

Minnesota Department of Corrections

Policy: 106.150
Title: Adult Warrants
Issue Date: 10/6/15
Effective Date: TBD-2xx/26xx/2510/20/15

~~**AUTHORITY:** Minn. Stat. §§243;~~

PURPOSE: To provide consistent procedures for the issuance of warrants for individuals in the custody of the Department of Corrections (DOC) who are alleged to have failed to report for their commitment date or violated their conditions of release, or have escaped from a correctional facility.

~~242 and Minn. Rules 2940.3000.~~

~~**PURPOSE:** To ensure public safety and prevent the escape of an offender.~~

APPLICABILITY: Minnesota Department of Corrections (DOC); warrants unit, community services division, fugitive apprehension unit members, and the hearings and release unit (HRU)

DEFINITIONS:

Agent – an employee or a designee of the DOC, a community corrections act (CCA) organization, or a county that is assigned to supervise persons on supervised release, conditional release, or parole.

Article File Records – a database managed by the Federal Bureau of Investigation (FBI) that contains **records** and information on stolen articles and lost public safety, homeland security, and critical infrastructure items of identification.

Body only – a type of warrant where an arrest involves the person remaining in custody until there is a disposition by the HRU, the individual expires from DOC supervision, or the warrant is quashed.

Case File – an electronic file where supporting documentation of warrants issued is stored, which is referred to by the FBI as the Records Management System (RMS).

Complainant – an agent for the purposes of the extradition process (see definition below).

Criminal History System / Interstate Identification Index (CHS/III) – the national index of state and federal criminal histories in the United States.

Extradition – a process where an individual is transferred from one jurisdiction to another jurisdiction (for example, from another state to a MN DOC facility) to address violations of their conditions of release.

Hit Confirmation – a positive response from the Minnesota and/or national database of wanted or missing persons and property where a query appears to match the person or property in the response.

Individual – a person who is either incarcerated in a DOC facility or under supervision of an agent who is employed by the DOC, a CCA organization, or a county.

Minnesota Hot Files (MNHOT) – a name given to identifying information concerning wanted and missing persons, stolen vehicles, and identifiable stolen property of several types.

Nightcapped – a warrant signed by a judge authorizing the arrest of a party at any time. **The DOC does not require authorization to arrest a releasee with an active warrant and the department's warrants are valid 24 hours per day and are body-only.**

Officer of the day (OD) – the HRU officer designated to handle reports of alleged release violations on a particular day.

Probable cause – reasonable grounds to believe that alleged violation conduct has occurred.

Query – a search in the FBI and Minnesota Driver and Vehicle Services (DVS) data systems to obtain a releasee's criminal history or driving records or to compare that information to what the DOC possesses to verify that it is both true and correct.

Second Party Check – when someone other than the person entering the warrant information checks the information for accuracy and completeness.

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POLICY: — The department's warrants unit issues warrants for the apprehension and detention of interstate offenders, parolees, supervised releasees, conditional releases, and work releasees. A warrant must be issued when an offender (1) is alleged to have violated the conditions of his/her release; (2) is alleged to have committed a new criminal offense and who presents a risk of absconding or possibly committing acts that are dangerous to the community; and/or (3) are the subject of a detainer in appropriate cases.

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DEFINITIONS: — None

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PROCEDURES:

A. Authority for issuance and cancellation of ~~DOC~~ adult warrants

1. The DOC warrants unit staff issue warrants for the apprehension and detention of individuals who fail to report on their date of commitment to the commissioner of corrections, and for those individuals under DOC jurisdiction who are alleged to have violated their conditions of release.

The warrants unit staff provide~~provides~~ administrative control for warrant issuance and cancellation.

2. The warrants unit ~~provides administrative control~~ for entering and canceling warrants into the National Crime Information Center (NCIC) (nationwide system) and the Minnesota Justice Information System (MNJIS) (statewide system).

