



## **MEDIA RELEASE**

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April 7, 2025

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### **ACLU OF HAWAI'I URGES HAWAI'I SUPREME COURT TO REQUIRE POLICE TO RECORD INTERROGATIONS**

*HONOLULU, HI* – On April 4, 2025, the ACLU of Hawai'i, together with the ACLU State Supreme Court Initiative, filed an amicus brief asking the Hawai'i Supreme Court to require that law enforcement record custodial interrogations.

The case, *State v. Zuffante*, involves a criminal defendant who was interrogated by Hawai'i County police but whose interrogation was not recorded or contemporaneously memorialized. Over a year later, at trial, the officer testified that, in the interrogation room, the defendant had waived his *Miranda* rights and confessed to the crimes.

The ACLU brief argues that the failure to record the interrogation was both unfair and unconstitutional, and asks the Hawai'i Supreme Court to reconsider a 1994 decision that held that custodial interrogations do not need to be recorded. In the ACLU's view, that position is no longer tenable, especially when there is no emergency, given advances in technology, including the widespread adoption by police of body-worn cameras, and an evolving national consensus about what fundamental fairness demands. The brief notes that 31 states now require or facilitate the recording of certain custodial interrogations.

ACLU of Hawai'i Legal Director, Wookie Kim, said: "In 2025, when every officer has a body camera and a cell phone, there's no excuse for failing to record a custodial interrogation. We call upon the Court to uphold its long and proud tradition of ensuring fundamentally fair trials by adding this critical procedural safeguard."

ACLU State Supreme Court Initiative Co-Director, Matthew Segal, said: "The legal and technological landscape has changed dramatically in the last three decades. That's why most states now require police to record certain custodial interrogations, either

through statute or court decision. The time has come for Hawai‘i to join that growing consensus.”

ACLU of Hawai‘i Executive Director, Salmah Rizvi, said: “This case is about more than one interrogation or one trial—it’s about upholding the integrity of our entire justice system. Ensuring that interrogations are recorded protects the truth-seeking function of our courts and increases the public’s trust that the system will reach just outcomes.”

The Hawai‘i Innocence Project and the Innocence Project, which work to fight and prevent wrongful convictions, also filed an amicus brief in the case.

The Hawai‘i Supreme Court will hear oral arguments in the case at the University of Hawai‘i at Hilo on April 17, 2025.

The ACLU amicus brief is available here: [https://www.acluhi.org/sites/default/files/32\\_-\\_aclu\\_hawaii\\_aclu\\_amicus\\_brief.pdf](https://www.acluhi.org/sites/default/files/32_-_aclu_hawaii_aclu_amicus_brief.pdf).

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*The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and Hawai‘i constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i 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 Hawai‘i has been serving Hawai‘i for over 50 years.*