

MCPA-MSA_SB 40_PIA - Inspection of Records from Bo

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary 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: April 4, 2023

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** as amended by the Senate. 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.

SB 40 - FAV - MML.pdf

Uploaded by: Bill Jorch

Position: FAV



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

April 4, 2023

Committee: House Judiciary

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:

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SB40 Sydnor testimony fav JUD.pdf

Uploaded by: Charles E. Sydnor III

Position: FAV

CHARLES E. SYDNOR III, ESQ.
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Baltimore County

DEPUTY MAJORITY WHIP

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Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics

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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 Judiciary Committee
On April 4, 2023

Good afternoon Chairman Clippinger and members of the Judiciary 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. SB 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. SB 40 accomplishes this by enumerating the circumstances under which a records custodian may or may not release police video records. SB 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.

Cross over - SB 40 - FAV - Women's Law Center of M

Uploaded by: Laure Ruth

Position: FAV

BILL NO.: Cross over hearing Senate Bill 40
TITLE: Public Information Act - Inspection of Records From Body-Worn Digital
Recording Devices
COMMITTEE: Judiciary
DATE: April 4, 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.

Body Cameras - testimony - senate in house - 2023

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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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
April 4, 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 Judiciary 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.

SB 40 protects privacy of victims.

It does NOT change access in civil discovery

It does NOT change the rules permitting access to footage introduced in evidence in court

It does NOT limit the ability of a victim to see the footage for any reason (including holding law enforcement accountable)

It does NOT prohibit alleged assailants from viewing the footage – although it does prohibit them from copying it, and it does require that the victim be notified when the footage is viewed, so they can plan for their own safety

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.

This is a carefully balanced bill that protects the need for transparency and accountability and the need for privacy.

**The Maryland Coalition Against Sexual Assault urges
the Judiciary Committee to report favorably on Senate Bill 40**



ROAR.SB 40 testimony.3.31.23.pdf

Uploaded by: Lydia Watts

Position: FAV

TESTIMONY ON SB 40
Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices
House Judiciary Committee
April 4, 2023

SUPPORT

Submitted by: Lydia C. Watts, Executive Director, ROAR

The Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore strongly supports SB 40, which addresses the viewing and release of body-worn camera footage in a limited number of cases including those related to domestic violence and sexual crimes.

The Rebuild, Overcome, and Rise Center (ROAR) is a “one-stop-shop” in Baltimore City where survivors of crime can access a full range of wraparound legal, supportive social and nursing care, and mental health services. Research has shown that having multiple services under one roof provides the best outcomes for survivors, who are often managing myriad and complex needs (Curran, 2005). ROAR’s vision is to co-create with survivors a community in which people who experience crime or systemic injustice are empowered to achieve their own sense of justice, healing, and well-being. The attorneys at ROAR represent many survivors of intimate partner violence in a variety of legal proceedings and those survivors are often very worried that the footage from the body-worn camera will be seen by anyone. It was a harrowing and traumatic experience that caused them to call the police and they do not want others to witness them at that low moment.

Privacy and safety are serious concerns for victims of domestic violence and Senate Bill 40 is narrowly tailored to address the privacy and safety needs of victims. When police respond to a domestic violence incident with body-worn cameras on they may capture incredibly personal and intimate images that a victim does not want released to their abuser or the general public. In addition, when law enforcement responds to a domestic violence incident they may conduct a lethality assessment, assist in identifying a safe place for a victim to stay, connect them with a service provider, or obtain medical treatment for the victim. Releasing this information captured on body-worn cameras jeopardizes the safety and privacy of the victim. Domestic violence is already vastly underreported, Maryland must develop laws that protect the privacy and safety needs of victims when law enforcement responds to a call with body-worn cameras on.

With the proliferation of body-worn cameras it is critical that laws and policies are developed to protect victims who are documented during these incredibly vulnerable moments when they have summoned the courage to seek assistance from law enforcement. Senate Bill 40 protects the constitutional rights of all parties by affirmatively stating that the body-worn camera footage can be admitted into evidence and be used in civil and criminal proceedings. The bill also allows for the viewing of the footage while prohibiting copying it and requires victim notification of requests to view the footage. Senate Bill 40 strikes a careful balance between the limited circumstances when body-worn camera footage portraying a victim of domestic violence must be released and the crucial need for victim privacy and safety.

