



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

March 18, 2025

TO: Complex Area Superintendents
Principals
Vice Principals

FROM: Keith T. Hayashi
Superintendent 

SUBJECT: Law Enforcement Guidance Policy Regarding Subpoenas and Warrants (Revised)

The Hawai'i State Department of Education (Department) regularly receives judicial and administrative warrants and subpoenas. In an effort to ensure uniformity in addressing and responding to the warrants and subpoenas that the Department receives, the Department has issued the attached guidance.

Additionally, because phone numbers and addresses could change during a school year, schools should ensure that they have up-to-date contact information for their parents. Parents should also list one or two emergency contacts to whom schools may release children. Children will only be released to persons listed as an emergency contact or to a state of federal agency pursuant to lawful order. Please use your school's existing communication channels to remind families to keep emergency contact information up to date (e.g., newsletters, school websites, social media, parent meetings, etc.).

This memorandum supersedes the memorandum titled, "Law Enforcement Guidance Policy Regarding Subpoenas and Warrants," dated March 12, 2025. Should you have additional questions, please contact Robert Rawson at [REDACTED] or via e-mail at [REDACTED].

KTH:rlr

c: Deputy Superintendents
Assistant Superintendents

Attachments

Law Enforcement Reference Guide for School Officials

1. All questions and requests from law enforcement officials should be referred to the principal, vice principal, or administrator in charge. The principal, vice principal, or administrator in charge shall immediately notify his/her Complex Area Superintendent (CAS) or designee of the law enforcement officer's presence on campus.
2. Advise the law enforcement officer that, before proceeding with a request (request for information, warrant or subpoena), and absent exigent circumstances,¹ the principal, vice principal, or administrator in charge must first receive direction from his/her CAS or designee.
3. Ask to see and make a copy of, or note, the law enforcement officer's credentials (name and badge number), and the phone number of his/her supervisor.
4. Ask the law enforcement officer for his/her reason for being on school grounds and document it.
5. Ask the law enforcement officer to produce any documentation that authorizes access to non-public school areas, school records or property.
6. Make a copy of all documents provided by the law enforcement officer.
7. If the law enforcement officer declares that exigent circumstances exist and demands immediate access to the school, you should question the officer on the specifics of the exigency. In other words, you should ask open-ended questions regarding what type of emergency situation is currently occurring on your campus. Open ended questions are typically "who, what, when, where, and why" type of questions; they should not be leading questions that suggest an answer. For instance, you should not ask, "is it an emergency," because most likely the officer will say "yes" and you will not have any facts to confirm this. If the officer does not provide you with clear answers on the exigency of the situation, inform him/her that you need to consult with your CAS, if time permits. If time is not allowed for consultation with your CAS and the Officer insists on immediate access, comply with his/her orders and immediately alert the CAS, or designee, and Advisory Services in the Superintendent's office. In emergency situations and when you are not able to get in touch

¹ "Exigent circumstances" is a common law enforcement phrase to describe a situation that is so urgent that normal procedures, such as the issuance of a warrant, are unnecessary. A prime example of "exigent circumstances" is when police officers are in hot pursuit of a fleeing suspect who enters a house. Exigent circumstances allow officers to enter the house without a warrant to apprehend the suspect.

with your CAS or Advisory Services, Principal/VP may contact the Attorney General's Education Division at [REDACTED].

