



HARFORD COUNTY SHERIFF'S OFFICE

COURAGE HONOR INTEGRITY

House Bill 707 - Information

Public Safety-Law Enforcement-Use of Body Worn Cameras

Letter of information to the House Judiciary Committee

February 27, 2024

Mr. Chairman and Members of the House Judiciary Committee, I am pleased to submit this letter of information concerning House Bill 707.

During the 2015 session the Maryland General Assembly passed legislation permitting law enforcement officers, in the course of their regular duty to intercept oral communications with a body worn digital recording device. After passage of this legislation, the GOCCP established the Body Worn Camera Commission chaired by Retired Federal Chief Judge Frederic Smalkin, and comprised of all relevant stakeholders in order to develop regulations on how a body worn camera program would be administered.

In 2021, the Maryland General Assembly passed legislation providing a timeline as to when all Maryland law enforcement agencies would be required to equip deputies and police officers with body cameras. Since that time the Body Worn Camera Commission has issued guidance, and the Maryland Police Training and Standards Commission has developed model policies giving agencies guidelines on administering their Body Worn Camera programs. Agencies throughout the State of Maryland have paid millions of dollars for new equipment, storage, and additional personnel to meet the legal requirements and establish programs. In short, the body worn camera programs that have taken nearly a decade to establish and have now been established statewide, and in my view, seem to be working as planned.

House Bill 707 seeks to make significant changes to a well thought-out and designed program that took years to get off the ground. This proposed legislation changes established definitions, adds significant unnecessary costs to agencies and requires those with strictly administrative functions and executive managers to be required to have wear body cameras.

After hearing the testimony on the Senate version of the Bill, I wanted to provide the Committee with information that I believe is very relevant when deciding to vote favorable or unfavorable. Supporters believe that individuals holding the below ranks would now be required to be issued and wear body cameras when they are conducting “law enforcement activities.” A very generic term that could be interpreted as something so broad as to be recording a conversation with delegate or senators, or other elected officials when discussing topics in the law enforcement realm.

It is my view that since the Maryland Police Training and Standards Commission does not recognize these executive level positions as “Police Officers,” this legislation should not apply to those serving in such a role. The definition of a law enforcement officer in Maryland is:

Maryland Public Safety Code 3-201, which clearly states:

"Police officer" does not include:

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority;

The positions mentioned above are executive level managers who perform supervisory roles and whose duties are nearly fully administrative.

Furthermore, Sheriffs are elected officials who are placed into their position by the voters of the County, much like each of you, and mandating that another elected official wear a body camera could create significant challenges as well as setting a concerning precedent.

I am hopeful that the Committee will review these challenges before deciding on House Bill 707.

Respectfully offered,

Sheriff Jeffrey R. Gahler