

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: April 1, 2016, 11:00 a.m.  
State Capitol, Conference Room 308

Re: Testimony on S.B. No. 2411, H.D. 1  
Relating to Law Enforcement Cameras

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) **supports the intent** of this bill to ensure that police departments have uniform state standards to follow in their responses to requests under the Uniform Information Practices Act (“UIPA”), chapter 92F, for recordings made by body-worn cameras, as well as standards for when to use body-worn cameras. With or without this bill, **OIP anticipates that the increased use of body-worn cameras will lead to a high volume of UIPA requests for body-worn camera footage, thus requiring additional staffing and operational funding for OIP to address these new cases.**

Regardless of whether this bill becomes law, the county police departments have been and are likely to continue to acquire and use body-worn cameras. Thus, OIP expects to be dealing in the near future with increasing numbers of appeals from the public for the resulting footage as well as requests from police departments for guidance as to their UIPA responsibilities. **This bill is helpful, in that it does set reasonable statewide standards** for when body-worn camera recordings are definitively not public under the UIPA, and thus

reduces the need for OIP to analyze and opine on those non-public records.

Therefore, **OIP supports the establishment of statewide standards**, as provided by the bill. However, OIP would recommend an amendment to clarify an apparent contradiction in proposed section 52D-E: footage retained solely because of a request by law enforcement (i.e. subsection 52D-E(b)(2)(A) through (D)) is listed as being exempt from disclosure under the UIPA at bill page 11 lines 9-11, yet it is also listed at bill page 12, lines 6-8, as footage that carries a significant privacy interest and should not be disclosed unless the public interest in disclosure outweighs that privacy interest. **To avoid confusion as to why footage that is exempt from the UIPA might be subject to a balancing test between public interest and privacy interest, OIP recommends deleting the proposed subparagraph (d)(2) at bill page 12, lines 6-8.**

Please note that **this bill does not establish statewide standards for all body camera footage, such as that involving the use of force or a potential felony. Consequently, these remaining records not covered by this bill, which are the most controversial, would require careful analysis as to whether they would be potentially subject to the UIPA's exceptions, particularly the privacy exception, and this bill provides no funding for the anticipated increase to OIP's workload.**

**Public requests for body-worn camera footage will almost certainly occur in such controversial cases and are likely to require case-by-case analysis** of the balance of the privacy interests of those depicted in videos versus the public disclosure interest. This is similar to the issues involved when OIP considers disputes regarding disclosure of 911 recordings, which in the past have required analyses of whether non-verbal sounds were so emotionally anguished as to create a significant privacy interest, whether spoken words gained

a privacy interest because of the fearful or anguished tone of the person's voice, the extent to which such privacy interests were affected by a person's death (often caused by the events recorded), and where the balance lies between the identified privacy interests and the public interest in disclosure. OIP has found 911 recording decisions to **require far more attorney time** per page of transcript or per minute of recording than decisions involving records created under less emotionally fraught circumstances.

With body-worn cameras, a five-minute incident could potentially be recorded from several officers' cameras at once, which, if different cameras pick up additional information, would further **increase review time**, especially if OIP must review both the redacted and unredacted versions of multiple videos. Additionally, the sheer volume of body camera recordings would mean that even a small proportionate number of video requests resulting in appeals to OIP could **create substantial new work for our already burdened office**.

To give you an idea of the volume of recordings experienced elsewhere, the Seattle Police Department has estimated that it would take someone nearly 330 years working eight hours each business day to view its existing 700,000 hours of dash cam video, and that it expects to generate an additional 220,000 hours of body cam footage each year. Seattle had 1,289 police officers in 2015, and 640 of them will start wearing body cameras this fall. Since its body cam pilot project in 2014, Seattle has grappled with various issues concerning the public release of police videos, and almost shelved its body camera program when a requester sought release of all videos.

Based on the experience of Seattle and other police forces around the nation, OIP anticipates that **UIPA requests for these recordings will be time-consuming both for police departments to respond to and for OIP to advise**

the police departments and the public and to issue decisions on appeals, **especially in the first few years before precedents have emerged** on the treatment of the sort of information typically found in body-worn camera footage. Consequently, as the counties begin using body-worn cameras, **OIP will need additional staffing and operational funding** to address anticipated requests for guidance and appeals involving body-worn camera footage, which will only add to the steady increases in new cases that OIP has already been receiving each year.

For the near future, **OIP anticipates that a simple trade-off of an existing 1.0 FTE staff attorney position (# 102633) into two .50 FTE staff attorney positions and supplemental funding of \$50,000** would enable it to more efficiently utilize its personnel and handle the expected increase in new cases next year.

While OIP's primary concern is the question of public access to body-worn camera footage and the anticipated costs associated with it, OIP notes that there are **other costs and issues** associated with the use of body-worn cameras, such as the costs of redaction and maintaining the footage for the required time period, which reports from other states indicate may dwarf the cost of actually acquiring the cameras; the issue of when cameras should be turned on and off, which is partially addressed by this bill; and where the videos will be retained and who will be responsible for ensuring their chain of custody.

In conclusion, **OIP supports the establishment of statewide standards** for the use of body cameras by police departments, **and requests additional resources** so that it can assist the public and the police in responding to their anticipated increases in appeals and requests for guidance concerning the disclosure of police videos.

Thank you for considering OIP's testimony.

**TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT**

**SENATE BILL 2411, SD2, HD1**

**RELATING TO LAW ENFORCEMENT CAMERAS**

**BEFORE THE COMMITTEE ON FINANCE**

DATE : Friday, April 1, 2016

TIME : 11:00 A.M.

PLACE : Conference Room 308  
State Capitol  
415 South Beretania Street

**PERSON TESTIFYING:**

Police Chief Harry S. Kubojiri  
Hawai`i Police Department  
County of Hawai`i

(Written Testimony Only)

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

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March 30, 2016

Representative Sylvia Luke  
Chairman and Committee Members  
Committee on Finance  
415 South Beretania Street, Room 308  
Honolulu, Hawai'i 96813

**Re: SENATE BILL 2411, SD2, HD 1 RELATING TO LAW ENFORCEMENT CAMERAS**

Dear Representative Luke:

The Hawai'i Police Department supports a law enforcement camera program but **opposes** Senate Bill 2411, SD2, HD1, with its primary purposes being to establish requirements for body-worn cameras and vehicle cameras for county police departments; being to establish policy guidelines for the use and discontinuance of use of body-worn cameras by police officers; to establish certain restrictions on the use of body-worn cameras by on-duty police officers.

The Hawai'i Police Department supports a camera program but given some of this legislation's onerous provisions would probably have to **delay implementation** as meeting the requirements would be beyond our current financial capabilities.

The issue of retention of the video for a three-year period of time carries with it an immense financial burden on the County Police Departments in terms of video storage capacity. Further, it would subject the County Police Departments to a **plethora of public requests for release of the videos** which carries an additional burden in terms of review, redacting to protect legitimate privacy interests as well as copying and releasing the video. The Hawai'i County Police Department projects video retention for a one-year period of time will require an additional three employees to meet public requests for same. The manpower required for mandatory three-year retention will in all probability lead to needing to hire at least double the projected manpower for complying with public requests for video footage.

We believe this legislation as written lacks a law enforcement perspective with respect to some of the stated policies and procedures. For instance, those people who will ask not to be recorded are in all probability the very ones for which a body camera is best suited for. Additionally, as written, this act seemingly requires use of body cameras by plainclothes and undercover officers. I am also unsure why officers would be mandated to use cameras but not be allowed to utilize the video in order to assist in producing their investigative reports, as noted in the proposed language "§52D-F Video footage; prohibitions on use. (a) No law enforcement officer shall review or receive an accounting of any body-worn camera video

Representative Sylvia Luke

RE: SENATE BILL 2411, SD2, HD 1 RELATING TO LAW ENFORCEMENT CAMERAS

March 30, 2016

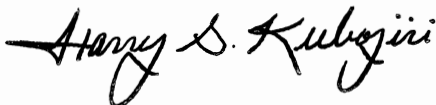
Page 2

footage that is subject to an automatic minimum three-year retention period pursuant to section 520-F (b) (1) prior to completing any required initial reports, statements, and interviews regarding the recorded event." It would appear inclusion of **this passage is aimed at assisting the defense of accused suspects** as opposed to ensuring the rights of victims.

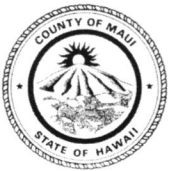
We would further hope, given the depth of infused policies and procedures attendant to these proposals, that any and all mandates be injected with **all necessary funding** so as not to frustrate the efforts of law enforcement in meeting statutory requirements with respect to responding to public records requests. This proposed legislation appears to be an unfunded mandate given the storage and reporting requirements that will be necessitated as a result if passed. The dollar-for-dollar match offered for purchase of the cameras fails to take into account the attendant video storage fees and other necessary personnel required to produce requested videos.