For the above stated reasons, **ROAR strongly urges a favorable report on SB 40.**

SB 40_MNADV_FAV_JUD.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: Judiciary
HEARING DATE: April 4, 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 House Judiciary 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, 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 summoned 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.**

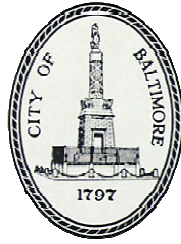
³ https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf

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

SB0040-JUD-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 40

April 4, 2023

TO: Members of the House Judiciary Committee

FROM: Nina Themelis, Interim Director of Government Relations

RE: Senate Bill 40 – Public Information Act – Inspection of Records From Body Worn Digital Recording Devices

POSITION: Support

Chair Clippinger, Vice Chair Moon, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 40.

This bill is nearly identical to SB 31 from last session and SB 695 from the 2021 session. It implements the recommendation of the General Assembly’s 2015 Special Commission to amend the Public Information Act “to incorporate provisions specifically governing the release of audio/video recordings captured by a law enforcement officer’s body-worn camera, to include, but not be limited to, those recordings which **depict victims of violent crimes and domestic abuseⁱ**.” (emphasis added).

Although this bill appears wordy, it is narrowly tailored to prevent disclosure of the body-worn camera videos of interviews with victims or perpetrators of sexual crimes or domestic violence. These victims should not fear calling the police for help simply because the perpetrator could obtain a copy of the body-worn camera video interview and use it to shame or intimidate the victims by showing it to friends, family, employers or putting it online.

While providing the requisite privacy to these victims, the bill **specifically allows disclosure of body camera videos showing the types of police conduct that the public desires to view:**

1. arrest or attempted arrest
2. temporary detention or attempted temporary detention
3. search or attempted search
4. any citation
5. any death or any injury

Any other body-camera videos that you want the public to view can be added to this list. This list should reflect the General Assembly's desire to be clear about what videos can and cannot be seen by the public. Many other states recognize the unique need to protect sexual assault and domestic violence victims from disclosure of body-camera videos, including, Wisconsin, California, Oklahoma, Kentucky, North Dakota, Ohio, Tennessee, Colorado and Connecticut.

The National Chapter of the ACLU authored a policy white paper on body cameras entitled *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All*, by Jay Stanley, ACLU Senior Policy Analystⁱⁱ. It specifically endorses this type of legislation that protects domestic violence victims and the interior of people's homes:

“Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls.”

The National ACLU highlights the risk of “embarrassing and titillating releases of video is significantly increased by body cams.ⁱⁱⁱ” **“We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party.”**^{iv} (emphasis added). “Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by **policymakers.**”^v(emphasis added).

This is the opposite of the local ACLU's position that custodians of Maryland's body camera videos should spend time analyzing these types of videos on a case by case basis using the existing investigatory records framework in PIA Section 4-351. The local ACLU claims that each and every time a domestic violence or sexual assault victim is captured on camera, the government should be required to articulate why that victim's privacy deserves protecting.

Existing PIA Section 4-351 is not the answer. It is too narrow because it only applies when denying access to the subject of the video, which is usually not the perpetrator. It provides no guarantee to victims that their privacy will be respected because it is a DISCRETIONARY exemption. Custodians should not make balancing decisions on a case by case basis when the protecting privacy of the domestic abuse and sexual violence victims is ALWAYS in the public interest. Rather, as many other states have done, and as the National ACLU advocates, the policymakers should strike this balance, and not leave it up to government lawyers or record custodians to determine when victim privacy should be respected.

The Maryland General Assembly's 2015 Special Commission to amend the Public Information Act asked for this law. It is time to enact this law for victims of domestic violence and sexual assault. They deserve the peace of mind that comes with knowing that calling the police for help will not result in the release of a video about their incident to the public or to their abuser.

We respectfully request a **favorable** report on Senate Bill 40.

ⁱ September 16, 2015 Final Report, Including Findings and Best Practices, p. 11 <https://goccp.maryland.gov/wp-content/uploads/body-cameras-commission-final-report.pdf>; mandated by 2015 Laws of Md., Ch. 129

ⁱⁱ <https://www.aclu.org/other/police-body-mounted-cameras-right-policies-place-win-all>

ⁱⁱⁱ ACLU Policy Paper, p. 5

^{iv} ACLU Policy Paper, p. 8

^v ACLU Policy Paper, p. 8

SB0040-JUD_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: Judiciary Committee

Date: April 4, 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 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 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 Juberg UnFav.pdf

Uploaded by: Arielle Juberg

Position: UNF

Dear Members of the House Judiciary Committee,

I am a resident of District 8. I am testifying against Senate Bill 40. 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 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).



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”.

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.*

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. These are important steps to increase information about police/resident interactions and should be continued. We cannot risk undermining Anton’s Law or our ongoing work to reform policing when the safety of our friends and neighbors are 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,

Arielle Juberg
3411 Upton Road
Baltimore, MD 21234

SB40 - Oppose Additional Body Camera Restrictions.

