

PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. No. (808) 586-2080

DISTRICT COURT DIVISION
TEL. No. (808) 586-2100

FAMILY COURT DIVISION
TEL. No. (808) 586-2300

FELONY DIVISION
TEL. No. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

February 4, 2025

ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. No. (808) 974-4571
FAX No. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. No. (808) 327-4650
FAX No. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. No. (808) 241-7128
FAX No. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. No. (808) 984-5018
FAX No. (808) 984-5022

H.B. No. 595, HD1: RELATING TO RECORDINGS OF LAW ENFORCEMENT

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender SUPPORTS this bill. The bill codifies the constitutional right to record police activity—a right recognized by the Hawai'i Supreme Court in *State v. Russo*, 141 Hawai'i 181, 192-93 (2017). The Court explained, allowing the public to record police activity promotes police accountability:

Exercising the constitutionally-protected rights of free speech and press plays a crucial role in informing and educating the public, offering criticism, and providing a forum for discussion and debate. This aspect of the First Amendment is all the more critical when the ideas and information sought to be disseminated pertain to government officials and law enforcement personnel, who are granted substantial discretion that may be misused to deprive individuals of their liberties. Public access to such information serves the guarantee public oversight law enforcement and minimizes the possibility of abuse by ensuring that police departments and officers are held accountable for their actions.

Id. (cleaned up). Creating a statutory right of action will also promote good police work by making them more accountable to the public.

Thank you for reading our testimony in support of this bill.



House Committee on Judiciary & Hawaiian Affairs

Wednesday, February 5, 2025, 2 PM Hearing in Conference Room 325 on
HB 595, HD1, Relating to Recordings of Law Enforcement Activities

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii supports the intent of SB 307. Almost no one voluntarily admits that their behavior was inappropriately abusive or violent. Video recordings can be used to prove what was actually said and done. That is why both the public and law enforcement personnel should have a right to record law enforcement activities and file lawsuits alleging abuse of this right. However, we lack expertise to comment on the drafting of proposed statutory provisions.

Thank you for the opportunity to submit testimony.

HB-595-HD-1

Submitted on: 2/5/2025 2:41:36 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

On behalf of Drug Policy Forum of Hawai‘i, I am writing in strong support of this measure.

Mahalo for the opportunity to provide testimony.

HB-595-HD-1

Submitted on: 1/31/2025 4:41:17 PM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in support

HB-595-HD-1

Submitted on: 1/31/2025 6:30:04 PM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

I SUPPORT HB595 HD1 which establishes the right of a person to record law enforcement activities. Establishes a private right of action for any violation of the right to record law enforcement activities. Effective 7/1/3000. (HD1)

Through my experiences in the community, standing on various issues there have been numerous times that the recording of law enforcement was essential in establishing what occurred. Living downtown, near Chinatown and as someone who often walks to the various stores and restaurants, I believe it would be necessary at times to film law enforcement activities or lack of them.

I SUPPORT this bill

C. Burghardt

Kou, Oahu