It is for these reasons, we urge this committee to **oppose** this if not unfunded, at the very least underfunded legislative mandate that will impact all County Police Departments.

Sincerely,

A handwritten signature in black ink that reads "Harry S. Kubojiri". The signature is written in a cursive style with a large, stylized initial 'H'.

HARRY S. KUBOJIRI  
POLICE CHIEF



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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TIVOLI S. FAAUMU  
CHIEF OF POLICE

DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

March 31, 2016

The Honorable Sylvia Luke, Chair  
The Honorable Scott Y. Nishimoto, Vice Chair  
and Members of the Committee on Finance  
The House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

**RE: Senate Bill No. 2411 SD2  
RELATING TO LAW ENFORCEMENT CAMERAS**

Dear Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Maui Police Department **STRONGLY OPPOSES** S.B. 2411 SD2.

The Maui Police Department supports the use of Body Worn Cameras and in-car video for Law Enforcement and we are in the process of researching and seeking to adopt a program that is similar to the Kauai Police Department's. We cannot, however, support a bill that will limit the control of policy changes, use, and release of footage to the general public for viewing.

The use of Body Worn Cameras should be governed by Police policy rather than an enacted law. A policy could be changed immediately should there be a need due to new case law that may arise throughout the year. If it were law, issues cannot be resolved due to the need to wait for a session to convene to deal with the mandated changes. Thus, the use of the cameras would be halted as Officers and Departments would be in violation of your law.

The law also has language that states "shall" when officers use the camera system. This language would open the Officer and Department up for violations of law, rather than a violation of policy, should the officer make a simple error in the use of the camera. If an officer has to worry about a violation of law rather than accomplish his lawful duties, this could prove to be an officer safety issue as well.

We also strongly oppose the ability of the public being able to view video upon request. If the video is attached to a criminal case, we must follow all of the rules of evidence prior to releasing any portion of the video. Also, the manpower to provide



The Honorable Sylvia Luke  
March 31, 2016  
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services for viewing of the video of any case would be unreasonable to each Department due to the staffing needed to provide this service. The cost for equipment and manpower would be astronomical to each Department.

At this time we would be doing a great disservice to our community and Departments should this law be passed. If an officer should have to ask every time that he/she is filming the public, if they always said no we would have no footage to show the full story of what transpired during the contact with law enforcement. This would nullify the whole purpose of having body worn cameras for law enforcement use.

This law would also contradict the fact that Hawaii is a single consent State and recording an interaction or conversation can be done without the knowledge or consent of one of the parties involved, as long as there is one consenting party.

The Maui Police Department asks this committee to **STRONGLY OPPOSE** this measure as the use of the camera system must be in control of the individual Departments to assure the best service to our community and law enforcement.

Thank you for the opportunity to testify.

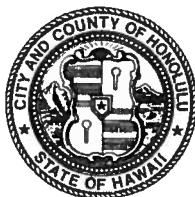
Sincerely,

  
TIVOLI S. FAUMU  
Chief of Police

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE AL-TS

April 1, 2016

The Honorable Sylvia Luke, Chair  
and Members  
Committee on Finance  
House of Representatives  
415 South Beretania Street, Room 308  
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

**SUBJECT: Senate Bill No. 2411, S.D. 2, H.D. 1, Relating to Law Enforcement Cameras**

I am Andrew Lum, Major of the Information Technology Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of Senate Bill No. 2411, S.D. 2, H.D. 1, Relating to Law Enforcement Cameras. However, we oppose some of the specific language in the bill as we feel it would be detrimental in developing our body worn camera program. The HPD has the following concerns:

- Section 52D-B (a) requires all on-duty personnel to wear a body worn camera. We suggest the following clarification, "On-duty, uniformed law enforcement officers whose primary duty is routine law enforcement and/or traffic enforcement." The existing language does not account for plain clothes, undercover, or administrative-level officers.
- Sections 52D-B (c) and (d) address the notification of subjects that they are being recorded. However, we do not feel that the decision to turn the camera off should be determined by the subject. The intent of this law is to record police and public interactions. The more hostile the interaction, the more likely the subject will be to demand that the camera be turned off. Additionally, this section does not address if there are more than one occupant with opposing views on videoing the incident.

The Honorable Sylvia Luke, Chair  
and Members  
Committee on Finance  
April 1, 2016  
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- Section 52D-D addresses training. Each agency will be acquiring their own specific technology and developing their own specific policies. Therefore, the Hawaii Office of the Attorney General should not be tasked with developing the training programs for each of the county police departments. We believe that a review of the developed training programs would provide the desired oversight.
- The current retention schedules in Sections 52D and E as written would be extremely cost prohibitive. The HPD handles over 850,000 service calls each year, which does not include traffic stops or self-initiated interactions. Retention schedules need to be refined to address the amount of footage that will be captured and the costs associated.

Thank you for the opportunity to testify.

Sincerely,



Andrew Lum, Major  
Information Technology Division

APPROVED:



for Louis M. Kealoha  
Chief of Police



BERNARD P. CARVALHO, JR.  
Mayor

NADINE K. NAKAMURA  
Managing Director

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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: Darryl D. Perry, Chief of Police *Robert Nausepohl FOR*  
Kaua'i Police Department

DATE: March 30, 2016

SUBJECT: Testimony on S.B. No. 2411H.D.1 Relating to Law Enforcement Cameras

HEARING: Friday, April 1, 2016  
11:00 a.m.  
Conference Room 308  
State Capitol  
415 South Beretania Street

Thank you for the opportunity to testify on this bill regarding body-worn cameras for law enforcement. The Kaua'i Police Department is opposed to this bill, in part, as to establishing requirements for use and is in support of funding the program in each county. While we are grateful that Senate took into consideration many of our concerns with regards to this proposed bill, there are lingering concerns that were not addressed that will negatively affect law enforcement operations in Hawai'i.

As we have stated in previous testimony, the Kaua'i Police Department has conducted extensive research in the formulation of our policies and procedures with respect to our body-worn camera program. We have worked closely with the State of Hawai'i Organization of Police Officers (SHOPO) to ensure a comprehensive policy. Both SHOPO and KPD recognize however that change to the policy will be necessary in the future. No policy can take into account every possible situation that may arise. To have operational policy determined by a legislative initiative will make it difficult to make needed changes to policy in a timely manner. Through legislative initiatives, it may take a year or more to make changes along with the

We believe that the bill, in its current form, will be detrimental to law enforcement body-worn camera programs in Hawai'i and will negatively affect law enforcement operations, court proceedings and place an undue financial burden on agencies mandated to have body-worn cameras. The sum of funds appropriated will not be sufficient to meet the need for additional personnel or overtime expenditures due to the composition and requirements of the bill in its current state.

We would like to call to your attention to the following sections for review and respectfully suggest changes in an effort to improve the bill.

Page 3, 52D-B Use of body-worn cameras for law enforcement officers section (c):

*"A law enforcement officer who is wearing a body-worn camera shall notify the subjects of the video footage that the subjects are being recorded by a body-worn as close to the inceptions of the encounter as is reasonably possible"*

We suggest changing this language to:

*"Officers are encouraged to inform individuals that they are being recorded whenever possible."*

Page 3 section (1):

*"Prior to entering a private residence without a warrant or in non-exigent circumstances, a law enforcement officer shall ask the occupant if the occupant wants the officer to discontinue use of the officer's body-worn camera. If the occupant responds affirmatively, the law enforcement officer shall immediately discontinue use of the body-worn camera."*

This section presents concerns in cases where officers are lawfully within a residence without a warrant or in non-exigent circumstances. One example is family abuse cases. The suspect and victim in many cases are located within a residence. Many times the crime scene is inside the residence. Capturing of video and audio footage of the initial physical and emotional state of the victim and suspect as well as the conditions of the residence can be invaluable evidence for the prosecution of cases. These situations can also be very volatile and lead to the need for use of force. Capturing of use of force situations within a residence would be critical to ensuring that the proper level of force was used and is helpful in protecting both the officer and the suspect to which force was used on. Mandating the turning off of the camera at the occupant's request **nullifies** the effectiveness of the camera. Furthermore, as stated above, Hawai'i is a one party consent State based on Haw. Rev. Stat. §803-42. It should also be noted that this requirement could be a point of contention in legal proceedings based on section 52D-G Violation of recording or retention requirements sections (2 & 3) of this bill, which gives rebuttable evidentiary presumption to criminal and civil litigants. The questions begs as to what

would happen in a situation where an officer was told to turn the camera off in a suspect's residence and then the suspect attempted to use deadly force on the officer. If the officer needed to use deadly force in that situation, there would be no recording of the encounter. We suggest the following change:

“Officers are not required to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place.”

