

SHOPO



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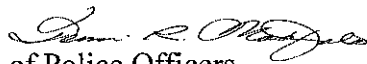
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TO: The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means

The Honorable Ronald D. Kouchi, Vice Chair
Senate Committee on Ways and Means

Members of the Senate Committee on Ways and Means

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: March 31, 2015

SUBJECT: Testimony on H.B. No. 365 HD1, Relating to Police

HEARING DATE: Thursday, April 2, 2015
9:00 a.m. Conference Room 211

Thank you for the opportunity to testify on this bill regarding funding for body cameras for police officers. The State of Hawaii Organization of Police Officers ("SHOPO") supports this bill with comments.

SHOPO recognizes the benefits of body cameras for police. However, after review of the Police Executive Research Forum study described below, the implementation and utilization of body cameras requires at a minimum:

- a. planning;
- b. training and annual recall training for police officers;
- c. budgeting for long-term funding (primarily for video storage);
- d. contracting for storage, access to video, as well as security;
- e. orientation for the courts, prosecutors, and corporation counsel;
- f. researching legal and staffing implications for Hawaii Revised Statutes 92F requests for video
- g. engaging and educating the community;
- h. seeking input from the community.

The Police Executive Research Forum, with support from the U.S. Department of Justice Office of Community Oriented Policing Services, conducted an extensive study on body cameras, including convening a conference in 2013 with over 200 law enforcement officials, scholars, representatives from federal agencies, and other experts, for the purpose of gathering information on their experiences with body cameras. A publication resulted, entitled: "Implementing a Body-Worn Camera Program Recommendations and Lessons Learned" and can be found on the internet.

Therefore many issues will need to be carefully researched and addressed. Three of these issues are discussed in small part below.

First, as you know, Hawaii's Constitution, Article 1 Section 6 provides in relevant part: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest." Also, Article 7 provides in pertinent part: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures **and invasions of privacy shall not be violated.**" (Emphasis added.)

Thus, Hawaii police officers face a much more complex level of decision-making on whether their video cameras can be on in a member of the community's house, whether it be to quell a domestic argument or just answer questions on how to deal with a difficult teenager. Prosecutors, Corporation Counsel, and others will have to be engaged to address these issues before any implementation of a program.

Second, body camera video may be considered government records, subject to the Hawaii Revised Statutes ("HRS") 92F open records law. Any budget for a body camera program would have to include funding for sufficient staffing to respond to HRS 92F requests. Furthermore, each video would have to be carefully reviewed, even if eight hours long, to redact any parts subject to individuals' right to privacy. This may have to be a legal counsel position, as costly lawsuits could result from the improper release of video. Notably, an article in the American Bar Association Journal noted that Seattle police had to shut their program down because of the cost of responding to public record requests.

Third, body camera video is like cell phones. It is not the cost of the phone that is expensive, it is the cost of the monthly plan. Likewise, with body camera video, many jurisdictions have found that the cost of storage is expensive. The Police Executive Research Forum noted that the New Orleans Police Department deployed 350 cameras, and the cost of \$1.2 million for five years was mostly for data storage. A Hawaii News Now article interviewed a representative of the Honolulu Police Department that said it would cost roughly \$300,000 for cameras and \$100,000 to \$300,000 per year for video storage.

Additionally, there may be concerns about video data being stored in outside vendor servers ("the cloud") which could be in any country in the world, versus at the individual police departments. As we know with a cell phone plan, once you sign up for the plan, you are a captive audience that must pay dearly for any changes or cancellations.

In summary, SHOPO is very interested in the body camera program, and at the same time is very concerned that the program be developed carefully and thoughtfully so that our citizens' privacy interests are addressed, budgeting is adequate for the long-term, and all the stakeholders have input. Thank you for your consideration in this matter.



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TESTIMONY FOR HOUSE BILL 365, HOUSE DRAFT 1, RELATING TO POLICE

**Senate Committee on Ways and Means
Hon. Jill N. Tokuda, Chair
Hon. Ronald D. Kouchi, Vice Chair**

**Thursday, April 2, 2015, 9:00 AM
State Capitol, Conference Room 211**

Honorable Chair Tokuda and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in support of House Bill 365, House Draft 1, relating to police.

In 2014, it was revealed that local law enforcement officers were engaging in sexual penetration during prostitution investigations, a practice that Honolulu Police Department officials defended before the State Legislature. IMUAlliance drafted and, with the help of lawmakers, passed a bill repealing the statutory exemption allowing that behavior to go unpunished. As police continue to investigate prostitution crimes, the use of body cameras will likely diminish incidents of police abuse during undercover stings and, in turn, amplify the success of sex trafficking prosecutions by providing prosecutors with video evidence of solicitation.

Accountability begins at the top. Accordingly, policymakers must take steps to safeguard the public trust in law enforcement, especially when departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance