

HONOLULU POLICE DEPARTMENT
POLICY
AUXILIARY AND TECHNICAL SERVICES

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Policy Number 8.13

HANDLING OF EVIDENCE AND FOUND PROPERTY

POLICY

The collection, preservation, and storage of evidence and property by police officers requires strict adherence to uniform and proper procedures. The Honolulu Police Department (HPD) shall follow this policy to ensure that evidence is properly handled, documented, and preserved to prevent contamination and/or inadmissibility in court. This policy will also ensure that property is disposed of in an appropriate and timely manner once it is no longer of use to law enforcement.

PROCEDURE

I. **DEFINITIONS**

- A. **Biohazard material:** Anything that includes (but is not limited to) blood, body parts/tissues, hair samples, etc.
- B. **Computer equipment:** Any device designed to interface with a computer or input, output, or process or store electronic information. Examples include (but are not limited to) central processing units, drives (internal and external), personal data assistants, and storage media (e.g., floppy disks, compact discs, and memory sticks/cards).
- C. **Controlled substance:** Any dangerous, harmful, or detrimental drug.
- D. **Currency:** U.S. currency or any foreign currency that has value. The term does not include counterfeit money.

- E. Departmental depository: The Records and Identification Division's Evidence Room (to include its supplementary storage areas).
- F. Hazardous material: A substance that, because of its physical or chemical properties, can cause an unreasonable risk to the health and safety of individuals, property, and/or the environment. The HPD recognizes the United Nations' nine classes of hazardous materials. These include, but are not limited to, the following:
1. Explosives;
 2. Gases (compressed, liquefied, or dissolved under pressure);
 3. Flammable liquids;
 4. Flammable solids or substances;
 5. Oxidizing substances;
 6. Poisonous substances;
 7. Radioactive substances;
 8. Corrosive substances; and
 9. Miscellaneous dangerous substances.
- G. Professional Standards Office (PSO) depository: The PSO.
- H. Investigator: Any HPD police officer in charge of or assisting in an investigation.
- I. Motor vehicle: Any vehicle that is self-propelled or is propelled by electric power but not operated on rails, including mopeds. The term excludes motorized assistive devices (e.g., motorized wheelchairs) and toy devices.
- J. Narcotics/Vice Division depository: The Narcotics/Vice Division vault at the Alapai headquarters.

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K. Property:

1. Evidence: Anything retained by the department because of its relevance to an actual or potential violation of law that may tend to prove or disprove the commission of a crime or the identity of the suspect; or anything designated as evidence for the purposes of reporting and handling.
2. Found property: Anything of no evidentiary value that is found and turned in or taken into custody by the department.

L. Scientific Investigation Section (SIS) depository: SIS evidence storage areas at the Alapai headquarters.

M. Sealed Evidence: Evidence recovered by a departmental employee, which is placed in a container and sealed by departmental, tamper-indicating evidence security tape. The tape on the container shall bear the signature of the employee sealing the container and the sealed date.

N. Serious crimes:

1. Felonies such as murder, rape, robbery, and others that may arouse great public concern; and
2. All death cases except motor vehicle collision fatalities and attended deaths.

II. PREPARATION OF PROPERTY REPORT, HPD-192A FORM

A. The Property Report, HPD-192A form, shall be prepared by each employee who accepts, recovers, or seizes property; the report shall describe the factors and circumstances by which the property was obtained and itemize each piece of property.

1. Currency, jewelry, drugs, and guns require separate property reports.

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2. The Continuation Report, HPD-192B form, shall be used to record additional information.
 3. Each property report shall bear the legible names, identification numbers, and signatures of the preparer and the supervisor who is authorized to approve reports.
- B. The chain of custody section of the report shall be completed correctly to ensure preservation of the chain of custody and accountability in the transfer of property and reports.
1. The first box in the chain of custody section shall bear a legible printed name, identification number, and legal signature of the employee who accepts, recovers, or seizes the property.
 2. The original and each copy of the report shall bear the legible printed name, identification number, and legal signature of each person who releases or accepts possession of the property.
- C. The description section of the property report shall be completed correctly to avoid any confusion. The following boxes shall bear the correct information for each item accepted, recovered, or seized:
1. Item column;
 2. Status column (e.g., ST = stolen, LS = lost, or EV = evidence);
 3. Serial Number/Other Identification column;
 4. Description column. List the exact number of items in the description (e.g., ten orange-colored plastic bags). Do not use words such as "numerous," "several," or "many."

Use generic descriptors when describing items the authenticity of which is unknown, especially jewelry items (e.g., "yellow metal" instead of "gold," "green stone" instead of "emerald," or "clear stone" instead of "diamond");

5. NCIC column;
 6. Quantity column; and
 7. Value column.
- D. Property reports shall be prepared and distributed as follows:
1. The original and two copies shall accompany the property to the Evidence Room;
 2. One copy shall be sent to the Records and Identification Division; and
 3. The employee who delivers the property to the depository shall file one copy with the division responsible for investigation of the case (e.g., drug cases go to the Narcotics/Vice Division).
- E. If found property is returned to the owner, no property report is needed. However, a Property Receipt, HPD-83 form, must be completed reflecting the owner's acceptance of the property.
- F. The receiving evidence custodian shall immediately notify the delivering employee of any discrepancies on the accompanying evidence reports or sealed containers. Evidence custodians have the right to refuse the acceptance of any evidence if the property report is not completed correctly.

III. PREPARATION OF PROPERTY RECEIPT, HPD-83 FORM

- A. The Property Receipt, HPD-83 form, shall be used to record the receipt of found property turned in to the department.

1. The officer receiving the found property shall complete the receipt, to include:
 - a. Marking the proper box at the upper left to indicate the status of the person turning in the property; and
 - b. Signing the form at the bottom.
 2. The original property receipt shall be sent to the Records and Identification Division.
- B. Special notations are required on property receipts used to record the receipt of firearms that are voluntarily turned in to the department. See section XV C below.

IV. MARKING OF PROPERTY FOR IDENTIFICATION

- A. Each item of property recovered or seized shall be marked, labeled, tagged, or placed in a container with the following information:
1. Report number;
 2. Item number (on property report);
 3. Classification of case;
 4. Name or initials and identification number of employee who recovers or seizes the property; and
 5. Time and date of recovery or seizure.

