

SB0690-JPR_MACo_SUP.pdf

Uploaded by: Butler, Alex

Position: FAV



Senate Bill 690

Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 25, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS** SB 690. This bill will implement a balanced release of police body camera video.

SB 690 would create a needed policy on how police body camera video would be handled under the Maryland Public Information Act (PIA). The bill would provide for: (1) law enforcement officer accountability and transparency; (2) protection for victims of abuse, domestic violence or sexual attacks; and (3) clarity of and protection from potentially abusive requests to local government and State records custodians. MACo believes that SB 690 achieves these necessary protections for all parties without altering any current discovery rights or PIA exceptions.

If properly implemented, police body cameras can help provide transparency and accountability for officer actions and protect both citizens and the officer. However, body cameras pose significant implementation issues, specifically the public release of videos showing victims of violent crime or domestic abuse. The PIA works well for paper documents and similar media but is not configured to properly address the massive amounts of video that will be created through police body cameras.

Unlike police dashboard cameras, which are limited in both use and the areas they film, there will be far more body camera video generated and it will show scenes never before subject to public scrutiny – including the insides of private homes and businesses. The potential for abusive use of such video, including posting on the internet, is extremely high. Additionally, the time and costs for attorney review and potential redaction of body camera video footage are significant and a single large request could quickly run into the thousands or tens of thousands of dollars and consume many hours of staff time. MACo believes SB 690 addresses the concerns raised by the PIA while not altering rights under criminal or civil discovery or existing PIA exceptions.

The bill ensures police officer accountability and transparency, includes victim protections, and addresses the expense and potential for abusive requests facing local governments and State records custodians. Accordingly, MACo urges the Committee to give SB 690 a **FAVORABLE** report.

Sydnor Testimony Fav SB0690 PIA Body-Worn Devices.

Uploaded by: Clark, Eugene

Position: FAV

CHARLES E. SYDNOR III, ESQ.
Legislative District 44
Baltimore City and Baltimore County

Judicial Proceedings Committee

Joint Committees

Children, Youth, and Families

Cybersecurity, Information
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Ending Homelessness



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for SB 690
Public Information Act – Inspection of Records
From Body-Worn Digital Recording Devices
Before the Judicial Proceedings Committee
On February 25, 2021

Good afternoon Mr. Chairman, members of the Judicial Proceedings Committee,

Senate Bill 690, a bill that addresses a vitally important topic that balances how police body camera video should be handled under the Maryland Public Information Act (“MPIA”) with the rights of individuals whose images are captured on video. SB 690 is a thorough piece of legislation that attempts to balance victim’s rights with the justified need for transparency between police departments and the public. The bill provides that, subject to existing law and MPIA exception, that a records custodian shall provide police body camera video of an incident where something happened that could raise public concern. This includes an arrest, temporary detention, death, or injury of an individual, or a complaint of officer misconduct made against any officer involved in an incident.

SB 690 attempts to strike a balance in protecting victim privacy while assuring transparency in policing. SB 690 accomplishes this by enumerating the circumstances under which a records custodian may or may not release police video records. By setting clear guidelines for Maryland jurisdictions, SB 690 will encourage local participation in use of body camera recording under best practices.

First, the bill requires a records custodian to provide police body camera video of incidents of public concern. These incidents include arrest, temporary detention, injury, death, or a complaint of officer misconduct. Second, the bill protects victims of sensitive crimes. SB 690 will prohibit releasing video depicting victims of domestic violence, sexual crimes, or child or vulnerable adult abuse; unless requested by those who were subjects in the video.

Finally, the bill will ensure that individuals who are subjects of the video records but are alleged perpetrators will be able to inspect video but will not be permitted to copy it. This will ensure the video cannot be used for victim humiliation or shaming.

