



*City of Arkansas City, Kansas*

**Police Department  
Daniel Ward, Police Chief**

January 26, 2015

Senate Standing Committee on Judiciary  
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I would like to take this opportunity to introduce myself and express my concerns about the proposed police and citizen protection act, Senate Bill 18. As the Chief of Police for Arkansas City, Kansas, and an officer of 28 years, I have spent countless hours researching and deliberating the pros and cons of body worn cameras for police officers. I have come to the conclusion that body worn cameras do serve an important role in policing today and I support their use. To that end, I have recently received authority from our governing body to purchase body worn cameras for our officers to use while assigned to patrol duties. Additionally, the Arkansas City Police department currently uses in-car recording systems in all of the vehicles used on patrol.

The decision to use in-car and/or body worn cameras is only the first decision and many other issues pertaining to how they are used, how long the information is stored, and how it is disseminated is of greater concern and worthy of detailed consideration. This is where I have substantial concerns with Senate Bill 18. The bill as written goes far beyond an unfunded mandate for agencies to use this technology and addresses policies which should be left to the individual departments. As stated earlier, I am in support of body worn cameras and we are moving forward with their implementation, so I will not address the concerns of this being an unfunded mandate. I would however like to point out that as written under section 6, agencies would be required to seek grant funding. Agencies such as Arkansas City are willing and able to purchase and use this technology and grant assistance is not necessary.

One of the largest debates surrounding body worn cameras is the topic of when the cameras should be activated. When developing policy on the use of body worn cameras I looked at the desired results of recording contacts with citizens and balanced it with the concerns of privacy on the part of the involved officer. Continuous recording as dictated under subsection 2 is not fair for the officers or practical for the agency. During an officers tour of duty there are many activities which should remain private. Officers should feel free to discuss with other officers, supervisors, and attorneys, the facts and details of a case to determine investigative direction. Officers should also have the ability to have private conversations about

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non-police matters without the constant scrutiny of surveillance. The objective of using body worn cameras is to document official contact with citizens, not apply 24/7 surveillance on our own police officers. The International Association of Chiefs of Police (IACP) has prepared a model policy and addressed this issue appropriately. The IACP's policy dictates that the body worn cameras are activated "to record all contacts with citizens in the performance of official duties." The model policy goes on to read, "BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record: 1. Communications with other police personnel without the permission of the chief executive officer (CEO); 2. Encounters with undercover officers or confidential informants; 3. When on break or otherwise engaged in personal activities; or 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room."

Under section 2, Senate Bill 18 allows a citizen in their own home to have the officer stop recording in nonexigent circumstances. Under section 5 it reads that if there is not a recording, there shall be a presumption that the recording would corroborate the version of the defendant. These two sections are in conflict and would cause more harm than good. Additionally, section 5 presumes that a body worn camera would be the definitive answer to all disputed facts. This simply is not the case as is referenced in the 10 limitations of body worn cameras which was written by Force Science. Video evidence, while sometimes helpful, will never be able to completely replace testimony of an officer. When we are talking about in-car or body worn camera systems we are talking about electronic systems that are sensitive and occasionally break down without warning. Departments and officers with the best of intentions will occasionally be faced with the fact the equipment did not work correctly. In such an instance, the case should not be disregarded. The IACP policy addresses this issue by stating, "If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated."

Under Section 4, Senate Bill 18 addresses the retention schedule of the recordings. The retention schedule for recordings has been addressed by the Kansas Historical Society and best practice guidelines have been set for the Topeka Police Department using their input. The retention schedule used by Topeka Police and many other agencies is more definitive and useful for police agencies. This section also assumes an individual is responsible for the review and deletion of recorded data. The system used by our department, and many others, utilizes an automatic retention schedule based on how the recording is initially classified by the officer and the retention schedule as suggested by the Kansas Historical Society. Automation of this task was one of the main factors in determining which system we should purchase for Arkansas City in an attempt to reduce the personnel and financial burden. The language utilized in this bill addresses old procedures and does not account for the rapid developments in this new technology.

Also under section 4, Senate Bill 18 requires departments to disseminate copies of the recordings to either the suspect or the victim. All recordings should be considered the property of the police department and should be treated as evidence. The IACP model policy reads "All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited. All access to BWC files must be specifically authorized by the CEO or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes." As written, Senate Bill 18 has the potential to undermine the judicial process, taint the jury pool, and turn this valuable tool into nothing more than internet entertainment.

The use of body worn cameras requires careful thought and research. All top police administrators in Kansas should be responsible for making these policy decisions, not a legislative mandate.

Very truly yours,



Daniel C. Ward  
Police Chief

Enclosures