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Attorneys for Defendants  
CITY AND COUNTY OF  
HONOLULU AND DAMIEN DESA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PATRICK ANDREW WIELAND,

Plaintiff,

vs.

CITY AND COUNTY OF HONOLULU;  
ARTHUR LOGAN, Chief of Police of  
the Honolulu Police Department, in his  
official capacity only; DAMIEN DESA,  
Individually and in his official capacity;  
DOE POLICE OFFICERS 1-15.

Defendants.

Civil No. 24-00215-DKW-RT

**EXHIBIT “I” TO DEFENDANTS  
CITY AND COUNTY OF  
HONOLULU AND DAMIEN  
DESA’S MOTIONS FOR  
SUMMARY JUDGMENT FILED  
ON JUNE 6, 2025**

[ECF Nos. 51, 52, 53, 59]

Trial: October 10, 2025

# CRIMINAL INVESTIGATION DIVISION MOP NO. 200.12



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| SUBJECT<br><br><b>EXTRADITION, FUGITIVES</b> | DATE<br><b>10-09-2024</b> |
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## I. PURPOSE

To establish procedures for the extradition of fugitives held in another county, state, U.S. territory or foreign country who are wanted in Honolulu and for those fugitives apprehended in Honolulu who are wanted in another county, state, U.S. territory or foreign country.

## II. PROCEDURE FOR THE INPUTTING OF EXTRADITION WARRANTS INTO NCIC COMPUTER SYSTEM

It shall be the responsibility of the Warrants Section of the Records and Identification Division to input into the NCIC files those warrants approved for extradition by the Department of the Prosecuting Attorney.

### A. Preliminary Tasks

1. The Department of the Prosecuting Attorney will contact the Warrants Section of the Records and Identification Division and an Extradition Detail detective to inform the detective that a warrant for extradition has been issued.
2. The original warrant is then given to the Warrants Section of the Records and Identification Division, and the clerk from the Warrants Section shall be informed that the warrant needs to be input into the NCIC files requesting the extradition of the fugitive.
3. A copy of the warrant shall be kept on file with the Extradition Detail.
4. Should there be possible known addresses or information regarding the location of the fugitive, it shall be the responsibility of the Extradition Detail detective to follow up on the information by contacting the local law enforcement agency of that area and requesting their assistance in locating and arresting the fugitive.
5. Once the fugitive is located and arrested, the standard procedures in this directive regarding FUGITIVES WANTED BY THE CITY AND COUNTY OF HONOLULU shall be followed.

***EXHIBIT I***

HONOLULU POLICE DEPARTMENT  
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CRIMINAL INVESTIGATION DIVISION

CONFIDENTIAL- SUBJECT TO STIPULATED PROTECTIVE ORDER

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## III. PROCEDURE ON SELECTING POLICE PERSONNEL FOR OUT-OF-STATE EXTRADITIONS

### A. Preliminary Tasks

1. Established procedures have been set regarding the selection of personnel for out-of-state extraditions. These procedures are found under. Policy 2.29, SELECTION OF PERSONNEL FOR OUT-OF-STATE EXTRADITIONS.
2. Based on the guidelines of the above Policy, division commanders should submit a list of names of three officers to the Criminal Investigation Division (CID) commander on a quarterly basis.
3. Selection of officers from the candidate list shall be in a fair and equitable manner and confirm their current eligibility with their element commanders.

### B. Fitness Requirements

1. All officers selected for an extradition assignment must meet the following fitness requirements:
  - a. All extradition officers must have full police powers.
    - i. No officer with limited police powers will be allowed to escort any fugitive.
    - ii. An officer who is not allowed to officially carry their police badge and police services firearm is prohibited from escorting any fugitive on extradition assignment.
  - b. Officers who are on "light duty" or limited duty status due to any physical limitation from an accident, injury or for any medical reason are prohibited from escorting any fugitive on an extradition assignment.
2. It is the responsibility of the Extradition Detail detective to ensure that the

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fitness requirements have been met before seeking CID supervisory approval for the extradition assignment for the selected personnel.

IV. **PROCEDURE FOR FUGITIVES WANTED BY THE CITY AND COUNTY OF HONOLULU**

When information is received via telephone or Communications Division NLETS terminal that a Honolulu fugitive is in custody in another jurisdiction, the investigator shall:

A. Preliminary Tasks

1. Confirm the warrant's active status with the Records and Identification Division, Warrants Section.
2. Contact the City and County of Honolulu, Department of the Prosecuting Attorney, and confirm with the First Deputy their desire to extradite the fugitive.
3. Contact the detaining agency by telephone or teletype to confirm the warrant and to inform them of our desire to extradite the fugitive. The detaining agency will request a "hard copy" and or "hit confirmation" response that can be made via teletype or email from the Honolulu Police Department.
4. If the prosecuting attorney declines extradition, the detaining agency shall be notified immediately via telephone and confirmed in writing via teletype or email.
5. A copy of the warrant and/or indictment/complaint will be sent to the detaining agency.
  - a. The certified copies of the warrant and indictment/complaint can be obtained from the Prosecutor's Office or the Circuit Court Clerk's Office. The Prosecutor's Office will assist in obtaining the documents from the Circuit Court and will send the copies via interdepartmental mail or email after a request has been made via telephone or email.

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**B. Waiver of Extradition**

The fugitive will be taken to the detaining agency's court of jurisdiction for a hearing on the extradition charges. If the fugitive signs a waiver of extradition, the detaining agency will notify the Honolulu Police Department immediately thereafter. Subsequently, the Honolulu Police Department has approximately two (2) weeks to thirty (30) days to complete the extradition process by picking up the fugitive.

