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MAYOR

OUR REFERENCE  
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# POLICE DEPARTMENT COUNTY OF MAUI

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TIVOLI S. FAAUMU  
CHIEF OF POLICE

DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

February 28, 2017

**LATE TESTIMONY**

The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice Chair  
And Members of the Committee on Judiciary and Labor

The Honorable Jill N. Tokuda, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair  
And Members of the Committee on Ways and Means

The Senate  
State Capitol  
Honolulu, Hawaii 96813

**RE: Senate Bill No. 421, Senate Draft 1,  
RELATING TO LAW ENFORCEMENT CAMERAS**

Dear Chair Keith-Agaran, Chair Tokuda and Members of the Committees:

The Maui Police Department **STRONGLY OPPOSES** S.B. 421, S.D. 1.

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 the Kauai Police Department's. We cannot 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 was law, issues would arise as we would need to wait for a session to be convened to deal with the mandated changes. Thus 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 the officer and Department up to violations of law, rather than a violation of policy, should the officer make a simple error in the use of the camera. If an

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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. Firstly, 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 providing a service of viewing 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.

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 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. FA'UMU  
Chief of Police

# LATE TESTIMONY

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB421 on Feb 28, 2017 09:50AM  
**Date:** Tuesday, February 28, 2017 8:55:14 AM

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## **SB421**

Submitted on: 2/28/2017

Testimony for JDL/WAM on Feb 28, 2017 09:50AM in Conference Room 211

<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. I strongly urge that committee members take time to do a "ride-along" with their respective jurisdictions (PD) with the mind set of gaining a realistic perspective of the every day beat cop.

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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