



House Bill 669

Law Enforcement Officers - Body-Worn Cameras - Requirements

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judiciary Committee

Date: February 25, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS HB 669 WITH AMENDMENTS**. This bill will implement a balanced release of police body camera footage, while being conscious of the broader privacy concerns of Maryland residents who might – either intentionally or inadvertently – be recorded by public safety officials. At the same time, the bill is incredibly conscious of the limited resources and great liability carried by local record custodians in managing these relatively new and novel types of public record.

HB 669 would create a needed policy on how police body camera video should be handled under the Maryland Public Information Act (PIA). The bill would provide for mandatory denial and removal of certain records but outlines extensively the many important ways the footage should and should not be made available, edited, or stored. This has the effect of ensuring public access to records and privacy, and sufficient protections for police investigations, training, and taxpayer dollars.

The PIA works well for paper documents and similar media, but is not configured to properly address the massive amounts of video that are created through police body cameras. This bill takes that understanding into account. Unlike police dashboard cameras, which are limited in both use and the areas they film, there is far more body camera video generated and it will show scenes never before subject to public scrutiny – including the insides of private homes and businesses. The potential for abusive use of such video, including posting on the internet, is extremely high. Additionally, the time and costs for attorney review and potential redaction of body camera video footage are significant and a single large request could quickly run into the tens of thousands of dollars and consume many hours of staff time. Narrowing the scope of what should be made available will bring Maryland up to speed with other states who have adopted similar best practices where police cameras are concerned.

There are, however, two primary changes that counties believe have the potential to enhance the bill's processes. First, the bill currently includes a provision that a custodian shall allow inspection if a law enforcement agency is able to get written consent from everyone captured on a recording. The time this would take, particularly in instances where there are many people on an eligible video, could put the

record custodian well outside the acceptable timeframe to effectively allow or deny review, and in turn be in violation of the law. To avoid this, an amendment should make clear that for videos that would require the permission of more than two parties, those records can only be released to someone who is the subject of the recording in question or the recording officer.

The second amendment is for continuity in terms of police procedures when it comes to the uses of body-worn cameras and handling of footage. These standards have been meticulously developed and regulated by the Maryland Police Training and Standards Commissions (MPTSC). The rules and regulations are housed in a document more than 100 pages in length. While the bill attempts to capture as much of those current standards as possible, concerns have emerged that the bill and the regulations are not a perfect translation of each other and could create significant confusion. Counties would suggest striking those provisions of the bill and simply adding any agreed changes to regulations through the current MPTSC process.

MACo believes HB 669 addresses the concerns raised by the PIA while not altering rights under criminal or civil discovery or existing PIA exceptions. The bill ensures police officer accountability and transparency, includes substantial privacy protections, and addresses the expense and potential for abusive requests facing local governments and State records custodians. MACo's suggested amendments would allow for more clarity, streamlined processes, and continuity in procedures, all aiding the goal of the bill. Accordingly, MACo urges a **FAVORABLE WITH AMENDMENTS** report on HB 669.