Warrants-

3. The warrants unit staff ~~coordinate~~ coordinates the location, apprehension activities of community service agents and Community Corrections Act (CCA) agents with law enforcement agencies in an effort to locate, apprehend, and transport of

individuals~~offenders~~ classified as release violators or fugitives with the assistance of agents, law enforcement agencies, and the DOC's central transportation unit (CTU).-

~~B. Warrant Issuance – Wanted Person Record Entry (see Technical Guide for Warrant Procedures, attached)~~

~~1. Agents contact the HRU-~~

~~B. Apprehension and detention order criteria – adult offender releasees~~

~~1. If an agent determines that an immediate need exists to gain custody of an adult offender on release status (in order to manage the offender's risk or prevent escape);~~

~~a) The agent must direct law enforcement to apprehend and detain the offender through the issuance of an Adult Apprehension and Detention Order (attached).~~

~~b) This happens after consulting with the assigned supervisor whenever possible.~~

~~e) With or without first getting approval through~~

~~(1) The HRU (Monday through Friday 8:00 A.M. to 4:30 P.M., not including weekends or holidays); or~~

~~(2) The officer of the day system during non-business hours (refer to Division Directive 206.030, "Officer of the Day – Community Services").~~

~~d) An offender must not be detained under an apprehension and detention order for more than 72 hours (excluding weekends and holidays).~~

~~2. As soon as possible after issuance of the Adult Apprehension and Detention Order, the agent must phone the HRU during business hours for the required approval and issuance of a warrant after to be used as a detainer.~~

~~C. Warrant procedures – adult offender releasees~~

~~1. The agent must review the case and, with his/her supervisor when possible to determine if a warrant should be requested through the HRU.~~

~~2. After reviewing criteria in Policy 106.113, "Responding to Alleged Violations of Release Conditions the case, the agent requests a warrant by Adult Individuals on Release. contacting the HRU during business hours or the officer of the day during non-business hours.~~

~~2. If a warrant is approved, the-~~

~~3. The HRU officer of the day (OD) provides written authorization to issue a warrant to the warrants unit during business hours.~~

~~4. The HRU Officer provides a copy of the warrant authorization form to~~

~~a) The warrants unit;~~

~~b) Office of special investigations; and~~

~~c) Staff at Minnesota Correctional Facility – Oak Park Heights (MCF-OPH).~~

~~5. If the offender is already in custody at the time of issuance, a warrant is not entered in any system, but the warrant, as a detainer, is teletyped directly to the holding facility.~~

- ~~6. If the offender is a fugitive (not in custody), the warrants unit to issue enters the warrant during business hours in the NCIC and to MCF-Oak Park Heights staff after hours/or the MNJIS database.~~
3. Warrants unit staff complete a query in the Driver and Vehicle Services (DVS) database, Criminal History System / Interstate Identification Index (CHS/III) database, and the individual's case file (that is the FBI's Records Management System (RMS)) to obtain additional identifying information to complete a warrant. Warrants unit staff retain a digital copy of these query findings in an electronic folder labeled with an individual's last name and OID.
4. Warrants issued by the DOC are fully extraditable and body-only and given the numerical value of "1". To comply with audit requirements administered by the BCA and FBI, the following extradition limits must be provided in policy. They are assigned and given numerical or alphabetical values as follows when a warrant is entered by an agency:
 - a) 1 – Felony - Full Extradition – is when an individual is extraditable from anywhere in the continental United States of America.
 - b) 2 – Felony - Limited Extradition – is when an individual is extraditable from locations indicated in the miscellaneous field (MIS). (The DOC does not use this value).
 - c) 3 – Felony - Surrounding States Only – is when an individual is extraditable from North Dakota, South Dakota, Iowa, and Wisconsin. (The DOC does not use this value).
 - d) 4 – Felony - No Extradition – is when an individual is extraditable from Minnesota only and limited by any additional information contained in the MIS field. (The DOC does not use this value).
 - e) A – Gross Misdemeanor and Misdemeanor - Full Extradition – is when an individual is extraditable from anywhere in the continental United States of America. (The DOC does not use this value).
 - f) B – Gross Misdemeanor and Misdemeanor – is when an individual is extraditable from locations indicated in the miscellaneous field (MIS). (The DOC does not use this value).
 - g) C – Gross Misdemeanor and Misdemeanor - Surrounding States Only – is when an individual is extraditable from North Dakota, South Dakota, Iowa, and Wisconsin. (The DOC does not use this value).
 - h) D – Gross Misdemeanor and Misdemeanor – is when an individual is extraditable from Minnesota only and limited by any additional information contained in the MIS field. (The DOC does not use this value).
 - i) S – Sign and Release (MN only) – is when an individual is not subject to extradition and dispatch contact for court date information is placed in the MIS field. (The DOC does not use this value).
5. Warrants issued by the DOC are not nightcapped. To comply with audit requirements administered by the BCA and FBI, the following must be identified by the issuing agency according to the level of offense:
 - a. Gross Misdemeanor and Felony warrants are automatically nightcapped. (The DOC does not enter a value).
 - b. Misdemeanor warrants require an additional signature from the judge. (The DOC does not enter a value).

