



Kansas State Lodge

Fraternal Order of Police

Testimony in Opposition of Senate Bill 360
(Written only Testimony)

Presented to the Senate Committee on Judiciary

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Good morning. My name is Blaine Dryden and I am the President of the Kansas State Lodge of the Fraternal Order of Police. On behalf of my approximately 3,000 members, I want to thank you for the opportunity to present testimony in opposition to SB 360.

While SB 360 address several different issues regarding disclose of what are now “closable” public documents, I would like to concentrate my testimony on the disclosure of body or dash came footage.

I want to begin by saying that my members and I fully understand the tragic nature of any situation where a life is lost. We all understand the raw emotions that manifest themselves following these unfortunate events. The members involved are left with the difficulty knowing that they had to take actions that resulted in the loss of life. I can say from experience that the officers are never the same.

SB 360 would require a law enforcement agency to disclose the body or video footage within 5 days of the receipt of a public request. There are no exceptions to this disclosure requirement. The bill does contain a few provisions allowing for some material to be redacted, but practically speaking, this bill mandates the disclosure of such videos.

If this bill should become law, law enforcement agencies would be forced to disclose the video long before their criminal and/or administrative reviews are completed. Unquestionably, the disclosure with this much haste, is not accompanied by any substantial factual context that a complete investigation provides. When disclosed and put out for public consumption, those viewers are not aware of any of the facts that led up to the shooting, the general nature of the prior events and knowledge of the officers involved. It simply is a cold emotionless recording that may not, as studies have shown, capture all of the events as seen by the officer. Required disclosure, is likely to negatively taint public opinion to what otherwise may be a completely justified decision to use force.

Presently, law enforcement is in a crisis. The number of applicants for law enforcement jobs has declined substantially. Morale, in general, is at a historic low. Officers rightly feel that every decision they make is being second guessed without any real understanding of the legal and factual landscape. In the past, when these videos were released and the officers have been publicly identified, either directly or indirectly, these involved officers have been harassed and threatened at their homes, on their phones and on social media. The situation is simply awful. Current officers and



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recruits are intimately aware of this and that is why men and women in law enforcement are leaving the profession at alarming rates, and why new recruits are looking to other career paths. The environment now is bad enough. The automatic release of these videos for public consumption with no factual context will only make a terrible situation only worse. And if that happens, agencies will be required to hire less desirable candidates because the good candidates will look elsewhere, a situation no one believes is a good thing.

Finally, these videos are reviewed by elected prosecutors and police administrators who are all answerable to the body politic. They serve as the public's scrutinizing eye for these situations. We as citizens elect these public officials in our representative democracy that is based on the rule of law, not the rule of public opinion. They present robust safeguards for these types of situations without the unintended consequences this bill is likely to create.

Thank you for considering my testimony in opposition to the passage of SB 360.