

## TESTIMONY FOR SB 71

**Bill Sponsor:** Senator Sydnor

**Committee:** Senate Judicial Proceedings

**Organization Submitting:** Lower Shore Progressive Caucus

**Person Submitting:** Sam Harvey

**Position:** FAVORABLE

I am submitting this testimony in favor of SB 71 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive Movement.

Caucus members consistently support legislation that aspires to deliver perfect justice, as elusive a pursuit as that may seem. I write to you in the hope that you'll support SB 71 this session.

Men and women in law enforcement are subjected to extreme stress in the line of duty, which has a profound impact on them, psychologically and physiologically. This is widely recognized – indeed, law enforcement training especially takes it into account. The ability to continue to perform their duties while experiencing a cascade of instinctual physical responses – elevated heart rate, increased respiration, surging adrenaline – is impressive.

However, while law enforcement training hardens officers, to make them capable of performing under these extremes, they are not superhuman. These conditions have an impact on their own health, both physical and mental. And, while concerned for their well-being, I also have grave concerns regarding their ability not only to successfully perform their duties at 100 percent under these conditions, but even their ability to 100 percent accurately report what happened, after the heat of the moment.

It's not a justice to anyone, neither the law enforcement officers nor the citizens they have interacted with, to ask those officers to recall what just happened, as the adrenaline washes away and the sweat dries on their skin. Neither party may be positioned to answer accurately, never mind objectively.

This is the great benefit of the body-worn camera, now a tiny and inexpensive tech. Safe to say, we all want to progress toward a more perfect administration of justice. The body cam is a great tool for capturing from an objective viewpoint everything that went right, but also everything that went wrong. We can take those lessons, double down on the good – and make improvements where improvements appear necessary.

The idea that anyone, no matter how extensively vetted, trained, and oath-taken they may be – that their testimony should receive preferential treatment, is problematic on its face. We with serious reservation allow it, in the name of social order, but it creates a very imperfect dynamic.

Law enforcement officers enjoy the aegis of rebuttable presumption (the presumption that their account is true unless someone comes forward to contest it and prove otherwise). However, to in the strongest terms encourage law enforcement toward the better way now available to us, SB 71 would create a special case in which citizens, rather than law enforcement officers, are granted a rebuttable presumption themselves.

If officers can't show some very good reason why they haven't availed themselves of the body cam tech, now the civilian parties involved gain the rebuttable presumption that officers' accounts (as they perceived them) of the unrecorded events should and will be inadmissible.

I believe this places the greatest emphasis on the diligent and rigorous use of the body cam, and this seems entirely appropriate to me. I encourage you to support SB 71.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.