



**Testimony for the Senate Judicial Proceedings Committee  
February 1, 2018**

**SB 209 – Baltimore County – Uniformed Off-Duty Law Enforcement Officer  
– Body Camera**

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**SUPPORT**

The ACLU of Maryland supports SB 209, which requires that if a law enforcement agency in Baltimore County authorizes or approves an officer to work secondary employment in the agency uniform, the agency must require the off-duty officer to wear and use a body-worn camera (BWC) during the secondary employment in the same manner as required while on duty.

Although the standards promulgated by the 2015 Commission Regarding the Use of Body Cameras by Law Enforcement Officers can certainly be improved, and the Baltimore County policy also has its shortcomings, on balance body cameras and accompanying policies are a step in the right direction.

The tremendous public interest in, and pressure for BWCs reflects the significant concern among large segments of the community about how police exercise their significant power to deprive us of our liberty, and even of our life. BWCs have allowed us, for the first time, to have a record of what occurred in the significant number of police-citizen interactions that otherwise go unwitnessed, a record that is not subject to accusations of bias, misperception, faulty memory, or deliberate falsehood. But in addition to serving to confirm or rebut allegations of misconduct, BWCs can serve as crucial evidence in a prosecution, can allow departments to more effectively monitor their officers' behavior and conduct, can be an invaluable training tool, and evidence shows that they have a calming effect on both officer and citizen behavior, which makes both officers and the public safer. They are thus being adopted or considered in jurisdictions throughout the state and the country.

Off-duty officers, if they work secondary employment in the agency uniform, often deal with the same incidents as when they are on duty, including situations where they are involved in use-of-force incidents. Therefore, the same principles and rules for use of BWCs should apply in those cases.

For the ACLU, the challenge of body-worn cameras is the conflict between their potential to invade privacy and their strong benefit when it comes to police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within an appropriate policy framework that ensures they protect the public without becoming yet another system for routine surveillance *of* the public. Moreover, access to the footage must be reasonably available to the public. Without such a framework, their accountability benefits would not exceed their privacy risks.

For the foregoing reasons, the ACLU of Maryland supports SB 209.

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