sheriff
1990	0	0	0	0	0	0	0
1991	10	0	0	10	10	0	0
1992	293	241	9	43	53	0	241
1993	413	308	30	75	128	73	235
1994	451	355	39	57	185	192	163
1995	432	363	31	38	223	172	191
1996	404	357	34	13	236	145	212
1997	437	393	39	5	241	173	220
1998	378	364	40	-26	215	119	245
1999	482	439	27	16	231	102	337
2000	524	465	34	25	256	159	306
2001	537	476	52	9	265	205	271
2002	522	490	24	8	273	190	300
2003	502	466	33	3	276	205	261
2004	338	324	26	-12	264	125	199
2005	338	316	33	-11	253	129	187
2006	131	141	13	-23	230	51	90

**Meeting Summary  
Unserviced Warrants Backlog Task Force**

Tuesday, August 22, 2006, 9:00 – 12:00 p.m.  
Merit Appeals Board Conference Room  
15<sup>th</sup> Floor Leiopapa A Kamehameha Building (235 S. Beretania Street)

**Present:** Benjamin Acob, William Bagsol, Cappy Caminos, Wendy Char, William Chur, Craig DeCosta, Frank Dela Rosa, Mel Ferreira, Tommy Johnson, Jay Kimura, Marsha Kitagawa, Harry Kubojiri, Malia Manol, Mae Matsuura, Louise Kim McCoy, Mike Mamitsuka, Iris Murayama, Richie Nakashima, Walter Ozawa, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Karen Takahashi, Laureen Uwaine, and Jack Wong

**Facilitation Team:** Cheryl K. Okuma

**Welcome and Introductions**

Walter Ozawa and Diane Taira welcomed attendees and introductions were made. The Task Force reviewed and agreed to the August 8, 2006 Meeting Summary with corrections. The draft agenda was agreed to.

**Update on Task Force Assignments**

Bill Plum provided the District Court data (monthly average) of civil cases to Marsha Kitagawa. Marsha Kitagawa went over the following handouts:

- a) Handout 1- "The District Court First Circuit (Civil Division—Warrants) as of 8/18/06" He explained the difficulty in obtaining accurate statistics information regarding absolute recall warrants, as to what is absolute versus no recalls. The data base is complex, and he could only estimate how many warrants are adjudicated and there is no mechanism to verify the data. Information goes into LEQM (HPD's data base) which interfaces with JIMS.

An attendee suggested that it would be helpful to have a Judge attend a Task Force meeting as a resource. It was suggested to establish different coding; the issue was "parked" as a potential solution.

- b) Handout 2- "List of Prober SQL, Active Warrants For Probation Cases (as of August 9, 2006) reflecting court adjudicated felony cases where individual is on probation, judiciary's adult probation data base statewide system.
- c) Handout 3- "JUSTIS Bench Warrant and Warrant Data Provided by FC Office of CCA" for First, Second, Third and Fifth Circuits reflecting data from warrants issued from the Juvenile JUSTIS Data Base.
- d) Handout 4 "Technical Background and Current Systems" which contains information from an RFP that had been issued for JIMS.

Jack Wong provided information and discussed that he looked at the textfield and different codings.

Walter Ozawa informed the Task Force that he is following up this afternoon on the review and comment by the Prosecutor's Offices regarding judges specifying charging sections.

Iris Murayama and Renee Sonobe Hong discussed and provided Handout 5 which indicates the criteria used in 2004 for recalling 37,000 bench warrants. There was discussion regarding cases where offenders move to the other islands, whether the counties follow different rules, how license stoppers are triggered or go away.

Craig DeCosta provided information on Project Contempt, and that although the project is not in effect currently, it was successful. The judge would refer cases to Project Contempt where phone calls were made, and people were given court dates. There was confusion because of court dates assigned; and this is being addressed.

Richie Nakashima informed the Task Force that there are no issues regarding "failure to appear warrants".

Jack Wong informed the Task Force that sheriff transactions will be kept "as is." The Public Defenders and Prosecutor's Offices will have access to NATL to do warrant inquiries. With JIMS, names can be accessed.

#### **Identification and Categorization of Problems Contributing to Arrest Warrant Backlog**

William Bagasol explained that the Design Group's categorized problems that were identified by the Task Force, and that the Design Group had questions requiring further explanation of some of the stated problems. Some problem statements were clarified, other problem statements remain unclear as no explanations were provided and will be maintained on this list for now. Handout 6 is the Problems list with clarifications.

Some problems identified appear to be solutions, and a separate list will be maintained of those potential solutions under the category of "Innovation Issues or Solutions". See Handout 6.

