



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 40
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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**

