

- Close case
- Identify violator/person
- Record violation/pleading/case
- Enter changes to case record
- Provide output of case record

#### Calendaring & Scheduling

- Calendar management
- Schedule hearing

#### Fiscal

None

#### Case Management

None

#### External Interfaces

- Public access data terminals
- HCJDC criminal history interface (separate terminal/system)
- NCIC (FBI) criminal history interface (separate terminal/system)
- Online access to case data from authorized criminal justice agencies including Honolulu Police Department, Hawaii Police Department, Maui Police Department and Kauai Police Department

#### System Administration

- Validation table maintenance

#### **3.2.2.2 Circuit Court Criminal and Family Court Criminal (HAJIS)**

The Circuit Court criminal case management system is HAJIS on an IBM Multiprise 3000 mainframe application located at the Honolulu District Court Building, first floor. HAJIS uses ADABAS, NATURAL and COBOL languages for different functional modules. All user access is through 3270 terminals or 3270 emulation on PCs. HAJIS serves all the circuits via a WAN running on 128K or 256K lines to the Neighbor Islands and Token Ring or Ethernet LANs.

HAJIS provides the following functionality:

#### Case Initiation & Data Entry

- Process non-compliance
- Issue bench warrants/penal summons
- Records management
- Process judgment/post-judgment order
- Event logging

- Record hearing minutes and disposition
- Close case
- Identify violator/person

#### Calendaring & Scheduling

- Calendar management
- Schedule hearing

#### Fiscal

- None

#### Case Management

- None

#### External Interfaces

- Public access data terminals
- HCJDC criminal history interface (separate terminal/system)
- NCIC (FBI) criminal history interface (separate terminal/system)
- Online access to case data from authorized criminal justice agencies including Honolulu Police Department, Hawaii Police Department, Maui Police Department and Kauai Police Department

#### System Administration

- Code table maintenance
- Audit records of users and date of data entries or changes
- User access security and controls

### **3.2.3 Civil Systems**

#### **3.2.3.1 First Circuit District Civil Court (DC CIVIL/HAJIS)**

The First Circuit District Court Civil case management system is DC CIVIL, on a WANG VS located in the Honolulu District Court Building, 6<sup>th</sup> Floor. DC CIVIL uses COBOL software language. DC CIVIL 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. There is a current initiative to integrate the district court civil systems into HAJIS which would enable all civil cases to be on one system.

DC CIVIL provides the following functionality:

#### Case Initiation & Data Entry

- Records management
- Post proof of service
- Post judgment/order processing

- Event logging
- Record hearing minutes and disposition
- Close case
- Reopen case
- Identify parties
- Case inquiry

#### Calendaring & Scheduling

- Calendar management
- Schedule hearing

#### Fiscal

- None

#### Case Management

- Identify rule
- Identify compliance status
- Rule compliance
- Process proof of compliance

#### External Interfaces

- Public access data terminals
- Internet access through "Hoohiki" system

#### System Administration

- System table maintenance

### **3.2.3.2 Circuit Court Civil and Family Court (HAJIS)**

The Circuit Court Civil case management system is HAJIS, on an IBM Multiprise 3000 mainframe located at the Honolulu District Court Building, first floor. HAJIS uses ADABAS, NATURAL, and COBOL languages for different applications. All user access is through 3270 terminals or 3270 emulation on PCs. HAJIS serves all the circuits via a WAN running on 128K or 256K lines to the Neighbor Islands and Ethernet or Token Ring LANs. First Circuit Court will be expanding its PC-based network, operating on Novell operating systems, to all staff by the end of the year. The Legal Documents Branch, which enters most case and hearing data, will move from 3270 terminals to PC-based emulation. All Neighbor Island circuits are connected back to the mainframe system via frame relay; some buildings and sites are connected via the WAN.

HAJIS provides the following functionality:

#### Case Initiation & Data Entry

- Process non-compliance

- Issue bench warrant
- Records management
- Enter post judgment/order information
- Event logging
- Record hearing minutes and disposition
- Close case
- Identify person
- Record pleading/case
- Enter recorded changes
- Reflect record

#### Calendaring & Scheduling

- Calendar management
- Schedule hearing

#### Fiscal

- None

#### Case Management

- Identify rule
- Identify compliance status
- Rule compliance
- Process proof of compliance

#### External Interfaces

- Public access data terminals

#### System Administration

- Code table maintenance

### **3.2.4 Appellate Systems**

#### **3.2.4.1 Appellate Courts (APPELLATE)**

The Appellate Court case management system is called APPELLATE and runs on a Wang VS computer. APPELLATE was programmed using Wang VS COBOL.

APPELLATE provides the following functionality:

#### Case Initiation and Data Entry

- Records management
- Identify parties
- Docket management
- Print filing notices

- Post opinions/memos
- Event logging
- Record oral arguments/minutes
- Close case
- Reopen case
- Case inquiry

#### Calendaring & Scheduling

- Calendar management
- Schedule oral arguments

#### Fiscal

- None

#### Case Management

- Identify rule
- Identify compliance status
- Rule compliance
- Process proof of compliance

#### External Interfaces

- Public access data terminals

#### System Administration

- Validation table maintenance

### **3.2.5 Family Court Systems**

#### **3.2.5.1 Family Court Juvenile (JUSTIS)**

Juvenile Statewide Information System (JUSTIS) is the Family Court's juvenile case management information system. JUSTIS runs on an IBM iSeries S-Star Processor and uses DB2/400 as the database with the applications written in COBOL, CL, and C. JUSTIS serves the Family Courts in all circuits. A recent add-on to JUSTIS is the "FC-J In-Court" application. This part of the application is GUI-based and produces Court Officer Recommendations, captures minutes in court and generates court ordered documents realtime in the courtroom. SEER\*HPS was the name of *Seer Technologies'* application development tool used to develop the application. The tool is now called BluePhoenix AppBuilder owned by *BluePhoenix Solutions*.

JUSTIS provides the following functionality:

#### Case Initiation & Data Entry

- Process non-compliance

- Records management
- Post judgment/order processing
- Event logging/hearing minutes entry and maintenance
- Record hearing disposition/results
- Juvenile search by name, date of birth and/or sex
- Juvenile purge ("interim" purge archives non-identifying information for research and statistical purposes)
- Juvenile summons(WordPerfect) and warrants(SEER)
- Close case
- Identify juvenile
- Record referrals/petitions
- Post recorded changes
- Reflect record
- Track post-disposition compliance tracking
- Court officer assignments

#### Calendaring & Scheduling

- Calendar management
- Schedule hearing

#### Fiscal

- Record fine/restitution amounts
- Record fine schedules and payments

#### Case Management

- None

#### Report/Document Generation

- Statistical reporting (age of referrals, caseload activity)
- Decrees, conditions, mittimus, warrants, orders, etc.
- Minutes
- Court Calendars

#### Detention Services

- Admissions/Releases
- Track authorized visitors
- Admissions/Releases for multiple facilities
- Reports including current population, admissions and sick call lists, releases, etc.

#### External Interfaces

- JJIS via AAI

System Administration

- Validation table maintenance

JUSTIS serves the Family Court in all circuits via the WAN, primarily running on 128K and 256K lines between the islands. TISD will be moving the ISeries Server to the Honolulu District Court Building in the near future. First Circuit LAN systems are operating on token ring networks. Network connectivity to JUSTIS includes:

First Circuit	
Ka`ahumanu Hale	Local token ring (16Mbps)
One Waterfront Plaza	128Kbps
Alder Street Detention Home	128Kbps
Second Circuit	
Wailuku	256Kbps
Molokai	128Kbps
Third Circuit	
Hilo	128Kbps
Kona	128Kbps
Fifth Circuit	
Lihue	128Kbps

Family Court has recently implemented a GUI front end in support of the JUSTIS FC-J In-Court process. Netware file servers are used as application servers to Windows 95, 98, NT and 2000 clients. The Family Court's iSeries S-Star Processor is used as the application's database and host server using SQL and C.

The JUSTIS FC-J In-Court system includes functionality for probation officers to record recommendations and conditions for disposition/adjudication on juvenile offender (J) cases, which are used by Family court judges as a basis for a disposition and judicial order. In addition, JUSTIS FC-J In-Court is used to record hearing minutes and results, calendar future hearings, and generate decrees, orders of dismissal, bench warrants, mittimus, rules of probation, rules of protection supervision, recalls of warrants, and other general orders. It is used real-time in hearings. JUSTIS FC-J In-Court is in use in all four circuits. BluePhoenix AppBuilder is the proprietary repository-based application

development tool used to develop the FC-J In-Court System. The data is entered directly into the JUSTIS DB2/400 database.

The base juvenile application (DB2/400) was acquired from Maricopa County, Arizona in 1989 and has been modified to meet the needs of Hawaii's Family Courts. It includes, but is not limited to, juvenile demographics, cases (offender and victim), referrals, petitions, legal statutes, warrants and summons, hearings and calendars, conditions and compliance, case assignments, detention and shelter admissions, court officer recommendations, hearing minutes and court orders. Informal adjustments and other dispositions are captured as well as court-ordered dispositions. Compliance (incremental and final) information for informal and court-ordered conditions are also captured. Most users generally do not use ad hoc reporting tools and free-form fields. JUSTIS provides primary case management reports, but its potential to provide ad hoc information and comprehensive case management information has not been fully exploited. Other than the fine and restitution amounts ordered, no accounting system interfaces with JUSTIS. Juvenile probation uses the system for basic monitoring of data, but not for tracking and report functions.

A two-way interface between the Judiciary's system and JJIS was implemented in 2000. Key information from family court such as verified name and date of birth, judicial and non-judicial dispositions, conditions, hearing data, probation officer, judge and so forth are uploaded to JJIS. JJIS returns the JJIS ID for each juvenile which updates the JUSTIS juvenile record. JJIS attempts to share key data among the various agencies, including the transmission of hearing results, and an interface to provide electronic referrals and petitions from the police and prosecutors offices statewide.

### **3.2.6 Jury**

Jury selection is handled by a Paradox application that combines data from three sources (Driver's license, voter registration, and Hawaii tax returns). The application selects potential jurors through a random selection process.

Currently, juror questionnaires are scanned into a custom-designed database called Jury Viewer. Each scanned image is accompanied by basic header information such as name, pool number, and juror identification (ID) number. These images are stored on a Windows NT server.

This database is available on the First Circuit Court LAN so that judges and their staff can view and print questionnaires from their chambers. Additionally, the database allows users to redact certain information that should not be viewed by attorneys. Most of the other jury pool tasks are manual in nature. There is a great deal of paper that goes back and forth between court divisions and the jury pool office, including attendance sheets, lists of jurors for voir dire, etc.



### 3.2.7 Probation (PROBER)

Currently, one section of the Honolulu Adult Probation office is using a Windows-based computer program called Prober Plus, several sections are using the DOS-based program Prober, and many sections are without a computerized system. Prober is a system that was originally developed in 1987 and has been used by several probation departments across the nation. The main table used by Prober is a Master ID file that contains supervision episodes connected to arrests, offenses, and motions. Adult Probation departments on other islands run separate instances of the DOS based Prober and periodically send data to the First Circuit for the information to be compiled. This compilation allows for the production of some statewide statistical reporting.

Although not specifically mentioned as a separate category in the Aequitas Study, the Judiciary expects the proposed CMS to replace all versions of Prober with a more modern probation system capable of interacting transparently with the calendaring and other modules. Separate probation functions have been developed for this area and are contained in Appendix 5.

### 3.3 EXTERNAL INTERFACES

Each current case management system includes numerous external interfaces. Administrative functions define the protocols for data transmission, security, and other specifications. The Judiciary differentiates between external interfaces with other government agencies and interfaces with other than government systems that require more security. This set of functions details recommended protocols and how data security and integrity are maintained.

The following table indicates the external agencies that have inquiry access to the current mainframe systems.

Agency	DC Crim	HAJIS	TRAVIS	JUSTIS
Attorney General's Office		X	X	
Hawaii Criminal Justice Data Center	X	X	X	
Child Support Enforcement Agency		X		
Juvenile Justice Information System (interface only)				X
State Department of Land and Natural Resources	X			
State Department of Transportation		X	X	
Hawaii Paroling Authority		X		
Department of Public Safety				
Oahu Community Correctional Center	X		X	
Hawaii Community Correctional Center	X		X	
Oahu Intake Services	X	X		
Maui Intake Services		X		
Hawaii Intake Services	X	X	X	
Kauai Intake Services				

Agency	DC Crim	HAJIS	TRAVIS	JUSTIS
Department of Public Safety (Oahu)			X	
Department of Public Safety (Maui)			X	
Department of Public Safety (Kauai)			X	
Department of Motor Vehicles				
City and County of Honolulu			X	
County of Maui			X	
County of Hawaii			X	
County of Kauai			X	
Driver License Financial Responsibility				
City and County of Honolulu			X	
Maui County			X	
Hawaii County			X	
Kauai County			X	
Prosecutors Office				
City and County of Honolulu	X	X	X	
Maui County	X	X	X	
Hawaii County	X		X	
Kauai County			X	
Public Defender's Office	X	X	X	
City and County of Honolulu Police Department	X	X	X	
Hawaii County Police Department	X		X	
Federal District Court/Probation	X	X	X	
Federal Treasury-IRS, Criminal Investigation	X	X	X	
Federal Justice-U.S. Marshalls	X	X	X	
Public Access through the Internet (data pulled to a separate server real time through Judiciary Website)		X		

END OF SECTION

**HANDOUT 5**  
**TRAFFIC BENCH WARRANT RECALL**

Bench warrants were recalled and cases were either dismissed or no further action taken for the following cases:

- 1) All traffic warrants older than July 1, 1994 were recalled, except if the underlying case was for proof of compliance or payment.
- 2) All traffic warrants dating between July 1994 and December 2001 were recalled except if the underlying case in chief fell under any of the following:
  - a) OVUII
  - b) Driving while license suspended for OVUII
  - c) Racing
  - d) Speeding 20 miles over the speed limit
  - e) Reckless Driving
  - f) Fled scene
  - g) Outstanding proof of compliance or payment

## HANDOUT 6

# **TYPES OF PROBLEMS CONTRIBUTING TO BACKLOG**

### **ISSUANCE OF WARRANTS**

- Traffic Bench Warrants issued at particularly high number
- Warrant cannot be recalled and/or purged
- New warrants issued (contempt of court)
- Summons instead of BW (mail or use process server- pay by consumer)
- "Stopper" instead of BW
- Alternative needed to issuing bench warrants
- Criteria for issuing warrants
- Judiciary generated more bench warrants than appropriate (for fines and infractions)

### **CREATION AND TRANSMISSION OF WARRANTS**

- Delays in creating bench warrant paper work
- Lack of timely data available to entities [agencies] on line
- Delays in transmitting warrants to the appropriate agency
- Number of copies provided by Judiciary
- Mechanical complexity (physical handling) of processing warrants through the Judiciary to the servers (multi-step process) (requirements for hard copy production) (batches) (no seamless slide into database) [?]

