



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

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**BILL: HOUSE BILL 429**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill would require a law enforcement officer to wear a body worn camera (BWC) regardless of whether or not the law enforcement officer is in uniform or plain clothes; carries a firearm as part of the law enforcement officer's official duties, or carries a firearm issued by a law enforcement agency while off duty and in public.

### Comments:

- The Department of Public Safety and Correctional Services' (Department) Investigative and Intelligence Division (IID) consists of law enforcement officers who conduct criminal and administrative investigations into allegations of serious misconduct within the Department. In addition to conducting investigations within statutory authority, the agency is the Department's liaison with allied federal, state, and local law enforcement agencies, providing investigative services and support.
- The Department employs approximately 90 law enforcement officers within IID and who are able to carry their Department assigned weapons off-duty.
- This bill is contradictory in that it prescribes the conditions for when a law enforcement officer shall wear a BWC under (c) (1) and (2) including:
  - when they interact regularly with the public regardless of whether they are in uniform or plain clothes;
  - when carrying a firearm as part of their official duties; or
  - when carrying a firearm issued by a law enforcement agency while off duty and in public.and in (d) (2) the bill has language stating that the law enforcement agency shall develop and maintain a written policy that shall specify WHEN law enforcement officers employed by the agency are required to use BWCs.
- As written, the bill determines when the BWC shall be worn while the employing agency shall determine when it is actually activated.

- Requiring officers to wear BWCs at all times when they are carrying a law enforcement agency issued firearm presents serious safety concerns for law enforcement officers. When carrying a firearm off-duty, the firearm is concealed. A BWC is not, thus making the officer a target.
- Additionally, requiring an officer to wear a BWC at all times when carrying a Department issued firearm interferes with covert and other special operations conducted by officers. It would be impossible and dangerous for an officer to try to work in a covert capacity while wearing a BWC as required by this bill.
- The bill is also overreaching as requiring a BWC to be worn off-duty may result in the officer being considered on-duty and would result in a requirement for the Department to pay overtime.
- **CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 429.