Example: 01-123456
Item #1
Burglary 1st
Off. J. Doe ID# 543210
1/1/01 0700 hours

- B. Extreme care shall be exercised in placing identifying marks on property to prevent disfiguring, damaging, destroying, altering, or changing its appearance in such a way as to affect its value, structure, quality, character, or evidentiary nature.

V. RECOVERY OF EVIDENCE

- A. The officer in charge of the investigation is responsible for ensuring the recovery of evidence at or away from a crime scene.
- B. Officers should use reasonable precautions for both personal safety and evidence preservation when recovering evidence.

- 1. Use caution when recovering any item as evidence. Assess the situation and type of evidence to be recovered and handle it accordingly. For example, the officer recovering a check in a forgery case should handle the check very carefully to preserve any fingerprints.
- 2. Wear disposable gloves, particle masks, and eye protection when handling questionable materials or their containers, which may be dangerous.
- 3. When lifting or moving heavy objects, ask for assistance and use proper lifting techniques (e.g., bending the legs and not the torso).

- C. When it is determined that the Criminal Investigation Division (CID) will send a detective to a crime scene, no evidence shall be recovered prior to the detective's arrival unless absolutely necessary (e.g., to prevent harm to persons or property or the destruction of the evidence).

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- D. If the significance of the case warrants it, the assigned detective or field supervisor may request the services of the evidence specialists to recover evidence. In such cases, the officer in charge of the investigation or a designee shall stand by and protect the evidence until the specialists complete their work at the scene.
 - 1. In a serious crime, the responsibilities of the evidence specialists include searching for and recovering evidence, taking photographs, searching for and recovering latent prints, sketching, taking measurements, and other related duties as may be determined by the assigned detective or field supervisor.
 - 2. In cases that do not involve serious crimes, the responsibilities of the evidence specialists are limited to those activities that require special equipment and expertise (e.g., taking photographs, casting tire tracks and footprints, recovering blood, paraffin casting, and the like).
- E. Perishable items such as food should only be recovered as evidence when absolutely necessary.
- F. Hazardous material, biohazard material, firearms, currency, jewelry, controlled substances, alcoholic beverages, photographs, and certain types of articles require special handling. Refer to section XV for further instructions.
- G. Computer Equipment
 - 1. The recovery of computer equipment should include all related peripheral and supporting items for the unit or system, such as monitors, keyboards, printers, external drives, cables, software, and manuals.

2. The Information Technology Division (ITD) is primarily responsible for examining recovered computer equipment for the forensic search and extraction of electronic information. Therefore, the ITD shall be contacted to perform any such forensic analyses of recovered computer equipment.
3. Requests for an on-site, forensic examination of computer equipment should be made in advance to the ITD. Such on-site examinations include assessing the best course of action to shut down and disconnect computer systems to minimize the loss of information.
4. All requests for forensic examinations of computer equipment shall include the relevant facts and circumstances of the case. In addition, on-site requests shall include a copy of the search warrant.

VI. SUPPLIES

- A. Property-related HPD forms shall be located at the arsenal and/or report writing room of the Alapai headquarters. District stations and substations shall be responsible for having forms available for HPD personnel.
- B. Packaging supplies and tamper-indicating tape shall be located at the arsenal and/or Evidence Room of the Alapai headquarters. District stations and substations shall be responsible for having a supply of packaging materials and tamper-indicating tape available for HPD personnel.

VII. GENERAL PACKAGING OF EVIDENCE

- A. When considering which type of packaging to use, keep in mind all of the purposes the packages serve.
 1. Keeping the evidence as close to its original condition as possible.

2. Preventing the inadvertent loss of evidence (e.g., falling out of a package) by properly securing all containers.
 3. Preventing contamination of evidence.
 4. Preserving the individual identity of evidence for court presentation.
- B. The following packaging guidelines shall be adhered to as closely as possible. The type of packaging used should be appropriate for the type of evidence to be preserved. Items should be placed into the smallest possible containers that will accommodate the evidence. Containers shall not be left open or unsecured but shall be sealed and secured to guard against the loss of evidence.
1. Bulky or oversized evidence does not have to be sealed with tamper-indicating tape. Some large items require only a property or item tag. Always use string to attach a paper tag. Never use a rubber band.
 2. Liquids should be stored in clean, sealable glass vials, glass jars, or original containers.
 3. Numerous small articles of evidence connected to the same case may be placed in a larger piece of evidence (e.g., backpack turned in as found property is item #1; items in backpack are listed as individual items #2 through #20 and placed in item #1).
 4. Whenever possible, items to be sent for laboratory analysis should be packaged separately from items not needing analysis.

5. Normally an evidence specialist would recover trace evidence; however, there will be times when an officer will be required to recover trace evidence. If the officer locates trace evidence (e.g., hair samples, fibers, powders, paint chips, soil, etc.), the items should be packaged in small, clean, blank paper bindles before being placed into any other bag or envelope.
 - a. Several secured paper bindles may be placed in one envelope or bag as long as each item is properly marked.
 - b. Avoid using plastic bags or containers for this type of evidence.
6. Wet evidence should be dried before packaging and being submitted into evidence. If the officer is unable to dry the item, the officer shall inform the evidence custodian of this fact. If the wet item is placed into an evidence locker, a note explaining the condition of the evidence shall be attached to the package.
7. Small pieces of evidence should be placed in bags or envelopes of appropriate size and marked appropriately. Plastic, resealable bags should not be stapled.
8. Dry clothing, bedding, shoes, etc., of evidentiary value should be wrapped separately in paper bags to avoid cross-contamination. Each bundle should be sealed and tagged.
9. Knives, ice picks, and other sharp objects should be wrapped in cardboard-type material, taped for safety in handling, and placed in an appropriate bag, envelope, etc.
10. Documents to be submitted as evidence should be duplicated. The originals should be placed in a bag or envelope of appropriate size and submitted. A copy shall be included with the original report.