1. The Extradition Detail detective shall initiate an Extradition case and obtain an HPD report number for the fugitive.
  - a. Distribution of the report is as follows:
    - i. The case will remain open and under investigation until the Extradition Detail detective completes a CID Closing Report and forwards the report to the lieutenant of the detail for closing.
    - ii. Prior to their departure, give one (1) copy of the police report to the officers being assigned the extradition.
    - iii. Keep one (1) copy of the report for the detective's own records.
2. Select two (2) HPD officers from the Extradition Detail's Extradition List to pick up the fugitive, or select two (2) HPD officers for this assignment, and clear the names through the Extradition Detail's captain and lieutenant and the Criminal Investigation Division's major prior to giving these officers the extradition assignment.
3. Complete a CID Extradition Approval Report with the signatures of all the approving supervisors.
4. Make travel arrangements through the Department of the Prosecuting Attorney, and obtain a copy of the officers' complete itinerary prior to their departure.
  - a. All airline tickets paid for by any local, state, or federal agency for the purposes of extraditing a fugitive shall be for the exclusive use of that

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assignment.

- b. No exchanges of airline tickets will be made without the written consent of the paying agency.
  - c. In case of any emergency, (e.g., death in the family, illness, activation of military duty, etc.) the notification of any officer's cancellation of extradition assignment shall be made immediately, via telephone, to the agency that is paying for the airline tickets and followed by a written confirmation by the Extradition Detail detective.
  - d. The written confirmation of cancellation to the paying agency shall include the destination, dates of the extradition, the officer's name, the officer's reason for cancellation, and the name of the substituting officer for that assignment.
    - i. The detective assigned to the Extradition Detail must include a copy of any written confirmation of cancellation in the CID Closing Report.
    - ii. Any written confirmation of cancellation shall become a matter of official police records.
  - e. An airline ticket at a higher cost rate for the personal convenience of the officer assigned to the extradition shall be paid for and is the sole responsibility of that officer (e.g., higher weekend rate because the officer wants to travel earlier).
  - f. Notification of the added cost will be made to the officer by the Prosecutor's Office, via the Extradition Detail detective, after receipt of the bill from the airline.
  - g. After notification of required payment, the responsible officer has thirty (30) calendar days to pay the bill. Failure to pay the outstanding charges may result in disciplinary action and/or criminal charges.
5. Inform the detaining agency of the officer's names, then provide the agency with the date and time that the Honolulu officers will take custody of the prisoner.

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6. The Prosecutor's Office will provide the officer's per diem checks and car rental reservation number.

C. Governor's Warrant

If the fugitive refuses to sign the waiver of extradition, a GOVERNOR'S WARRANT must be sent from Hawai'i to the governor of the detaining state to effect the extradition.

1. Notify the Honolulu Prosecutor's Office that the fugitive has refused to sign the waiver.
2. The GOVERNOR'S WARRANT will be prepared by the Department of the Prosecuting Attorney and then sent to the First Circuit Court clerk, who will sign the warrant.
  - a. The detective assigned to the Extradition Detail is then responsible for obtaining the signatures of the Administrative Judge of the First Circuit Court and the Chief Justice of the Hawai'i Supreme Court.
  - b. The warrant shall then be sent to and signed by the attorney general or deputy attorney general. The Hawai'i State Department of the Attorney General is responsible for securing the governor's signature and then sending the warrant to the governor of the detaining state.
  - c. The Hawai'i State Department of the Attorney General will inform HPD of the governor's approval or disapproval of the warrant, and if approved, should be sent to the detaining state.
3. When notified by the detaining agency that the fugitive has been served with the Governor's Warrant and ordered extradited by a judge of the detaining state, HPD has approximately two (2) weeks to one (1) month depending on the demanding state request, to pick up the prisoner.

D. Interstate Agreement on Detainees

If the Honolulu fugitive also has charges pending in the detaining agency's jurisdiction and adjudication is:

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1. Pending – Send the fugitive's photographs, fingerprints, and certified court documents as a detainer/hold for our state pending the disposition of their charges.
2. Completed (convicted & sentenced) – Notify the Prosecutor's Officer, Circuit Court Division, so he/she can initiate the Interstate Agreement of Detainees process. The Prosecutor's Office will notify HPD when the fugitive can be extradited to Hawai'i.

**E. Extradition from Foreign Countries**

Extradition from a foreign country, of a fugitive from Honolulu, will be processed through the Office of the U.S. Attorney, via agreements between that office and the Prosecutor's Office.

1. Any inquiry regarding foreign extradition procedures should be referred to the Office of the U.S. Attorney.
2. Escort of prisoners extradited from foreign countries will be the responsibility of the U.S. Marshal. Under special circumstances, HPD may be asked to assist in the escort of fugitives from foreign countries. If HPD is asked to assist in the escort of a fugitive from a foreign country back to Hawai'i, attempts should be made to select an officer who has some working knowledge of the language of the foreign country that is detaining the fugitive.

**V. REQUIRED DOCUMENTS AND ORIENTATIVE PROCEDURE GIVEN BY EXTRADITION DETAIL DETECTIVE**

Part of the responsibilities of the Extradition Detail detective are to provide required documents and orientation to the officers who are assigned to complete the extradition.