Page 4, section (2):

*“When interacting with an apparent crime victim, a law enforcement officer shall, as soon as practicable, ask the apparent crime victim if the apparent crime victim wants the officer to discontinue use of the officer's body-worn camera. If the apparent crime victim responds affirmatively, the law enforcement officer shall immediately discontinue use of the body-worn camera.”*

There are many situations where capturing the statement and physical and emotional state of a crime victim is critical to building a successful criminal case. Placing the responsibility on the officer to ask for permission of the crime victim to film will more than likely nullify the effectiveness of having a camera. We suggest the following change in language:

“Officers are not required to activate and record investigative or enforcement encounters with the public when:

- a. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
- b. In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate because of the victim's or witnesses' emotional state, age, or other sensitive circumstance (i.e. victim of rape, incest, or other form of sexual assault.).
- c. Situations where the recording would risk the safety of confidential information, citizen informant(s), or undercover officer(s).
- d. In-patient care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taking place in these areas.
- e. Situations where tactical planning, peer-to-peer discussion, and/or non-law enforcement discussion are occurring.
- f. Judges chambers and courtrooms unless an enforcement action is being taken.

Page 4-5 §52D-D Training (a-b):

*“(a) No person shall release a recording created with a body-worn camera under this part unless the person first obtains the permission of the applicable county police department. (b) No law enforcement personnel shall come into contact with data obtained from the use of a body-worn camera or vehicle camera without first being trained by the applicable county police department on the proper handling of the data”*

State law enforcement agencies are not listed and it appears that this section only governs county police departments. It should not be the county’s responsibility to train State law enforcement agencies. Suggest changing to:

“county police departments and state law enforcement agencies.”

Page 6 §52D-E Body-worn camera video footage; retention and deletion, section (G):

*“Any individual who is subject of the video footage, parent or legal guardian of a minor who is a subject of the video footage, or deceased subject’s next of kin or legally authorized designee shall be permitted to review the relevant video footage prior to submitting a request pursuant to subparagraph (E), (F), or (G);”*

We recommend deletion of sections (E), (F) & (G). Permitting any individual or parent or legal guardian of a minor or deceased subject’s next of kin or legally authorized designees to view videos in criminal cases, prior to trial, could affect the prosecution of cases. There are long established procedures for the discovery of evidence that should be followed in all criminal cases. Furthermore, allowing individuals to view their video footage outside of the Uniformed Information Practices Act will be cumbersome and costly for agencies. The Kaua’i Police Department (KPD) has 39 patrol officers on three shifts each day. If on average an officer conservatively records two videos a day, this would mean in a timespan of a year, KPD would conservatively have 28,470 videos (39 officers multiplied by 2 videos by 365 days). If there was only one subject of a video in each video and only a quarter of the subjects of the video requested to see their videos, KPD would have to accommodate the viewing of 7,117 videos in a year. The length of each video would vary, some of which could take hours to view. This burdensome requirement would undoubtedly require additional staffing and equipment for viewing, the funding of which is not covered in this bill. Essentially this would mean an unfunded mandate in terms of personnel and equipment requirements. KPD strongly suggests the deletion of these sections or funding for additional positions and equipment beyond just body-cameras for each law enforcement agency.

Pages 6-7, Section (3):

*“No body-worn camera video footage documenting an incident that involves the use of deadly force by a police officer or that is otherwise related to an administrative or criminal investigation of a police officer shall be deleted or destroyed without a court order.”*

The Kaua‘i Police Department’s Policy covers the retention of body-worn camera footage based on established statutes of limitation. Requiring a court order to delete any body camera footage, especially in administrative investigations, is untenable and adds a level of bureaucracy that unnecessarily increases expense to law enforcement agencies, which this bill does not address with required funding. We suggest the deletion of this section.

Page 7, §52D-F Video footage; prohibitions on use, section (a):

*“No law enforcement officer shall review or receive an accounting of any body-worn camera video footage that is subject to an automatic minimum three-year retention period pursuant to section 52-E (b) (1) prior to completing any required initial reports, statements, and interviews regarding the recorded event.”*

It is irrational that those who are the subject of video footage are required by this bill to be allowed to view the videos recorded by law enforcement officers however the officers themselves are not allowed to view the videos. By not allowing officers to view videos prior to writing reports in all use of force situations or any felony arrest or event does a disservice to the community and the accuracy of police report writing. We suggest changing this section to say:

*“Officers shall not be allowed to view video footage where the officer is suspected of misconduct, the commission of a criminal act, or is involved in an incident considered by the department to be a Critical Incident including Use of Force incidents where death or serious bodily injury occurred.”*

Page 8 section (2)(3):

*“A rebuttable evidentiary presumption shall be adopted in favor of criminal defendants who reasonably assert that exculpatory evidence was destroyed or not captured; and (3) A rebuttable evidentiary presumption shall be adopted on behalf of civil plaintiffs who reasonably assert that evidence supporting their claim was destroyed or not captured in a civil suit against the State, a county, a state or county agency, or a law enforcement officer for damages based on officer misconduct.”*



**We strongly recommend that this section be deleted in its entirety.** There will be many instances where body camera footage may not capture evidence. A body camera is a piece of equipment that is subject to malfunctions. Officers, being human, may at times, without nefarious intentions, forget to activate the camera. Giving defendants and plaintiffs rebuttable evidentiary presumption does not balance the scales of justice nor take into account mechanical or human error factors. Body-cameras are simply an additional tool in the gathering of evidence and failing to turn the camera on should **not** give defendants or civil litigants any form of presumption. Placing the burden on law enforcement to prove that exigent circumstances existed is untenable.

Page 8-9 SECTION 4 and SECTION5:

*“Section 5: “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. Each county police department shall commence preparation for becoming operational promptly after the effective date of this Act.”*

In both sections 4 and 5, there is only reference to County Police Departments and no reference to State law enforcement entities such as the State Sheriff’s and Department of Land and Natural Resources. These entities have law enforcement officers with police powers that should be covered under this bill. To not mandate State law enforcement to establish body-camera programs would do a disservice to the community and the agencies alike.

Attached to our testimony is the Kaua‘i Police Department’s General Order 41.17 Body-Worn Camera System. As stated, we have done extensive research in the development of our policy and the implementation of our body-worn camera system program. We have worked with the State of Hawai‘i Organization of Police Officers on acceptable language within the policy and they have **agreed** to the current language contained within our policy.

With the exception of the financial support from the State, we believe that the bill, in its current state, would be detrimental operationally and financially to law enforcement agencies and therefore we **oppose** in most part and support in some part Senate Bill 2411 HD1. Again, thank you for the opportunity to testify.



# KAUA'I POLICE DEPARTMENT



## GENERAL ORDER

NUMBER <b>41.17</b>	INDEX <b>Body-Worn Camera System (BWCS)</b>	NEW
ISSUE DATE <b>12/11/2015</b>	CALEA STANDARDS	REVISED DATE <b>2/19/2016</b>

### I. PURPOSE:

- A. This policy is intended to provide officers with instructions on the use of the Body-Worn Camera System (BWCS) so that officers may record their activities and contacts with the public in accordance with the law.
- B. The use of the BWCS provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/visual files to achieve operational objectives and to ensure evidence integrity.
- C. The BWCS also provides additional information regarding investigative or enforcement contact with members of the public. BWCS recordings however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analysis, and documentary evidence.

### II. DEFINITIONS:

- A. Body Worn Camera System (BWCS) - A portable audio/video recording system worn and used by Officers to document police related incidents and activities.
- B. File - For the purpose of this document, the term "file" refers to all sounds, images, and associated metadata.

### III. POLICY:

- A. It is the policy of the Kaua'i Police Department (KPD) that officers activate the BWCS at times when in the performance of his/ her official duties, where the recordings are consistent with this policy and the law.
- B. It is KPD policy that all department issued BWCS shall be of a make, model, and capability approved by the Chief of Police or designee prior to issuance, purchase, and use.
- C. This policy does not govern the use of surreptitious recording devices used in undercover operations.

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**IV. PROCEDURES:**

**A. Administration**

The Kauai Police department has adopted the use of the BWCS to accomplish several objectives. The primary objectives are as follows:

1. Assist officers with the accuracy of completing reports and testimony in legal proceedings.
2. Allow for accurate documentation of police to public contacts during arrests and critical incidents.
3. Assist in resolving complaints against officers including false allegations by members of the public.
4. Enhance the Department's ability to review arrests based on probable cause, officer and suspect interrogations, evidence for investigations and prosecutorial purposes.
5. Provide additional information for officer evaluation and training for continuous improvement.
6. Allow for documenting a crime or accident scenes or other event that includes the confiscation and documentation of evidence or contraband.
7. Promote accountability.

**B. BWCS Equipment:**

1. The BWCS equipment will consist of a body-mounted camera with a built-in microphone and a controller. The BWCS video and audio recordings are stored digitally on the BWCS camera and can be viewed on an approved handheld viewing device or an authorized computer.
2. The BWCS is equipped with a pre-event buffering feature that records video without audio. When an officer turns the device on it will record 30 seconds prior to activation.

