

SB0624 Testimony (2).pdf

Uploaded by: Jill Carter

Position: FWA



THE SENATE OF MARYLAND
Annapolis, Maryland 21401

Testimony of Senator Jill P. Carter
In Favor of SB0624 – Task Force to Study Public Information Act
Requests Made to Law Enforcement - Establishment
Before the Judicial Proceedings Committee
On February 16th 2024

Mr. Chairman, Vice Chair, and Members of the Committee:

Senate Bill 0624 establishes a task force featuring members of the Maryland State Legislature, the State Police, the public defender's office as well as leaders from various community organizations, for the purpose of investigating the costs charged to law enforcement agencies as well as the procedures applied by law enforcement agencies under the disclosure of records requested under the Maryland Public Information Act (PIA).

To begin, SB0178, Anton's Law, was enacted in 2021 with the intent of making our law enforcement agencies more transparent and accountable. The intent of this task force is to oversee the implementation of this law and to ensure its effective enforcement. Despite the passage of time since the enactment of Anton's Law and the subsequent enactment of SB777 (passed the house and senate and signed by the Governor in 2022) this task force has yet to actually meet.

Transparency and accountability are crucial in maintaining public trust, especially in matters related to law enforcement in today's era of fraught tensions with policing. If we want to maintain public trust in our government, let alone policing, it is crucial that Anton's Law, a bill passed with much fervor in a time of immense social strife, actually be enforced. This general assembly cannot be accused of simply paying lip service to the issue of police accountability in our communities.

For this statute to be effective, it is imperative that this task force convenes, to ensure that our law enforcement agencies are transparent and held accountable. I have submitted an amendment that would include the Attorney General as a member of the task force, at his request, and trust that the ear marked dollars associated with the law are granted to his office to ensure the task force's success.

I urge this committee to give a favorable report with amendment on SB0624. Thank you for your time.

Respectfully,

Jill P. Carter

SB0624-JPR_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



Senate Bill 624

Task Force to Study Public Information Act Requests Made to Law Enforcement – Establishment

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

WITH AMENDMENTS

Date: February 16, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS SB 624 WITH AMENDMENTS**. This bill re-establishes the task force to study costs, procedures, and compliance board decisions for Maryland Public Information Act (MPIA) requests made to law enforcement agencies.

Transparency is important to ensure public trust when it comes to accessing state and local government documents. Counties work to fulfill MPIA requests across a number of agencies every day. In recent years, requests to law enforcement agencies have increased exponentially. Now, with statewide body-worn camera mandates taking effect across all county-level law enforcement, this is an important time to consider the procedures and standards for how these requests are fulfilled. MACo believes this task force is the proper venue for this timely consideration.

Counties applaud this effort to establish a task force and appreciate the inclusion of a county representative as well as a local law enforcement member on the task force. But with the new availability of highly sensitive and complex documents coming from body-worn cameras, the dynamics of how all files are reviewed and released has changed substantially. For these reasons, local governments believe it is imperative for local law enforcement custodians to be included in the task force. To effectively inform this work, counties request two county attorneys and two county records custodians to be included in the membership.

Additionally, counties believe the task force should explore modernizing the MPIA to reflect the complexities of video files from officer-worn cameras. This highly sensitive record type is exploding in volume and availability and demands care and caution. While some modernization efforts were enacted in 2015, other recommendations for updates to the MPIA have yet to be adopted, such as mandatory denials of body-worn camera footage depicting victims. Another task force in 2020 made thirty-two recommendations for camera footage that have yet to be addressed in any substantive way. Since that time, body-worn camera mandates have been rolled out with every county agency expected to be fully operational by 2025. However, no meaningful updates have been made concerning the review, redaction, and release of camera footage.

MACo's suggested amendments (which follow on the next page) will allow for transparency, privacy protection, and efficiency in fulfilling requests. Counties look forward to engaging on the task force, and would urge a **FAVORABLE WITH AMENDMENTS** report on SB 624.

AMENDMENTS TO SB 624
(Supported by Maryland Association of Counties)

On page 2, strike in their entirety lines 1 and 2 and substitute:

“(III) TWO REPRESENTATIVES OF THE MARYLAND CHIEFS OF POLICE ASSOCIATION, ONE REPRESENTING MANAGEMENT OF A LAW ENFORCEMENT UNIT, AND ONE INDIVIDUAL WHO ACTS AS A CUSTODIAN FOR PUBLIC INFORMATION REQUESTS ON BEHALF OF THE AGENCY;

(IV) TWO REPRESENTATIVES OF THE MARYLAND SHERIFFS ASSOCIATION, ONE REPRESENTING MANAGEMENT OF A LAW ENFORCEMENT UNIT, AND ONE INDIVIDUAL WHO ACTS AS A CUSTODIAN FOR PUBLIC INFORMATION REQUESTS ON BEHALF OF THE AGENCY;”

On page 2, in line 19 strike “and”; and in line 21, after “Board” insert:

“(4) PROCEDURES UNDER THE CURRENT PUBLIC INFORMATION ACT LAWS AND GUIDELINES TO ENSURE EFFICIENT AND THOROUGH REDACTION OF FOOTAGE GATHERED BY USE OF BODY WORN CAMERAS BY PUBLIC SAFETY PERSONNEL, TO PROTECT VICTIMS AND OTHERS INAPPROPRIATELY CAPTURED THEREIN, AND TO AVOID UNREASONABLE BURDENS ON LAW ENFORCEMENT AGENCIES TO COMPLY WITH THESE LAWS AND PROCEDURES.”