



**Testimony to the Joint Committee on Corrections and Juvenile Justice Oversight  
Regarding Law Enforcement Use of Body and Vehicle Cameras  
November 13, 2018**

Sen. Molly Baumgardner, Chair, Rep. Russ Jennings, Vice Chair, and Committee Members

Thank you for allowing us to speak with you today. I am representing the Kansas Association of Chiefs of Police Legislative Committee. I'll be brief and just touch on a few key points today regarding the law enforcement video.

There are obstacles to implementation and maintenance of a Body Worn Camera program. Primarily, it is the expense, both the initial outlay and the long-term storage for the videos. The high cost of purchase prevents many departments from acquiring the technology. The storage of captured video is expensive and a roadblock for many agencies. As is the case with all technology, the BWC systems, both the physical cameras, ancillaries, and storage become obsolete and require upgrading – most of the time at the agencies expense. Each community must make their own decisions about such a significant expenditure balanced with their community's sense of budget priorities. Ultimately it is the communities each agency serves that will drive the decision to implement BWC systems and the policies guiding their use.

The agencies that have implemented BWC projects have also adopted reasonable policies regarding the use of the BWC systems. While there are differences in policies, there is consistency in the general use of the cameras. Use policy has a large impact on the storage costs of the video. These policies must be based on the expectations of each community. Generally, whenever an officer is engaged in a call for service or during discretionary activities such as subject stops or car stops, the officers are to activate the BWC systems to memorialize the contact. Many departments fashioned their BWC policies on the Model Police from the International Association of Chiefs of Police.

To date, I am not aware of any problems encountered by Kansas law enforcement agencies regarding requests to view video under the law amended in the 2018 session of the Kansas Legislature. Responses from a recent request for data on this to our association generated only a handful of agencies that had received requests under that statute, and none reported any issues in compliance.

One of the problems we have encountered is the redaction of videos based on requirements of the law. In many cases, such as sexual assault, juvenile crimes, confidential informants, etc. redaction is required. This is an extraordinarily time intensive process that involves both specially trained personnel to do the redactions and review by legal staff to do a final review prior to release. An agency could quickly become overwhelmed if there were a large number of video requests.

Since the initial discussions of video systems several years ago there have been privacy concerns. Balancing the public's interest in the activities of law enforcement with the rights of privacy of those primarily involved with the police is an important point to debate. Law enforcement officers get dispatched to myriad of high-emotion situations and see people at their most vulnerable. There are victims who will be revictimized if their privacy is not protected. Third parties who can be drawn into events when they were neither the instigator nor the victim. Some defendants are also victims. The legal rights of a potential defendant as well as their privacy rights need to be protected.

And, while police officers are government employees, they are still protected by the rights guaranteed by the Constitution of the United States. Officers retain personal privacy rights in many of the things they do in their daily tours of duty. Additionally, when an officer commits an act or acts that results in the officer becoming a defendant, the officer has the same personal privacy rights as any other person accused of a crime.

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Legislative Committee Chair