Uploaded by: Christina Nemphos

Position: UNF

Dear Members of the House Judiciary 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 40, and live in the Medfield neighborhood of Baltimore. **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,

Christina Nemphos

1301 W 42nd St, Baltimore MD 21211

Showing Up for Racial Justice Baltimore

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

SB40-Oppose-Body-Worn-Camera-Footage-Restrictions.

Uploaded by: Erica Palmisano

Position: UNF

Dear Members of the House Judiciary Committee,

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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,

Erica Palmisano

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

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

ACLU written

Uploaded by: Gregory Brown

Position: UNF



Testimony for the House Judiciary Committee

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

April 4, 2023

OPPOSED

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

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PRESIDENT

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SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges an unfavorable report on SB 40, which seeks to significantly limit public access to police body-worn camera footage.

Despite testimony over the many years this bill has been proposed characterizing it as a victim's rights bill, the primary effect of this bill has nothing at all to do with victim's rights, and the provisions of the bill dealing with body worn camera (BWC) footage of victims of domestic violence, sexual assault, and abuse of minors and vulnerable adults are not what we oppose in the bill, nor have we ever opposed those provisions. If the bill were modified to address only those provisions, in the proposed §§ 4-357(b)(1)(i) – (iii) (p. 5, lines 16-27), §§ 4-357(b)(2)-(3) (p. 6, lines 7-17), and §§ 4-357(c)(2) – (3) (p. 7, line 1-12), then we would not be opposing the bill.

The bill's most significant effect, however, has nothing to do with protecting the victims of certain crimes from their abusers, and are why we have consistently opposed the bill from the time of its introduction in 2016. The bill's primary effect is to prohibit public access to BWC footage of ALL *police* activity, unless it falls within certain insufficiently inclusive categories, something the Chiefs and Sheriffs have been unsuccessfully trying to do since 2015. BWC footage is one of the single most effective ways of holding police accountable, revealing time and time again that the police version of events was simply not true. The General Assembly should not be restricting access to such footage, particularly where the asserted justifications lack any basis in reality, as is true here.

The bill's largest effect is contained in § 4-357(b)(1)(iv) (p. 5, line 28 – p. 6, line 4). Those provisions, combined with the exception in § 4-357(c)(1) (p. 6, lines 18-31), **REQUIRES**, and does not simply permit, police to deny inspection of **ALL** BWC footage, except to the subject of the footage (or their representative), unless the footage depicts one of the specific things listed in § 4-357(b)(iv). And contrary to what proponents say, that list of permitted disclosures **DOES NOT** encompass every type of police activity in which the public has an important and legitimate interest. Moreover, denying access to such footage has *nothing* to do with protecting victims, or privacy, both of which are, without a doubt, important and legitimate goals (as we have consistently said).

Existing law already explicitly allows custodians to consider the privacy implications of the release of police investigatory records, and to balance those implications on a case-by-case basis against the public interest in disclosure of the particular record. Md. Code, Gen. Prov. §§ 4-343, 4-351(a)-(b) [check cites]. Custodians have been doing that for all kinds of police records, that contain all kinds of extraordinarily sensitive information, for decades, without any demonstrated problem. The proponents of this bill have *never* been able to give an example of even a single instance in which police have improperly released a record (much less a BWC record) that they shouldn't have. The reason is obvious: police have every institutional incentive and opportunity to redact records to protect legitimate privacy and investigatory interests, when those outweigh the public interest in disclosure, as anyone who has ever requested police records knows. The idea that police cannot be trusted with this responsibility, when they have had it for decades without any demonstrated problem (other than improperly withholding records), is simply ridiculous.

But equally importantly, under current law, the denial of access to police investigatory records, other than those that part of an open investigation, is subject to judicial review, and the police characterization of the records, or the interests involved, is not left to their unfettered discretion, nor should it be. Because the denial of access to BWC footage in this bill is mandatory, not permissive, it would give police unfettered and unreviewable discretion to characterize their conduct as falling outside of the permitted disclosure, leaving requestors without any ability to challenge

those characterizations (because they would never learn of the record's existence, or anything about it). This is dangerous because the terms used in the bill (like search, detention, arrest) are not self-defining, and are indeed contested on literally a daily basis in criminal cases throughout the state. Unlike the provisions dealing with recordings of victims, the provision mandating broad denials of access to BWC footage was NOT among the recommendations of the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement, which proponents have cited (and on which the ACLU served).

What Records Would Not be Disclosed?

