
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.