## PROCEDURAL PROBLEMS CONTRIBUTING TO BACK LOG

- Lack of organization, prioritization of warrants
- Low priority placed on servicing "Monday" priority warrants [?]
- Priority given to serving the criminal warrants
- Process approximately 4200 warrants annually but only execute a third of them; of the total outstanding warrants three fourths are misdemeanors
- Corrections and intake do not do warrants checks
- Warrants with grammatical and other informational errors are not served
- Grand Jury warrants- prosecutor needs to pay for fugitive and witnesses to come back and prosecute—not pursued—warrants to sit on the books
- Police Department has stopped efforts to serve but warrants may still be active according to court records
- Lack of consistent prioritization of the different types of warrants statewide
- Corrections has not implemented a process to insure that all released inmates do not have any pending arrest warrants
- Lack of commitment from DPS to serve warrants on a full-time basis, insufficient legislation to clean up the current backlog on the Island of Hawaii
- Delays in warrants arriving from Police Department; further delays caused by unnecessary repeated data entry before warrant can be delivered for service because, again, lack of a functional interface
- Absence of interface means that there's is no accessible statewide database to track and manage the service of the warrants
- DEFTs who are in correctional centers may have outstanding warrants but again DPS either does not have a methodology for checking or if they do, they choose not to check it
- Specific stipulations and approval must meet certain criteria before an arrest and transport is performed
- Defendant with misdemeanor charges and who are in federal custody (Out of State) are never returned for prosecution
- Prosecutor's office designated a large amount of warrants for local service only to those persons who are out of state.
- Custodies are transferred to the Sheriff's Department who activate arrest warrants
- Can't get people in jail served-
- CJIS fingerprint based system and info not included if indicated [?]
- No or inconsistent entry point check of incarcerated individuals for outstanding bench warrants or pending cases
- Any information on the whereabouts of individuals with outstanding warrants is stale and individuals are not able to be located
- Lack of accountability for officers who are designated to serve warrants

## **LEGISLATIVE ISSUES/PROBLEMS**

- Not statutorily required to enforce warrants
- Legality of bench warrants under the new JIMS system
- Increased numbers of traffic criminal cases
- No automatic limitations on the life of warrants
- No state law warrant system
- No access to state vital statistics data
- Statewide warrants file- there should be a statewide warrants file managed by CJIS that covers every type of warrant that agencies are authorized to issue and

## **INTEGRATION OF INFORMATION, COMPUTERS AND MANPOWER**

- Lack of cooperation between law enforcement agencies
- Branch tends to make plans and programs changes in a vacuum
- Improve interagency communication. Makes sense- all departments are able to stay on same page. They all have to have access to a system to counter-check which individuals have warrants.
- No integration of computer system warrant information
- State fund to improve county/state computer system. Managed by AG or Board. [?]Funds generated by a case transaction fee.
- Lack of coordination between various departments
- Need a base to consolidate operations
- State wide (physical) interagency policy board that can provide review and feedback to agencies that plan to implement any system or procedure that may affect the Justice system
- Lack of an interface with the Judiciary's RMS or database which might help HPD in getting more current addresses of sought after defendants (DEFTs)
- HPD does not have direct access to state data systems such as welfare records, vital statistics, child support, tax returns or other government assistance records that would help us to locate individuals with outstanding warrants. We believe that access to the Hawaii Driver License system where picture identification would help to better identify individuals with outstanding warrants.
- Lack of access to the bench warrant system by law enforcement
- JIMS is not fully functioning; goes down spontaneously regularly; goes down every night for maintenance so no verification of a warrants during that time
- Need to better track the warrants then categorize them as unserved, recalled, exhausted or declined by prosecutors. Better to recategorize when action is taken to remove warrants from the back log category
- Instant access to HI drivers license data- no access to photos-time lag
- No access to state vital statistics data

## **JUDICIAL PROCESS**

- Delays in the judicial process so that by the time some case get into court, the DEFT has moved several times
- The Judiciary's release on recognizance or minimal bail of defendants who are chronically homeless
- Change of venue proceedings are time consuming
- Bail amounts have failed to keep pace with the times, \$25, \$50, \$100 fails to secure DEFTs' appearance as the amount lost is minimal
- DEFTs who are arrested on minor charges and are detained in the Police cell block will often appear before a judge and get sentenced to time served without any restitution to the Police Department
- Failure to handle minor cases in a more expeditious manner by thy the Judiciary in which cases are continued and the DEFT given a new appearance date
- Judiciary should make two extra copies of warrants to be issued
- Lack of timely data regarding the issuance and status
- One system, one voice concentration of resources and efficiency of efforts
- Procedure for warrant recall requires lots of paperwork/motion- not easy
- The Judiciary's release on recognizance or minimal bail of defendants who are chronically homeless
- Traffic warrants issued for military or tourists with outstanding warrants (remain on file)
- Alternatives to Bench Warrant, i.e. referral to collections or summons

## **RESOURCING**

- Sheriffs and Police being shorthanded
- Lack of personnel
- Dedicate personnel to full-time serving bench warrants
- No specific funding for warrants positions
- Lack of dedicated manpower to serve warrants on all islands. No 24/7 perusal of offenders
- Shortage of vehicles- 7 state cars- 12 people
- Lack of timely data available

## CHANGING ATTITUDES

- Decreasing respect for court orders
- Low priority to serving warrants
- Fugitive fails to appear

## INNOVATION ISSUES OR SOLUTIONS: Separate Solutions List

- Summons instead of BW (mail or use process server- pay by consumer)
- "Stopper" instead of BW
- Alternative needed to issuing bench warrants
- Court computer generate automatic recall of "old" BWs
- Publish names of persons w/ BWs on the internet, managed by CJDC, include failure to register sex offenders, include penal summons
- No system and suitable forum to clear outstanding warrants for those who are incarcerated (no system of holding court in the prison system)
- Lack of cooperation and system for recalling bench warrants
- Lack of commitment from DPS to serve warrants on a full-time basis, insufficient legislation to clean up the current backlog on the Island of Hawaii
- Manage a system of stops (license, tax, library cards, cell phone services, etc) unless the warrants are cleared
- Procedure for warrant recall requires lots of paperwork/motion- not easy
- Innovative methods to tackle warrants- mail-outs, calling to come in, warning to come in or have name printed and each agency provides a person to form a group to perform "innovative methods"
- Streamline process



## **POSSIBLE SUBCOMMITTEES**

Based upon the proposed grouping of problem areas, the following subcommittees are also being proffered:

1. Judiciary Issues; Issuance of Warrants
2. Integration of Information, Computer and Manpower; Creation and Transmission of Warrants
3. Procedural Issues
4. Resources

Question on whether the subcommittees should be collapsed or expanded.  
Recommendation of possible subcommittees to agencies for discussion purposes.

Recommendation as to the composition of each subcommittee needs follow up.

### **GUIDE REGARDING SUBCOMMITTEES:**

Focus of each Subcommittee is to make a written contribution toward the final Report to the Legislature, which should contain:

Problem Statement  
Analysis  
Review  
Comprehensive Plan  
Recommendations  
Proposed Legislation

## Handout 7

**DRAFT** — August 23, 2006

### **UNSERVED ARREST WARRANTS BACKLOG TASK FORCE**

#### **GUIDE REGARDING SUBCOMMITTEES:**

Focus of each Subcommittee is to make a written contribution toward the final Report to the Legislature, which should contain:

Problem Statement  
Analysis  
Review  
Comprehensive Plan  
Recommendations  
Proposed Legislation

#### **SUBCOMMITTEE ON ISSUANCE OF ARREST WARRANTS AND THE JUDICIAL PROCESS**

Co-Chair: Diane Taira (AG)  
Co-Chair: Walt Ozawa (JUD)

Tommy Johnson (HPA)  
Renee Sonobe-Hong (Hon Prosecutor)  
Benjamin Acob  
Eric Seitz (HSBA Trial)  
Karen Takahashi (JUD)  
John Lum (PSD)  
Iris Murayama (JUD)

#### **ISSUANCE OF WARRANTS**

- Traffic Bench Warrants issued at particularly high number
- Warrant cannot be recalled and/or purged
- New warrants issued (contempt of court)
- Summons instead of BW (mail or use process server- pay by consumer)
- "Stopper" instead of BW
- Alternative needed to issuing bench warrants
- Criteria for issuing warrants
- Judiciary generated more bench warrants than appropriate (for fines and infractions)

## JUDICIAL PROCESS

- Delays in the judicial process so that by the time some case get into court, the DEFT has moved several times
- The Judiciary's release on recognizance or minimal bail of defendants who are chronically homeless
- Change of venue proceedings are time consuming
- Bail amounts have failed to keep pace with the times, \$25, \$50, \$100 fails to secure DEFTs' appearance as the amount lost is minimal
- DEFTs who are arrested on minor charges and are detained in the Police cell block will often appear before a judge and get sentenced to time served without any restitution to the Police Department
- Failure to handle minor cases in a more expeditious manner by thy the Judiciary in which cases are continued and the DEFT given a new appearance date
- Judiciary should make two extra copies of warrants to be issued
- Lack of timely data regarding the issuance and status
- One system, one voice concentration of resources and efficiency of efforts
- Procedure for warrant recall requires lots of paperwork/motion- not easy
- The Judiciary's release on recognizance or minimal bail of defendants who are chronically homeless
- Traffic warrants issued for military or tourists with outstanding warrants (remain on file)
- Alternatives to Bench Warrant, i.e. referral to collections or summons

## **GUIDE REGARDING SUBCOMMITTEES:**

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Comprehensive Plan  
Recommendations  
Proposed Legislation

### **SUBCOMMITTEE ON CREATION AND TRANSMISSION OF ARREST WARRANTS AND INTEGRATION OF INFORMATION, COMPUTERS AND MANPOWER**

Co-Chair: Jay Kimura (HI Prosecutor)  
Co-Chair: Walter Ozawa (JUD)

Laureen Uwaine (HCJDC)  
Wendy Char (HCJDC)  
Tommy Johnson (HPA)  
Rich Stacey (Hon Prosecutor)  
Melva Ferreira (PSD-LE)  
Frank Dela Rosa (PSD-LE)  
Calvin Ching (JUD-DC)  
Jack Wong (JUD-IT)  
Mae Matsuura (JUD-IT)  
William Chur (Hon Police)  
William Bagasol (Pub Def)  
Mike Mamitsuka (PSD-IT)  
David Maeshiro (JUD-IT)

## **CREATION AND TRANSMISSION OF WARRANTS**

- Delays in creating bench warrant paper work
- Lack of timely data available to entities [agencies] on line
- Delays in transmitting warrants to the appropriate agency
- Number of copies provided by Judiciary
- Mechanical complexity (physical handling) of processing warrants through the Judiciary to the servers (multi-step process) (requirements for hard copy production) (batches) (no seamless slide into database) [?]

## INTEGRATION OF INFORMATION, COMPUTERS AND MANPOWER

- Lack of cooperation between law enforcement agencies
- Branch tends to make plans and programs changes in a vacuum
- Improve interagency communication. Makes sense- all departments are able to stay on same page. They all have to have access to a system to counter-check which individuals have warrants.
- No integration of computer system warrant information
- State fund to improve county/state computer system. Managed by AG or Board. [?]Funds generated by a case transaction fee.
- Lack of coordination between various departments
- Need a base to consolidate operations
- State wide (physical) interagency policy board that can provide review and feedback to agencies that plan to implement any system or procedure that may affect the Justice system
- Lack of an interface with the Judiciary's RMS or database which might help HPD in getting more current addresses of sought after defendants (DEFTs)
- HPD does not have direct access to state data systems such as welfare records, vital statistics, child support, tax returns or other government assistance records that would help us to locate individuals with outstanding warrants. We believe that access to the Hawaii Driver License system where picture identification would help to better identify individuals with outstanding warrants.
- Lack of access to the bench warrant system by law enforcement
- JIMS is not fully functioning; goes down spontaneously regularly; goes down every night for maintenance so no verification of a warrants during that time
- Need to better track the warrants then categorize them as unserved, recalled, exhausted or declined by prosecutors. Better to recategorize when action is taken to remove warrants from the back log category
- Instant access to HI drivers license data- no access to photos-time lag
- No access to state vital statistics data

## **GUIDE REGARDING SUBCOMMITTEES:**

Focus of each Subcommittee is to make a written contribution toward the final Report to the Legislature, which should contain:

Problem Statement  
Analysis  
Review  
Comprehensive Plan  
Recommendations  
Proposed Legislation

### **SUBCOMMITTEE ON PROCEDURAL PROBLEMS CONTRIBUTING TO BACK LOG and RESOURCING**

Co-Chair: William Bagasol (Public Defender)  
Co-Chair: Iwalani White (PSD)

Richie Nakashima (Maui Police)  
Harry Kubojiri (HI Police)  
Rich Stacey (Hon Prosecutor)  
Louise Kim McCoy (PSD-PAO)  
Cappy Caminos (PSD-LE)  
Malia Manol (PSD)  
Diane Taira (AG)  
Craig De Costa (Kauai Prosecutor)  
Calvin Ching (JUD)

### **PROCEDURAL PROBLEMS CONTRIBUTING TO BACK LOG AND RESOURCING**

- Lack of organization, prioritization of warrants
- Low priority placed on servicing "Monday" priority warrants [?]
- Priority given to serving the criminal warrants
- Process approximately 4200 warrants annually but only execute a third of them; of the total outstanding warrants three fourths are misdemeanors
- Corrections and intake do not do warrants checks
- Warrants with grammatical and other informational errors are not served
- Grand Jury warrants- prosecutor needs to pay for fugitive and witnesses to come back and prosecute—not pursued—warrants to sit on the books
- Police Department has stopped efforts to serve but warrants may still be active according to court records
- Lack of consistent prioritization of the different types of warrants statewide

- Corrections has not implemented a process to insure that all released inmates do not have any pending arrest warrants
- Lack of commitment from DPS to serve warrants on a full-time basis, insufficient legislation to clean up the current backlog on the Island of Hawaii
- Delays in warrants arriving from Police Department; further delays caused by unnecessary repeated data entry before warrant can be delivered for service because, again, lack of a functional interface
- Absence of interface means that there's is no accessible statewide database to track and manage the service of the warrants
- DEFTs who are in correctional centers may have outstanding warrants but again DPS either does not have a methodology for checking or if they do, they choose not to check it
- Specific stipulations and approval must meet certain criteria before an arrest and transport is performed
- Defendant with misdemeanor charges and who are in federal custody (Out of State) are never returned for prosecution
- Prosecutor's office designated a large amount of warrants for local service only to those persons who are out of state.
- Custodies are transferred to the Sheriff's Department who activate arrest warrants
- Can't get people in jail served-
- CJIS fingerprint based system and info not included if indicated [?]
- No or inconsistent entry point check of incarcerated individuals for outstanding bench warrants or pending cases
- Any information on the whereabouts of individuals with outstanding warrants is stale and individuals are not able to be located
- Lack of accountability for officers who are designated to serve warrants

#### **RESOURCING - SUBCOMMITTEE**

- Sheriffs and Police being shorthanded
- Lack of personnel
- Dedicate personnel to full-time serving bench warrants
- No specific funding for warrants positions
- Lack of dedicated manpower to serve warrants on all islands. No 24/7 perusal of offenders
- Shortage of vehicles- 7 state cars- 12 people
- Lack of timely data available



HANDOUT 8  
**PROPOSED GUIDELINES FOR SUBCOMMITTEES**

TASK	OUTCOME
<ul style="list-style-type: none"> <li>•Review list of problems</li> <li>•Concisely determine problems</li> <li>•Write statement of the problem, whose problem it is and why it's a problem</li> </ul>	Written problem statement.
<ul style="list-style-type: none"> <li>•Explain the plan (analysis and review)</li> <li>•Make recommendations</li> <li>•Propose legislation if applicable</li> </ul>	Proposed Comprehensive Plan of Action

**Subcommittees' General Timeline**

September 11, 2006:	Subcommittees have a rough draft of the Written Problem Statement and Proposed Comprehensive Plan of Action, and e-mail rough drafts to Diane Taira for distribution and making copies
September 12, 2006:	Subcommittee co-chairs present the rough draft at the Task Force Meeting
September 26, 2006	Subcommittees finalize their proposed rough draft
October 2, 2006	Task Force decision-making on the Subcommittees' proposed plans of action.

**Meeting Summary  
Unserved Warrants Backlog Task Force**

Tuesday, September 12, 2006, 9:00 – 12:30 p.m.  
Merit Appeals Board Conference Room  
15<sup>th</sup> Floor Leiopapa A Kamehameha Building (235 S. Beretania Street)

**Present:** Benjamin Acob, Stacey Awai, William Bagsol, David Bettencourt, Cecelia Chang, Wendy Char, Calvin Ching, Lt. Frank Dela Rosa, Judge Colette Garibaldi, Arlette Harada, Tommy Johnson, Jay Kimura, Marsha Kitagawa, Malia Manol, Louise Kim McCoy, Mike Mamitsuka, Iris Murayama, Assistant Police Chief Richie Nakashima, Assistant Police Chief Elroy Osorio, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Karen Takahashi, Laureen Uwayne, Iwalani White, and Jack Wong

**Facilitation Team:** Constance Hassell, Elizabeth Kent, and Cheryl K. Okuma

**August 22, 2006 Meeting Summary**

The Task Force reviewed and approved the August 22, 2006 Meeting Summary with minor corrections. The final version is attached.

**Subcommittee Reports**

The subcommittees updated the group on their draft problem statements. After a group discussion the Task Force agreed on problem statements as follows.

**Subcommittee 1: Issuance of Arrest Warrants and Judicial Process**

**[Handout A, attached]**

- **Agreed:** More alternatives to Bench Warrants need to be considered.
- **Agreed:** Aids/Resources for more effective or efficient service of warrants are lacking.
- **Requires follow up:** There was considerable discussion about the following statement: "Warrants are not serviceable for reasons that are not easily classified in current system." This issue was referred to the Design Committee with a request for a revised statement that reflected the group discussion regarding criteria, access, classification, and statutory limitations considerations.

**Subcommittee 2: Creation and Transmission of Arrest Warrants and Integration of Information, Computers and Manpower [Handout B, attached]**

- **Agreed:** The lack of centralized database is an impediment to the warrants system.
- **Agreed:** There is a lack of detailed and accurate information that hampers service of warrants.
- **Agreed:** There are no uniform criteria for service of warrants.

- **Agreed:** One problem is that the current stopper is limited to renewal of drivers' licenses, and drivers' licenses are only renewed every six years.
- **Agreed:** One problem is that there is an imbalance of warrants issued and warrants served.
- **Requires follow up:** There was discussion regarding uniform criteria for service of warrants. It was agreed that Subcommittee 1 would address this issue.

