

# **SB558 Sen Sydnor Testimony for JPR.pdf**

Uploaded by: Charles E. Sydnor III

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony Regarding SB 558:  
Public Safety – Law Enforcement – Body-Worn Cameras  
Before the Judicial Proceedings Committee  
February 23, 2022**

Good afternoon Chair Smith, members of the Judicial Proceedings Committee,

The Maryland General Assembly has acknowledged the importance of moving forward in establishing a more formalized process to mandate the use of body-worn cameras by law enforcement agencies throughout the state. In the past two sessions, several bills have been presented to mandate the use of body-worn cameras to promote accountability and transparency in police-civilian interactions<sup>1</sup>. In July 2020, the Law Enforcement Body Camera Task Force was formed by the General Assembly (HB739, Acts of 2020). The Task Force was charged with studying economical methods for the storage of video and audio recording resulting from the body-worn cameras and to report out recommendations while taking into account budgets of State, county, local, and campus law enforcement agencies. Senator Ready and I served on this Commission on behalf of the Senate.

Senate Bill 558 codifies the Task Force's recommendations identifying which Maryland state departments and/or commissions will have the responsibility and authority/funding to put in place statewide required equipment and software procurement, storage procedures, training requirements and audit capabilities. In summary:

- 1) The Maryland Police Training and Standards Commission has already been tasked with the development and adoption by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the state (as per).<sup>2</sup> SB 558 establishes that this Commission will also provide appropriate training in the use of equipment, cameras and associated software and technology needed by law enforcement agencies to effectively utilize these assets.
- 2) The Maryland Department of General Services in coordination with the Department of Information Technology and the Maryland Police Training and Standards Commission will negotiate contracts to acquire body-worn cameras, equipment and technology needed for this statewide program. Additionally, a statewide uniform storage and access system for the resulting data will be identified to allow for the storage, viewing, editing, redacting, and transfer of data in the most cost effective manner possible.

<sup>1</sup> See Chapters 59 and 60 of the Acts of the General Assembly of 2021.

<sup>2</sup> Article – Public Safety, Section 3-105 Annotated Code of Maryland

- 3) The Maryland Department of General Services will be responsible for all costs and expenses associated with the use of body-worn cameras by all law enforcement agencies.
- 4) The Maryland Police Training and Standards Commission will develop and publish online the policy for disclosure of body-worn camera recordings and data to the public to promote transparency, accountability and to maintain individual privacy.
- 5) The Maryland Police Training and Standards Commission will conduct audits to evaluate the implementation of body-worn camera policies and the use of associated equipment and technology – the scope and objectives will be determined by the Commission.
- 6) This act shall apply prospectively and may not affect any contract related to body-worn cameras negotiated before the effective date of this Act.

Senate Bill 558 is an important next step in implementing a much needed program that will provide our law enforcement agencies with appropriate state-funded technological tools, while also improving public safety.

For the aforementioned reasons, I ask that SB 558 be reported out favorably.

# **MCPA-MSA\_SB 558 Body-Worn Cameras\_Support with Ame**

Uploaded by: Andrea Mansfield

Position: FWA



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

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

**FROM:** Chief of Staff 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 23, 2022

**RE:** **SB 558 – Public Safety – Law Enforcement – Body-Worn Cameras**

### **POSITION: SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 558 WITH AMENDMENTS**. This bill would assist law enforcement agencies with the procurement of body-worn cameras and the on-going costs of operating, maintaining, and storing body-worn cameras and footage.

MCPA and MSA appreciate the support of the sponsor to assist with funding and maintaining a body-worn camera and offers the following suggested amendments to improve the bill.

1. §3-105 – Disciplinary Matrix – The bill states the model uniform disciplinary matrix is to address misconduct related to the improper use of body-worn cameras. These types of infractions are typically related to internal complaints. As amended last session by Chapter 59, Acts of 2021, §3-105 appears to apply to external complaints coming from members of the public. This section should be clarified to make it clear the disciplinary matrix would apply to both internal and external complaints.
2. §3-511 Definition of Law Enforcement Agency – Amend definition as it applies to the new body-worn camera requirements/program and storage and access system in 3-511.1 – 3-511.6 to specify that the provisions of this bill apply only to those law enforcement agencies that agree to participate in the State run program. This would establish the program as an opt-in and not affect those agencies that currently have body-worn camera programs in place.
3. §3-511.1 Technical Specifications and Capabilities – Add language to require DPSCS, DoIT, and MPTSC to collaborate with local law enforcement agencies to determine the

technical specifications and capabilities required when procuring body-worn cameras and storage and access systems for those law enforcement agencies that opt-in to the State program. This approach would ensure law enforcement agencies are able to acquire certain proprietary features i.e. body-worn cameras that automatically activate the camera when a firearm is drawn from a holster; when a Taser is turned on, when an arc is displayed and when probes are deployed; and when a vehicle's emergency equipment is turned on.

