Minnesota Department of Corrections

Policy:	**106.150**	**Title: Warrants**
Issue Date:	**10/6/15**	
Effective Date:	**10/20/15**	

AUTHORITY: Minn. Stat. §§243; 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, and the hearings and release unit (HRU)

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.

DEFINITIONS: None

PROCEDURES:

A. Authority for issuance and cancellation of DOC adult warrants

1. The warrants unit 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).

3. The warrants unit coordinates the activities of community service agents and Community Corrections Act (CCA) agents with law enforcement agencies in an effort to locate, apprehend, and transport offenders classified as release violators or fugitives.

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.

   c) 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 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 the case, the agent requests a warrant by contacting the HRU during business hours or the officer-of-the-day during non-business hours.

3. The HRU officer 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 enters the warrant in the NCIC and/or the MNJIS database.

7. The warrants unit electronically enters the official warrant action into the correctional operations management system (COMS) to reflect the issuance of the warrant or detainer.

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.

c) The warrants unit then notifies the supervising agent 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.

c) The warrant entry must then be removed from NCIC and MNJIS at the appropriate time, per Federal Bureau of Investigations /BCA policy.

d) The warrant is maintained as a detainer until the offender
   (1) Is restructured;
   (2) Has a revocation hearing that results in a disposition; or
   (3) Is returned to Minnesota from another state.

E. Apprehension and detention order criteria - juvenile offenders on parole

1. For juvenile offenders on institution status, the facility superintendent/designee has the authority to issue orders according to their procedures.

2. For juvenile offenders on parole status, the criteria for apprehension and detention orders include:
   a) The 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 present for an on-site revocation hearing; and

   c) The offender has demonstrated by recent behavior that he/she is a danger to him/herself or others.

3. Apprehension and 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.

   c) 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.

e) An apprehension order control sheet must be maintained in district offices to provide a centralized recording of apprehension orders issued within the district.

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.

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.

c) 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 iShare electronic warrants card.

B. Apprehension and detention orders are documented in CSTS.

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"

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

ATTACHMENTS: Apprehension and Detention Order (201.023D)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services