6. Warrants unit staff enter the warrant in the Minnesota Hot Files (MHOT) and National Crime Information Center (NCIC) (nationwide system) databases using the message key Enter Warrant (EW). Warrants unit staff enter the record with all information available.
7. Warrants unit staff place a caution entry with appropriate caution indicators when an individual's behaviors or history warrant such notice.
8. Warrants unit staff enter supplemental data to the record, which includes such examples as scars, marks and tattoos, aliases, and additional dates of birth.
9. Warrants unit staff enter the individual's DOC photograph using the Enter Image Message (EIM) key if an image is available. BCA and FBI procedures allow for a DVS photograph to be used in order to meet this requirement; **however, the DOC uses their own photograph of the releasee.**
10. Warrants unit staff complete a query in MNHOT and NCIC to verify their entry and retain an electronic copy of their entry in the case file.
11. Warrants unit staff complete a second party check per agency policy (see Technical Guide for Warrant Procedures, attached).
12. Warrants unit staff validate the record according to NCIC standards and retain any updated documentation used during the validation process in the case file.
13. Following a confirmed hit confirmation, warrants unit staff place a locate on the record using message key Locate Wanted (LW).
14. To comply with audit requirements administered by the BCA and FBI, policy must include information regarding situations where an agency may authorize an individual to be released after completing a Sign and Release Warrant – Court Date and Defendant Information Form. **The DOC does not issue this type of warrant or use this process.**
15. Within five days of a locate being placed, a detainer must be placed in the MNHOT and NCIC record using the message key Detain Wanted (DW).
16. The record will remain active until extradition occurs.
17. Warrants unit staff -
 7. ~~The warrants unit~~ electronically enters the official warrant action into the correctional operations management system (COMS) to reflect the issuance of the warrant **and update** apprehension information on the HRU iShare site ~~or detainer.~~

C. Hit Confirmation (see Technical Guide for Warrant Procedures, attached)

1. Warrants issued by the HRU must be available for hit confirmation 24 hours a day, 365 days a year. If unavailable, warrants unit staff must identify who will be providing hit confirmation services on their behalf by placing instructions in the miscellaneous field (MIS) of the MNHOT record.
2. Warrants unit staff or Sentence Administration Unit (SAU) staff notify-

- ~~8. The warrant is prepared along with a copy of the original authorization and print-outs related to warrant issuance are filed in the warrants unit until the warrant is cancelled in accordance with Bureau of Criminal Apprehension (BCA) requirements.~~
- ~~9. Warrants unit staff prepare a tracking file for each warrant/detainer issued on the iShare electronic warrants card tracker.~~

~~D. Apprehension and cancellation of warrants~~

- ~~1. When the offender is apprehended, the warrants unit must teletype warrant confirmation to the apprehending law enforcement agency and/or detaining agency.~~
- ~~2. Cancellation of warrants and detainers on adult release~~
 - ~~a) After confirmation that the offender is in custody, the warrants unit must teletype the holding authority to detain the offender.~~
 - ~~b) The warrants unit calculates the stop time or escape time and enters this data into COMS.~~
 - ~~e) The warrants unit then notifies the supervising agent that a person via telephone that the offender is in custody, the location of custody, any known pending charges, and the new expiration date if stop time or escape time occurred.~~

3. Hit Confirmation Procedure

Warrants unit staff retain an electronic copy of the hit confirmation, ensure the individual's -

- a) e) The warrant is still outstanding, entry must then be removed from NCIC and ensure the wanted person is still within the extradition limits on the record.
- b) Warrants unit staff confirm the hit with the originating agency using message key YQ and enter the request number (RNO) in the message.
 - (1) Warrant unit staff enter the number "1" for the first request, and if an agency fails to respond within the specified MNJIS at the appropriate time, warrants unit staff send a second request, entering the number "2" in the RNO field.

