

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: JULY 01, 2010	POLICY NO.: COR.08.03
		SUPERSEDES (Policy No. & Date): 493.08.03 & 10/16/90	
SUBJECT: SEIZURE OF EVIDENCE		Page 1 of 3	

1.0 PURPOSE

To delineate policy governing the seizure of evidence within Correctional Facilities. This policy is to address items of contraband which may be used as evidence during criminal proceedings.

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes (HRS), 26-14.6, Department of Public Safety (PSD), 353C-2, Director of PSD, Powers and Duties.
- b. HRS, 710-1022, Promoting Prison Contraband, 1st degree, 710-1023, Promoting Prison Contraband, 2nd degree
- c. Departmental Policies and Procedures (P&P), COR.08.02, Searches of Visitors and Staff, COR.08.04, Notice of Laws Relating to Contraband, COR.15.04, Visitation, and COR.17.01, Confiscation and Disposition of Personal Property of Inmates and Wards.
- d. American Correctional Association (ACA), Standards for Adult Correctional Facilities, 4th Ed. 4-4207, Preservation of Physical Evidence.
- e. ACA, Standards for Adult Local Detention Facilities, 4th Ed., 4-ADLF-2C-06, Disposition of Evidence.

.2 Definitions

- a. Dangerous Contraband – anything appropriate for criminal sanctions which an individual is prohibited from obtaining or possessing by statute, rule, regulation, or order.
- b. Contraband – any item that is not authorized by the Facility Warden, or is in excess of the maximum quantity permitted, or which is received or obtained from an unauthorized source, and is of a nature, not appropriate for criminal prosecution.

3.0 POLICY

The policy of the Department is to set guidelines pertaining to seizures of evidence for possible use at a criminal trial and aimed at preserving the evidentiary integrity

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and admissibility for prosecution. The department requires as few personnel as possible handle any seized material, and the dangerous contraband be placed in safekeeping while in the custody of the Facility. Strict observation of such procedures insures that the evidence is not tainted in the eyes of the court by a questionable chain-of-custody practice.

- .1 Each Facility Warden shall be responsible for ensuring that this policy and related procedures are followed by ensuring that there are facility procedures in place. Responsibility for preserving the chain of custody starts with the staff discovering the contraband. They must retain custody of the item or items until it is transferred to a supervisor, or Law Enforcement agency.
- .2 Each facility shall develop procedures for the safeguarding of confiscated items that are dangerous contraband. Any weapon found shall be removed and stored immediately when its continued presence in the area may jeopardize the safety and security of the facility.
- .3 Each facility shall maintain a secure locker for the storing of confiscated dangerous contraband items ensuring to document each transfer of custody.
- .4 Each facility shall ensure that documentation of each finding of dangerous contraband, by taking photos of the item(s) that can clearly identify each item(s).

4.0 PROCEDURES

- .1 Personnel confiscating property, which is considered dangerous contraband and may be used as evidence at criminal trial, shall complete a Found Property Report (PSD 8231). The report shall provide a brief description of the item(s). The employee finding the contraband shall sign the report and include all pertinent information including the date and time of discovery. A detailed description of the item(s) shall be provided in an Incident Report (PSD 8214) which shall include, where applicable, the color, size, value, appropriate weight, volume, manufacturer (if any), and the possible use of the item along with any identification marks made by the person in possession of the item.
- .2 The supervisor of the employee who found the criminal contraband shall inventory and acknowledge verification of all items listed in the report (PSD 8231), with their signature, date and time. Photographs, if not already obtained, shall be taken of each item. These photographs shall be attached to the Incident Report of the employee who found the item(s).

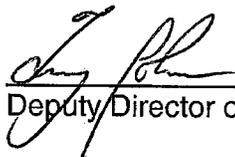
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- .3 Each dangerous contraband item shall be placed in a clear plastic bag or paper bag, sealed and labeled. An Evidence/Contraband Tag (PSD 8231A) shall be used for this purpose.
- .4 After verification and labeling, all dangerous contraband shall be immediately placed in a secure location where it shall remain until turned over to Law Enforcement, or destroyed.
- .5 If the dangerous contraband is turned over to the police or other official agency, the person receiving the contraband and the person relinquishing custody shall each acknowledge receipt and transfer in the appropriate area on the Found Property Report (PSD 8231).
- .6 If the criminal contraband is not transferred to another agency or held for internal investigative or disciplinary purposes, it shall be destroyed. The following provisions shall apply in this case:
 - a. The dangerous contraband shall be demolished or incinerated so that it cannot be used by anyone and the demolished or incinerated remains discarded at a city refuse facility.
 - b. The destruction and discarding of the dangerous contraband shall be witnessed by at least two security staff members – one of whom shall be an ACO IV or above.
 - c. On the appropriate "storage location" line on the Found Property Report (PSD 8231), the location of the city refuse facility shall be noted. Security personnel in attendance shall sign accordingly and note on the report that the items were destroyed.

5.0 SCOPE

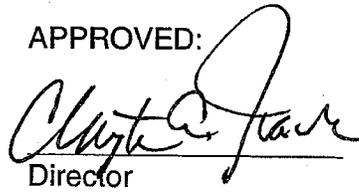
This policy applies to all correctional facilities.

APPROVAL RECOMMENDED:


 Deputy Director of Corrections

JUL 01 2010
 Date

APPROVED:


 Director

JUL 01 2010
 Date

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

INCIDENT REPORT

Facility: _____

Prepared on: _____

TO: _____
(Administrator/Section Supervisor)

THRU: _____
(Watch Supervisor)

DATE	TIME	NARRATIVE (Specify inmate name & ID and location if related to misconduct).

By: _____
Reporting Officer/Employee Title

ORIG - FACILITY ADMINISTRATOR
CANARY - CONTROL OFFICER
PINK - ATTACH TO MISCONDUCT REPORT

DEPARTMENT OF PUBLIC SAFETY
EVIDENCE /CONTRABAND Tag No. _____
Owners: (Name) _____
Articles: _____
SSN/SID: _____
Recovery by: (Name, Title) _____
Location: _____
Date: _____ Time: _____

PSD 8231A (5/2009)

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