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Feb. 13, 2018

To: Rep. Blaine Finch, chairman, and members of the House Judiciary Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: HB 2571

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association.

I come to you today in support of the language in House Bill 2571, which would allow for the disclosure of police body cam video footage under narrowly defined circumstances, but ones that are absolutely in the public interest.

Out of the potentially thousands of hours of video cam footage that will be recorded over time, our language defines only two circumstances when such video would become a public record: (1) when a law enforcement officer discharges his or her firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured or dangerous; or (2) when a law enforcement officer's use of force results in great bodily harm.

Body cams have two distinct purposes: to provide an accurate, contemporaneous record of encounters between citizens and law enforcement officers in the conduct of their official duties; and to provide a mechanism for protecting the public.

In our view, these two purposes are equally important and, frankly, one cannot exist without the other.

We have great respect for our law enforcement officers. There should never be any doubt about that, for the job they undertake is absolutely essential to ensure public safety. We understand every encounter — yes, every encounter — is potentially dangerous. Those who don't believe that haven't been paying attention to the news just in the past few weeks.

That danger is real, and we recognize that, yet another fact must be acknowledged:

For our system of self-government to work and for the public to have confidence in those who are sanctioned by our government to protect us, law enforcement officers also must be willing to accept scrupulous public oversight.

Technology has given us so many conveniences in our daily lives. We have the world at our fingertips, and now we have small cameras that can record us almost everywhere we go. While there are certainly downsides to all of this, we now have more tools to help us discover the truth about what has occurred in confrontations between law enforcement officers and citizens.

This bill provides an approach that balances the rights of officers and citizens. It doesn't invade the privacy of those whose encounters with police represent the worst times of their lives and aren't of public interest. Nor does it suggest we pry into private situations that we have no right to see or to provide titillating footage that would appeal only to prurient interests.

It only kicks into motion when there is cause to question whether the use of force was appropriate. From what we've been able to ascertain in our research, most of the time these videos will clear up any disagreements between officers and those whom they have encountered. We talked to one police chief who says video evidence has been essential to dealing with citizens who believe they have been the victims of police brutality or overreaction. Research backs him up.

This legislation covers those circumstances when this is not the case.

The Kansas Press Association and its 200 member newspapers support this legislation, and we ask that you give it thoughtful consideration and support its passage.

I'm appending to my testimony a recent story from the McPherson Sentinel in which representatives of the county's police and sheriff's departments discussed the importance of body cams.

Thank you.

MCPHERSON SENTINEL

Body cameras promote trust, improve transparency for officers

By Teri L. Hansen, Managing Editor

Posted Apr 7, 2017 at 9:52 AM

“Body cameras provide an additional eye witness to the situations they encounter.”

Law enforcement practices in the United States have often fallen under scrutiny by the public. Cell phones with cameras on them have made it easy to capture police interactions, and the internet has made those images and videos available with the click of a button.

“Our officers, being highly trained and very professional, strive to maintain their integrity by being more transparent. Though they know they are often videotaped by the public, body cameras provide an additional eye witness to the situations they encounter,” said McPherson Police Department Assistant Chief Mike Terry.

In some cases, such as the 2014 shooting of Michael Brown in Ferguson, Missouri, no camera footage was available at all and the happenings of events are left up to the recollections of witnesses. Now officers have their own cameras that record everything with minimal effort in the form of body cameras.

Both the city of McPherson Police Department and the McPherson County Sheriffs Office use these cameras. For city police officers, all are issued a body camera with the exception of the chief, assistant chief and administration staff

“For the sheriffs office, there is a body cam on every deputy and supervisor,” Undersheriff Skyler Christians said. “Even the sheriff and I have a type of body cam, but they are an older model and not Taser brand.”

Body cameras are worn throughout the world with several goals in mind, including reducing police use of force and complaints against officers, enhancing police legitimacy and transparency, increasing prosecution rates, and improving evidence capturing by the police. According to the Journal of Quantitative Criminology, a 2013 Manhattan Federal District Court ruling ordered officers in a precinct of New York Police Department with the highest volume of stop-and-frisk to wear body-worn cameras in order to prevent racial profiling. In Europe, the College of Policing in England and Wales identified body-worn cameras as the mechanism that could restore reduced public confidence.

“There are numerous benefits to the officers and the department. Officers can review the video to make sure their written reports are true and accurate,” Terry said. “The camera records information, i.e. conversations, confession, and also can be used in a courtroom or internally to verify the officer’s testimony.”

Researchers for the Journal of Criminal Justice found in a recent study that body-worn cameras are effective in reducing response-to-resistance incidents by 53.4 percent. In addition they are effective in reducing serious external complaints by 65.4 percent.

