

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee
on Judiciary and Hawaiian Affairs**

February 1, 2022

H.B. No. 1573: RELATING TO POLICING

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Office of the Public Defender supports H.B. No. 1573, which would require police officers serving a warrant issued by a district court to do so while wearing an authorized uniform and using a body-worn video camera.

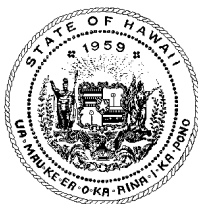
Police officers should be required to use a body-worn camera any time they serve any type of warrant (e.g., arrest and search warrants issued by the district court, family court, circuit court, and the Hawai'i Paroling Authority), as they improve police accountability and enhance transparency.

Body-worn cameras provide visual and audio evidence that can independently verify events. Cameras deter unprofessional, illegal, and inappropriate behaviors by law enforcement. At the same time, cameras will also protect the police against false allegations of abuse. Moreover, as a general rule, people tend to behave better when they know they are being watched; therefore, police officers and the public who know that they are being videoed are less likely to act aggressively.

Honolulu Police Department's body-worn camera policy mandates that their officers activate their cameras when they (1) respond to a call for service, or (2) initiates a law enforcement or investigative encounter between themselves and a member of the public. We presume that the other counties police agencies have similar policies. This measure will codify existing polices and ensure that the police will comply with their policy.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1573
RELATING TO POLICING.

by
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, February 1, 2022; 2:00 p.m.
Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committees:

The Department of Public Safety (PSD) opposes House Bill (HB) 1573, which requires law enforcement officers serving a warrant issued by a district court to do so while wearing an authorized uniform and using a body-worn video camera.

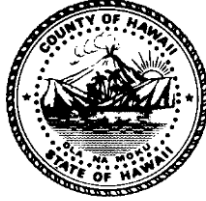
PSD opposes HB 1573 for two reasons. First, HB 1573 would frustrate PSD's ability to serve district court arrest and search warrants. The service of district court arrest and search warrants are a common, almost daily occurrence, in PSD. Frequently, the focus of those warrants are dangerous fugitives that require PSD's law enforcement officers to first conduct undercover surveillance to locate the fugitive, and then immediately move to make an arrest when the fugitive is located. If PSD's law enforcement officers had to wear a uniform when executing such warrants, it is likely that the fugitives sought to be arrested would discover the law enforcement officers seeking to arrest them, thereby making an arrest more difficult. Moreover, PSD's procedures already require its law enforcement officers who do not wear a uniform to both immediately identify themselves as law enforcement officers verbally and to show their badges and

identification cards when they make an arrest. Consequently, the wearing of a uniform is unnecessary.

Second, PSD also opposes HB 1573 because it also requires the use of a body-worn camera when a district court warrant is served. PSD presently has about 350 law enforcement officers; all of whom have the obligation to serve district court warrants. Additionally, PSD presently has neither a body-worn camera program, nor the funding to pay for such a program. The cost of developing and purchasing body-worn cameras required to be used under HB 1573 could easily be upward of hundreds of thousands of dollars, both to develop, and to pay for such body-worn cameras. PSD does not have that funding.

For these reasons, PSD respectfully opposes HB 1573.

Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

January 31, 2022

Representative Mark M. Nakashima
Chairperson and Committee Members
Committee on Judiciary & Hawaiian Affairs
415 South Beretania Street, Room 325
Honolulu, Hawai`i 96813

RE : HOUSE BILL 1573, RELATING TO POLICING
HEARING DATE : FEBRUARY 1, 2022
TIME : 2:00 P.M.

Dear Representative Nakashima:

The Hawai`i Police Department **opposes** House Bill 1573 as written, that seeks to require officers serving a warrant issued by a district court to do so while wearing an authorized uniform and using a body worn video camera (BWC).

Although we can understand the intent of this legislation, it appears to be a reaction to use of force incidents involving law enforcement agencies that occurred in other jurisdictions on the continental United States. As written the language is overbroad and ambiguous, not taking into consideration all of the instances where law enforcement may be tasked with serving a warrant issued by a district court. There are no definitions as to what constitutes an “authorized uniform” or the types of warrants (i.e., Bench Warrants, Search Warrants, Arrest Warrants) issued by a district court for which this would be applicable.

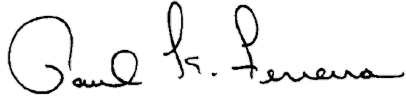
There are instances when plain clothes officers not equipped with BWCs will serve search warrants on parcels seized in a secure environment (i.e., post office, police station, etc.) or serving bench warrants on an individual already in custody in a secure location (i.e. police stations, courts, etc.). There are also instances where plain clothes officers need to covertly approach a location to execute a search warrant for the element of surprise and for officer safety considerations, which would be hampered if there is a requirement for an official police uniform to be worn.

It is our understanding that currently only the County Police Departments are equipped with BWCs, so unless all of our State law enforcement partners will be equipped with BWCs, prior to this law taking effect, the county police departments would be the sole agency with the ability to serve those warrants which places an undue burden on the county agencies.