**A. The Extradition Detail Detective is Responsible for Ensuring the Following:**

1. That authorization for travel was obtained and that each officer has completed the Honolulu Police Department's TSA's flying armed class.

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2. Ensure that each officer understand the laws governing the carrying of weapons on aircraft carriers.
3. Ensure that every officer understand that once they take control of the fugitive, they are to bring the prisoner directly back to Hawai'i. Absolutely no detours will be made for any personal reasons.
  - a. If for any reason the extraditing officers have missed flights, cancellations, delays, layovers, medical problems, etc., the officers are responsible for immediately notifying the Extradition Detail detective of this fact.
  - b. Should immediate notification be made after normal business hours, then notification must be made to the on-duty lieutenant of the Criminal Investigation Division in Honolulu, Hawai'i.
  - c. The after-hours lieutenant of the Criminal Investigation Division will immediately notify the Extradition Detail detective regarding the status of the extraditing officers and the fugitive.
  - d. Upon their return to Hawai'i, both officers assigned to extradite the fugitive must type a To/From Report to the commander of the Criminal Investigation Division regarding the facts, circumstances, and reasons for the missed flights, cancellations, delays, layovers, medical problems, etc.
  - e. Included in the To/From Report must be an itemization of added costs, the reason for the expense, and the receipts for the expense.
    - i. Any added costs without receipts will be the sole responsibility of the officer who incurred the expense.
    - ii. All receipts must have the company name, the name of a representative of the company, and the telephone number of the establishment where the expense was incurred for the purposes of verification and audit.
    - iii. Any receipts without information for verification and audit by the Criminal Investigation Division will not be accepted for

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reimbursement from the extraditing officers. Expenses incurred by the extraditing officers in this manner will be their sole responsibility.

4. All airline tickets paid for by any local, state, or federal agency for the purposes of extraditing a fugitive shall be for the exclusive use of that assignment.
  - a. No exchanges of airline tickets will be made without the written consent of the paying agency.
  - b. In case of any emergency, (e.g., death in the family, illness, activation of military duty, etc.) the notification of any officer's cancellation of extradition assignment shall be made immediately, via telephone, to the agency that is paying for the airline tickets and followed by a written confirmation by the detective of the Extradition Detail.
  - c. The written confirmation of cancellation to the paying agency shall include the destination, dates of the extradition, officer's name, the officer's reason for cancellation, and the name of the substituting officer for that assignment.
    - i. The detective assigned to the Extradition Detail must include a copy of any written confirmation of cancellation in the CID Closing Report.
    - ii. Any written confirmation of cancellation shall become a matter of official police records.
  - d. An airline ticket at a higher cost rate for the personal convenience of the officer assigned to the extradition shall be paid for and is the sole responsibility of that officer (e.g., higher weekend rate because the officer wants to travel earlier).
  - e. Notification of the added cost will be made to the officer by the Prosecutor's Officer, via the Extradition Detail detective, after receipt of the bill from the airline.
  - f. After notification of required payment, the responsible officer has

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thirty (30) calendar days to pay the bill. Failure to pay the outstanding charges may result in disciplinary action and/or possible criminal charges.

5. Provide the officers with the HPD report number that has been assigned to the fugitive.
6. Inform the officers that immediately upon their return to Hawai'i, the prisoner needs to be taken to the Central Receiving Division for the booking processes.
7. Ensure that the officers know that a follow-up report must be completed with the corresponding HPD report number that is assigned to the fugitive.

**VI. PROCEDURE FOR THE OFFICERS EXTRADITING OR ESCORTING A PRISONER BACK TO HAWAI'I**

Prior to any officer leaving Hawai'i on an extradition, a detective from the Extradition Detail will provide him/her with an orientation. The orientation shall include instructions that may be specific to the particular extradition and the basic guidelines for all extraditions.

**A. Preliminary Task and Responsibilities**

1. The officer selected for the extradition must seek approval for the assignment from their command and be cleared of any court appearances for the period of the extradition by the Department of the Prosecuting Attorney's office.
2. Absolutely no extraditions will be made by any employee of the Honolulu Police Department without first obtaining authorization by utilizing the Honolulu Police Department's Request for Travel Authorization e-form.
3. After obtaining approval for the extradition assignment, immediately notify the Extradition Detail detective so that travel arrangements can be made.
4. At least two (2) days prior to departure, meet with a detective from the Extradition Detail for orientation and, if applicable, any special instructions.

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5. The Extradition Detail detective will also give each officer a packet that contains the following documents:
  - a. A copy of the itinerary, warrant, NCIC, CJIS, pick up/contact information from the detaining agency, Flying armed certificate and/or training records, Medical clearance of fugitive, and signed disclaimer from officers.
  - b. An example of a follow-up report to be completed by the officer upon return to Hawai'i.
  - c. It is each officer's responsibility of familiarize himself/herself with the contents of the packet and to complete all required reports.
6. It is the responsibility of the officers extraditing a fugitive back to Hawai'i to adhere to the following:
  - a. Once they take control of the fugitive, they are to bring the prisoner directly back to Hawai'i. Absolutely no detours will be made for any personal reasons.
  - b. If for any reason the extraditing officers have missed flights, cancellations, delays, layovers, medical problem, etc., the officers are responsible for immediately notifying the Extradition Detail detective of this fact.
  - c. Should immediate notification need to be made after normal business hours, and then notification must be made to the on-duty lieutenant of the Criminal Investigation Division in Honolulu, Hawai'i.
  - d. The after-hours lieutenant of the Criminal Investigation Division will immediately notify the Extradition Detail detective regarding the status of the extraditing officers and the fugitive.
  - e. Upon return to Hawai'i, both officers assigned to extradite the fugitive must type a To/From Report to the commander of the Criminal Investigation Division regarding the facts, circumstances, and reasons for the missed flights, cancellations, delays, layovers, medical problems, etc.

