

More police cameras mean more ‘eyes’ watching every day.

What about the data they collect?

Remember in 2014 when Missouri was unfortunately the situs of the shooting of Michael Brown, which grew to civil rights disruptions across the nation? Prior to that time, body cameras were seldom seen on police. The lack of a video record, and the confusion that arose out of that incident, sparked a national drive for body cameras.

Between 2014 and 2019, the purchase of body cameras by law enforcement soared from the \$30 million range to a high of \$192 million in early 2019, according to the largest manufacturer of the equipment, as cited in the New York Times in 2019. Missouri was part of that increase. As the number of body cameras worn by officers grew, so did a need for a law governing the capture, storage, use and access of video records.

So in 2016, Missouri’s legislature amended the Sunshine Law in regard to those digital records. Section 610.100 was broadened to define a “mobile video recording” as any data captured by a mobile video recorder, further defined in the bill as “any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency”

The law categorized those new recordings as “investigative records,” governed by existing provisions of the law. The data is a closed record only until the investigation becomes inactive. And an entire procedure was created for citizens to go to court to seek access to these mobile video recordings prior to their becoming public.

Law enforcement collects other information in its “investigative records” which for years has been of interest to historians and crime journalists and is often sought once the investigation becomes “inactive.” Third-party review of such data has

“What is scary to law enforcement is that there are citizens who realize that this data might be helpful for them in the businesses they operate.”

often resulted in the discovery of facts that led to freedom for wrongfully-convicted persons. Making such material available to the public is absolutely beneficial. Law enforcement and citizens’ groups recognize the benefit of accountability cameras bring to law enforcement stops.

It hasn’t taken long for law enforcement to recognize the benefits gained by digital eyes on the street. Many metropolitan cities are acquiring cameras with special functions. One primary use is as license plate readers. In other locations, cameras have simply been posted in busy intersections or along heavily-traveled routes to monitor activity. A spokesman for the Kansas City Police Department said recently in The Kansas City Star the department has “license plate readers and cameras all across the city.”

This same spokesman for the department declined to say the number of such cameras in use at present, or how the information is used. Pointedly, he said to the reporter, according to the story, such information “is not public and is law enforcement sensitive.”

I find that hard to comprehend. The

data these devices gather in no way can be said to be “a record ... inquiring into a crime or suspected crime,” which is the statutory definition of “investigative” reports. Most of that data can be seen by anyone standing on that street corner. There is no basis to argue all that data relates to any particular crime. And they are not cameras in a vehicle or worn on a body.

Instead, I would argue, it is no different than the data government has on personal property of its residents, or data on the land you own or the kind of business you operate. It’s a public record. No general law closes that data.

What is scary to law enforcement is that there are citizens who realize that this data might be helpful for them in the businesses they operate. The city council members struggle with how the department will manage and store video footage – how long should it be stored? What rights do businesses who sell digital storage have to use that data after law enforcement no longer needs it?

And if it is indeed a “public record” under the Sunshine Law, shouldn’t the public have a right to purchase a copy of that data base for private use? Remember, it is not a “mobile video recording” subject to those law enforcement rules. It is just a public record, like any other record owned by a public governmental body.

Public bodies have never liked private businesses finding a business purpose in public records. This is going to be the next frontier for the Sunshine Law.



Jean Maneke,
is MPA's Legal Hotline attorney.
Contact her at (816) 753-9000;
jmaneke@manekelaw.com.