Representative Mark M. Nakashima
Re : House Bill 1573, Relating To Policing
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It is for the reasons stated, that we urge this committee to reject this legislation as written. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 1573.

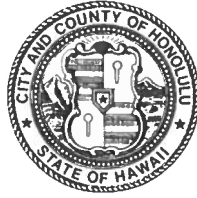
Sincerely,

A handwritten signature in black ink that reads "Paul K. Ferreira". The signature is written in a cursive style with a large, looped initial "P".

PAUL K. FERREIRA
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE SP-BKG

February 1, 2022

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: House Bill No. 1573, Relating to Policing

I am Major Shellie Paiva of the Specialized Services Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 1573, Relating to Policing. This bill would require officers serving a warrant issued pursuant to Hawaii Revised Statutes (HRS) Chapter 805 to do so while wearing an authorized uniform and using a body-worn camera (BWC). This would include arrest warrants and search warrants.

Within the HPD alone, there are many elements that write and execute search warrants such as the Narcotics/Vice Division, Criminal Investigation Division, and Traffic Division. This bill would require Traffic Division officers investigating a fatal car crash to wear a BWC when executing a mechanical search warrant, electric data recording search warrant, and deoxyribonucleic acid search warrant. The Criminal Investigation Division has approximately ten types of administrative search warrants that they execute such as child protective services (CPS) records, social media accounts, and flight manifests. Some of these search warrants can be sensitive in nature as well, to include sex crimes and crimes involving juveniles.

At this time, the majority of non-patrol units do not have BWC assigned to them. In order to outfit all of these units, the HPD would have to purchase more cameras at an estimated cost of \$750,000. In addition, it would cost approximately \$1,000,000 a year to store the data from these additional cameras.

The Honorable Mark M. Nakashima, Chair
and Members
Page 2
February 1, 2022


As far as the uniform requirement, the HPD has many different investigative divisions and units that have their own authorized uniform. However, all officers must follow policy when it comes to their presence in public. Regardless of their element, all officers must have their badge displayed and possess body armor, authorized firearm, police identification card, and handcuffs on their person whenever they are engaged in duties that could expose them to injury from a weapon.

Lastly, the HPD would not be the only law enforcement agency that this bill would apply to. It would include every agency that uses the HRS Chapter 805 to obtain their warrants from District Court, such as the Department of Public Safety, Sheriff Division, and the Department of Attorney General.

The HPD respectfully opposes House Bill No. 1573, Relating to Policing.

Thank you for the opportunity to testify.

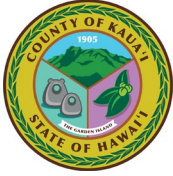
Sincerely,


Shellie Paiva, Major
Specialized Services Division

APPROVED:



Rade K. Vanic
Interim Chief of Police



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

POLICE DEPARTMENT COUNTY OF KAUAI



TODD G. RAYBUCK, CHIEF OF POLICE
STAN R. OLSEN, DEPUTY CHIEF OF POLICE

Testimony of Todd G. Raybuck
Chief of Police
Kauai Police Department

Before the
Committee on Judiciary and Hawaiian Affairs
February 1, 2022, 2:00 pm
Conference Room 325 via Videoconference

In consideration of
House Bill 1573
Relating to Policing

Honorable Chair Nakashima, Honorable Vice Chair Matayoshi, and Members of the Committee:

The Kauai Police Department (KPD) **opposes** House Bill 1573, Relating to Policing, establishing the requirement for officers serving a warrant to do so while wearing an authorized uniform and body worn camera (BWC) as it is currently written.

The Kauai Police Department acknowledges and appreciates the apparent legislative intent of House Bill 1573. Body worn cameras have shown merit in policing to both exonerate allegations of wrongdoing as well as identify unacceptable acts committed by police officers. As written however, the requirement in House Bill 1573 for officers to wear “authorized uniforms” and body worn cameras during the service of warrants is overbroad and ambiguous.

County and state law enforcement officers serve different types of warrants to include Bench Warrants, Search Warrants, and Arrests Warrants. The service of each type of listed warrant may involve officer contact with the public under dynamic conditions or planned operations. The use of uniformed officers during warrant service may be prudent in certain circumstances (easily identifiable) and problematic in others (officer/public safety). In addition, there are many circumstances when a warrant is served in static circumstances with little or no police-public contact.

To protect the integrity of investigations, plain clothes officers operating in a covert capacity do not wear uniforms and are not equipped with BWCs. For example, non-uniformed officers may be used to locate and serve arrest warrants on certain individuals to reduce the potential for flight from apprehension and increase officer and public safety. Another example is, plain clothes officers often serve search warrants within secured environments (i.e., post/parcel locations) outside the presence of the subject(s) of the investigation. The requirement to wear an “authorized uniform” and BWC during such circumstances would frustrate law enforcement operations, jeopardize on-going investigations, and potentially decrease officer and public safety.



