

SB 199

RELATING TO LAW ENFORCEMENT

Appropriates funds as a grant-in-aid to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras to be used by each county police department; provided that no funds appropriated to a county shall be expended unless matched dollar-for-dollar by the county.

PSM/JDL, WAM



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February 6, 2015

Chairs Espero and Keith-Agaran and PSM/JDL Committee Members

Re: SB199 Relating to Law Enforcement.
Hearing on Feb. 12, 2015

Dear Senators Espero and Keith-Agaran and Members of the Committees:

Americans for Democratic Action is an organization devoted to the promotion of progressive public policies.

We support SB 199 after much discussion over police issues in the wake of the Michael Brown case in Ferguson, Missouri. Not every case would be improved by encouraging police to wear body cameras, but if only one a year achieves justice, the program is worth it.

The bill provides \$1.35 million as a grant-in-aid to the counties to purchase body cameras and dashboard cameras. But this funding is conditional on the counties coming up with equal matching funds. There is nothing in the bill as currently written that requires the counties to purchase the cameras or to use them. We find this to be a serious shortcoming of the bill.

We believe that Hawaii must move forward more resolutely on this critical issue. There have been too many recent instances in which allegations - true or false - have been made against police for their conduct. Cameras are unbiased witnesses.

Therefore, ADA strongly urges the Committee to amend the bill to (1) appropriate \$3 million, or so much as is necessary, as a direct grant to the counties for body and dashboard cameras; and to (2) amend existing law on police conduct to require use of body cameras and (as relevant to an incident) dashboard cameras in all confrontations and arrests, and to provide for disciplinary penalties when police fail to employ them.

Thank you for your consideration.

Sincerely,

John Bickel
President



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 9, 2015

To: Sen. Will Espero, Chair
Sen. Rosalyn Baker, Vice-Chair
Committee on Public Safety, Intergovernmental and Military Affairs

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 199 –SUPPORT

PLACE: Conference Room 016

DATE and TIME: Thursday, February 12, 2015 9:10am

The Hawaii State Coalition Against Domestic Violence (HSCADV) is a statewide coalition of 21 domestic violence program and shelters across the Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV is in support of SB 199, which allows for appropriation of funds to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras to be used by each county police department.

One of the primary benefits of this change is legislation will allow for a change in how domestic violence cases are prosecuted – the use of body-worn cameras will allow for capture of more reliable evidence for court.

- In cases where a victim is not in a position to participate safely with prosecution or law enforcement, body-worn cameras are able to videotape victim statements and shows firsthand the victim's injuries, demeanor and reactions to the incident on-scene.
- Officers may be able to capture the assault itself on video if they arrive on-scene while the incident is ongoing, which allows for evidence for prosecution without relying on victim testimony as primary evidence.
- Body-worn cameras eliminate "he-said, she-said" dynamics, between perpetrator and victim as well as between officer and civilian. Cameras also provide a safer environment for officers – when parties are aware of being taped, they often change behaviors to display a calmer, more rational demeanor.

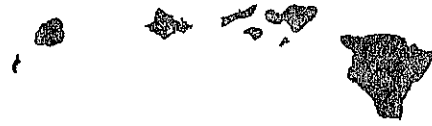
Research conducted by the Arizona University's Center for Violence Prevention and Community Safety compared squads that instituted use of body cameras versus without and found:

- In about 2,000 domestic violence cases, cases supported by police body-camera video evidence were more likely to result in a guilty plea or guilty verdict
 - Often when suspects were shown the footage from the cameras, they would plead guilty without having to go through trial.
- Complaints against officers wearing body cameras dropped by 23% during testing period compared to 11% increase in complaints for officers without them
- A primary advantage of the cameras was the factual representation of the scene as opposed to an interpretation by an officer.