A copy of the 2nd request is automatically sent to the per Federal Bureau of Criminal Apprehension (Investigations/BCA) policy.

 - (2) If an agency fails to respond to the second request, warrants unit staff send a third request, entering the number "3" in the RNO field.
 - (3) A copy of the 3rd request is automatically sent to the BCA, as well as to the NCIC.
- c) The agency requesting confirmation of a hit must determine the appropriate response time, which is entered in the system using the priority (PRI) key.
 - (1) When the hit is the only basis for detaining a suspect or the nature of a case requires urgent confirmation, the response is entered as urgent, which allows for a 10-minute response window.
 - (2) When a person is held on local charges, property has been located under circumstance when immediate action is not necessary, or an urgency confirmation is not required, the response is entered as routine, which allows for a one-hour response window.

(3) If warrants unit staff or their designees determine the hit is not the result of an active HRU warrant, warrants staff or the designees notify the requesting agency to not arrest the individual.

4. Hit Confirmation Response

- a) Warrants unit staff retain an electronic copy of the confirmation request, confirm the request priority, and respond within the corresponding time allowed.
- b) Warrants unit staff review the case file to determine if the person's whereabouts remain unknown and use the hit confirmation response message key (YR) to confirm an individual's status.
- c) Warrants unit staff enter one of the following codes on the confirmation status key (CON); codes are entered as follows:
 - (1) Y – Yes, entry is valid.
 - (2) N – No, entry is no longer valid
 - (3) P – In process of being confirmed.
 - (4) E – Valid but awaiting decision on extradition.
- d) If warrants unit staff confirm that the hit is still active and the individual was arrested, the recovering agency must enter a locate on the record.
- e) The warrants unit retains an electronic copy of the confirmation and the locate documentation.

5. ~~d)~~ — The warrant is maintained ~~as a detainer until the offender~~
- (1) The individual isIs restructured;
 - (2) The individual hasHas a revioleation hearing ~~resulting that results~~ in a disposition;~~or~~
 - (3) The individual isIs returned to Minnesota from another state;:-
 - (4) The individual is returned to a Minnesota correctional facility (MCF); or
 - (5) The requesting party requests that the hold be quashed.

6. All documentation regarding the hit confirmation process is saved in the electronic case file.

D. Second Party Checks (see Technical Guide for Warrant Procedures, attached)

- 1. A second party check is required for all MNHOT file record entries and modifications. Someone other than the person entering the warrant information checks the information for accuracy and completeness as follows.
- 2. Second party checks ensure all available sources (DVS database, CHS/III database, and local records) were queried to obtain a true and correct description individual's appearance. The warrants unit staff accomplish this by:
 - a) Running a query of the record and obtaining a copy of the active MNHOT and NCIC entry.
 - b) Comparing the information from the sources against the active MNHOT and NCIC record to verify the record is accurate and complete.

- c) Updating the record as needed using either the modify or supplemental message key associated with the record type.
- d) Documenting the second party check was completed by electronically noting it in the individual's case file.

3. The warrants unit saves all queried record documentation in the case file.

E. Validation (see Technical Guide for Warrant Procedures, attached)

1. Validation requires the record-holding agency to confirm the MNHOT and NCIC files are complete, accurate, and still active. The record-holding agency must validate all hot file records except for article file records every 60 to 90 days from entry and yearly thereafter.