Furthermore, House Bill 1573 does not clarify what constitutes an “authorized uniform.” Within the KPD, the “uniform” is varied across assignments and defined by the duties of the employee. The uniform of the day for general/major crime detectives is casual business attire, vice/narcotics detectives do not wear uniforms in the normal course of duties due to the covert nature of their investigations, whereas patrol officers wear a clearly identified department issued police uniform.

Finally, the body worn camera requirement in House Bill 1573 will place additional burdens on law enforcement organizations in a financially difficult time. The cost to distribute and maintain body worn cameras is significant therefore, the issuance of body worn cameras within KPD is limited to officers assigned in a uniformed capacity and those assigned to the Special Response Team. Compliance with House Bill 1573 will require law enforcement to expand the purchase and issuance of body worn cameras and/or require the current body worn camera inventory to be shared across employees.

For the foregoing reasons, the Kauai Police Department **opposes** House Bill 1573 as written. Thank you for your time and consideration.



COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Tuesday, February 1, 2022

2:00 PM

HB 1573 – SUPPORT Warrants Served By Uniform Officers Wearing Body Cams

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,103 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 of Hawai`i’s imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in support of this measure that promotes transparency and accountability for armed officers of the law when serving warrants.

Mahalo for this opportunity to testify.

TESTIMONY IN SUPPORT OF HB 1573

TO: Chair Nakashima, Vice-Chair Matayoshi, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 1, 2022 (2:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1573, which would require state and local law enforcement to wear an authorized uniform and use a body-worn video camera when serving a warrant issued by a district court.

Unfortunately, this bill does not address the broader overuse of plain clothes officers in the conduct of official business beyond the service of warrants nor does it clarify whether plain clothes can constitute an "authorized uniform" if sanctioned by supervisors. Further, there is an ongoing need for a uniform statewide standard for the use of body cameras, including the retention and dissemination of video cam footage.

A number of officer-involved shootings in Hawai'i, [which have significantly increased in recent years](#), have featured plain clothes officers. This heightens the risk of serious injury and death to residents and officers. (See, e.g., Christina Jedra, "[Honolulu Sued Over Fatal Police Shooting of Waianae Man](#)," *Honolulu Civil Beat*, July 2, 2020; Yoohyn Jung, "[Honolulu Police Official Says Suspect Shot Because 'He was not Compliant'](#)," *Honolulu Civil Beat*, January 7, 2020; "[HPD Officer, Man Injured in Shooting Near Pokai Bay](#)," KITV, July 30, 2019; Yoohyn Jung, "[Robbery Suspect Fatally Shot in Fifth Honolulu Officer-Involved Shooting of the Year](#)," *Honolulu Civil Beat*, November 13, 2019; "[Officer Involved Shooting Reported in Glenwood](#)," *West Hawai'i Today*, November 20, 2019; John Burnett, "[Document Details KTA Shooting, Names Officers Involved](#)," *Hawai'i Tribune-Herald*, December 6, 2019.)

In 2019 the New York Police Department disbanded plain clothes units that "were involved in a disproportionate number of civilian complaints and fatal shootings by police." (Ali Watkins,

[“N.Y.P.D. Disbands Plainclothes Units Involved in Many Shootings,”](#) *New York Times*, June 15, 2020.)

A uniform statewide standard for the use of body-worn cameras by state and local law enforcement beyond the service of warrants would help ensure the fair administration of justice across all counties. The policy should specify those circumstances under which body cameras must be worn and establish clear rules regarding storage and dissemination of video footage.

The selective release of video footage by local law enforcement in several incidents in recent years underscores the need for clear guidance from the Legislature. It could look to the language of [HB 383](#), a 2017 bill that did not receive a hearing, or the [statewide policy of Vermont](#), among other sources.

HHHRC’s mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

HB-1573

Submitted on: 1/30/2022 11:20:57 AM

Testimony for JHA on 2/1/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Gibson-Viviani	Individual	Support	No

Comments:

Please support HB1573 to help ensure that Police Officers must wear their uniforms and a body-worn video camera when serving a warrant. I believe this will improve safety for both the person being served with the warrant as well as the Officers.

Thank you for your consideration.

Wendy Gibson-Viviani RN/BSN

Kailua

HB-1573

Submitted on: 1/31/2022 1:48:52 PM

Testimony for JHA on 2/1/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janie Bryan	Individual	Support	No

Comments:

To the Hawaii House Judiciary committee and members--

I am writing to support HB1573 as it moves through the legislative process. I feel that it is common sense as a best practice to both protect the officer serving a warrant and the citizen who is being approached. This action will provide the officer and the citizen visual information that may be crucial at some point, as opposed to memory recall in what may be a tense/dangerous situation. As we have seen over the past months and years, body camera video serves an important role in keeping policing as it should be and provides evidence when/if needed. Our officers and citizens deserve this protection.

Thank you for your consideration to my opinion on this matter.

Aloha, Janie Bryan

HB-1573

Submitted on: 1/31/2022 2:35:23 PM

Testimony for JHA on 2/1/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erica Yamauchi	Individual	Support	No

Comments:

I strongly support this bill to make policing safer and more transparent for both the police officers and our communities.

Erica Yamauchi, Wilhelmina Rise/Kaimuki