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- f. Included in the To/From Report must be an itemization of added costs, the reason for the expenses, and the receipts for the expenses.
  - i. Any added costs without receipts will be the sole responsibility of the officer who incurred the expense.
  - ii. All receipts must have the company name, the name of a representative of the company, and the telephone number of the establishment where the expense was incurred for the purposes of verification and audit.
  - iii. Any receipts without information for verification and audit by the Criminal Investigation Division will not be accepted for reimbursement from the extraditing officers. Expenses incurred by the extraditing officers in this manner will be their sole responsibility.
- 7. All airline tickets paid for by any local, state, or federal agency for the purposes of extraditing a fugitive shall be for the exclusive use of that assignment.
  - a. No exchanges of airline tickets will be made without the written consent of the paying agency.
  - b. In case of any emergency, (e.g., death in the family, illness, activation of military duty, etc.) the notification of any officer's cancellation of extradition assignment shall be made immediately, via telephone, to the agency that is paying for the airline tickets and followed by a written confirmation by the detective of the Extradition Detail.
  - c. The written confirmation of cancellation to the paying agency shall include the destination, dates of the extradition, the officer's name, the officer's reason for cancellation, and the name of the substituting officer for that assignment.
    - i. The detective assigned to the Extradition Detail must include a copy of any written confirmation of cancellation in the CID

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## Closing Report.

- ii. Any written confirmation of cancellation shall become a matter of official police records.
- d. An airline ticket at a higher cost rate for the personal convenience of the officer assigned to the extradition shall be paid for and is the officer's sole responsibility (e.g., higher weekend rate because the officer wants to travel earlier).
- e. Notification of the added cost will be made to the officer by the Prosecutor's Office, via the Extradition Detail detective, after receipt of the bill from the airline.
- f. After being notified of the required payment, the responsible officer has thirty (30) calendar days to pay the bill. Failure to pay the outstanding charges may result in disciplinary action and/or possible criminal charges.

## B. Assignment Tasks and Completed Documents

- 1. It is the responsibility of all officers entrusted with the task of returning a fugitive to Hawai'i to ensure the fugitive's safe return.
- 2. Upon return to Hawai'i, immediately take the fugitive to the Central Receiving Division and complete the booking process.
- 3. Submit a follow-up report into CRS
- 4. Upon returning to Hawai'i, make arrangements to meet with the Extradition Detail detective. Turn in all required equipment and documents to complete the extradition assignment.

## VII. PROCEDURE FOR FUGITIVES DETAINED IN HONOLULU AND WANTED BY ANOTHER COUNTY, STATE, U.S. TERRITORY, OR FOREIGN COUNTRY

With the exception of those fugitives affected by an ORDER OF COMMITMENT PURSUANT TO ACT 44 found in this directive, all fugitives arrested within the City and County of Honolulu, State of Hawai'i, shall attend an Extradition Hearing.

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A. Preliminary Task When Not Fighting Extradition

1. Check with the Central Receiving Division at the beginning and the end of the detective's tour of duty for any fugitives in custody.
2. Should there be any fugitives being detained by the Honolulu Police Department, ensure that the arresting officer's report is complete and that the report reflects how identification of the fugitive was established.
3. Ensure that an OBTS has been completed on the fugitive and that the arrest was for "EXTRADITION" and not for any other criminal offense that is not within the venue of the City and County of Honolulu, State of Hawai'i.
  - a. If the fugitive in our custody has committed a criminal offense within any county, state, or federal jurisdiction in the State of Hawai'i, the fugitive will answer to the charges in the State of Hawai'i before being extradited to any other state or foreign country.
  - b. If the fugitive in our custody has committed a criminal offense within the jurisdiction of the City and County of Honolulu, State of Hawai'i, the fugitive will answer to the charges within our jurisdiction prior to being extradited to another county or released to any federal agency.
    - i. In order for the fugitive to be held over for extradition, pending the outcome of the offenses that the fugitive has committed within our jurisdiction, a notice or "Detainer" must be faxed or emailed over to the Oahu Community Correctional Center (OCCC).
    - ii. The failure of placing a Detainer on the fugitive while at OCCC will result in the release of the fugitive by OCCC once the fugitive has answered to the local charges within our jurisdiction.
    - iii. OCCC and/or the Department of Corrections and Rehabilitation will contact the HPD when the fugitive's

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local charges are completed.

4. Dispatch will verify the NCIC warrant and confirm with the originating agency their desire to extradite the fugitive. Once it is confirmed that the NCIC warrant is valid and the originating agency will extradite. The fugitive will be placed under arrest for "EXTRADITION" and be transported to the HPD Central Receiving Division for booking.
5. Obtain a copy of the OBTS and a complete copy of the arresting officer's report.
6. Verify the request for extradition with the state originating the warrant. This is done by making a long-distance telephone call to the agency that is requesting extradition.
  - a. Extradition can only be effected if the criminal violation is a felony in the state that is seeking extradition.
  - b. Request the following information from the state that is requesting extradition:
    - i. Charging document of sentencing document.
    - ii. Bench Warrant.
    - iii. Police report(s) or document(s) that provide probable cause of facts for the offense(s).
    - iv. Docket sheet for case.
  - c. Verify that the offense committed by the fugitive is a felony.
  - d. The applicable punishments to each charge that a fugitive is alleged to have committed in the charging document and the warrant of arrest.
7. Interview the fugitive to confirm identification and to inform the fugitive verbally that he/she has the right to challenge extradition or the right to waive extradition. In either case, the fugitive will have to attend an

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Extradition Waiver Hearing.