One of the significant challenges to implementing the body-camera system is that it must be deployed within a framework of strong policies to ensure they protect the public and maintain confidence in the integrity of law enforcement use of the technology. Policies and technology must be designed to ensure that officers cannot edit or choose which encounters to record. Without strong policies and consequences, the cameras' role in providing a check and balance against law enforcement power will be ineffective. If a law enforcement department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record in the form of a department-wide policy that mandates that police turn on recording during every interaction with the public.

Thank you for the opportunity to submit testimony on this important issue and I welcome any questions for more information.

Marci Lopes, Executive Director



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 6, 2015

To: Senator Will Espero, Chair
Senator Rosalyn H Baker, Vice-Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 199 – STRONG SUPPORT

PLACE: Conference Room 016

DATE and TIME: Thursday February 12, 2015 9:10 a.m.

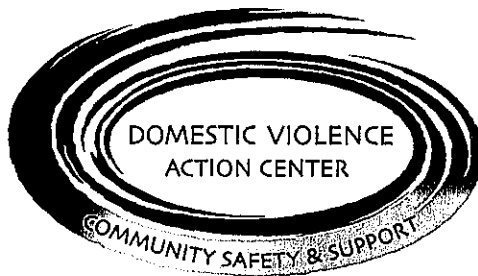
The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV is in strong support of SB 199. Victims and advocates have reported over the years the struggle with beat officer's inability to accurately document complaints of domestic violence. We need HPD beat officers who respond to the domestic violence scene, or restraining order violation to have the ability to record, in its entirety, the scene and the investigation. With video equipment worn on the body, we can accurately collect factual information at the scene: see what eyewitnesses may be present, see what children are present, and see the evidence of a disturbance. With body cameras police officers can capture the demeanor of witnesses and the early statements made before there has been time to reflect on the consequences of the police intervention. With body cameras, we can get a complete statement from a complainant.

This use of technology will help with providing a jury with a full picture of what occurred at the scene, and what the victim endured. The victim will not have her testimony later put into question. The prosecutions office and attorneys have reported that they struggle prosecuting cases because jury's do not understand the complexity of domestic violence, and they second guess and judge the victim on the stand.

Thank you for your efforts to make improvements to our system so we can all work to keep victims safe.

Marci Lopes, Executive Director



TO: Chair Will Espero
Vice Chair Rosalyn Baker
Members of the Committee

Chair Gil Keith-Agaran
Vice Chair Maile Shimabukuro
Members of the Committee

FR: Nanci Kreidman, M.A

RE: SB 199 Support

Thank you for scheduling this Bill for Hearing and consideration. It could be an important improvement to law enforcement response to domestic violence.

This testimony is provided to express strong support of SB 199. There have been challenges to effective police response and encounters between survivors and law enforcement are sometimes compromised by the difficulty inherent in the circumstances or the behavior of police, or the survivor.

Documentation of police enforcement and collection of factual information at domestic violence calls is very important for accountability. It can make the difference in a trial or sentencing of an abuser. It may assist with prosecution when survivors recant their experience due to fear or doubt.

With digital imagery the criminal case can be strengthened, as it is apparent what witnesses were present, whether children were present and what, if any disturbance was evident at the scene. With body cameras police officers can capture the demeanor of witnesses and the early statements made before there has been time to reflect on the consequences of the police intervention. With body cameras, we can get a complete statement from a complainant.

There has been demonstrated improvement in police response in communities that have employed the use of digital cameras. Complaints have dropped and police have been protected because their good work is evident to all.

Thank you for your continuing efforts to make improvements to our system in the interests of families suffering the harm of abuse.



Aloha. And thank you for hearing early in the of great importance, and deserves the legislature's attention.

for scheduling this Bill Session. This is an issue

The best interests of a child or children is quite a nuanced assessment. This discussion has been underway for many years, with spirited efforts, disagreements and compromises made by community members. This Bill was introduced without any discussion among the interested parties. This raises a red flag for us.

