



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