2. Validation Procedure

- a) Warrants unit staff contact the complainant to ensure the record should remain active. To comply with audit requirements administered by the BCA and FBI, policy must include information regarding situations where an agency might also contact the victim, prosecutor, or court during the validation process. **The DOC only contacts the complainant (agent) during the validation process.**
- b) The warrants unit staff remove any record from the MNHOT and/or NCIC that is no longer active.
- c) The warrants unit staff complete a query in the DVS database, CHS/III database, and local records to check for additional or updated data.
- d) The warrants unit staff compare the record against the new supporting documentation to ensure data is both accurate and contains all available information in the case files and/or from the data sources.
- e) The warrants unit staff update records as needed when agency-related information is modified or when new or additional information becomes available.

F. Extradition Process

- 1. Warrants unit staff facilitate all extraditions and prepare extradition documents for individuals on release who are arrested outside the State of Minnesota.
- 2. To initiate the process, warrants unit staff prepare and send a cover sheet to the arresting agency / holding facility with identifying information specific to the individual, and include a copy of the warrant, offender summary report (located in COMS), and the current conditions of release document.
- 3. For individuals released to an interstate compact, warrants unit staff prepare and send an interstate cover sheet to the holding facility with identifying information specific to the individual, the interstate coversheet, a copy of the warrant, and the offender summary report (located in COMS).

4. Warrants unit staff update the arresting agency information in MNHOT and NCIC and provide all contact information for the Minnesota Department of Corrections when an arresting agency fails to request confirmation of the issuing agency's contact information.
5. Warrants unit staff update the arrest and note any local criminal charge information in the HRU iShare database.
6. If an individual waives extradition, and the arresting state has acknowledged the pre-signed waiver of conditions of release document, a hearing officer reviews the matter and determines if the individual is an essential transport back to the State of Minnesota. The warrants unit confirms the maximum pick-up date from the arresting state and arranges transportation back to the State of Minnesota with the Central Transportation Unit (CTU).
7. If the individual refuses to waive extradition or the arresting agency does not acknowledge the pre-signed waiver, the Governor Warrant process is initiated.

G. Governor's Warrant Process

1. A Governor's Warrant is the formal extradition process taken when an individual refuses to waive extradition or the court from the outside jurisdiction fails to acknowledge the pre-signed waiver of extradition.
2. Warrants unit staff request the following supporting document to confirm the identity of the individual:
 - a. Official fingerprints from the BCA Minnesota Justice Information System (MNJIS) Fingerprint Unit;
 - b. Certified court documents on the current offense;
 - c. Current violation report from the agent of record with original signature included; and
 - d. Supporting warrant documents that include both the warrant authorization and the official copy of the warrant.
3. The warrants unit prepares the application for extradition for supervised release violators, which includes declarations, the Department of State letter, and all required exhibits.
4. Warrants unit staff submit the documents to the Minnesota Governor's Office for execution and distribution to the arresting state.
8. After the arresting state has acknowledged the certified warrant, warrants unit staff confirm the maximum pick-up date from the arresting state and arrange transportation back to the State of Minnesota with the CTU.

H. Apprehension and detention order criteria—~~juvenile offenders on parole~~

1. If an agent determines an immediate need exists to gain custody of an individual, and the agent has been unsuccessful connecting with an OD, an Adult Apprehension and Detention Order (attached) may be used in accordance with criteria outlined in DOC Policy 201.010, "Adult Community Supervision."

The agent completes the Adult Apprehension and Detention Order (attached) and coordinates the individual's ~~1. For juvenile offenders on institution status, the facility superintendent/designee has the authority to issue orders according to their procedures.~~

- ~~2. 2. For juvenile offenders on parole status, the criteria for apprehension with law enforcement.~~
3. As soon as possible after issuance of the Adult Apprehension and Detention Order, the agent contacts the OD for the required approval and issuance of a warrant.