**C. Training:**

1. Officer's who are assigned a BWCS must complete a Department approved and/or provided training program to ensure proper use and operation of the BWCS. Additionally, the training program shall cover updated information on what a reasonable expectation of privacy is in regards to BWCS, and current case law examples, if any. Training may also be required at periodic intervals to ensure the continued effective use of operation and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

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Body-worn Camera System (BWCS)

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**D. When and how to use the BWCS:**

1. There are many situations where the use of the BWCS is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers may activate the system any time they feel its use would be appropriate and/or valuable to document an incident, subject to the limitations in section E and G.
2. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers shall make every attempt to activate their BWCS prior to making contact.
3. When activation is required: Officers shall activate the BWCS to record all encounters with the public prior to contact except as provided in section IV.G. Exceptions to Recordings. This includes but is not limited to:
  - a. Dispatched calls for service.
  - b. Vehicle Stops.
  - c. Field Interviews.
  - d. Code 3 responses, including vehicle pursuits regardless of whether the vehicle is equipped with in-car video equipment.
  - e. Foot pursuits.
  - f. Searches.
  - g. Arrests.
  - h. Use of Force.
  - i. In-Custody Transports.
  - j. Witness and victim interviews except as specified below (Privacy Concerns).
  - k. Crowd control.
  - l. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recordings.

**E. Privacy Concerns:**

1. Officers are not required to obtain consent from members of the public when the officer is

## **GENERAL ORDER 41.17**

### **Body-worn Camera System (BWCS)**

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lawfully in the area where the recording takes place. However, whenever possible officers are encouraged to inform individuals that they are being recorded.

#### **F. Recording of the Entire Contact:**

1. The BWCS shall remain activated until the event or investigation has ended in order to ensure the integrity of the recording unless an exception from section IV. G applies.
2. If an officer terminates the recording pursuant to section IV. G, the officer shall verbally state on camera the reason for the termination. If the event or the investigation activity resumes, the officer shall activate the BWCS and continue recording.
3. If an officer fails to activate the BWCS, fails to record the entire contact, interrupts the recording, or terminates the recording, the officer shall document the reasons for non-activation; interruption; termination; or interruption on KPD form BWCS 01.
4. KPD BWCS 01 form is not required when the recording is stopped due to the end of a -public contact.
5. Officers shall not intentionally block or impede the audio or visual recording during an event or investigation.
6. The public shall not be allowed to review the recordings at the scene.

#### **G. Exceptions to Recordings:**

1. Officers are not required to activate and record investigative or enforcement encounters with the public when:
  - a. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
  - b. In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate because of the victim's or the witnesses' emotional state, age, or other sensitive circumstance (victim of rape, incest, or other form of sexual assault).
  - c. Situations where the recording would risk the safety of confidential information, citizen informant(s), or undercover officer(s).
  - d. In-patient care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taking place in these areas.

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### **Body-worn Camera System (BWCS)**

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- e. Situations where tactical planning, peer-to-peer discussions, and/or non-law enforcement discussions are occurring.

#### **H. Operational/Functionality Procedures for BWCS Use:**

1. BWCS equipment is issued primarily to uniformed personnel as authorized by KPD. Officers who are assigned BWCS equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Officers shall use only BWCS issued by the KPD. The BWCS equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the sole property of KPD.
3. BWCS equipment is the responsibility of individual officers and will be used with reasonable-care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured. Refer to Section VII, Subsection B.
4. Officers shall inspect and test the BWCS prior to each shift in order to verify the equipment is properly charged and functioning. Officers shall notify their supervisor of any problem using form BWCS 01.
5. BWCS that are lost or stolen shall be reported to their immediate supervisor immediately using BWCS 01.
6. Officer's shall not attempt to make any repairs to the BWCS.
7. Officers shall position the camera outside of their uniform, facing forward and parallel on the collar, head mount, or glasses, to facilitate optimum recording field of view. The controller shall be mounted on either the chest loop of the officer's uniform or within one of the two shirt pockets. Other mounting options must be approved by the Chief of Police or his designee.
8. Officers are encouraged to inform their supervisors of any recordings that could be of value for training purposes using form BWCS 01.
9. Officers shall note within their written report when recordings were made during the incident in question. However, BWCS recordings are not a replacement for written reports.

Officers should continue to prepare reports in the same manner as prior to the implementation of this BWCS. Officers should not substitute "refer to video" for a detailed and thorough report. Officers are not required to use exact quotes, but may represent statements in their report as a summary of what is contained in the statement/video, such as, "In summary the victim related"

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Once video of evidentiary value is captured officers shall identify the audio/video file by:

- a. When assigned, noting the KPD Report Number or CAD number in the Case ID Field.
- b. Enter a title. The title should include sufficient information to identify the file, such as Offense, Suspect Name, and Location etc.
- c. Select the appropriate category(s).
- d. The information may be entered via approved handheld device, MDT, or KPD computer work station via Evidence.com website.

**V. RESTRICTIONS ON USE OF THE BWCS OR ITS DATA:**

BWCS shall be used only in conjunction with official law enforcement duties.

**A. BWCS shall not be used to record:**

1. Communications with other police personnel without the permission of the Chief of Police, except under exigent circumstances to include in-progress or hot pursuit circumstances.
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal activities.
4. In any location where individuals have reasonable expectation of privacy, such as a restroom or locker room, unless the recording is being made pursuant to an on-going investigation, arrest, or search.

**B. Violations/Unauthorized Use:**

1. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.
2. Unauthorized use, duplication, and/or distribution of BWCS files are prohibited. Officers shall not make copies of any BWCS files for their personnel use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWCS files.
3. All recorded media images and audio from the BWCS are property of KPD and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police, via KPD form BWCS 01.

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### Body-worn Camera System (BWCS)

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4. Officers shall use only the BWCS issued and approved by KPD for official police duties. The wearing of any other personal video recorder for the any purpose is not authorized without permission of the Chief of Police.

#### VI. STORAGE / ACCESSING OF FILES:

Access to the data from the BWCS is permitted on a right to know, need to know basis. Officers authorized under this policy may review audio/visual files according to the provision of this policy.

##### A. Storing of Files:

1. Files shall be securely downloaded periodically and no later than the end of each shift to Evidence.com through the docking station to ensure storage capacity is not exceeded and or to view uploaded audio/video. Each file shall contain information related to the date, BWCS identifier, and assigned Officer.
2. Audits of BWCS files shall be initiated by the system administrator to ensure only authorized users are accessing the data for legitimate and authorized purposes.
3. Files shall be secured in accordance with state records retention laws, and no longer than the useful purposes of training, investigations, and prosecution; including the appeal process.
4. If any officer is suspected of committing a violation of the Kaua'i Police Department's Standards of Conduct, committing a criminal act or is involved in an incident which falls under KPD'S Critical Incident protocol including Use of Force incidents where death or serious bodily injury occurred, officers shall not review the file without authorization from the Chief of Police or his designee. Refer to Section VI, Subsection B, 1c.

##### B. Accessing of Files

1. Once uploaded to Evidence.com, Officers may review the audio/video data as it relates to:
  - a. Their involvement in an incident for the purpose of completing a criminal investigation and preparing official reports.
  - b. Preparing for courtroom testimony or for courtroom presentation.
  - c. Providing a statement pursuant to an administrative inquiry, **except** for Critical Incidents or Use of Force Incidents where death or serious bodily injury occurred. Officers shall not review the file without authorization from the Chief of Police or his designee. Refer to Section IV, Subsection H, 10.
2. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWCS recordings without prior written authorization and approval of the Chief of Police or



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designee.

3. Prior to uploading a video to Evidence.com, Officers may review the audio/video data as it relates to:
  - a. Exigent circumstances, such as an officer being injured and to obtain identifying suspect information or other pertinent information.
  - b. Reviewing for report writing in the field (except as stated in B.1.c. above)
4. Evidence.com automatically date/time stamps and records each access by officer name.

## VII. SUPERVISOR / ADMINISTRATOR RESPONSIBILITIES:

### A. Supervisor Responsibilities:

1. Supervisory personnel shall ensure that officers equipped with BWCS devices utilize them in accordance with policy and procedures defined in this General Order.
2. The Office of Professional Standards will randomly review BWCS recordings periodically to ensure the equipment is working properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.
3. When critical incident(s) occurs, the on-scene supervisor, when safe and practical, shall retrieve the BWCS from the involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and videos are uploaded to Evidence.com.

### B. System Administrator Responsibilities: the System Administrators are designated by the Chief of Police and have oversight responsibilities to include but not limited to, the following:

1. Operations and user administration of the system.
2. System evaluation.
3. Training.
4. Policy and procedure review and evaluation.
5. Coordinating with IT regarding system related issues.
6. Ensuring BWCS files of evidentiary value are secure and retained per this policy.
7. Ensuring BWCS files are reviewed and released in accordance with federal, state, local statutes,

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**Body-worn Camera System (BWCS)**

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and KPD's retention policy.