It would have been very important to listen to and understand the need for this change to the law. We shall be attentive to the assertions and rationale for HB 624. Our agency has a complex and robust Family Court practice where custody is at the heart of many of the cases. It has been an unfortunate outcome more than a few times that abusers have successfully silenced his victim partner, influenced the children or used the court system to continue the harassment and manipulation characteristic of the abusive relationship. It is not infrequent, also, that abusers have resources beyond what victims can access, which results in surrender of children, property, safety or other personal rights.

avoid working with available resources, like Family Court restraining orders for fear that they would be investigated for potential child abuse. It is not uncommon or unfamiliar that child welfare services is over-extended and cannot conduct an investigation in a timely fashion, requiring multiple appearances by survivors. This burdens the Court and the community's families.

Thank you for your careful, discriminating attention to HRS 624.



Committee: Committees on Public Safety, Intergovernmental and Military Affairs and
Judiciary and Labor
Hearing Date/Time: Thursday, February 12, 2015, 9:10 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in **Support of S.B. 199**, Relating to
Law Enforcement

Dear Chair Espero, Chair Keith-Agaran, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of S.B. 199**, which provides grants-in-aid for the purchase of police body cameras.

While we support the use of police body cameras, we recommend that the Legislature set clear guidelines for their use to protect individual privacy and ensure consistency in law enforcement practices. A policy memorandum from the ACLU is attached hereto (and is available at <https://www.aclu.org/technology-and-liberty/police-body-mounted-cameras-right-policies-place-win-all>). Additional recommendations are also available here: <http://www.aclu-il.org/statement-regarding-use-of-body-cameras-by-police/>.

Thank you for this opportunity to testify.

Daniel M. Gluck
Legal Director
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

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Police Body-Mounted Cameras: With Right Policies in Place, a Win For All

By Jay Stanley, ACLU Senior Policy Analyst
October, 2013

Introduction¹

When a New York judge [found](#) that the NYPD's stop and frisk tactics violated the constitutional rights of New Yorkers, one of the remedies she ordered was for the department to begin testing wearable police cameras, sparking [debate](#) and discussion of the technology there.

These "on-officer recording systems" (also called "body cams" or "cop cams") are small, pager-sized cameras that clip on to an officer's uniform or sunglasses or are worn as a headset, and record audio and video of the officer's interactions with the public. We have heard reports of police body cameras being deployed in numerous cities, and one prominent manufacturer [told NBC](#) that it had sold them to "hundreds of departments."

The ACLU has commented on police body cameras in the media [several times](#) over the years (and in [stories](#) surrounding the stop and frisk ruling), but the ACLU's views on this technology are a little more complicated than can be conveyed through quotes in a news story.

Although we generally take a dim view of the proliferation of surveillance cameras in American life, police on-body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there was no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse.

We're against pervasive government surveillance, but when cameras primarily serve the function of allowing public monitoring of the government instead of the other way around, we generally regard that as a good thing. While we have opposed government video surveillance of public places, for example, we have supported the installation of video cameras on police car dashboards, in prisons, and during interrogations.

At the same time, body cameras have more of a potential to invade privacy than those deployments. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations.

For the ACLU, the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within a framework of strong policies to ensure

¹ The author would like to thank Doug Klunder of the ACLU of Washington, who did much of the thinking behind the analysis set forth in this paper; Scott Greenwood of Ohio; and his colleagues at the national office, for their valuable feedback and advice.

they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

On-officer cameras are a significant technology that implicates important, if sometimes conflicting, values. We will have to watch carefully to see how they are deployed and what their effects are over time, but in this paper we outline our current thinking about and recommendations for the technology. These recommendations are subject to change.

Control over recordings

Perhaps most importantly, policies and technology must be designed to ensure that police cannot “edit on the fly” — i.e., choose which encounters to record with limitless discretion. If police are free to turn the cameras on and off as they please, the cameras’ role in providing a check and balance against police power will shrink and they will no longer become a net benefit.