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- C. Hazardous material, biohazard material, firearms, currency, jewelry, controlled substances, alcoholic beverages, photographs, and certain types of articles require special packaging. Refer to section XV for further instructions.
- D. All evidence containers (envelopes, boxes, plastic bags, cloth bags, paper bags, etc.) shall be sealed with departmental, tamper-indicating tape. The face of the tape on the container shall bear the employee's signature and sealed date.
 - 1. Seal envelopes by applying the tape across the open-end flap to secure them.
 - 2. Seal flaps of boxes with the tape after folding the flaps closed.
 - 3. Seal plastic bags by folding over the open end and sealing the flap with the tape.
 - 4. Seal cloth bags with zippers by closing the zipper and applying the tape across the zipper's tail to prevent the bag from being unzipped.
 - 5. Seal paper bags by folding over the open end flap and sealing them with the tape.
 - 6. Seal jars, plastic containers, or cans with lids by applying the tape across the top and along the side to prevent the cover from being opened.
 - 7. Seal any other containers by applying the tape to prohibit entry into the container without disturbing the tape.
- E. Evidence custodians have the right to refuse any evidence if it is not packaged or sealed properly. However, the evidence custodian shall assist the officer in repackaging and sealing the items.

VIII. CUSTODY AND TRANSMITTAL OF EVIDENCE

A. General

1. The officer or employee who seizes or recovers evidence shall initiate the chain of custody and deliver the evidence to a depository as soon as possible. However, evidence may be transferred to another employee for investigative needs or for delivery to a depository from a regional patrol district station, as long as the chain of custody is maintained.

Regional patrol district stations are responsible for maintaining a secured area for the storage of evidence prior to transfer of property to a departmental depository.

2. IN NO CASE SHALL AN OFFICER OR EMPLOYEE WHO SEIZES OR RECOVERS EVIDENCE RETAIN POSSESSION OF IT BEYOND THE END OF THE DUTY TOUR IN WHICH POSSESSION BEGAN. EVIDENCE SHALL BE TAKEN TO THE DEPARTMENTAL DEPOSITORY OR, WHEN APPROPRIATE, TO THE NARCOTICS/VICE DIVISION, SCIENTIFIC INVESTIGATION SECTION, OR PSO DEPOSITORY.

Certain time restrictions may apply if evidence is submitted to a depository other than the departmental depository. In such situations, property shall be submitted according to procedures established in the manual of operations of the element responsible for the depository.

3. Each officer and employee who transfers custody of evidence to another shall ensure that the recipient physically takes possession of the property and that each item is accounted for.

4. Each regional patrol district stations' desk sergeant shall be responsible for ensuring that all evidence turned in to the district depository during the previous patrol watch is transferred to the Evidence Room at the Alapai headquarters during his or her watch.

If evidence must be held for investigative purposes beyond the responsible watch, the desk sergeant shall ensure that the evidence is transferred to the Evidence Room within 24 hours of it being submitted to his or her custody.

5. Each regional patrol district stations' desk sergeant shall be responsible for having all evidence, mopeds, and bicycles taken to the Evidence Room on a daily basis.

B. Latent Prints

1. Latent prints recovered as evidence shall be placed in a Fingerprint Lifting Card Envelope, HPD-46R form. The envelope shall be properly signed by each employee who takes possession of it to ensure preservation of the chain of custody and accountability in transmittal of the prints.

In the event of lifting a very large latent print, where a blank white 8½" x 11" sheet of paper is used in place of many latent cards, the officer shall ensure that all pertinent information is placed on the sheet. The officer shall place the entire sheet into a manila envelope of the same size and ensure that all information required by the fingerprint lifting card envelope is also recorded on the manila envelope, including the chain of custody.

2. Patrol officers shall fill out the latent print envelopes in accordance with established district procedures and deposit them in the locked latent print boxes at their stations.

- a. A sergeant or authorized supervisor shall serve as witness and countersign the latent print box receipt log for each deposit.
- b. If the latent print box becomes too full and/or latent envelopes cannot fit into the box, it shall be the responsibility of the sergeant or authorized supervisor to ensure the security of submitted latents.
- c. All latent prints/print boxes shall be submitted to the Identification Section, Records and Identification Division, by a sergeant or his or her designee. Identification Section personnel shall open the latent print boxes and check their contents.
- d. Any discrepancies between the contents of a box and accompanying latent box receipt log shall be brought to the immediate attention of the submitting sergeant or designee.

C. Digital Photography

- 1. Photographs for a police incident shall be uploaded to the Case Report System (CRS) as an attachment to the police report.

2. Handling of the Digital File

- a. If a photograph is enhanced for investigative or demonstrative purposes, the enhancements shall be applied to a copy of the original digital file. The investigator shall document the type of enhancements applied to the original photograph in the police report.

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- b. If a photograph is enhanced, the enhanced photograph shall be saved and uploaded as a separate file with a different file name from the original. Files shall be named as in the following examples:

DSC12345.jpg (original file name);

DSC12345E1.jpg (first enhancement); and

DSC12345E2.jpg (second enhancement).

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3. Printed Image

Officers or employees attaching prints of digital photographs with the police report shall ensure that a print of the original, unenhanced image accompanies any print of an enhanced image.

The investigator shall document the type of enhancements applied to the original photograph in the police report.

- a. Officers or employees submitting prints of digital photographs into evidence for criminal and noncriminal cases shall mark on the rear of all prints for identification. See section IV above for marking procedures.
- b. Prints of digital photographs that have been enhanced (e.g., cropping and adjustments to brightness and/or contrast) shall be so marked on the rear of the printed image.

A print of the original, unenhanced digital photograph shall also be submitted.

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IX. CUSTODY AND TRANSMITTAL OF FOUND PROPERTY

- A. All found property shall be turned in to a depository as soon as possible.
1. Regional patrol district stations are responsible for maintaining a secured area for the storage of found property awaiting transfer to the departmental depository.
 2. Each regional patrol district station's desk sergeant shall be responsible for ensuring that all found property turned in to the district depository during the previous patrol watch is transferred to the Evidence Room at the Alapai headquarters during his or her watch.

If property must be held beyond the responsible watch, the desk sergeant shall ensure that the found property is transferred to the Evidence Room within 24 hours of being submitted to his or her custody.

