

# **Kansas Press Association, Inc.**

*Dedicated to serving and advancing the interests of Kansas newspapers*

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

March 12, 2019

To: Rep. Richard Proehl, chair, Rep. Jack Thimesch, vice chair, Rep. Henry Helgerson, ranking member, and House Transportation Committee members

From: Doug Anstaett, consultant and lobbyist, Kansas Press Association, and on behalf of Kent Cornish, executive director of the Kansas Association of Broadcasters and Ron Keefover, director of the Kansas Sunshine Coalition for Open Government

Re: Testimony in opposition to Senate Substitute for SB 62

Chair Rep. Proehl and members of the Committee:

I am Doug Anstaett, consultant and lobbyist for the Kansas Press Association. I'm here today to express the opposition of the three organizations named above to Senate Substitute for SB 62 based on transparency and public safety concerns.

Our three organizations represent more than 450 newspapers, broadcast stations and other media outlets in Kansas.

First, our concerns about transparency. The bill gives permission to law enforcement to choose not to use lights and sirens under a number of circumstances. It is my understanding after a discussion with the Kansas Trial Lawyers Association, another opponent, that the permissive nature of SB 62 would reduce the public's knowledge of such incidents because dash cams are activated when the lights and/or siren are triggered by the officer. If that is indeed the case, then pursuits without lights and sirens would often not be videotaped and therefore not available for later public inspection should the situation go awry.

We put these devices in our law enforcement vehicles both to enhance the safety of officers but also to be an independent public record of incidents when a pursuit or investigation takes place.

While law enforcement believes it needs more discretion, we agree with the KTLA that existing laws provide officers a number of options already and that the authorizations under Senate Substitute for SB 62 would go too far.

The public's trust is enhanced when citizens have enough information to make informed decisions about how law enforcement is doing its job. We oppose SB 62 because it reduces the information available to the public to make those important judgments.

Second, our concerns about safety are based on the danger such a new policy would pose to innocent bystanders. We all grew up with the knowledge that when a law enforcement or fire department vehicle is approaching with flashing lights and siren blaring, we slowdown and pull over to the right side of the road and allow it to pass unimpeded.

But if law enforcement is allowed wide discretion about when and where to use lights and sirens, the possibility grows exponentially that an accident might occur. Reports of such accidents are somewhat

rare under current law, but we believe these new regulations would increase the likelihood of a tragic accident.

It is our position that putting more innocent lives in danger is unacceptable. Lights and sirens provide the needed warning to the public that emergency vehicles need to be given space and time to get to their destination and we believe the discretion given law enforcement under KSA 8-1506 is adequate.

We're also concerned about the standard that would be required to hold a law enforcement officer liable should his or her actions be deemed inappropriate. On page 2, lines 9 to 11, an officer would have to show "reckless disregard for the safety of others." In our understanding of the wording in that standard, it would be next to impossible to hold a law enforcement officer accountable.

Therefore, we strongly oppose the language in Senate Substitute for SB 62, both on transparency and safety grounds.

Thank you.