The primary question is how that should be implemented.

Purely from an accountability perspective, the ideal policy for body-worn cameras would be for continuous recording throughout a police officer’s shift, eliminating any possibility that an officer could evade the recording of abuses committed on duty. Of course, just as body cameras can invade the privacy of many innocent citizens, continuous deployment would similarly impinge on police officers when they are sitting in a station house or patrol car shooting the breeze — getting to know each other as humans, discussing precinct politics, etc. We have some [sympathy](#) for police on this; continuous recording might feel as stressful and oppressive in those situations as it would for any employee subject to constant recording by their supervisor. True, police officers with their extraordinary powers are not regular employees, and in theory officers’ privacy, like citizens’, could be protected by appropriate policies (as outlined below) that ensure that 99% of video would be deleted in relatively short order without ever being reviewed. But on a psychological level, such assurances are rarely enough. There is also the danger that the technology would be misused by police supervisors against whistleblowers or union activists — for example, by scrutinizing video records to find minor violations to use against an officer.

If the cameras do not record continuously, that would place them under officer control, which would create the danger that they could be manipulated by some officers, undermining their core purpose of detecting police misconduct. This has sometimes been an issue with patrol car “dashcams” — for example, in the case of two Seattle men who filed a claim for excessive force and wrongful arrest. Parts of the arrest were captured by a dashcam, but parts that should have been captured were [mysteriously missing](#). And with body cams, two Oakland police officers were [disciplined](#) after one of the officers’ cameras was turned off during an incident.

The balance that needs to be struck is to ensure that officers can’t manipulate the video record, while also ensuring that officers are not subjected to a relentless regime of surveillance without any opportunity for shelter from constant monitoring.

One possibility is that some form of effective automated trigger could be developed that would allow for minimization of recording while capturing any fraught encounters — based, for example, on detection of raised voices, types of movement, etc. When it comes to dashcams,

the devices are often configured to record whenever a car's siren or lights are activated, which provides a rough and somewhat (though not entirely) non-discretionary measure of when a police officer is engaged in an encounter that is likely to be a problem. That policy is not applicable to body cams, however, since there is no equivalent to flashing lights. And it's not clear that any artificial intelligence system in the foreseeable future will be smart enough to reliably detect encounters that should be recorded. In any case, it is not an option with today's technology.

If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public.

And this requirement must have some teeth associated with it — not only a risk of disciplinary action but also perhaps an exclusionary rule for any evidence obtained in an unrecorded encounter (for police who have been issued the cameras, unless there is an exigency to justify the failure to record). Another means of enforcement might be to stipulate that in any instance in which an officer wearing a camera is accused of misconduct, a failure to record that incident would create an evidentiary presumption against the officer.

Limiting the threat to privacy from cop cams

Most of the discussion around police recording has focused on its oversight potential. But that is only one of the significant interests implicated by recording. Equally important are the privacy interests and fair trial rights of individuals who are recorded. Ideally there would be a way to minimize data collection to only what was reasonably needed, but there's currently no technological way to do so.

Police body cameras mean that many instances of entirely innocent behavior (on the part of both officers and the public) will be recorded, with significant privacy implications. Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls. In the case of dashcams, we have also seen video of particular incidents released for no important public reason, and instead serving only to embarrass individuals. Examples have included [DUI stops of celebrities](#) and ordinary individuals whose [troubled](#) and/or [intoxicated](#) behavior has been widely circulated and now immortalized online. The potential for such merely embarrassing and titillating releases of video is significantly increased by body cams.

Therefore it is vital that any deployment of these cameras be accompanied by good privacy policies so that the benefits of the technology are not outweighed by invasions of privacy. The core elements of such a policy follow.

Notice to citizens

Most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. There are, however, a couple of things that can be done at the point of recording.