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3. Each regional patrol district station's desk sergeant will be responsible for ensuring that all found property, including bicycles, is transferred to the Evidence Room daily.
- B. IN NO CASE SHALL AN OFFICER OR EMPLOYEE RETAIN POSSESSION OF FOUND PROPERTY BEYOND THE END OF THE TOUR OF DUTY IN WHICH POSSESSION BEGAN. EVIDENCE SHALL BE TAKEN TO THE DEPARTMENTAL DEPOSITORY.
- C. Each officer and employee who transfers custody of found property to another shall ensure that the recipient physically takes possession of the property and that each item is accounted for.

- D. The following shall not be turned in as found property:
 - 1. Controlled substances, firearms, and motor vehicles shall be handled as outlined in section XV below; and
 - 2. In cases where no controlled substances are located with drug paraphernalia, the officer shall apprise the Narcotics/Vice Division and submit the paraphernalia as evidence under a miscellaneous public case with disposition "closed, submitted for destruction."
- E. All found property shall be secured in the Evidence Room.
- F. When found property must be reclassified as evidence, the investigator shall prepare a follow-up report with the notation "Hold Notice" at the top of the page. The report shall be submitted to the Records and Identification Division with a copy routed to the Evidence Room.

X. MISCELLANEOUS PUBLIC CASES

- A. Property shall be handled as evidence in a miscellaneous public case and turned in under an Incident Report, HPD-192 form, when:
 - 1. It is recovered during an investigation to which the property is unrelated; and
 - 2. The recovering officer has reason to suspect that the property may be related to a violation of law; or
 - 3. Directed by an immediate supervisor or detective.
- B. Such cases shall be handled by the proper investigative elements. The officer handling the miscellaneous public case shall apprise the proper investigative element of the facts and circumstances of the case and note the assigned investigator's name, if known, in the comments box of the property report before submitting the evidence.

- C. The investigative element shall assign an investigator to the miscellaneous public case who will be responsible for the disposition of recovered items. The investigator shall take no longer than two years to dispose of items recovered in a miscellaneous public case.

XI. DEPARTMENTAL DEPOSITORY

- A. All property shall be stored in the Evidence Room proper or one of its supplementary storage areas.

Bulky items or large quantities of evidence require a different type of storage. An officer requiring storage for bulky items and/or large quantities of evidence should apprise the Evidence Room prior to bringing the items in order to expedite the submittal process.

- 1. When oversized or large quantities of evidence are recovered, the officer may be required to transport the property to an outer warehouse depository. Examples are:
 - a. Items taken in a search warrant or a sting operation when the volume of items cannot be stored at the Alapai headquarters; and
 - b. Gambling machines, large television sets, vehicles, etc.
- 2. When an officer takes property to an outer warehouse depository, all documents for the evidence/property must be filled out when the property is turned over to the Evidence Room personnel.
- 3. Where evidence is received shall be determined by the sergeant in charge of the Evidence Unit or the designated supervisor.

4. Evidence Unit personnel will not sign for evidence or property at the Alapai headquarters if there is no room to house the item(s).

B. Items Being Held Pending a Search Warrant

1. Search warrants should be obtained within 48 hours of items being placed into the temporary evidence storage lockers.
2. If a search warrant cannot be obtained within 48 hours of items being placed into the temporary evidence storage lockers, the assigned investigator shall provide the Evidence Room with a time frame in which a search warrant will be obtained.
3. If the search warrant is not obtained within 14 calendar days after items were placed in the temporary evidence storage lockers, a notice will be sent to the commander of the responsible investigator for further action.
4. If the search warrant is not approved, it shall be the responsibility of the assigned investigator to properly dispose of or return the items being held.
5. After the search warrant is executed and only certain items are submitted into evidence, it shall be the responsibility of the assigned investigator to properly dispose of the nonsubmitted items.
6. A separate area in the temporary evidence storage locker room will be designated for items awaiting the obtaining of a search warrant.

- C. All property shall be stored in an orderly and systematic manner so as to be readily identifiable and accessible.

- D. An exception may be made in a situation that requires property to be retained in another designated evidence depository (e.g., Narcotics/Vice Division or SIS). In such situations, property shall be retained according to the procedures established in the manual of operations of the element responsible for the depository.

XII. ALAPAI HEADQUARTERS' TEMPORARY EVIDENCE LOCKERS AND BICYCLE/MOPED PADLOCK

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- A. Counter service is available for HPD personnel from 0630 to 2300 hours, Monday to Friday (including holidays) and from 0630 to 0030 hours on Saturday and Sunday.
- B. Use of the Temporary Evidence Lockers on Level B-2
1. HPD personnel shall use the evidence lockers located on level B-2 from 2300 to 0630 hours, Monday to Friday and from 1500 to 0630 hours on Saturday and Sunday.
 2. HPD personnel submitting evidence into the lockers shall request Records and Identification Division personnel to disarm the alarm prior to entering the room and to arm the alarm when the room is secured. HPD personnel shall then sign out for the temporary evidence locker room key from the Records and Identification Division personnel.
 3. HPD personnel submitting evidence into the lockers shall ensure that all items are properly marked, labeled, and packaged. The officer shall indicate the locker number on the chain of custody section of the property report.
 4. HPD personnel submitting evidence into the lockers shall ensure that all property reports are complete and correct.
 5. HPD personnel may submit multiple items in one locker as long as it is submitted by the same officer. The items can be from different cases.

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6. Once the evidence is submitted into the lockers, the key shall be returned to the Records and Identification Division.
7. If these guidelines are not followed, the items placed into the lockers will not be accepted by the evidence custodian, and the officer who submitted the items will need to resubmit them.

C. Use of the Temporary Bicycle/Moped Padlock

1. HPD personnel shall do the following:
 - a. Use the bicycle/moped padlock located on parking Level B-2, near the rear rollup door of the Evidence Room from 2300 to 0630 hours, Monday to Friday and from 1500 to 0630 hours on Saturday and Sunday;
 - b. Sign out for the bicycle/moped padlock key from the Records and Identification Division; and
 - c. Ensure that all items are properly marked, labeled, and tagged, and the property reports are completed. The officer shall indicate the bicycle/moped padlock on the chain of custody section of the property report.