### **Subcommittee 3: Procedural Problems and Resourcing Subcommittees** **[Handout C, attached]**

- **Agreed:** The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.
- **Agreed:** There needs to be improved prioritization of warrants.
- **Agreed:** There need to be improved prioritization of resources.
- **Requires follow up:** The Design Group will discuss whether to expand the statement "The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals" to include record checks by other law enforcement agencies, and will report back at the next Task Force meeting.
- **Requires follow up:** Subcommittee 3 will discuss the life span of warrants, three years/recall, policy of warrant services, legislation, and venue transfers (case to body) affect service of warrants.

### **Overlapping Issues**

Some issues were addressed by more than one committee. The Design Group will decide how to handle overlaps and inform the Task Force at the next meeting.

### **Legislation for Service of Warrants**

There is legislation in place permitting retired police and sheriffs to serve warrants. The Task Force agreed that the Design Group should make a recommendation at the next Task Force meeting.

### **Publication of Names of Persons with Outstanding Warrants**

Diane Taira stated that there are no legal concerns/impediments to publicizing names of persons with outstanding warrants.

### **Subcommittees' Next Steps/Assignments**

- The subcommittees will provide **semi-final drafts** of further reports and updates on solutions at the September 26 Task Force meeting. Also,
  1. Subcommittee 1 will incorporate Committee 2's discussion of criteria used by prosecutors when it revises its Problem Statement 3 which is currently worded: Warrants are not serviceable for reasons that are not easily classified in current system. [note: The Design Group is going to suggest language for this problem statement at its meeting on September 15]
  2. Subcommittee 2 will address (a) the issue of centralized database with consideration for the May 2008 deadline for change in IDs, and interfacing,

and (b) separating "payment" from other warrants (referral to collection agencies, IT and Judiciary considerations).

3. Subcommittee 3 will discuss the life span of warrants, three years/recall, policy of warrant services, legislation, and venue transfers (case to body) affect service of warrants.

#### **Design Group's Next Steps**

- **Agreed:** At its September 18 meeting, the Design Group will
  1. Reword Subcommittee 1's statement of its problem 3 to include additional concerns;
  2. Discuss expanding the Task Force report to include discussion of service by law enforcement agencies in addition to PSD;
  3. Decide what to do with issues that concern more than one subcommittee.
  4. Discuss legislation permitting retired law enforcement to serve warrants.

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

**Agreed:** Marsha Kitagawa and Jack Wong to reconcile number of warrants

#### **Task Force Next Steps/Meetings**

**Confirmed:** The next Task Force Meeting will be **September 26, 2006, from 9:00 a.m. to 12:30 p.m.**

**Agreed:** The Task Force will meet and **MAKE DECISIONS** on **October 2, 2006, from 9:00 a.m. to 12:30 p.m.**

Both meetings will be held at:

**Leiopapa State Office Tower A**

**Kamehameha Building: 15<sup>th</sup> Floor Merit Appeals Board Conference Room  
235 S. Beretania Street)**

Attachments:

August 22, 2006 Meeting Summary  
Handouts A, B, and C

# HANDOUT A

## Warrants Backlog Task Force--Subcommittee 1

### Issuance of Arrest Warrants and the Judicial Process

Although tasked with the assignment of formulating nonbudgetary methods of addressing the backlog in the service of arrest warrants, it is fast becoming apparent that all meaningful methods involve the need for more money -- on the part of the Judiciary, on the part of the police departments, the prosecutors, the sheriffs.

#### Problems Identified:

1. Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.
2. Aids/Resources for actual service of warrants lacking.
3. Warrants are not serviceable for reasons that are not easily classified in current system.

#### Suggested Solutions:

##### Problem 1:

- A. Use of penal summons;
- B. Use of Orders to show cause;
- C. Use of "stoppers" instead of bench warrants;
- D. Automatic calling system.

##### Problem 2:

- A. Automated calling system
- B. The committee suggests interfacing with other resources to assist in the tracking down of defendants. Much like the resources available to the Child Support Enforcement Agency (CSEA), we suggest tax intercepts, labor department interfaces to locate newly employed personnel, automatic stoppers on the ability to obtain recreational licenses and permits through DLNR. Even these suggestions, however, implicate increased workload and budgetary considerations for affected departments and are likely to result in only minimal impact in the warrant backlog.

The real solutions lie in the need for all affected agencies (prosecutors, judiciary, police departments, sheriffs) to have updated, interfactable computer systems and the personnel to do the legwork of serving warrants.

The increase in unserved warrants is, to a large extent, a symptom of the increase in population and attendant increase in crime. Homelessness and mental illness also play a role in people not showing up for court, bench warrants being issued, and the inability to track these people down. While the increasing number of unserved bench warrants may be an indication of certain inefficiencies that can be addressed here and there, it is more a symptom of our population which needs to be addressed by either an increase in spending or a decrease in standards.

Concern is expressed over the possibility that in finding solutions, those solutions don't merely shift the problem or burden from one agency to another.

##### Problem 3:

- A. Establish a system of service classification for statistical purposes. For example, defendant died, extradition not pursued, defendant not locatable.

# HANDOUT B

## **COLLABORATIVE EFFORT**

The warrant backlog problem is multi-faceted, and solutions will require a collaborative inter-agency effort. The legislative directive to the agencies to keep costs down restricts the review process and limits viable solutions.

Resource professionals: Additional information is required to clarify several issues and identify potential solutions. Professionals who have expertise in specialized areas will be invited to participate as resources. Representatives from the City Dept. of Information Technology (DIT) and Division of Motor Vehicles and Licensing (DMV) will be invited to attend the next subcommittee meeting. A judge will be invited to attend the next full taskforce meeting.

## **POSSIBLE SOLUTIONS**

The committee recognized that the data system (computer) and the bench warrant files (paper file system) require constant updating. Notwithstanding systemic improvements, the faster processing will contribute to the backlog. Likewise, the faster processing for serving warrants will generate more court cases, contributing to congestion of the court cases. The committee contemplated a variety of solutions for possible review and recommendation:

## **WARRANT COPIES (RESOLVED)**

Following earlier discussions regarding the request for more warrant copies, the paper flow was reviewed and streamlined. Concerns about the number of copies of warrants have been resolved.

## **CENTRALIZED DATABASE**

A centralized database accessible to multiple agencies in the criminal justice system is essential to address the warrant backlog problem. The various agency systems must interface so that warrant information is integrated by and accessible to all affected agencies.

JIMS was designed for case management; it is not a bench warrant only system. However, JIMS can be a part of the solution to the warrant backlog problem.

## **SERVICE OF WARRANTS**

### Identification Information

Accuracy of Identification information is important. Warrant servers must be sure of identification before they can serve the warrant. In preparing the warrants, the court clerks rely on information received on the arrest reports and on the citations when inputting the identification information.

Possible improvements to identification information include adding more information to the warrant:

- Add the "mug shot" (photo ID) on the warrant.

# HANDOUT B

- Add thumb prints on the warrant. The technology is currently available for thumb printing. This would require legislative authority and funding. A thumbprint is taken for Hawaii Driver's License. Law enforcement could collect thumbprint at a traffic stop. The driver's license could embed the thumbprint or other biological information, similar to the "SmartCard".

## Uniform Criteria for Service of Warrants

There are many factors that contribute to the non-service of warrants. Safe havens contribute to the backlog. Consider reviewing the prosecutor criteria for service of warrants. Criteria vary among the counties. The Honolulu Prosecutor's office, which has a high volume of warrants, has more stringent criteria than other county Prosecutors. For example, Honolulu has set a \$1500 bail threshold for warrants served on the neighbor islands; if the bail does not meet the \$1500 threshold, the Honolulu Prosecutors office is unwilling to fund the travel costs of returning the defendant to Oahu. Similarly, out-of-state extraditions are expensive; policy flows from budget and fiscal constraints. There needs to be an across the board policy for all warrants and, at the same time, there needs to be a balancing for each agency.

## **WARRANT REDUCTION**

There is an imbalance in the number of warrants issued and the number of warrants served. There number of warrants is "ridiculous". Warrant reduction methods to review include:

### Legislative/Procedural Changes

Introduce legislative or procedural changes to reduce the number of warrants issued.

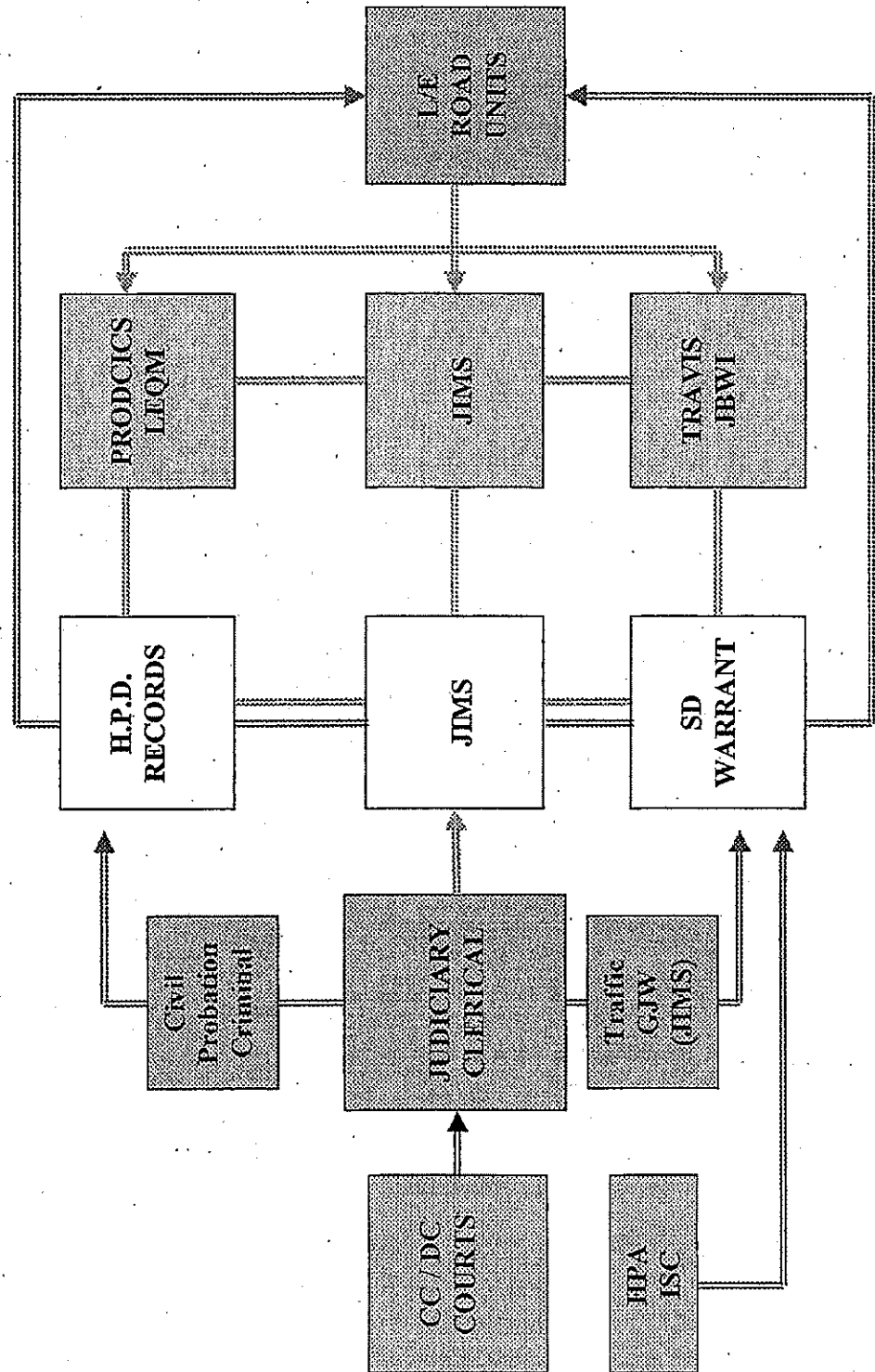
### Mass Recalls

Prosecutor mass recalls have helped reduce the warrant backlog. It was asked whether the prosecutor could do more recalls, perhaps with visitor traffic citations or out-of-state persons. Under current procedure, the court identifies warrants based on agreed upon criteria and forwards the warrant list to the prosecutor who in turn signs off on the mass recall.

### Alternatives to Issuing New Warrants

- Judges will issue an Order to Show Cause instead of issuing a warrant in certain cases.
- Issue default judgments in lieu of warrants.
- Better scheduling with new citations prevents persons from failing to appear in court, eliminating the need to issue a warrant.
- "Stoppers" - Use license, tax, etc. to impose "stoppers" with notice to the person. This requires legislation.
- The judge can educate persons of the consequences of not appearing for court. This would improve court appearance, compliance.

# ISLAND OF OAHU COMPUTER INFORMATION & ARREST WARRANT FLOW CHART





## HANDOUT C

### Procedural Problems and Resourcing Subcommittee

The Procedural Problems and Resourcing Subcommittee met on September 5, 2005 to review and discuss the various issues affecting the backlog in unserved arrest warrants. The Subcommittee is co-chaired by the Department of Public Safety's Director, Iwalani White, and the Office of the Public Defenders, William Bagasol. It is comprised of members representing the Judiciary, the Department of the Attorney General, the City and County of Honolulu Office of the Prosecutors, the Prosecutors Office for the County of Kauai, Hawaii County Police Department, the Office of the Public Defender, and the Department of Public Safety, including staff from the Sheriffs and Corrections divisions and Director's Office.

In reviewing the list of points raised in the overall task force meetings, the Procedural Problems and Resourcing Subcommittee opted to consolidate the concerns into two major areas: 1) the need for the Department of Public Safety to conduct more thorough warrant checks for incarcerated individuals; and 2) prioritization of warrants and resources. In addressing these two areas, the subcommittee took into consideration the various sub-points raised by the overall task force in developing its overall appropriate response and subsequent action plans.

#### **Concern 1: The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.**

In the State of Hawaii, on any given day, there are thousands of individuals in custody. Many of them have warrants but are released without service of these warrants. Of particular concern are those incarcerated for a significant period of time, such as those inmates sentenced to 30 days or even determinate terms of incarceration. Many prisoners may spend considerable effort trying to resolve their pending traffic or misdemeanor matters during their incarceration, often to no avail. Many of these outstanding matters are on penal summons or bench warrant status.<sup>1</sup> However, because of various reasons, including the lack of personnel (i.e. sheriffs) available to serve these traffic bench warrants, many of these warrants are never served. Prisoners may spend one, five, or ten years in prison, and the State of Hawai'i may be aware that they are in prison, but the inmate is never served the warrant. These prisoners must often turn themselves back into custody once they are released from prison, to get the warrants cleared and have a hearing to have the underlying offense resolved. At the hearing, the warrants and underlying charges are usually dismissed due to violation of Hawai'i Rules of Penal Procedure (HRPP) Rule 9, which requires that warrants and penal summons be served "without unnecessary delay".

Currently, adult correction officers (ACOs) are instructed to do a date check on the CJIS database on any outgoing inmate. However, that database does not contain any warrant information. Additionally, intake service center employees are also not conducting any database check for warrants.

#### **Suggested Action Plan:**

- 1) The Department of Public Safety has instructed Management Information System (MIS) staff to research and explore possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with the PSD's inmate tracking system called**

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<sup>1</sup> The court issues a "penal summons" when a person missing a court date for a hearing on a non-criminal traffic citation. The court issues a "bench warrant" when a person misses a court date for a criminal traffic matter. A decriminalized matter can become a criminal matter, if a person who has appeared in court for a decriminalized matter but fails to comply with the court-ordered payment or other appearance, and a Contempt of Court charge is generated.

## HANDOUT C

**OffenderTrak.** This would enable ACOs to efficiently conduct incoming and outgoing checks on inmates. This interface will require the cooperation of all affected agencies.

- 2) **Creation of an internal 'drop-dead' policy to enforce the timely data entering and processing of bench warrants.** If the warrant fails to be entered into JIMS within a 48-72 hour period, it is nullified.
- 3) **Suggested bi-annual 'clean-up' of all warrants.** This includes manually reviewing and addressing outstanding warrants, focusing on old or warrants for minor cases. For major cases, implement a stopper of some sort (ie. Taxes).

### **Concern 2: Improved Prioritization of Warrants and Resources**

The issue of improved prioritization was considered in two parts. The need to prioritize the actual warrants by category and any underlying circumstances, and then the use of resources surrounding the servicing of warrants.

#### **2.a Improved Prioritization of Warrants**

According to JIMS produced data, as of July 20, 2006, there are approximately 38, 898 outstanding traffic bench warrants in the State of Hawaii. This figure does not account for other outstanding warrants such as felony grand jury warrants, Hawaii Paroling Authority issued warrants, or Intake Service Center issued warrants. Traffic bench warrants can be generally categorized and prioritized as Driving Under the Influence, Negligent Homicide, Speeding, Reckless Endangerment, and Driving Without a License (DWL). Currently, there is no electronic means to identify, prioritize, and organize these traffic warrants. As a result, Sheriff staff must manually cull through stacks of hard copy warrants for priority warrants. This is a time consuming and inefficient use of personnel and resources, and patently not effective in capturing the numbers of warrants in any one concentrated areas.

