

HAWAII POLICE DEPARTMENT
RULES AND REGULATIONS GOVERNING
MARIJUANA ERADICATION OPERATIONS
AND RECONNAISSANCE MISSIONS

I. PURPOSE

To establish rules and regulations relative to marijuana eradication operations and marijuana reconnaissance missions only, conducted by the Hawaii Police Department.

II. DEFINITIONS

- A. "Aerial observer" means a law enforcement officer, in an aircraft, assigned to locate illegally cultivated marijuana plots and/or direct ground personnel to illegally cultivated marijuana plants.
- B. "Manual eradication" means the uprooting or cutting and destruction of illegally cultivated marijuana plants.
- C. "Marijuana eradication operations" means the function of locating and eradicating illegally cultivated marijuana.
- D. "Marijuana reconnaissance missions" means the function of locating and mapping illegally cultivated marijuana plots for future enforcement efforts.
- E. "Probable cause" means facts and circumstances within a law enforcement officer's knowledge and of which the law enforcement officer has reasonably trustworthy information that are sufficient in themselves to warrant a person of reasonable caution in the belief that a crime has been or is being committed (Hawaii Revised Statutes Section 803-5).
- F. "Short term airborne operations" (STABO) means the aerial transportation of personnel, harvested marijuana or equipment while attached by a rope or similar device to the underside of a helicopter.

III. POLICY

For the safety and welfare of the public and law enforcement personnel and to maintain a consistent operating procedure and ensure public confidence in the program, all members participating in marijuana eradication operations and other

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marijuana enforcement efforts shall adhere to the policies and procedures as set forth by the Hawaii Police Department. Members may include personnel from other law enforcement agencies assisting the Hawaii Police Department in marijuana eradication enforcement efforts.

IV. HELICOPTER RECONNAISSANCE MISSION

- A. The mission is to locate and map illegally cultivated marijuana plots for future eradication and search warrant missions.
- B. Police aerial observers who are taking part in a marijuana reconnaissance mission shall make every reasonable effort to ensure that the aircraft maintains a minimum altitude of 1000 feet while directly over homes, buildings, urban and rural areas used mainly for family dwellings and immediate areas where livestock is contained. Should probable cause exist that illegal marijuana plants are being cultivated; the helicopter may descend to a minimum altitude of 500 feet.
- C. An altitude of 500 feet may be maintained while in any air corridor used primarily by commercial tour helicopters flying at 1000 feet, during the hours of normal tour operations.

V. MARIJUANA ERADICATION OPERATIONS

- A. The mission is to locate and eradicate illegally cultivated marijuana plants on public and private lands.
- B. The helicopter shall maintain a minimum altitude of 1000 feet while directly over homes, buildings, urban and rural areas used mainly for family dwellings and immediate areas where livestock is contained. Should probable cause exist that illegal marijuana plants are being cultivated, the helicopter may descend to a minimum altitude of 500 feet to confirm the initial observations.
- C. An altitude of 500 feet may be maintained while in any air corridor used primarily by commercial tour helicopters flying at 1000 feet, during the hours of normal tour operations.
- D. The helicopter, during marijuana eradication operations, may descend below the altitude of 500 feet to insert and extract police personnel from illegal

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marijuana fields and to remove harvested illegal marijuana plants and equipment.

- E. In situations where the helicopter is required to fly below 500 feet, a distance of at least 500 linear feet shall be maintained from all homes, buildings and immediate areas where livestock may be present.
- F. Flights over homes and buildings shall be avoided, when airlifting by long-line, personnel, harvested marijuana, and equipment.
- G. In the event of an in-flight emergency, the police aerial observer and aircraft pilot may use their discretion in deviating from the established practices and procedures. An example of an in-flight emergency is an engine failure.

VI. MANUAL ERADICATION

- A. The police aerial observer will direct ground personnel to illegally cultivated marijuana plants, while at the same time, observing the requirements set forth in Section V, subsections C, D and E.
- B. All personnel shall be responsible for keeping a count of the marijuana plants personally eradicated, to include the area and number of plots. These numbers shall be relayed to the team leader who will inform the mission commander or his designate at the end of each day of the operation.

VII. RAPPEL METHOD OF ERADICATION

- A. Rappel and short term airborne operations (STABO) techniques to place personnel in illegal marijuana plots, and/or extract personnel from illegal marijuana plots are permitted, provided the height and distance requirements as set forth in Section V, subsections C, D and E are observed.

VIII. IDENTIFYING HELICOPTERS AND VEHICLES

- A. Helicopters involved in marijuana eradication operations, with the exception of the Drug Enforcement Administration's and the Hawaii Army National Guard's helicopters, shall be marked with the words "POLICE" or letters "HPD" in such a size that it is discernible from at least 500 feet.
- B. Vehicles taking part in a marijuana eradication operation shall be marked with the words "POLICE" on both sides of the vehicle.

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IX. IDENTIFYING LAW ENFORCEMENT PERSONNEL

- A. All sworn law enforcement personnel participating in a marijuana eradication operation shall be properly identified with the police issued coveralls, or other appropriate attire approved by the Department, which will distinguish them as police officers.

X. COMPLAINT AND/OR INFORMATION LINE

- A. During marijuana eradication operations conducted by the Hawaii Police Department, all telephone calls regarding complaints and/or information shall be routed to the Vice Section in charge of the operation.
- B. All complaints and/or comments received during a marijuana eradication operation shall be documented utilizing the approved form (copy attached) and shall be maintained for a period of at least five years.

XI. RECOVERY OF EVIDENCE/DISPOSAL OF MARIJUANA

- A. An Evidence and Property Receipt (HPD/REC-005A) shall be completed for all property recovered in accordance with the Hawaii Police Department Evidence Procedures.
- B. Disposal of all illegally cultivated marijuana with no evidentiary value shall be in accordance with the Hawaii Police Department Evidence Procedures, Section XVI, subsection G.

XII. AERIAL HERBICIDE SPRAYING

- A. The Hawaii Police Department shall not conduct aerial spraying of herbicide to eradicate cultivated marijuana plants, in accordance with County of Hawaii Resolution 46-01 and 87-01.

XIII. SENSITIVE AREAS

- A. The mission commander or his designate, prior to the start of the operation, shall inform supervisory personnel involved in marijuana eradication operations of relevant environmentally sensitive areas where overflying and hovering helicopters may endanger plants and wildlife.

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- B. All supervisory police personnel involved in marijuana eradication operations shall brief their team members prior to each mission of relevant environmentally sensitive areas where overflying and hovering helicopters may endanger plants and wildlife.

XIV. SPECIAL CONDITIONS

- A. Notwithstanding the exclusive purpose of these rules and regulations, it is specifically understood that these rules and regulations do not prohibit the Hawaii Police Department and any law enforcement agency assisting in marijuana operations from deviating from these procedures in the interest of public safety or officer safety during an emergency; for example, injury to persons on the ground.

HAWAII POLICE DEPARTMENT
COUNTY OF HAWAII

By: (Signed)
JAMES S. CORREA
POLICE CHIEF

Date: 04-15-02

COUNTY OF HAWAII

By: (Signed)
HARRY KIM
MAYOR

Date: 07-19-02