The completed property reports shall be placed in the locked mailbox mounted on the wall.
2. Once the bicycle/moped is attached to the bicycle/moped padlock, the key shall be returned to the Records and Identification Division.

When there is limited staffing in the Evidence Room (third watch, weekends, and holidays) and there is an urgent need to submit a large amount of evidence or to view or withdraw evidence, the requesting person shall make prior notification to the Evidence Room so sufficient personnel can be available to assist.

XIII. WITHDRAWAL OF PROPERTY FROM EVIDENCE ROOM

A. For Investigative Purposes

1. Evidence may only be withdrawn for investigative purposes by officers or employees of the HPD. The investigator(s) shall be instructed that the container is to be opened in an area of the container without the tamper-indicating tape to remove the evidence.
2. An investigator withdrawing property from the Evidence Room shall complete the chain of custody signatures on the original and two copies of the property report and keep the original and one copy with the property. The second copy remains in the Evidence Room.
3. Anyone who has withdrawn property from the Evidence Room shall return it before the end of that tour of duty. If it is necessary to retain property beyond that time, a written request for retention must be approved beforehand by the investigator's division commander and the commander of the Records and Identification Division. Approved requests shall be submitted to and filed in the Evidence Room.
4. Upon completion of the investigative purpose, the evidence shall be replaced into the side of the container that was opened, and the container shall be sealed using new tamper-indicating tape. The investigator shall sign and date the face of the tape and return the evidence to the Evidence Room.
5. Removal of controlled substances from the Evidence Room requires the prior approval of the commander of the Narcotics/Vice Division. See section XV below.

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B. For Analysis

1. SIS personnel may withdraw property from the Evidence Room for analysis by presenting a SIS Work Request, HPD-207 form.
2. The SIS employee shall sign the chain of custody to keep the integrity of the evidence.
3. SIS personnel shall follow their manual of operations regarding timelines for returning evidence.

C. For Court Purposes

1. Evidence may be withdrawn from the Evidence Room by the employee who is subpoenaed to produce it in court.
 - a. The employee shall present to the evidence custodian (1) a written subpoena instructing the employee to withdraw the property and (2) the employee's departmental identification card. Property may be released no more than three hours before court convenes on the date specified in the subpoena. The employee should notify the Evidence Room, either by telephone or facsimile, of pending evidence withdrawals to expedite the release of property.
 - b. An employee who receives a late, telephonic subpoena from a deputy prosecuting attorney to appear in court with evidence shall inform the deputy prosecuting attorney to notify the Evidence Room via telephone and provide the following information:
 - (1) A callback telephone number for verification;
 - (2) The name of the employee who will withdraw the evidence; and

- (3) The police report number and item numbers, if known.
 - c. The employee receiving the telephonic subpoena shall request that the deputy prosecuting attorney fax a subpoena to the Evidence Room with his or her name, case information, and instructions specifying evidence withdrawal.
- 2. If the employee who is subpoenaed to produce the property in court is no longer with the department, the property shall be taken to court by an evidence custodian or an employee whose signature appears in the chain of custody.
- 3. An employee who withdraws property from the Evidence Room shall complete the chain of custody signatures on the original and two copies of the property report and keep the original and one copy with the property. The second copy remains in the Evidence Room.
- 4. When the prosecutor or court accepts custody of property from the department, the employee who has withdrawn the property from the Evidence Room shall ensure that both the original property report and the copy are signed by the prosecutor or court clerk; the date and time of acceptance must be included to maintain the chain of custody. The copy of the report shall be left with the property, and the original report shall be returned immediately to the Evidence Room.
- 5. When the prosecutor or court accepts custody of only part of the property withdrawn from the Evidence Room, the employee shall return the remaining property to the Evidence Room along with both the original property report and the copy. The report and the copy must still be signed by the prosecutor or court clerk to reflect receipt of the property that has been turned over.

6. When property is accepted as evidence by the court, the Property Report, HPD-192A form, and the Evidence Room log book entry or records management system file are closed.
7. Property previously accepted as evidence by the court will be accepted by the HPD only with a written order signed by a judge.
8. Evidence that is checked out to an employee for court should be returned to the Evidence Unit once court is completed for the day.
 - a. The evidence supervisor shall inspect the checkout file daily for any evidence checked out for more than 24 hours.
 - b. If the employee is delinquent in returning the evidence, the evidence supervisor shall send written notification to the employee's commander and request the return of the property by a specified date.
9. If evidence is returned to the department from court:
 - a. It shall be submitted to the Evidence Room as evidence under a new Incident Report, HPD-192 form. This report shall refer to the original property report number and contain necessary facts about the return of the property. Also, a follow-up report shall be submitted under the original report number reflecting this new incident report number; or
 - b. It shall be resubmitted under the original report number, and the Evidence Room shall create a new control number for the item(s). This report shall contain necessary facts about the return of the property.

D. For Sting Operations

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■ [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

E. By Evidence Unit Personnel

1. The Evidence Unit may be required to assist persons authorized to view evidence.
2. The evidence custodian shall:
 - a. Sign the chain of custody to keep the integrity of the evidence and to document the entrance into the container;
 - b. Remove the evidence from the container by opening the side without the tamper-indicating tape; and
 - c. Upon completion of the viewing, replace the evidence into an area of the container that was opened, reseal it using new tamper-indicating tape, and sign and date the tape before returning the evidence.

XIV. RELEASE AND DISPOSAL OF PROPERTY

A. Authority for Release of Property

The lead investigator assigned to the investigation has final authority regarding the disposition of related property or evidence held by the department unless otherwise governed by provisions of law.

Where no investigator is assigned to the case, the lieutenant in charge of the detail handling the investigation shall make the final decision on the disposition of property in a manner prescribed by law.

Under certain circumstances, the commander of the Records and Identification Division or designee may make the final decision on the disposition of property.

B. Case Review

When property is submitted to the Evidence Room, the investigator shall periodically review cases in order to determine the case status and the disposition of evidence. It is imperative that the assigned investigator makes a decision on the disposition of held property as soon as possible. The following time frames should be used as a guide:

1. Felony: Review after eight months;
2. Misdemeanor: Review after four months; and
3. Suspicious circumstance/miscellaneous public: Review after four months.

