

Law Enforcement Body Worn Camera Task Force

Compilation of Recommendations

October 2020

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Members' Responses

Delegate Jazz Lewis

1. The state should negotiate with body camera hardware and software vendors for preferable rates and options for all police departments. The contracts must emphasize maintaining security and privacy of records, as explained by the Department of Homeland Security representative. All police departments must use one of the negotiated contract schedules.
2. The state should establish an entity to handle BWC redaction and release services for police departments, state attorney offices, public defender offices, etc. Recommendation one and two should allow for economies of scale and cost savings to each department. Civilian review boards should have access to unredacted data to investigate officers as needed. All officers in the field should have BWC.
3. All departments must get their BWC program and policies certified periodically by the Maryland Police Standards and Training Commission. Departments deploying Body Worn Cameras must meet essential criteria for written policies and have processes in place to audit or evaluate the program. Further, the commission should be empowered to enforce punishments on departments that are out of compliance. Lastly, included within department policies must be a discipline matrix for not adhering to department BWC policy.

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Delegate David Moon

1. Recommend negotiation of statewide contracts with multiple vendors to provide Maryland departments options and competitive prices.
2. Recommend that public defenders be included in whatever savings are gained or negotiated through these collaborative efforts.
3. Recommend adequate funding of PIA officers to allow for bodycam PIA policy that errs on the side of public disclosure and that uses redaction instead of denial to address privacy and public safety concerns. Study the possibility of shared PIA officers to reduce the costs of transparency.

Senator Justin Ready

1. Have a standard package that jurisdictions who need the financial help can piggyback onto.
2. There should be a standard best practice or standard for making body camera footage available to public.

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Secretary Michael Leahy, MD Department of Information Technology

1. Creation of statewide policies and implementation guidelines re: usage, data storage and chain of custody, data tagging and applicability to evidentiary standards.
2. Standardization of backend systems.

3. Consideration of statewide systems for data storage, maintenance and cataloging.

Sheriff Doug Mullendore, Washington County Sheriff

My three best recommendations are as follows:

1. Require all police agencies to adopt a Body Worn Camera program for all officers working the street by 2025. (Exception of Administrative personnel, Narcotics Officers or others working in an undercover capacity)
2. All agencies should minimally be required to follow the Statewide guidelines for Body Cameras established by the Maryland Police Training and Standards Commission.
3. The State should establish a one-time grant program for agencies to establish a program for Body Cameras.

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Chief Lisa Myers, Howard County Police

Submitted by Michael Sanderson, Executive Director, Maryland Association of Counties

1. Resolve the looming concern about intrusive PIA access to body camera footage. State law fails to recognize the vast difference between video footage and conventional paper documents. The State must find a reasonable balance here to serve the important interests of public access, victim privacy, and reasonable privacy/custodial responsibilities. Without doing so, a worrisome cloud hangs over every well-intentioned policy being contemplated.
2. Leverage cost-savings for storage, maintenance of footage. Currently, each department is on its own to secure, store, manage, review, and (as warranted) redact body camera footage. Under an expected mandate for each department to use this equipment, this will result in a massive, inconsistent patchwork of procedures and overhead costs. A state-led resource to consolidate this function for local departments opting-in could ensure professionalism, access, and reasonable costs.
3. Provide incentives for local departments to engage in best practices. Statewide policies creating expectations for departments and officers can set the stage for widespread use – ideal State law will promote these best practices locally. With the full range of police-related policies under debate, counties hope that the resulting structure of State incentives recognizes and rewards those governments that do pursue wise, preferred, sensible local laws and practices.

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Mr. Scott Nicewarner, Hagerstown City Administrator

1. Require all LEAs to have a Body Worn Camera program by 2025, except for those whose ability to do their job would be compromised (NTF, etc.)

2. Financial assistance provided by the State to allow for municipalities to initially purchase their cameras and initiate their overall camera process including storage requirements.
3. Establish process for cloud-based storage of body worn camera accessible video for a minimum of 12 – 18 months. Allow for the compression and archiving of video after that point to be retrieved upon request.