**Suggested Action Plan:** JIMS software should be modified to electronically categorize and identify priority warrants. This would greatly assist law enforcement in its concentration of resources in specific priority areas.

#### **2.b Improved Prioritizing of Resources**

SCR 91 and Act 308 required that alternative solutions to the warrant challenges be explored, exclusive of fiscal constraints and budgetary requests. The overall warrant task force highlighted concerns about the current efficient use of personnel in the servicing of warrants, specifically the role of the Sheriffs in servicing outstanding traffic warrants. In reviewing and considering these points, the Procedural Problems and Resourcing Subcommittee brought to light a number of underlying circumstances surrounding the current role the Sheriffs in the servicing of traffic warrants.

The Sheriff's Division is the primary law enforcement entity under the provisions of Chapter 353C-2(1), Hawaii Revised Statute, to preserve the public peace, prevent crime, detect and arrest offenders against the law, protect the rights of persons and property, and enforce and prevent violation of all laws. Under Chapter 353C-4(a), Sheriffs are statutorily authorized with equivalent police powers. As such, responsibilities span throughout the State, with law enforcement involvement in drug enforcement, immigration laws, homeland security, fugitive arrests, criminal investigations, eviction

## HANDOUT C

proceedings, traffic enforcement, and the processing of warrants. Particular law enforcement responsibility entails focus for all persons, property, and buildings under the control by the State including but not limited the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, personal protective service is provided for key state and high-level government officials.

The Sheriffs division is comprised of approximately 265 deputy sheriffs, 10 emergency hires, 15 security guards, and 16 statewide administrative staff support. The vast majority of the deputy sheriff staff are assigned to duties the fulfill the statutory responsibilities, including law enforcement responsibility for all persons, property, and buildings under the control by the State including the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary which includes new courts building and new programs, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, sheriff resources have been directed in addressing the homeless issue and prisoner transports.

It is important to note that, in general, Sheriffs do not readily have the opportunity to service traffic warrants. With the exception of the Airport detail, sheriffs are not readily or consistently in the natural setting of traffic enforcement. It is here, in traffic enforcement, where law enforcement can and does identify the highest number of outstanding warrants. Without this natural opportunity, the Sheriffs must be creative and judicious with its resources in servicing traffic warrants.

14 deputy sheriffs are dedicated to the servicing of warrants with 4 staff support position. The primary priority for these assigned sheriffs is the servicing of felony warrants, a responsibility that the Sheriffs are substantially fulfilling as evidenced by the low ratio between issued grand jury warrants to those serviced.

The Sheriffs have been resourceful in servicing the approximately 39,000 outstanding traffic warrants. One specific method that proves advantageous is warrant sweeps. Scheduled sweeps allow for Deputy Sheriffs to target specific areas, going to doors of individuals with outstanding warrants. The results of eleven warrant sweeps conducted since November 29, 2005 through June 10, 2006 have netted 850 warrants served, and 410 individuals arrested--averaging to approximately 77 warrants served, and 40 individuals arrested per sweep. As a result, of the 1,561 traffic warrants attempted during these sweeps, more than half of these warrants were served.

It should also be noted that while traffic warrants are now being coordinated with every warrant and canine teams, the service of criminal/felony type warrants have not fallen. The total outstanding criminal warrants with the Sheriff's as of August 31, 2006, are the following:

Grand Jury Warrants =	809 minus 333 = 476 (333 are now dead filed--for local service only)
Parole Warrants	218
I.S.C. Warrants	121
<b>Grand Total</b>	<b>815</b>

Direct participation of deputy sheriffs with several Federal initiatives have allowed the Division to broaden its scope of resources and networking. This allows for more law enforcement agencies to be

## HANDOUT C

involved in locating and apprehending wanted fugitives. This does not necessarily apply to county agencies who operate more on an individual, and not a coordinated effort.

Although the limited availability of law enforcement resources will lend itself towards the backlogging of outstanding traffic warrants, systemic issues of establishing general standards, procedures, and practices have as much of an effect on this problem.

### **Suggested Action Plan:**

- 1) In light of fiscal and budgetary limitations set forth in the Act and Concurrent Resolution, the task force should consider alternatives for both the issuing and servicing of bench warrants, such as:**
  - a) Publishing of names of individuals with outstanding bench warrants in major newspapers.**
  - b) List of names of individuals with outstanding bench warrants listed on Judiciary website. This would be much like the practices of Department of Budget and Finance in their listing of names of individuals with unclaimed funds. Every year B&F advertises the updated list. This draws many people to their website.**
  - c) Issue a Penal Summons/Order to Show Cause as opposed to a Bench Warrant.**
  - d) Issue a Stopper, specifically consider a stopper to tax refunds.**
  - e) Host an "Amnesty Week", an interdepartmental, well-coordinated opportunity for the public to address their outstanding warrants.**
  - f) Imbed personal information on drivers license which would ensure the correct information would be transcribed on documents like traffic tickets. This would assist in limiting the mistakes then made on bench warrants.**
  - g) If the system cannot correct inaccurate warrants, consider relegating inaccurate warrants to a 'dead file' and be taken of the backlog count.**
  - h) The Department of Public Safety and the Office of the Prosecutor(s) should coordinate and collaborate in reviewing and discarding old warrants.**

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

Tuesday, September 26, 2006, 9:00 – 12:30 p.m.  
Merit Appeals Board Conference Room  
15<sup>th</sup> Floor Leiopapa A Kamehameha Building (235 S. Beretania Street)

Present: Benjamin Acob, Stacey Aluag, Ray Anchetta, William Bagsol, Wendy Char, Calvin Ching, Craig DeCosta, Todd Eddins, Mel Ferreira, Judge Colette Garibaldi, Tommy Johnson, Jay Kimura, Marsha Kitagawa, Harry Kubojiri, Malia Manol, Mike Mamitsuka, Grace Masaki, Iris Murayama, Ale Quibilan, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Karen Takahashi, Laureen Uwayne, and Jack Wong

Facilitation Team: Constance Hassell, Elizabeth Kent, and Cheryl K. Okuma

**September 12, 2006 Meeting Summary**

The Task Force reviewed and approved the September 12 Meeting Summary. A minor correction was made for the August 22 Meeting Summary. Attached are final versions for both meetings.

**Design Group Report**

The Design Group presented its work to the Task Force.

- Revised Subcommittee 1's Problem Statement 3 to read: "There is no automated method to sort all outstanding warrants by category, e.g., serviceability, jurisdiction, type of offense, etc."

**Agreed by Task Force**

- Expanded Subcommittee 3's Problem Statement 1 "The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals" to include record checks by other law enforcement agencies.

**Agreed by Task Force to add Problem Statement 2:** "Law Enforcement does not consistently conduct warrants checks for detained individuals."

- The Task Force will not address the legislation regarding retired Law Enforcement serving warrants.
- The person(s) writing the final report will handle issues that overlap between/among the committees.

**Subcommittee Reports**

The subcommittee reports generated considerable discussion. As a result, new problems were identified and decided on by the Task Force. Because of time constraints, the Task Force agreed that it would not address any problems identified after this meeting. New problems, problems not addressed, and differing viewpoints would be noted in the report.

Attached is TABLE A, Problem Statements, agreed to by the Task Force. The Proposed Solutions listed next to the problem statements reflect concepts from the subcommittees' written reports, as well as from discussions during this meeting.

**Subcommittee 1:** Issuance of Arrest Warrants and Judicial Process [Handout A, attached]

Follow Up Items

- There are no uniform criteria for service of warrants
- Separating payment from other warrants

**Subcommittee 2:** Creation and Transmission of Arrest Warrants and Integration of Information, Computers and Manpower [Handout B, attached]

Follow Up Item

- Centralized data base and interfacing

**Subcommittee 3:** Procedural Problems and Resourcing Subcommittees

[Handout C, attached]

Follow Up Item

- How life span of warrants, 3 years/recall/policy of warrant services, legislation, and venue transfers (case to body) affect service of warrants (limit life of warrant /return to court, reinstatement of discretion with prosecutors to revive warrant/petition court).

**Subcommittee 4:** This committee will be chaired by Marsha Kitagawa, with members being Public Information Officers from various agencies.

**Agreed:**

1. Subcommittee chairs will publish their meeting dates to Task Force members.
2. Proposed solutions from Task Force members may be e-mailed directly to the heads of the appropriate subcommittee.
3. If legislation is recommended, the subcommittees should discuss this at the meeting on October 9.

**Next Steps/Assignments**

1. Design Group to meet September 29, 2006
2. The subcommittees will provide **semi-final drafts** of further reports on follow up items and updates on solutions at the October 9, 2006 Task Force meeting. Subcommittees should distribute drafts to the Task Force before October 9, 2006.

**Task Force Meetings**

**Agreed:** The next Task Force Meeting will be October 9, 2006, from 9:00 a.m. to 12:30 p.m.

**Agreed:** The Task Force will meet and **MAKE DECISIONS** on proposed solutions at the **October 16** meeting.

**Agreed:** Proposed Legislation, if any, are to be prepared by subcommittees and presented to the Task Force at the **October 23** meeting.

Task Force meetings will be from 9:00a.m. to 12:30 p.m. at:

Leiopapa State Office Tower A  
Kamehameha Building: 15<sup>th</sup> Floor Merit Appeals Board Conference Room  
(235 S. Beretania Street)

**Attachments:**

- August 22, 2006 Meeting Summary
- September 12, 2006 Meeting Summary
- Table A
- Handout A
- Handout B
- Handout C

**TABLE A**

<b><i>SUBCOMMITTEE 1 AGREED</i></b>	<b><i>PROPOSED</i></b>
<b><u>PROBLEM 1:</u></b> Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.	<b><u>SOLUTIONS:</u></b> More alternatives to Bench Warrants need to be considered such as: <ul style="list-style-type: none"> <li>• penal summons</li> <li>• orders to show cause,</li> <li>• "stoppers"</li> <li>• automatic calling systems.</li> <li>• devoting personnel to call people to remind them (e.g. Project Contempt)</li> <li>• CUMO "continued until moved on".</li> </ul>
<b><u>PROBLEM 2:</u></b> Aids/resources for more effective or efficient service of warrants are lacking.	<b><u>SOLUTIONS:</u></b> <ul style="list-style-type: none"> <li>• automated calling system</li> <li>• stoppers at other agencies (e.g. tax intercepts, labor department interfaces, license and permit stoppers at DNLr)</li> <li>• interfaceable computer systems with state agencies</li> </ul>
<b><u>PROBLEM 3:</u></b> There is no automated method to sort all outstanding warrants by category, e.g., serviceability, jurisdiction, type of offense, separate payment warrants etc.	<b><u>SOLUTIONS:</u></b> <ul style="list-style-type: none"> <li>• establish a coded system</li> </ul>
<b><u>PROBLEM 4:</u></b> There are no uniform criteria for service of warrants.	<b><u>SOLUTIONS:</u></b>
Notes:	<b><u>TO REWORD/INCORPORATE INTO SOLUTIONS FOR PROB. 1:</u></b> One problem is that the current stopper is limited to renewal of drivers' licenses, and drivers' licenses are only renewed every 6 years.  [formerly a problem statement from Sub. Comm. 2]



**TABLE A**

<b>SUBCOMMITTEE 2 AGREED</b>	<b>PROPOSED</b>
<p><b>PROBLEM 1:</b> The lack of central database is an impediment to the warrants system.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>• create central data base (TBD) <ul style="list-style-type: none"> <li>○ 24 hour availability</li> <li>○ prefer outside the court system</li> </ul> </li> <li>• statutory change to obtain vital statistics from DOH in a less burdensome way.</li> </ul>
<p><b>PROBLEM 2:</b> There is a lack of detailed and accurate information that hampers service of warrants.</p>	<p><b>SOLUTIONS:</b> The issue needs to be addressed on several fronts.</p> <ul style="list-style-type: none"> <li>• drivers' license as "smart cards" embedded with person's information</li> <li>• electronic thumbprint upon citation</li> <li>• photograph and thumbprint on warrant</li> </ul>
<p><b>PROBLEM 3:</b> The sheer volume of warrants issued annually mandates a continually growing backlog. [originally "One problem is that there is an imbalance of warrants issued and warrants served."] Referred to Subcommittee 2 for rewording of this problem statement to consider LE manpower and other considerations.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>• reduce the backlog of warrants already issued <ul style="list-style-type: none"> <li>○ use current bench warrant fees to fund service of warrants</li> <li>○ authorize and fund LE retirees to serve bench warrants</li> <li>○ use fees to pay off-duty police/sheriffs to serve bench warrants</li> <li>○ set time limits on age of warrants; but LE can request reissuance if serious</li> <li>○ send certain warrants to collection agency</li> </ul> </li> </ul>

**TABLE A**

<p><b>SUBCOMMITTEE 2 (cont.)</b> <b>AGREED</b></p> <p><b>PROBLEM 3 (cont.):</b> The sheer volume of warrants issued annually mandates a continually growing backlog. [originally "One problem is that there is an imbalance of warrants issued and warrants served."] Referred to Subcommittee 2 for rewording of this problem statement to consider L/E manpower and other considerations.</p>	<p><b>PROPOSED</b></p> <ul style="list-style-type: none"> <li>○ continue to do mass recalls of bench warrants (e.g. on annual basis)</li> <li>○ notify persons w/ outstanding warrants to clear up their warrants (e.g. notice by mail, phone, publication, on-line listings)</li> <li>● reduce the number of warrants issued in the future             <ul style="list-style-type: none"> <li>○ Send certain warrants to a collection agency</li> <li>○ issue an order to show cause in certain cases</li> <li>○ have the case "Continued Until Moved On" and issue stopper on license, permit issuance, tax refunds, etc.</li> </ul> </li> </ul>
<p><b>PROBLEM 4:</b> Delays in inputting, creation and transmission of warrants create difficulties in service of warrants.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>● have paperless warrants</li> <li>● legislation</li> <li>● as defendant is released, have HPA check warrants</li> <li>● at sentencing, APD could check warrants</li> <li>● accounting problem- current inability to ID multiple-warrant offenders to inform legislature of general scope of problem.</li> <li>● waiver of DOH vital statistics \$10 fee to check for deceased offenders</li> </ul>

**TABLE A**

<p><b>PROBLEM 4 (cont.):</b> Delays in input, creation, and transmission of warrants create difficulties in service of warrants.</p>	<p><b>MINORITY VIEWS</b></p> <ul style="list-style-type: none"><li>● amnesty for incarcerated felons, non-prosecution of non-felonious offenses</li><li>● number of copies to DPS by Judiciary [resolved]</li><li>● non-judicial officer can determine non-criminal matters</li><li>● set on calendar w/o bail for non-violent cases</li></ul>
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**TABLE A**

<b><u>SUBCOMMITTEE 3</u></b> <b><u>AGREED</u></b>	<b><u>PROPOSED</u></b>
<p><b><u>PROBLEM 1:</u></b> The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• DPS Management Information System (MIS) staff to research/explore possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with PSD's Offender Trak.</li> <li>• Drop Dead Policy –nullified warrant if not entered into JIMS within 48-72 hour period</li> <li>• bi-Annual Clean Up (manual review and “stopper”)</li> </ul>
<p><b><u>PROBLEM 2:</u></b> Law Enforcement does not consistently conduct warrants checks for detained individuals.</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• law enforcement should conduct warrant checks for all persons in their custody (including investigative stops, arrestees, holding cell, incarceration, whenever practical.</li> <li>• 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.</li> </ul>
<p><b><u>PROBLEM 3:</u></b> There needs to be improved prioritization of warrants.</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Modify JIMS to electronically categorize/identify priority warrants</li> </ul>

**TABLE A**

<p><b><i>SUBCOMMITTEE 3 (cont.)</i></b> <b><i>AGREED</i></b></p> <p><b><u>PROBLEM 4</u></b> : There needs to be improved prioritization of resources.</p>	<p><b><i>PROPOSED</i></b></p> <p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• publish names in newspapers</li> <li>• list names on Judiciary website</li> <li>• issue penal summons/order to show cause</li> <li>• issue a stopper (e.g. tax refunds)</li> <li>• host an "Amnesty Week"</li> <li>• imbed personal information on driver's license for correct information</li> <li>• if system cannot correct inaccurate warrants, relegate inaccurate warrants to "dead file" and remove from backlog count.</li> <li>• Department of Public Safety and Offices of Prosecutors coordinate and collaborate in reviewing and discarding old warrants.</li> </ul>
<p>Subcommittee 3 to discuss how life span of warrants, 3 years/recall/policy of warrant services, legislation, and venue transfers (case to body) affect service of warrants.</p> <ul style="list-style-type: none"> <li>• limit life of warrant (return to court)</li> <li>• reinstatement of discretion with Prosecutors to revive warrant (petition court)</li> </ul>	

**TABLE A**

<i>SUBCOMMITTEE 4 (NEW)</i> <i>AGREED</i>	<i>PROPOSED</i>
<b><u>PROBLEM 1:</u></b> There is a lack of respect for the judicial and law enforcement process.	