C. Release of Property in Open Cases

1. In general, investigators are responsible for:
 - a. Determining who owns each item of property seized or recovered in their cases;
 - b. Informing the owners when any of their property is recovered;
 - c. Facilitating the prompt disposal of property that is no longer needed by submitting the Authorization to Release Evidence or Found Property, HPD-230 form, to the Evidence Room; and

- d. Notifying owners to pick up their property after determining that the status of the case permits the property to be released.
2. In misdemeanor cases in which there are no clues or suspects, evidence may be returned to the owner or disposed of as determined by the Records and Identification Division commander or designee.
3. In other cases, the decision to release property may be made by any of the following:
 - a. The commander of the unit handling the investigation who shall submit an Authorization to Release Evidence or Found Property, HPD-230 form, to the Evidence Room;
 - b. The prosecutor who must furnish a written authorization to release the property; and
 - c. The court that must furnish a formal order signed by a judge authorizing release of the property to the Evidence Room.
4. The prosecutor or investigator who authorizes the release of property may request a photograph of the person to whom the property is released by so noting on the written authorization of release. Evidence Unit personnel shall photograph all items of property released together with their recipients and forward the photographs to the Records and Identification Division.

D. Release of Property in Closed Cases

1. Authorization to Dispose of Property

An officer who submits a closing report to a case in which evidence is no longer needed shall also submit an Authorization to Dispose of Evidence or Found Property, HPD-230 form, to the Evidence Room to facilitate the disposal of property. The follow-up report closing or suspending a crime report shall include an accounting of all property submitted to the Evidence Room for that case.

There are three exceptions:

- a. When a case is closed and referred to the prosecutor or court for action, the evidence shall be retained pending its disposition by the prosecutor or court;
- b. When a case is closed and the ownership of the property is disputed, the evidence shall be retained until disposition is determined by court action. The assigned investigator shall send a copy of the corporation counsel interpleader request to the Evidence Room; and
- c. When a case is reassigned to a new investigator and he or she submits a closing report. The investigator shall also submit an Authorization to Dispose of Evidence or Found Property, HPD-230 form.

2. Release of Property in Cases Referred to the Court

- a. Evidence may be released when a case has resulted in a conviction, a sentence has been passed, and no appeal has been made within 60 days.

- b. Evidence may be released when the court makes final disposition of a case other than conviction and notification of that disposition is received by the Records Section of the Records and Identification Division. The Records Section will notify the Evidence Room of the disposition of the case.
 - c. The court may authorize the release of property at any time by presenting an order signed by a judge to the Evidence Room.
- 3. Release of Property in Cases Referred to the Prosecutor
 - a. When a case has been referred to the prosecutor and court proceedings have not commenced within the statutory time limit, the sergeant in charge of the Evidence Unit shall consult with the prosecutor to determine whether evidence should be retained.
 - b. The commander of the Records and Identification Division shall establish and maintain a verification process with the prosecutor to ensure that evidence is preserved whenever necessary.
 - c. The prosecutor may authorize the release of property at any time by presenting a written letter of authorization from the Department of the Prosecuting Attorney to the Evidence Room.
- 4. Release of Property in Cases Beyond the Statutory Time Limit

The Evidence Unit sergeant may determine the disposition of property when the statutory time limit for legal action has passed and the case has not been referred to the prosecutor.

E. Disposal of Found Property

1. The evidence custodians are responsible for determining the ownership of found property and for returning it to its owner or finder. In determining the ownership of found property, they may solicit assistance from other division commanders as necessary.
2. When the owner of found property has not been identified and located within 45 days of the recovery of the property, the evidence custodian shall:
 - a. Release the property to the finder, as provided by law;
 - b. Dispose of the property by auction; or
 - c. Destroy the property after destruction has been authorized by the commander of the Records and Identification Division.

F. Items Requiring Special Handling

For controlled substances, firearms, hazardous and biohazard materials, and other items that require special handling, see section XV below for direction.

XV. MATERIALS REQUIRING SPECIAL HANDLING

Because of their nature, some materials require special handling. These include the following:

A. Controlled Substances

1. Controlled substances shall not be turned in as found property. All recovered, controlled substances shall be handled as evidence in controlled substance investigations. When controlled substances and other property are recovered or seized under the same case, the controlled substances shall be turned in under a separate Property Report, HPD-192A form. Both property reports shall bear the same case number. Item numbers shall run consecutively over both property reports.
2. The Narcotics/Vice Division's Marijuana Eradication Detail is responsible for the destruction of marijuana plants harvested through Green Harvest Operations. Seized plants shall be processed as follows:
 - a. If an arrest is made or the case is held open pending further investigation:
 - (1) Large amounts of marijuana shall be photographed, weighed, and measured; and a random sample of ten pounds shall be separated for drying, analyzing, and submitting into evidence;
 - (2) Marijuana in excess of ten pounds shall be destroyed immediately by the Marijuana Eradication Detail, which shall:
 - (a) Make prior arrangements via telephone with the contracted burning facility to schedule a drug burn;

- (b) Prepare the marijuana plants by ensuring that they do not exceed 30 inches in length;
 - (c) Ensure that the PSO is notified to be present for the destruction of the marijuana;
 - (d) Transport all marijuana to be destroyed to the burning facility. Upon arrival, check in with [REDACTED] [REDACTED] to receive hard hats and eye protection;
 - (e) Follow instructions to have their vehicles carrying the marijuana weighed on the vehicle scale for accurate accounting [REDACTED] and [REDACTED];
 - (f) Proceed to the burning facility where unloading is to take place. The marijuana will be fed into the hopper, which sends it into the furnace for destruction;
- (3) The Marijuana Eradication Detail supervisor and the PSO detective shall ensure that all marijuana has been destroyed; and
 - (4) The Marijuana Eradication Detail supervisor shall submit an activity report to the commander of the Narcotics/Vice Division.