**C. BWCS File Requests**

1. Any Departmental request shall be completed by the system administrator with the approval of the Chief of Police via KPD form BWCS 01.
2. All other requests, including media inquiries, for a copy of a BWCS file shall be accepted and processed in accordance with federal, state, local statutes and Departmental policy (public records act. etc.) as set forth in the General Order covering public records requests for body worn camera videos.
3. Copying Procedures:
  - a. Other than as provided in this General Order, no member of this Department shall download or copy any video from the Evidence.com onto any computer, device, drive, CD, DVD or any other format without the express consent of the Chief of the Police.
4. Investigators Conducting Criminal or Internal Investigations Shall:
  - a. Advise the System Administrator to restrict access/public disclosure of the BWCS video file in criminal or internal investigations, when necessary, via KPD form BWCS 01.
  - b. Document the reasons for access by entering the related KPD or IA Case Number on the BWCS "Notes" filed prior to viewing.
  - c. Review the file to determine whether the BWCS video file is of evidentiary value and process in accordance with established procedures.
  - d. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.
5. BWCS Video Files Accessed for Training:
  - a. A BWCS video file may be utilized as a training tool for officers, specific units, and the Department as a whole. A recommendation to utilize a BWCS video file for such purposes may come from any source via KPD Form BWCS 01.
  - b. A person recommending utilization of a BWCS video file for training purposes shall submit the recommendation through the Chain of Command to the Chief of Police or his designee via KPD form BWCS 01.
  - c. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to the Chief of Police or his designee to determine if the Officers'

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**Body-worn Camera System (BWCS)**

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objection outweighs the training value.

- d. After a meeting with the affected Officer and his/her or chosen representative, the Chief of Police or designee shall review the recommendations and determine how best to utilize the BWCS video file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means. In a situation where the officer or employee objects because of concerns over embarrassment, the Chief of Police or designee will give strong consideration in not using the video for training purposes.

**VIII. CATEGORY AND RETENTION:**

**A. Retention:**

- 1. Officers utilizing the BWCS shall identify each file by category. In the event a file is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the file as uncategorized.
- 2. Categories and Retention Periods
  - a. Uncategorized ( 1 year)
  - b. Felony Cases (statute of limitations)
  - c. Misdemeanor Cases (statute of limitations)
  - d. Petty Misdemeanor Cases (statute of limitations)
  - e. Miscellaneous Cases (1 year)
  - f. Critical Incidents (statute of limitations)
  - g. Pursuits (3 years)
  - h. Traffic Stops (1 year)
  - i. Training (1 year)
  - j. Use of Force (3 years)
  - k. Citizen Complaints (1 years)
  - l. Litigation holds (until case is completed and appeal periods have expired)
- 3. Requests for Deletion of Accidental Recording: In the event of an accidental activation of the

**GENERAL ORDER 41.17**

**Body-worn Camera System (BWCS)**

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BWCS where the resulting recording is of no investigative or evidentiary value, the recording Officer may request that the file be deleted by submitting an email request with sufficient information to locate the file to the Patrol Services Bureau District Commander or designee who shall review the file, approve or deny the request, and forward to the System Administrator for action, via KPD form BWCS 01.

**B. Repair Procedures:**

1. Officers shall immediately report any recognized problems with the BWCS to their immediate supervisor via KPD form BWCS 01.
2. Upon notification, the supervisor shall forward the identified issue or malfunction to the System Administrator or designee.
3. The System Administrator or designee will report unresolved deficiencies to TASER International via web based support at <http://www.taser.com/support/contact-us> by completing the required information on-line and describing the issue or defect in detail within the "Message" window provided.
4. The System Administrator shall provide the serial number of the unit needing service or repair and identify the unit as a TASER Axon Flex body worn camera or battery pack as appropriate. A TASER representative will contact the KPD BWCS System Administrator for resolution.

**OFFICERS OF THE KAUA'I POLICE DEPARTMENT SHALL ADHERE TO THE PROVISIONS OF THIS DIRECTIVE.**

**APPROVED AS TO FORM AND LEGALITY**

<u>SIGNED</u>	<u>12/11/2015</u>
Nicholas R. COURSON	Date
Deputy County Attorney	

**APPROVED:**

<u>SIGNED</u>	<u>2/19/2016</u>
Darryl D. PERRY	Date
Chief of Police	



# KAUA'I POLICE DEPARTMENT

## BODY WORN CAMERA SYSTEM (BWCS) REQUEST



<b>KPD FORM NUMBER</b> <b>BWCS 01</b>	<b>INDEX</b> <b>Body-Worn Cameras System Request Form</b>	<b>NEW</b>
<b>ISSUE DATE</b> <b>9/17/2014</b>	<b>Section(s) Completed:</b>	<b>REVISED DATE</b>

- |                     |   |
|---------------------|---|
| <b>INSTRUCTIONS</b> | <ol style="list-style-type: none"> <li>1. Complete Section "A" for Access or Restriction to Evidence.com</li> <li>2. Complete Section "B" for failing to record an event, disruption of recording</li> <li>3. Complete Section "C" to request a digital reproduction service request</li> <li>4. Complete Section "D" to request a Deletion of Accidental Recordings</li> <li>5. Complete Section "E" to report damage(s), request for repair(s), replacement request to the BWCS</li> <li>6. Send completed form to the Evidence.com system administrator</li> </ol> |
|---------------------|---|

**SECTION A: EVIDENCE.COM ACCESS**

Select One of the following options:                      Security Access To:                      Security Access From:

Employee Number:	Employee Name:	Title:	Division:
Employee Badge #:	Effective Date:	Requesting Supervisor Approval:	Date/Time: /

COMMENTS (Explain Reason for Access Request):

Department Head Signature:	Date/Time:
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**System Administrator Use Only**

Date/Time Completed:	Completed by:
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**SECTION B: FAILING TO RECORD AN EVENT OR DISRUPTION OF RECORDING**

Employee Number:	Employee Name:	Title:	Division:
Supervisor Approval:	Date/Time: /		
Report Number:	Offense:		

COMMENTS (Explain Reason for Failing to Record an Event or Disruption of Recording):

Department Head Signature:	Date:
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**SECTION C: DIGITAL REPRODUCTION REQUEST**

To:	From:	Date/Time: 2/22/2016 / 8:15 PM
Approving Supervisor Approval:	Date/Time: /	
Request digitized copies for the purpose of:		
Identifying Number:	Offense:	

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**Body-worn Camera System (BWCS)**

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COMMENTS (Explain Reason for Reproduction Request):

**System Administrator Use Only**

Date/Time Completed:	Completed by:
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**Records Use Only:**

Date/Time Completed:	Completed by:
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**SECTION D: DELETION OF ACCIDENTAL RECORDING**

To: **Officer Of Professional Services,  
System Administrator**

Employee Number:	Employee Name:	Title:	Division:
Requesting Supervisor Approval:		Date/Time:	/
Identifying Number:		Offense:	

COMMENTS (Explain Reason for Deletion Request):

Department Head Signature:	Date:
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**System Administrator Use Only**

Date/Time Completed:	Completed by:
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**SECTION E: REPORT OF DAMAGE/REPAIR and or REPLACEMENT REQUEST**

Select the appropriate action(s) check all that apply:  
 Report Damage(s)                       Request Repair (s)                       Request a Replacement

BWCS:			
Make:	Model:	Serial No:	
Employee Number:	Employee Name:	Title:	Division:
Employee Badge #:	Effective Date:	Requesting Supervisor Approval:	Date/Time: /

COMMENTS (Describe Damages):

COMMENTS (Explain Request for Repair/Replacement):

Department Head Signature:	Date/Time:
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**System Administrator Use Only**

Date/Time TASER International Contacted:	TASER Contact:
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Date/Time BWCS Sent for Repair:
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**GENERAL ORDER 41.17**

**Body-worn Camera System (BWCS)**

Comments:		
Date/Time Completed:	Completed by:	
BWCS: Issued New / Re-Issued		
Make:	Model:	Serial No:
BWCS Date/Time Completed:	Completed by:	

# SHOPO



**PRESIDENT**  
Tenari R. Ma'afala

**VICE PRESIDENT**  
Malcolm Lutu

**TREASURER**  
James "Kimo" Smith

**SECRETARY**  
Michael Cusumano

**DIRECTORS AT LARGE**  
Don Faumuina  
John Haina  
Erik Iinuma

**HONOLULU CHAPTER CHAIR**  
Stanley Aquino

**HAWAII CHAPTER CHAIR**  
Darren Horio

**KAUAI CHAPTER CHAIR**  
Jesse Guirao

**MAUI CHAPTER CHAIR**  
Barry Aoki

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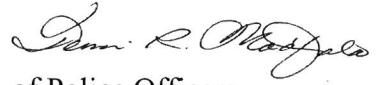
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TO: The Honorable Sylvia Luke, Chair  
House Committee on Finance

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: April 1, 2016

SUBJECT: Testimony on S.B. No. 2411 SD2 HD1, Relating to Law  
Enforcement Cameras

HEARING: Friday, April, 2016  
11:00 a.m. Conference Room 308

The State of Hawaii Organization of Police Officers ("SHOPO") opposes this bill, in part, as to establishing requirements for use. SHOPO supports annual reporting of the costs of the body camera program and the appropriation for funding the programs in each county.