8. Prepare the following court documents for the Extradition Hearing:
  - a. COMPLAINT.
  - b. AFFIDAVIT.
  - c. WAIVER OF EXTRADITION.
  - d. CERTIFICATE OF COURT.
  - e. ORDER OF COMMITMENT (WAIVED).
  - f. ORDER OF COMMITMENT.
  - g. Call the extradition judge's chambers to reserve the first available court date for an extradition hearing.
  - h. Email the Department of the Prosecuting Attorney's Office forms A through F above.
  - i. Email the Public Defender's office for the fugitive's legal representation.
  - j. The assigned deputy prosecuting attorney will revise and prepare the complaint and affidavit.
  - k. Once completed, the deputy prosecuting attorney will email the final version of the affidavit for the detective to peruse.
  - l. The detective will review the affidavit, notarize it, and then email it back to the Department of the Prosecuting Attorney's Office.
  - m. The Department of the Prosecuting Attorney's Office will electronically file the complaint and affidavit in the Circuit Court. The Circuit Court will then assign an SP# to all of the filed documents. The SP# represents the court's tracking number for these documents.

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- n. The Department of the Prosecuting Attorney's Office will then email the detective the filed complaint and affidavit.
- o. The detective will email the filed complaint affidavit to the extradition judge's chambers and the Public Defender's office.
9. Call the Department of the Prosecuting Attorney and make arrangements to have a prosecutor in court for the extradition hearing.
10. Call the Office of the Public Defender and again make arrangements to have a public defender in court for the extradition hearing.
11. Call the Central Receiving Division and have the fugitive and all of his/her property transported to Circuit Court for the extradition hearing.
12. The Fugitive will remain in the custody of the Honolulu Police Department until the Extradition hearing can be held.
13. After the Extradition hearing is held. The court clerk will electronically file the following documents.
  - a. CERTIFICATE OF COURT
  - b. ORDER OF COMMITMENT (WITHOUT WARRANT) OR ORDER OF COMMITMENT (WITHOUT WARRANT)(WAIVED).
  - c. WAIVER OF EXTRADITION
14. At the courtroom, give the prosecutor a copy of the COMPLAINT and AFFIDAVIT.
15. Give the public defender a non-certified copy of the COMPLAINT and AFFIDAVIT for his/her files.
16. Give the public defender a copy of the COMPLAINT to be given to the fugitive.
17. Give the public defender the original WAIVER OF EXTRADITION for the fugitive to sign.

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18. Go to the judge's chambers and apprise the judge of the case for extradition. Give the judge a non-certified copy of the COMPLAINT and AFFIDAVIT.
19. While in court, and just prior to the hearing, give the judge the original ORDER OF COMMITMENT (WAIVED), ORDER OF COMMITMENT and CERTIFICATE OF COURT papers.
20. Attend the Extradition Hearing in court with the prosecutor and public defender in attendance.
21. If the fugitive waives extradition, the public defender will obtain the fugitive's signature on the WAIVER OF EXTRADITION form. After the hearing, if the fugitive waives his/her right to fight extradition, the public defender will then give the court the original WAIVER OF EXTRADITION, which was declared and signed by the fugitive in court. The court will electronically file the signed document.
22. The judge will sign the original ORDER OF COMMITMENT (WAIVED) and CERTIFICATE OF COURT papers. At the end of the hearing, the court will electronically file the signed documents.
23. If the fugitive refuses to waive extradition, the judge will sign the original ORDER OF COMMITMENT and CERTIFICATE OF COURT papers. At the end of the hearing, the court will electronically file these signed documents.
24. For further facts regarding procedures when a fugitive refuses extradition, refer to Section VII, Section A, Preliminary Task When Fighting Extradition, found in this directive.
25. All court documents will be electronically filed by the court.
26. Keep one (1) electronically filed copy of the following to be submitted with your CID Closing Report:
  - a. COMPLAINT.
  - b. AFFIDAVIT.

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c. ORDER OF COMMITMENT (WAIVED).

d. WAIVER OF EXTRADITION.

e. CERTIFICATE OF COURT.

27. Return to the office and call the inquiring institution and inform that person that the waiver hearing was completed. Further, inform them that they have approximately thirty (30) days to pick up the fugitive, then teletype or email this information to them.
28. At no time should the pickup of the fugitive extend beyond thirty (30) days or after the proof of compliance date whichever comes first without a written request for an extension by the requesting agency. It will be the responsibility of the Extradition Detail detective to make notification of the extension to the Hawai'i State Department of the Prosecuting Attorney, whichever applies, the Oahu Community Correctional Center and the presiding Judges chambers.
29. Have the inquiring agency teletype or email you with the names of the agents who will be picking up the fugitive and the dates and times of arrival and departure.
30. Coordinate with the Oahu Community Correctional Center by letting them know to have the fugitive ready for pickup two (2) days prior to the flight's departure.
31. Later, call the Oahu Community Correctional Center to confirm that the fugitive left.

