



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judicial Proceedings Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: **HB 162 – Public Safety - Law Enforcement - Body-Worn Cameras**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 162 WITH AMENDMENTS. This bill would assist law enforcement agencies with the procurement of body-worn cameras and the on-going costs of operating, maintaining, and storing body-worn cameras and footage.

MCPA and MSA appreciate the support of the sponsor to assist with funding and maintaining a body-worn camera and offers the following suggested amendments to improve the bill.

1. §3-105 – Disciplinary Matrix – The bill states the model uniform disciplinary matrix is to address misconduct related to the improper use of body-worn cameras. These types of infractions are typically related to internal complaints. As amended last session by Chapter 59, Acts of 2021, §3-105 appears to apply to external complaints coming from members of the public. This section should be clarified to make it clear the disciplinary matrix would apply to both internal and external complaints.
2. §3-511 Definition of Law Enforcement Agency – Amend definition as it applies to the new body-worn camera requirements/program and storage and access system in 3-511.1 – 3-511.6 to specify that the provisions of this bill apply only to those law enforcement agencies that agree to participate in the State run program. This would establish the program as an opt-in and not affect those agencies that currently have body-worn camera programs in place.
3. §3-511.1 Technical Specifications and Capabilities – Add language to require DPSCS, DoIT, and MPTSC to collaborate with local law enforcement agencies to determine the technical specifications and capabilities required when procuring body-worn cameras and

storage and access systems for those law enforcement agencies that opt-in to the State program. This approach would ensure law enforcement agencies are able to acquire certain proprietary features i.e. body-worn cameras that automatically activate the camera when a firearm is drawn from a holster; when a Taser is turned on, when an arc is displayed and when probes are deployed; and when a vehicle's emergency equipment is turned on.

4. §3-511.2 Custodian or Records - Add language to clarify the law enforcement agency participating in the program will still be the custodian of the record/data, respond to MPIA requests, be responsible for redacting, and the transfer of video footage to the State's Attorney office. This will ensure the release of body-worn camera footage does not interfere with an investigation.
5. §3-511.3(2) Ongoing Operating Costs – It is not clear what is meant by “Ongoing Operating Costs” associated with the program. Would this be upkeep for equipment and ongoing maintenance of the storage and access system, or would it include funding for two cameras per officer, staffing to perform redacting, manage MPIA requests, and system audits. This language should be clarified in the bill.
6. §3-511.3 Promulgation of regulations - Add (3) DPSCS, working in collaboration with law enforcement agencies, shall promulgate regulations to implement this section. This would provide clear guidance on the costs and expenses the State for which the State is responsible with respect to body-worn camera programs.
7. §3-511.4 Delete this section and replace it with the language in SB 31 – SB 31 has broad support from the law enforcement and advocate community, ensures police officer accountability and transparency, and includes victim protections. This committee voted the bill favorable last year.

For these reasons, MCPA and MSA SUPPORT HB 162 and urge a FAVORABLE WITH AMENDMENT Committee report.