# HANDOUT A

## Warrants Backlog Task Force--Subcommittee 1

### Issuance of Arrest Warrants and the Judicial Process

Although tasked with the assignment of formulating nonbudgetary methods of addressing the backlog in the service of arrest warrants, it is fast becoming apparent that all meaningful methods involve the need for more money -- on the part of the Judiciary, on the part of the police departments, the prosecutors, the sheriffs.

#### Problems Identified:

1. Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.
2. Aids/Resources for actual service of warrants lacking.
3. Warrants are not serviceable for reasons that are not easily classified in current system.

#### Suggested Solutions:

##### Problem 1:

- A. Use of penal summons;
- B. Use of Orders to show cause;
- C. Use of "stoppers" instead of bench warrants;
- D. Automatic calling system.

##### Problem 2:

- A. Automated calling system
- B. The committee suggests interfacing with other resources to assist in the tracking down of defendants. Much like the resources available to the Child Support Enforcement Agency (CSEA), we suggest tax intercepts, labor department interfaces to locate newly employed personnel, automatic stoppers on the ability to obtain recreational licenses and permits through DLNR. Even these suggestions, however, implicate increased workload and budgetary considerations for affected departments and are likely to result in only minimal impact in the warrant backlog.

The real solutions lie in the need for all affected agencies (prosecutors, judiciary, police departments, sheriffs) to have updated, interfactable computer systems and the personnel to do the legwork of serving warrants.

The increase in unserved warrants is, to a large extent, a symptom of the increase in population and attendant increase in crime. Homelessness and mental illness also play a role in people not showing up for court, bench warrants being issued, and the inability to track these people down. While the increasing number of unserved bench warrants may be an indication of certain inefficiencies that can be addressed here and there, it is more a symptom of our population which needs to be addressed by either an increase in spending or a decrease in standards.

Concern is expressed over the possibility that in finding solutions, those solutions don't merely shift the problem or burden from one agency to another.

##### Problem 3:

- A. Establish a system of service classification for statistical purposes. For example, defendant died, extradition not pursued, defendant not locatable.

# HANDOUT B

## COLLABORATIVE EFFORT

The warrant backlog problem is multi-faceted, and solutions will require a collaborative inter-agency effort. The legislative directive to the agencies to keep costs down restricts the review process and limits viable solutions.

Resource professionals: Additional information is required to clarify several issues and identify potential solutions. Professionals who have expertise in specialized areas will be invited to participate as resources. Representatives from the City Dept. of Information Technology (DIT) and Division of Motor Vehicles and Licensing (DMV) will be invited to attend the next subcommittee meeting. A judge will be invited to attend the next full taskforce meeting.

## POSSIBLE SOLUTIONS

The committee recognized that the data system (computer) and the bench warrant files (paper file system) require constant updating. Notwithstanding systemic improvements, the faster processing will contribute to the backlog. Likewise, the faster processing for serving warrants will generate more court cases, contributing to congestion of the court cases. The committee contemplated a variety of solutions for possible review and recommendation:

## WARRANT COPIES (RESOLVED)

Following earlier discussions regarding the request for more warrant copies, the paper flow was reviewed and streamlined. Concerns about the number of copies of warrants have been resolved.

## CENTRALIZED DATABASE

A centralized database accessible to multiple agencies in the criminal justice system is essential to address the warrant backlog problem. The various agency systems must interface so that warrant information is integrated by and accessible to all affected agencies.

JIMS was designed for case management; it is not a bench warrant only system. However, JIMS can be a part of the solution to the warrant backlog problem.

## SERVICE OF WARRANTS

### Identification Information

Accuracy of Identification information is important. Warrant servers must be sure of identification before they can serve the warrant. In preparing the warrants, the court clerks rely on information received on the arrest reports and on the citations when inputting the identification information.

Possible improvements to identification information include adding more information to the warrant:

- Add the "mug shot" (photo ID) on the warrant.



# HANDOUT B

- Add thumb prints on the warrant. The technology is currently available for thumb printing. This would require legislative authority and funding. A thumbprint is taken for Hawaii Driver's License. Law enforcement could collect thumbprint at a traffic stop. The driver's license could embed the thumbprint or other biological information, similar to the "SmartCard".

## Uniform Criteria for Service of Warrants

There are many factors that contribute to the non-service of warrants. Safe havens contribute to the backlog. Consider reviewing the prosecutor criteria for service of warrants. Criteria vary among the counties. The Honolulu Prosecutor's office, which has a high volume of warrants, has more stringent criteria than other county Prosecutors. For example, Honolulu has set a \$1500 bail threshold for warrants served on the neighbor islands; if the bail does not meet the \$1500 threshold, the Honolulu Prosecutors office is unwilling to fund the travel costs of returning the defendant to Oahu. Similarly, out-of-state extraditions are expensive; policy flows from budget and fiscal constraints. There needs to be an across the board policy for all warrants and, at the same time, there needs to be a balancing for each agency.

## **WARRANT REDUCTION**

There is an imbalance in the number of warrants issued and the number of warrants served. There number of warrants is "ridiculous". Warrant reduction methods to review include:

### Legislative/Procedural Changes

Introduce legislative or procedural changes to reduce the number of warrants issued.

### Mass Recalls

Prosecutor mass recalls have helped reduce the warrant backlog. It was asked whether the prosecutor could do more recalls, perhaps with visitor traffic citations or out-of-state persons. Under current procedure, the court identifies warrants based on agreed upon criteria and forwards the warrant list to the prosecutor who in turn signs off on the mass recall.

### Alternatives to Issuing New Warrants

- Judges will issue an Order to Show Cause instead of issuing a warrant in certain cases.
- Issue default judgments in lieu of warrants.
- Better scheduling with new citations prevents persons from failing to appear in court, eliminating the need to issue a warrant.
- "Stoppers" - Use license, tax, etc. to impose "stoppers" with notice to the person. This requires legislation.
- The judge can educate persons of the consequences of not appearing for court. This would improve court appearance, compliance.

## HANDOUT C

### Procedural Problems and Resourcing Subcommittee

The Procedural Problems and Resourcing Subcommittee met on September 5, 2005 to review and discuss the various issues affecting the backlog in unserved arrest warrants. The Subcommittee is co-chaired by the Department of Public Safety's Director, Iwalani White, and the Office of the Public Defenders, William Bagasol. It is comprised of members representing the Judiciary, the Department of the Attorney General, the City and County of Honolulu Office of the Prosecutors, the Prosecutors Office for the County of Kauai, Hawaii County Police Department, the Office of the Public Defender, and the Department of Public Safety, including staff from the Sheriffs and Corrections divisions and Director's Office.

In reviewing the list of points raised in the overall task force meetings, the Procedural Problems and Resourcing Subcommittee opted to consolidate the concerns into two major areas: 1) the need for the Department of Public Safety to conduct more thorough warrant checks for incarcerated individuals; and 2) prioritization of warrants and resources. In addressing these two areas, the subcommittee took into consideration the various sub-points raised by the overall task force in developing its overall appropriate response and subsequent action plans.

#### **Concern 1: The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.**

In the State of Hawaii, on any given day, there are thousands of individuals in custody. Many of them have warrants but are released without service of these warrants. Of particular concern are those incarcerated for a significant period of time, such as those inmates sentenced to 30 days or even determinate terms of incarceration. Many prisoners may spend considerable effort trying to resolve their pending traffic or misdemeanor matters during their incarceration, often to no avail. Many of these outstanding matters are on penal summons or bench warrant status.<sup>1</sup> However, because of various reasons, including the lack of personnel (i.e. sheriffs) available to serve these traffic bench warrants, many of these warrants are never served. Prisoners may spend one, five, or ten years in prison, and the State of Hawai'i may be aware that they are in prison, but the inmate is never served the warrant. These prisoners must often turn themselves back into custody once they are released from prison, to get the warrants cleared and have a hearing to have the underlying offense resolved. At the hearing, the warrants and underlying charges are usually dismissed due to violation of Hawai'i Rules of Penal Procedure (HRPP) Rule 9, which requires that warrants and penal summons be served "without unnecessary delay".

Currently, adult correction officers (ACOs) are instructed to do a date check on the CJIS database on any outgoing inmate. However, that database does not contain any warrant information. Additionally, intake service center employees are also not conducting any database check for warrants.

(Need to add more here about the delay in data entering the warrants and the effect on being able to facilitate the servicing of warrants in the correctional facilities.)

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<sup>1</sup> Generally, the court issues a "penal summons" for a criminal offense when a defendant misses a court date and there is insufficient proof of notice to issue a bench warrant. The court will enter a default judgment for a hearing on a non-criminal traffic citation where the person does not show up. The court issues a "bench warrant" when a person misses a court date for a criminal matter, including a criminal traffic matter, and there was proper notice given. A decriminalized matter can become a criminal matter, if a person has appeared in court for a decriminalized matter but fails to comply with the court-ordered payment or other appearance, and a Contempt of Court charge is generated.

## HANDOUT C

### **Suggested Action Plan:**

- 1) **The Department of Public Safety has instructed Management Information System (MIS) staff to research and explore possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with the PSD's inmate tracking system called OffenderTrak. This would enable ACOs to efficiently conduct incoming and outgoing checks on inmates. This interface will require the cooperation of all affected agencies.**
- 2) **Creation of an internal 'drop-dead' policy to enforce the timely data entering and processing of bench warrants. If the warrant fails to be entered into JIMS within a 48-72 hour period, it is nullified.**
- 3) **Suggested bi-annual 'clean-up' of all warrants. This includes manually reviewing and addressing outstanding warrants, focusing on old or warrants for minor cases. For major cases, implement a stopper of some sort (ie. Taxes).**

### **Concern 2: Law Enforcement needs to conduct warrant record checks for incarcerated individuals.**

Numerous individuals are lawfully detained and incarcerated by the police or other law enforcement personnel. There are policies in place to encourage the check for outstanding warrants on person who are arrested. In many cases these policies are left to the discretion of the police officer at the scene, receiving desk, cellblock or area of detention to check for warrants. These policies are often observed. However, sometimes these checks are not always carried out, with or without good cause. When these checks are not made, this contributes to the backlog.

On the island of Kauai, the bench warrants are kept at the Kauai Police Department. However, inmates are usually housed at the Kauai Community Correctional Center. Despite communication with the Kauai Police Department regarding outstanding warrants on inmates, these warrants are not always served.

Additionally, the delayed manual filing of hard copy warrants appears to further contribute to inefficient retrieval and backlog. Even if a check is conducted, if new warrants have not been filed and rather is in a pile awaiting this, this warrant may not be retrieved.

### **Suggested Action Plan:**

- 1) **Mandatory checks for warrants. This may not be favored by law enforcement.**
- 2)

### **Concern 3: Improved Prioritization of Warrants and Resources**

The issue of improved prioritization was considered in two parts. The need to prioritize the actual warrants by category and any underlying circumstances, and then the use of resources surrounding the servicing of warrants.

## HANDOUT C

### **3.a Improved Prioritization of Warrants**

According to JIMS produced data, as of July 20, 2006, there are approximately 38, 898 outstanding traffic bench warrants in the State of Hawaii. This figure does not account for other outstanding warrants such as felony grand jury warrants, Hawaii Paroling Authority issued warrants, or Intake Service Center issued warrants. Traffic bench warrants can be generally categorized and prioritized as Driving Under the Influence, Negligent Homicide, Speeding, Reckless Endangerment, and Driving Without a License (DWL). Currently, there is no electronic means to identify, prioritize, and organize these traffic warrants. As a result, Sheriff staff must manually cull through stacks of hard copy warrants for priority warrants. This is a time consuming and inefficient use of personnel and resources, and patently not effective in capturing the numbers of warrants in any one concentrated areas.

**Suggested Action Plan:** JIMS software should be modified to electronically categorize and identify priority warrants. This would greatly assist law enforcement in its concentration of resources in specific priority areas.

### **3.b Improved Prioritizing of Resources**

SCR 91 and Act 308 required that alternative solutions to the warrant challenges be explored, exclusive of fiscal constraints and budgetary requests. The overall warrant task force highlighted concerns about the current efficient use of personnel in the servicing of warrants, specifically the role of the Sheriffs in servicing outstanding traffic warrants. In reviewing and considering these points, the Procedural Problems and Resourcing Subcommittee brought to light a number of underlying circumstances surrounding the current role the Sheriffs in the servicing of traffic warrants.

The Sheriff's Division is the primary law enforcement entity under the provisions of Chapter 353C-2(1), Hawaii Revised Statute, to preserve the public peace, prevent crime, detect and arrest offenders against the law, protect the rights of persons and property, and enforce and prevent violation of all laws. Under Chapter 353C-4(a), Sheriffs are statutorily authorized with equivalent police powers. As such, responsibilities span throughout the State, with law enforcement involvement in drug enforcement, immigration laws, homeland security, fugitive arrests, criminal investigations, eviction proceedings, traffic enforcement, and the processing of warrants. Particular law enforcement responsibility entails focus for all persons, property, and buildings under the control by the State including but not limited the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, personal protective service is provided for key state and high-level government officials.

The Sheriffs division is comprised of approximately 265 deputy sheriffs, 10 emergency hires, 15 security guards, and 16 statewide administrative staff support. The vast majority of the deputy sheriff staff are assigned to duties the fulfill the statutory responsibilities, including law enforcement responsibility for all persons, property, and buildings under the control by the State including the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary which includes new courts building and new programs, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, sheriff resources have been directed in addressing the homeless issue and prisoner transports.

It is important to note that, in general, Sheriffs do not readily have the opportunity to service traffic warrants. With the exception of the Airport detail, sheriffs are not readily or consistently in the natural

## HANDOUT C

setting of traffic enforcement. It is here, in traffic enforcement, where law enforcement can and does identify the highest number of outstanding warrants. Without this natural opportunity, the Sheriffs must be creative and judicious with its resources in servicing traffic warrants.

14 deputy sheriffs are dedicated to the servicing of warrants with 4 staff support position. The primary priority for these assigned sheriffs is the servicing of felony warrants, a responsibility that the Sheriffs are substantially fulfilling as evidenced by the low ratio between issued grand jury warrants to those serviced.

The Sheriffs have been resourceful in servicing the approximately 39,000 outstanding traffic warrants. One specific method that proves advantageous is warrant sweeps. Scheduled sweeps allow for Deputy Sheriffs to target specific areas, going to doors of individuals with outstanding warrants. The results of eleven warrant sweeps conducted since November 29, 2005 through June 10, 2006 have netted 850 warrants served, and 410 individuals arrested--averaging to approximately 77 warrants served, and 40 individuals arrested per sweep. As a result, of the 1,561 traffic warrants attempted during these sweeps, more than half of these warrants were served.

It should also be noted that while traffic warrants are now being coordinated with every warrant and canine teams, the service of criminal/felony type warrants have not fallen. The total outstanding criminal warrants with the Sheriff's as of August 31, 2006, are the following:

Grand Jury Warrants =	809 minus 333 = 476 (333 are now dead filed--for local service only)
Parole Warrants	218
I.S.C. Warrants	121
<b>Grand Total</b>	<b>815</b>

Direct participation of deputy sheriffs with several Federal initiatives have allowed the Division to broaden its scope of resources and networking. This allows for more law enforcement agencies to be involved in locating and apprehending wanted fugitives. This does not necessarily apply to county agencies who operate more on an individual, and not a coordinated effort.

Although the limited availability of law enforcement resources will lend itself towards the backlogging of outstanding traffic warrants, systemic issues of establishing general standards, procedures, and practices have as much of an effect on this problem.

