

ACLUMD_FAV_SB899

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**Testimony for the Senate Judicial Proceedings Committee
February 13, 2020**

**SB 899 Maryland Police Training and Standards Commission - Body-
Worn Camera Policy**

TONI HOLNESS
PUBLIC POLICY DIRECTOR

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The ACLU of Maryland supports SB 899, which would require the Maryland Police Training and Standards Commission to develop and publish a policy for body-worn cameras by officers who use approved technology while working off-duty.

In order for police BWCs to fulfill the promise of transparency and accountability and improved trust between law enforcement and communities being over-policed and racially-profiled, departments must have strong policies that ensure cameras are used for accountability, not surveillance—this applies with equal force in the context of off-duty officers.

For the ACLU of Maryland, the challenge of body-worn cameras by law enforcement officers presents a potential conflict between the cameras' potential to invade privacy and their benefit when it comes to police accountability. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and private situations. Stored BWC records provide a vast trove of data that law enforcement could turn into a surveillance tool.

Ultimately, implementation of BWCs can be a win-win — but only if they are deployed within an appropriate policy framework that ensures they protect the public, are used in ways that are transparent to the public, and don't become yet another system for routine surveillance of our communities.

For the foregoing reasons, we urge a favorable report on SB 899.

MHA_INFO_SB899

Uploaded by: Witten, Jennifer

Position: INFO



Maryland
Hospital Association

February 13, 2020

To: The Honorable William C Smith Jr., Chairman
Senate Judicial Proceedings Committee

From: Jennifer Witten, Vice President, Government Affairs
Maryland Hospital Association

Re: Letter of Information- Senate Bill 899- Maryland Police Training and Standards
Commission- Body Worn Camera Policy

Dear Chairman Smith:

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 899. Maryland's hospitals and health systems care for millions of people each year, including treating 2.3 million in emergency departments and delivering more than 67,000 babies.

Maryland's hospitals promote a culture of safety and maintain a safe healing environment for patients, staff, and visitors. However, incidents of workplace violence and an increase in the number of patients coming to hospitals in police custody have led to more interactions between hospital personnel and law enforcement.

MHA appreciates the state's diligence in recent years to develop policies and standards for body-worn cameras, including the Maryland Body-worn Camera Procedural Reference Guide, produced by the Maryland Police and Correctional Training Commissions.ⁱ

The guide recognizes the importance of patient privacy when recording in "hospitals or other medical or psychiatric facilities," but the guidance is limited. Phrasing such as "members shall attempt to be careful to avoid, when possible, recording persons other than the suspect, complainant, and witnesses," does not provide clear direction.

Recordings in a hospital can capture protected health information of people in law enforcement custody and other patients. The Health Insurance Portability and Accountability Act requires medical facilities to safeguard protected health information, including patients' names, biometric identifiers, and full face photographic images and comparable images.ⁱⁱ In addition to patient information, we believe that hospital employees should be shielded as well. To properly protect patient information, hospitals need greater clarification and guidance on how officers—on duty and off—can use body cameras in their facilities and what protections are afforded to the recordings.

For more information, please contact:
Jennifer Witten
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ⁱ Maryland Police and Correctional Training Commissions. (n.d.). “Maryland Body-worn Camera Procedural Reference Guide”
pg. 50 https://mdle.net/pdf/Body-worn_Camera_Procedural_Reference_Guide.pdf

ⁱⁱ HIPAA Journal. (April 2, 2018). “What is Considered Protected Health Information Under HIPAA?”.
<https://www.hipaajournal.com/what-is-considered-protected-health-information-under-hipaa/>