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TESTIMONY IN OPPOSITION OF SB 360: An ACT concerning the open records act; relating to copies of records; disclosure of law enforcement recordings; using a body camera or vehicle camera; amending K.S.A 2017 Supp. 45-219 and 45-254 and repealing the existing sections.

To: Honorable Chairman Rick Wilson
Members of the Senate Judiciary Committee

From: Thomas Hongslo, Police Chief
City of Lenexa

Date: February 8, 2018

Please acknowledge this testimony as my opposition to Senate Bill 360.

Body cameras and in-car cameras have been of great benefit to law enforcement. The Lenexa Police Department deployed body cameras nine years ago and it has proven to be a valuable tool for evidentiary purposes, the investigation of crimes, internal complaint investigations and use of force investigations.

I am a proponent of the current State Statute on open public records and the release of law enforcement video. The videos should remain a criminal investigation with the allowances of viewing or listening to specific parties of the video or audio. The current State Statute also gives the law enforcement executive the authority to release any video/audio that they deem necessary.

SB 360 would add many requirements that may cause confusion and may burden the law enforcement agency with additional manpower needs and costs.

Listed below are bullet points on my concerns with SB 360:

- **A person must be allowed to view a video within 24 hours after a request.**
 - This is very short time frame for a law enforcement agency to gather the appropriate information on the incident in order to answer the person's

questions. It is also too short of time frame if the law enforcement agency has to redact certain portions of the video.

- **Disclosure-** SB 360 states that “a law enforcement agency shall DISCLOSE and any audio or video recording made and retained by the agency using a body camera or video camera within 30 days after a request is made by ANY PERSON” when a law enforcement officer discharges a firearm or a use of force that causes great bodily harm or death.
 - What is the definition of “disclose” and what is the definition of “any person”? This bill previously detailed what parties can view audio/video.
 - Does this mean that we will have to release copies all of these videos/audio when these specific events occur?
- **Redaction**
 - Redaction requires specific software that some law enforcement agencies do not have.
 - Redaction is time consuming. This would cause the addition of unfunded manpower as redaction would become a full time job. Redaction would not only include the identity of individuals, but also the audio of names and radio traffic that could include names, addresses, date of births, etc. of parties not involved in this incident. Example Officer A is on a domestic violence call. Officer B is on a traffic stop, Officer C is on a disturbance call. All the individual officer radio and dispatch traffic (audio) will be picked up on the body camera. Much of this information may not even pertain to the actual call of interest. This audio/radio traffic will contain personal information or criminal justice information. That audio will have to be redacted from the call of interest. Imagine how much time this would take to listen, redact, listen and identify the information that needs to be redacted. A costly and time consuming circle.
- **A law enforcement agency shall not redact the identity of a law enforcement officer after the agency has concluded the investigation or rendered a decision as to final disciplinary action and the records previously withheld, redacted or obscured under this section shall be made available for public inspection and copying.**
 - What is public inspection? Can anyone request a copy of these videos?
 - We will be required to provide copies to anyone that make such request even if they are not a party to the video?
 - I have great concerns on showing the identity of a police officer that performed their job in a lawful manner yet the video is available to the public for viewing.

The current State Statute on body cameras and in-car cameras is adequate and allows parties of videos to view the video when requested. Law enforcement executives have the authority to release video when deemed appropriate. My concern is that adding additional burdens to body cameras will cause agencies to weigh the benefits and many may choose to not deploy them.