



LATE

SB2411

Measure Title:	RELATING TO LAW ENFORCEMENT CAMERAS.
Report Title:	Body-Worn Cameras; Vehicle Cameras; Law Enforcement; Grant-in-Aid; Appropriation (\$)
Description:	Establishes requirements for body-worn cameras and vehicle cameras for county police departments. Appropriates funds as a grant-in-aid to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras; provided that no funds appropriated to a county shall be expended unless matched dollar-for-dollar by the county.
Companion:	HB2108
Package:	None
Current Referral:	PSM, JDL/WAM
Introducer(s):	KEITH-AGARAN, INOUE, Gabbard, Shimabukuro



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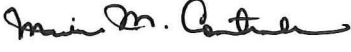
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TO: The Honorable Clarence Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental
and Military Affairs

The Honorable Will Espero, Vice Chair
Senate Committee on Public Safety, Intergovernmental
and Military Affairs

Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

FROM:  Darryl D. Perry, Chief of Police

DATE: February 9, 2016

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

HEARING DATE: Tuesday, February 9,
2:00 p.m. Conference Room 229

Thank you for the opportunity to testify on this bill regarding body-worn cameras for police. The Kaua'i Police Department is **opposed** to this bill, in part, as to establishing requirements for use.

The Kaua'i Police Department has conducted extensive research in formulating policy and procedure with regards to our use of body-worn cameras. We have researched and implemented best practices based on a review of nationally recognized organizations such as the International Association of Chiefs of Police, the Police Executive Research Forum, the National Institute of Justice, the Department of Justice, and the Bureau of Justice Assistance.

While we have no issue with annual reporting on the cost of our body camera program and the appropriation of funding for body camera programs throughout the State, we do have concerns with Section 2 that provides as follows:

§52D- Body-worn cameras; police department policies. (a) Each county police department shall adopt policies for the use of body-worn cameras and vehicle cameras that prohibit the activation of either type of camera for non-law enforcement purposes and shall establish.....[Emphasis added].

“Non-law enforcement purposes” is a difficult phrase to define and no guidance is provided in the bill. Police officers are not resigned only to the enforcement of law. Many of their daily activities include responding to miscellaneous calls for service that do not require the enforcement of law. The Kaua’i Police Department’s Body-worn Camera System policy requires that all encounters with the public be recorded to protect officers and citizens alike. The policy lists examples of when it is appropriate to record such as calls for service, vehicle stops, field interviews, emergency vehicle response, foot pursuits, searches, arrests and use of force. The policy also provides for exceptions to recording such as situations where witnesses or victims refuse to provide a statement if recorded, in-patient care areas of a hospital, rape treatment center, or other healthcare facility and situations that would risk the safety of confidential information, citizen informants or undercover officers. If an officer believes that recording would interfere with his or her ability to obtain a statement due to a victim’s or witnesses’ emotional state, age or other sensitive circumstance, the officer is not required to record.

Furthermore, Section 2, under “Training,” it states:

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

The Kaua’i Police Department has developed a comprehensive training program that includes review of our current policy, use of our selected body camera system and use of our data storage system. This training is required for all users of our body camera system prior to being issued a camera for use.

Also under Section 2, “Prohibited Acts,” it states:

(d) No recording created by a body-worn camera 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 unnecessary and adds a level of bureaucracy that increases expense to the Department and the County.

For these reasons, the Kaua’i Police Department **opposes**, in part, Senate Bill 2411.