

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 162
 Judiciary

(Delegate J. Lewis)

Public Safety - Law Enforcement - Body-Worn Cameras

This bill establishes numerous requirements relating to the use of body-worn cameras (BWCs) by law enforcement. By July 1, 2025, *all* law enforcement agencies must require the use of a BWC, as specified. The Department of Public Safety and Correctional Services (DPSCS) is responsible for *all* costs and expenses associated with the use of BWCs, must negotiate contracts to acquire BWCs, equipment, and technology, and must establish and administer a statewide uniform storage and access system for all BWCs, equipment, and technology. The Maryland Police Training and Standards Commission (MPTSC) must approve or disapprove any request to use an entity not specified in a contract negotiated by DPSCS and address misconduct related to the improper use of BWCs, equipment, and technology in the model uniform disciplinary matrix. The bill’s provisions apply prospectively, as specified. **The bill takes effect on the taking effect of Chapters 59 and 60 of 2021; those Acts take effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by \$423,600 in FY 2023, by *at least* \$81.7 million in FY 2024, and by *at least* \$13.2 million annually thereafter. Revenues are not affected.

(\$ in millions)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0.4	81.7	13.2	13.2	13.2
Net Effect	(\$0.4)	(\$81.7)	(\$13.2)	(\$13.2)	(\$13.2)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Overall, local jurisdictions benefit from the bill’s requirement that the State be responsible for BWC-related costs. Other potential effects are discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Body-worn Cameras Required: By July 1, 2025, all law enforcement agencies not subject to an earlier deadline must require the use of BWCs, subject to the policy on the use of BWCs developed by the law enforcement agency, by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties.

Body-worn Cameras Costs and Contracts: DPSCS is responsible for all costs and expenses associated with the use of BWCs, including the initial and ongoing operating costs associated with BWCs, equipment, and technology.

DPSCS, in coordination with the Department of Information Technology (DoIT) and MPTSC, must negotiate contracts to acquire BWCs, equipment, and technology for all law enforcement agencies. The negotiated contracts must include contracts for BWCs, a statewide uniform storage and access system for BWC data, and any related equipment and technology determined to be necessary for the effective use of BWCs. In addition, the negotiated contracts must prioritize:

- equipment and technology that complies with the policies developed by MPTSC;
- equipment and technology that conform to industry standards and best practices;
- cybersecurity and data privacy;
- compatibility with different equipment and technology;
- capabilities to effectively view, edit, redact, and transfer data from BWCs; and
- cost-effectiveness.

Although MPTSC must approve or disapprove any request to use an entity not specified in a contract negotiated by DPSCS to receive services related to viewing, editing, redacting, or transferring data from BWCs, the bill also specifies that the right of a law enforcement agency to receive services from any entity related to viewing, editing, redacting, or transferring data from BWCs may not be restricted in any manner.

Statewide Uniform Storage and Access System: By July 1, 2023, DPSCS, in coordination with DoIT and MPTSC, must establish and administer a statewide uniform storage and access system for all BWC data captured that (1) enables law enforcement agencies to remotely upload data from BWCs in an efficient manner; (2) provides organized cataloging and retention of BWC data; (3) enables law enforcement agencies to remotely use the system to view, edit, redact, and transfer data from BWCs; (4) has the capability to adapt

to the different sizes and needs of law enforcement agencies across the State; and (5) conforms to industry standards and best practices.

All BWCs, equipment, and technology used by law enforcement officers must be integrated into the statewide uniform storage and access system. The system must be the central location where BWC data is stored and accessed by law enforcement agencies.

Body-worn Cameras Training: MPTSC is authorized to provide training to law enforcement officers and law enforcement agency employees regarding BWC policies and the use of BWCs, equipment, and technology. The training may be in coordination with any training offered by the provider or manufacturer of BWCs, equipment, or technology.

Disclosure of Recordings and Data: By July 1, 2023, MPTSC must develop and publish online a policy, with specified considerations and in compliance with applicable laws and regulations, for the disclosure of BWC recordings and data to the public. By July 1, 2025, all law enforcement agencies must adopt and implement the policy.

Audits: MPTSC is authorized to conduct audits of any law enforcement agency to evaluate the implementation of BWC policies and the use of BWCs, equipment, and technology in accordance with applicable laws and regulations. MPTSC must (1) determine the scope and objectives of any such audit and (2) provide information regarding the audit process to a law enforcement agency before an audit is conducted. A law enforcement agency must make available to MPTSC all employees, records, and information systems deemed necessary by the commission to conduct the audit.

Following an audit, MPTSC must report a violation of any applicable law or regulation related to BWC policies or the use of BWCs, equipment, or technology to the law enforcement agency, DPSCS, and the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). The report must request that the law enforcement agency take appropriate action to correct the violation, and the law enforcement agency that receives a report of an apparent violation must submit a written response in a timely manner to MPTSC, DPSCS, and GOCPYVS. The response must include what actions, if any, were taken as a result of the findings of the audit.