8. If the law enforcement officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the law enforcement officer has:
 - a. an administrative warrant or subpoena for production of documents or other evidence, inform the law enforcement officer that you cannot consent to any request without first consulting with your Complex Area Superintendent, or designee, and the Attorney General's Office. An administrative warrant or subpoena is issued by a government agency and is usually signed by an agency official and not a judge (see Exhibit A for a sample). Generally, an administrative warrant does not allow a law enforcement agency to access non-public areas. However, if the administrative warrant is accompanied by a judicial warrant or court order, the law enforcement agency should be allowed access to private areas.
 - b. a judicial warrant (search-and-seizure warrant or arrest warrant) or subpoena, compliance with judicial warrants or subpoenas is usually legally required within time frame stated in the warrant or subpoena. If feasible, consult with your Complex Area Superintendent, or designee, before providing the officer access to the person, property or materials specified in the warrant. In the event your CAS is not available and if it is an emergency situation, the principal may contact the Attorney General's Education Division at [REDACTED]. A valid judicial warrant is issued by a court (state or federal) and signed by a judge or magistrate (see Exhibit B for a sample). It should properly identify the address of the search, seizure or arrest and must be executed within the time period specified on the warrant. A valid judicial subpoena is issued by a court. It will identify the target and will include the address of the target of the subpoena.
9. While you should not consent to access by a law enforcement officer unless he/she declares exigent circumstances or has a valid judicial warrant that allows access, do not attempt to physically impede a law enforcement officer, even if he/she appears to lack authorization to enter. If law enforcement officer enters the premises without consent, document his/her actions while on campus.
10. Notify parents or legal guardians, if possible, before a law enforcement officer questions or removes a student (unless a judicial warrant or subpoena expressly prohibits parental notification).
11. After the encounter with the law enforcement officer, promptly take written notes, including the following:
 - List or copy of the law enforcement officer's credentials and contact information;
 - Identity of all school personnel who communicated with the officer;

- Details of the law enforcement officer's request;
- Whether the law enforcement officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
- Your response to the law enforcement officer's request;
- Any further action taken by the law enforcement officer; and
- Photo or copy of any documents presented by the law enforcement officer.

12. Provide a copy of those notes, and associated documents collected from the law enforcement officer, to the Complex Area Superintendent, or designee. ~~File the original notes and associated documents collected from law enforcement in the student's cumulative folder on campus.~~

13. Other considerations:

- a. Request for Student Records or Information. Generally, requests for student information require written consent, a subpoena or court order. A FERPA notice will need to be issued to parents/guardians prior to disclosure pursuant to a subpoena or court order, unless specifically prohibited to do so by a lawfully issued subpoena or court order. Exceptions may apply. Contact Advisory Services in the Superintendent's office if you have a question. (See contact information below)
- b. Chapter 19 procedures still apply for law enforcement interactions related to student disciplinary matters.

14. **This document is intended as general guidance and may not cover all situations involving law enforcement interactions at DOE schools. If you have any questions about guidance provided in this document or situations that may not be covered by this document, please contact the following:**

Risk Manager:

Robert Rawson - [REDACTED]

Advisory Services:

Albert Tiberi- [REDACTED]

Travis Fallon – [REDACTED]

Exhibit A

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Exhibit B

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

)
)
)
)
)
)

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

for _____ days *(not to exceed 30)* until, the facts justifying, the later specific date of _____

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
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Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

_____ *Executing officer's signature*

_____ *Printed name and title*

UNITED STATES DISTRICT COURT

for the

United States of America
v.

)
) Case No.
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____

Issuing officer's signature

City and state: _____

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates *(name, relation, address, phone number)*: _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer *(if applicable)*: _____

Date of last contact with pretrial services or probation officer *(if applicable)*: _____

WHAT TO DO WHEN LAW ENFORCEMENT COMES TO YOUR SCHOOL

- Ask for the law enforcement officer's identification and business card; and
- Ask the law enforcement officer what their purpose is and request supporting documents

SUBPOENA

Judicial
(Signed by Judge)

Administrative
(Signed by agency official)

COMPLIANCE NOT IMMEDIATELY REQUIRED. DOE may challenge in court.

- Notify CAS and await further instructions
- CAS notifies Advisory Services Office and provides documentation received from school

NO DOCUMENT: Compliance NOT required

- Inform law enforcement that a subpoena or warrant is required.
- Exception may apply if there are exigent circumstances

WARRANT

Judicial
(Signed by Judge)

Administrative
(Signed by agency official)

Arrest/Search Warrant identifying the school

Arrest/Search Warrant with no information identifying the school

COMPLIANCE REQUIRED

- If feasible, notify CAS prior to providing access
- Notify AG's office at [redacted] if immediate assistance is needed and CAS is unavailable
- CAS shall call DAG Siu directly

- Notify CAS and await further instructions
- CAS notifies AG's Office and provides documentation received from school
- Administrative Warrants may require timely compliance when accompanied by Judicial order.