



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 1, 2022

Testimony in SUPPORT of HB 429 - Kwam's Law

Summary: HB 429 builds on the policing reform package this Committee passed last year by clarifying that the body-worn camera requirements apply to police officers in municipalities, plain clothes officers (a different category than undercover officers), and officers working a secondary security-related job in their police uniform.

Overview: In January 2021, Gaithersburg City Police Department police shot and killed Kwamena Ocran, a 24-year-old man. The officers were in plainclothes and not wearing body cameras; [despite the lack of physical evidence supporting their version of events](#), there was no body camera footage a jury could review, and they subsequently chose not to indict the officers on any criminal charges.

Shortly after Kwamena's killing, this Committee passed SB 71, a statewide body-worn camera law requiring all county and state police officers who regularly interact with the public as part of their official duties to have body-worn cameras. The law did not include municipal police, and it did not clearly apply to plainclothes, public-facing officers or off-duty police engaged in secondary employment while in uniform.

HB 429 closes these gaps to ensure that the intent of the body camera legislation last year—to ensure all public-facing police officers who carry firearms are monitored by body-worn cameras—is met. The bill ensures that use of body cameras apply to the following categories of officers:

- **Municipal Police Officers:** There are 88 municipalities in Maryland with their own police departments. According to the Maryland Municipal League, only 40 of Maryland's 88 municipalities have body-worn camera requirements for their police forces, leaving 48 municipalities uncovered by the statewide statute this Committee passed last year.
- **Non-Uniform Police Officers:** These officers range from specialized plainclothes investigation units to non-uniformed detectives.* Plainclothes officers have much higher rates of misconduct allegations—the members of Baltimore City's now-disgraced [Gun Trafficking Task Force were plainclothes officers](#), and a study of New York City's police force found that they were involved in [seven times more killings than uniformed officers](#).

All of these officers carry guns, interact with members of the public as police officers, and have the same rights and responsibilities as uniformed police officers. As long as they comply with Maryland's wiretap statute by displaying their badge or other insignia, they should be using their cameras just as they would if in full uniform.

***This does not include officers working in an undercover capacity.**

- Off-duty Police Officers in Uniformed Secondary Employment: Many police departments allow their officers to work part-time for private employers. When officers are working security-related employment, they are being paid to function as a police officer and are able to use the same department-issued equipment that they use for their primary job. As a result, they should be subject to the same transparency and accountability via the use of a body-worn camera while working these jobs.

Last year, this Committee spent extensive time discussing the various benefits of body-worn cameras for both the public and the officers who interact with them; each of the categories of officers HB 429 covers regularly interact with the public and carry a firearm, meaning that they should be subject to the same statute.

In fact, shortly after Kwamena Ocran was killed, the Gaithersburg City Police Department adopted a body-worn camera policy that [encompassed both plainclothes officers and officers in security related secondary employment](#)—covering all three categories of officers this bill aims to do.

Conclusion: HB 429 continues our work on policing reform from last year to ensure that the benefits of body-worn cameras for both officers and the public—increased public safety, protection against fraudulent lawsuits, and greater trust between the police and the community—are extended to every category of public-facing police officer.

Thank you and I ask for a favorable report on HB 429.