#### **Recommended Subcommittees and Assignments**

Walter Ozawa presented for discussion, the Design Group recommendations of subcommittees and membership composition. There was considerable discussion on what the subcommittees would be, collapsing certain subcommittees, reducing the number of subcommittees, increasing the number of subcommittees, overlapping of subcommittees, ability to resource the subcommittees. The issue of seeking grants was "parked" as a potential solution.

Subcommittees could contain resource people; however decisions are to be made by the Task Force members identified by SCR 91 and Act 308. The Task Force discussed whether Legislative Issues/Problems were problems or solutions. The Task Force referred the items in the Legislative Issues/Problems category back to the Design Group for reassignment to the final subcommittees.

The Task Force agreed on three subcommittees: a) Judiciary Issues/Issuance of Warrants, b) Integration of Information, Computer and Manpower/Creation and Transmission of Warrants, c) Procedural and Resources. The Task Force formed subcommittees with membership and interim chairs/co-chairs reflected as indicated on Handout 7. or the purpose of coordinating the first meeting of the subcommittee's interim chairs/co-chairs volunteered or were asked to serve. The subcommittees will make the final determination of their chairs/co-chairs at their first meeting.

If anyone has not been assigned to a subcommittee today, the Design Committee is to make subcommittee assignments.

Guidelines for the work of the subcommittees comes from SCR 91 and Act 308 Force. The subcommittees' written work would go to the Design Group for compilation, and them to the Task Force to decide on the final report to be submitted to the Legislature. See Handout 8.

#### **Next Meeting/Next Steps/Assignments/Next Meeting Agenda**

It was agreed that the Task Force meeting will be set for September 12, 2006 as this will give the subcommittees time to work on their assignments. For that meeting on September 12, 2006 the subcommittees will provide their information and updates to the Task Force. In the meantime, the Design Group will meet on August 29, 2006.

#### **Next Meeting**

The next meeting will be **September 12, 2006, from 9:00 a.m. to 1:00 p.m.** The meeting will be held at **Leiopapa State Office Tower A Kamehameha Building; 15<sup>th</sup> Floor Conference Room Merit Appeals Board Conference Room (235 S. Beretania Street).**

## Handout 1

### District Court First Circuit (Civil Division -- Warrants) As of 8/18/06

<u>Year</u>	<u>Issued</u>	<u>Served</u>	<u>Recalled</u>	<u>Unserved</u>
1997	427	301	119	7
1998	347	217	120	10
1999	470	182	272	16
2000	398	176	212	10
2001	299	138	138	23
2002	271	144	120	7
2003	303	95	141	67
2004	200	87	75	38
2005	171	78	16	77
2006	99	-	1	98
	2,985	1,418	1,214	353

\*NOTE: All the Civil Bench Warrants are served through HPD and none by the Sheriff.

## Handout 2

**Table**  
**List of Prober Active/Unserved Warrants for Probation Cases**  
**as of August 9, 2006**

<b>Circuit</b>	<b>Count</b>
First	713
Second	201
Third	94
Fifth	17
<b>Total Unserved Traffic Warrants</b>	<b>1025</b>



### Handout 3

1st Circuit based on JUSTIS Bench Warrant and Warrant Data Provided by FC Office of CCA

Year	Issued	Served/Executed	Recalled/Canceled	Outstanding per year	running total
1983	0	0	0	0	0
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	0	0	0
1987	3	0	3	0	0
1988	0	0	0	0	0
1989	3	1	2	0	0
1990	3	2	1	0	0
1991	18	3	15	0	0
1992	88	36	51	1	1
1993	359	202	153	4	5
1994	379	179	197	3	8
1995	352	164	179	9	17
1996	298	144	152	2	19
1997	266	131	135	0	19
1998	206	90	104	12	31
1999	151	69	69	13	44
2000	198	111	85	2	46
2001	174	97	77	0	46
2002	237	160	77	0	46
2003	225	150	71	4	50
2004	205	133	64	8	58
2005	234	143	64	27	85
2006	134	59	28	47	132

Total outstanding as of 8/22/06 132

Source of Agency Serving Warrant not available in JUSTIS

2nd Circuit based on JUSTIS Bench Warrant and Warrant Data Provided by FC Office of CCA

Year	Issued	Served/Executed	Recalled/Canceled	Outstanding per year	running total
1983	0	0	0	0	0
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	0	0	0
1987	0	0	0	0	0
1988	0	0	0	0	0
1989	0	0	0	0	0
1990	0	0	0	0	0
1991	0	0	0	0	0
1992	0	0	0	0	0
1993	0	0	0	0	0
1994	2	0	2	0	0
1995	2	0	2	0	0
1996	11	8	3	0	0
1997	47	35	12	0	0
1998	40	25	15	0	0
1999	35	22	12	1	1
2000	33	23	10	0	1
2001	35	25	10	0	1
2002	37	27	10	0	1
2003	32	17	14	1	2
2004	54	29	21	4	6
2005	47	24	17	6	12
2006	18	8	3	7	19

