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TESTIMONY

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Hearing on SB 18 Senate Corrections and Juvenile Justice Committee 9:30 a.m. Thursday, Jan. 29, 2014

CITY OF WICHITA OPPOSITION TESTIMONY

Chairman Smith and members of the committee:

The City of Wichita is supportive of equipping uniformed police officers with body cameras, but stands in opposition to SB18 because of the unfunded mandates it imposes on local governments.

Compliance with SB18 would cost the City of Wichita an estimated \$972,200 to fully equip our patrol personnel, with operating and replacement costs of \$7,735,380 over a 10-year cycle.

SB18 does not provide a funding source or timeline for implementation. Local governments will find it impossible to find budget resources to cover the unfunded mandates of this legislation.

The City of Wichita recommends that SB18 be withdrawn and replaced with a legislative resolution supporting and encouraging cameras on officers. The resolution also should support on-going research regarding the benefits and consequences of body cameras. A resolution will generate desired publicity and conversation and put law enforcement agencies on notice that well researched, well informed legislation may be forthcoming in subsequent years.

SPECIFIC CONCERNS

- Body camera video and audio recordings, as records of police action and/or police enforcement, are physical evidence. The legislation should acknowledge the evidentiary nature of the recordings. Retention should also be determined by Departments' evidence management policies, not by the proposed language in this bill.
- SB18 should allow for reasonable charges to be assessed for copying of videos for the public and defendant. The bill is silent as to whether the agencies may charge for these videos. It will take full time department custodians to address requests for videos.
- Section 4j states, "Every recording made by a body camera as required by the PaCPA shall be confidential and exempt from the KORA." However, Section 4 g and h

collectively diminish the confidential nature of the recordings and make them more open records than not. The bill language "Shall provide the requesting person with a copy" is ambiguous language and poor law. The word "person" in Section 4 e, f, g and h means not just an individual, but also a public or private corporation, government, partnership or unincorporated association. Volumes of people can potentially allege statutory rights to copies of videos from any one incident.

- SB18 leaves no room for errors, and does not recognize potential problems with hardware, system capabilities and reliability. The language in Section 5 is naïve regarding existing technology, including such aspects as battery life, storage capacities, backup equipment and other elements necessary to guarantee that every officer has a functional camera for every work day and shift.
- The language, "non-exigent circumstances" in Section 2 b4 is ambiguous. This is a political provision, and poor law, which is in conflict with Section 2a and Section 5. Section 2b1 just muddies the water. There are many "non-exigent" calls that can result in police action or police enforcement inside a residence (disputes, domestic disturbances, welfare checks, mental health calls, unruly juvenile calls, etc...). Section 2 b4 may protect the officer(s) who did not record, but the officers will likely still be questioned and doubted for not having video/audio of disputed police action within a residence.
- Section 2 4c requiring every officer to sign a waiver has no penalties and is not enforceable within this statute. Discipline and order is managed within each department through policies and rules.