SHOPO requests that this bill be deferred until the four county police chiefs and SHOPO can work toward a body-worn camera policy that is standardized as to definitions, use of body-worn cameras, prohibited acts and retention. Other aspects of the policy may differ from department to department based on the type of equipment they purchase, and staffing. Also, as you may know, SHOPO and the County of Kauai await a decision from the Hawaii Labor Relations Board as to whether the body camera program and policy is a mandatory subject of negotiation. Final briefs are due shortly.

**The greatest necessity for deferring this bill is the need to be responsive to the changing needs of the public and the police, and learned lessons along the way, which requires the ability to amend the policy as we go along.** This is a brand new program that is revolutionizing policing as we know it. It is impracticable, and may cause liability, if the policy can't be tweaked as needed. The four county police departments and SHOPO cannot wait a year or more for each amendment to the policy. The legislature may always ask for an annual report of any policy changes to verify they are made in the public interest.

The Kauai Police Department and SHOPO were able to agree on a body-worn camera policy which addresses many of the concerns in this bill and more.



There are numerous issues with this bill as written, not the least of which include:

**Section 52D-B mandating that the body camera “shall be worn in a location and manner that maximizes the camera’s ability to capture video....”**

Since it could be argued that eye-level is the level that maximizes the camera’s ability to capture footage of the officer’s activities, this section of the proposed law would require that all officers wear glasses. Secondly, some officers wear prescription glasses, and not all frames support a body camera mount, so the question becomes, who pays for new prescription glasses for the camera mount to comply with the law.

**Section 52D-C prohibiting the use of body-worn cameras “surreptitiously....”**

When an officer responds to a burglary-in-progress call, even more so in the night hours, the officer most certainly would approach surreptitiously to catch the burglar. We don’t think the bill intends to prevent the capture of criminals.

SHOPO, therefore, asks that this bill be deferred until the four county police departments and SHOPO can work toward a body-worn camera standard policy in critical areas, acknowledging that in some respects a county police department’s policy may need to be localized. Thank you for this opportunity to provide testimony.



Committee: Committee on Finance  
Hearing Date/Time: Friday, April 1, 2016, 11:00 a.m.  
Place: Conference Room 308  
Re: *Testimony of the ACLU of Hawaii in Support of S.B. 2411, S.D.2, H.D.1, Relating to Law Enforcement Cameras*

Dear Chair Luke and Members of the Committee on Finance:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2411, S.D.2, H.D.1, which establishes requirements for body-worn cameras and vehicle cameras by county police departments, and appropriates funds as a grant-in-aid to each county for the purchase of cameras. The ACLU strongly supports this measure; however, we respectfully suggest that this committee amend section 52D-E(c)(2) to correct an apparent typo.

#### Body cameras protect police officers and the general public

Body-worn police officer cameras may reduce use-of-force and citizen complaints, and may deter bad behavior of both law enforcement officers and members of the public. A study conducted from 2012 to 2013 found an overall 60% reduction in use-of-force incidents after the body cameras were deployed (thus improving safety both for the individual officers and for the general public), and an 88% reduction in citizen complaints between the year prior to and following deployment.<sup>1</sup> Another study saw a 75% reduction in injuries to suspects at the hands of officers using body cameras.<sup>2</sup> Reducing use-of-force incidents and injuries to suspects would likely increase public trust in our officers, making law enforcement stronger. Additionally, footage captured by police office body cameras can offer exonerating evidence for officers falsely accused of misconduct and help to quickly resolve potential complaints.<sup>3</sup>

#### Body cameras are already in use

Police departments on both Maui and Kauai have begun the process of implementing body-worn cameras. Maui County has already conducted a pilot project, and Mayor Alan Arakawa

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<sup>1</sup> See Lindsay Miller, Jessica Toliver & Police Executive Research Forum, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, Community Oriented Policing Services, U.S. Dep’t of Justice at 5 (2014), available at <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>.

<sup>2</sup> See David Harris, *Study: OPD body cams help reduce complaints, injuries*, Orlando Sentinel (Oct. 9, 2015), available at <http://www.orlandosentinel.com/news/breaking-news/os-opd-body-cameras-research-20151009-story.html>.

<sup>3</sup> See Michael D. White, *Police Officer Body-Worn Cameras: Assessing the Evidence*, Community Oriented Policing Services, U.S. Dep’t of Justice (2014), at 24, available at <https://www.ojpdagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>.

announced that the Maui P.D. “should be rolling out body cameras by the end of the year.”<sup>4</sup> As such, there is an urgent need for the Legislature to pass clear, uniform, state-wide guidance to ensure that law enforcement officers across the state have consistent policies when using body-worn cameras. S.B. 2411, S.D.2, H.D.1 strikes the right balance between government accountability and individual privacy by setting clear guidance for the retention/deletion of footage, operation of cameras, and disclosure of footage.

Funding is available for the implementation of body-worn cameras

Federal funding is available for the purchase of body-worn police cameras. In 2015, the U.S. Department of Justice (“DOJ”), through its Bureau of Justice Assistance (“BJA”), announced over \$22 million in available grants to assist local and tribal law enforcement agencies in the implementation of body-worn camera programs.<sup>5</sup> Maui has received at least \$78,000 through this grant.<sup>6</sup>

Suggestions regarding section 52D-E(c)(2)

The ACLU of Hawaii respectfully suggests that this committee resolve an apparent typo by amending section 52D-E(c)(2) to remove categories (b)(2)(A), (B), and (C). Section 52D-E(d)(2) already covers footage subject to a minimum three-year retention period solely and exclusively pursuant to subsections (b)(2)(A), (B), and (C), and therefore these categories should be removed from section 52D-E(c)(2) for clarity and consistency.

Thank you for the opportunity to testify.

Sincerely,



Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

---

<sup>4</sup> Mayor Arakawa: *State of the County is “One of Perpetual Change,”* Maui Now (Mar. 15, 2016), available at <http://mauinow.com/2016/03/14/mayor-arakawa-state-of-the-county-is-one-of-perpetual-change/>; *Maui mayor addresses body cameras, misspending in State of the County*, KHON2 News (Mar. 14, 2016), available at <http://khon2.com/2016/03/14/maui-mayor-addresses-body-cameras-misspendinig-in-state-of-the-county/>.

<sup>5</sup> See *Body-Worn Camera Program Fact Sheet*, Bureau of Justice Statistics, U.S. Dep’t of Justice (2015), available at <https://www.bja.gov/bwc/pdfs/BWCPIP-Award-Fact-Sheet.pdf>.

<sup>6</sup> *Maui police to test body cameras on Halloween*, Honolulu Star-Advertiser (Oct. 24, 2015), available at <http://www.staradvertiser.com/breaking-news/maui-police-to-test-body-cameras-on-halloween/>.

Chair Luke and Members of the Committee

April 1, 2016

Page 3 of 3

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

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THE CIVIL BEAT  
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Honolulu, HI 96813

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info@civilbeatlawcenter.org

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

**RE: Testimony Commenting on S.B. 2411 S.D. 2, H.D. 1,  
Relating to Law Enforcement Cameras**  
Hearing: April 1, 2016 at 11:00 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 2411 S.D. 2, H.D. 1. The Law Center **strongly supports the intent of this bill and offers comments regarding an inconsistency in the disclosure provisions.**

Police body cameras increase accountability and protection for police officers and civilians involved in police encounters. By establishing statewide minimum standards for implementing body cameras, this bill will ensure that those protections do not vary from island to island. Thus, the Law Center strongly supports the intent.

Transparency also is a critical component of this bill. The amendments in H.D. 1 to the disclosure section of S.B. 2411 provided important revisions to ensure public access to appropriate footage on a case-by-case basis, consistent with existing standards. *The H.D. 1 amendments, however, were inconsistent regarding one category of records. The Law Center respectfully requests that the Committee clarify the intent of the bill regarding "evidentiary" footage by striking the language that could be read to exempt such footage from the public records law.* Specifically, Section 52D-E(c)(2) of S.B. 2411 S.D. 2, H.D. 1 should be amended as follows: "Video footage that is subject to a minimum three-year retention period solely and exclusively pursuant to subsection (b)(2)(A), (B), (C), or (D); and."