Section 4-357(A) clarifies that the bill’s new framework does not apply to criminal or civil proceedings. Section 4-357(B) lists the instances in which a records custodian shall deny inspection of bodycam video: identification of victims of domestic abuse, victims of sexual crimes,

or victims of child abuse and vulnerable adult abuse. It prohibits release of video depicting the death of an officer in the performance of his or her duties. It further prohibits inspection of bodycam video unless it involves: (1) an officer's arrest, attempted arrest, detention, attempted detention, search, attempted search, citation, death, or injury of an individual; (2) use of force against an individual; or (3) a complaint or allegation of officer misconduct.

Section 4-357(C) provides exceptions to the prohibitions listed above. Custodians are required to allow inspection by: an individual who is a subject in the recording and is involved in the incident; their parent or legal guardian; or in the event of the individual's incapacitation, the individual's personal representative.

In sum, §4-357(B) concerns the *content* of videos that should be protected from disclosure, while §4-357(C) lists *individuals* who may inspect and/or copy bodycam video in spite of the general restrictions. By identifying the key records that should be accessible only to those who are subjects in the video records, SB 690 ensures victim privacy while allowing access to others who request video records of public concern. With the guidance set by SB 690, Maryland jurisdictions will be empowered to effectively manage police bodycam video. For these reasons, I ask you to vote favorably in support SB 690.

LoS - MPIA Body Cameras.pdf

Uploaded by: Dove, Spencer

Position: FAV

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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February 25, 2021

Senate Bill 690 – Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices POSITION: Support

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 690 requires body camera footage to be released under the Maryland Public Information Act. The bill contains certain exceptions to footage that can be released, such as video that could identify a victim of domestic violence. The Maryland Police Training & Standards Commission, in consultation with the Maryland Association of Counties, the Maryland Municipal League, law enforcement agencies, the news media, victims’ rights advocates, and other stakeholders, must develop uniform standards and procedures for law enforcement units to follow when responding to MPIA requests.

The Maryland Commission on Civil Rights supports SB690 because the bill strikes a balance between the privacy rights of law enforcement officers and victims with the public safety interests of stakeholders, such as victim’s rights organizations and the media. A framework to release footage to entities with a bona fide interest in accessing it is necessary if we seek to improve police/community relations while ensuring that officers who are accused of wrongdoing are being held accountable. It is hoped this, in turn, will have a potentially significant impact on achieving meaningful police reform while protecting the civil rights of all in Maryland being served by our law enforcement professionals.

For these reasons and more, the Maryland Commission on Civil Rights urges a favorable vote on SB690. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

SB 690_FAV_MML.pdf

Uploaded by: Jorch, Bill

Position: FAV



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 25, 2021

Committee: Senate Judicial Proceedings

Bill: SB 690 - Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices

Position: Support

Reason for Position:

The Maryland Municipal League supports SB 690. This bill establishes a framework under which a custodian of records must allow or deny access to, and copying of, recordings generated by police body cameras. By providing a clearer framework for disclosures and denials, municipalities can reduce costs through a streamlined review and redaction process.

About forty municipal law enforcement agencies use body worn cameras, with jurisdictions ranging in size from small to medium to large. The use of police body worn cameras is on the rise as they provide accountability for both the actions of police officers but also members of the public who interact with law enforcement.

Since footage recorded on police body worn cameras are considered public records, they are subject to Maryland's Public Information Act (PIA). But unlike other video recordings subject to the PIA, such as police car dashboard cameras or security cameras on streetlights on public sidewalks, body cameras cross out of public space and into private residences and businesses. This is the element of police body worn cameras that adds a layer of complexity for record custodians as they respond to PIA requests.

As police body worn cameras record footage of non-public spaces, that is then available for public consumption through the PIA, aspects of private life are captured that may not be appropriate for public viewing; such as medical and financial records or victims of particularly egregious crimes in vulnerable positions. This bill updates the PIA to address some of these instances with a set of mandatory disclosures and mandatory denials. This framework will reduce the burden on record

custodians and as a result reduce costs to local jurisdictions by providing a bright line on how to address certain sensitive aspects of police body camera footage.

