

Police body cam footage has place as a public record

Last year, coming just five months after the shooting of Michael Brown in Ferguson, the legislative session in Missouri included a number of bills relating to body cameras on law enforcement and how to handle the video generated by those cameras. It was a controversial subject and generated strong, emotional responses from many who would be impacted.

But before the session could end, the legislature found itself dealing with its own controversial issues internally after the Speaker of the House resigned and internal chaos developed.

Across the country, body camera use has grown during the last year. While 46 states considered such bills last year, only four states actually adopted bills as of last July. Five additional states were engaged in studies of such laws. Prior to last year, only four other states had adopted such a law. Rather than an issue controlled by state law, for the most part the rules governing body camera use have been enacted by cities across the country. While about 75 percent of all police departments do NOT use those cameras, those that do need for a policy regarding when they are turned on and when they may be turned off, how the video is stored and to what degree it is made public.

St. Louis' police department implemented body camera use in December. While it is a 90-day test period, officials are hoping it will become a

permanent addition to officer tools, but that will require approval by the police union. In Kansas City, its police chief has an internal group studying use of the devices, but no officer currently wears a department-issued device. Not surprisingly, Ferguson's police department was one of the first in the state to implement such a program.

Missouri Press Association officials began last year to look into this issue and the board has supported a policy that would treat such devices in the same manner as dash-camera video has been treated by most law-enforcement departments in the state. In some municipalities where it is used, dash-cam video is available to the public under the same terms and conditions as all other investigative reports held by local law enforcement. Missouri Press has argued that a similar policy should apply to body-camera video. But at the same time, the association has accepted that there may be situations where access to the body-camera video should be limited, such as situations where officers wear-

ing body cameras are working inside a private residence of a person.

In those cases, the personal right to privacy in a home would take precedence over the right of public access to these records. This right has been recognized in existing case law across the country and MPA has been willing to support such a policy in order to facilitate law enforcement making

the non-private video available to the public under the conditions that other investigative reports are available. The association continues to talk with bill sponsors to ensure that this balancing provision is in proposed bills.

Meanwhile, there is one state entity, of significant clout, that seems to have some significant concerns in regard to access of law enforcement video. The Missouri Highway Patrol has had dashboard cameras in its vehicles for some time. A "Google" search of stories relating to access to dash-cam video from our highway patrol turns up mixed results – sometimes the department said the video was not immediately available or the camera malfunctioned. It appears that the department does not make this video generally available upon public request.

Except. Except a prime exception to that rule occurred in early February. A trooper witnessed a fiery crash in Cass County, near Kansas City, and realized the driver was trapped in the car, engulfed in flames. Trooper Jim Thuss, absolutely a hero, clearly saved the victim's life by pulling her from the vehicle. And the rescue was captured on his dashboard camera. It clearly shows his heroic efforts.

And guess what got released? I want to thank the patrol for releasing this. It clearly shows this officer risked his life. But, I can only hope that this paves the way for the future release of other video – and not just the ones where the officer is a hero. Anytime an officer is shown doing his or her job, it's important for the public to see that. And when there is a question about the officer's activities, the public needs to see that, too.

Ultimately, it's a matter of public accountability. Of public confidence. Of public credibility.

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