

BaltimoreCounty_FAV_SB0583.pdf

Uploaded by: Conner, Charles

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 583**

TITLE: Law Enforcement – Body–Worn Cameras – Capabilities

SPONSOR: Senator Hettleman

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: February 17, 2021

Baltimore County **SUPPORTS** Senate Bill 583 – Law Enforcement – Body–Worn Cameras – Capabilities. This legislation would require that a body-worn camera automatically record and save two minutes of audio and video footage prior to the officer activating the device.

County Executive Olszewski highly values body-worn cameras as an effective means of gathering data when investigating the circumstances of an incident. As such, the Baltimore County Police Department currently follows this procedures prescribed by SB 583. Local governments, civilians, and law enforcement officers across the State support the use of body-worn cameras because they can provide context and an outline of events if an encounter is called into question.

Baltimore County strives to promote transparency and accountability throughout local government. Direct footage of interactions between law enforcement and civilians contributes invaluable evidence for a variety of investigations which hold the responsible parties accountable and keep the public informed. By providing a mechanism that automatically saves footage from the 2 minutes prior to activation, SB 583 ensures that matters under review are given proper context.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 583. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

LoS - LEO Body Camera 2 Minute Recording.pdf

Uploaded by: Dove, Spencer

Position: FAV

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



Officers

Alvin O. Gillard, Executive Director
Nicolette Young, Assistant Director
Glendora C. Hughes, General Counsel

Governor
Larry Hogan
Lt. Governor
Boyd K. Rutherford
Commission Chairperson
Gary C. Norman, Esq.
Commission Vice Chairperson
Roberto N. Allen, Esq.
Commissioners
Allison U. Dichoso, Esq.
Hayden B. Duke
Janssen E. Evelyn, Esq.
Eileen M. Levitt, SPHR, SHRM-SCP
Rabbi Binyamin Marwick
Jeff Rosen
Gina McKnight-Smith, PharmD, MBA

February 17, 2021

Senate Bill 583 – Law Enforcement – Body–Worn Cameras – Capabilities **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 583 requires the Maryland Police Training & Standards Commission to develop a policy for all law enforcement units in Maryland regarding automatically recording and saving 2 minutes of audio and video footage immediately prior to the officer activating the record button of the device. As a matter of policy, MCCR supports the use of body-worn cameras by law enforcement officers while on duty or when responding to an incident. With the proper protocols in place, body-worn cameras can be an effective tool at capturing the crucial evidence of misconduct needed to hold offending officers accountable. The cameras can not only protect citizens from harm, but also protect officers who are carrying out their duties by the letter of the law and applicable procedure.

Because of this, the Maryland Commission on Civil Rights urges a favorable vote on SB583. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

sb 585 body cam capabilities.pdf

Uploaded by: Fraser, Stanford

Position: FAV



POSITION ON PROPOSED LEGISLATION

Bill: SB 583 Law Enforcement – Body–Worn Cameras – Capabilities

Position: Favorable

Date: February 17, 2021

Dear **Judicial Proceedings Committee**:

The Maryland Office of the Public Defender supports SB 727, because it is common sense legislation necessary to rebuild community trust in law enforcement. In the midst of social unrest of this past year following these untimely deaths, the consensus for police accountability and transparency only continues to grow.

In practice, most police agencies require their body camera system to save 30 seconds, without audio, before an officer turns on their body camera. Our office has discovered exculpable and mitigating evidence in the 30 seconds of pre recording from body cameras. But these cameras have capabilities to record up to 2 minutes before officers activate their body camera. And had the ability to record audio during those two minutes as well. Changing those capabilities would increase the transparency & accountability provided by body cameras.

Additionally, there have been multiple use of force incidents where the camera doesn't capture the entire police interaction. For example, when police officers killed 21-year-old Duncan Lemp during the execution of a no-knock warrant in March of last year, their body cameras weren't turned on until after Lemp's death. If their body cameras instead recorded 2 minutes prior to being activated, we could have had more information around the circumstances of Lemp's killing. The

For further information please contact Krystal Williams, Director, OPD Government Relations Division, by phone at 443-908-0241 or by email at krystal.williams@maryland.gov.

tragic killing of Duncan Lemp is only one example of how this bill would provide more accountability in policing.

For these reasons the Office of the Public Defender supports a favorable report on this bill.

