



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.

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