- 1) Recording should be limited to uniformed officers and marked vehicles, so people know what to expect. An exception should be made for SWAT raids and similar planned uses of force when they involve non-uniformed officers.
- 2) Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dashcams in some states such as Washington). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect.
- 3) Although if the preceding policies are properly followed it should not be possible, it is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion.

Recording in the home

Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to be especially sure to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. Departments might also consider a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off should themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions.

Retention

Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

- Retention periods should be measured in weeks not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (such as the three-year period currently in effect in Washington State).
- These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.
- Flagging should occur automatically for any incident:
 - involving a use of force;
 - that leads to detention or arrest; or
 - where either a formal or informal complaint has been registered.
- Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.
- The police department (including internal investigations and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.
- If any useful evidence is obtained during an authorized use of a recording (see below), the recording would then be retained in the same manner as any other evidence gathered during an investigation.

- Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence.

Use of Recordings

The ACLU supports the use of cop cams for the purpose of police accountability and oversight. It's vital that this technology not become a backdoor for any kind of systematic surveillance or tracking of the public. Since the records will be made, police departments need to be subject to strong rules around how they are used. The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime. Otherwise, there is no reason that stored footage should even be reviewed by a human being before its retention period ends and it is permanently deleted.

Subject Access

People recorded by cop cams should have access to, and the right to make copies of, those recordings, for however long the government maintains copies of them. That should also apply to disclosure to a third party if the subject consents, or to criminal defense lawyers seeking relevant evidence.

Public Disclosure

When should the public have access to cop cam videos held by the authorities? Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by policymakers. One way to do that is to attempt to minimize invasiveness when possible:

- Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.
- Redaction of video records should be used when feasible — blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be discloseable.
- Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States may need to examine how such a policy interacts with their state open records laws.
- Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly discloseable, because in such cases the need for oversight outweighs the privacy interests at stake.

Good technological controls

It is important that close attention be paid to the systems that handle the video data generated by these cameras.

- Systems should be architected to ensure that segments of video cannot be destroyed. A recent case in Maryland illustrates the problem: surveillance video of an incident in

which officers were accused of beating a student disappeared (the incident was also filmed by a bystander). An officer or department that has engaged in abuse or other wrongdoing will have a strong incentive to destroy evidence of that wrongdoing, so technology systems should be designed to prevent any tampering with such video.

- In addition, all access to video records should be automatically recorded with immutable audit logs.
- Systems should ensure that data retention and destruction schedules are properly maintained.
- It is also important for systems be architected to ensure that video is only accessed when permitted according to the policies we've described above, and that rogue copies cannot be made. Officers should not be able to, for example, pass around video of a drunk city council member, or video generated by an officer responding to a call in a topless bar, or video of a citizen providing information on a local street gang.

It is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.

As the devices are adopted by police forces around the nation, studies should be done to measure their impact. Only very limited studies have been done so far. Are domestic violence victims hesitating to call the police for help by the prospect of having a camera-wearing police officer in their home, or are they otherwise affected? Are privacy abuses of the technology happening, and if so what kind and how often?

Although fitting police forces with cameras will generate an enormous amount of video footage and raises many tricky issues, if the recording, retention, access, use, and technology policies that we outline above are followed, very little of that footage will ever be viewed or retained, and at the same time those cameras will provide an important protection against police abuse. We will be monitoring the impact of cameras closely, and if good policies and practices do not become standard, or the technology has negative side effects we have failed to anticipate, we will have to reevaluate our position on police body cameras.

SB199

Submitted on: 2/9/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Hunger	Remington College Honolulu C.J. Student Coalition	Support	No

**Region 11 (HAWAII) Public Safety Regional Planning Committee
Regional Public Safety Planning Meeting
Testimony on
SB 199**

**February 10, 2015
1:15 pm**

Thank you to Senator Espero who invited me to speak today, and to the Public Safety Commission for hearing my testimony on this very important bill relating to police body-cameras.

