

SB 40 - FAV - MML.pdf

Uploaded by: Bill Jorch

Position: FAV



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 2, 2023

Committee: Senate Judicial Proceedings

Bill: SB 40 - Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices

Position: Support

Reason for Position:

The Maryland Municipal League supports Senate Bill 40 as it will lead to an increase the efficiency with which record custodians review police body worn camera footage. 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 sixty 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 in the public interest; such as victims of particularly egregious crimes in vulnerable positions or medical and financial records. 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.

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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 40 and asks for a favorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director, Advocacy & Public Affairs

Director, Public Policy

Deputy Director, Advocacy & Public Affairs

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of 46. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

Body-worn cameras have been adopted across the US to increase transparency and accountability of the law enforcement to the public. Anton’s Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, there is an urgent need to continue this important work.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40.**

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB 40 - FAV - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO.: Senate Bill 40
TITLE: Public Information Act - Inspection of Records From Body-Worn Digital
Recording Devices
COMMITTEE: Judiciary Proceedings
DATE: February 2, 2023
POSITION: **SUPPORT**

Senate Bill 40 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 40 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 has been engaged since 2018 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. Complete strangers have come to our client's home after viewing what the abuser has posted.

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 40 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 40.

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.

VSAB SB40.pdf

Uploaded by: Leslie Frey

Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 2, 2023

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support – SB 40 – Public Information Act – Inspection of Records from Body-Worn Digital Recording Devices

Dear Chairman Smith:

This letter, written on behalf of the Montgomery County Victim Services Advisory Board (VSAB), serves to support Senate Bill 40, which establishes requirements for a custodian of records related to certain recordings from a particular body-worn digital recording device worn by a law enforcement officer. The bill also requires the Maryland Police Training and Standards Commission to develop uniform standards and policies in consultation with specific groups. Currently, Maryland law states officers may turn off their body cameras at a victim's request in order to obtain a statement or receive information. However, these officers are under no obligation to do so.

Concerning limitations to maintaining victim privacy in the process of releasing recordings to the public and/or specific entities also pose a problem for victims and their families. Senate Bill 40 would address these victim advocacy concerns and eliminate a gap in the current public information law regarding the protection of victim privacy.

VSAB advises the Montgomery County Council and County Executive on meeting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, and human trafficking. Many of these victims are portrayed on body cameras worn by police officers. These cameras may capture victims in states of distress or vulnerability. Victims might not want these images disclosed to family members, and certainly not to members of the public. It is difficult to protect the privacy rights of victims or provide victims autonomy if they do not have a say in what is recorded, what may be released to the defense, or what may become public. Body cameras may also capture pictures of victims' homes or private environments and inadvertently capture images or audio recording of children or others present in the home who are not involved in the criminal incident.

Body camera records of victim accounts of an incident can also be used after the fact to harm victims. News media may acquire and publish images that may be triggering or embarrassing to victims and their families. Moreover, defense attorneys also may have access to this footage and utilize it to challenge a victim's statement, further causing trauma for a victim. A lack of protection for the victim can lead to a decrease in the number of victims cooperating with law enforcement. When their rights and confidentiality are infringed upon or compromised, victims will be less inclined to disclose information to law enforcement or even to proceed with a case.

VSAB asks the committee to issue a favorable report on Senate Bill 40.

Sincerely,

Wendy Ayala
VSAB Member

Department of Health and Human Services

Body Cameras - testimony - senate - 2023 - SB40 FA

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire

Testimony Supporting Senate Bill 40
Lisae C. Jordan, Executive Director & Counsel
February 2, 2023

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 40.

Senate Bill 40 - Inspection of Records from Body-Worn Digital Recording Devices

Senate Bill 40 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 40 carefully addresses and balances these concerns.

SB40 limits to a recording access if a recording contains images of certain crime victims. We strongly support SB40'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).