As MML has stated before, much of the cost associated with police body cameras is storage and review/redaction. The framework set out in this bill will address the latter through a balance for the need to protect victims' privacy with the desire for openness of public information. For these reasons, MML supports SB 690 and asks for a favorable report.

FOR MORE INFORMATION CONTACT:

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Executive Director
Director, Government Relations
Director, Research and Policy Analysis
Manager, Government Relations

Body Cameras - testimony - senate - 2021.pdf

Uploaded by: Jordan, Lisae C

Position: FAV



Working to end sexual violence in Maryland

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Lisae C. Jordan, Esquire

Testimony Supporting Senate Bill 690
Lisae C. Jordan, Executive Director & Counsel
February 25, 2021

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 690.

Senate Bill 690

Inspection of Records from Body-Worn Digital Recording Devices

Senate Bill 690 addresses public access to records of body-worn digital recording devices. Of critical importance, this bill includes strong protection for survivors of sexual violence. We note that body-worn digital recording devices raise serious privacy concerns for many crime victims, including victims of sexual assault, domestic violence, child abuse, and other personal violence. Camera images and audio can include survivors following some of the most traumatic and difficult times in their lives and care should be taken to ensure the justice system does not add to the trauma by publically disclosing body camera footage. At the same time, recordings can provide important information about how victims are treated. Senate Bill 690 carefully addresses and balances these concerns.

SB690 limits to a recording access if a recording contains images of certain crime victims. We strongly support SB690's mandatory restrictions and appreciate that it specifically requires that "A CUSTODIAN SHALL DENY" inspection of recordings regarding an incident involving domestic violence, sexual assault (described as a violation of title 3, subtitle 3 of the Criminal Law Article), or other personal violence (described as a violation of title 3, subtitle 6 except for hazing of an adult, and including child sexual abuse).

SB690 contains exceptions permitting inspection of records in certain circumstances. Access to recordings is permitted, but copying is not when the viewer is the subject of the recording but under investigation for, charged with, received a PBJ for domestic violence/sexual assault/personal violence crimes or has a peace or protective order. This helps protect the victim while still providing access to appropriate people. Importantly, SB690 also provides victims with notice that someone attempted to view a recording. This assists victims and survivors of these crimes with safety planning and is vital for protection.

**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee to report favorably on Senate Bill 690**

SB690-JRP-FAV.pdf

Uploaded by: Mehu, Natasha

Position: FAV



BRANDON M. SCOTT
Mayor

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

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.

SB0690_PIA_Body-Worn_Cameras_MLC_FAV.pdf

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0690
PUBLIC INFORMATION ACT - INSPECTION OF RECORDS FROM BODY-WORN
DIGITAL RECORDING DEVICES**

Bill Sponsor: Senator Sydnor

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of SB0690 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Our members support the idea of police officers recording their actions. Those recordings are important to help solve crimes, provide support for testimony and are invaluable in showing what exactly happened when unfortunate situations occur and a member of the public is harmed.

However, there are times when the information on those videos should not be shared. When someone's life could be endangered by sharing the contents of a video, including victims of domestic violence, victims of sexual violence, or criminal neglect of a minor, these records should not be released.

This bill would prevent a custodian from releasing these records and the victim will be notified whenever there is a request for release. There are also provisions requiring the Maryland Police Training and Standards Commission to create uniform standards to ensure that these records are not inadvertently released.

Our members believe that it is important to secure the privacy of these individuals. We support this bill and recommend a **FAVORABLE** report in committee.

SB 690 - Public Information Act - Inspection of Re

Uploaded by: Ruth, Laure

Position: FAV

BILL NO.: Senate Bill 690
TITLE: Public Information Act - Inspection of Records From Body-Worn Digital
Recording Devices
COMMITTEE: Judiciary Proceedings
DATE: February 25, 2021
POSITION: **SUPPORT**

Senate Bill 690 would deny inspection or copying of the part of a recording from a certain body-worn digital recording device worn by a law enforcement officer regarding certain individuals. The Women's Law Center of Maryland supports SB 690 as we have seen how damaging, scary, and dangerous allowing unfettered access to body-worn camera footage can be. It would also clarify for law enforcement when they must turn over the recordings versus when they shall not. IT provides for inspection and copying when being sought for a legitimate use, such as for the media or for use as evidence in a court case.