### **Suggested Action Plan:**

- 1) **In light of fiscal and budgetary limitations set forth in the Act and Concurrent Resolution, the task force should consider alternatives for both the issuing and servicing of bench warrants, such as:**
  - a) **Publishing of names of individuals with outstanding bench warrants in major newspapers.**
  - b) **List of names of individuals with outstanding bench warrants listed on Judiciary website. This would be much like the practices of Department of Budget and Finance in their listing of names of individuals with unclaimed**

## **HANDOUT C**

**funds. Every year B&F advertises the updated list. This draws many people to their website.**

- c) Issue a Penal Summons/Order to Show Cause as opposed to a Bench Warrant.**
- d) Issue a Stopper, specifically consider a stopper to tax refunds.**
- e) Host an "Amnesty Week", an interdepartmental, well-coordinated opportunity for the public to address their outstanding warrants.**
- f) Imbed personal information on drivers license which would ensure the correct information would be transcribed on documents like traffic tickets. This would assist in limiting the mistakes then made on bench warrants.**
- g) If the system cannot correct inaccurate warrants, consider relegating inaccurate warrants to a 'dead file' and be taken off the backlog count.**
- h) The Department of Public Safety and the Office of the Prosecutor(s) should coordinate and collaborate in reviewing and discarding old warrants.**

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

Monday, October 9, 2006, 9:00 – 12:30 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, Wendy Char, Calvin Ching, William Chur, Craig DeCosta, Mel Ferreira, Tommy Johnson, Louise Kim McCoy, Jay Kimura, Harry Kubojiri, Malia Manol, Mike Mamitsuka, Grace Masaki, Mae Matsuura, Richie Nakashima, Walter Ozawa, Bill Plum, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Karen Takahashi, Valerie Umeda, and Jack Wong

Facilitation Team: Constance Hassell and Elizabeth Kent

**September 12 and September 26 Meeting Summaries**

The Task Force approved both meeting summaries. Final versions are attached.

**Remaining Task Force Meetings in 2006: Dates and Substance**

- **October 16**-decision making on solutions
  - In order to prepare for the October 23 meeting:
    - Send proposed legislation to Diane Taira by 11:00 a.m. on **October 20**
    - Diane Taira will send the draft report and proposed legislation to Task Force members by noon, **October 20**
    - Please read the materials before October 23
- **October 23**-discuss draft report and proposed legislation
- **November 2 (last meeting)**-finalize report and recommended legislation  
[Note: the Task Force changed the October 30 meeting to November 2.]

**Update on Judiciary's Proposed Project on Electronic Warrants**

Calvin Ching described the Judiciary's concept regarding electronic warrants. Calvin noted that the Judiciary's responsibility is to generate warrants and deliver them to those who serve warrants. The Judiciary's goal is to have an internet site so that warrants will be available to law enforcement faster and around the clock. The Judiciary is working with the current JIMS contractor (ACS) to determine what modifications might be made to allow for such a site. Calvin and the group raised issues that need to be worked out; Calvin noted there currently is no timetable for the project. Comments from the Task Force include a **strong recommendation** that other departments/agencies be consulted in the initial stages to help anticipate/avoid problems in implementation and operation.

### **Task Force Decisions**

- The Kentucky and Massachusetts reports will be included in the final report as appendices. The report should note that these states may have different personnel structures and therefore the recommendations may not directly apply to Hawaii.
- The Task Force added a new ground rule: "Silence or failure to attend a meeting will be taken as assent." (revised ground rules are attached.)
- Solutions proposed after October 16 may be listed in the report (list of ideas the Task Force did not consider).
- Proposed solutions for which the Task Force does not have consensus may be discussed in the report in conjunction with the ground rule stating "... differing viewpoints will be included in the report to the Legislature together with identification of names as acceptable to the Task Force."
- One example of a differing viewpoint that should be noted in the report is "CUMO "continued until moved on." (Subcommittee 1, Problem 1, Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.)
- The report should note that through the Task Force meetings DPS and the Judiciary resolved an issue about service of warrants.
- The report should note that some of the solutions might have an impact on offices that are not represented on the Task Force. The report should note that Task Force members wanted to get input from those offices but had time constraints.

### **Solutions**

The subcommittees reported their proposed solutions and the group discussed and refined the solutions. In general the group noted that the solutions were not without a cost and that often a solution meant that a burden was shifted from one office to another.

Attached is the revised table of problems and solutions. The Task Force will make decisions at the next meeting on the solutions.

### **Next Steps**

- Malia Manol will contact DOH regarding potential legislation that would affect its current fee schedule (deceased offenders) and other possible changes.
- Malia will contact DOTax, DNLR, ITCD, DLIR, and DHS regarding potential legislation that would affect those departments.
- Bill Chur and Richie Nakashima will follow up on Fair Labor Standards Act (FSLA) implications on Task Force's solutions.
- All draft documents should have footer with the date of the document (to avoid confusion between drafts).



**Next Meeting: October 16**

The next Task Force meeting will be from 9:00a.m. to 12:30 p.m. at:

Leiopapa State Office Tower A

Kamehameha Building: 15<sup>th</sup> Floor Merit Appeals Board Conference Room  
235 S. Beretania Street)

**Attachments:**

September 12, 2006 Finalized Meeting Summary

September 26, 2006 Finalized Meeting Summary

Table A – problems and proposed solutions as of October 9, 2006

Subcommittee 3's meeting handout

Revised Ground Rules (one new rule)

### **Subcommittee 3 Meeting Handout**

#### **Procedural Problems and Resourcing Subcommittee**

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In reviewing the list of points raised in the overall task force meetings, the Procedural Problems and Resourcing Subcommittee opted to consolidate the concerns into two major areas: 1) the need for the Department of Public Safety and Law Enforcement to conduct more thorough warrant checks for incarcerated or detained individuals; and 2) prioritization of warrants and resources. In addressing these two areas, the subcommittee took into consideration the various sub-points raised by the overall task force in developing its overall appropriate response and subsequent action plans.

#### **Concern 1: The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.**

In the State of Hawaii, on any given day, there are thousands of individuals in custody. Many of them have warrants but are released without service of these warrants. Of particular concern are those incarcerated for a significant period of time, such as those inmates sentenced to 30 days or even determinate terms of incarceration. Many prisoners may spend considerable effort trying to resolve their pending traffic or misdemeanor matters during their incarceration, often to no avail. Many of these outstanding matters are on penal summons or bench warrant status.<sup>1</sup> However, because of various reasons, including the lack of personnel (i.e. sheriffs) available to serve these traffic bench warrants, many of these warrants are never served. Prisoners may spend one, five, or ten years in prison, and the State of Hawai'i may be aware that they are in prison, but the inmate is never served the warrant. These prisoners must often turn themselves back into custody once they are released from prison, to get the warrants cleared and have a hearing to have the underlying offense resolved. At the hearing, the warrants and underlying charges are usually dismissed due to violation of Hawai'i Rules of Penal Procedure (HRPP) Rule 9, which requires that warrants and penal summons be served "without unnecessary delay".

Currently, adult correction officers (ACOs) are instructed to do a date check on the CJIS database on any outgoing inmate. However, that database does not contain any warrant information. Additionally, intake service center employees are also not conducting any database check for warrants.

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<sup>1</sup> Generally, the court issues a "penal summons" for a criminal offense when a defendant misses a court date and there is insufficient proof of notice to issue a bench warrant. The court will enter a default judgment for a hearing on a non-criminal traffic citation where the person does not show up. The court issues a "bench warrant" when a person misses a court date for a criminal matter, including a criminal traffic matter, and there was proper notice given. A decriminalized matter can become a criminal matter, if a person has appeared in court for a decriminalized matter but fails to comply with the court-ordered payment or other appearance, and a Contempt of Court charge is generated.

**Suggested Action Plan:**

- 1) The Department of Public Safety has instructed Management Information System (MIS) staff to research and explore possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with the PSD's inmate tracking system called OffenderTrak. This would enable ACOs to efficiently conduct incoming and outgoing checks on inmates. This interface will require the cooperation of all affected agencies.
- 2) Creation of an internal 'drop-dead' policy to enforce the timely data entering and processing of bench warrants. If the warrant fails to be entered into JIMS within a 48-72 hour period, it is nullified.
- 3) Suggested bi-annual 'clean-up' of all warrants. This includes manually reviewing and addressing outstanding warrants, focusing on old or warrants for minor cases. For major cases, implement a stopper of some sort (ie. Taxes).

**Concern 2: Law Enforcement does not consistently conduct warrant record checks for detained or incarcerated individuals.**

Numerous individuals are lawfully detained and incarcerated by the police or other law enforcement personnel. There are policies in place to encourage the check for outstanding warrants on person who are arrested. In many cases these policies are left to the discretion of the police officer at the scene, receiving desk, cellblock or area of detention to check for warrants. These policies are often observed. However, sometimes these checks are not always carried out, with or without good cause. When these checks are not made, this contributes to the backlog.

Despite notification of an outstanding bench warrant regarding a current inmate--perhaps because of insufficient resources-- the warrant is not always served. This issue is not limited only to the island of Kauai. On Oahu, inmates often write the courts or law enforcement authorities but warrants remain unserved. A defendant who is in custody may not want to wait to be served or cannot post bail: hence they may request that a motion to recall bench warrant be filed or the matter be set on the calendar. The court may need to be more flexible in setting cases for hearing when warrants remain unserved, particularly when defendants are known to be in custody.

Additionally, the delayed manual filing of hard copy warrants appears to further contribute to inefficient retrieval and backlog. Even if a check is conducted, if new warrants have not been filed and rather is in a pile awaiting this, this warrant may not be retrieved.

**Suggested Action Plan:**

1. Law enforcement should conduct checks for warrants for all person in their custody-- investigative stops, arrests, holding cells and incarceration unless conducting the check would compromise officer safety or the safety of a member or members of the public.
2. Court should calendar matters with outstanding Warrants upon motion of the defendant (e.g. motion to recall bench warrant, motion to set trial, etc.) when a warrant is known to exist but has not been served.

**3. The Department of Public Safety, Police Departments and Prosecutors shall enter into agreements as to how a warrant is to be served upon an incarcerated individuals. [e.g. when warrant at the Kauai Police Department but the inmate is at the Kauai Community Correctional Center.]**

**Concern 3: There Needs to be Improved Prioritization of Warrants.**

The issue of improved prioritization was considered in two parts. The need to prioritize the actual warrants by category and any underlying circumstances, and then the use of resources surrounding the servicing of warrants.

According to JIMS produced data, as of July 20, 2006, there are approximately 38,898 outstanding traffic bench warrants in the State of Hawaii. This figure does not account for other outstanding warrants such as felony grand jury warrants, Hawaii Paroling Authority issued warrants, or Intake Service Center issued warrants. Traffic bench warrants can be generally categorized and prioritized as Driving Under the Influence, Negligent Homicide, Speeding, Reckless Endangerment, and Driving Without a License (DWL). Currently, there is no electronic means to identify, prioritize, and organize these traffic warrants. As a result, Sheriff staff must manually cull through stacks of hard copy warrants for priority warrants. This is a time consuming and inefficient use of personnel and resources, and patently not effective in capturing the numbers of warrants in any one concentrated areas.

**Suggested Action Plan: JIMS software should be modified to electronically categorize and identify priority warrants. This would greatly assist law enforcement in its concentration of resources in specific priority areas. In the event a state-wide database is created, this would also assist to alleviate this problem. (Traffic)**

**Concern 4: There Needs to be Improved Prioritization of Resources**

SCR 91 and Act 308 required that alternative solutions to the warrant challenges be explored, exclusive of fiscal constraints and budgetary requests. The overall warrant task force highlighted concerns about the current efficient use of personnel in the servicing of warrants, specifically the role of the Sheriffs in servicing outstanding traffic warrants. In reviewing and considering these points, the Procedural Problems and Resourcing Subcommittee brought to light a number of underlying circumstances surrounding the current role the Sheriffs in the servicing of traffic warrants.

The Sheriff's Division is the primary law enforcement entity under the provisions of Chapter 353C-2(1), Hawaii Revised Statute, to preserve the public peace, prevent crime, detect and arrest offenders against the law, protect the rights of persons and property, and enforce and prevent violation of all laws. Under Chapter 353C-4(a), Sheriffs are statutorily authorized with equivalent police powers. As such, responsibilities span throughout the State, with law enforcement involvement in drug enforcement, immigration laws, homeland security, fugitive arrests, criminal investigations, eviction proceedings, traffic enforcement, and the processing of warrants. Particular law enforcement responsibility entails focus for all persons, property, and buildings under the control by the State including but not limited the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, personal protective service is provided for key state and high-level government officials.

The Sheriffs division is comprised of approximately 265 deputy sheriffs, 10 emergency hires, 15 security guards, and 16 statewide administrative staff support. The vast majority of the deputy sheriff staff are assigned to duties that fulfill the statutory responsibilities, including law enforcement responsibility for all persons, property, and buildings under the control by the State including the Honolulu International Airport, all buildings under the jurisdiction of the Judiciary which includes new courts building and new programs, all State buildings in the Civic Center Complex, and the Hawaii State Capitol. Additionally, sheriff resources have been directed in addressing the homeless issue and prisoner transports.

It is important to note that, in general, Sheriffs do not readily have the opportunity to service traffic warrants. With the exception of the Airport detail, sheriffs are not readily or consistently in the natural setting of traffic enforcement. It is here, in traffic enforcement, where law enforcement can and does identify the highest number of outstanding warrants. Without this natural opportunity, the Sheriffs must be creative and judicious with its resources in servicing traffic warrants.

14 deputy sheriffs are dedicated to the servicing of warrants with 4 staff support position. The primary priority for these assigned sheriffs is the servicing of felony warrants, a responsibility that the Sheriffs are substantially fulfilling as evidenced by the low ratio between issued grand jury warrants to those serviced.

The Sheriffs have been resourceful in servicing the approximately 39,000 outstanding traffic warrants. One specific method that proves advantageous is warrant sweeps. Scheduled sweeps allow for Deputy Sheriffs to target specific areas, going to doors of individuals with outstanding warrants. The results of eleven warrant sweeps conducted since November 29, 2005 through June 10, 2006 have netted 850 warrants served, and 410 individuals arrested--averaging to approximately 77 warrants served, and 40 individuals arrested per sweep. As a result, of the 1,561 traffic warrants attempted during these sweeps, more than half of these warrants were served.

It should also be noted that while traffic warrants are now being coordinated with every warrant and canine teams, the service of criminal/felony type warrants have not fallen. The total outstanding criminal warrants with the Sheriff's as of August 31, 2006, are the following:

Grand Jury Warrants =	809 minus 333 = 476 (333 are now dead filed--for local service only)
Parole Warrants	218
I.S.C. Warrants	121
<b>Grand Total</b>	<b>815</b>

Direct participation of deputy sheriffs with several Federal initiatives have allowed the Division to broaden its scope of resources and networking. This allows for more law enforcement agencies to be involved in locating and apprehending wanted fugitives. This does not necessarily apply to county agencies who operate more on an individual, and not a coordinated effort.

Although the limited availability of law enforcement resources will lend itself towards the backlogging of outstanding traffic warrants, systemic issues of establishing general standards, procedures, and practices have as much of an effect on this problem.

**Suggested Action Plan:**

- 1) In light of fiscal and budgetary limitations set forth in the Act and Concurrent Resolution, the task force should consider alternatives for both the issuing and servicing of bench warrants, such as:
  - a) Publishing of names of individuals with outstanding bench warrants in major newspapers.
  - b) List of names of individuals with outstanding bench warrants listed on Judiciary website. This would be much like the practices of Department of Budget and Finance in their listing of names of individuals with unclaimed funds. Every year B&F advertises the updated list. This draws many people to their website.
  - c) Issue a Penal Summons/Order to Show Cause as opposed to a Bench Warrant.
  - d) Issue a Stopper, specifically consider a stopper to tax refunds.
  - e) Host an "Amnesty Week", an interdepartmental, well-coordinated opportunity for the public to address their outstanding warrants.
  - f) Imbed personal information on drivers license which would ensure the correct information would be transcribed on documents like traffic tickets. This would assist in limiting the mistakes then made on bench warrants.
  - g) If the system cannot correct inaccurate warrants, consider relegating inaccurate warrants to a 'dead file' and be taken off the backlog count.
  - h) The Department of Public Safety, the Office of the Prosecutor(s), Law Enforcement, and Judiciary should coordinate and collaborate in reviewing and discarding old warrants.
  - i) Utilize volunteer services (ie. AARP, UH, VIPs to do non-automated calling)

<b>SUBCOMMITTEE 1 AGREED</b>	<b>PROPOSED</b>
<b>PROBLEM 1:</b> Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.	<b>SOLUTIONS:</b> More alternatives to Bench Warrants need to be considered such as use of <ul style="list-style-type: none"> <li>• penal summons</li> <li>• orders to show cause,</li> <li>• “stoppers” instead of Bench Warrants</li> <li>• automatic calling systems.</li> <li>• Devote personnel to call people to remind them (e.g. Project Contempt)</li> <li>• CUMO “continued until moved on”.</li> </ul>
<b>PROBLEM 2:</b> Aids/resources for more effective or efficient service of warrants are lacking.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• Automated calling system</li> <li>• Stoppers at other agencies (e.g. tax intercepts, labor department interfaces, license and permit stoppers at DNLRL...)</li> <li>• Interfaceable computer systems with state agencies</li> </ul>
<b>PROBLEM 3:</b> There is no automated method to sort all outstanding warrants by category, e.g., serviceability, jurisdiction, type of offense, separate payment warrants etc.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• Establish a coded system</li> </ul>
<b>PROBLEM 4:</b> There are no uniform criteria for service of warrants	<b>SOLUTIONS:</b>
	<b>SOLUTION TO BE REWORDED:</b> One problem is that the current stopper is limited to renewal of drivers’ licensees, and drivers licenses are only renewed every 6 years.

