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STATE PRESIDENT

# MARYLAND STATE LODGE FRATERNAL ORDER OF POLICE®

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KENNETH SCHUBERT  
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The Honorable William C. Smith Jr., Chairman  
Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East Wing  
11 Bladen St. Annapolis, MD 21401 -1991

Dear Chairman Smith,

I am writing on behalf of the Maryland State Lodge of the Fraternal Order of Police in opposition of Senate Bill 71 (Police Officers – Testimony – Presumption of Inadmissibility (Maryland Police Accountability Act))

While the Fraternal Order of Police applauds measures aimed at the strengthening of evidence collection, and those with a focus on victim rights, we cannot support legislation which seeks to create a rebuttable presumption that the testimony of a police officer be inadmissible in a criminal prosecution for failing to activate a body worn camera (BWC).

As you know, police officers have an incredibly difficult job. In many cases, officers must make split-second decisions to preserve life and property, apprehend suspects, assist victims, and preserve evidence. While rank and file members of law enforcement agencies are becoming accustomed to the wearing and operation of BWCs, a law which would eliminate the testimony of a police officer for failing to activate one is extreme.

Officers are already subject to departmental disciplinary action for failing to activate a BWC, and laws like this would only interfere with justice for the innocent victims we serve. Imagine an officer happening upon an assault in progress where, in an instant, the officer must make the decision to render aid to the victim rather than pursuing the fleeing suspect. During this spontaneous encounter the officer, surprised by what he/she saw, fails to activate his/her BWC. Supposing the only witnesses to the assault were the victim and the police officer, this law would deem the police officer's testimony during a criminal prosecution inadmissible – potentially denying justice for the victim.

Maryland's Legislature has duty to enact responsible laws – not just those which seek to punish police officers. The Legislature must consider the unintended consequences of anti-police legislation and the lasting affect it could have on those most vulnerable in our community. For these reasons, the Maryland Fraternal Order of Police must oppose SB71.

*Representing the Professional Police Officers of the State of Maryland*

Respectfully,

A handwritten signature in black ink, appearing to read 'W. R. Milam', with a stylized flourish at the end.

William R. Milam  
First Vice President