



To: Chairman Zirkin, Vice Chair Kelley, and members of the Judicial Proceedings Committee
From: The Libertarian Party, CASA, the League of Women Voters of Maryland, and the ACLU of Maryland
Date: March 15, 2017

Re: **OPPOSITION to SB 970 Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices**

The undersigned organizations respectfully urge an unfavorable report on SB 970 Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices.

We agree with the intentions of SB 970—sensitive footage should not be released. However, current law already protects this footage from disclosure. Moreover, SB 970 is the beginning of a slippery slope, which will steadily erode the public’s access to public footage. It is also impossible to imagine the universe of scenarios to which SB 970 may categorically ban disclosure.

In order to be an accountability tool, body camera footage must remain reasonably accessible

By requiring that custodians *shall* deny inspection of the footage, SB 970 creates a new categorical bar on access to public information. This is the camel’s nose under the tent—if the General Assembly begins carving out exemptions public information access, soon body cameras will be a tool of surveillance instead of accountability; unless communities have access to footage, it cannot be a mechanism for accountability.

The PIA currently has robust privacy protections and other necessary safeguards

Currently, the PIA provides adequate discretion to custodians to deny release of sensitive information or images. Custodians may deny requests for information if disclosure would be an unwarranted invasion of personal privacy; endanger the life or physical safety of an individual; or interfere with a valid and proper law enforcement proceeding. Custodians have long employed these exemptions to shield sensitive materials from disclosure and can apply these principles to body camera footage.

Custodians have the right and responsibility to redact sensitive footage

As with other documents—photographs, medical information, etc.—custodians can and should redact portions of body camera footage that ought not be released.

Not a single example exists to show that the current law is insufficient to protect sensitive footage

As noted above, the current PIA exemptions give sufficient guidance for shielding sensitive information from disclosure. The proponents of SB 970 cannot point to a single example of body camera footage being improperly released. This shows that the current law is working.

For these reasons, we respectfully urge an unfavorable vote on SB 970.

Sincerely,

ACLU of Maryland

CASA

League of Women Voters of Maryland

Libertarian Party of Maryland