



TESTIMONY OF
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IN SUPPORT OF SB 360
KANSAS SENATE JUDICIARY COMMITTEE

FEBRUARY 13, 2018

-WRITTEN TESTIMONY ONLY-

Thank you, Chair Wilborn, and members of the Judiciary Committee for affording us the opportunity to provide testimony on SB 360.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas is pleased to support SB 360. This bill allows the release of video footage documenting specified law enforcement conduct upon the request of anyone, and with permission of the next of kin to any deceased individual portrayed in the video footage. Specifically, the ACLU of Kansas supports SB 360 because:

- **Body cameras are an indispensable check on government power.** They are used as a tool for promoting police accountability, as a strategy for reducing incidences of police misconduct, and as a means of protecting law enforcement officers from false allegations. Cameras provide real, objective evidence of how interactions between law enforcement officers and citizens transpire. This knowledge gained can be used to stamp out misconduct, make systemic change, and reinforce or reestablish trust between police and the public. The advantages of body cameras in improving police practices are so clear that 102 police departments across the country are implementing, testing, or in the process of purchasing body cameras. The Topeka Police Department became one such department when it purchased 200 cameras in October 2014, joining cities as large as Los Angeles, California and as small as Owasso, Oklahoma.
- **To safeguard our rights and be effective, body camera use must be guided by good policy.** As this legislation was initially enacted in Sub SB 18, this bill did not allow for the release of video footage to the public unless under specified circumstances. We must take into account the public's interest in viewing body camera footage. If a recording is not subject to disclosure under the Open Records Act, the same public that heard the allegation will not be able to assess the evidence that would exonerate the officer. This undermines the interests of the individual officer,

and the broader interest in citizen-police relations. Furthermore, current law does not allow the public and the press from accessing recordings that depict interactions in which there is a significant public interest. Body cameras have been in the news of late because of a series of police-citizen encounters across the country, with many believing that video recordings could resolve disputes over what occurred in those encounters. SB 360 addresses these issues, balancing accountability, privacy, and safety.

This bill addresses the deficiencies in Sub SB 18, which was passed into law in 2016. Cameras are primarily intended to facilitate accountability, not just by the chain of command within law enforcement agencies but also by the public. Without access to recordings, the public cannot fill this role. Likewise, the press plays a powerful role in educating the public and promoting accountability. Coverage of law enforcement issues will suffer markedly if the free press cannot gain access to important records that document encounters between the police and the public.

Therefore, we urge this committee to vote “Yes” on SB 360.