**B. Preliminary Task When Fighting Extradition**

1. Check with the Central Receiving Division at the beginning and the end of the detective's tour of duty for any fugitives in custody.
2. The Central Receiving Division, Communications Division or the Arresting Officer will contact the Extradition Detective.
3. Should there be any fugitives being detained by the Honolulu Police

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Department; ensure that the arresting officer's report is complete and that the report reflects how identification of the fugitive was established.

4. Ensure that an OBTS has been completed on the fugitive and that the arrest was for "EXTRADITION" and not for any other criminal offense that is not within the venue of the City and County of Honolulu, State of Hawai'i.
  - a. If the fugitive in our custody has committed a criminal offense within any county, state, or federal jurisdiction in the State of Hawai'i, the fugitive will answer to the charges in the State of Hawai'i before being extradited to any other state or foreign country.
  - b. If the fugitive in our custody has committed a criminal offense within the jurisdiction of the City and County of Honolulu, State of Hawai'i, the fugitive will answer to the charges within our jurisdiction prior to being extradited to another county or released to any federal agency.
    - i. In order for the fugitive to be held over for extradition, pending the outcome of those offenses that the fugitive has committed within our jurisdiction, a notice or "Detainer" must be faxed or emailed over to the Oahu Community Correctional Center.
    - ii. The failure of placing a detainer on the fugitive while at OCCC will result in the release of the fugitive by OCCC once the fugitive has answered to the local charges within our jurisdiction.
    - iii. OCCC and/or the Department of Corrections and Rehabilitation will contact the HPD when the fugitive's local charges are completed.
5. Dispatch will verify the NCIC warrant and confirm with the originating agency their desire to extradite the fugitive. Once confirmed that the NCIC warrant is valid and the originating agency will extradite. The fugitive will be placed under arrest for "EXTRADITION" and transported to the Central Receiving Division for booking.

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6. Obtain a copy of the OBTS and a complete copy of the arresting officer's report.
7. Verify the NCIC warrant in the computer again and obtain a printout.
8. Verify the request for extradition with the state originating the warrant. This is done by making a long distance telephone call to the agency that is requesting extradition.
  - a. Extradition can only be effected if the criminal violation is a felony in the state that is seeking extradition.
  - b. Request the following information:
    - c. Charging document or Sentencing document.
    - d. Bench Warrant.
    - e. Police report or document that provides probable cause facts for the offense(s).
    - f. Docket sheet for case.
    - g. Verify that the offense committed by the fugitive is a felony.
    - h. The applicable punishments to each charge the fugitive is alleged to have committed in the charging document and the Warrant of Arrest.
9. Interview the fugitive to confirm identification and to inform the fugitive verbally that he/she has the right to challenge extradition or the right to waive extradition. In either case, the fugitive will have to attend an Extradition Waiver Hearing.
10. If the fugitive requests to fight extradition, the fugitive should be informed that he/she will not get credit for any time served while incarcerated within any facility in the jurisdiction of the City and County of Honolulu, State of Hawai'i, and while awaiting a GOVERNOR'S WARRANT for extradition.

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11. The determination to fight extradition by the fugitive is officially made at the time of the Extradition Hearing.
12. Prepare the following court documents and follow the procedure for the Extradition Hearing:
  - a. COMPLAINT.
  - b. AFFIDAVIT.
  - c. WAIVER OF EXTRADITION.
  - d. CERTIFICATE OF COURT.
  - e. ORDER OF COMMITMENT (WAIVED).
  - f. ORDER OF COMMITMENT.
  - g. Call the extradition Judges chambers to reserve the first available court date for an extradition hearing.
  - h. Email the Department of the Prosecuting Attorney's office forms A to F above.
  - i. Email the Public Defender's office for the fugitive's legal representation.
  - j. The assigned Deputy Prosecuting Attorney will revise and prepare the complaint and affidavit.
  - k. Once completed, the Department of the Prosecuting Attorney will email the final version of the affidavit for the Detective to peruse.
  - l. The Detective will review the affidavit, notarize it, and then email it back to the Department of the Prosecuting Attorney.
  - m. The Department of the Prosecuting Attorney will electronically file the complaint and affidavit in Circuit Court. Circuit Court will then assign an

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SP# to the complaint and affidavit. The SP# represents the court's tracking number for these documents. The Department of the Prosecuting Attorney will then email the Detective the filed complaint and affidavit.

- n. The Detective will email the filed complaint and affidavit to the extradition judge's chambers and the Public Defender's office.
  - i. It should be noted that the WAIVER OF EXTRADITION and the CERTIFICATE OF COURT must always be submitted together.
  - ii. Both the ORDER OF COMMITMENT (WAIVED) and the ORDER OF COMMITMENT must be completed prior to the Extradition Hearing. Based on the results of this hearing, the proper document pertaining to the commitment of the fugitive will be filed.
13. Call the Department of the Prosecuting Attorney and make arrangements to have a prosecutor in court for the extradition hearing.
14. Call the Office of the Public Defender and again make arrangements to have a public defender in court for the extradition hearing.
15. Call the Central Receiving Division and have the fugitive and all of his/her property transported to Circuit Court for the extradition hearing.
16. The fugitive will remain in the custody of The Honolulu Police Department until the extradition hearing can be held.
17. The detective will then add the SP# to the CERTIFICATE OF COURT, ORDER OF COMMITMENT, ORDER OF COMMITMENT (WAIVED) and the WAIVER OF EXTRADITION.
18. At the courtroom, give the prosecutor a copy of the COMPLAINT and AFFIDAVIT.
19. Give the public defender a non- certified copy of the COMPLAINT and AFFIDAVIT for his/her files.

