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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 421  
RELATING TO LAW ENFORCEMENT CAMERAS

by  
Nolan P. Espinda, Director  
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

Thursday, February 2, 2017; 1:15 p.m.  
State Capitol, Conference Room 229

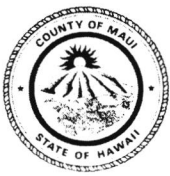
Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 421 as currently written to mandate that all law enforcement officers wear and use body-worn cameras while on duty. Currently, PSD has no funding or plan to purchase body-worn video camera equipment and implement such a program.

The issue of video retention and storage also carries a great financial burden. PSD shares the same concerns as articulated in previous testimony submitted by our law enforcement partners regarding this subject, such as asking the occupant of a private residence or an apparent crime victim if he/she wants the law enforcement officer to discontinue use of the camera, and statutorily providing criminal defendants and civil plaintiffs a rebuttable presumption for failure to record or retain the video which could be due to mechanical equipment malfunction.

Finally, in Section 4 there is an appropriation for a grant in aid to each county to purchase body-worn and law enforcement vehicle cameras. There is, however, no such appropriation for state law enforcement agencies.

Thank you for the opportunity to present this testimony.



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

February 2, 2017

The Honorable Clarence K. Nishihara, Chair  
The Honorable Glenn Wakai, Vice Chair  
And Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs

The Senate  
State Capitol  
Honolulu, Hawaii 96813

Re: Senate Bill No. 421, RELATING TO LAW ENFORCEMENT CAMERAS

Dear Chair Nishihara and Members of the Committee:

The Maui Police Department **STRONGLY OPPOSES** S.B. 421.

The Maui Police Department supports the use of Body Worn Cameras and in-car video for Law Enforcement and has been researching and seeking to adopt a program that is similar to that of 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 would arise as we would need to wait for a session to be convened to deal with the mandated changes. This, the use of the cameras would be halted as officers and departments would be in violation of law.

The law also has language that states "shall" when officers use the camera system. This language would open up the officer and department for violations of law rather than a violation of policy should the officer make a simple error in the use of the cameras. 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. First, 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 a service for viewing the

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video of any case would be unreasonable to the Departments due to staffing needed to provide this service. The cost for equipment and manpower would be astronomical to the Departments.

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 or she is filming the public and if they 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 the 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. FAAUMU  
Chief of Police