4. §3-511.2 Custodian or Records - Add language to clarify the law enforcement agency participating in the program will still be the custodian of the record/data, respond to MPIA requests, be responsible for redacting, and the transfer of video footage to the State's Attorney office. This will ensure the release of body-worn camera footage does not interfere with an investigation.
5. §3-511.3(2) Ongoing Operating Costs – It is not clear what is meant by “Ongoing Operating Costs” associated with the program. Would this be upkeep for equipment and ongoing maintenance of the storage and access system, or would it include funding for two cameras per officer, staffing to perform redacting, manage MPIA requests, and system audits. This language should be clarified in the bill.
6. §3-511.3 Promulgation of regulations - Add (3) DPSCS, working in collaboration with law enforcement agencies, shall promulgate regulations to implement this section. This would provide clear guidance on the costs and expenses the State for which the State is responsible with respect to body-worn camera programs.
7. §3-511.4 Delete this section and replace it with the language in SB 31 – SB 31 has broad support from the law enforcement and advocate community, ensures police officer accountability and transparency, and includes victim protections. This committee voted the bill favorable last year.

For these reasons, MCPA and MSA SUPPORT SB 558 and urge a FAVORABLE WITH AMENDMENT Committee report.

**SB 558\_FAV\_MML.pdf**

Uploaded by: Bill Jorch

Position: FWA



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

TESTIMONY

February 23, 2022

**Committee:** Senate Judicial Proceedings

**Bill:** SB 558 - Public Safety - Law Enforcement - Body-Worn Cameras

**Position:** Support with amendments

**Reason for Position:**

The Maryland Municipal League supports Senate Bill 558 with amendments, which mandates that municipal police agencies equip their officers with body worn cameras and provides cost subsidies for their acquisition and ongoing use.

Broader use of police body cameras promotes transparency in public safety and about 40 out of the 88 municipal police agencies have already implemented them on their officers to some degree. While this bill does impose a mandate on municipal agencies, it also provides cost subsidies. Specifically, the bill requires the State to negotiate contracts to acquire body cameras, establish and administer a statewide storage system for all body camera footage, and cover all initial and ongoing costs associated with body worn camera programs. The cost assistance is of great impact to municipal police agencies that would be required to use these devices, but there are a few important changes to the bill MML suggests through amendments, which have been shared with the Sponsor.

- Allow for police agencies to participate in the State acquisition and storage programs at the discretion of the police agency
- Add language to mandate certain State agencies to collaborate with police agencies to determine the technical specifications and capabilities needed for equipment and storage
- Clarify that police agencies participating in the State storage program will remain the records custodian
- Substitute language from SB 31 as the framework for disclosing footage under the Public Information Act

The provisions in SB 558, with the proposed amendments, provide funding assistance for those agencies that want it and flexibility for those that do not, while fulfilling Statewide us of body worn cameras. For these reasons the League respectfully requests that this committee provide Senate Bill 558 with a favorable report with these critical amendments.

**FOR MORE INFORMATION CONTACT:**

Scott A. Hancock	Executive Director
Angelica Bailey	Director, Government Relations
Bill Jorch	Director, Research and Policy Analysis
Justin Fiore	Manager, Government Relations

**SB0558-JPR\_MACo\_SWA.pdf**

Uploaded by: D'Paul Nibber

Position: FWA



## Senate Bill 558

### *Public Safety - Law Enforcement - Body-Worn Cameras*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Judicial Proceedings Committee

Date: February 23, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS SB 558 WITH AMENDMENTS**. This bill would, among other provisions, require the State of Maryland to procure body-worn cameras, equipment, and technology for all law enforcement agencies, and establish and administer a statewide uniform storage and access system for all body-worn camera data captured.