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Councilmember Joseph Solomon, Hyattsville City Council

Top 3 recommendations:

1. BWC Program Annual Reporting and Legislative Audit Authority
 - a. Many of the committee's requests around body worn cameras have been for information maintained at the local level with metrics that are not comparable or insignificant when extrapolated upward. As the State plans further investment, it would be wise to invest based on metrics and trends, especially those areas that indicate problems. Therefore a requirement that departments implementing BWC programs also report on those programs to the state on annual basis with metrics prescribed a commission of similar construct as this task force would be helpful. For example, an annual report could include: how often body worn cameras are not activated and associated reasons, types of cameras used, types storage used...etc. with information the state can make target decisions in the future on investment.
2. Statewide BWC Infrastructure and Requirements
 - a. A BWC infrastructure that allows departments to upload BWC video and store with security and retention governed by the State of Maryland. Additionally data access managed requested managed the state of Maryland.
 - b. Requirement that all departments deploy BWC program 2025 and use is the Maryland infrastructure or private infrastructure of comparable standard as certified by DOIT.
3. BWC Enforcement
 - a. Procedures for handling failures to activate body worn cameras; Including language on how to evaluate exceptions that may exist.

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Major Phil Tou, University of Maryland Police

1. FUNDING:
 - a. One of the greatest barrier to implementing a Body Camera Programs for all Law Enforcement agencies within Maryland will be startup costs, and as well as maintenance costs to keep a program running. Costs include the individual body worn camera unit, data transfer, data storage, data retrieval, and associated video/ audio enhancement/ redaction costs. Costs would be on-going in terms of maintenance, upgrades and associated staffing needed.
 - b. I would recommend a State Grant/ Funding that would last over several years in aiding Law Enforcement agencies, absorb some of the initial startup costs, as well as some of the continued maintenance costs. The long-term goal would be agencies self-budgeting for continued costs over time.
 - c. I do not know if speed camera or red light camera revenue can be directed towards this in terms of State allocation for speed camera or red light exempt agencies, as well as required

local allocation for jurisdictions that have speed or red light camera revenues for the implementation of body worn cameras.

d. I would also look at the possibility of a nominal State fee associated with Court related costs.

2. STATEWIDE CONTRACTING or CONSORTIUM AGREEMENTS:

a. a. For costs savings and efficiency, I would look to see if “piggy backing” or consortium agreements can be looked into for State pricing with the major vendors that are used in the State.

b. At this point, I would look at pricing for both Cloud based as well as locally held storage. This may delve into an IT based involvement in terms of recommended Security parameters for Cloud and with data held in local servers (i.e. Fed ramp).

3. AGENCY USAGE POLICY:

a. On the recommendation of the State’s Attorney’s Association, I believe that any local Law Enforcement agency policies regarding Body Worn Camera usage remain under the auspices of the Maryland Police Training Commission as specified under PS §3-511. Currently, individual agency policies are publically available for inspection, to include website postings. I believe that there are aspects of PS §3-511, that can be reviewed for possible enhancement:

i. I would recommend that all police- citizen encounters be recorded. With this being said, the objective of body camera recordings is to capture any and all information that is available should it be needed.

ii. There needs to be a balance in retention times as to non-critical recordings (i.e. basic traffic stops), use of force incidents, arrests, and other incidents deemed of significance. Retention periods could be based on specified criminal or civil statute of limitations, or court appeals limitations. This could be codified in either published retention schedules or into law.

iii. The right to privacy still exists, and should be observed on the use and release of data, particularly to the public. 1. For court, body worn camera recordings are normally provided as in the course of discovery. I would assume the recordings are of the entire incident, unadulterated.

b. Should there be restrictions or limitations on the divulging of recordings beyond that, codified in Law under the Courts and Judicial Proceedings Article.

c. Should recordings (audio and video), be fully redacted before any release beyond Court purposes and codified in the FOIA related Statutes?

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Contributors’ Responses

Richard Gibson Jr., Howard County State’s Attorney

I was asked to provide my recommendations for the implementation of Body-Worn Cameras (hereinafter “BWC”) technology throughout Maryland.

I want to begin by stating that I had the pleasure of chairing the Maryland State’s Attorneys’ Association’s Committee on Police and Prosecutorial Reforms. At the conclusion of our final meeting, all 24 elected State’s Attorneys were in favor of BWC technology being implemented and mandated statewide with the following caveat: (which is also my primary recommendation) that appropriate additional funding is provided to State’s Attorney’s Offices (hereinafter SAOs) to allow us to meet our legal obligations for processing all of the additional data/information that accompanies BWC.