My name is Aaron Hunger. I am currently an instructor of Criminal Justice at Remington College, a doctoral student at The University of Hawaii at Manoa, and have served as a lecturer periodically at both of the University of Hawaii's campuses at Manoa and West Oahu in Political Science and Public Administration respectively. I was also a police officer for over 16 years before retiring from an industrial accident. During that time, I served the majority as a patrolman, but also served as a traffic officer, diver, marine patrol, special response team (SRT) member, and other numerous specialized task forces.

I was both P.O.S.T. and F.D.L.E. certified for police work in California and Florida, and served as a corrections officer in California and Germany. During the 1990 Gulf War, I also had the honor to be assigned to a military police corrections unit that was responsible for custody and control of military personnel that were sentenced for war crimes, and espionage. I am aware of the unique responsibilities that come with providing care over our citizens, and have worked in departments where community trust building was critical. This is not an easy job, and I would like to begin by commending the men and women who devote themselves to ensuring public safety by doing this, often unrewarding, job.

This brings me to why I would like to provide testimony in support of SB199, and to ask you to amend the bill to include language that addresses "which agency would maintain and access these videos." The

research and justification contained within SB 199 that focuses on police body cameras provides clear evidence of the benefit to agencies that use the technology. There are several agencies in the mainland that have cited a reduction in complaints against officers, and an improvement in officer interpersonal communication techniques that have come directly from the installation and wearing of body cameras by police.

HOWEVER, the debate lay in which agency should maintain these critical videos. The problems that have surrounded both maintenance and publications of UCR statistics, and public records disclosures at Honolulu Police, would make an amendment to address these issues critical. Last year Gina Mangieri of Khon2 news reported that Mark Wong of the Department of Information Technology at Honolulu Police estimated that a simple public records search surrounding the Sgt Cachola case would cost: "somewhere in the range of \$80,080" (Mangieri, 2014). In addition to prohibited costs that would prevent public access, there is recent and disturbing evidence that shows Honolulu police are unable to provide UCR statistics (Nasako & Williams, 2015). Both of these issues demonstrate the need to remove police from the equation of "who maintains the evidence".

While body cameras and dashboard cameras have the benefit of providing "a record" of the event, creating oversight of this evidence by alleviating police from the burden of maintenance of the tapes is essential. If the bill was to include language that shifted records keeping to either the Attorney General's office, the police commission that oversees the department that is being outfitted, or a statewide police standards board, the public would be better served.

Equipping the police is only part of the equation when considering body-cameras. Who views, maintains and processes the video evidence is the other variable. If Hawaii police agencies are asked, once again, to oversee themselves, an outcome similar to problems now being addressed that call for independent oversight inside Honolulu police will surface. While I stand in support of officers being required to wear body-cameras, it requires that someone other than the police department maintain this evidence. This prevents a conflict of interest if the evidence is to be used in prosecution of an officer.

Thank you

Works Cited

- Mangieri, G. (2014, November 20). *The cost of transparency: Public records can be pricey*. Retrieved from Khon2: <http://khon2.com/2014/11/20/the-cost-of-transparency-public-records-can-be-pricey/>
- Nasako, D., & Williams, D. (2015, February 4). *HPD system fires blanks*. Retrieved from Honolulu Star Advertiser.com: <http://www.staradvertiser.com/s?action=login&f=y&id=290755811&id=290755811>

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Friday, February 06, 2015 10:10 AM

To: PSMTestimony

Cc: wusstig@gmail.com

Subject: *Submitted testimony for SB199 on Feb 12, 2015 09:10AM*

SB199

Submitted on: 2/6/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Friday, February 06, 2015 2:54 PM

To: PSMTestimony

Cc: breaking-the-silence@hotmail.com

Subject: *Submitted testimony for SB199 on Feb 12, 2015 09:10AM*

SB199

Submitted on: 2/6/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

From: Nancy MI [mailto:relaxamommy@yahoo.com]

Sent: Monday, February 09, 2015 2:53 PM

To: PSMTestimony

Subject: SB 199 Body-Worn Video Cameras

I am in support of SB 199. I think the use of body-worn cameras will provide much needed transparency and accountability by police officers. In addition, I would also like to see the video continue running right up through the booking process (if an arrest has been made).

