

DATE:	MAY 23, 2022
NUMBER:	Q.31
SUBJECT:	FEDERAL WRITS OF HABEAS CORPUS AD PROSEQUENDUM
RELATED SECTIONS:	Q.39

PURPOSE

To provide guidelines for the watch commander in the event the United States Marshal Service (USMS) serves a federal writ of habeas corpus ad prosequendum.

POLICY

The facility commander shall honor all federal writs of habeas corpus ad prosequendum issued by a U.S. District Court judge.

The watch commander shall take measures to notify the USMS and/or the U.S Attorney, as well as the Superior Court, if the production of an incarcerated person pursuant to an ad prosequendum writ is likely to cause a conflict with a state court appearance.

PROCEDURE

- I. Periodically, the USMS serves federal writs of habeas corpus ad prosequendum for the purpose of producing a state incarcerated person to testify or stand trial in federal judicial proceedings.
- II. The Sheriff shall honor a federal writ of habeas corpus ad prosequendum and release a state incarcerated person to the custody of the USMS.
- III. The facility commander or watch commander shall note, all pertinent information in the “log – writ of habeas corpus – federal court.”
- IV. The watch commander shall contact the state court of jurisdiction to inform the judge of the writ and then arrange for the release of the incarcerated person. If the court indicates the release of the incarcerated person pursuant to the ad prosequendum writ will interfere with state court proceedings, the watch commander shall so notify the USMS and/or the U.S. Attorney. However, the Sheriff's Department will produce the incarcerated person pursuant to the writ unless the writ is modified or withdrawn.