



Maryland Coalition for Justice and Police Accountability

KWAMENA'S LAW: Expand Police Body-Worn Camera Use

BILLS HB 429 & SB TBD

Expand our statewide body-worn camera requirement to include: plainclothes officers, armed off-duty officers, and municipal police departments.

BACKGROUND

On January 8, 2021, a plainclothes unit of the Gaithersburg City Police Department shot and killed Kwamena Ocran. Because they were in plainclothes, the officers who killed Kwamena were not wearing body-worn cameras. A grand jury relied primarily on police officer testimonies because there was no video footage of the killing, and did not charge the officers with a crime.

Shortly after police killed Kwamena, the Maryland General Assembly passed SB 71, a statewide body-worn camera requirement for all county and state police officers who “regularly interact with members of the public as a regular part of the law enforcement officer’s official duties.” However, SB71 does not apply to the plainclothes municipal officers who killed Kwamena Ocran. Mr. Ocran’s mother, Melody Cooper, joined with Delegate Lesley Lopez and community activists to develop Kwamena’s Law to fix that.



Photo: flickr / Ryan Johnson

WHAT IS INCLUDED IN KWAMENA'S LAW?

Kwam’s Law seeks to fill in the missing pieces in our statewide body-worn camera (BWC) law that leave too many police/civilian interactions unrecorded. Here’s how:

- **The law requires** all on-duty police officers to wear BWCs when interacting with the public, including plainclothes officers. All camera use must comply with Maryland’s wiretap statute.
- **The law expands** the required issuance and use of BWCs to municipalities. There are 88 municipal police departments in Maryland. They should be held to the same standards of transparency and accountability as our county and state law enforcement agencies.
- **The law requires** off-duty officers who are in uniform and working for private employers as police officers (called department-approved secondary employment) to use body-worn cameras.

(Undercover officers are exempt from all of the above.)

More information about MCJPA’s police reform priorities for Maryland, and the 100+ organizations calling for them:

www.mcjpa.org

WHY MUST MARYLAND PASS KWAMENA'S LAW?

Maryland must require the same transparency and accountability for plainclothes and off-duty police officers as for on-duty, uniformed officers. Action is needed now because plainclothes officers have a documented history of excessive force and misconduct:

- In 2017, the Baltimore City Police Department decided to eliminate most of their plainclothes units. The Baltimore Sun reported that these officers were long associated with the largest number of complaints and misconduct.¹ This included the notorious Gun Trace Task Force, and others charged in the fallout of the GTTF scandal, who operated in plainclothes units for years.
- In 2018, a study of New York City plainclothes officers showed that they were involved in seven times more killings than uniformed officers.²
- In 2020, New York City disbanded their plainclothes units because they reflected an “outdated policing model that too often seemed to pit officers against the communities they served, and that they were involved in a disproportionate number of civilian complaints and fatal shootings by the police.”³

MARYLAND MUNICIPAL POLICE DEPARTMENTS ALREADY REQUIRE PLAINCLOTHES & OFF-DUTY OFFICERS TO USE BODY-WORN CAMERAS

Shortly after police killed Kwamena Ocran, the City of Gaithersburg amended their body-worn camera policy to include plainclothes officers and certain officers working secondary employment.⁴

The City of Rockville's body-worn camera policy⁵ requires plainclothes officers and investigators to wear BWCs and permits officers to wear BWCs when engaged in secondary employment if the officer is engaged in law enforcement related activity.

- In 2019, a Maryland Public Information Act request in Montgomery County revealed that Gaithersburg police abused Black men in a traffic stop. Two plainclothes officers involved in that abuse were the same officers who killed Kwamena Ocran less than 18 months earlier, while also in plainclothes. Not only did those officers hold the Black men – who were found to have done nothing wrong – on the side of the road for over four hours while screaming profanities at them, but the officers also failed to complete the required paperwork to document that they had pointed their guns at the men.

Off-duty police officers are entitled under the law to exercise their policing powers at any time. In many jurisdictions off-duty officers are given police vehicles to take home on the condition that they carry their weapon and respond to calls as necessary. Many officers engage in secondary employment where they can carry their guns and insignia and exercise their police powers just as they would if they were on duty.

In Montgomery County, three of the five men killed by police in 2021 were killed by off-duty officers. In April 2021, David Hall Dixon, an off-duty Pentagon Police Officer, shot and killed Dominique Williams and James Johnson in Takoma Park. In February 2021, less than a month after police killed Kwamena Ocran, an off-duty Montgomery County Sheriff's Deputy killed Kevin Costlow in Rockville. At a recent rally in honor of Kwamena, two mothers spoke of losing their own sons to police violence. They noted that their children were killed by off-duty police officers in Washington, D.C. Maryland must pass Kwam's Law this legislative session.

SOURCES:

- ¹ <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-police-plainclothes-ordered-into-uniform-20200918-7wj5nyxqefcv3ccciompireneeq-story.html>
- ² Plainclothes Officers, 6 percent of NYC Police Force, Involved in 31 percent of Fatal Police Shootings
- ³ <https://www.nytimes.com/2020/06/15/nyregion/nypd-plainclothes-cops.html>
- ⁴ https://apps.gaithersburgmd.gov/general_orders/619_4_Body_Worn_Cameras.pdf
- ⁵ <https://www.rockvillemd.gov/DocumentCenter/View/19826/4-55-Body-Worn-Camera-Systems?bidId=>