

STAND. COM. REP. NO. 2710

Honolulu, Hawaii

MAR 04 2016

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2411, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish requirements for body-worn cameras and vehicle cameras for county police departments; and
- (2) Appropriate 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 they are matched dollar-for-dollar by the county.

Your Committees received testimony in support of this measure from the Office of Information Practices, American Civil Liberties Union, IMUAlliance, and four individuals. Your Committees received testimony in opposition to this measure from the Police Department, County of Kauai; Police Department, County of Hawai'i; State of Hawaii Organization of Police Officers; Civil Beat Law Center for the Public Interest; and three individuals.

Your Committees find that an increasing number of jurisdictions are addressing the issue of body-worn cameras and vehicle cameras being used by law enforcement officers. Body-worn cameras and vehicle cameras are useful for collecting evidence by



police officers for use in court, as well as resolving incidents of alleged misconduct by officers. Implementation of this measure will increase public safety and assist law enforcement agencies with training, assessment, and disciplinary decisions.

Your Committees have amended this measure by:

- (1) Inserting language to clarify that a police officer on duty may use a body-worn camera on the grounds of a school when responding to a call for service or during an enforcement encounter, rather than when responding to an imminent threat to life or health;
- (2) Inserting language to clarify that a person is prohibited from releasing a recording created with a body-worn camera under this measure unless the person first obtains the permission of the applicable state law enforcement agencies, in addition to the applicable county police department;
- (3) Inserting language to require that body-worn camera video footage be retained for one year for non-criminal cases from the date it was recorded and for the period of the applicable criminal statute of limitations for criminal cases, rather than six months for all cases;
- (4) Requiring video footage to be permanently deleted after expiration of the applicable period, rather than the expiration of a six-month period;
- (5) Prohibiting certain video footage from being viewed by any immediate supervisor, rather than superior officer, of a law enforcement officer;
- (6) Inserting language to authorize each law enforcement agency to set policies for random auditing by the agency's respective internal affairs section;
- (7) Deleting specific appropriation amounts;
- (8) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.




Your Committees note that an appropriation of \$1,350,000 is necessary for the purchase of body-worn video cameras and law enforcement vehicle cameras to be used by each county police department to successfully implement this measure, including \$700,000 to the City and County of Honolulu, \$250,000 to the County of Maui, \$250,000 to the County of Hawaii, and \$150,000 to the County of Kauai.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2411, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2411, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2411 SDI	Committee Referral: PSM, JDL/WAM	Date: 3/1/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