SB40 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, SB40 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 40**

SB 40_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 40
TITLE: Public Information Act – Inspection of Records From Body–Worn Digital Recording Devices
COMMITTEE: Judicial Proceedings
HEARING DATE: February 2, 2023
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 40.**

Senate Bill 40 addresses the viewing and release of body-worn camera (hereinafter “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 40 protects the constitutional rights of all parties by affirmatively stating that the BWC footage can be admitted into evidence and be used in civil and criminal proceedings while balancing the need for victim privacy and safety.

Senate Bill 40 incorporates the recommendations from the 2015 Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers in Maryland.¹ 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.²

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. MNADV supports the use of body-worn cameras. However, 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

¹ <https://goccp.maryland.gov/wp-content/uploads/body-cameras-commission-final-report.pdf>

² <https://www.theiacp.org/sites/default/files/all/b/IACP%20Body%20Worn%20Camera%20Victim%20Consideration%20Brochure.pdf>



“sometimes” or “often” do not believe victims or blamed victims for the violence.³ 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. Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police. 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 and SB 40 creates an important and necessary balance with how the footage can be viewed.

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 40, 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 40.**

³ https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

MCPA-MSA_SB 40_PIA - Inspection of Records from Bo

Uploaded by: Natasha Mehu

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2022

RE: **SB 40 – Public Information Act – Inspection of Records From Body-Worn
Digital Recording Devices**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 40**. This bill will establish requirements for the release of body-worn camera footage under certain circumstances.

SB 40 sets forth the circumstances under which a custodian of records, in accordance with Maryland's Public Information Act (PIA), must deny or allow inspection of recordings from a body-worn digital recording device worn by a law enforcement officer. The bill would require the custodian of records to deny inspection of records depicting victims of domestic violence, victims of rape or sexual assault, victims of abuse, and the death of a law enforcement officer that occurs while the officer is on duty.

The bill requires that the victim and/or their families be notified each time there is a request to view body-worn camera footage for the incident in which they are involved. SB 40 would protect the dignity of victims of these horrendous acts and would allow the victim and their families the privacy they deserve.

The MCPA and the MSA believe the public should have access to the information outlined under the PIA, but support the efforts outlined in the bill to protect these victims from the release of footage that could harm them or otherwise adversely affect them.

For these reasons, MCPA and MSA **SUPPORT SB 40** and urge a **FAVORABLE** Committee report.

SB0040-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



Senate Bill 40

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

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 2, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 40. This bill makes important updates to the Maryland Public Information Act, to reflect the complexities arising from body-worn camera footage, stored by public agencies as custodians. The bill creates important protections for victims, witnesses, children, and others whose identities may be captured via camera operation. It also prevents these laws from being abused by bad actors, or for overbroad and nonspecific requests. Finally, it advances best practices, by regulations, for all local agencies to follow in implementing this important public safety technology – as mandated for county agencies by 2025.

Video Footage is Fundamentally Different than Paper Documents

SB 40 recognizes that Maryland’s open government laws require modernization to account for more complex technologies than originally envisioned. Some years ago, Maryland legislation spelled out new rules to encourage distribution of information through electronic media, while creating reasonable standards to protect metadata and other information beyond the document contents. Similarly, footage from body cameras is replete with challenges beyond those presented by paper documents and deserves a law to properly frame its distribution.

On a paper police report, an incidental mention of a confidential informant or victim by name is a matter appropriate for redaction before release to a requestor. This may be accomplished by a brief review and “magic marker” redaction by a trained staff member. But the comparable review and redaction of video footage is dramatically more laborious and technical. However, the potential for such incidental inclusion of personal matters on camera footage is exponentially more likely due to the broad-view and unfocused nature of body worn camera footage. SB 40 creates a far clearer framework for public custodians to follow to manage requests for this footage.

Mandatory Denials Are An Important Part of the Public Information Act, and Protecting Victims is Important

While the general tone of the Maryland Public Information Act is to presume that public documents are available to requestors, the General Assembly has created numerous exceptions to this presumption to serve important policy goals. SB 40 simply seeks to do so in one more category – dealing with the sensitive nature of wide-frame camera footage.