Total outstanding as of 8/22/06 19

Source of Agency Serving Warrant not available in JUSTIS

3rd Circuit based on JUSTIS Bench Warrant and Warrant Data Provided by FC Office of CCA

Year	Issued	Served/Executed	Recalled/Canceled	Oustanding per year	running total
1983	0	0	0	0	0
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	0	0	0
1987	0	0	0	0	0
1988	0	0	0	0	0
1989	0	0	0	0	0
1990	0	0	0	0	0
1991	0	0	0	0	0
1992	0	0	0	0	0
1993	0	0	0	0	0
1994	0	0	0	0	0
1995	0	0	0	0	0
1996	6	2	4	0	0
1997	31	19	12	0	0
1998	51	29	21	1	1
1999	76	46	27	3	4
2000	67	49	17	1	5
2001	69	41	26	2	7
2002	74	49	24	1	8
2003	91	57	31	3	11
2004	75	47	27	1	12
2005	106	70	30	5	17
2006	84	51	11	22	39

Total outstanding as of 8/22/06 39

Source of Agency Serving Warrant not available in JUSTIS

5th Circuit based on JUSTIS Bench Warrant and Warrant Data Provided by FC Office of CCA

Year	Issued	Served/Executed	Recalled/Canceled	Outstanding per year	running total	
1983	0	0	0	0	0	0
1984	0	0	0	0	0	0
1985	0	0	0	0	0	0
1986	0	0	0	0	0	0
1987	0	0	0	0	0	0
1988	0	0	0	0	0	0
1989	0	0	0	0	0	0
1990	0	0	0	0	0	0
1991	0	0	0	0	0	0
1992	0	0	0	0	0	0
1993	0	0	0	0	0	0
1994	0	0	0	0	0	0
1995	0	0	0	0	0	0
1996	3	2	1	0	0	0
1997	9	5	4	0	0	0
1998	11	9	2	0	0	0
1999	13	10	3	0	0	0
2000	12	9	3	0	0	0
2001	14	7	6	1	1	1
2002	20	13	7	0	1	1
2003	29	23	6	0	1	2
2004	10	7	2	1	0	2
2005	16	14	2	0	1	2
2006	6	4	1	1		3

Total outstanding as of 8/22/06 3

Source of Agency Serving Warrant not available in JUSTIS

## HANDOUT 4

### SECTION THREE

### TECHNICAL BACKGROUND AND CURRENT SYSTEMS

### **SECTION THREE: TECHNICAL BACKGROUND**

#### **3.1 GENERAL OVERVIEW OF CURRENT TECHNOLOGY**

Current case processing in the Hawaii Judiciary is supported by paper and hardcopy information; data, facsimile, and telephonic transmission; messenger service; and fragmented case filing and data systems that include more than 13 applications on one mainframe, ten mini-computers (nine Wang and one iSeries Server), local servers, and personal computers.

System users access the applications on mainframe and minicomputer platforms via either a Frame Relay network, a Token Ring or Ethernet local area network, or directly through Systems Network Architecture (SNA) via leased data circuits. A Frame Relay network connects the remote local area networks (LANs) on the Neighbor Islands to the Civic Center backbone in Honolulu.

Not all locations are currently connected to the Wide Area Network (WAN), but the Judiciary's network infrastructure plan calls for establishing connectivity to all sites. It is anticipated that the network infrastructure plan will be completed by the end of 2003.

Automation support in the Hawaii Judiciary has developed piecemeal over three decades. Three existing case management systems to support Traffic, District, and Circuit Courts' criminal and civil case processing were initially written in the 1960's and 70's, with some applications written in the 1980's. Although the current criminal and civil systems are split between District and Circuit Courts, the Judiciary is moving towards a single tier trial court system which should standardize most processes across the courts.

The Family Court's juvenile case management system was begun in 1991 following a 1990 IBM AS/400 computer and case management software acquisition, and has been through recent upgrades to improve online data entry in courtrooms. Ten applications on nine independent Wang VS minicomputers support the fiscal, personnel and Appellate courts case management systems. These applications were written in Wang Cobol and Speed II languages. Due to database, programming language, or platform incompatibilities, the applications work independently and do not share information. Auxiliary automation applications include word processors, spreadsheets, single user accounting packages, and cash register systems.

The Telecommunication and Information Services Division (TISD) provides computer support and assistance for all areas of the automation network, hardware, and software. There are 42 TISD technical, clerical, and management personnel working to support approximately 1,700 users (staff) across all circuits.



### 3.2 EXISTING MAJOR COMPUTER APPLICATIONS

The table below summarizes the major current case related computer systems in use by the Judiciary. All are targeted to be replaced by JIMS.