If an audit identifies any violation by a law enforcement agency, MPTSC may request that the Executive Director of GOCPYVS condition funding from the State Aid for Police Protection Fund on action by the law enforcement agency to remedy the violation and to prevent repeat violations.

Model Uniform Disciplinary Matrix: MPTSC must address misconduct related to the improper use of BWCs, equipment, and technology in its model uniform disciplinary matrix for use by each law enforcement agency in the State.

Current Law:

Disciplinary Matrix: Chapter 59 of 2021 requires MPTSC to develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State, and each law enforcement agency must adopt the matrix.

Body-worn Cameras: Chapter 60 of 2021 requires, by July 1, 2023, the Department of State Police (DSP), the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. A law enforcement agency of a county that is not subject to the July 1, 2023 deadline is required to comply with the aforementioned requirement by July 1, 2025. A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency subject to the BWC requirements must develop and maintain a written policy consistent with the policy published by MPTSC for the use of BWCs. The policy must specify which law enforcement officers employed by the law enforcement agency are required to use BWCs. A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with specified BWC-related provisions through collective bargaining.

Chapter 60 also extended, from June 30, 2021, to June 30, 2023, the termination date of the Law Enforcement Body Camera Task Force established by Chapter 309 of 2020. Chapter 309 of 2020 required the task force to (1) study options for the economical storage of audio and video recordings made by law enforcement BWCs and (2) make recommendations for storage considering the budgets of State, county, local, and campus law enforcement jurisdictions. The task force reported [its findings and recommendations](#) to the General Assembly in 2021. Chapter 60 also expanded the duties of the task force to include (1) studying and making findings on the implementation and feasibility of requiring the use of BWCs by police officers in counties and municipalities throughout the State and (2) making recommendations regarding requiring the use of BWCs by counties and municipalities based on its findings. The task force must submit a report of its findings and recommendations to the General Assembly by December 1, 2022.

Chapters 128 and 129 of 2015 established the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers. Through the examination of model policies and discussion, the commission compiled a list of best practices for BWCs and submitted a report to the General Assembly and the Police Training Commission (now known as MPTSC) in September 2015. The commission's [report](#) addresses (1) procedures

for testing and operating equipment, including when BWCs must be activated and when their use is prohibited; (2) notification responsibilities of law enforcement officers to individuals being recorded; (3) confidentiality and ownership of data; (4) procedures and requirements for data storage; (5) the review of recordings by parties in interest; and (6) the establishment of retention periods, the release of recordings as required by the Public Information Act, and the development of written policies for BWC usage consistent with State law and regulations issued by MPTSC.

Pursuant to Chapters 128 and 129, MPTSC developed a policy for the issuance and use of BWCs by law enforcement officers, which incorporated the recommendations of the commission. MPTSC also published a [Body-worn Camera Procedural Reference Guide](#) that provides practical and detailed background information on BWCs as well as advisory language for use by law enforcement agencies.

State Expenditures: Law enforcement agencies currently purchase, operate, and maintain their own BWCs, equipment, and technology, and DPSCS and MPTSC do not have (1) experience with the use of BWCs; (2) sufficient staff to administer a statewide BWC program; and (3) existing regulatory and oversight authority over law enforcement agencies. Therefore, general fund expenditures for DPSCS increase by \$423,562 in fiscal 2023, which accounts for a 90-day start-up delay. This estimate reflects the cost of hiring one program manager, one information technology manager, one program administrator, and three analysts to negotiate contracts for BWCs, establish a statewide uniform storage and access system for all BWC data, and administer the BWC program. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate assumes that BWCs are not purchased until fiscal 2024, as discussed below.

Positions	6.0
Salaries and Fringe Benefits	\$379,504
Operating Expenses	<u>44,058</u>
Total FY 2023 State Expenditures	\$423,562

General fund expenditures increase by *at least* \$81.7 million in fiscal 2024, which includes ongoing personnel costs as well as costs for DPSCS to purchase BWCs for all law enforcement agencies (except for DSP, as the Governor’s proposed fiscal 2023 budget includes funding to purchase BWCs for DSP) and operate the statewide BWC program. The information and assumptions used in calculating the estimate are stated below:

- all law enforcement agencies not subject to an earlier deadline must require the use of BWCs by July 1, 2025;
- DPSCS is responsible for *all* associated costs and expenses;
- DPSCS must establish and administer a statewide uniform storage and access system for *all* BWC data captured that (1) enables law enforcement agencies to

remotely upload BWC data and remotely use the system to view, edit, redact, and transfer data from BWCs and (2) adapts to different needs;