Maryland law already sets forth specific protections for information regarding an individual's adoption (General Provisions, §4-305), certain hospital records (§4-306), details of library usage (§4-308), most personnel and academic information (§§4-311 and 4-313), and certain details about individuals' prior arrests (§4-316), among numerous others. In each case, the General Assembly has weighed the importance of public access to information of general or community interest with the appropriate right to privacy for individuals referenced in such public documents.

SB 40 extends that logic to recognize that victims, children, confidential informants, and other people are sure to appear on the footage from wide-angle cameras. Similarly, information about a home or business, where law enforcement have responded to a call, will be captured. This incidental capture of camera footage is inescapable, but its distribution to document requestors is not. SB 40 creates a clear rule that footage containing this information must not be shared through the Public Information Act, in the same way that the many categories above are specified in current law. These vulnerable people deserve the knowledge that their information will be protected, rather than it "may" be protected by a judgment call subject to second-hand scrutiny, as is effectively the case under current law.

Without This Clarity, Redaction is Difficult, Expensive, and will Frustrate Requestors

SB 40 deals only with information requests under the Public Information Act, and even more narrowly only with such requests that are not tied to an incident where an injury or misconduct is alleged to have occurred. So, the ability of an affected party, or media organization, to request footage of an incident of general interest is retained. The ability of a litigant to secure relevant footage through the discovery process is also completed unaffected by the bill.

Without SB 40, an agency may be left to face a daunting task to fulfill the current law regarding a broad, sprawling request for footage unrelated to any incident or allegation. In that case, the agency must conduct a detailed and thorough analysis of the footage, frame by frame, by legally trained staff familiar with the complicated web of mandatory inspections, permissive inspections, and mandatory denials. Under Maryland law, the custodian as an individual may be personally liable for errors made in exercising this judgment. Murky laws regarding what should be provided, and what must be withheld, do not serve the public interest, and can leave requestors facing towering costs for the legal staff time to fully redact universal or over-broad requests.

SB 40 creates clearer rules, ensures that affected people have the access they need, and that victims and others will be protected from inadvertent release of their identifying information. SB 40 reinforces and improves Maryland's historic police accountability measures, and assures the protection of victims whose identity may be captured by the use of this technology. Accordingly, MACo urges a **FAVORABLE** report for SB 40.

SB0040-223223-01.pdf

Uploaded by: Charles E. Sydnor III

Position: FWA



SB0040/223223/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

31 JAN 23
09:20:38

BY: Senator Sydnor
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 40
(First Reading File Bill)

On pages 5 and 6, strike in their entirety the lines beginning with line 26 on page 5 through line 3 on page 6, inclusive, and substitute:

“(IV) DEPICTS THE DEATH OF A LAW ENFORCEMENT OFFICER THAT OCCURRED IN THE PERFORMANCE OF THE OFFICER’S DUTIES.”

Sydnor_SB 40 JPR Testimony Fav.pdf

Uploaded by: Charles E. Sydnor III

Position: FWA

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



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Judicial Proceedings Committee

Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair
Legislative Ethics

Chair

Baltimore County Senate Delegation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for SB 40
Public Information Act – Inspection of Records
From Body-Worn Digital Recording Devices
Before the Judicial Proceedings Committee
On February 2, 2023

Good afternoon Chairman Smith, members of the Judicial Proceedings Committee,

Senate Bill 40 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. Senate Bill 40 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.

Senate Bill 40 attempts to strike a balance in protecting victim privacy while assuring transparency in policing. Senate Bill 40 accomplishes this by enumerating the circumstances under which a records custodian may or may not release police video records. Senate Bill 40 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. This bill will also ensure that individuals who are subjects of the video records but are alleged perpetrators will be able to inspect the video, but not able to copy it. This will ensure the video cannot be used for victim humiliation nor shaming.

Section 4-357(A) clarifies that the bill’s 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 40 ensures victim privacy while allowing access to others who request video records of public concern. For these reasons, I ask you to vote favorably in support of SB 40.

