



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 21, 2024

RE: **SB 661 Public Safety – Law Enforcement – Use of Body-Worn Cameras**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 661 WITH AMENDMENTS**. This bill would require each sworn law enforcement officer, regardless of rank, to wear a body-worn camera while the officer is in uniform, in public, and while conducting law enforcement related duties.

MCPA and MSA fully support the use of body-worn cameras by law enforcement officers. However, both organizations are concerned about the broad nature of the bill. Command staff, many of whom do not currently wear body-worn cameras, would be required do so while in uniform, in public, and while conducting law enforcement related duties. These circumstances would include community meetings, conversations with constituents in the community, and testimony before public bodies. MCPA and MSA do not believe these are the types of situations the bill is trying to address and is therefore offering amendments to narrow the scope.

The amendments attached to this testimony define law enforcement encounter as “an encounter between an officer and a member of the public that is required to be recorded according to the policy on the use of body-worn cameras developed by the law enforcement agency.” The amendments then specify what types of encounters do not meet that definition to address the circumstances raised above. The amendments also give the option to the law enforcement agency to issue body-worn cameras to the agencies command staff or sworn officers who do not regularly engage in law enforcement encounters.

MCPA and MSA respectfully request the Committee issue a **FAVORABLE** report on SB 661 **WITH AMENDMENTS**.

§ 3-511. Development and publication of policy for issuance and use of body-worn camera by law enforcement officer.

(a) In this section, **THE FOLLOWING WORDS HAVE THE MEANING INDICATED:**

(1) “law enforcement agency” has the meaning stated in § 3-201 of this title.

(2) (i) “LAW ENFORCEMENT RELATED ENCOUNTER” MEANS AN ENCOUNTER BETWEEN AN OFFICER AND A MEMBER OF THE PUBLIC THAT IS REQUIRED TO BE RECORDED ACCORDING TO THE POLICY ON THE USE OF BODY-WORN CAMERAS DEVELOPED BY A LAW ENFORCEMENT AGENCY IN ACCORDANCE WITH SUBSECTION (d) OF THIS SECTION.

(ii) “LAW ENFORCEMENT RELATED ENCOUNTER” DOES NOT INCLUDE A CASUAL GREETING GIVEN TO THE PUBLIC, AN ENCOUNTER IN WHICH A MEMBER OF THE PUBLIC SEEKS INFORMATION SUCH AS DIRECTIONS OR OTHER GENERAL INFORMATION, OR ANY OTHER INTERACTION THAT IS NOT REQUIRED TO BE RECORDED ACCORDING TO THE POLICY ON THE USE OF BODY-WORN CAMEARS DEVELOPED BY A LAW ENFORCEMENT AGENCY IN ACCORDANCE WITH SUBSECTION (d) OF THIS SECTION.

(b) On or before January 1, 2016, the Maryland Police Training and Standards Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by a law enforcement officer that addresses:

- (1)** the testing of body-worn cameras to ensure adequate functioning;
- (2)** the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer’s shift;
- (3)** when recording is mandatory;
- (4)** when recording is prohibited;
- (5)** when recording is discretionary;
- (6)** when recording may require consent of a subject being recorded;
- (7)** when a recording may be ended;
- (8)** providing notice of recording;
- (9)** access to and confidentiality of recordings;
- (10)** the secure storage of data from a body-worn camera;
- (11)** review and use of recordings;
- (12)** retention of recordings;
- (13)** dissemination and release of recordings;

- (14) consequences for violations of the agency's body-worn camera policy;
- (15) notification requirements when another individual becomes a party to the communication following the initial notification;
- (16) specific protections for individuals when there is an expectation of privacy in private or public places; and
- (17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers.

(c)

(1)

(i) This paragraph applies to:

1. the Department of State Police;
2. the Anne Arundel County Police Department;
3. the Howard County Police Department; and
4. the Harford County Sheriff's Office.

(ii) [On or before July 1, 2023, a] **A law enforcement agency to which this paragraph applies shall require the use of body-worn cameras, subject to the policy on the use of body-worn cameras developed by the law enforcement agency, by each **SWORN** law enforcement officer employed by the law enforcement agency [who regularly interacts with members of the public as part of the law enforcement officer's official duties] **WHILE THE OFFICER IS IN UNIFORM, IN PUBLIC, AND ~~CONDUCTING LAW ENFORCEMENT-RELATED DUTIES~~ ENGAGED IN A LAW ENFORCEMENT ENCOUNTER.****

(2) On or before July 1, 2025, a law enforcement agency of a county, other than a law enforcement agency described in paragraph (1) of this subsection, shall require the use of body-worn cameras, subject to the policy on the use of body-worn cameras developed by the law enforcement agency, by each **SWORN** law enforcement officer employed by the law enforcement agency [who regularly interacts with members of the public as part of the law enforcement officer's official duties] **WHILE THE OFFICER IS IN UNIFORM, IN PUBLIC, AND ~~CONDUCTING LAW ENFORCEMENT-RELATED DUTIES~~ ENGAGED IN A LAW ENFORCEMENT ENCOUNTER.**

(3) THIS SUBSECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO, OR PROHIBIT A LAW ENFORCEMENT AGENCY FROM, ISSUING BODY-WORN CAMERAS TO SWORN MEMBERS OF THE AGENCY'S EXECUTIVE COMMAND STAFF OR SWORN OFFICERS WHO DO NOT REGULARLY ENGAGE IN LAW ENFORCEMENT ENCOUNTERS.

(d)

(1) A law enforcement agency described in subsection (c) of this section shall develop and maintain a written policy consistent with the policy published by the Maryland Police Training and Standards Commission under subsection (b) of this section for the use of body-worn cameras.

- (2)** A policy developed and maintained under paragraph (1) of this subsection shall specify which law enforcement officers employed by the law enforcement agency are required to use body-worn cameras.
- (e)** A body-worn camera that possesses the requisite technological capability shall automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.
- (f)** A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with this section through collective bargaining.