- b. If no arrest is made and the case is closed, all harvested plants shall be weighed, measured, and destroyed immediately by the Marijuana Eradication Detail, as outlined in section XV A 2 a (2) above. A small sample shall be retained by the Evidence Room for a period of 30 days. If no further proceedings are intended or anticipated, the sample shall be destroyed.
3. Evidence recovered by the Narcotics Detail in an ongoing investigation may be held temporarily in the Narcotics/Vice Division depository. Evidence should not be held longer than ten working days in the depository. If evidence is to be held longer than ten working days, the Narcotics Detail shall obtain approval from the commanders of the Narcotics/Vice Division and the Records and Identification Division.
4. Controlled substances shall not be stored in the SIS after necessary analysis has been completed. The SIS shall label, (re)seal in a container, and submit controlled substances to the Evidence Room for storage.
5. Controlled substances may be withdrawn from the Evidence Room for investigative purposes only with the written approval of the Narcotics/Vice Division commander. The commander of the Records and Identification Division shall be notified when such requests are approved.
6. A sealed container of controlled substances shall not be opened in court for display while still in the custody of a departmental employee.
 - a. The employee shall secure the signature of the prosecutor or court clerk on the property reports to maintain the chain of custody and transfer the property. The prosecutor or court clerk may then open the container.

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- b. The departmental employee shall note the opening of the closed container in a follow-up report and submit the report to the Records and Identification Division.

(This section addresses display only. If items are accepted as evidence by the court, refer to section XIV C above.)

- 7. When a controlled substance used as evidence in court is returned to the department with a damaged seal or container, it shall be reanalyzed by the SIS. The employee who is returning the controlled substance to the Evidence Room is responsible for submitting a follow-up report explaining the circumstances under which the seal or container was damaged. In addition, a Work Request, HPD-207 form, must be completed by the same employee to have the contents reanalyzed.
- 8. Random samples shall be analyzed by the SIS when controlled substances are about to be destroyed by the Evidence Room. The SIS shall be notified of pending drug destruction by the Evidence Unit sergeant. The PSO shall assign a detective to every drug destruction activity carried out by the Evidence Room. The PSO detective shall be responsible for requesting the crime laboratory work and maintaining records of the results.
- 9. Controlled substances should be left in their original containers for destruction. Destruction facilities may have restrictions on the destruction of certain container materials. In these cases, controlled substances shall be placed in another suitable container.
 - a. The containers shall be placed in sealed boxes for transport to the destruction facility.
 - b. The PSO detective shall monitor and inventory controlled substances being placed in boxes by Evidence Unit employees.

- c. At the destruction facility, the containers shall be removed from the boxes and disposed of one at a time. The report number of each item shall be logged as the item is destroyed.
- d. The Evidence Unit sergeant or a sergeant from the Records Unit shall oversee the destruction of the controlled substances with:
 - (1) The PSO, which shall provide a detective to witness the destruction;
 - (2) The SSD, which shall provide for escort and area security; and
 - (3) The Communications Division, which shall telephonically alert the patrol district commander(s) in the affected area(s).
- e. The list of report numbers of items destroyed shall be signed by the witnesses observing the destruction. The Evidence Unit sergeant shall attach a list to the miscellaneous public incident report documenting the event.

B. Currency

When currency of any amount and other property are recovered or seized under the same case, the currency shall be recorded by serial number and turned in under a separate Property Report, HPD-192A form. Both property reports shall bear the same case number and, to facilitate accountability, the item numbers shall run consecutively over both reports.

(For example, drugs and money are recovered from a suitcase. The suitcase and the drugs are recorded as items #1 and #2 on one property report, and the money is recorded as item #3 on a second property report.)

1. If there is a large amount of currency, the officer may choose to photocopy the bills. To avoid counterfeiting issues, the officer shall fold each bill in half and ensure that all serials numbers are identifiable when making photocopies.
2. The officer shall include the photocopy sheets as an item of evidence on the same property report that lists the currency.

C. Firearms

1. When firearms and other property are recovered or seized in an ongoing investigation, the firearm shall be recorded by serial number (if any) and turned in under a separate Property Report, HPD-192A form. Both property reports shall bear the same case number. Item numbers shall run consecutively over both property reports.
2. Firearms shall not be recovered as found property.
 - a. When firearms are recovered outside of an ongoing investigation, they shall be handled as evidence in miscellaneous public cases. If a firearm is recovered with other property, the firearm shall be recorded by serial number (if any) and turned in under a separate Property Report, HPD-192A form. Both property reports shall bear the same case number. Item numbers shall run consecutively over both property reports.

- b. When a firearm is voluntarily turned in to the department for disposition, the officer shall recover the weapon. The officer shall initiate an incident report with the appropriate classification on the HPD-192 form. The officer shall also prepare a Property Report, HPD-192A form, and a Property Receipt, HPD-83 form. The property receipt shall bear the following statement, which will be signed by the person turning in the firearm:

"I voluntarily release any title to the above-described firearm, with the request that the Honolulu Police Department make any disposition thereof it may deem necessary."

Signature_____

Date_____

- (1) A copy of the property receipt shall be issued to the person turning in the firearm.
 - (2) The original property receipt and property report shall be forwarded to the Records and Identification Division.
- 3. All firearms recovered by the department shall be evaluated by the commander of the Records and Identification Division to determine their disposition.
 - a. Disposition may be any of the following:
 - (1) Destruction;
 - (2) Departmental museum;
 - (3) Departmental arsenal;
 - (4) Pending further investigation;

(5) The SIS firearms reference library. A request for firearms to be transferred to the library shall be considered only when prior written approval has been given by the commander of the SIS; or

(6) Returned to owner.

b. Weapons that may have historical significance, especially significance for Hawaiian or departmental history, shall be reported to the Chief of Police. Such weapons shall not be destroyed without the Chief's prior approval.

c. When a recovered firearm is retained by the department for use or display, the user or displayer shall:

(1) Ensure that the weapon is registered with the Firearms Unit, Records and Identification Division, and that the Finance Division includes the weapon in the departmental inventory; and

(2) Register any firearm with the U.S. Treasury Department's Bureau of Alcohol, Tobacco, Firearms and Explosives as required by law.

D. Jewelry

1. When jewelry and other property are recovered or seized under the same case, the jewelry shall be turned in under a separate Property Report, HPD-192A form. Both property reports shall bear the same case number. Item numbers shall run consecutively over both property reports.

2. All jewelry items shall be separated and packaged according to size. Small, clear, resealable bags should be used, if available (e.g., one ring in one bag, one bracelet in another bag, etc.).