During the 2021 Maryland General Assembly session, MACo opposed the body-worn camera mandate included as a piece of the Maryland Police Accountability Act. Law enforcement officials at every level of government raised concerns for two principal reasons: unanticipated and potentially significant costs; and the administrative burden of reviewing and redacting thousands of hours of sensitive footage. SB 558, as a follow-up to last year's broad police reform legislation, is a significant and important step toward addressing these concerns, as well as ensuring smoother implementation of the Police Accountability Act.

To account for the capital and resources already expended to stand up these programs, MACo requests SB 558 be amended in the following ways:

- Local agency opt-outs for both the acquisition of body-worn camera equipment and/or the State's storage system;
- Grants covering the costs of agencies that opt-out of the State's procurement of equipment and storage system; and
- Mandatory collaboration between the State and counties regarding the redaction of footage maintained at the state level, with final approval of footage release vesting in the local agency.

Some counties have begun implementing their body-worn camera programs and consideration for their forward-thinking efforts could also add to the equity under the bill.

These amendments would preserve autonomy for law enforcement agencies whose needs may be different from what the State envisions, and potentially prevent leaving behind early-adopter counties. For these reasons, MACo urges a **FAVORABLE WITH AMENDMENTS** report for SB 558.

# **Body cameras - add privacy - testimony - senate -**

Uploaded by: Lisae C Jordan

Position: FWA



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**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
mcasa.org

**Testimony Supporting Senate Bills 558 and 556 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 23, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. MCASA urges the Judicial Proceedings Committee to issue favorable reports on Senate Bills 558 and 556 with Amendments.

**Senate Bill 558 and 556 – Body Worn Cameras – Expansion and Training**

SB558 and SB556 address many aspects of the use of body-worn cameras by law enforcement including contracts for equipment, storage of footage, and costs of equipment. The bill also specifies that the Maryland Police Training and Standards Commission must develop and publish online a policy for the disclosure of body-worn camera recordings to the public. The policy shall consider several factors including individual privacy.

MCASA supports the bill with an **amendment that prohibits the release of body-worn camera footage depicting a victim or information that could identify a victim of sexual assault, child abuse, domestic violence, or elder abuse**. This amendment achieves an important balance between policy transparency, police accountability, and victim privacy. The amendment should also **require victim consent prior to any release of a body-worn camera footage to a third party outside the scope of a criminal or civil legal proceeding and notice of all requests for the video footage**. Senate Bill 31 contains strong provisions addressing these issues and could provide the source for these amendments or reported favorably on its own.

MCASA supports the use of body-worn cameras. In a 2015 survey, 88% of victims of sexual assault or domestic violence reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.<sup>1</sup> In that same survey, 83% of those surveyed thought police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously. Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police. The accountability and transparency created

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<sup>1</sup> [https://www.aclu.org/sites/default/files/field\\_document/2015.10.20\\_report\\_-\\_responses\\_from\\_the\\_field\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf)

by the use of body-worn cameras by law enforcement is an important part of increasing trust and confidence in law enforcement.

For victims of sexual assault to develop more trust and confidence in law enforcement it is critical for them to know that the body-worn camera recordings will not simply be released to the perpetrator or the public and that strong enforceable provisions be included in our laws.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 558 and Senate Bill 556 with Amendments**



**SB 558\_MNADV\_FWA.pdf**

Uploaded by: Melanie Shapiro

Position: FWA



**BILL NO:** Senate Bill 558  
**TITLE:** Public Safety - Law Enforcement - Body-Worn Cameras  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 23, 2022  
**POSITION:** **SUPPORT WITH AMENDMENTS**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report with amendments on SB 558.**

SB 558 addresses many aspects of the use of body-worn cameras by law enforcement including contracts for equipment, storage of footage, and costs of equipment. The bill also specifies that the Maryland Police Training and Standards Commission must develop and publish online a policy for the disclosure of body-worn camera recordings to the public. The policy shall consider several factors including individual privacy. MNADV supports the bill with an **amendment that prohibits the release of body-worn camera footage depicting a victim or information that could identify a victim of domestic violence or sexual assault.** This amendment achieves an important balance between policy transparency, police accountability, and victim privacy. The amendment should also **require victim consent prior to any release of a body-worn camera footage to a third party outside the scope of a criminal or civil legal proceeding and notice of all requests for the video footage.**