SB583_FAV_Soderberg.pdf

Uploaded by: Soderberg, Brandon

Position: FAV

Brandon Soderberg, reporter, coauthor of *I Got A Monster: The Rise and Fall of America's Most Corrupt Police Squad*

Re: Senate Bill 583

It's a little strange to be a reporter discussing a bill in this capacity—and that's why I have decided to do it. Reporters are supposed to be impartial and never weigh in—as if the things they learn reporting aren't allowed to stick with them. But if a reporter's work can change the hearts and minds of readers, it makes sense the reporting would change the heart and mind of the reporter too.

I am speaking in support of SB 583 because what I have realized over the last four years of talking to people victimized by Baltimore Police Officers and watching body camera footage of police misconduct is this: Body worn cameras make it harder for out of control police officers to lie, beat, and steal.

Adding the ability to see 120 seconds prior to the camera being turned on, as Senate Bill 583 says, would make it even harder for out of control cops to lie, beat, and steal.

Let's begin with one of the more infamous body-worn camera incidents in Baltimore. It involved a 2017 of an arrest where it appeared a Baltimore Police officer planted drugs. When the public defender's office viewed body worn camera footage of this drug seizure, they realized that the previous 30 seconds recorded and saved once an officer hits record revealed what appeared to be an officer planting drugs, then hitting "record" on his body worn camera to capture himself "finding" those drugs—the drugs that it sure did seem like he had just planted.

At the time, the claim by the police was that it was not an example of planting evidence but rather an officer "recreating" the discovery of evidence that the officer had not recorded when he discovered it.

A body worn camera automatically recording and saving two minutes rather than 30 seconds prior to the camera being turned on would have provided some additional clarification.

In another incident I have seen, it seemed painfully obvious that a police officer coached someone on what to say when they were recorded. A man, his face swollen almost beyond recognition declared, on-camera, that he ran and fell, the police did nothing to him. Whatever happened before the recording began, I think, would have been a bit more difficult to set-up and sustain for two whole minutes as opposed to just 30 seconds.

And consider this: When body cameras were introduced to the Baltimore Police Department, the prospect of having to wear them struck fear in some of the embattled department's worst cops.

Let's discuss an August 2016 stop that involved members of the Gun Trace Task Force. They claimed they stopped a man for not wearing his seat belt. They claimed they then searched his car and found cocaine and a gun in the car.

By the time the body camera was turned on, however, the victim had been taken out of the car. The gun and drugs had already been "discovered."

The officer turned on his body camera mid-Mirandization. As a result, the camera missed the nature of the stop and even the 30-second rewind only revealed the start of that mirandization.

The man who was arrested protested on camera that while he was not wearing his seatbelt, it was only because he was driving from a gas pump to an air pump.

Here is a brief video I made for [an art exhibition](#) that details the full extent of this disturbing arrest: <https://www.youtube.com/watch?v=IViO5wZLyII>

Before you watch that video, recall what I said is not captured on the body camera: the stop and initial detainment of the man in the video. And because we don't see any of that, it became the police officers' words against the man's words in court.

The other reason this incident is important is because the police did a number of illegal things later on when they *thought* the body camera was turned off. This is significant because it shows you how police operate when they think they aren't being recorded. They joke about hitting a man. They mock him for believing the 4th Amendment would actually protect him. They drive to the man's house and get into his house and search it without a warrant.

If you have some additional time, you may want to view this other video I made, detailing the police stopping a man by crashing into his car and then seizing cocaine which they then took and sold: <https://www.youtube.com/watch?v=MMGcELT3XwI>

A body camera alone cannot stop that degree of corruption, a questionable or downright illegal police stop would be illuminated by having access to more footage before that officer hit record.

It would be much harder to begin orchestrating such a complicated ruse if two minutes were captured. Two minutes will be more informative than 30 seconds. I

This is an incremental increase in transparency.

We all spent the summer watching our Twitter feeds fill up with footage of police officers attacking people protesting police violence, only to see police departments tell you that what you saw in these videos was not actually what you saw. In other words, we know police officers and police departments are willing to lie.

