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Mayor

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SB 690

February 25, 2021

TO: Members of the Senate Judicial Proceedings Committee

FROM: Natasha Mehu, Director of Government Relations

RE: Senate Bill 690 – Public Information Act – Inspection of Records from Body Worn Digital Recording Devices

POSITION: SUPPORT

Chair Smith, Vice-Chair Jeff Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration **supports** Senate Bill 690.

This bill implements the recommendation of the General Assembly’s 2015 Special Commission to amend the Public Information Act “to incorporate provisions specifically governing the release of audio/video recordings captured by a law enforcement officer’s body-worn camera, to include, but not be limited to, those recordings which **depict victims of violent crimes and domestic abuse.**” September 16, 2015 Final Report, Including Findings and Best Practices, p. 11 <https://goccp.maryland.gov/wp-content/uploads/body-cameras-commission-final-report.pdf>; mandated by 2015 Laws of Md., Ch. 129 (emphasis added).

The bill may wordy but it is narrow in its application: it prevents disclosure of interviews of victims or abusers of violent and often sexual crimes. Why? Because the victims should not fear calling the police because those police officers will turn on their body cameras when interviewing them. What is the fear? Not that the officer will tape them, but that the perpetrator will request the video and shame them on-line.

While providing the requisite privacy to these victims, the bill **specifically allows disclosure of body camera videos showing the types of police conduct that the public desires to view:**
arrest or even attempted arrest

1. temporary detention or even attempted temporary detention
2. search or even attempted search
3. any citation

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4. any death or any injury

Ask yourself, what types of body camera videos do you and your constituents want to see? If they are not in the exemption list above, put them there by adding to this Bill's Section (B)(1)(IV). The General Assembly should balance the rights of victims of violent and sexual crimes with the public desire to see those people on video.

This text of this bill was included in 2018 SB 788. At the hearing on that bill, the local chapter of the American Civil Liberties Union took a position against victim's rights not in-line with the National ACLU position on this issue. The ACLU argued that the bill is not needed because investigatory records can always be withheld under existing PIA Section 4-351(b)(3).

But the existing PIA Section is too narrow because it only applies when denying access by the subject of the video. The perpetrator of a domestic assault will not be the subject of a video interviewing the victim. Even if the perpetrator appears in the video, it is still OPTIONAL for the government to choose to use the section. The government will be required to articulate each time why the protection of a particular domestic abuse victim is in the public interest. This requirement for justification of the balance the government strikes any time it uses a permissible exemption is codified now in PIA Section 4-203(c)(1)(i)(2).

Why have government workers make these balancing decisions on a case by case basis when the General Assembly could say the privacy of the domestic abuse victim is ALWAYS in the public interest? The General Assembly should strike this balance. The Maryland General Assembly's 2015 Special Commission to amend the Public Information Act asked for this law. It is time to implement it for victims of domestic violence and sexual assault.

We respectfully request a **favorable** report on Senate Bill 690.