The ACLU states that “[i]t is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.”<sup>1</sup> Restrictions on the release of body-worn camera footage depicting victims of domestic violence and sexual assault are consistent with the recommendations from the 2015 Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers in Maryland.<sup>2</sup> It is also consistent with policy considerations generated from national

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<sup>1</sup> [https://www.aclu.org/sites/default/files/field\\_document/police\\_body-mounted\\_cameras-v2.pdf](https://www.aclu.org/sites/default/files/field_document/police_body-mounted_cameras-v2.pdf)

<sup>2</sup> <https://goccp.maryland.gov/wp-content/uploads/body-cameras-commission-final-report.pdf>

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)



experts during the International Association of Chiefs of Police 2017 National Forum on Body-Worn Cameras and Violence Against Women.<sup>3</sup>

MNADV supports the use of body-worn cameras. There is distrust between victims of domestic violence and law enforcement contributing to an overwhelming number of incidents of domestic violence going unreported. In a 2015 survey, 88% of victims of domestic violence or sexual assault reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.<sup>4</sup> In that same survey, 83% of the those surveyed thought police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously. Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police. MNADV believes that the accountability and transparency created by the use of body-worn cameras by law enforcement can help restore trust and confidence in law enforcement.

For victims of domestic violence to develop trust and confidence in law enforcement it is also critical for them to know that the body-worn camera recordings will not simply be released to the accused or the public. Due to the expansion of the use of body-worn cameras it is imperative that policies and laws be established to protect victims whose images and victimization are recorded by body-worn cameras. This includes prohibiting the release of footage depicting victims of domestic violence and sexual assault except for releases required by law due to a criminal or civil court proceeding and victim notification when a request for the body-worn camera footage is requested.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on SB 558.**

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<sup>3</sup><https://www.theiacp.org/sites/default/files/all/b/IACP%20Body%20Worn%20Camera%20Victim%20Consideration%20Brochure.pdf>

<sup>4</sup> [https://www.aclu.org/sites/default/files/field\\_document/2015.10.20\\_report\\_-\\_responses\\_from\\_the\\_field\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf)

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

**SB 0558\_Howard County SAO\_Fav with amendment\_2.22.**

Uploaded by: Rich Gibson

Position: FWA



PUBLIC SAFETY– LAW ENFORCEMENT- BODY WORN CAMERAS

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

SENATE BILL 0558

**POSITION: FAVORABLE WITH AMENDMENTS**

February 22, 2022

My name is Rich Gibson, I am the State's Attorney for Howard County and the President of the Maryland State's Attorneys' Association. Part of my obligations as State's Attorney is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to **SUPPORT** Senate Bill 0558 **with amendment**.

Last year laws were enacted that mandated body worn cameras (hereinafter BWC) for all law enforcement agencies throughout the state of Maryland by 2025. The Maryland State's Attorneys' Association and I fully support the statewide implementation of BWC. Now that BWC is required, Senate Bill 0558 attempts to put in place rules that will govern its implementation across the State. I agree and support the establishment of statewide minimum standards for the implementation of BWC. However, it is critical that those standards offer sufficient flexibility to meet the capabilities and needs of every community within our State. Furthermore, the policies put in place in Senate Bill 0558 must take into account the many jurisdictions throughout the State that have BWC programs already in place and

jurisdictions like Howard County, that have moved to put in place programs in advance of our 2023 mandate.

Specifically, sections 3-511(H), 3-511.1, and 3-511.2 are problematic in that the current proposed language would require the Police Training and Standards Commission (hereinafter referred to as PTSC) to negotiate contracts for the acquisition of BWC and requires that all cameras, equipment, and technology used by law enforcement agencies SHALL be integrated into a statewide uniform storage and access system. This language presents several problems. First, it is likely violative of the Article 1, Section 10, Clause 1 of the U.S Constitution, commonly referred to as the Contracts Clause. The Contracts Clause prohibits States from enacting laws that interfere with private contracts. In this instance, many local governments including Howard County, already have existing contracts previously negotiated with BWC service providers currently in place. Those contracts have defined terms of service and consequences for breach of the agreement between service provider and government entity receiving the service. If this bill, as currently drafted, were to pass it would result in the changing of the requirements of existing service providers to include compatibility with and use of different systems defined by the PTSC rather than the local government. In short it would disrupt the contracts for all jurisdictions that currently have BWC or are already in the process of implementing BWC Programs. I would suggest changing the “shall” language in aforementioned sections to “may” and explicitly making clear that the PTSC has the power to grant exceptions to this law provided the technology and services already in place in BWC Programs meet generic minimum thresholds.

