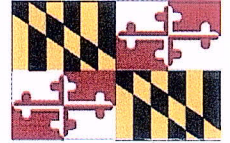




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# Maryland State Lodge FRATERNAL ORDER OF POLICE

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February 18, 2025

## HB 669 – Law Enforcement Officer – Body-Worn Cameras - Requirements

Dear Chairman Clippinger and Distinguished Members of the Judiciary Committee,

The Maryland State Fraternal Order of Police **OPPOSES House Bill 669 - Law Enforcement Officer – Body-Worn Cameras – Requirements**. This bill sets certain statewide standards for the use of body-worn cameras by law enforcement officers. HB 669 would require all Maryland law enforcement agencies to follow one statewide body-worn camera procedure. Most law enforcement agencies have been requiring officers to wear body-worn cameras for several years and have already developed and implemented their individual policies based on their experiences. A mandatory statewide procedure would eliminate the ability of a law enforcement agency to create and amend their individual body-worn camera policies for the individual needs of the agencies and their communities.

In 2015, the Maryland General Assembly passed legislation regarding the usage of a body-worn camera by a law enforcement officer. Public Safety Article §3-511 required that prior to January 1, 2016, the Maryland Police Training Commission (MPTC) develop and publish a model policy for the issuance and use of a body-worn-camera by a law enforcement officer. §3-511 lists (17) seventeen requirements for the MPTC to address in the policy for the use of a body-worn camera.

In 2015, the MPTC published a document entitled, “Body-worn Camera Procedural Reference Guide.” Consistent with the requirements of §3-511, the reference guide was a procedural outline for law enforcement agencies to follow when drafting their individual body-worn camera policies. Based on this guidance, the many agencies using body-worn cameras have developed and implemented extensive policies, processes, and procedures for the use of their body-worn cameras. These policies are built based on community expectations, department functions and abilities, and the technological capabilities of the body-worn camera vendors’ products.

The FOP has many concerns regarding this bill. The below are just a few:

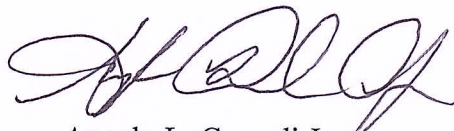
- Many of the guidelines contained in the bill are extremely subjective and most law enforcement agency current body-worn policies are very clear. Subjectivity leads to different interpretations and confusion as to the intent of the policy.
- Officers would be prevented from reviewing their body-worn camera footage in serious deadly force incidents. These incidents are the most stressful situations a law enforcement officer can be involved in. The inability to review body-worn camera footage in an extremely stressful incident may lead to possible inaccurate reporting which could put the disposition of a criminal case in jeopardy and a local government in danger of civil liability.

Writing an amended report after reviewing the body-worn camera footage will not cure a prior inaccurate report. Memory studies across academia clearly indicate that the ability to view video of an incident increases accurate reporting and does not, as is often portrayed, give officers the ability to fabricate or contort events.

- Agencies will be forced to amend their policies to comply with state law and will risk having to pay vast sums for modification or alteration of the body-worn camera software and hardware systems that agencies have invested in. Officers, who have used body-worn cameras and have become comfortable and experienced with those systems, will have to re-learn new processes and procedures and will thus be prone to more errors. This will lead to over or under recording of routine and critical police events.

The FOP believes every Maryland law enforcement agency should establish its own body-worn camera policies consistent with the MPTC "Body-worn Camera Procedural Reference Guide." Since the implementation of the law requiring law enforcement officers to wear body-worn cameras, the FOP is not aware of any incidents where a local law enforcement agency's policy was lacking to the point that a statewide bill should be implemented.

For these reasons, the Maryland Fraternal Order of Police **OPPOSES** House Bill 669.



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