

JAN 22 2016

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT CAMERAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that an increasing number
2 of states are addressing the issue of law enforcement agencies'
3 use of body-worn video cameras and vehicle cameras as a means to
4 protect civilians and law enforcement officers. A body-worn
5 video camera worn by a law enforcement officer acts as a third-
6 party, independent witness in disputes by clarifying testimony
7 obtained in the field. Vehicle cameras are video cameras that
8 are typically mounted on a vehicle's dashboard.

9 The legislature further finds that people who are aware
10 that they are being videotaped are more inclined to alter their
11 behavior, as they know that they will likely be held accountable
12 for their actions. In light of the recent incidents involving
13 law enforcement officers and the alleged use of unnecessary
14 force, body-worn video cameras and vehicle cameras can provide
15 law enforcement officers and civilians the security of knowing
16 that a law enforcement officer's or civilian's statements about



1 an incident may be corroborated by the video or audio recording
2 obtained through the body-worn video camera or vehicle camera.

3 Law enforcement agencies in this country spend
4 approximately \$2,000,000,000 annually investigating complaints
5 against law enforcement officers. The use of body-worn video
6 cameras and vehicle cameras may reduce complaints against law
7 enforcement officers and allow complaints to be resolved more
8 quickly, thus freeing up valuable resources and reducing
9 financial losses.

10 The legislature also finds that the use of body-worn video
11 cameras and vehicle cameras can assist law enforcement agencies
12 with training, assessment, and disciplinary decisions.

13 Accordingly, the purpose of this Act is to promote
14 transparency, accountability, and protection for law enforcement
15 officers and civilians by:

- 16 (1) Establishing requirements for the use; and
17 (2) Appropriating funds to each county for the purchase,
18 of body-worn cameras and vehicle cameras.

19 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
20 amended by adding a new part to be appropriately designated and
21 to read as follows:



1 "PART . LAW ENFORCEMENT CAMERAS

2 §52D- Definitions. As used in this part:

3 "Body-worn camera" means a recording device that is:

- 4 (1) Capable of recording, or transmitting to be recorded
- 5 remotely, video and audio; and
- 6 (2) Worn on the person of a police officer, and shall
- 7 include being attached to the police officer's
- 8 clothing or worn as glasses.

9 "Vehicle camera" means a recording device that is:

- 10 (1) Capable of recording, or transmitting to be recorded
- 11 remotely, video and audio; and
- 12 (2) Mounted in or on a law enforcement vehicle.

13 §52D- Body-worn cameras; police department policies.

14 (a) Each county police department shall adopt policies for the

15 use of body-worn cameras and vehicle cameras that prohibit the

16 activation of either type of camera for non-law enforcement

17 purposes and shall establish requirements that provide for the

18 following:

- 19 (1) When a police officer shall and shall not activate a
- 20 camera or discontinue a recording currently in
- 21 progress;



- 1 (2) Data retention, including requiring the retention of
- 2 data for a minimum of ninety days;
- 3 (3) Storage of video and audio recordings, creation of
- 4 backup copies of the video and audio recordings, and
- 5 maintenance of data security;
- 6 (4) Public access, including requests made pursuant to
- 7 chapter 92F;
- 8 (5) Allowing a police officer access to any recording of
- 9 an incident involving the police officer before the
- 10 police officer is required to make a statement about
- 11 the incident;
- 12 (6) Procedures for supervisory or internal review; and
- 13 (7) The handling and documenting of equipment and
- 14 malfunctions of equipment.

15 (b) No county police department policy shall require a

16 police officer to keep a body-worn camera activated for the

17 entire period of the police officer's shift.

18 §52D- **Training.** (a) No police officer shall use a

19 body-worn camera or vehicle camera without first being trained

20 by the applicable county police department on the proper use of

21 the body-worn camera or vehicle camera.



1 (b) No law enforcement personnel shall come into contact
2 with data obtained from the use of a body-worn camera or vehicle
3 camera without first being trained by the applicable county
4 police department on the proper handling of the data.

5 (c) The department of the attorney general shall develop
6 or approve a curriculum for training programs under this
7 section.

8 §52D- **Prohibited acts.** (a) No police officer on duty
9 shall operate a body-worn camera or vehicle camera that is not
10 issued and maintained by the applicable county police
11 department.

12 (b) No person shall tamper with, delete, or make an
13 unauthorized copy of data obtained through the use of a body-
14 worn camera or vehicle camera under this part.

15 (c) No person shall release a recording created with a
16 body-worn camera under this part unless the person first obtains
17 the permission of the applicable county police department.

18 (d) No recording created by a body-worn camera documenting
19 an incident that involves the use of deadly force by a police
20 officer or that is otherwise related to an administrative or



1 criminal investigation of a police officer shall be deleted or
2 destroyed without court order."

3 SECTION 3. Chapter 52D, Hawaii Revised Statutes, is
4 amended by designating sections 52D-1 to 52D-16 as "Part I.
5 General Provisions".

6 SECTION 4. Each county police department that receives a
7 grant-in-aid pursuant to section 5 of this Act, shall submit to
8 the legislature reports no later than twenty days prior to the
9 convening of the 2017, 2018, 2019, 2020, and 2021 regular
10 sessions, which shall include the costs of implementing and
11 maintaining the body-worn camera and vehicle camera program and
12 the equipment, data storage, and other costs of the program.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1,350,000 or so much
15 thereof as may be necessary for fiscal year 2016-2017 for a
16 grant-in-aid to each county for the purchase of body-worn video
17 cameras and law enforcement vehicle cameras to be used by each
18 county police department, to be allocated as follows:

- 19 \$700,000 to the city and county of Honolulu;
- 20 \$250,000 to the county of Maui;
- 21 \$250,000 to the county of Hawaii; and



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1 \$150,000 to the county of Kauai,
2 provided that no funds appropriated to a county under this Act
3 shall be expended unless matched dollar-for-dollar by the
4 county.

5 The sum appropriated shall be expended by each county for
6 the purposes of this Act.

7 SECTION 6. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: ~~SEN. D.C. ...~~

Mark ...
Nike ...
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S.B. NO. 2411

Report Title:

Body-Worn Cameras; Vehicle Cameras; Law Enforcement; Grant-in-Aid; Appropriation

Description:

Establishes requirements for body-worn cameras and vehicle cameras for county police departments. Appropriates funds as a grant-in-aid to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras; provided that no funds appropriated to a county shall be expended unless matched dollar-for-dollar by the county.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.52D