- the bill specifies that the right of a law enforcement agency to receive services from any entity related to viewing, editing, redacting, or transferring data from BWCs may not be restricted in any manner; however, MPTSC must approve or disapprove any request to use an entity not specified in a contract negotiated by DPSCS to receive services related to viewing, editing, redacting, or transferring data from BWCs;
- the bill's provisions apply prospectively and may not be applied or interpreted to have any effect on or application to any BWC contract negotiated before the bill's effective date;
- although many local law enforcement agencies already own and operate BWCs that were individually purchased by local governments (including the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office, which must require the use of BWCs by July 1, 2023, pursuant to current law), the BWCs were purchased from different vendors, with different specifications and, therefore, may not synchronize with the statewide uniform storage and access system developed by DPSCS under the bill. Therefore, this estimate assumes that new BWCs are needed for *all law enforcement officers* in the State by July 1, 2025;
- law enforcement agencies are eligible for grant funds to offset the costs to purchase BWCs and to operate a BWC program; however, DPSCS is not eligible to apply for such funding;
- there are approximately 16,000 law enforcement officers in the State, including approximately 1,000 employed by DSP; thus, approximately 15,000 of them need BWCs at a total cost of \$33.0 million (\$2,200 per device). Additional first-year operating costs for use management, licensing, and storage of BWC footage are estimated to total \$48.2 million (management costs – \$1.8 million at \$120 per device; licensing, software, and warranty costs – \$33.8 million at \$2,250 per device; and storage costs – \$12.6 million at \$843 per device); and
- ongoing staffing costs are estimated at \$501,712 in fiscal 2024, which reflects full salaries with annual increases and employee turnover and ongoing operating expenses.

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including ongoing footage maintenance.

To the extent that BWCs currently in use by local law enforcement agencies are able to integrate with the statewide uniform storage and access system, costs are less; depending on the number of BWCs affected, the decrease in costs could be substantial. However, to

the extent that additional BWC training, maintenance, and storage or additional staff are needed, costs increase; however, without actual experience under the bill, such costs cannot be reliably estimated.

Department of Information Technology

DoIT can work in coordination with DPSCS, as required under the bill, with existing budgeted resources.

Governor's Office of Crime Prevention, Youth, and Victim Services

GOCPYVS can implement the bill with existing staff. This analysis assumes that local law enforcement agencies comply with all applicable laws and regulations or take actions to remedy any violations identified through the audit process established by the bill. Accordingly, for purposes of this fiscal and policy note, it is assumed that State aid provided to local law enforcement agencies through the State Aid for Police Protection Aid is not affected.

Other Agencies

To the extent any State law enforcement agencies were planning to purchase BWCs in the absence of the bill, they benefit from the shift in the responsibility for such costs to DPSCS. Any such impact has not been accounted for in this analysis.

Local Fiscal Effect: Local government expenditures may be affected, potentially significantly in some jurisdictions. Under the bill, DPSCS is responsible for *all costs and expenses* associated with the use of BWCs. Accordingly, local jurisdictions that would otherwise incur costs to purchase and maintain BWCs (and other related activities) benefit from the shift in the responsibility for such costs to DPSCS. In addition, any municipalities that otherwise would not be able to afford to implement a BWC program also benefit.

Even so, some counties with existing BWC programs may encounter operational and fiscal effects. Information regarding the use or planned use of BWCs by some counties and some of the potential effects of the bill are detailed below.

- As noted above, Chapter 60 requires, by July 1, 2023, that the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs.

- A law enforcement agency of a county that is not subject to the July 1, 2023 deadline is required to comply with the aforementioned requirement by July 1, 2025, and some counties have begun the process to obtain BWCs. Several local jurisdictions (including Baltimore City and Montgomery and Prince George’s counties) already operate BWC programs; as a result, they have already purchased BWCs from a variety of vendors and have contractual obligations to those vendors.
- The bill’s provisions apply prospectively and may not be applied or interpreted to have any effect on or application to any BWC contract negotiated before the effective date; however, all BWCs must be integrated into the statewide uniform storage and access system. To the extent that local law enforcement agencies require new BWCs in order to be integrated into the statewide system, DPSCS is responsible for the costs related to the purchase and use of those BWCs; however, it is unclear how existing contracts for BWCs must be handled and who is responsible for any required payments that may continue.
- The bill specifies that the right of a law enforcement agency to receive services from any entity related to viewing, editing, redacting, or transferring data from BWCs may not be restricted in any manner; however, MPTSC must approve or disapprove any request to use an entity not specified in a contract negotiated by DPSCS to receive services related to viewing, editing, redacting, or transferring data from BWCs. Accordingly, it is unclear what effect this may have on existing BWC programs.
- Local jurisdictions likely need to enter into memoranda of understanding with DPSCS regarding the use of BWCs and the statewide system.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 558 (Senators Sydnor and Jackson) - Judicial Proceedings.

Information Source(s): Department of Information Technology; Harford and Howard counties; Washington Suburban Sanitary Commission; City of Annapolis; Maryland Municipal League; Comptroller’s Office; Governor’s Office of Crime Prevention, Youth, and Victim Services; University System of Maryland; Morgan State University; St. Mary’s College of Maryland; Department of Budget and Management; Department of General Services; Maryland Department of Labor; Department of Natural Resources; Department

of Public Safety and Correctional Services; Department of State Police; Maryland
Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2022
fnu2/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510