1. The focus is typically on police funding; however, SAOs have a tremendous increase in costs associated with the implementation of BWC. SAOs will have to review, redact, send/transfer to defense counsel, prepare and present for trial, and then store, for the required period of time, all BWC information. This would be in addition to all the other forms of evidence we traditionally process when handling our cases. Implementing BWC requires a growth in office personnel, equipment, licensing for software and storage well beyond what our budgets currently provide. Therefore, it is essential that additional funding be allocated specifically to SAOs for the processing of BWC.
2. My second recommendation is that we utilize a system that emphasizes the easy redaction, transfer, and sharing of data similar to what AXON offers with evidence.com. This process can be quite complex and technological compatibility issues can arise with differing programs. Therefore, having one comprehensive system for all BWC issues (playback/review, redaction, transfer, storage) would be a tremendous asset.

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Jason Dombkowski, Director of Law Enforcement Relations, BodyWorn by Utility Inc.

1. Require Policy-Based Automatic Recording with GPS capabilities as is endorsed by the National Association for the Advancement of Colored People (NAACP)
 - a. An officer should not be required to do something that technology can do for them. Policy-Based Automatic Recording removes the decision and burden of turning cameras on and off from police officers -- they just turn on automatically according to the law enforcement agency's recording policy. We recommend the Task Force ensure the technology adopted by law enforcement agencies in the state require policy-based recording capabilities, meaning the cameras automatically turn on in certain situations at the direction of the agency's own policy (such as weapon removal from holsters, turning on the light bar, any dispatched call for service, an officer goes down, during foot pursuits or other predefined automatic triggers). Here is an article from the International Association of the Chiefs of Police on the importance of policy-based automatic recording.
 - b. GPS features on body-worn cameras allow for additional automation, management and customization thus taking further burden off of the officer. The backend technology allows for action zones and geo-fencing (when an officer enters a geo-fenced area, the body camera automatically begins recording) which is especially important in active shooter situations and responses to civil disturbance.
2. Require Uniform-Integrated Cameras: Recently, there have been several incidents where body-worn cameras have failed to capture important footage of an interaction as a result of the camera falling off, most notably the Rayshard Brooks death in Atlanta. We recommend the Task Force focus on technology where the body camera is integrated into the officer's uniform and therefore can never become dislodged or knocked off during a struggle or a foot pursuit. Any body-worn camera that is attached to the outside of an officer's uniform is subject to frequently getting knocked off during a use-of-force incident resulting in failure to record and document the incident in its entirety.
3. Require Cloud Based Data Storage: The Task Force heard over and over again that departments, public defenders, and stakeholders were worried about data storage and related staffing needs as well as the security of the evidentiary data footage. We recommend the Task Force prioritize technology where the data footage is auto offloaded to a secure cloud instantaneously from the field, with no docking stations needed. Instant video offload from the field protects the integrity of the footage, takes the burden off the officer to dock the camera, and makes the footage easier to access by

attorneys - both defense and prosecution - with much fewer staff and resources needed to manage the program within departments. Here is an article from the International Association of the Chiefs of Police on the importance of uniform integrated cameras, instantaneous offloading of video data from the field to a secure cloud and eliminating the need for docking stations.

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Richard Reinhardt, Motorola Solutions

1. Should the State consider plans to have an "overarching" evidence management/sharing platform, it should be able to integrate with multiple vendors in order to preserve local choice and future flexibility. Regardless of where the data is stored (whether it is with DOIT, in the cloud, or a hybrid) the interface to partner agencies to share information should be proven to be able to work with multiple vendors and platforms.
2. In addition, it would be beneficial for any Statewide DEMS to be flexible enough to adapt to all the different shapes and sizes of the agencies within the state. An example would be on-premise or fully hosted cloud, or anywhere in between. It would have the flexibility to offload video evidence in various ways (for example, LTE, Wifi, Direct to Cloud, etc.)
3. Lastly, having a one stop solution where a true in-car, motorcycle, interview rooms, exist to fit the agencies' needs.

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Awaiting Response (Members)

Senator Charles Sydnor

Mr. Robert Bishop, MD Department of Information Technology

Received response from Secretary Leahy, MD DoIT

Chief Antonio DeVaul, Takoma Park Police

Mayor Raymond Morriss, City of Cumberland

Captain Michael Pilkerton, St. Mary's County Detention & Rehabilitation Center

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