The list of permitted disclosures in the bill omits the myriad police directives that people do, or not do, a particular act, where the directive is not accompanied by an arrest, detention, search, use of force, or injury, such as improper orders to move along, cease panhandling, police questioning, etc. And all of these activities are a frequent source of police-community tensions. Being able to document this police conduct is crucial, and one of the key reasons to have BWCs in the first place. For example, the ACLU requested BWC video that should have been recorded by officers working the perimeter of the unprecedented five-day police cordon that sealed off parts of the Harlem Park neighborhood following the death of Det. Suiter. For the vast majority of the encounters between officers and residents, the City argued that there was no "detention" (because simply living in the neighborhood or visiting the neighborhood would not have been a lawful basis for any detention), and was instead a "voluntary encounter," and so none of those videos would have, or even *could have*, been released, had this bill been in effect. Fortunately, the law was not in effect, and the City has released a subset of the videos, which documented significant misconduct by the BPD, as discussed in detail in the Court Monitor's First Semiannual Report (<https://static1.squarespace.com/static/59db8644e45a7c08738ca2f1/t/5b4f83b070a6ad75b5b8adb9/1531937719069/BPD+-+First+Semiannual+Report+7-18-18.pdf>).

More broadly, the permitted disclosures in the bill omits ALL searches of property (as opposed to persons). So a vast amount of police investigatory behavior (for which Maryland law requires the

BWC to be activated), including searches of buildings, vehicles, exterior land, personal effects (such as backpacks) etc. would all be *prohibited* from being released. And, again, this type of police activity, when done improperly, illegally, or discriminatorily, may also be a significant source of police-community tension. For example, several years ago multiple videos came to light showing Baltimore police officers planting or “recreating” the discovery of evidence in searches of property, not persons. All of those videos (were they not already introduced as evidence in a case, as they would not be if the State’s Attorney dismissed charges based on what was shown in the video) would have been categorically barred from disclosure by this bill (because the victim of such improper behavior would not be seen in the video, and thus would not be a person in interest, and may not even know of them).

The bill also does not permit the disclosure of BWC records of police *failures* to act (because such a failure is not an arrest, detention, search, etc. of a person). And we have seen, time and time again, including, tragically, in the last week, that footage of police failing to act, either to restrain their fellow officers, or to render aid, has been critical to documenting the fundamental problems in policing in America today.

The fundamental problem of the bill is that it tries to create categories of disclosure, and fails to recognize that life (and police action or inaction or misconduct) does not fit into neat categories, and fails to recognize that sometimes the public interest in disclosure can outweigh whatever interest in non-disclosure may also exist. Existing law allows for a balancing of those interests in appropriate cases, with judicial review if necessary, but this bill would short circuit that.

The provision allowing release of BWC videos to the subject of the footage does not solve any of the problems noted above, because the person filmed is not the only person with a legitimate interest in the BWC footage, and because it will often be impossible, or prohibitively expensive, to identify each person who may be in the footage so that they can make the request (as would have been true for the Harlem Park footage, for example). The bill would mean that the press, community organizations, and the public at large

cannot get access to the BWC footage noted above (and all often request footage not knowing who the subjects might be).

Proponents have, in the past, suggested that the bill would somehow save records custodians time and money in responding to records requests, because the bill would set clear standards for what footage can be released. But this assertion is, at best, untrue, because, regardless of the standards that the bill sets, the primary burden and expense with respect to responding to requests for BWC footage is the time necessary to review stored footage to see what is, and is not responsive to the request, and releasable. And the amount of footage that will have to be reviewed for any given request will not change, regardless of the standards in the bill, because all of the footage will need to be reviewed to see what is and is not releasable. Moreover, if as proponents falsely say, the bill will not result in the denial of access to any footage in which there's a legitimate public interest, then it is inconsistent to also say that the bill could save substantial time and money (particularly given the inability to point to any prior video footage that arguably shouldn't have been released).

The provision regarding death of law enforcement officers

SB 40 also *prohibits* the release of footage showing the death of a police officer in proposed § 4-357(b)(1)(v) (p.6, lines 5-6). While we understand the intent behind this provision, but believe the categorical prohibition sweeps too far. There is no doubt that it is horrifying and traumatic for families to see the death of a loved one replayed on television. But that is true whether the death is captured on BWC or elsewhere (such as surveillance cameras or cell phones). And it is equally true for all families, not just the families of police officers.

Just as importantly, this trauma is by no means the only context in which our desire to shield someone from harm is at least in tension with other fundamental and equally important goals of our justice system, or our commitment to open government. For example, it is also deeply traumatic to have to testify in open court about a rape case, for example, but of course victims must do that every day because of the importance of having a transparent

justice system, and the dangers of dispensing justice behind closed doors.

