

To: House Judiciary Committee

From: Eric B. Smith, Legal Counsel

Date: February 4, 2016

RE: Support for Sub SB 18

I want to thank Chairman Barker and the Committee Members for allowing the League of Kansas Municipalities to testify in support of Sub SB 18. This bill recognizes that law enforcement agencies are using the recording of both audio and video on an ever increasing level and provides for the protection of the privacy rights of both the public and law enforcement officers.

As the use of body cameras grows, the public becomes more and more aware that there is video available concerning many events that take place in a community. It is important to keep in mind that many times when law enforcement has interactions with the public the situations are emotionally charged and the video of this type of encounter may contain very private and personal information. There is no legitimate need for those who are not directly involved in the event to have access to these videos and under current law, unless the video is part of a criminal investigation, there is little that can be done to protect the privacy rights of those in the video.

Sub SB 18 would allow agencies the ability to limit access to the parties directly involved in the event captured by the recording and prevents individuals who are just simply curious from having access. By limiting access you will be protecting the privacy rights of citizens as well as reducing law enforcement agency time spent responding to requests for recordings of videos by those who are not interested parties in the event captured on video.

The League also supports the amendments that have been suggested by the Judicial Council adding these recordings to the definition of criminal investigation records under the Kansas Open Records Act.

The League of Kansas Municipalities supports Sub SB 18 because it provides a balance between protecting the privacy rights of individuals and the need to view the recordings by those directly involved. The League respectfully requests that the Committee pass Sub SB 18 favorable for passage to the full House.