The cameras will help restore public trust of the police departments across the islands.

Testimony by:

Nancy Manali-Leonardo

SB199

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
robert ford	remington college Honolulu C.J. Student Coalition	Support	No

S.B. 199

My name is Robert Ford. I am a student of the Remington College criminal justice program. This is a testimony on behalf of bill S.B. 199. After reviewing the bill, I vote yes into the passing of this bill, HOWEVER, the main area of concern with S.B. 199 is the question of "who will be in control of the video footage needed in investigations?" I believe the bill should be amended to restrict law enforcement officer to be in control of video evidence. This would be my only recommendation. Overall the bill is strong and has the ability to reduce police complaints as well as reducing citizen resistance towards police officers.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 10, 2015 10:00 AM

To: PSMTestimony

Cc: candace.hashimoto@gmail.com

Subject: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

SB199

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Candace Hashimoto	Remington College C.J. Student Coalition	Support	No

Comments:

My name is Candace Hashimoto, and I am from the Remington College C.J. Student Coalition. I am writing in regards to Senate Bill NO. 199. I definitely support this bill. However, my only concern is, who will hold the tapes?

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:01 AM
To: PSMTestimony
Cc: kawailehua_33@yahoo.com
Subject: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

SB199

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Aisha Gaea	Remington College Honolulu C.J. Student Coalition	Support	No

S.B. NO. 199

I support Senate Bill NO.199 regarding the appropriation of funds for the purpose of purchasing body-worn video cameras. I believe that requiring law enforcement officers to wear body cameras is a good idea because it could help to eliminate the “he said, she said” argument and provide an unbiased third party witness account of what really happened. It is also a good idea because studies have shown that when people are being recorded, they are more likely to behave accordingly. One concern I do have though, is that this bill does not state who will be in charge of collecting and handling the recorded videos. Allowing the law enforcement agencies, which these videos are recording, to be in control of these tapes I believe may be a conflict of interest. To resolve this concern I suggest that the handling of these videos be the job of an outside agency, independent of the law enforcement agencies such as the police commission or the district attorney’s office. Although I believe these concerns need to be addressed before this bill will be effective, I support the passing of this bill.

From: PSMTestimony
To: mailinglist@capitol.hawaii.gov
Subject: RE: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:12 AM
To: PSMTestimony
Cc: kauaiopua@googlemail.com
Subject: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

SB199

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Justine Fritz	Remington College Honolulu C.J. Student Coalition	Support	No

Comments:

Senate Bill Number 199

Good morning ladies and gentlemen. My name is Justine Fritz and I was given the opportunity this morning to discuss the changes that would be implemented according to the Senate Bill Number 199 would promote transparency and accountability for the Honolulu Police Officers.

This bill will also work on the changes for the Honolulu Police Department. I support this bill with the hopes that it provides those needed changes. This will assist our community to place trust and respect into our officers again. I support this bill.

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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Promoting Police Wearing Body Cam & Vehicle Surveillance

Senate Bill Number 199

Good morning ladies and gentlemen. My name is Valenitia Augafa and I was given the opportunity this morning to discuss the changes that would be implemented according to the Senate Bill Number 199 would promote transparency and accountability for the Honolulu Police Officers.

This bill will also work on the changes for the Honolulu Police Department. I support this bill with the hopes that it provides those needed changes. This will assist our community to place trust and respect into our officers again. I support this bill.

Senate Bill NO. 199

Good Morning ladies and Gentlemen, My name is leuluniu otineru. I'm attending to Remington College for my Bachelor degree studying in Criminal Justice. Like to take this chance to speak on behalf of Senate Bill NO. 199. I support on this bill and I believe it's the right thing to do is either we give the evidence to the county technology to keep the tape or give it the police but overall. I support this Bill.