As background, S.B. 2411 S.D. 2, H.D. 1 uses two standards for disclosure of video footage. For one subset of records, the footage is entirely exempt from the public records law (HRS ch. 92F).<sup>1</sup> See § 52D-E(c). All other records are subject to Chapter 92F, expressly recognizing that individuals depicted or identified in the video have

---

<sup>1</sup> The Law Center does not object to absolute confidentiality (as currently provided in S.B. 2411) for *non-evidentiary* video — i.e., video categorized in subsection (a) and (b)(2)(D)-(G) of proposed § 52D-E.

significant privacy interests that must be balanced against the public interest in disclosure and that may require redaction or obscuring of the individual's identity under the normal public records standards. See § 52D-E(d). The two standards are mutually exclusive – either records are exempt from Chapter 92F or not.

“Evidentiary” records, however, are referenced in both subsection (c) and (d). These records are footage that a law enforcement officer or superior officer asserts has “evidentiary or exculpatory value.” See § 52D-E(b)(2)(A), (B), (C). It would appear that the House Committee on Judiciary intended to move this category of records from the exempt to the non-exempt standard because the “evidentiary” records were exempt in prior versions of the bill. But references to those records in the exempt subsection were not removed, even though the records were added to the non-exempt subsection, creating potential confusion with implementation.

*Providing public access to “evidentiary” video footage – subject to balancing the privacy interests and other disclosure exceptions – is consistent with existing law.*

Lastly, please note that concerns expressed about the costs for law enforcement agencies to redact body camera video frequently are overstated. Digital-tracking technology provides agencies the ability to mark an individual for obscurity throughout a video with minimal effort. E.g., Axon, *The Future of FOIA: Find, Redact, Deliver*, at <http://www.axon.io/webinar/follow-up-redaction> (presentation by TASER International's technology unit regarding the ease of using its automated video redaction tool for Evidence.com, a digital evidence management platform); Yale Law School Media Freedom & Information Access Clinic, *Police Body Cam Footage: Just Another Public Record* at 23 (December 2015) (describing other automated blurring tools available at little or no cost).<sup>2</sup> Thus, the technology exists to redact body camera videos when necessary to protect personal privacy.

Thank you again for the opportunity to testify.

---

<sup>2</sup> Available at [http://isp.yale.edu/sites/default/files/publications/police\\_body\\_camera\\_footage\\_just\\_another\\_public\\_record.pdf](http://isp.yale.edu/sites/default/files/publications/police_body_camera_footage_just_another_public_record.pdf).

Friday, April 1, 2016  
11:00 PM  
State Capitol, Room 308

In consideration of  
SENATE BILL 2411-SD2-HD1  
RELATING TO A LAW ENFORCEMENT BODY CAMERAS

My name is Jessica Agonias, and I work, vote, and reside in Honolulu County, Hawaii. I would like to offer **SUPPORT** for SB2411-SD2 (Relating to Law Enforcement Body/Vehicle Camera's). National studies that have investigated police agencies that have instituted use of officer-worn body cameras have reported strong support by policing managers who tout the camera's usefulness as a tool to aid individual officers in (both) justifying use-of-force, and in disproving fictitious complaints by disgruntled citizens. Likewise, civil rights groups have pointed to the police worn body cameras as the tool that has exposed corrupt police activities. Several organizations whose focus is to ensure civil liberties have applauded law-makers who have taken the bold step to fund these tools, which have allowed communities to begin reform dialogs based on a bolder understanding of the challenges that face police on a daily basis.

In my opinion, this is one of the most important pieces of police reform legislation that can be addressed, and I strongly **support** this commission in passing this necessary bill. Thank you.

Jessica Agonias

Resident, Honolulu County

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 30, 2016 3:39 PM  
**To:** FINTestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** Submitted testimony for SB2411 on Apr 1, 2016 11:00AM

**SB2411**

Submitted on: 3/30/2016

Testimony for FIN on Apr 1, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments: Aloha Chair. Luke, Vice Chair Nishimoto and members, I am in strong support of this measure. Women in particular have suffered at the hands of the bad conduct of a few police officers who are then protected by a wall of silence from police departments and their male-dominated unions. Body cameras will help GOOD cops by documenting the bad behavior of the few who are giving them black eyes. Mahalo, Ann S. Freed Mililani

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 30, 2016 5:28 PM  
**To:** FINTestimony  
**Cc:** rgausepohl@kauai.gov  
**Subject:** \*Submitted testimony for SB2411 on Apr 1, 2016 11:00AM\*

**SB2411**

Submitted on: 3/30/2016

Testimony for FIN on Apr 1, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rob Gausepohl	Individual	Oppose	No

Comments:

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Before the House Committee on  
FINANCE

Friday, April 1, 2016  
11:00 PM  
State Capitol, Room 308

In consideration of  
SENATE BILL 2411-SD2-HD1  
RELATING TO A LAW ENFORCEMENT BODY CAMERAS

My name is Roy Lovell, and I work, vote, and reside in Honolulu County, Hawaii. I would like to offer **SUPPORT** for SB2411-SD2 (Relating to Law Enforcement Body/Vehicle Camera's). National studies that have investigated police agencies that have instituted use of officer-worn body cameras have reported strong support by policing managers who tout the camera's usefulness as a tool to aid individual officers in (both) justifying use-of-force, and in disproving fictitious complaints by disgruntled citizens. Likewise, civil rights groups have pointed to the police worn body cameras as the tool that has exposed corrupt police activities. Several organizations whose focus is to ensure civil liberties have applauded law-makers who have taken the bold step to fund these tools, which have allowed communities to begin reform dialogs based on a bolder understanding of the challenges that face police on a daily basis.

In my opinion, this is one of the most important pieces of police reform legislation that can be addressed, and I strongly **support** this commission in passing this necessary bill. Thank you.

Roy Lovell

Resident, Honolulu County

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 31, 2016 7:59 AM  
**To:** FINTestimony  
**Cc:** will.4ever.moore@gmail.com  
**Subject:** Submitted testimony for SB2411 on Apr 1, 2016 11:00AM

**SB2411**

Submitted on: 3/31/2016

Testimony for FIN on Apr 1, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
william	Individual	Support	No

Comments: Before the House Committee on FINANCE Friday, April 1, 2016 11:00 PM State Capitol, Room 308 In consideration of SENATE BILL 2411-SD2-HD1 RELATING TO A LAW ENFORCEMENT BODY CAMERAS My name is William Moore and I work, vote, and reside in Honolulu County, Hawaii. I would like to offer SUPPORT for SB2411-SD2 (Relating to Law Enforcement Body/Vehicle Camera's). National studies that have investigated police agencies that have instituted use of officer-worn body cameras have reported strong support by policing managers whotout the camera's usefulness as a tool to aid individual officers in (both) justifying use-of-force, and in disproving fictitious complaints by disgruntled citizens. Likewise, civil rights groups have pointed to the police worn body cameras as the tool that has exposed corrupt police activities. Several organizations whose focus is to ensure civil liberties have applauded law-makers who have taken the bold step to fund these tools, which have allowed communities to begin reform dialogs based on a bolder understanding of the challenges that face police on a daily basis. In my opinion, this is one of the most important pieces of police reform legislation that can be addressed, and I strongly support this commission in passing this necessary bill. Thank you. William Moore Resident, Honolulu County

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TO: Members of the Committee on Finance

FROM: Natalie Iwasa  
808-395-3233

HEARING: 11 a.m. Friday, April 1, 2016

SUBJECT: SB 2411, SD2, HD1 Police Cameras - **OPPOSED**

Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB 2411, SD2, HD1 which would establish requirements and restrictions related to body-worn and vehicle cameras for police. I oppose this measure.

Please see the attached article regarding police cameras and do not allow police cameras or provide funding for them.

IDEAS SECURITY

# The Problem With Police Body Cameras

Janet Vertesi | May 4, 2015

**IDEAS** Janet Vertesi is Assistant Professor of Sociology at Princeton University.  
**In court, video evidence never speaks for itself**

**Correction appended, May 4, 2015.**

The recent events in Baltimore have once again opened the question of mandatory police body cameras as a protective measure against forms of civic violence. Civil rights organizations such as the [ACLU](#) argue that visual evidence will make it easier to prosecute in cases of police brutality, while [some police departments have welcomed](#) the opportunity to review visual data for accountability programs and internal investigations. Even [Hillary Clinton](#) and [President Barack Obama](#) are on board. The Department of Justice announced Friday that it's giving [\\$20 million](#) to police departments to buy body cameras as part of a three-year \$75 million program.



Rik Wiking—Reuters

Brian Gunnle, a Colorado Springs motor officer poses with a Digital FirstVu HD body worn camera worn on his chest in Colorado Springs on April 21, 2015.

But as history tells us, camera evidence does not an indictment make. In my 15 years of studying how experts work with images, it has become clear that the evidence never “speaks for itself.” Like words, images are open to interpretation.