E. Alcoholic Beverages

1. Place a minimum of two ounces of liquid (or whatever is available) into a vial.
2. Document the condition of the original container (e.g., full, half-full, cold to touch, etc.) in the incident report.
3. Dispose of any remaining liquid.
 - a. Pour the suspected alcoholic beverage into a sink or other disposal facility.
 - b. Document in the body of the investigative report how and where the liquid in excess of two ounces was disposed of.
4. Complete and submit to the Evidence Room property reports listing all evidence and a Work Request, HPD-207 form, requesting a check for the presence of alcohol.

F. Criminal Cases Involving Hazardous Material

1. When evidence that is hazardous or suspected to be hazardous is located by police officers through a criminal investigation, it shall not be taken to a police facility unless:
 - a. Personnel from the SIS (e.g., evidence specialist or criminalist) take samples and direct the recovery of any evidence; and
 - b. Police operations are directed by investigators who are trained and certified in the handling of hazardous materials and/or clandestine laboratory investigations.
2. Proper protective equipment shall be used by all personnel at all times.

G. Found Property Cases Involving Hazardous Material

When material that is hazardous or suspected to be hazardous is turned in to or located by police officers, it shall not be taken to a police facility.

1. These cases require that the Honolulu Fire Department be notified to inspect the material and determine if an immediate danger exists.
2. Upon mitigation of the danger, the Department of Health is responsible for the recovery, removal, and destruction of the hazardous material.

H. Biohazard Material

1. Disposable gloves shall be worn to handle evidence that is suspected of being contaminated, regardless of its size.
2. Certain items or situations may require additional protection, such as fluid-resistant suits, shoe covers, masks, and/or eye protection.
3. Laboratory processing of evidence shall be performed in accordance with standard operating procedures established in the SIS.
4. To maintain a sterile work area, no contaminated evidence, regardless of its size, should be placed in direct contact with table tops or other uncontaminated surfaces. Wrapping paper, paper bags, drop cloths, or other coverings shall be used as surface coverings and shall be treated as disposable biohazardous waste.

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5. Liquids shall be submitted in leak-proof containers. Evidence contaminated with blood or other potentially infectious materials shall be dried prior to submission.
6. All containers with evidence shall be labeled and marked with a biohazard warning and, if available, marked with the appropriate biohazard symbol.

I. Engines

Engines retained as evidence shall be drained of fuel and lubricants and cleaned reasonably well to remove surface oil before being turned in to the Evidence Room or temporary depository. The recovering officer is primarily responsible for ensuring that this is done; the Vehicle Maintenance Section will assist by performing as much of the actual draining and cleaning as it can when requested to do so.

J. Fireworks

1. When fireworks are seized as evidence for an illegal discharge that is witnessed by an officer, they shall be photographed and disposed of in accordance with the procedures outlined below.
2. When fireworks are seized as evidence for any violation except an illegal discharge witnessed by an officer, they shall be photographed, three samples shall be retained, and the remainder shall be disposed of in accordance with the procedures outlined below. Two of the three samples shall be analyzed by the SIS and the third shall be retained by the Evidence Room for court use.
3. When fireworks are recovered as found property, they shall be disposed of in accordance with the procedures outlined below.

4. Disposal Procedures

Except for the samples listed in section XV J 2 above, all fireworks shall be turned over to the SSD for destruction after the field investigation is completed.

- a. When large amounts of fireworks (25 pounds or more) are involved, the investigating officer should notify the Communications Division to contact the Bomb Detail of the SSD. The Bomb Detail will pick up the fireworks at that time.

The officer in charge of the investigation is responsible for obtaining authorization for the SSD to dispose of the evidence. At least oral authorization must be obtained from both the Department of the Prosecuting Attorney and the Department of the Corporation Counsel. Additionally, the investigating officer must record the circumstances of the approvals in his or her written report.

- b. When small amounts of fireworks (less than 25 pounds) are involved, the officer should place the fireworks in doubled garbage bags.
 - (1) During normal business hours (0745 to 1630 hours, Monday through Friday, excluding holidays), the SSD should be notified to pick up and dispose of the fireworks.
 - (2) Outside of normal business hours, the fireworks should be stored in the Central Receiving Division's (CRD) juvenile sally port for Districts 1, 6, and 7. District 5 and the regional patrol districts shall each designate a similar secure storage area. The SSD should be notified on the next business day to pick up and dispose of the fireworks.

If there is any question about safety in storing the fireworks until the next business day, the investigating officer should notify the Communications Division to contact the Bomb Detail right away.

- c. At no time should fireworks be disposed of via the regular trash.

K. Motor Vehicles

Motor vehicles shall not be turned in as found property.

L. Prisoner Property

The CRD and the regional patrol districts are responsible for all prisoner property taken into their custody. No prisoner property shall be accepted by the Evidence Room.

XVI. EVIDENCE REVIEW COMMITTEE


- A. An Evidence Review Committee shall be comprised of:
 - 1. The lieutenant in charge of the Evidence Unit. This person shall chair the committee and be responsible for disposing of any evidence through the designated authority of the Records and Identification Division commander;
 - 2. A lieutenant from the CID;
 - 3. A lieutenant from the Narcotics/Vice Division;
 - 4. One or more lieutenants from field operations. A lieutenant shall represent the applicable district/division for cases that originated in a particular jurisdiction; and
 - 5. A lieutenant from the Traffic Division.

- B. The Evidence Review Committee shall review cases for which physical evidence is stored in the Evidence Room. The entire committee shall meet to determine if the evidence:
 - 1. Should remain in the Evidence Room; or
 - 2. Can be properly disposed of within established guidelines (and only if disposal is agreed to unanimously).
- C. The entire Evidence Review Committee shall meet at least quarterly or as frequently as necessary.

XVII. PROPERTY AUDITS

- A. The commander of the Records and Identification Division shall conduct regular audits of all property in the custody of the division. The results of each audit shall be reported to the Chief of Police.
- B. The commander of the Records and Identification Division shall ensure that records of audits of both evidence and found property are made and maintained.

8-29-2022


ARTHUR J.. LOGAN
Chief of Police

Post on bulletin
board for one week

Policy first issued
April 25, 2002