

# REPORT OF THE COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT

Voting Members:

Carol Fukunaga, Chair; Kymberly Marcos Pine, Vice-Chair  
Ikaika Anderson, Stanley Chang, Breene Harimoto

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Committee Meeting Held  
October 29, 2013

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Public Safety and Economic Development to which was referred Resolution 13-260 entitled:

“RESOLUTION AUTHORIZING THE USE OF OVERT VIDEO MONITORING IN THE CITY AND COUNTY OF HONOLULU TO PREVENT AND DETER GENERAL CRIMINAL ACTIVITY AND ACHIEVE THE LEGITIMATE LAW ENFORCEMENT OBJECTIVE AND LEGITIMATE PUBLIC PURPOSE OF ENSURING A SAFE AND SECURE 2013 HONOLULU MARATHON EVENT”

transmitted by Communication D-766, dated October 16, 2013 from the Department of Emergency Management (DEM) reports as follows:

The purpose of this Resolution is to authorize the department and its designees to use overt video monitoring at various locations in the City to achieve the legitimate law enforcement objective and legitimate public purpose of ensuring the safety of marathon participants and attendees, and the general public, and the security of exhibition venues in preparation for, during, and after the 2013 Honolulu Marathon.

The Honolulu Police Department submitted written testimony supporting the Resolution. An individual offered comments, while another individual submitted written testimony in opposition to the Resolution.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON NOV 13 2013

COMMITTEE REPORT NO. 321

# REPORT OF THE COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT

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Section 2-32.3 (a) (6), Revised Ordinances of Honolulu 1990, as amended, (ROH) requires that Council approve the purpose and use of any time overt video monitoring of a public activity through the adoption of a resolution. Through the resolution and committee hearing process, the public is notified and has the opportunity to express their views on the proposed monitoring activities and possible sites.

In Departmental Communication 766 accompanying this Resolution, the Department of Emergency Management stated that this is an effort by the City, State, and Federal governments in partnership with private and corporate organizations to “ensure a safe and secure 2013 Honolulu Marathon Event.”

The Director of the department, the Director of the Department of Transportation Services, and a Captain from the Major Events Division of the Honolulu Police Department appeared before your Committee to answer questions about the use of overt video monitoring to ensure a safe and secure 2013 Honolulu Marathon. Your Committee received a list of current traffic camera locations and 13 additional camera locations that are being proposed to monitor the event.

The Honolulu Marathon is scheduled to take place on December 8, 2013. The Director of the Department of Emergency Management explained that the video monitoring will begin approximately 10 days before the event and end at 11:59 pm on December 8<sup>th</sup>. The current plan is to retain all data for up to seven days. The Director assured your Committee that all data will be destroyed after this time period, unless data is needed for a specific situation that occurred during the monitoring.

Your Committee finds that the overt video monitoring of the 2013 Honolulu Marathon meets a legitimate law enforcement objective and is a legitimate public purpose, as defined in Section 2-32.1, ROH.

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON NOV 13 2013

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The Director of DEM also notified your Committee that upon the conclusion of the event, the plan is to use all but 3 of the additional cameras for traffic monitoring purposes.

Upon further consideration, your Committee concurs that the agencies involved should provide a report, including any recommendations, on the overt video monitoring activities, including any additional plans to continue the use of the cameras.

Your Committee has amended the Resolution to:

- (1) Delete the second to the last Whereas clause that enables the use of certain overt video monitoring cameras to be repurposed by the DTS for traffic monitoring and Department of Information Technology for monitoring entry points and equipment in and around public buildings or facilities;
- (2) Add a new Be It Resolved clause for the DEM to report back to the Council no later than January 7, 2014, on the overt video monitoring activities of the Honolulu Marathon, including details of any implementation plans and/or use of the additional video cameras, proposals to dispose or refurbish cameras that may be removed, and disposition of the data collected; and
- (3) Make technical, nonsubstantive amendments for clarity and style.