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20. Give the public defender a copy of the COMPLAINT to be given to the fugitive.
21. Give the public defender the original WAIVER OF EXTRADITION for the fugitive to sign.
22. Go to the judge's chambers and apprise the judge of the case for extradition. Give the judge a copy of the COMPLAINT and AFFIDAVIT.
23. While in court, and just prior to the hearing, give the judge the original CERTIFICATE OF COURT, the ORDER OF COMMITMENT (WAIVED), and the ORDER OF COMMITMENT with the assigned SP#.
24. Attend the extradition hearing in court with the prosecutor and public defender in attendance.
25. If the fugitive refuses extradition, the public defender will return to the detective the WAIVER OF EXTRADITION form unsigned by the fugitive.
26. The judge will sign the original ORDER OF COMMITMENT and CERTIFICATE OF COURT papers. At the end of the hearing, the judge will have these documents electronically filed and emailed to the detective.
27. Keep one (1) electronically filed copy of the following to be submitted with your CID Closing Report:
  - a. COMPLAINT.
  - b. AFFIDAVIT.
  - c. ORDER OF COMMITMENT.
  - d. CERTIFICATE OF COURT.
28. Return to the office and call the inquiring institution and inform that person that the waiver hearing was completed.

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29. After the Extradition Hearing, that is held in the Circuit Court of the City and County of Honolulu, where the fugitive has declared his/her desire to fight extradition, the detective shall immediately call the agency that is requesting extradition and inform them that the GOVERNOR'S WARRANT is required.
30. After the Extradition Hearing, where the fugitive refuses to be extradited from Hawai'i, the fugitive is then taken and housed at the Oahu Community Correctional Center pending the issuance of a GOVERNOR'S WARRANT.
31. Contact the Hawai'i State Department of the Attorney General and inform them that the fugitive is fighting extradition.
32. The detective must make frequent contact with the inquiring agency regarding the progress of the GOVERNOR'S WARRANT and the removal of the fugitive from Hawai'i. This requires that the detective coordinate between the Hawai'i State Department of the Attorney General and the attorney general's office of the state requesting extradition.
33. Usually, it takes about ninety (90) days to secure a GOVERNOR'S WARRANT. Extensions have been granted, and the Hawai'i State Department of the Attorney General will notify the Extradition Detail detective of this fact. It is then the detective's responsibility to notify the Oahu Community Correctional Center of any extensions.
34. The GOVERNOR'S WARRANT will be routed via the Hawai'i State Department of the Attorney General.
35. Once the GOVERNOR'S WARRANT has been obtained, the inquiring agency will have approximately two (2) weeks to thirty (30) days to pick up the prisoner from the Oahu Community Correctional Center.
36. At no time should the pickup of the fugitive extend beyond thirty (30) days without a written request for an extension. Notification of the extension must also be made to the Hawai'i State Department of the Attorney General, or to the City and County of Honolulu, Department of the Prosecuting Attorney, whichever applies, and to the Oahu

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Community Correctional Center.

37. Obtain a confirmation teletype or email from the inquiring agency regarding the name of the agent who will be picking up the prisoner and the dates and times of arrival and departure.
38. Coordinate with Oahu Community Correctional Center by letting them know to have the fugitive ready for pickup two (2) days prior to the flights departure.
39. Later, call the Oahu Community Correctional Center to confirm that the fugitive left.

VIII. **FAILURE TO OBTAIN A GOVERNOR'S WARRANT**

If the state that is requesting to have the fugitive extradited fails to obtain a GOVERNOR'S WARRANT or no longer wishes to extradite the fugitive, the detective must call the Hawai'i State Department of the Attorney General and request for an EX PARTE ORDER for the prisoner's release from custody.

IX. **ORDER OF COMMITMENT PURSUANT TO ACT 44**

This form is issued by the Hawai'i State Department of the Attorney General and used for parolees and probationers who are wanted in other states.

A. Regarding parolees or probationers

1. Each state has parolees or probationers sign a WAIVER OF EXTRADITION prior to being paroled or placed on probation.
2. Confirm with the requesting state if the parolee or probationer has pre-signed a WAIVER OF EXTRADITION.
3. If the parolee or probationer has pre-signed a WAIVER OF EXTRADITION, then an Extradition Hearing is not required.
4. Get a fax or email of the warrant and the pre-signed WAIVER OF EXTRADITION from the requesting state agency.
5. Complete an ORDER OF COMMITMENT PURSUANT TO ACT 44 form and make three (3) copies.

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6. Take these documents to the Hawai'i State Department of the Attorney General and have all the documents signed by the attorney general or deputy attorney general.
7. Distribute the copies of the ORDER OF COMMITMENT PURSUANT TO ACT 44 as follows:
  - a. The original document is given to the Central Receiving Division where it will accompany the fugitive to the Oahu Community Correctional Center.
  - b. One (1) copy is kept by the Extradition Detail detective to be submitted with the CID Closing Report.
8. Call the inquiring agency and inform that person that the ORDER OF COMMITMENT PURSUANT TO ACT 44 was completed. Further, inform them that they have approximately two (2) weeks to thirty (30) days to pick up the fugitive and teletype or email them with this confirmation.
9. At no time should the pickup of the fugitive extend beyond thirty (30) days without a written request for an extension by the requesting agency. It will be the responsibility of the Extradition Detail detective to make notification of the extension to the Hawai'i State Department of the Attorney General or to the City and County of Honolulu, Department of the Prosecuting Attorney, whichever applies, and to the Oahu Community Correctional Center.
10. Have the inquiring agency teletype or email you with the names of the agents who will be picking up the fugitive, and the dates and times of arrival and departure.
11. Coordinate with the Oahu Community Correctional Center by letting them know to have the fugitive ready for pickup two (2) days prior to the flight's departure.
12. Later, call the Oahu Community Correctional Center to confirm that the fugitive left.

