

Jason Lando
Chief of Police



FREDERICK

POLICE DEPARTMENT

Captain Joseph Hayer
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Chairman Kumar P. Barve
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

January 31, 2023

LETTER OF SUPPORT HB0139 - SPEED MONITORING SYSTEMS – MUNICIPAL CORPORATIONS – STATEMENTS AND CERTIFICATES OF VIOLATIONS

Dear Chairman Barve,

We respectfully request support by the Environment and Transportation Committee for HB0139 to amend the Maryland Transportation Article. This amendment would permit trained non-sworn employees of a municipality the authority to issue of a certificate of violation detected by an Automated Speed Enforcement camera (ASE).

Section 21-809(d)(viii) requires that the statement of violation (citation) must be, "A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency...." Further, the law requires in Section (e)(1) that only a duly authorized law enforcement officer's signature ensures admissibility of the citation in court as evidence. However, violations issued under Section 21-809 are civil violations, no different than municipal infractions, parking citations, and code violations. All these civil violations can be issued and signed by non-sworn personnel, and their testimony is accepted by the courts.

Jurisdictions that have ASE programs contract for these services through private sector vendors. The vendor provides camera installation and maintenance, software support, video review and other support. The programs have inspection and audit requirements. None of these functions necessitates a sworn officer.

We submit that a non-sworn member of an Agency as defined in 21-809(a)(2), given appropriate training, should have the ability to certify these violations and that their signature be adequate for admissibility of the citation in court.

This measure would free up sworn officers who are being taken out of service for this administrative function and put them back in service. Additionally, it will enable municipalities and towns with no police department to stand up their own ASE program on their own without the need to contract with other jurisdictions and pay officers from an outside agency for issuance of violations and court testimony.

We appreciate your consideration and ask for a finding of support.

Sincerely,

Jason Lando
Chief of Police



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