“They have been used to review and eliminate any complaints a deputy may receive and give a full picture of what occurred or what was said,” Christians said. “This way a complaint can be handled accordingly if necessary.”

As with any tool, body cameras are only effective if they are utilized properly, effective procedures are implemented and if the cameras themselves function well.

How do they work?

In most cases, the camera is mounted on the chest or headgear of the officer. The battery has a long life and there is a button to turn the camera on and off. The footage captured by these cameras is not able to be altered by the officer wearing the camera.

“Our current cameras are the Taser Axon Body Worn Camera, worn on their chest,” Christians said. “Some deputies have the flex body-worn camera that is either mounted on their shoulder or on a pair of glasses. These select few are worn differently because of special job tasks that make it impractical to wear

them on their chest. There is also a 30-second back recording as long as the device is powered on. During the 30-second back recording, there is no audio, just video.”

Both the McPherson Police Department and the McPherson County Sheriffs Office require their personnel to record their interactions.

“By department policy, officers will turn on their cams when dealing with the public,” Terry said. “Administration reviews body cam video regularly for court procedures, citizen complaints and/or officer complaints.”

Similarly, deputies for the sheriffs office download all footage to their server, and that footage can be viewed and copied from there.

“Deputies are not able to alter the video. Since the video is the property of the sheriffs office, they cannot be released without a court order or by authorization of the McPherson County Sheriff,” Christians explained.

Now, as most people know, technology can fail and people can forget to maintain and use their equipment. When this happens, law enforcement has procedures for that, too.

The officer is initially given the benefit of the doubt and the equipment itself is examined for fault. If a flaw is found, the camera is turned in for service or replacement, depending on the issue.

“Like any piece of technology, there are times the video may be shut off prematurely. It could be because of battery life, a physical incident where the camera is shut off during a struggle, corrupted data files, etc.,” Christians said. “Deputies are responsible for documenting any time something like this occurs and have to be able to attest why it happened.”

If fault cannot be found in the equipment, the camera wearer is counseled. If this becomes an ongoing problem, more severe consequences could be incurred.

“There are disciplinary actions that could occur, but so far this has never been an issue,” Christians said.

Transparency

While the benefits to an officer wearing a camera may seem obvious, there are positives for the public as well. Cameras ensure law enforcement act and react in a manner befitting their station.

“They show the public we are striving to be a professional agency serving this county,” Christians said. “Increased accuracy in reports makes for better prosecution of crimes in our county. It keeps deputies honest in their work and accountable for their actions.”

Transparency is essential to trust between the community and its guardians.

“The video is a representation of what the officer saw, heard, and did during their interaction with the public,” Terry said. “It allows a concerned, involved citizen to review what was allegedly said or done, i.e. a parent checking on information given by their child about interaction with law enforcement.”

The benefits of body cameras are many to both law enforcement and the public, but they are also beneficial in the court of law. In fact, footage is requested at each criminal case sent to the McPherson County Attorney’s Office.

“They allow the judge or jury to see the demeanor of a person we deal with,” Christians said. “It can show emotions to corroborate with written reports completed by deputies and give a person a view of what the deputy saw. They offer a real time sequence of events that occurred during a call for service.”

The McPherson Police Department has used audio and video recordings in the McPherson Municipal and District courts for years and added body cameras in 2012 to standard issue equipment.

“The videos are used in court constantly, and I think they help the court see what happened from a more objective perspective than just through testimony. Cameras also protect both officers and the public. Officers are protected against false claims of misconduct, and the public is protected from any police misconduct because the behavior can be reviewed in court. My job is to present the truth to the best of my abilities, and body cameras help me do that every day,” McPherson County Attorney Torrance Parkins said. “I have witnessed some truly heroic acts by officers on body cameras. Cameras give everyone a better

appreciation for the difficult split second decisions that have to be made in the blink of an eye. In other states, Cameras have also exposed injustices in certain departments and helped open a nationwide dialogue about police practices.”

Other law enforcement agencies in McPherson County are following the body camera trend. The Lindsborg Police Department recently ordered their cameras.

“I believe strongly in the use of body cameras and believe it is just another layer to protect both the officers and the public in an ever changing society,” Terry said. “These cameras can help build additional public trust in our department.”

Body cameras are just one more element law enforcement can use to provide the protection the residents of McPherson County deserve and hopefully build upon the trust that exists between the public and its protectors.

“We have a great group of men and women serving this county,” Christians said. “(Jerry Montagne) is doing a great job of ensuring the citizens of this county are well protected and receive the highest level of professionalism out of this agency.”



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