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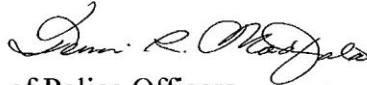
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TO: The Honorable Sylvia Luke, Chair
House Committee on Finance

The Honorable Scott Y. Nishimoto, Vice Chair
House Committee on Finance

Members of the House Committee on Finance

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: February 23, 2015

SUBJECT: Testimony on H.B. No. 365 HD1, Relating to Police

HEARING DATE: Wednesday, February 25, 2015
2:00 p.m. Conference Room 308

Thank you for the opportunity to testify on this bill regarding funding for body cameras for police officers. The State of Hawaii Organization of Police Officers ("SHOPO") supports this bill with comments.

SHOPO recognizes the benefits of body cameras for police. However, after review of the Police Executive Research Forum study described below, the implementation and utilization of body cameras requires at a minimum:

- a. planning;
- b. training and annual recall training for police officers;
- c. budgeting for long-term funding (primarily for video storage);
- d. contracting for storage, access to video, as well as security;
- e. orientation for the courts, prosecutors, and corporation counsel;
- f. researching legal and staffing implications for Hawaii Revised Statutes 92F requests for video
- g. engaging and educating the community;
- h. seeking input from the community.

The Police Executive Research Forum, with support from the U.S. Department of Justice Office of Community Oriented Policing Services, conducted an extensive study on body cameras, including convening a conference in 2013 with over 200 law enforcement officials, scholars, representatives from federal agencies, and other experts, for the purpose of gathering information on their experiences with body cameras. A publication resulted, entitled: "Implementing a Body-Worn Camera Program Recommendations and Lessons Learned" and can be found on the internet.

Main Office & Honolulu Chapter
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Ph: (808) 847-4676 "84 SHOPO"
(800) 590-4676 Toll Free
Fax: (808) 841-4818

Hawaii Chapter Office
688 Kino'ole Street, Room 220 B
Hilo, Hawaii 96720
Ph: (808) 934-8405
Fax: (808) 934-8210

MauI Chapter Office
1887 Wili Pa Loop, Suite #2
Wailuku, Hawaii 96793
Ph: (808) 242-6129
Fax: (808) 242-9519

Kauai Chapter Office
4264 Rice Street, Lihue
Mailing Address:
P.O. Box 1708
Lihue, Hawaii 96766
Ph: (808) 246-8911

Therefore many issues will need to be carefully researched and addressed. Three of these issues are discussed in small part below.

First, as you know, Hawaii's Constitution, Article 1 Section 6 provides in relevant part: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest." Also, Article 7 provides in pertinent part: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures **and invasions of privacy shall not be violated.**" (Emphasis added.)

Thus, Hawaii police officers face a much more complex level of decision-making on whether their video cameras can be on in a member of the community's house, whether it be to quell a domestic argument or just answer questions on how to deal with a difficult teenager. Prosecutors, Corporation Counsel, and others will have to be engaged to address these issues before any implementation of a program.

Second, body camera video may be considered government records, subject to the Hawaii Revised Statutes ("HRS") 92F open records law. Any budget for a body camera program would have to include funding for sufficient staffing to respond to HRS 92F requests. Furthermore, each video would have to be carefully reviewed, even if eight hours long, to redact any parts subject to individuals' right to privacy. This may have to be a legal counsel position, as costly lawsuits could result from the improper release of video. Notably, an article in the American Bar Association Journal noted that Seattle police had to shut their program down because of the cost of responding to public record requests.

Third, body camera video is like cell phones. It is not the cost of the phone that is expensive, it is the cost of the monthly plan. Likewise, with body camera video, many jurisdictions have found that the cost of storage is expensive. The Police Executive Research Forum noted that the New Orleans Police Department deployed 350 cameras, and the cost of \$1.2 million for five years was mostly for data storage. A Hawaii News Now article interviewed a representative of the Honolulu Police Department that said it would cost roughly \$300,000 for cameras and \$100,000 to \$300,000 per year for video storage.

Additionally, there may be concerns about video data being stored in outside vendor servers ("the cloud") which could be in any country in the world, versus at the individual police departments. As we know with a cell phone plan, once you sign up for the plan, you are a captive audience that must pay dearly for any changes or cancellations.

In summary, SHOPO is very interested in the body camera program, and at the same time is very concerned that the program be developed carefully and thoughtfully so that our citizens' privacy interests are addressed, budgeting is adequate for the long-term, and all the stakeholders have input. Thank you for your consideration in this matter.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Nishimoto, Vice Chair

Wednesday, February 25, 2015

2:00 p.m.

Room 308

SUPPORT for HB 365 - BODY CAMS FOR HPD

Aloha Chair Luke, Vice Chair Nishimoto and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 365 HD1 appropriates moneys as a grant-in-aid to the city and county of Honolulu to purchase body cameras for their police officers and to establish a Honolulu Police Department Body Camera Pilot Program, provided that the City and County of Honolulu provide matching funds on a 1:1 basis. (HB365 HD1)

Community Alliance on Prisons supports this bill and all things that are open, honest, transparent, and accountable.

Mahalo for this opportunity to testify.

TO: Members of the Committee on Finance

FROM: Natalie Iwasa
Honolulu, HI 96825
808-395-3233

HEARING: 2 p.m. Wednesday, February 25, 2015

SUBJECT: HB 365, HD1 Relating to Police Cameras - **OPPOSE**

Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on HB 365, HD1, which would grant money to county police departments for the purchase of body cameras. I oppose this bill, as we cannot afford it at either the state or county level.

The state has millions of dollars in liabilities for pensions and increasing union costs. The county has the multi-billion dollar rail as well as increasing costs for core services and other programs to fund.

We cannot afford body cameras. Please vote "no" on this bill.

LATE



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR SENATE BILL 365, HOUSE DRAFT 1, RELATING TO POLICE

**House Committee on Finance
Hon. Sylvia Luke, Chair
Hon. Scott Y. Nishimoto, Vice Chair**

**Wednesday, February 25, 2015, 2:00 PM
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in support of Senate Bill 365, House Draft 1, relating to police.

In 2014, it was revealed that local law enforcement officers were engaging in sexual penetration during prostitution investigations, a practice that Honolulu Police Department officials defended before the State Legislature. IMUAlliance drafted and, with the help of lawmakers, passed a bill repealing the statutory exemption allowing that behavior to go unpunished. As police continue to investigate prostitution crimes, the use of body cameras will likely diminish incidents of police abuse during undercover stings and, in turn, amplify the success of sex trafficking prosecutions by providing prosecutors with video evidence of solicitation.

Accountability begins at the top. Accordingly, policymakers must take steps to safeguard the public trust in law enforcement, especially when departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance