



## House Bill 308

### *Public Safety – Law Enforcement Officers – Video Cameras*

MACo Position: **SUPPORT**

To: Judiciary Committee

**WITH AMENDMENTS**

Date: March 12, 2015

From: Natasha Mehu and Leslie Knapp, Jr.

The Maryland Association of Counties **SUPPORTS** HB 308 **WITH AMENDMENTS**.

This bill balances state and local interest by authorizing law enforcement agencies to use body cameras and requiring the agencies to establish policies for use. MACo suggests the bill be amended to address concerns regarding the retention and availability of the video records.

MACo supports the ability for local law enforcement agencies to equip their officers with body cameras. The use of body cameras has the potential to aid police and community relations by creating trust and ensuring accountability. HB 308 sets a basic framework that authorizes the use of body cameras and appropriately requires individual law enforcement agencies to develop the policies and procedures for utilizing the technology. Importantly, the bill includes provisions that make it lawful for an officer to capture audio with the video recordings under the State's Wire Tapping and Electronic Surveillance Act.

HB 308 requires a law enforcement agency to preserve any video recordings for at least 30 days. MACo believes that the specifics of this retention policy should remain a local matter, rather than laid out in one uniform statewide law.

To fairly respect citizen privacy, HB 308 should also be amended to ensure that while these recordings are available to directly affected parties, they should not be subject to broad public record requests. Wide public access to video recordings can create unwarranted invasions of citizen privacy, including matters totally unrelated to the actual police activity. These recordings can be easily and widely disseminated on the internet or through social media to embarrass or retaliate against recorded subjects, who may or may not be related to an investigation or guilty of any crime. Additionally, "fishing expeditions" can be costly and time-consuming, burdening agencies' resources and taking time away from law enforcement activities. Recordings should only be available upon request to individuals involved in a

recorded police interaction, relatives of an individual who became deceased during the filming of an interaction, or to court authorities as part of a legal investigation.

The use of body-worn cameras can benefit law enforcement and the communities they protect. MACo supports the effort to develop a framework for the use of body cameras, but respectfully requests the bill be amended to alleviate concerns over the retention and availability of camera recordings. For these reasons, MACo requests a **FAVORABLE WITH AMENDMENTS** report on HB 308.