In the context of BWC videos that depict the death of an officer, one can, of course, imagine cases in which there is little public interest in the public airing of the video. But, as with almost all things involving police (and life in general), that is not categorically or always the case. For example, there have been situations where undercover or off-duty police have, tragically, been killed by their fellow officers who were unaware that the person they were shooting was a police officer (and many more cases where they have been shot or assaulted, but not killed). And there have frequently been concerns that such shootings were and are more likely to happen because the undercover officer was black. See, e.g., <https://www.washingtonpost.com/dc-md-va/2022/05/11/settlement-undercover-police-officer-shot/>, <https://www.nytimes.com/2019/11/24/us/st-louis-race-police.html>, <https://www.theguardian.com/us-news/2017/jun/24/black-st-louis-police-officer-shot-white-colleague>. In such cases, a provision prohibiting BWC video from being released will exacerbate those concerns, and does not take into account the tremendous public interest in having as clear a view as possible of the events that lead to the shooting.

And police shootings of fellow officers are not the only context in which there may be an overriding public interest in disclosure. Many people in Baltimore and beyond believe that Det. Suiter did not commit suicide, and was instead shot by a fellow officer (or on instructions from corrupt police) in an attempt to keep him from testifying in the GTTF corruption case. If there had been a BWC video depicting his death, and demonstrating it to have, in fact, been a suicide, surely there would be a vital public interest in making that available to dispel the concern that Baltimore police would murder a fellow officer. But with this provision in the bill, the City would be powerless to release it.

Finally, this provision, however well-intentioned, goes against the General Assembly's declared commitment to the equal sanctity of ALL lives, without prioritizing the lives of law enforcement officers, contained in your 2021 bill reforming police use of force, SB 71.

How to fix the bill?

There are multiple ways to fix the problems noted above. First, the bill could be amended to strike the problematic broad prohibition on release of BWC footage in § 4-357(b)(1)(iv) (p. 5, line 26 – p. 6, line 3), and the provision prohibiting the release of footage depicting the death of a police officer in § 4-357(b)(1)(v) (p.6, lines 5-6). Alternatively, our concerns could all be addressed by a simple amendment changing “shall” in 4-357(b)(1) (p.5, line 17) to “may,” making these denials permissive, but not mandatory. That would provide the guidance to custodians about presumptive releases that custodians claim to desire, but a requestor could argue for the release of footage that is not specifically exempted in § 4-357(b)(iv) in appropriate cases. If such an amendment were made, the statutory language would have to also be moved to a new subsection in Part IV of Subtitle 3 of the MPIA, which contains the provisions authorizing discretionary denials of certain information in public records, rather than in Part II, as the current bill does, which pertains only to required denials of entire records, rather than redacting portions of public records.

For the foregoing reasons we urge an unfavorable report on SB 40 unless the bill is amended to remove the problematic provisions discussed above.

SB40_JohnFord_Unfavorable.pdf

Uploaded by: John Ford

Position: UNF

Dear Members of the House Judiciary 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: Katherine Wilkins

Position: UNF

Dear Members of the House Judiciary 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 **12A. 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,

Katherine Wilkins
5605 Foxcroft Way
Columbia MD 21045

Showing Up for Racial Justice Baltimore

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

SB40-Oppose-BodyWornCameraFootageRestrictions.docx

Uploaded by: Lindsay Keipper

Position: UNF

Dear Members of the House Judiciary Committee,

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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,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

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

SB40-Oppose-BodyWornCameraFootageRestrictions-Rach

Uploaded by: Rachael Mady

Position: UNF

Dear Members of the House Judiciary Committee,

My name is Rachael Mady, I'm a resident of MD District 12A, and I'm submitting this testimony as a member of Showing Up for Racial Justice (SURJ) Baltimore. SURJ Baltimore is a group of individuals working to mobilize 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 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.

Our position is that the Maryland Public Information Act (MPIA) already 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 completely 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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For these reasons I ask that you vote **against Senate Bill 40.**

Thank you for your time, energy, and service.

Sincerely,
Rachael Mady
4870 Dorsey Hall Drive, Unit 8,
Ellicott City, MD 21042
Showing Up for Racial Justice Baltimore

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

SB40-BodyWornCameraFootageRestrictions _UNFAVORABL

Uploaded by: Sarah Johnson

Position: UNF

Dear Members of the House Judiciary 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 41 in Baltimore City. **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,

Sarah Johnson

1 Merryman Ct

Baltimore, MD 21210

Showing Up for Racial Justice Baltimore

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