

Statement of FOP Lodge 35 Concerning In-Car Video Cameras

As explained below, despite several opportunities, from 2001 until December 2006, Montgomery County demonstrated no interest in in-car video cameras. In December 2006, the County and FOP discussed these cameras and agreed to set aside time to address them. We have addressed them and have signed an agreement with the County. The Mobile Video System ["MVS"] may be implemented at any time without delay.

In late 1999, the County informed us that they wanted to discuss a pilot in-car video program. A civil agreement required that the County Executive request an appropriation from the County Council of \$1,000,000 for four programs: (1) training, (2) public relations, (3) minority recruitment, and (4) a pilot video program. We agreed and talks began shortly thereafter. Several legal issues were raised during the discussions and one was presented to the Maryland Attorney General who responded on August 11, 2000. Three cameras were placed into service and evaluated.

At about the same time -- October 1999 through January 2000 -- the County and FOP were engaged in negotiations with the United States Department of Justice in an attempt to reach agreement in lieu of litigation after DOJ was unable to establish that any individual police officer had done anything wrong, but alleging that the ratio of tickets issued to black motorists was disproportionate to the population, characterizing the number as questionable. The programs subject to the \$1,000,000 appropriation were addressed during the negotiations with DOJ and an extensive, comprehensive agreement was signed by DOJ, FOP Lodge 35, and Montgomery County. That agreement did not require MVS. It was sent to and reviewed by the Montgomery County Council.

The County raised the issue of video cameras again in late 2000 and, in early 2001, proposed that the FOP meet with them by May 1, 2001 to reach agreement on in-car video cameras, but records indicate that the County did not pursue the matter, although, importantly the County could have declared impasse and obtained final resolution under law. Instead, the former police chief called the then-FOP president stating that cameras had been purchased and asked if the FOP was still interested in the video program. The president told the police chief that it was the County's proposal and if the County is not interested, the County could withdraw. The police chief implied he wanted to use the money for some other project which may have been DOJ agreement items, such as handheld computers for all police officers. He also expressed concern about storage of an enormous amount of tapes.

The County had full opportunity to finally resolve the issue through negotiations or binding arbitration in 2001, February 2003 and February 2004, and other times but did not do so. We have never been critical of that decision, but it was the County's decision. However, we do note that the terrorist acts of September 11, 2001, the sniper attacks of October 2002, and the perceived threat of an anthrax attack in early 2003 required immediate action and unanticipated expenditure of funds as well as a caused a shift in priorities.

The issue was not presented again by anyone until December 2006. In response, it was agreed, in February 2007, that the FOP and County would meet by April 1, 2007 to work out details of an in-car video program. At the FOP's suggestion, we met in late March before the April 1 date. The County stated its desire to work out an in-car video program focused on "officer

safety.” FOP 35 suggested to the County that the discussions be audio and video taped, but the County declined.

During talks, FOP 35 raised the issue of cost and expressed concern that funds not be diverted from other public and safety projects such as cage cars and life-saving Tasers (non-lethal weapons available to some officers for use as appropriate in lieu of lethal firearms). We also expressed concern that funds be used for life-saving Automated External Defibrillators in all police vehicles.

FOP 35 has been consistent in expressing its concerns to the County about public and officer privacy, (particularly as relate to the audio portion of the system *vis a vis* Maryland law) the potential for misuse of audio and video, the rights of owners of and those present upon private property, and extensive government surveillance of taxpayers.

After detailed negotiations, the parties were in near total agreement with only a few issues separating us. Those issues were submitted to binding arbitration and an award was issued in favor of the County.

FOP 35 accepts the award with the exception of the single issue of **audio** taping under certain circumstances. It appears to us that this single provision violates Maryland law and would violate the rights of citizens, witnesses, crime victims, as well as County employees. Accordingly, we have appealed that single provision to the circuit court. **We have not challenged any provision requiring videotaping.**

The court appeal does not delay or stall the program in any way.

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