<b>SUBCOMMITTEE 2 AGREED</b>	<b>PROPOSED</b>
<p><b><u>PROBLEM 1:</u></b> The lack of central database is an impediment to the warrants system.</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Create central data base (TBD) <ul style="list-style-type: none"> <li>○ 24 hour availability</li> <li>○ Prefer outside the court system</li> </ul> </li> <li>• Statutory change to obtain vital statistics from DOH in a less burdensome way.</li> </ul>
<p><b><u>PROBLEM 2:</u></b> There is a lack of detailed and accurate information that hampers service of warrants.</p>	<p><b><u>SOLUTIONS:</u></b> The issue needs to be addressed on several fronts.</p> <ul style="list-style-type: none"> <li>• Drivers license as “smart cards” embedded with person’s information</li> <li>• Electronic thumbprint upon citation</li> <li>• Photograph and thumbprint on warrant</li> </ul>
<p><b><u>PROBLEM 3:</u></b> The sheer volume of warrants issued annually mandates a continually growing backlog. [One problem is that there is an imbalance of warrants issued and warrants served; refer to Subcommittee 2 for rewording of this problem statement, LE manpower, other considerations?]</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Reduce the backlog of warrants all ready issued <ul style="list-style-type: none"> <li>○ Use current bench warrant fees to fund service of warrants</li> <li>○ Authorize and fund LE retirees to serve bench warrants</li> <li>○ Use fees to pay of duty police/sheriffs to serve bench warrants</li> <li>○ Set time limits on age of warrants; but LE can request reissuance if serious</li> <li>○ Send certain warrants to collection agency</li> </ul> </li> </ul>



<p><b>SUBCOMMITTEE 2</b> <b>AGREED</b></p> <p><b>PROBLEM 3:</b> The sheer volume of warrants issued annually mandates a continually growing backlog. [One problem is that there is an imbalance of warrants issued and warrants served; refer to Subcommittee 2 for rewording of this problem statement, LE manpower, other considerations?]</p>	<p><b>PROPOSED</b></p> <ul style="list-style-type: none"> <li>○ Continue to do mass recalls of bench warrants (e.g. on annual basis)</li> <li>○ Notify persons w/ outstanding warrants to clear up their warrants (e.g. notice by mail, phone, publication, on-line listings)</li> <li>● Reduce the number of warrants issued in the future <ul style="list-style-type: none"> <li>○ Send certain warrants to a collection agency</li> <li>○ Issue an order to show cause in certain cases</li> <li>○ Have the case "Continued Until Moved On" and issue stopper on license, permit issuance, tax refunds, etc.</li> </ul> </li> </ul>
<p><b>PROBLEM 4:</b> Delays in inputting, creation and transmission of warrants create difficulties in service of warrants.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>● Have paperless warrants</li> <li>● Legislation</li> </ul>
	<p><b>MINORITY VIEWS</b></p> <ul style="list-style-type: none"> <li>● Amnesty for incarcerated felons, non-prosecution of non-felonious offenses</li> <li>● Number of copies to DPS by Judiciary [resolved]</li> <li>● Non-judicial officer can determine non-criminal matters</li> <li>● Set it on calendar w/o bail for non-violent cases</li> </ul>

<p><b><i>SUBCOMMITTEE 2</i></b> <b><i>AGREED</i></b></p>	<p><b><i>PROPOSED</i></b></p> <ul style="list-style-type: none"> <li>● As defendant is released, have HPA check warrants</li> <li>● At sentencing, APD could check warrants</li> <li>● Accounting problem current inability to ID multiple-warrant offenders to inform legislature of general scope of problem.</li> <li>● Waiver of DOH vital statistics \$10 fee to check for deceased offenders</li> </ul>
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<b><i>SUBCOMMITTEE 3 AGREED</i></b>	<b><i>PROPOSED</i></b>
<p><b><u>PROBLEM 1:</u></b> The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• DPS Management Information System (MIS) staff to research/explore possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with PSD's Offender Trak.</li> <li>• Drop Dead Policy –nullified warrant if not entered into JIMS within 48-72 hour period</li> <li>• Bi-Annual Clean Up (manual review and “stopper”)</li> </ul>
<p><b><u>PROBLEM 2:</u></b> Law Enforcement does not consistently conduct warrants checks for detained individuals</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Law Enforcement should conduct warrant checks for all persons in their custody (including investigative stops, arrestees, holding cell, incarceration) whenever practical.</li> <li>• 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.</li> </ul>
<p><b><u>PROBLEM 3:</u></b> There needs to be improved prioritization of warrants</p>	<p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Modify JIMS to electronically categorize/identify priority warrants</li> </ul>

<p><b><i>SUBCOMMITTEE 3</i></b> <b><i>AGREED</i></b></p> <p><b><u>PROBLEM 4:</u></b> There needs to be improved prioritization of resources</p>	<p><b><i>PROPOSED</i></b></p> <p><b><u>SOLUTIONS:</u></b></p> <ul style="list-style-type: none"> <li>• Publish names in newspapers</li> <li>• List names on Judiciary website</li> <li>• Issue penal summons/order to show cause</li> <li>• Issue a stopper (e.g. tax refunds)</li> <li>• Host an "Amnesty Week"</li> <li>• Imbed personal information on drivers license for correct information</li> <li>• If system cannot correct inaccurate warrants, relegate inaccurate warrants to "dead file" and remove from backlog count.</li> <li>• Department of Public Safety and Office of Prosecutors coordinate and collaborate in reviewing and discarding old warrants.</li> </ul>
<p>Subcommittee 3 to discuss how life span of warrants, 3 years/recall/policy of warrant services, legislation, and venue transfers (case to body) affect service of warrants.</p> <ul style="list-style-type: none"> <li>• Limit life of warrant (return to court)</li> <li>• Reinstatement of discretion with Prosecutors to revive warrant (petition court)</li> </ul>	

<i>SUBCOMMITTEE 4</i> <i>AGREED</i>	<i>PROPOSED</i>
<b><u>PROBLEM 1:</u></b> There is a lack of respect for the judicial and law enforcement process	

**Meeting Summary  
Unserved Warrants Backlog Task Force**

Monday, October 16, 2006, 9:00 – 12:30 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, Wendy Char, Calvin Ching, William Chur, Craig DeCosta, Mel Ferreira, Tommy Johnson, Dennis Kamimura, Louise Kim McCoy, Marsha Kitagawa, Jay Kimura, Malia Manol, Mike Mamitsuka, Grace Masaki, Richie Nakashima, Dr. Alvin Onaka, Walter Ozawa, Bill Plum, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Laureen Uwaine, Iwalani White, and Jack Wong

Facilitation Team: Cecelia Chang and Constance Hassell

**October 9, 2006 Meeting Summary**

The Task Force reviewed and approved the meeting summary. Attached is the final version.

**Remaining Task Force Meetings in 2006: Dates and Substance**

1. In order to prepare for the October 23<sup>rd</sup> meeting:
  - Subcommittees to send proposed legislation to Diane Taira by 11 a.m. on **October 20<sup>th</sup>**
  - Diane Taira to send the draft of the final report and proposed legislation to Task Force members by noon, **October 20<sup>th</sup>**
2. **Monday, October 23**
  - Continued decision on solutions, Subcommittees 1, 2, and 4
  - Discussion of final report, draft legislation
3. **November 2**-review final report and recommended legislation

**Guest Reports**

Two guests were invited to this meeting as a follow-up to a request to involve other agencies that could be affected by Task Force recommendations (e.g. stoppers, fee waivers).

1. **Dennis Kamimura, Department of Motor Vehicles**

Mr. Kamimura explained that the DMV's charter is to issue drivers' licenses and vehicle registrations. Currently, persons with moving violations can have stoppers placed on their drivers' licenses, and vehicles with parking violations are subject to a stopper on their annual vehicle registrations. There are two other situations permitting stoppers, both tied to legislation (for unpaid civil fines and unpaid child support). He also explained that there were definite resource consequences for the DMV if stoppers were approved for other than those

currently in place (as might be recommended by the Task Force). Hawaii drivers' licenses issued from 2001 contain a bar code that can be read by HPD dispatch. Dispatch can then relay information to the officer in the field (not the SSN or fingerprint - a photograph is available to dispatch, but cannot be relayed to the field). Technology is advancing so that Hawaii law enforcement will eventually be able to get a print and picture electronically, and/or submit a print electronically to get DMV information. Mr. Kamimura also expanded on the Federal ID Act, effective May 2008, noting that no state was ready to fulfill the requirements now.

2. Alvin Onaka, M.D., Department of Health

Dr. Onaka is the state registrar for vital statistics. He explained that pursuant to HRS 338-§18g, DOH can verify death information for a \$5 fee per search; the data available include deaths only in Hawaii. There is no "interagency rate."

Dr. Onaka also explained that the search fees generated are used to support and maintain the information infrastructure/system.

Note: last legislative session, DOH opposed a bill that would allow access to its records by law enforcement involved in criminal investigations.

**Subcommittee Reports**

Subcommittee 3's problems and agreed upon solutions are included in the attached table. Some of the solutions originally proposed have been moved to other committees. The solutions "agreed to" include those reached by consensus. Other solutions proposed (but not agreed to by consensus) will be mentioned/discussed in connection with the problem in the body of the final report.

Also included are the agreed problem statement for (new) Subcommittee 4, and its proposed solutions.

**Next Meeting: October 23, 2006, 9:00 am to 12:30 pm**

**NOTE: CHANGE OF MEETING LOCATION**

Kekuanaoa Building  
(fka Territorial Office Building)  
465 S. King Street  
PUC Conference Room  
Basement

**Attachments:**

October 9, 2006 Finalized Meeting Summary

Table: problems and solutions as of October 16, 2006 for Subcommittee 3  
problem statement and proposed solutions for Subcommittee 4

<b>COMM.#3</b> <b>AGREED</b>	<b>AGREED</b>
<b><u>PROBLEM 1:</u></b> The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.	<b><u>SOLUTIONS:</u></b> <ul style="list-style-type: none"> <li>PSD Management Information System (MIS) staff will continue to research, explore, and implement possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with PSD's Offender Trak</li> <li>Annual review by Judiciary, Prosecutors, PSD, and police departments (manual review and stoppers)</li> </ul> <p>No legislation discussed, but may be necessary for stoppers.</p>
<b><u>PROBLEM 2:</u></b> Law Enforcement does not consistently conduct warrants checks for detained individuals.	<b><u>SOLUTIONS:</u></b> <ul style="list-style-type: none"> <li>law enforcement should conduct warrant checks for all persons in their custody (including investigative stops, arrestees, holding cell, incarceration, whenever practical)</li> <li>agreements and coordination among police, prosecutors, PSD, and defense bar for service of warrants</li> </ul> <p>No discussion of legislation.</p>
<b><u>PROBLEM 3:</u></b> There needs to be improved prioritization of warrants.	<b><u>SOLUTION:</u></b> work with the Judiciary to electronically categorize/identify traffic warrants by charge <p>No legislation discussed.</p>
<b><u>PROBLEM 4:</u></b> There needs to be improved prioritization of resources.	<b><u>SOLUTIONS:</u></b> <ul style="list-style-type: none"> <li>access to imbedded personal information on driver's license for correct information</li> <li>Department of Public Safety, law enforcement, the Judiciary, and Offices of Prosecutors coordinate and collaborate in reviewing and discarding old warrants</li> <li>Develop/utilize system of volunteers to make calls (e.g. Judiciary's VIPs, UH and other universities [law and MSW students])</li> </ul> <p>No discussion of legislation.</p>



<b>COMM.#4 (NEW)</b> <b>AGREED</b>	<b>PROPOSED SOLUTIONS</b>
<p><b><u>PROBLEM :</u></b>  Violators disregard their responsibilities to the justice system.  [Formerly:  There is a lack of respect for the judicial and law enforcement process.]  Reasons:</p> <ol style="list-style-type: none"> <li>1. No immediate and/or consistent consequences.</li> <li>2. Consequences are not severe enough.</li> <li>3. Violators claim lack of knowledge <ol style="list-style-type: none"> <li>a. about the existence of bench warrants,</li> <li>b. about how to clear bench warrants,</li> <li>c. claim they lack the resources needed to clear warrants.</li> </ol> </li> <li>4. Some violators manipulate the process by causing delays, knowing the judge will likely continue the trial.</li> <li>5. Apathy and/or lack of respect.</li> </ol> <p>Diane Taira made a request for examples of how the problem statement manifests so they could be worked into the body of the final report.</p>	<ul style="list-style-type: none"> <li>• Identify and prioritize the violators with the greatest number of bench warrants or who pose the greatest risk to community safety.</li> <li>• Inform judges of negative impact when violators aren't held accountable when bench warrants are served. Encourage judges to take pleas when appropriate.</li> <li>• Strengthen DOE's, DOH's, DHS', YMCA's, YWCA's, Judiciary's, police departments', and other entities' civics education and outreach programs. Ensure that those programs foster compliance with laws and respect for the courts and law enforcement.</li> </ul> <p>[There may be more discussion on a proposed solution involving publication of names. This solution was also raised in Subcommittee 3, problem 4, but did not have the support of the Task Force by consensus. Subcommittee 4 may have developed a way to answer those concerns by the 10/23 meeting.]</p> <p>No legislation anticipated.</p>

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

Monday, October 23, 2006, 9:00 – 12:30 p.m.  
PUC Conference Room  
Kekuanaoa Building (fka Territorial Office Building)  
465 S. King Street)

Present: Benjamin Acob, William Bagsol, Wendy Char, Calvin Ching, William Chur, Craig DeCosta, Mel Ferreira, Harry Kubojiri, Jay Kimura, Malia Manol, Mike Mamitsuka, Grace Masaki, Louise Kim McCoy, Iris Murayama, Richie Nakashima, Walter Ozawa, Eric Seitz, Renee Sonobe Hong, Rich Stacey, Diane Taira, Laureen Uwaine, Iwalani White, and Jack Wong

Facilitation Team: Constance Hassell and Cheryl Okuma

**OCTOBER 16 MEETING SUMMARY :** The Task Force reviewed and approved the meeting summary subject to corrections. Attached is the final version of the meeting summary. The Agenda was agreed to, with a change that the timeline for completion of the Final Report needs to be discussed by the Task Force.

**FINAL REPORT:** There were some items, both general and specific, that the Task Force wanted to be addressed in the Final Report. These are included in Attachment 1.

**SUBCOMMITTEE REPORTS:**

Solutions for all subcommittees' are included in Attachment 2.

The following summarizes the subcommittees' proposed solutions in the order of discussion at the October 23<sup>rd</sup> meeting:

**Subcommittee 2 Proposed Solutions to Problem 1**

- ❖ **Agreed:** concept of creating a central data base.  
[There was considerable discussion, resulting in a recommendation that input from agencies not on the Task Force is necessary to ensure proper design and implementation.].
- ❖ **Agreed:** statutory change to obtain vital statistics from DOH in less burdensome way. [The AG is pursuing similar legislation and will contact DOH administration.]

**Subcommittee 2 Proposed Solutions to Problem 2**

- ❖ **Agreed:** The issue needs to be addressed on several fronts (drivers' license as "smart cards" embedded with person's information, electronic thumbprint upon citation, photograph and thumbprint on warrant)

### **Subcommittee 2 Proposed Solutions to Problem 3**

- ❖ **Agreed:** reduce the backlog of warrants already issued  
conceptual agreement to use current bench warrant fees to fund service of warrants.  
conceptual agreement to authorizing and funding LE retirees to serve bench warrants  
There was discussion of budget and resource concerns, concerns over administering this type of program, training requirements etc.
- ❖ **Agreed:** conceptual agreement to send payment warrants to a collection agency
- ❖ **Agreed (revised):** consider periodic review/recalls of bench warrants (e.g. on annual basis)
- ❖ **Agreed:** Notify persons with outstanding warrants to clear up their warrants (e.g. notice by mail, phone)  
limited to adjudicated persons-- notice by publication, on-line listings
- ❖ **Agreed:** Statutory change to obtain vital statistics from DOH in less burdensome way. [The AG is pursuing similar legislation and will contact DOH administration.]  
Note: this language replaces " Waiver of DOH vital statistics fee of \$10 to check for deceased offenders " in order to agree with language from solution to problem 1.
- ❖ **To be mentioned in report:** Study diversion and alternate programs for non-criminal cases. Clinics, HSBA, pro bono work were suggested.
- ❖ **Moved to Committee 1:** Issue an order to show cause in certain cases
- ❖ **Moved to Committee 1:** Issue stopper on license, permit issuance, tax refunds, etc.
- ❖ **Dropped:** Reduce the backlog of warrants already issued using the fees to fund positions to pay off duty police/sheriffs to serve bench warrant.
- ❖ **Dropped** Time limits on age of warrants but LE can request reissuance if serious.