2023-02-02 SB 40 (Support with Amendments).pdf

Uploaded by: Hannibal Kemerer

Position: FWA

ANTHONY G. BROWN
Attorney General



CANDACE MCLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
443-681-1060

WRITER'S DIRECT DIAL NO.
410-576-7070

February 1, 2023

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

From: Hannibal G. Williams II Kemerer
Office of the Attorney General

Re: SB 40 – Public Information Act – Inspection of Records From Body-Worn Digital
Recording Devices – **Support with Amendments**

The Office of the Attorney General urges the Judicial Proceedings Committee to add two perfecting amendments and then favorably report SB 40. The amendments would prevent law-enforcement officers who are the subject of an ongoing investigation, or who witnessed the incident being investigated, from viewing other officers' body-worn camera footage from the incident.

Senate Bill 40 provides certain categories of individuals with access to body-worn camera footage while also protecting certain information from disclosure. The bill provides access to individuals who are the subject of the recording and involved in the incident in question, or to those individuals' parents, guardians, or similar representatives in certain circumstances. The bill also protects from inspection footage that includes information that could identify victims of domestic violence, sexual crimes, and certain other crimes against minors and vulnerable adults, and incidents which do not involve an actual or attempted detention, search, arrest, citation, use of force, injury, or death, or which do not lead to a complaint of misconduct against an officer.

As written, SB 40 has the potential to undermine investigations into law enforcement misconduct—such as those conducted by the Office of the Attorney General's Independent Investigations Division—by providing the officers being investigated and officers who witnessed the potential misconduct with access to body-worn camera footage of the incidents in question. Proposed Crim. Law § 4-357(C)(1)(I) would allow inspection of footage by, “an individual who is a subject in the recording and is directly involved in the incident that prompted the recording.” Such individuals could include law enforcement officers. This would allow officers being investigated and officers who witnessed the potential misconduct to review not only their own

body-worn camera footage, but also that of other officers, which often portrays actions, statements, and other information that was not actually perceived by the officers being investigated or other witness officers. Access to this information could undermine ongoing investigations by affecting officers' recollections or accounts of the incident in question.

This unintended consequence could be remedied by clarifying that a custodian may deny a law enforcement officer who was involved in or present for the injury or death of an individual access to body-worn camera footage related to the incident. Such an amendment would preserve the salutary effects of SB 40 without jeopardizing active investigations into possible law enforcement misconduct.

Subject to the Committee's adoption of this amendment and a minor corresponding amendment referencing the proposed provision, both of which are stated below, the Office of Attorney General urges a favorable report on SB 40, as amended.

Amendments:

Add the following after page 7, line 7: (4) A CUSTODIAN MAY NOT ALLOW, UNTIL THE COMPLETION OF ADJUDICATION OF ALL ASSOCIATED CRIMINAL CASES AT THE TRIAL COURT LEVEL, INSPECTION OR COPYING OF A RECORDING FROM A BODY-WORN DIGITAL RECORDING DEVICE BY A LAW ENFORCEMENT OFFICER WHO WAS INVOLVED IN OR PRESENT FOR THE INJURY OR DEATH OF AN INDIVIDUAL IF THE RECORDING CONCERNS THE INCIDENT LEADING TO THE INJURY OR DEATH.

Amend page 6, lines 15 through 17, to read: SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORDING FROM A BODY-WORN DIGITAL RECORDING DEVICE BY:

cc: Committee Members

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Alicia Pereschuk

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of [MD District 43]. I am **testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

Body-worn cameras have been adopted across the US to increase transparency and accountability of the law enforcement to the public. Anton’s Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, there is an urgent need to continue this important work.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40.**

Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
321 W 28th St
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Christina Pham Linhoff

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of District 46, a mom, a professional, and a constituent. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

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Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,
Christina Pham Linhoff
46 E Randall St, Baltimore, MD 21230
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Daryl Yoder

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of District 44A. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

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Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Erica Palmisano

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of District 12. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

Body-worn cameras have been adopted across the US to increase transparency and accountability of the law enforcement to the public. Anton’s Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, there is an urgent need to continue this important work.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: John Ford

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of **MD District 46**. I am a member of the Baltimore City community and feel the pain of the victims of police abuse and violence, and of the – too few – police trying in good faith to build trust in the community to be able to actually prevent and solve crimes. I have seen the stories in the consent decree investigation and in news coverage of body cameras capturing Baltimore Police attempting to plant drugs, the abuses of the Gun Trace Task Force that I know are endemic in the rest of the department, and the crisis in trust making it difficult to find witnesses and jurors. And, although it wasn't in Maryland, I watched the horrific police murder committed against Tyre Nichols captured by police cameras. For those reasons, **I am testifying against Senate Bill 40**.