The agent distributes the completed Adult Apprehension and Detention Order to the HRU and to the director of the community supervision agency in which the agent is employed. Apprehension and and detention orders are documented in Corrections Services Technology Solutions (CSTS).include:

- a) ~~The individual must not~~offender's whereabouts are unknown or the offender refuses direct contact with the agent;
- b) ~~Sufficient evidence exists that the offender has violated parole and that revocation is appropriate, and the offender has demonstrated through recent behavior that he/she is unlikely to be~~ detained under present for an Adult on-site revocation hearing; and
- e) ~~The offender has demonstrated by recent behavior that he/she is a danger to him/herself or others.~~
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3. ~~Apprehension and Detention Order for more than 72 hours (excluding weekends and holidays).detention procedures—juvenile offenders on parole~~
 - a) ~~The DOC community services district supervisor or, in the case of some CCA counties, the senior department staff person responsible for acting as the juvenile parole liaison, must manage the use of apprehension and detention orders.~~
 - b) ~~This person signs all orders after consultation with the agent indicates that issuance is appropriate.~~
 - e) ~~In an emergency, the agent may issue the order and notify the supervisor as soon as possible.~~
 - d) ~~The orders are numbered and logged at the time they are issued and when they are canceled.~~
 - (1) ~~In CCA counties:~~
 - (a) ~~A limited supply of these orders, pre-signed by a department community services district supervisor (or senior department liaison), are provided to a designated supervisor/manager in each CCA area.~~
 - (b) ~~The designated CCA supervisor/manager authorizes the issuance of the order after receiving a written or phone request from the agent.~~
 - (c) ~~The issuance of the order must be reported by immediately forwarding a copy of the apprehension and detention order to the department supervisor/senior liaison, as well as HRU.~~
 - (2) ~~In counties where juvenile services are under the authority of the department or the county court, the same procedures used by CCA counties are followed if the DOC district supervisor designates a custodian of the orders for a given county.~~

- ~~(3) — In counties where no custodian is designated, the district supervisor (or, in the supervisor’s absence, the regional manager) issues the orders after receiving a written or telephone request from the agent.~~
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- ~~e) — An apprehension order control sheet must be maintained in district offices to provide a centralized recording of apprehension orders issued within the district.~~
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- ~~f) — The HRU maintains the surplus supply of forms and regulates the forms available to each designated supervisor/manager.~~
- ~~g) — The HRU tracks the issuance and cancellation of each individual form number.~~
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- ~~4. — Cancellation of apprehension and detention orders for juvenile offenders on parole~~
 - ~~a) — The cancellation of a juvenile apprehension and detention order must be immediately prepared by the person who issued the apprehension and detention order, or by the officer of the day in their absence, when the juvenile parolee is released from detention.~~
 - ~~b) — It is imperative that the cancellation of the apprehension and detention order be immediately issued upon such a determination.~~
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 - ~~e) — Five copies must be made and the distribution is the same as the previously issued apprehension and detention order.~~
 - ~~d) — A chrono documenting the events is placed in the electronic chrono database (CSTS).~~

INTERNAL CONTROLS:

- A. Records of all activity related to issuance, maintenance and cancellation of warrants are entered into COMS, and are maintained on the HRU iShare site~~electronic warrants card~~.
- B. Apprehension and detention orders are documented in Corrections Services Technology Solutions (CSTS).

REFERENCES: Minn. Stat. §§ 243.05. subd. 1(c)-(e); 243.58; 629.23; and Minn. Rules 2940.3000, 2940.3200, and 2940.3400
Policy 106.090, “Officer of the Day (OD) – Hearings and Release”
Policy 106.109, “Juvenile Apprehension and Warrants”
Policy 106.113, “Responding to Alleged Violations of Release Conditions by Adult Individuals on Release”
Policy 201.010, “Adult Community Supervision”

REPLACES: ~~C. — An apprehension control sheet for juvenile apprehension and detention orders is retained in each district office.~~

REVIEW: — Annually

REFERENCES: ~~Policy 205.010, “Adult Supervised Release and Parole”~~
~~Policy 205.050, “Juvenile Offender Parole”~~
~~Division Directive 206.030, “Officer of the Day (OD) – Community Services”~~

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SUPERSESSON: Policy 106.150, "Warrants," 10/20/15+1/05.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

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ATTACHMENTS: Adult Apprehension and Detention Order (106.150D) (public pdf of 106.150D)
Technical Guide for Warrant Procedures (106.150E) (public pdf of 106.150E)

APPROVALS:

~~(201.023D)~~

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~~/s/~~

~~Deputy Commissioner of Corrections, Facility Services~~

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~~Deputy Commissioner, Community Services~~