### **Subcommittee 2 Proposed Solutions to Problem 4**

- ❖ **Agreed:** Have paperless warrants.  
As stated at the October 16<sup>th</sup> meeting, agencies not on the Task Force need to have early and significant input on such a system.
- ❖ **Agreed (revised):** Before sentencing ACS, NCPS could check warrants
- ❖ **To be mentioned in report:** Set on calendar without bail for non-violent cases.
- ❖ **Dropped:** Amnesty for traffic matters for incarcerated felons, non-prosecution of non felonious offenses.
- ❖ **Subcommittee 1 Proposed Solutions to Problem 1**
- ❖ **Agreed:** Conceptual agreement on automatic calling systems. [Resources a major concern.]

- ❖ **Agreed:** Conceptual agreement to devoting personnel to call people to remind them (e.g. Project Contempt). [Resources a major concern.]
- ❖ **Recommend further study:** “Stoppers at other agencies.” [This recommendation takes into account the larger implications of “stoppers,” and the necessity of having other agencies involved in any discussion, study, or task force.]
- ❖ **Dropped:** Penal summons and orders to show cause as alternatives to bench warrants.

#### **Subcommittee 1 Proposed Solutions to Problem 2**

- ❖ **Agreed:** Conceptual agreement on non-automated and automated calling systems. [Resources a major concern.]
- ❖ **Agreed:** Conceptual agreement to interfaceable computer systems with state agencies (e.g. DOH).

[Note: this is similar to solution to Committee 2, problem 1: Concept of creating a central data base. (There was considerable discussion, resulting in a recommendation that input from agencies not on the Task Force is necessary to ensure proper design and implementation.)].

- ❖ **Agreed:** 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)
- ❖ **Recommend further study:** “Stoppers at other agencies.” [This recommendation takes into account the larger implications of “stoppers,” and the necessity of having other agencies involved in any discussion, study, or task force.]

#### **Subcommittee 1 Proposed Solutions to Problem 3**

- ❖ **Agreed:** Establish a coded system  
[Included in the coding system would be a category for warrants with inaccurate information for service.]

#### **Subcommittee 1 Proposed Solutions to Problem 4**

- ❖ **Agreed:** 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.
- ❖ **Agreed:** Education of the public re: “plea by mail” and other methods of clearing warrants should be considered.

#### **Subcommittee 4 Proposed Solutions to Problem 1**

- ❖ **Agreed:** Identify and prioritize the violators with the greatest number of bench warrants or who pose the greatest risk to community safety.
- ❖ **Agreed** (as suggested by Judge Giribaldi): 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.
- ❖ **Agreed** (revised): Strengthen DOE's, DOH's, DHS', YMCA's, YWCA's, Judiciary's, police departments' and other entities' civics education and outreach programs. Ensure that those programs foster compliance with laws and respect for the courts and law enforcement.

#### **Next Steps and Assignments**

The following deadlines were agreed to:

**October 27, 2006:** Diane Taira will email the draft Final Report to the Task Force for review

**November 2, 2006:** **DECISION MAKING** of the draft Final Report  
**DECISION MAKING** of proposed legislation, if any.

The draft Final Report and legislation, if any may still be revised after this date and suggested revisions, if any will be handled by email in the Task Force.

#### **Last Scheduled Meeting:**

**Date:** November 2, 2006, 9:00 am to 12:30 pm  
**Location:** Kekuanaoa Building (fka Territorial Office Building)  
465 S. King Street  
PUC Conference Room  
Basement

#### **Attachments:**

- ❖ Attachment 1: points the Task Force agreed to include in the draft Final Report.
- ❖ Attachment 2: solutions agreed to by the Task Force for all subcommittee
- ❖ October 16, 2006 Finalized Meeting Summary

**ATTACHMENT 1**  
**RE: DRAFT FINAL REPORT**

The Task Force *agreed* that the following items would be addressed in the Final Report:

- ❖ Subcommittee 2, Solution to Problem 1 states: "Create central data base (24 hour availability, prefer outside the court system)" *[Agreed]*

Include language to reflect there is agreement conceptually, but there is a need for agency input for design and implementation.

- ❖ Subcommittee 2, Solution to Problem 3 states: "reduce the backlog of warrants already issued by using current bench warrant fees to fund service of warrants, authorizing and funding LE retirees to serve bench warrants..." *[Agreed]*

Subcommittee 1, Solution to Problem 1 states: "More alternatives to Bench Warrants need to be considered such as...automatic calling systems, devoting personnel to call people to remind them (e.g. Project Contempt)" *[Agreed]*

Include language to address budget and resource concerns.

- ❖ Mention that Subcommittee 2, Solution to Problem 3 which states: "Reduce the backlog of warrants already issued....using the fees to fund positions or pay off duty police/sheriffs to serve bench warrants" *[Not agreed]*

There was considerable concern expressed regarding collective bargaining and the federal Fair Labor Standard law.

- ❖ Mention Subcommittee 2, Solution to Problem 3 which states: "Reduce the backlog of warrants already issued....set time limits on age of warrants but LE can request reissuance if serious." *[Not agreed]*
- ❖ Mention that Subcommittee 2, Solution to Problem 3 which states: "Reduce the backlog of warrants already issued...send payment warrants to a collection agency" *[Agreed]*

Add language that this suggested solution is work intensive and requires resources.

- ❖ Mention Subcommittee 2, Solution to Problem 3 which states: "Reduce the backlog of warrants already issued...consider periodic review/recalls of bench warrants (e.g. on annual basis)" *[Agreed]*

Add language that this suggested solution is very work intensive and requires resources.

It was **agreed** that Diane Taira will handle the overlap between this suggested solution and the following suggested solution set forth in Subcommittee 3, Solution to Problem 1 which states: "Annual review/recall by Judiciary, Prosecutors, PSD and Police Departments (manual review and stopper)"

- ❖ Subcommittee 2, Solution to Problem 3 which originally stated: "Notify persons with outstanding warrants to clear up their warrants (e.g. notice by mail, phone, publication, on-line listings)].

Many concerns were discussed regarding 1) publication and 2) on-line listings. It was agreed that these two methods be recommended only for adjudicated persons. [Mail and phone notification were agreeable to all Task Force members for all persons with outstanding warrants]. Diane Taira will address concerns raised with suggested language, including a "disclaimer". Wil Bagasol will confer with Eric Seitz, and send Diane Taira their concerns. He will also come back at the next meeting to further discuss the issue regarding unadjudicated persons.

- ❖ Mention Subcommittee 2, Solution to Problem 3 which states: "Study diversion and alternate programs for non-criminal cases" Further clarification is needed. ***[No Decision to be made]***
- ❖ Mention Subcommittee 2, Solution to Problem 4 which states: "Amnesty for traffic matters for incarcerated felons" ***[No agreement reached after discussion]***
- ❖ Mention Subcommittee 2, Solution to Problem 4 which states: "Set on calendar without bail for non violent cases" ***[No agreement; needs more discussion]***
- ❖ Make the **recommendation** that further study is needed and that other agencies not on this Task Force need to input regarding:
  - Subcommittee 1, Solution to Problem 1 which states: "More alternatives to Bench Warrants need to be considered such as: stoppers"
  - Subcommittee 1, Solution to Problem 2 which states: "stoppers at other agencies (e.g. tax intercepts, labor department interfaces, license and permit stoppers at DLNR, construction permits, professional licenses, vehicle registration, public employment, UH registration, state financed public benefits, DOH certificates)"

Include statement that representatives from DOH and the City's Vehicle Registration were invited to a Task Force meeting on October 16, 2006 and provided information and respond to questions from the Task Force.

The Kentucky and Massachusetts reports which dealt with this same idea will be attached as appendices to the Final Report.

## ATTACHMENT 2

<b>COMM.#1</b> <b>AGREED</b>	<b>AGREED</b>
<b>PROBLEM 1:</b> Alternatives to Bench Warrants are not used as much as they should be by the Judiciary.	<b>SOLUTIONS:</b> More alternatives to Bench Warrants need to be considered such as: <ul style="list-style-type: none"> <li>• Conceptual agreement to automatic calling systems.</li> <li>• Conceptual agreement to devote personnel to call people to remind them (e.g., Project Contempt)</li> </ul>
<b>PROBLEM 2:</b> Aids/resources for more effective or efficient service of warrants are lacking.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• nonautomated and automated calling systems</li> <li>• conceptual agreement to interfaceable computer systems with state agencies (e.g., DOH)</li> <li>• 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)</li> </ul>
<b>PROBLEM 3:</b> There is no automated method to sort all outstanding warrants by category, e.g., serviceability, jurisdiction, type of offense, separate payment warrants etc.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• establish a coded system              [warrants with inaccurate information would be a coded category]</li> </ul> <p>Comments: look to other jurisdictions (e.g., NY and PA); have one entity develop the system with others following its model.</p>
<b>PROBLEM 4:</b> There are no uniform criteria for service of warrants.  [This matter mainly affects district court warrants between counties.]	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Education of the public re: "plea by mail" and other methods of clearing warrants should be considered.</li> </ul>



## ATTACHMENT 2

<b>COMM.# 2</b> <b>AGREED</b>	<b>AGREED</b>
<b>PROBLEM 1:</b> The lack of central database is an impediment to the warrants system.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• Conceptual agreement to create a central data base (with 24 hour availability and prefer outside the court system)</li> <li>• Statutory change to obtain vital statistics from DOH in a less burdensome way.</li> </ul> <p>(Legislation is necessary.)</p>
<b>PROBLEM 2:</b> There is a lack of detailed and accurate information that hampers service of warrants.	<b>SOLUTIONS:</b> The issue needs to be addressed on several fronts. <ul style="list-style-type: none"> <li>• drivers' license as "smart cards" embedded with person's information</li> <li>• electronic thumbprint upon citation photograph and thumbprint on warrant</li> </ul>
<b>PROBLEM 3</b> 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.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• reduce the backlog of warrants already issued               <ul style="list-style-type: none"> <li>◦ conceptual agreement to use current bench warrant fees to fund service of warrants,</li> <li>◦ conceptual agreement to authorize and fund LE retirees to serve bench warrants</li> </ul> </li> <li>• conceptual agreement to send payment warrants to a collection agency</li> <li>• consider periodic review/ recalls of bench warrants (e.g., on annual basis)</li> <li>• notify persons w/ outstanding warrants to clear up their warrants (e.g. notice by mail, phone); and, for adjudicated persons, notice by publication, on-line listings.</li> <li>• Statutory change to obtain vital statistics from DOH in a less burdensome way. [language congruent with solution to problem 1.]</li> </ul>
<b>PROBLEM 4:</b> Delays in inputting, creation and transmission of warrants create difficulties in service of warrants.	<b>SOLUTIONS:</b> <ul style="list-style-type: none"> <li>• conceptual agreement to have paperless warrants</li> <li>• before sentencing, ACS, ACPS could check for warrants</li> </ul>

## ATTACHMENT 2

<b>COMM.#3</b> <b>AGREED</b>	<b>AGREED (CH Please check)</b>
<p><b>PROBLEM 1:</b> The Department of Public Safety needs to conduct warrant record checks for incarcerated individuals.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>• PSD Management Information System (MIS) staff will continue to research, explore, and implement possibilities to interface various existing databases such as JIMS, TRAVIS, and LEQM with PSD's Offender Trak.</li> <li>• Annual review by Judiciary, Prosecutors, PSD, and police departments (manual review and stoppers)</li> </ul> <p>No legislation discussed, but may be necessary for stoppers.</p>
<p><b>PROBLEM 2:</b> Law Enforcement does not consistently conduct warrants checks for detained individuals.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>• law enforcement should conduct warrant checks for all persons in their custody (including investigative stops, arrestees, holding cell, incarceration, whenever practical)</li> <li>• agreements and coordination among police, prosecutors, PSD, and defense bar for service of warrants</li> </ul> <p>No discussion of legislation.</p>
<p><b>PROBLEM 3:</b> There needs to be improved prioritization of warrants.</p>	<p><b>SOLUTIONS:</b> work with the Judiciary to electronically categorize/identify traffic warrants by charge</p> <p>No legislation discussed.</p>
<p><b>PROBLEM 4:</b> There needs to be improved prioritization of resources.</p>	<p><b>SOLUTIONS:</b></p> <ul style="list-style-type: none"> <li>• access to imbedded personal information on driver's license for correct information</li> <li>• Department of Public Safety, law enforcement, the Judiciary, and Offices of Prosecutors coordinate and collaborate in reviewing and discarding old warrants.</li> <li>• develop/utilize system of volunteers to make calls (e.g. Judiciary's VIPs, UH and other university students {law and MSW})</li> </ul>

## ATTACHMENT 2

<b>COMM. #4</b> <b>AGREED</b>	<b>AGREED</b>
<p><b><u>PROBLEM 1:</u></b> Violators disregard their responsibilities to the justice system.</p> <p>Reasons why:</p> <ol style="list-style-type: none"> <li>1. No immediate and/or consistent consequences.</li> <li>2. Consequences are not severe enough.</li> <li>3. Violators claim lack of knowledge:               <ol style="list-style-type: none"> <li>(a) about the existence of bench warrants</li> <li>(b) about how to clear bench warrants; or</li> <li>(c) claim they lack the resources needed to clear bench warrants.</li> </ol> </li> <li>4. Some violators manipulate the process by causing delays, knowing the judge will likely continue the trial.</li> <li>5. Apathy and/or lack of respect.</li> </ol>	<p><b><u>SOLUTIONS</u></b></p> <ul style="list-style-type: none"> <li>• Identify and prioritize the violators with the greatest number of bench warrants or who pose the greatest risk to community safety.</li> <li>• 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.</li> <li>• Strengthen DOH's, DHS', YMCA's, YWCA's, Judiciary's, police departments' and other entities' civics education and outreach programs. Esnure that those programs foster compliance with laws and respect for the courts and law enforcement</li> </ul>

**DRAFT Meeting Summary**  
**Unserved Warrants Backlog Task Force**  
Thursday, November 30, 2006, 9:00 – 12:30 p.m.  
King Kalakaua Conference Room  
Department of Commerce and Consumer Affairs  
335 Merchant Street

Present: Benjamin M. Acob, William Bagsol, Calvin C. Ching, William Chur, Mel Ferreira, Marsha Kitagawa, Harry Kubojiri, Malia Manol, Mike Mamitsuka, Grace Masaki, Iris Murayama, Richie Nakashima, Walter Ozawa, Renee Sonobe Hong, Rich Stacey, Diane Taira, Karen Takahashi, and Jack Wong

Facilitation Team: Constance Hassell, Elizabeth Kent, and Cheryl Okuma

**OCTOBER 23 MEETING SUMMARY:** The Task Force reviewed and approved the meeting summary, and agreed to the draft agenda for this meeting.

**TASK FORCE AGREEMENTS**

The Task Force agreed:

- to limit this Task Force meeting to consider comments about substantive corrections and additions of previously discussed substantive material.
- that there has been adequate discussion on “parking lot” issues, many of which were referred to and processed by subcommittees.
- to place solutions that were discussed but which did not reach consensus by the Task Force in an appendix to the final report.
- that the Judiciary will physically produce the final report and serve as the stylistic clearinghouse.
- that Walter Ozawa, Diane Taira, Renee Sonobe Hong, and Willie Bagasol will draft a conclusion to the report.
- that comments on the attached draft report are due by December 5, 2006 to Walter Ozawa (these comments may include matters of style and/or substance).
- that Walter Ozawa, Diane Taira, Renee Sonobe Hong, and Willie Bagasol will consider suggestions of the Task Force and be responsible to draft the final product (to be physically produced by the Judiciary).
- on preliminary legislative and media strategy (see next section).
- on changes to the draft report (changes and assignments are noted on the attached draft).

**LEGISLATIVE STRATEGY, MEDIA RESPONSE**

Point Persons with the Legislature: Walter Ozawa and Diane Taira

The Task Force agreed that after the report is issued, there should be an informational briefing, as well as appointments with key made legislators. Please let Walter Ozawa and Diane Taira know if you have a suggestion or want to participate in legislative activities.

Point Persons for Media Inquiries about the Report: Walter Ozawa and Diane Taira

Please refer inquiries about the final report to Walter Ozawa and Diane Taira. To the extent practicable, each organization receiving an inquiry and issuing a response about its own operations should "broadcast" these via e-mail to the Task Force members to keep everyone up to date. As appropriate, the Task Force members should work with and through their Public Information Officers (PIOs), and the PIOs should coordinate these matters.

**TIME LINE**

December 5	<u>Deadline</u> for comments on the attached draft report to Walter Ozawa
December 8	Walter Ozawa to send out next draft
December 15	<u>Deadline</u> for Task Force members' comments/responses to the final draft

**MAHALO TO ALL!**

Attachment: (Final) Meeting Summary, October 23, 2006  
Draft 2 incorporating changes from the Task Force Meeting