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CITY AND COUNTY OF HONOLULU  
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Your Committee on Public Safety and Economic Development is in accord with the intent and purpose of Resolution 13-260, as amended herein, and recommends that it be scheduled for a public hearing and thereafter adopted in the form attached hereto, as Resolution 13-260, CD1. (Ayes: Fukunaga, Anderson, Chang, Harimoto, Pine – 5; Noes: None.)

Respectfully submitted,

  
Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

NOV 13 2013

COMMITTEE REPORT NO.

321



## RESOLUTION

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AUTHORIZING THE USE OF OVERT VIDEO MONITORING IN THE CITY AND COUNTY OF HONOLULU TO PREVENT AND DETER GENERAL CRIMINAL ACTIVITY AND ACHIEVE THE LEGITIMATE LAW ENFORCEMENT OBJECTIVE AND LEGITIMATE PUBLIC PURPOSE OF ENSURING A SAFE AND SECURE 2013 HONOLULU MARATHON EVENT.

WHEREAS, Section 2-32.1, Revised Ordinances of Honolulu 1990, as amended ("ROH"), defines "overt video monitoring" as monitoring of which a reasonable person would be aware; and

WHEREAS, Section 2-32.1, ROH, defines "legitimate law enforcement objective" as the detection, investigation, prevention or deterrence of crime, protection of a person or property from harm, or the apprehension and prosecution of a suspected criminal or traffic violator"; and

WHEREAS, Section 2-32.1, ROH, defines "legitimate public purpose" as the detection, investigation, prevention or deterrence of violations of federal, state or City and County of Honolulu ("City") regulatory requirements, the evaluation of city programs and operations, the training of city personnel, the investigation of claims involving the City, and other activities supporting public functions; and

WHEREAS, Section 2-32.3(a)(6), ROH, provides for the use of overt video monitoring of public activity by the City from fixed locations for purposes as designated by the Council of the City and County of Honolulu ("Council") via resolution, following the holding of a public hearing at which members of the public may express their views on the proposed monitoring and the proposed general areas where the monitoring will take place; and

WHEREAS, on December 8, 2013, the City will host the 41st annual Honolulu Marathon, one of the largest marathons in the world, and which is projected to attract 25,000 runners or more from the international running community; and

WHEREAS, the size and scope of this prestigious event requires a coordinated multi-agency and cross-jurisdictional security effort between federal, state and city agencies, including the Department of Emergency Management ("DEM"), the Honolulu Police Department ("HPD") and other city programs, to ensure the safety of the world class runner-participants and their families, 10,000 local race volunteers and supporters, and the general public; and



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## RESOLUTION

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WHEREAS, HPD and other city departments are currently utilizing video surveillance cameras and are installing additional video surveillance cameras at various locations within the City, including but not limited to Waikiki and downtown Honolulu; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it authorizes the Department of Emergency Management and its designees to use overt video monitoring at various locations in the City to achieve the legitimate law enforcement objective and legitimate public purpose of ensuring the safety of marathon participants and attendees, and the general public, and the security of event expo venues in preparation for, during, and after the 2013 Honolulu Marathon; and

BE IT FURTHER RESOLVED that the provisions of this Resolution takes effect upon the passage of this Resolution and upon compliance with the noticing requirements as provided in Sections 2-32.3(b)(5) and 2-32.3(b)(6), of the Revised Ordinances of Honolulu 1990, as amended, and will remain in effect until December 8, 2013; and

BE IT FURTHER RESOLVED that the Department of Emergency Management shall report to the Council no later than January 7, 2014, detailing the long term implementation plans for the video surveillance cameras that will remain in use after December 8, 2013, for traffic monitoring purposes, the disposal or refurbishment plans for the video surveillance cameras that will be immediately removed after December 8, 2013, and the schedule to destroy or retain the video surveillance recordings; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, the Managing Director, the Director of Emergency Management, the Prosecuting Attorney, the Chief of Police, the Legislative Liaison Office of the Honolulu Police Department, 801 South Beretania Street, Honolulu, Hawaii 96813, the Director of Transportation Services, the Director of Information Technology, and the 2013 Honolulu Marathon Planning Group.

INTRODUCED BY:

Ernest Martin (BR)

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DATE OF INTRODUCTION:

October 22, 2013  
Honolulu, Hawaii

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Councilmembers