The Women's Law Center is currently engaged in an on-going high conflict custody case, where access to the body-worn camera footage has been obtained by the opposing party and distributed widely and repeatedly on social media. There is a long history of domestic violence in this case. It is but another tool being used to intimidate our client and place her in fear. Managing this has caused untold hours of attorney time, and has placed our client in fear over and over. It is impossible to predict how other people will react to seeing something presented out of context and with only one side of the story online.

Furthermore, our client now fears that she cannot contact law enforcement. In fact, the opposing party has sent law enforcement several times to the home, on a pretext, but she is unwilling to open the door. When she explains to the officers she does not want to open the door or be recorded because the opposing party has obtained the camera footage in the past, the officers tell her that is simply not true and that won't happen. Yet despite some apparent policies on the website of this jurisdiction's police department stating that requests for copies of the footage are only granted after evaluation and in specific circumstances and that an evaluation is made prior to providing inspection or a copy, at least in this case, the opposing party had no problem obtaining the footage and using it for his own purposes.

SB 690 would clarify for law enforcement that even if the person may inspect the footage, they may not copy it. It offers appropriate policies for legitimate use, while protecting disreputable reasons for seeking the footage. It requires notification to the victim if the footage is sought.

Thus, the Women's Law Center of Maryland urges a favorable report for SB 690.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

SB690_MNADV_FAV.pdf

Uploaded by: Shapiro, Melanie

Position: FAV



BILL NO: Senate Bill 690
TITLE: Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices
COMMITTEE: Judicial Proceedings
HEARING DATE: February 25, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 690.**

MNADV supports the use of body-worn cameras (hereinafter “BWC”) by law enforcement. There is distrust between victims of domestic violence and law enforcement contributing to an overwhelming number of incidents of domestic violence going unreported. In a 2015 survey, 88% of victims of domestic violence or sexual assault reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.¹ In that same survey, 83% of the those surveyed thought police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously.² Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police.³ MNADV believes that the accountability and transparency created by the use of BWCs by law enforcement can help restore trust and confidence in law enforcement.

Senate Bill 690 addresses the viewing and release of BWC footage in a limited number of cases including those related to domestic violence, sexual crimes, hazing and the death of a law enforcement officer in the course of performance of their duties. With the proliferation of BWCs it is critical that laws and policies are developed to protect victims who are documented during these incredibly vulnerable moments when they have summonsed the courage to seek assistance from law enforcement. SB 690 protects the constitutional rights of all parties by clarifying that the BWC footage can be admitted into evidence and be used in civil and criminal proceedings while balancing the need for victim privacy.

¹ ACLU, [Responses from the Field: Sexual Assault, Domestic Violence, and Policing](#), 2015.

² *Id.*

³ *Id.*



Senate Bill 690 incorporates the recommendations from the 2015 Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers in Maryland.⁴ This bill is also consistent with policy considerations generated from national experts during the International Association of Chiefs of Police 2017 National Forum on Body-Worn Cameras and Violence Against Women.⁵

For victims of domestic violence to develop trust and confidence in law enforcement it is important for them to know that the BWC recordings will not simply be released to the accused or the public. In addition to the distrust in law enforcement, domestic violence also goes unreported due to the private nature of the violence and the shame victims feel. Under SB 690, victims will be notified when there is a request to view the BWC footage and the images of the violence they have experienced will remain protected and confidential outside of any court proceedings.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 690.**

⁴<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/021000/021642/unrestricted/20151808e.pdf>

⁵ <https://www.theiacp.org/sites/default/files/all/de/DeliberationsfromtheIACPNationalForumonBWCsandVAW.pdf>