In 1991, a witness recorded the beating of Rodney King by police officers in Los Angeles and the video was presented in a high-profile court case that gripped the nation. King was African American; the officers were white. Despite video evidence of what appeared to be brutality, the police officers were acquitted. Angry citizens took to the streets, prompting intervention from the National Guard.

UCLA professor [Charles Goodwin describes](#) how lawyers for and against King’s case interpreted the video for the jury in very different ways. When King jerked on the ground in apparent response to the beating, the LAPD expert witnesses described his movements as continued aggression and resisting arrest. It was no longer a slam-dunk case.

This confusion is not limited to video evidence. According to [Jennifer Tucker](#), professor of history of science at Wesleyan University, [photographs were also not believed](#) when they were first presented as evidence in legal trials or scientific experiments. While some argued that cameras were impassive observers and therefore trustworthy recorders of objective evidence, everyone also knew that photographs could lie. Long before dating profile selfies, wispy visual effects and tricks of the light could place ghosts into family portraits or monsters in the nearby lake.

Because of this, people use sketches, image processing, diagrams and expert narration to

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## Trending Video

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get others to see what they see. [In my book about the Mars Rover mission](#), I describe how scientists use these techniques to show their colleagues which minerals to look out for. I've also seen amateurs use the same techniques to show [a face](#), a [sasquatch](#), or the [Virgin Mary](#) on Mars.

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This kind of visual suggestibility is powerful. Just like the first time you saw the rabbit in the [duck-rabbit](#) or [the old woman instead of the young woman](#) in those old gestalt images, once a new interpretation has been *seen* it cannot be *unseen*. This is problematic when images are supposed to provide evidence that speaks for itself. Further, when there are power differences between the groups who offer these competing interpretations, there are real-world implications for justice.

We have already seen such competing interpretations over video evidence of recent deaths in the news. In the video of Eric Garner's apparent chokehold, experts described what was witnessed not as [excessive force that broke the law](#), but [a justified and trained response to Garner's resisting arrest](#) (others described this perceived "resistance" as a [reflex while choking](#)). Even a recent video from Baltimore of [a woman slapping her son](#) for participating in the riots has gone viral, with some upholding it as evidence of fear of police retaliation and others applauding her for disciplining her child.

All this points to a problem with body cams as a technological "quick fix." It is not just that [video evidence can be interpreted differently](#). It is that, like other evidential technologies before them, from photographs to fingerprinting and even DNA, body cams will enter into a social system involving courts, police departments and civil rights organizations that already are at loggerheads about the interpretation of police actions. As these communities endeavor to make a video "speak for itself," they will inevitably speak for it, imposing competing interpretations and introducing uncertainty instead of proof.

Body cams are not a panacea. To be truly effective in the courts of law, they will require thoughtful legal parameters concerning the admission, interpretation, and power of video evidence: this in addition to considering the [system-level changes and privacy protections](#) that experts suggest. Otherwise, like other technologies before them, their "evidence" will get swept up into the continuing battles of one side versus another. And whose interpretation wins out will always say more about who is in power than who is in the right.

**Correction:** The original version of this story misstated Jennifer Tucker's affiliation. She is a professor of history at Wesleyan University.



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Before the House Committee on  
FINANCE

Friday, April 1, 2016  
11:00AM  
State Capitol, Room 308

In consideration of  
SENATE BILL 2411-SD2-HD1  
RELATING TO A LAW ENFORCEMENT BODY CAMERAS

My name is Aaron Hunger and I am a doctoral researcher at the University of Hawaii at Manoa, a former police officer in Florida and California, and a criminal justice instructor for a private college in Honolulu. I have been honored to be engaged in doctoral research involving the Honolulu Police Department, and its oversight mechanisms since 2010. Together with my teaching, I have over 24 years of police experience. Currently, I am engaged in research with the University of Hawaii at Manoa that (among other issues) seeks to understand the unique structure of the criminal justice institutions on Oahu. Based on the unique composition of local policing organizations, one of many questions being answered is what effect (if any) does the absence of critical systemic oversight mechanisms (or their dysfunctionality) produce and how often. I have also been privileged to be included in senatorial legislative working groups that provided input on several of this year's bills that dealt with police oversight reform. Based on the work and research that I have been privileged to be a part of, I **SUPPORT** SB2411-SD2-HD1 (Law Enforcement Body Cameras), **but** continue to strongly **recommend the following amendment** be made to the language of the bill.

The primary issue lay with custodial evidence of the tape once it has been recorded. Specifically:

**552D-E Body-worn camera video footage; retention and deletion .**

(a) Body-worn camera video footage shall be retained by the agency that employs the law enforcement officer whose camera captured the video footage, or an authorized agent thereof, for one year for non-criminal cases from the date it was recorded.

INSTEAD

**552D-E Body-worn camera video footage; retention and deletion .**

(a) Body-worn camera video footage shall be retained by the ~~agency that employs the law enforcement officer whose camera captured the video footage~~ **county police commission of the agency that employs the law enforcement officer, or the state attorney general should there be no county police commission option available**, for one year for non-criminal cases from the date it was recorded.

Because police videotape have been evidentiary in several high-profile police misconduct cases, many policing and governmental bodies have decided that the state level oversight agency (Standards and Training Board) is the best agency to handle and review police videos. Having a neutral custodian of the evidence is both judicially prudent and common sense. Based on Hawaii's unique oversight system that



prevents a (non-legislatively created) Standards and Training Board from being the clearinghouse of all Law Enforcement data (including videotapes), the suggestion is to empower local County Police Commissions or a department within the State Attorney General to maintain and review video collected from their local police agencies.

This amendment to the bill would also move towards rectifying freedom of information requests with police records that was encountered by Hawaiian investigative journalists during the Honolulu Police handling of the Darren Cachola incident.<sup>1</sup> In that case the media was provided with pages of redacted information, or were told that information that would cast light on how managers reacted to the investigation would cost hundreds of thousands of dollars.<sup>2</sup> The videotapes must not be allowed to be made bureaucratically unavailable by police agents who are invested in what may be revealed on the requested videos.

For these reason, this bill should be amended to address the custodianship of the videos. If amended, this will become an extremely strong tool for legislators in police oversight and accountability reform.

## Bibliography

Mangieri, G. (2015, April 27). *Tracking truth, transparency promises at HPD*. Retrieved from khon2.com: <http://khon2.com/2015/04/27/tracking-truth-transparency-promises-at-hpd-2/>

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<sup>1</sup> (Mangieri, 2015)

<sup>2</sup> (Mangieri, 2015)

Before the House Committee on  
FINANCE

Friday, April 1, 2016  
11:00 PM  
State Capitol, Room 308

In consideration of  
SENATE BILL 2411-SD2-HD1  
RELATING TO A LAW ENFORCEMENT BODY CAMERAS

My name is Roy Lovell, and I work, vote, and reside in Honolulu County, Hawaii. I would like to offer **SUPPORT** for SB2411-SD2 (Relating to Law Enforcement Body/Vehicle Camera's). National studies that have investigated police agencies that have instituted use of officer-worn body cameras have reported strong support by policing managers who tout the camera's usefulness as a tool to aid individual officers in (both) justifying use-of-force, and in disproving fictitious complaints by disgruntled citizens. Likewise, civil rights groups have pointed to the police worn body cameras as the tool that has exposed corrupt police activities. Several organizations whose focus is to ensure civil liberties have applauded law-makers who have taken the bold step to fund these tools, which have allowed communities to begin reform dialogs based on a bolder understanding of the challenges that face police on a daily basis.

In my opinion, this is one of the most important pieces of police reform legislation that can be addressed, and I strongly **support** this commission in passing this necessary bill. Thank you.

Roy Lovell

Resident, Honolulu County

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 31, 2016 2:35 PM  
**To:** FINTestimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** Submitted testimony for SB2411 on Apr 1, 2016 11:00AM

**SB2411**

Submitted on: 3/31/2016

Testimony for FIN on Apr 1, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Oppose	No

Comments: I STRONGLY oppose this bill. If you don't trust the police department, just say so. Please do not interfere with creating a law that will mandate the policies for the police departments before the respective police departments vett the overall effectiveness of their programs. I STRONGLY urge our members of these esteemed committees to dedicate a few hours to "ride along" with the officers and see for yourself what exactly the brave men and women of Hawaii's police departments gladly endure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**LATE**

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

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**TESTIMONY FOR SENATE BILL 2411, SENATE DRAFT 2, HOUSE DRAFT  
1, RELATING TO LAW ENFORCEMENT CAMERAS**

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

**Friday, April 1, 2016, 11:00 AM  
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony in strong support of SB 2411, SD2, HD1, relating to law enforcement cameras.

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 publicly defended. IMUAlliance and anti-sex-trafficking advocates 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 continue to 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 and exploitation. Moreover, for all crimes, body-worn cameras for law enforcement officers provide first-person perspective imaging and, thus, a more complete chain of evidence.

At a time of heightened tensions between community members and police, policymakers must safeguard the public trust in the criminal justice process. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance