

HONOLULU POLICE DEPARTMENT
POLICY
PRISONER AND COURT-RELATED ACTIVITIES

January 1, 2020

Policy Number 7.10

GUN VIOLENCE PROTECTIVE ORDERS

POLICY

- I. The safety of the public and police personnel shall be the primary consideration in serving or enforcing any court-issued gun violence protective order (GVPO).
- II. Reasonable efforts should be made to serve any type of GVPO and to recover all firearms and ammunition covered by such orders.
- III. Officers shall enforce all valid court-issued GVPOs.

PROCEDURE

I. **DEFINITIONS**

- A. **Ex parte GVPO:** An order issued by the Family Court pursuant to Act 150 and Section 134-D, Hawaii Revised Statutes (HRS), which prohibits a respondent from owning, purchasing, possessing, receiving, or having in the respondent's custody or control any firearm or ammunition until a court-scheduled hearing for a one-year GVPO.
- B. **Family or household member:** Any spouse or reciprocal beneficiary, former spouse or reciprocal beneficiary, person with whom the respondent has a child in common, parent, child, person related by consanguinity or adoption, person jointly residing or who formerly jointly resided with a respondent in the same dwelling unit, person who has or has had a dating relationship, or person who is or has acted as the respondent's legal guardian. This definition includes a person who is an adult roommate or a cohabitant of a respondent.

- C. One-year GVPO: An order issued by the Family Court pursuant to Act 150 and Section 134-E, HRS, which prohibits a respondent from owning, purchasing, possessing, receiving, or having in the respondent's custody or control any firearm or ammunition for a period of one year.
- D. Petitioner: A law enforcement officer, family or household member, medical professional, educator, or colleague of a respondent who files a petition pursuant to Sections 134-D and 134-E, HRS.
- E. Respondent: The person identified in the petition filed pursuant to Sections 134-D and 134-E, HRS.

II. GENERAL RULES GOVERNING THE SERVICE OF GVPOS

- A. A GVPO shall be served only during the hours indicated on the order. In particular, GVPOs shall not be served on premises during the restricted hours when the premises are closed to the public unless a judge has given written authorization to do so.
- B. A GVPO is considered "served" upon a respondent if all of the following conditions are satisfied:
 - 1. Identification of the respondent has been established;
 - 2. The respondent has been made aware of the existence of the order; and
 - 3. The respondent has been provided a copy of the order.

III. PROCEDURES FOR SERVING A GVPO

- A. Service of an ex parte GVPO
 - 1. Upon granting an ex parte GVPO, the Family Court will transmit the order to the Records and Identification Division electronically.

2. The Records and Identification Division's on-duty records sergeant shall check the electronic mailbox every business day at 1600 hours, forward the GVPOs to the districts in which the order is to be served, and provide a copy to the Records and Identification Division's Firearms Unit.
3. The third watch commander of each district shall ensure that the district's electronic mailbox is checked every business day by 1630 hours. The GVPOs shall be printed and, for each GVPO, the district commander shall:
 - a. Enter the GVPO into the Records Management System (RMS);
 - b. Enter the information on the GVPO into the district's court order for protection ledger, indicate the ledger number on the top right corner of the GVPO, and attach the Attempt to Serve Legal Instrument, HPD-222 form, to the GVPO;
 - c. Conduct a firearm search via the Honolulu Police Department (HPD) Firearms Database and attach a copy of the search results to the GVPO; and
 - d. Notify the Specialized Services Division (SSD) immediately. During normal working hours, the SSD shall be contacted directly. At all other times, the Communications Division shall be notified.
4. The SSD shall attempt to serve the ex parte GVPO and recover the outstanding firearms and ammunition.
5. Upon service of the ex parte GVPO, the SSD shall:
 - a. Return the original Proof of Service and original receipt for all firearms recovered to the Family Court;

- b. Submit a follow-up report in the RMS documenting the service of the GVPO. Attach a copy of the completed Proof of Service and receipt for all firearms and ammunition recovered to the follow-up report;
 - c. Initiate a Miscellaneous Public report in the RMS documenting all firearms and ammunition recovered. Attach a copy of the receipt for the firearms and ammunition recovered to the Miscellaneous Public report. Route this report through the Records and Identification Division's Firearms Unit; and
 - d. Return paper copies of the following to the Records and Identification Division:
 - (1) GVPO;
 - (2) Proof of Service;
 - (3) Receipt for firearms and ammunition recovered; and
 - (4) Attempt to Serve Legal Instrument, HPD-222 form.
6. If unable to serve the ex parte GVPO, the SSD shall:
- a. Return the unserved GVPO to the Family Court upon its expiration;
 - b. Close out the GVPO report with the disposition of "Unserved;" and
 - c. Route this report through the Records and Identification Division's Firearms Unit.

B. Service of a one-year GVPO

1. If a one-year GVPO is served in open court, the respondent shall have 48 hours from the time of service to turn in all firearms in their possession to the HPD.

Any officer taking firearms into police custody as the result of a one-year GVPO shall:

- a. Issue a receipt to the respondent for all firearms and ammunition taken into police custody;
 - b. Initiate a Miscellaneous Public report in the RMS documenting all firearms and ammunition taken into police custody. Attach a copy of the receipt for the firearms and ammunition recovered and a copy of the GVPO to the Miscellaneous Public report. Route this report through the Records and Identification's Firearms Unit; and
 - c. Return the original receipt for all firearms and ammunition taken into police custody to the Family Court.
2. If the respondent does not turn in their firearms and ammunition within 48 hours, the Records and Identification Division's Firearms Unit will initiate a Prohibited Person case and forward this case to the Criminal Investigation Division (CID) for a follow-up investigation. A copy of the GVPO and the completed Proof of Service will be included in the report.
 - a. Upon recovery of any firearms, the CID shall issue the respondent a receipt for all firearms and ammunition recovered and document the recovery of the firearms in the Prohibited Person case. The CID shall forward the original receipt for all firearms recovered to the Family Court.

- b. The CID will continue the investigation until a disposition is reached for all outstanding firearms in the possession or control of the respondent.

C. Service of a GVPO in exceptional circumstances

When a GVPO is issued, a copy of the GVPO is given to the petitioner. An officer who is dispatched to meet with a petitioner may encounter the respondent. On such an occurrence, the officer shall:

1. Confirm the identity of the petitioner and the respondent;
2. Determine if the respondent's firearms have already been recovered; and
3. If the respondent's firearms have not been recovered, the officer shall:
 - a. Serve the GVPO to the respondent;
 - b. Conduct the appropriate checks and recover all firearms and ammunition in the possession or control of the respondent;
 - c. Return the original Proof of Service and the original receipt for all firearms and ammunition recovered to the Family Court;
 - d. Initiate a report in the RMS documenting the service of the GVPO. Attach a copy of the completed Proof of Service and receipt for all firearms and ammunition recovered to the report;
 - e. Initiate a Miscellaneous Public report in the RMS documenting all firearms and ammunition recovered; and

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- f. Route the report to the Records and Identification Division's Firearms Unit.

IV. REFERENCE

Refer to Policy 7.09, COURT ORDERS FOR PROTECTION.



SUSAN BALLARD
Chief of Police

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