An additional problem posed by the language in Section 3-511.2 is that as currently drafted it would require all BWC data be stored in a uniform statewide database. This ignores the fact that each law

enforcement agency within the State has unique language, identifiers, and codes for their particular system (e.g., In Baltimore City each case has a control number nine Alphanumeric digits referred to as a CC number identifying that particular case. In Howard County, each case has an investigative report number which is six or seven numbers depending on the time of year the incident occurred, referred to as an IR number). This process would also affect the custodian of records for the BWC information, which in turn could impact chain of custody testimony in court, MPIA/FOIA request, and record recovery. Moreover, having one database for all the BWC data in the State also presents security risk. BWC footage will be an essential element in vast majority of court cases and our discovery rules require prosecutor's offices to have safe and rapid access to the video. If we have one database and it were to crash or be hacked, it will lead to debilitating effects on the pursuit of justice for the entire State. One need look no further than our past experience with the Maryland Health Exchange, to see the dangers of centralizing an essential product. I request that section 3-511.2(A) be altered to the following:

**(A) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN COORDINATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, SHALL ESTABLISH STATEWIDE UNIFORM STORAGE MINIMUM STANDARDS FOR ALL BODY-WORN CAMERA DATA CAPTURED IN ACCORDANCE WITH § 3-511 OF THIS SUBTITLE. (B) THE STATEWIDE UNIFORM STORAGE AND ACCESS STANDARDS UNDER SUBSECTION (A) OF THIS SECTION SHALL: (1) ENABLE LAW ENFORCEMENT AGENCIES TO REMOTELY UPLOAD DATA FROM BODY-WORN CAMERAS IN AN EFFICIENT MANNER; (2) PROVIDE FOR AN ORGANIZED CATALOGING AND RETENTION OF BODY-WORN CAMERA DATA TO ENSURE EASE OF ACCESS AND MANAGEMENT; (3) ENABLE LAW ENFORCEMENT AGENCIES TO REMOTELY USE THE STATEWIDE UNIFORM STORAGE AND ACCESS SYSTEM TO VIEW, EDIT, REDACT, AND TRANSFER DATA FROM BODY-WORN CAMERAS; (4) BE CAPABLE OF ADAPTING TO THE**

**DIFFERENT SIZES AND NEEDS OF LAW ENFORCEMENT AGENCIES ACROSS THE STATE; AND (5) CONFORM TO INDUSTRY STANDARDS AND BEST PRACTICES.**

I ask that the legislature give Senate Bill 0558 a **favorable** report with the recommended amendments.

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**SB558.pdf**

Uploaded by: Richard Tabuteau

Position: FWA

# TABUTEAU, LLC

41 STATE CIRCLE  
SUITE 7  
ANNAPOLIS, MARYLAND 21401  
347.886.2904

TO: The Honorable William C. Smith, Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Charles Sydnor

FROM: Richard A. Tabuteau

DATE: February 23, 2022

RE: **SUPPORT WITH AMENDMENTS** –Senate Bill 558 – *Public Safety - Law Enforcement - Body-Worn Cameras*

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JusticeText, Inc. is a public-interest technology startup that improves criminal justice outcomes by strengthening the ability of lawyers to process high volumes of body camera footage, interrogation videos, jail calls, and other crucial discovery.

Senate Bill 558 requires the Department of Public Safety and Correctional Services, in coordination with the Department of Information Technology and the Maryland Police Training and Standards Commission, to negotiate contracts to acquire body-worn cameras, equipment, and technology for all law enforcement agencies. Though the bill specifies body-worn cameras and a statewide uniform storage and access system for body-worn camera data, it does not specifically require video evidence management software. It specifically benefits law enforcement agencies, but excludes the Maryland Office of the Public Defender, which only exacerbates the current technology gap between the offices.