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## X. REPORTS AND SUPERVISION

### A. Entitled Trips for Detectives of the Extradition Detail

1. Detectives assigned to the Extradition Detail are entitled, for themselves, to no more than two (2) extradition assignments per year.
2. A year consists of time from January 1, to December 31 of the current year.
3. No accumulation of trips from year to year will be allowed, with the exception of special approval from the Criminal Investigation Division commander.

### B. Duties of the Extradition Detail Detective Who Coordinates the Return of Fugitives to the City and County of Honolulu and/or State of Hawai'i

1. If for any reason the extraditing officers should incur additional expenses as a result of the assignment, the following requirements must be fulfilled.
  - a. Upon return to Hawai'i, both officers assigned to extradite the fugitive must type a To/From Report to the commander of the Criminal Investigation Division regarding the facts, circumstances, and reasons for the missed flights, cancellations, delays, layovers, and medical problems, etc.
  - b. Included in the To/From Report must be an itemization of added costs, the reason for the expense, and the receipts for the expenses.
    - i. Any added costs without receipts will be the sole responsibility of the officers who incurred the expenses.
    - ii. All receipts must have the company name, the name of representative of the company, and the telephone number of the establishment where the expenses was incurred for the purposes of verification and audit.

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- iii. Any receipts without information for verification and audit by the Criminal Investigation Division will not be accepted for reimbursement from the extraditing officers. Expenses incurred by the extradition officers in this manner will be their sole responsibility.
2. All airline tickets paid for by any local, state, or federal agency for the purpose of extraditing a fugitive shall be for the exclusive use of that assignment.
  - a. No exchanges of airline tickets will be made without the written consent of the paying agency.
  - b. In case of an emergency, (e.g., death in the family, illness, activation of military duty, etc.) the notification of any officer's cancellation of extradition assignment shall be made immediately, via telephone, to the agency that is paying for the airline tickets and followed by a written confirmation by the Extradition Detail detective.
  - c. The written confirmation of cancellation to the paying agency shall include the destination, dates of the extradition, officer's name, the officer's reason for cancellation, and the name of the substituting officer for the assignment.
    - i. The detective assigned to the Extradition Detail must include a copy of any written confirmation of cancellation in the CID Closing Report.
    - ii. Any written confirmation of cancellation shall become a matter of official police records.
  - d. An airline ticket at a higher cost rate for the personal convenience of the officer assigned to the extradition shall be paid for and is the sole responsibility of that officer (e.g., higher weekend rate because the officer wants to travel earlier).
  - e. Notification of the added cost will be made to the officer by the Prosecutor's Office, via the Extradition Detail detective, after receipt of the bill from the airline.

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- f. After notification of required payment, the responsible officer has thirty (30) calendar days to pay the bill. Failure to pay the outstanding charges may result in disciplinary action and/or possible criminal charges.
3. The guideline for the selection process is found in Section III, Procedure on Selecting Police Personnel for Out-of-State Extraditions of this directive.
4. No selection of assignment of extradition duties will be made without written approval from the Extradition Detail lieutenant, the captain of the Extradition Detail, and the major of the Criminal Investigation Division.
  - a. The original written approval shall be attached to the original CID Extradition Closing Report and submitted to CRS via the Extradition Detail lieutenant within thirty (30) days of completion of the extradition.
5. With the exception of the normal extradition procedures as spelled out in this directive, no other agreement will be made by any HPD officer of any rank with any outside agency to escort any fugitive to or from any county, state, U.S. territory, or foreign country without the prior approval of the Criminal Investigation Division commander or the Chief of Police.
6. Within thirty (30) days of completing an extradition assignment, the Extradition Detail detective will submit a CID Closing Report regarding that extradition via the Extradition Detail lieutenant. The CID Extradition Closing Report shall contain the following information:
  - a. The original CID Extradition Approval Report signed by the Extradition Detail lieutenant.
  - b. Names of the two (2) HPD officers who completed the Extradition.
  - c. Flight itinerary for the officers and fugitive.
  - d. TSA flying armed certificate and/or flying armed training records.
  - e. Copy of the warrant/NCIC hit.

HONOLULU POLICE DEPARTMENT  
INVESTIGATIVE BUREAU  
CRIMINAL INVESTIGATION DIVISION

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# CRIMINAL INVESTIGATION DIVISION MOP NO. 200.12



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|---|----------------------------------|
| <b>SUBJECT</b><br><br><b>EXTRADITION, FUGITIVES</b> | <b>DATE</b><br><b>10-09-2024</b> |
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- f. Department of the Prosecuting Attorney immediate response (signed).
- g. Copy of extradition waiver.
- h. Fugitive medical clearance.
- i. To/From (signed by the Chief of Police).
- j. Overtime projection/Calendars.
- k. Officer disclaimers.

HONOLULU POLICE DEPARTMENT  
INVESTIGATIVE BUREAU  
CRIMINAL INVESTIGATION DIVISION

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