And I know that police officers turn their cameras off at opportune times or conveniently forget to turn them on. They position them in a way where you can't see what their hands are doing. They swing them around so you see a blur instead of their partner's fist meeting someone's face. This bill won't stop any of that. Other bills can try and do that. Body cameras, as the ACLU and others have warned, are not a panacea. Indeed, for the most part, body cameras further surveil the most surveilled Americans, but—and this is a significant but—police have them strapped to their chests already and some of the worst police do not like them already.

Making it a bit more difficult for police to control the footage by expanding what is recorded to two minutes, simply makes sense.

MCPA-MSA_SB 583 Body-Worn Camera-Capabilities_Supp

Uploaded by: Mansfield, Andrea

Position: FWA



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Chief 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: February 17, 2021

RE: **SB 583 Law Enforcement – Body-Worn Cameras - Capabilities**

POSITION: **SUPPORT WITH AMENDMENT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 583 WITH AMENDMENTS**. This bill requires the Maryland Police Training and Standards Commission to develop a policy to require law enforcement agencies, to purchase or procure body-worn cameras that have the capability to automatically record and save 2 minutes of audio and video footage immediately prior to the officer activating the record button on the device.

MCPA and MSA support the use of body-worn cameras by officers assigned to patrol officer and certain special duty assignments involving regular contact with the public. Best practices established by the International Association of Chiefs of Police and the Police Executive Research Forum recommend and support automatically recording and saving the previous 30 seconds of video once the camera is activated. The MCPA and MSA are concerned that two minutes is a significant period of time and audio/video captured may inadvertently and unnecessarily impose on privacy rights of officers and community members involved in non-enforcement activity. Further, it is a significant amount of footage to be redacted and stored potentially increasing agency expenses.

For these reasons, MCPA and MSA **SUPPORT SB 583 WITH AMENDMENTS** and urge a **FAVORABLE** report as amended.

2021 SB583 BWC Capabilities - FOP Oppose.pdf

Uploaded by: consoli, angelo

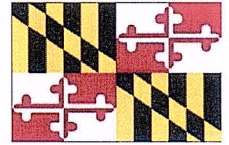
Position: UNF



CLYDE BOATWRIGHT
STATE PRESIDENT

Maryland State Lodge
FRATERNAL ORDER OF POLICE

8302 COVE ROAD, BALTIMORE, MD 21222



KENNY SCHUBERT
SECRETARY

EARL KRATSCH
TREASURER

February 15, 2021

Senate Bill 583-Law Enforcement-Body Worn Cameras-Capabilities

Dear Chairman Smith, Vice Chairman Waldstreicher, and Distinguished Members of the Senate Judicial Proceedings Committee,

The Maryland State Fraternal Order of Police **OPPOSES** Senate Bill 583 **Law Enforcement-Body Worn Cameras-Capabilities**.

Currently as it stands, body worn cameras buffer and upon activation, add to any recording, 30 seconds of audio and video footage. An officer will usually activate the BWC prior to any confrontation; However, upon the incident that is instantaneous, and requires activation after the interaction has begun, that 30 second buffer is more than enough time to capture any information that is needed to see what might have started the interaction prior to activation. A 2 minute buffer time would be extremely long period of time and could also infringe on an officers privacy. For example, for many officers the bathroom is located in a position that within 2 minutes they could be outside of the station or in a holding cell. If a confrontation occurs before 2 minutes from the time the officer left the bathroom the officer will then have recorded private moments captured and on the record. For Officers, their vehicles are their office. A conversation on the phone with family or other private matters, or in person private conversations with other officers could occur. If less than 2 minutes passes before an officer has to activate their BWC, those private conversations will now be a permanent part of that recording an infringe on the privacy rights of that officer.

Additionally, the mandate that will be put in place if this bill were to pass would increase substantially the costs incurred with maintaining the storage for the extra 90 second buffer. This new buffer would be 3 times the current 30 seconds. There are already very significant costs associated with storing the hundreds of thousands to millions of police interactions that many agencies will have to store. To increase the storage by an additional 90 second buffer would make that cost increase exponentially and become cost prohibitive for many if not all agencies.

The current process of capturing a 30 second buffer prior to the activation has been extremely successful. There has been no information provided that allowing a two-minute buffer prior to activation will increase reports of police negatively interacting with citizens. For these reasons, the Maryland Fraternal Order of Police **OPPOSES** Senate Bill 583 **Law Enforcement-Body Worn Cameras-Capabilities** and we respectfully ask for an **UNFAVORABLE** report.