Promoting Police Wearing Body Cam & Vehicle Surveillance

Senate Bill Number 199

Good morning ladies and gentlemen. My name is Steven Hamel and I was given the opportunity this morning to discuss the changes that would be implemented according to the Senate Bill Number 199 would promote transparency and accountability for the Honolulu Police Officers.

This bill will also work on the changes for the Honolulu Police Department. I support this bill with the hopes that it provides those needed changes. This will assist our community to place trust and respect into our officers again. I support this bill.

STATE BILL 199

Good morning ladies and gentlemen, my name is Lucky Lotu. I am a student of Remington College enrolled in the field of criminal justice. Thank you for this amazing opportunity to speak on the behalf of the senate regarding the state bill NO.199. I stand here today to speak my mind and heart truthfully and honestly.

I truly support this bill because it specifically pinpoint the weakness of the police department in regard of body claims. This is a very thoughtful and intelligent idea but all I can say is that police cannot hold to the tapes. The reason being is contaminating the evidence. I support this bill with the right intentions support this bill and suggest to have the attorney officers to fulfill this task instead of the police.

From: PSMTestimony
To: mailinglist@capitol.hawaii.gov
Subject: RE: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:36 AM
To: PSMTestimony
Cc: paulo.pt13@yahoo.com
Subject: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

SB199

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paulo Paulo	Remington College Honolulu C.J. Student Coalition	Support	No

Comments:

S.B No. 199

Good morning ladies and gentlemen, thank you for this awesome opportunity allowing me to speak regarding to S.B. No. 199. I'm in support of this bill. I think this bill will help us reduce police complaint and even the people making false critiques about police action. I only have one adjustment is towards the possession of the tapes. I think we should have a particular commission that we can trust to hold these kinds of things, but overall the bill is great and is ready to go.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 1:13 PM
To: PSMTestimony
Cc: datchoy86@yahoo.com
Subject: Submitted testimony for SB199 on Feb 12, 2015 09:10AM

SB199

Submitted on: 2/11/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
D. Choy	Individual	Comments Only	No

Comments: Aloha Esteemed Senators, I offer only comments. This bill only appropriates money for cameras and no monies for the hard drive storage, software to view and organize, or the manpower hours to review the hours and hours of video. What use are cameras if the logistical back end to make such cameras effective is not funded? The committee if it wishes to fulfill the goals within the bill should amend the appropriation to include the logistical support hardware, software and personal expenses in addition to the cameras themselves. Did the legislature reopen Kulani without money for ASOs? Of course not. Why similarly, would the legislature fund cameras without the means to support them?

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Senate Bill 199

Good afternoon Senators and thank you for taking the time to read my comments in reference to my voice on this Senate Bill 199. My name is Jonathan Bussey and I am a student of Remington College with a concentration of a Bachelors of Applied Science in Criminal Justice. I am exercising my vote in favor of the Senate Bill 199 being approved. With the use of body cameras and vehicle cameras, it will provide a better well equipped police force and transparency for the Safety Commission. As a 33 year military Veteran, Body cameras were used as an instrumental tool to aid in intelligence at the command center and to provide surveillance of activity for those on patrol making sure they follow protocol.

It is true that those who are aware of their actions being videotaped have a totally different behavior and are more cooperative. This also has the same effect on the Law Officers as well with their behavioral change too. Oakland Police Department reduced use of force incidents by 73.8% over a five year period. President Obama called on Congress to spend \$263 million for police body cameras and better training and more monitoring of military style equipment for police departments on 1 December 2014. The use of the body camera and vehicle cameras will aid in investigations and well as transparency for the Safety Commission as well as public safety and other women organizations that are in question for the fairness of the citizens in Hawaii.