

Police video access is a 'win-win'

Missouri Legislators should consider Sunshine Law reforms

By the time you read this, all our legislators will be back in their home districts. If you see them walking around the city square some day, you might mention to them that we surely need some Sunshine Law reforms some day when they have time to consider the issue.

Every year for the past few years, Missouri Press Association has worked with various legislators to seek some changes to the Sunshine Law. Usually, at least a bill gets filed and an initial hearing takes place in one of the two chambers. This year, with everyone focused during the early days of the session on the situation in Ferguson and law enforcement concerns, Missouri Press never got any further, for all practical purposes, than fighting a strong wind seeking to close all law enforcement video.

Right now, most law enforcement agencies consider vehicle dash-cam video an "investigative" record and therefore subject to eventual disclosure to the public.

The big issue, as you well know, has been what happens to video when the wearing of body-cameras by law enforcement becomes more commonplace. Admittedly, there may be privacy issues at times. Arguably, there are many times the video will be shot out in open places where the public has no expectation of privacy. Clearly, the public has an interest in seeing what happened when a law enforcement officer is involved in a situation where a suspect dies during the course of an incident.

Months passed, and many legislators in both houses were involved in working on "language" regarding access to that video. It was a struggle to fight off language that totally closed those records to everyone.

I would also add that in the last few months, a number of organizations concerned with access to records have looked at this issue and are beginning to issue policy statements. A consortium of organizations, including the American Civil Liberties Union and the Electronic Frontier Foundation, issued a recent state-



ment which can be found at <http://bit.ly/1QPDIv> which addresses that issue. Another such statement will be posted by the time you read this at the website for the Media Law Resource Center (www.mlrc.org). That report is one I helped create, having served as chairman of a subcommittee that drafted it.

All of these model laws include provisions that ensure the public has a right of access, in some form or another, to video from law enforcement body cameras.

I'm sure Missouri will come back to this issue next session. If you get a chance to talk to your legislator this summer, remind them public confidence in law enforcement depends on the public having a level of trust in what law enforcement does.

Having access to video showing officers doing their job boosts this level of confidence, while at the same time ensures law enforcement is protected from unjustified charges, while also helping officers make the right choices when faced with difficult situations. This is basically a win/win situation.

Finally, I have one thing to point out about the Rep. John Diehl matter. Much has been written about the texting scandal and I have nothing to add to that. However, I would like to give a "shout-out" to

David Drebes. He's the editor of an online publication (subscription only) called *Missouri Scout*. I don't take it, but I do see it occasionally. I don't know David at all.

After the story broke last week, he gave kudos to Jason Hancock, of *The Kansas City Star*, for his work in breaking the story. I want to echo praise for the hard work of Jason and the *Star's* staff in getting that story nailed to the wall.

Only another reporter can understand how much work was involved. The public has no idea what is involved in breaking a story like that.

Drebes, in his e-publication, noted "A story this big is really the domain of a daily newspaper – an institution with editors who make sure they get the story. Diehl's team worked for weeks to keep the story from happening. They could have held off a pesky

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blogger. But Jason Hancock, backed by his paper, worked through it."

Drebes concluded, "The daily paper – as a manifestation of a free press and the First Amendment – is a beautiful thing."

Here! Here! And I know a number of weekly papers who could do just as good of a job!

Missouri newspapers are fantastic!