



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-64

RESOLUTION

REQUESTING THE HONOLULU POLICE DEPARTMENT TO PROVIDE A SEARCH NOTICE TO PROPERTY OWNERS OR OCCUPANTS WHO WERE ABSENT AT THE TIME OF A SEARCH.

WHEREAS, the Honolulu Police Department ("HPD") conducts searches of various properties in the City and County of Honolulu pursuant to search warrants issued by Hawai'i court judges; and

WHEREAS, under limited circumstances, including exigency and consent, the HPD may enter and search properties without a warrant; and

WHEREAS, when the owner or occupant of the property is present, there is an opportunity to review the search warrant, if applicable, and observe the officers who are conducting the search; and

WHEREAS, however, there may be situations when the owner or occupant of the property is not present at the time the search is conducted; and

WHEREAS, in the course of an HPD search, personal items, including personal documents and electronic devices, may be moved, removed, or disturbed; and

WHEREAS, depending on the nature and extent of the search, the owner or occupant who was absent at the time of a search may, upon returning to the property, suspect and report a "break-in" to the HPD; and

WHEREAS, alternatively, an owner or occupant may not notice that certain documents or personal property have been moved or removed until considerably later, when they look for, but are unable to find, the items; and

WHEREAS, when properties are searched by HPD pursuant to a warrant, Rule 41(d) of the Hawai'i Rules of Penal Procedure requires that a copy of the warrant and receipt of any property taken be provided to, or left for, the owner or occupant of the property; and

WHEREAS, HPD Policy Number 1.14 (Warrantless Searches and Seizures) addresses circumstances when officers conduct searches and seizures without warrants, but does not specifically address the need for or importance of providing notice of the search to owners or occupants; and



CITY COUNCIL

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No. 22-04

RESOLUTION

WHEREAS, Article 1, Sections 6 and 7 of the Hawaii State Constitution ensure the right of the people to privacy and to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, and invasions of privacy; and

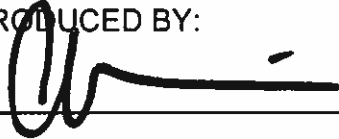
WHEREAS, the City Council believes that providing a notice to property owners or occupants any time an HPD search is conducted while no owner or occupant is present would build community trust through increased accountability and transparency; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it requests the Honolulu Police Department to provide a search notice to property owners or occupants who were absent at the time of an HPD search; and

BE IT FURTHER RESOLVED that this notice should be posted prominently at the property and state the date and time of the search, the names of the officers who conducted the search, relevant contact information and police report numbers, an inventory of documents or personal property removed, and a copy of the search warrant or written consent or statement of the exigent circumstances, upon which the search was conducted; and

BE IT FINALLY RESOLVED, that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Interim Chief of Police.

INTRODUCED BY:



DATE OF INTRODUCTION:

MAR 16 2022

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 22-64

Introduced: 03/16/22 By: AUGIE TULBA

Committee: PUBLIC SAFETY (PS)

Title: REQUESTING THE HONOLULU POLICE DEPARTMENT TO PROVIDE A SEARCH NOTICE TO PROPERTY OWNERS
OR OCCUPANTS WHO WERE ABSENT AT THE TIME OF A SEARCH.

Voting Legend: * = Aye w/Reservations

03/16/22	INTRO	Introduced.
03/22/22	PS	Reported out for adoption.
		CR-75
		3 AYES: FUKUNAGA, TSUNEYOSHI, TULBA
		1 ABSENT: SAY
04/13/22	CCL	Committee report and Resolution were adopted.
		9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this
RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER