



## **Testimony for the House Judiciary Committee**

**March 1, 2022**

### **HB 429 - Public Safety - Law Enforcement Agencies - Body-Worn Cameras ("Kwamena's Law")**

#### **FAVORABLE**

The Maryland Coalition for Justice and Police Accountability urges a favorable report on HB 429, which would expand body-worn camera requirements to municipal police departments, non-uniform police officers, and off-duty officers in uniformed secondary employment. The bill makes specific exceptions for officers working undercover.

Last year the General Assembly 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 non-uniform police or off-duty police engaged in secondary employment while in uniform.

The creation of HB 429 was necessitated by the killing of Kwamena Ocran, who was fatally shot in the back by police, on January 8, 2021. Ocran was killed by plainclothes officers of the Gaithersburg City Police Department who were not wearing body cameras at the time of the incident. As a result, Ocran's family, the community, and the police department will never be able to answer the numerous lingering questions around the young man's death.

There is no reason why officers conducting enforcement in this capacity should be excluded from the General Assembly's attempt to create a uniform body-worn camera requirement throughout the state. In fact, when examining use of force patterns, it becomes clear that there is an even greater need for body-worn camera use among plainclothes officers. In 2018, a study of New York City plainclothes officers showed they were involved in 7 times more killings than uniformed officers.<sup>1</sup> In Baltimore, plainclothes officers have long been associated with the highest number of civilian complaints.<sup>2</sup> Notably, one of the most

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<sup>1</sup> Clarke, Matthew. "Plainclothes Officers, 6 Percent of NYC Police Force, Involved in 31 Percent of Fatal Police Shootings." Criminallegalnews.org, Human Rights Defense Center, 19 Sept. 2018, <https://www.criminallegalnews.org/news/2018/sep/19/plainclothes-officers-6-percent-nyc-police-force-involved-31-percent-fatal-police-shootings/>.

<sup>2</sup> Fenton, Justin. "Baltimore Police Plainclothes Units Now in Uniform, Marked Cars." Baltimoresun.com, Baltimore Sun, 18 Sept. 2020, <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-police-plainclothes-ordered-into-uniform-20200918-7wj5nyxqefcv3cciompieneeq-story.html>.

infamous scandals in BPD history, the Gun Trace Task Force scandal, involved plainclothes officers.<sup>3</sup>

In addition to the expansion of the requirement to plainclothes officers and municipal police departments, the bill would require that officers working uniformed secondary employment would also be required to wear body cameras. Many law enforcement agencies in Maryland allow officers to hold secondary employment in which they act as a law enforcement officer for an entity other than the agency itself. In this role, an officer has the same enforcement capabilities as an on-duty officer. Officers working in this capacity must be subject to the same transparency and accountability measures.

Recent studies suggest that body-worn cameras can be an important tool to solve two endemic issues in policing: the excessive use of force and the prevailing lack of accountability for such misconduct. A 2021 study found that the implementation of a BWC program led to a 17% drop in complaints against police and a 10% drop in the use of force by police during both fatal and non-fatal encounters. The study also conducted a cost benefit analysis that suggests the cost of implementation would be majorly offset by the aversion of police misconduct encounters and claims.<sup>4</sup>

Support for body-worn cameras is broad among the American population.<sup>5</sup> Additionally, a 2018 study found that 85% of police agencies that have adopted body-worn camera programs would recommend implementation to other agencies, with 65.9% “strongly” recommending them.<sup>6</sup> Moreover, evidence from body-worn cameras allows investigators to overcome possible deceit or misrepresentation of facts when examining claims of misconduct.

Body-worn cameras not only protect citizens from potential abuses, but also protect officers as they conduct enforcement. Kwamena’s Law is a common-sense bill that will promote needed transparency and accountability in Maryland’s law enforcement community.

For the foregoing reasons, the Maryland Coalition for Justice and Police Accountability recommends a favorable report on HB 429.

Respectfully,  
Maryland Coalition for Justice and Police Accountability

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<sup>3</sup> Bromwich, Michael R, et al. Steptoe & Johnson LLP, 2022, Anatomy of the Gun Trace Task Force Scandal: It’s Origins, Causes, and Consequences, <https://www.steptoe.com/en/news-publications/steptoe-releases-investigative-report-on-the-gun-trace-task-force-scandal.html>. Accessed Feb. 2022.