APPLICATION	DESCRIPTION
TRAVIS	Traffic case management information system.
HAJIS	Circuit Civil/Criminal/Family Adult case management information system.
DC Criminal	District Court Criminal case management information system.
DC Civil	District Court Civil case management information system (used in Honolulu, only).
APPELLATE	Appellate case management information system.
JUSTIS/ JUSTIS FC-J In-Court	Family court juvenile case management information system which includes both juvenile offenders and juvenile victims.
PROBER/PROBER PLUS	Probation and parole agency data management system.
Trust Accounting	General ledger package for Circuit Courts.
Jury Viewer	Jury selection, management, compensation processing.

#### 3.2.1 Traffic System (TRAVIS)

Cases involving nearly a quarter million (244,180) parking tickets, along with 137,236 moving violations and 115,229 non-moving violations were initiated in fiscal year 1997-98, with the First Circuit accounting for about 76% of the entire state total. This case area, by far, generates the largest workload for the Judiciary.

The Traffic Court case management system is TRAVIS, which resides on an IBM Multiprise 3000 mainframe at the Honolulu First Circuit District Court building, first floor. TRAVIS is using ADABAS, NATURAL, and COBOL for different functional modules. All user access is through 3270 terminals or 3270 emulation on PCs. TRAVIS serves the First Circuit via Token Ring and Ethernet LAN. Neighbor Island Circuits are connected to TRAVIS via dedicated 9.6 kbps multipoint leased lines, WAN access over 128K or 256K frame relay circuits.

The TVB on Oahu also has an Ethernet ready remittance machine which assists staff in handling mail payments. This machine is able to scan each ticket as an image and allows entry of payment information. A process for coding checks is included in the process. A download from the machine is currently used to update TRAVIS. The TVB on Oahu also has point of sale cash registers to log payments. Downloads from these registers are also used to update TRAVIS. The goal with JIMS is to have these payment updates done live as opposed to the current batch process.

TRAVIS provides the following functionality:

Case Initiation & Data Entry

- Records management/abstract reconciliation
- Identify violator/person
- Enter violation/case into system
- Enter hearing minutes and dispositions
- Issue bench warrant/penal summons/default judgment
- Process judgment/post-judgment orders
- Enter post-judgment compliance information /payment
- Process non-compliance
- Event logging

Calendaring & Scheduling

- Calendar management
- Schedule hearing

Fiscal

- Cash balancing for Oahu TVB
- Bail posting reports
- Allocation of collections for other state agencies – DAGS State Parking and Department of Transportation (DOT) State Highway Fund

Case Management

- Identify court rule or statute which charge needs to follow (i.e., what fine needs to be paid)
- Identify compliance status
- Rule compliance
- Process proof of compliance

External Interfaces

- City and County of Honolulu (C&C) Vehicle Registration System
- Driver License System for each county
- C&C Problem Driver Pointer System
- Prosecutors Offices for each county
- Attorney General's Hawaii Criminal - Justice Data Center (HCJDC)
- Attorney General's Collection Unit
- Honolulu Police Department
- Hawaii Police Department
- Maui Police Department
- Kauai Police Department
- Commercial Driver's License (CDL) Office
- Abstracts via tape (e.g., Choice Point) for use by insurance companies

**System Administration**

- Generate traffic abstracts
- Manage book controls
- Validation table maintenance
- System facilities

The Traffic Court cash register system is POSAL, a stand-alone personal computer application residing at TVB, in the Honolulu District Court Building, second floor. POSAL is a proprietary software application. While POSAL can be configured for on-line credit card authorization, TVB utilizes an independent credit card authorization and check validation service. The Judiciary's goal is to interface JIMS with these existing registers and replace the POSAL system. Some work has been done to extract data from the registers and hold it in a suspense file on the mainframe computer.

POSAL provides the following functionality:

- Entry of offender, citation and fine amounts by category
- Full or partial payment collection by cash, check, credit card, or bail
- Generation of receipt
- Two cash drawers
- Identification of users
- Supervisor override on some functions

**3.2.2 Criminal Systems****3.2.2.1 District Court Criminal (DC CRIM)**

The District Court criminal case management system is DC CRIM on an IBM Multiprise 3000 mainframe residing at the Honolulu District Court Building, first floor. DC Crim uses ADABAS and NATURAL languages. DC CRIM is a separate system from HAJIS, and the two systems do not share data. All case data passed from one system to the other must be re-entered. DC CRIM serves all the circuits via a WAN running on 128K or 256K lines to the Neighbor Islands and Token Ring or Ethernet LANs as described above.

DC CRIM provides the following functionality:

**Case Initiation and Data Entry**

- Process non-compliance
- Issue bench warrant
- Records management
- Post judgment/order processing
- Event logging
- Record hearing minutes and disposition