



Senate Bill 31

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

MACo Position: **SUPPORT**

Date: January 19, 2022

To: Judicial Proceedings Committee

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** SB 31. This bill will implement a balanced release of police body camera video.

SB 31 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 31 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 31 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 **SUPPORTS** SB 31 and urges a **FAVORABLE** report.