

Honolulu, Hawaii

March 24, 2016

RE: S.B. No. 2411
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2411, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT CAMERAS,"

begs leave to report as follows:

The purpose of this measure is to increase transparency, accountability, and protection for law enforcement officers and civilians by:

- (1) Establishing standards and prohibitions regarding county police department body-worn and vehicle camera usage, training, and recorded footage retention; and
- (2) Appropriating funds as a grant-in-aid to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras subject to dollar-for-dollar match by the county.

This measure also requires county police departments receiving grant-in-aid funds to report to the Legislature regarding the costs of implementing and maintaining the body-worn camera and vehicle camera program.

The Office of Information Practices and numerous individuals testified in support of this measure. The American Civil Liberties Union testified in support of this measure and offered amendments. The County of Hawaii Police Department, County of



Maui Police Department, County of Kauai Police Department, and Civil Beat Law Center for the Public Interest testified in opposition to this measure. The State of Hawaii Organization of Police Officers and an individual provided comments on this measure.

Your Committee has amended this measure by:

- (1) Removing the public inspection exemption for video footage, falling under the automatic minimum three-year retention period rule, that involves an encounter where a complaint has been registered by the subject of the video footage and the subject requests the footage not be made available to the public;
- (2) Establishing privacy interest presumptions, the violation of which may be deemed to constitute an unwarranted invasion of personal privacy, for the following individuals; provided that the video recorded by the body-worn camera is subject to three-year retention:
 - (A) Individuals appearing in video footage where a complaint has been registered by the individual and the individual requests that the video footage not be made available to the public; and
 - (B) Individuals appearing in video footage, where the law enforcement officer who recorded or appears in the body-worn camera footage, or the superior officer of such law enforcement officer, reasonably asserts the video footage has evidentiary or exculpatory value;
- (3) Specifying that each county police department shall become fully operational with respect to police body-worn and vehicle-mounted cameras as soon as practicable, and in any event, not later than July 1, 2018;
- (4) Changing its effective date to July 1, 2016; and
- (5) Making technical, nonsubstantive changes for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2411, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2411, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



