



**TESTIMONY SUBMITTED TO THE CORRECTIONS AND JUVENILE
JUSTICE COMMITTEE OF THE KANSAS SENATE**

**SB 18 - ENACTING THE POLICE AND CITIZEN PROTECTION ACT;
RELATING TO USE OF BODY CAMERAS BY LAW ENFORCEMENT
OFFICERS**

JANUARY 29, 2015

Thank you, Chairman Smith, and members of the committee for affording this opportunity to provide testimony on SB 18. My name is Micah Kubic and I serve as the executive director of the American Civil Liberties Union of Kansas, a membership organization dedicated to protecting and strengthening the freedoms guaranteed to all of us by the Constitution.

The ACLU of Kansas is pleased to support SB 18, the police and citizen protection act. This bill mandates the use of body cameras by law enforcement officers, but does so in a manner that appropriately balances interests of accountability, privacy, and safety.

Our support for body cameras may be surprising to some, as the ACLU opposes the proliferation of government surveillance, overreach, and invasions of privacy. However, body cameras worn by law enforcement officers are a different matter; their primary function is to allow the public to monitor government and hold government accountable. When government is not monitored and held accountable, it can run amok and trample on constitutionally-guaranteed freedoms.

We support body cameras as a check on government power, 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. The policy must take into account when police must use cameras, when law enforcement should be prohibited from using cameras, when notification should be provided to those being taped, who should have access to footage, and how long recordings should be retained. SB 18 does an admirable job of addressing these issues, balancing accountability, privacy, and safety.

Although we support SB 18, the ACLU does urge some improvements to the bill. First, we recommend that the window of time before a recording is deemed non-relevant and discarded be expanded from two weeks to four weeks. Two weeks may simply be too short of a time for the public and law enforcement to determine whether a given incident was recorded and that footage should be consulted.

We urge a modest revision to the bill's policy on when body cameras should be activated. We believe that the current language—which allows officers to turn the cameras off only in the most personal of moments—is overly intrusive on law enforcement. We suggest that the language be modified so that video and audio recording functions are only activated when an officer is responding to a call for service, or at the initiation of any other law enforcement or investigative encounter. This also ensures that body cameras will not be used for general surveillance of the public, especially of citizens engaging in speech protected by the First Amendment, such political or policy-oriented rallies.

Finally, we urge that the bill be amended so as to allow members of the public to provide anonymous tips. As currently written, tips provided to law enforcement in person would be recorded by the body camera, potentially endangering the individual providing the tip. We suggest that language be included giving anonymous tipsters the option to have the camera turned off.

The ACLU is proud to support SB 18. If adopted, it would result in a more accountable government, enhanced protection of constitutionally guaranteed rights, and safer communities.