



**Testimony to the Senate Judiciary Committee  
In Opposition to SB360  
February 13, 2018**

Honorable Chairman Wilborn and Committee Members,

I respectfully submit this written testimony in opposition of SB 360 in its current form.

As a career law enforcement officer with nearly three decades of service and with nine years as a police chief and a member of the Kansas Association of Chiefs of Police, I share the same community concerns as technology advances and expectations change the landscape of policing across the country must change as well. We now have another tool, body-worn cameras, to use in capturing the day-to-day routines of law enforcement activities as well as the rare critical moments that officers face when encountering life threatening incidents.

It continues to be important to understand that many law enforcement agencies, like the Olathe Police Department, have been utilizing in-car video camera systems for nearly 20 years and body-worn cameras for more than five years to capture additional evidence for cases. We have learned that while this technology is of value in our profession, it is one tool and it rarely tells the whole story of an incident. While department policies and protocols have been long established, now the greater number of body-worn cameras in law enforcement agencies and the appropriately higher level of accountability and transparency require consistent balancing of community trust, community safety, officer safety, and legal concerns. This is especially true of the release of video.

The current laws on the release of video passed in 2016 have been a positive step and changes need to be carefully crafted legislation that considers all the stakeholders including the citizens we serve, district attorneys, law enforcement officials, legislators, and the officers and deputies that protect and serve the communities of Kansas. To that end, there are several areas of SB 360 that should be further examined, perhaps by the Judicial Council. The legal impact of this legislation could affect criminal cases and citizen's privacy. While we support allowing close family the opportunity to view the video within a reasonably short time frame, we believe that mandatory public release of video prior to the determination of criminal action by the prosecutors is particularly risky. Those needing further examination include:

- Requiring all requests for releases of public records to be in writing, tracked and maintained (pg.1 line 10);

- Defining the originating law enforcement agency who is the official holder/custodian of any specific record - depending upon which agency's equipment recorded an event (pg.1 line 21 and pg. 3 line 24);
- Developing practical timelines for listening to, viewing or releasing copies of audio or video records (pg. 3 line 11, line 25, pg. 4 line 26);
- Limiting non-familial individuals access to records (pg. 3 line 21);
- Implications to the due process rights of law enforcement officers involved in critical events like shootings – criminal investigation, internal affairs investigation, district attorney's review and disposition, and departmental review and disposition (pg. 3 line 35);
- Examining the implications to identifying an officer by name after being involved in a critical incident or shooting as well as that officer's families safety (pg. 4 line 21).

In conclusion, I respectfully oppose SB 360 as it is currently drafted and believe additional time and effort is needed to thoroughly examine the impacts and understand the implications. Please know that the Olathe Police Department and the Kansas Association of Chiefs of Police are committed to working closely with you to address these issues to meet the legislation's intent while not compromising public safety.

Thank you for your time and consideration.

Steven Menke, Chief of Police  
Olathe Police Department