<sup>4</sup> Williams, Morgan C, et al. “Body-Worn Cameras in Policing: Benefits and Costs.” Www.nber.org, National Bureau of Economic Research, Mar. 2021, [https://www.nber.org/system/files/working\\_papers/w28622/w28622.pdf](https://www.nber.org/system/files/working_papers/w28622/w28622.pdf).

<sup>5</sup> “Americans Overwhelmingly Support Equipping Police with Body Cameras.” Cato.org, CATO Institute, <https://www.cato.org/policing-in-america/chapter-4/police-body-cameras>.

<sup>6</sup> “Cost and Benefits of Body-Worn Camera Deployments.” Wwww.policeforum.org, Police Executive Research Forum, Apr. 2018, <https://www.policeforum.org/assets/BWCCostBenefit.pdf>.

*\*See the full list of coalition membership attached.*

Advocates for Children and Youth  
ACLU of Maryland  
ACLU of Maryland, Montgomery County Chapter  
Amnesty International  
Arts Education in Maryland Schools Alliance (AEMS)  
Baltimore Action Legal Team  
Baltimore Bern Unit  
Baltimore City Civilian Review Board  
Baltimore City Democratic Socialists of America  
Baltimore for Border Justice  
Be More Unified  
Council on American-Islamic Relations (CAIR) Office in Maryland  
CASA  
Caucus of African-Americans Leaders  
Citizens Policing Project  
Coalition for Justice for Anton Black  
Coalition of Concerned Mothers  
Coalition of People Opposed Violence and Extremism  
Common Cause Maryland  
Community Actively Seeking (C.A.S.T.)  
Community Justice  
Disability Rights Maryland  
Do the Most Good  
Drug Policy Alliance  
Equity Matters  
For Kathy's Sake  
FreeState Justice  
Greater Baltimore Democratic Socialists of America - Steering Committee  
Greenbelt People Power  
Hispanic National Law Enforcement Association  
Homeless Persons Representation Project  
Innocence Project  
InterFaith Action for Human Rights  
Jews United For Justice  
Job Opportunities Task Force  
Justice for Tyrone West Coalition  
Justice Policy Institute  
Kevin L. Cooper Foundation  
Law Enforcement Action Partnership  
Leaders of a Beautiful Struggle

League of Women Voters Maryland  
LGBTQ Dignity Project  
Life After Release  
Making Changes  
Mama Sisterhood of Prince George's County  
March for Our Lives Maryland  
Maryland Alliance for Justice Reform  
Maryland Center on Economic Policy  
Maryland Consumer Rights Coalition  
Maryland Defenders Union  
Maryland Justice Project  
Maryland Office of the Public Defender  
Maryland Poor People's Campaign  
Maryland Prisoners' Rights Coalition  
Maryland Restorative Justice Initiative  
Maryland State Conference of NAACP Branches  
Marylanders to Prevent Gun Violence  
Moms Demand Action  
Montgomery County Civil Rights Coalition  
Montgomery County Democratic Socialists of America  
Mothers on the Move  
NARAL Pro-Choice Maryland  
NAACP Legal Defense and Educational Fund  
National Coalition for Drug Legalization  
Nigerian American Lawyers Association - Washington DC Chapter  
Organizing Black  
Our Maryland  
Our Prince George's  
Our Revolution Maryland  
Out For Justice  
Planned Parenthood of Maryland  
Power Inside  
Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation  
Prince George's County Branch of Democratic Socialists of America  
Prince George's People's Coalition  
Prisons to Professionals  
Progressive Maryland  
Public Justice Center  
Racial Justice NOW!  
Rebuild, Overcome, and Rise (ROAR) Center at UMB  
Reproductive Justice Inside  
Sanctuary DMV

SEIU 1199

Showing up for Racial Justice Annapolis and Anne Arundel County (SURJ3A)

Showing Up for Racial Justice, Baltimore

Showing Up for Racial Justice, Montgomery County

Sierra Club Maryland Chapter

Silver Spring Justice Coalition

Takoma Park Mobilization

The JustUs Initiative

Wicomico County NAACP Branch 7028

Women's Law Center

Young People for Progress