We urge the following amendments:

- Page 6, Line 35: Insert “and the Office of the Public Defender”
- Page 7, Line 7: Insert “video evidence management software”
- Page 7, Line 19: After the word “redact”, insert “transcribe, clip, tag”

There are 3.3 trillion hours of video which is captured everyday worldwide from surveillance cameras, body-worn cameras, witness interrogations, and more. Video evidence is involved in over 80 percent of criminal cases and is a powerful vehicle for accountability and transparency. Many public defenders say that they struggle to find time to review audio and video evidence. In other words, critical evidence that could be used to exonerate the wrongfully accused is not being used to its fullest extent. In some cases, it’s not being used at all.

Video evidence management software, such as JusticeText’s, provides automated transcripts, time-stamped note-taking, and easy video-clipping features. By leveling the technological playing field shared by prosecutors and public defenders, we can lower the rate of wrongful incarcerations. As such, JusticeText urges the Senate Judicial Proceedings Committee to give Senate Bill 558 a favorable report with the aforementioned amendments.

**For more information call:**

Richard A. Tabuteau  
(347) 886-2904

# **SB 558 - LOI - Body Worn Cameras .pdf**

Uploaded by: Jennifer Beskid

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

45 Calvert Street, Suite 7A-C, Annapolis MD 21401  
410-260-6070 • www.dpsscs.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.  
GOVERNOR

BOYD K. RUTHERFORD  
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OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY McHINNEY  
ASSISTANT SECRETARY

JENNIFER A. BESKID  
DIRECTOR

**BILL: SENATE BILL 558**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill would require the Department of Public Safety and Correctional Services (Department) to negotiate contracts to purchase body worn cameras (BWC), store data from BWCs, and fund the purchase and storage of all aspects of BWCs and footage for over 150 police agencies in the State.

### Comments:

- The Police Training and Standards Commission (PTSC) is an independent Commission that is supported by an Executive Director and other personnel and whose budget falls under the Department. All of the other Commission members are assigned according to the membership criteria established in Public Safety Article § 3-203 and consist of employees of law enforcement agencies, public and private organizations, and citizens.
- The PTSC has the powers and duties stated in Public Safety Article § 3-207. These powers and duties do not include the ability to negotiate contracts, purchase, or store equipment for law enforcement agencies in the State. By extension, neither does the Department.
- Law enforcement agencies currently purchase and maintain their own equipment. As written, SB 558 would require the Department to pay for BWCs for EVERY law enforcement agency in the State, which consists of over 150 agencies, and depending on how the BWCs are utilized, the Department would be required to purchase approximately 16,000 BWCs.
- The Department is not a law enforcement agency, and is not involved in any aspect of the operation of law enforcement agencies. This bill would directly insert the Department into the operations of law enforcement agencies as it would require the Department to maintain footage for all BWCs.
- SB 558 places responsibility for the BWC footage with the Department. This could have an impact on Public Information Act requests. The Department is not able to project the number of PIA requests that may be submitted as a result of being the custodian of the footage; however, the fiscal impact is anticipated to be significant.

- Pursuant to the Public Information Act, the Department would be considered the Custodian of records for the BWC footage. As such, there will be significant legal ramifications as to whether or not the Department should be viewing the footage as a non law enforcement agency, and it further puts the Department at the forefront of litigation as it relates to the disclosure of such records.
- Inserting the Department into the process of obtaining equipment and maintaining footage for agencies that are not within its purview would have a significant fiscal impact on the Department. The Department could be in a position to purchase and maintain approximately 16,000 BWCs.
- Maintaining the BWCs and the footage will result in the need for additional personnel at a projected cost of almost \$500,000 in FY 23 and continuing.
- SB 558 would require the Department to purchase the equipment to support BWCs and to store the footage. The fiscal impact in FY23 is projected to be over **\$60 million** for such an endeavor. The projected costs will decrease by approximately \$10 million in the subsequent years, leaving a continuing fiscal impact in subsequent years in excess of \$50 million annually.
- Public Safety Article § 3-511.1 states that the PTSC is to be involved in negotiating contracts for purchasing of BWC equipment and technology along with approving non-DPSCS approved entities that are negotiating directly with an agency. Contract negotiations for the PTSC have been conducted via the Executive Director of the Maryland Police and Correctional Training Commissions (MPCTC) via the Department. This would therefore place the Department into the negotiations.
- Negotiating contracts, purchasing equipment, and maintaining footage for other State, county, and local law enforcement agencies are actions that are completely outside the scope and authority of the PTSC and the Department, and in no way relate to the certification or compliance of certification for police officers.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates Senate Bill 558.