Angelo L. Consoli Jr.,

Second Vice President – FOP, Maryland State Lodge
President, FOP Lodge 89, Prince George's County

SB 583 - BWC Capabilities.pdf

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB 583
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 583
BODY WORN CAMERAS – CAPABILITIES

I write in opposition to Senate Bill 583 requiring that body cameras record two minutes of audio and video prior to the record button being activated.

Baltimore County currently has a Body Worn Camera (BWC) program. Approximately 1,400 BWC are on the streets in Baltimore County. The BWC currently records 30 seconds of video only prior to the record button being pushed. My office has 15 full time Evidence Technicians preparing these videos for discovery filings and courtroom display. We barely are able to keep up with the current workload.

Adding 90 seconds of more video and two minutes of more recorded audio will include a lot of information and recordings which are not related to a case. My office is responsible for reviewing all of it and to make sure that personal information of an individual is not disseminated to a criminal Defendant which could endanger that person or their right to privacy.

Adding 90 seconds to the videos will require extra staff for my office. In 2020, the Baltimore County Police Department uploaded 552,619 videos/photos from body cameras. Adding 90 seconds to 552,619 videos from the BWC will greatly increase storage and require my staff to review more footage to shield personal and sensitive information.

While I candidly admit my office does not view all 552,619 videos, we do handle over 40,000 cases per year almost all coming with videos. Often there are more than one BWC at the scene so adding 90 more seconds will require additional work. Even if there is only 1 BWC at each of my cases that would be 3,600,000 seconds added to our workload. That is 60,000 minutes or 1,000 hours. I cannot handle this with my current funding and staff.

This is an unfunded mandate. I urge an unfavorable report.

MD SB 583 Axon Testimony v3.pdf

Uploaded by: Mayhew, Kim

Position: INFO



17800 N 85TH STREET
SCOTTSDALE, ARIZONA 85255

AXON.COM

SB 583 - Informational
Laken Ferreira
Axon Enterprise, Inc.
lferreira@axon.com

SB 583 – Law Enforcement – Body–Worn Cameras – Capabilities
Senate Judicial Proceedings Committee
February 17, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

On behalf of Axon Enterprise, Inc. (“Axon”) I would like to first thank the committee for the opportunity to be a resource for SB 583. Axon is the industry leader in the body-worn camera and digital evidence management market. Our mission is to protect life and our network is constantly evolving to bring increased transparency and accountability to public safety.

SB 583 requires that body-worn cameras automatically record and save two (2) minutes of audio and video footage immediately prior to a camera recording. Axon’s body-worn cameras are capable of this requirement. Axon’s body cameras have two (2) operating modes; Buffering mode and Recording mode.

- Buffering mode provides pre-event buffering to capture activities that occur prior to the user activating the Recording, or Event, mode.
- An agency can configure the camera’s settings in its Axon Evidence (evidence.com) account, including setting the pre-event buffering duration for up to 2 minutes total, which can record audio as well as video. The agency’s Axon body-worn camera settings are downloaded and set in the camera when docked in the Axon Dock.
- The majority of agencies who use Axon body-worn cameras default to 30 second, video-only pre-event buffer, which is the factory default setting.

Additional information around the cameras’s operating modes:

- When an officer powers on an Axon body camera it will automatically enter Buffering mode. When in Buffering mode the camera captures the set duration of video into volatile memory but does not record to permanent memory.
- When Recording (Event) mode is activated, the buffered video captured directly preceding the event is attached to the beginning of the event recording and saved to non-volatile (permanent) memory. This feature is intended to capture the video of the moments preceding an incident, for the set duration before a recording begins.
- To stop a recording, an officer must press and hold the Event button for three (3) seconds, which will return the camera to Buffering mode.
- To power off the camera, depending on the body-worn camera model in use, an officer must either slide the power switch or press and hold the power button for three (3) seconds.

Depending on an agency’s configuration, in addition to manual activation, other events or actions can automatically signal an officer’s body-worn camera to transition from Buffering to Recording mode. Axon offers auto-activation technology – Axon Signal – which allows for a recording device to start recording via several different means without an officer physically activating the recording and helps to ensure critical events are captured from start to finish. For example, body-worn cameras can be automatically transitioned from Buffering to Recording mode when an officer unholsters a firearm.

Thank you again for the opportunity serve as a resource.