While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state's continuing efforts to increase transparency in policing.

Body-worn cameras have been adopted across the US to increase transparency and accountability of the law enforcement to the public. Anton's Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, there is an urgent need to continue this important work.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton's Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

John Ford

3301 Fleet St

Baltimore, MD 21224

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.docx

Uploaded by: Lindsay Keipper

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ), the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of district 46 and **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

Body-worn cameras have been adopted across the US to increase transparency and accountability of the law enforcement to the public. Anton’s Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, there is an urgent need to continue this important work.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-UNFAV-BodyWornCameraFootageRestrictions-ems.p

Uploaded by: Liz Simon-Higgs

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of Maryland District 46, and as a member of Showing Up for Racial Justice, I work in coalition with the Campaign for Justice, Safety, and Jobs. **I am testifying against Senate Bill 40.**

While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

Body-worn cameras have been adopted across the US to increase accountability of the law enforcement to the public. Anton’s Law, passed as part of the police reform package of 2021, has been another tool to this end, allowing access to police misconduct complaints and discipline records through the MPIA. As police brutality and misconduct continue both here in Maryland and nationally, most recently with the killing of Tyre Nichols in Memphis, Tennessee, there is an urgent need to continue this important work.

The Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

Liz Simon-Higgs

308 E Randall Street, Baltimore, MD 21230

Showing Up for Racial Justice Baltimore



¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

M Badeker_SB40-Oppose-BodyWornCameraFootageRestrict

Uploaded by: Melissa Badeker

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of District 8. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

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Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

Melissa Badeker
3020 Linwood Avenue, Parkville MD 21234
443-977-7596
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Rebecca Shillenn

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of **District 45. I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

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Senate Bill 40 seeks to restrict access to footage from body worn cameras, which is unnecessary given the current powers of the MPIA, and a threat to increased police transparency and accountability — which are so desperately needed to stem the tide of violence that people of color disproportionately experience at the hands of police. We cannot risk undermining Anton’s Law or our ongoing work to reform policing with the lives of our friends and neighbors at stake.

It is for these reasons that I am encouraging you to vote **against Senate Bill 40.**

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn, 5401 Elsrode Avenue Baltimore 21214

Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Sarah Johnson

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ), the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of District 41. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

It is our position that the Maryland Public Information Act (MPIA) currently provides protection for victims through provisions that entitle custodians of body-worn footage to prevent the release of recordings that may reveal sources, endanger individuals, or result in a violation of privacy. Furthermore, custodians of footage are able to redact parts of recordings in order to protect the identity of victims and sources. For these reasons, new legislation that broadly and wholly restricts the release of footage is unnecessary, and has the potential to be exploited by law enforcement, threatening our state’s continuing efforts to increase transparency in policing.

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It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>

SB40-Oppose-BodyWornCameraFootageRestrictions.pdf

Uploaded by: Tamara Todd

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice Safety and Jobs (CJSJ) and the Maryland Coalition for Justice and Police Accountability (MCJPA), and the Baltimore County Coalition for Police Accountability (BCCPA). I am a resident of MD District 10. **I am testifying against Senate Bill 40.**



While the stated intent of Senate Bill 40 is to prevent the release of sensitive footage that could be used to identify victims, as currently written the bill is overly broad in the footage that it restricts. It also restricts release of recordings related to any incident that “does not result in: (1) the arrest, attempted arrest, temporary detention, search, attempted search, citation, death or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct”¹.

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It is for these reasons that I am encouraging you to vote **against Senate Bill 40**.

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD, 21136

Showing Up for Racial Justice Baltimore

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0040f.pdf>