

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 429 (Delegate Lopez)
 Judiciary

Public Safety - Law Enforcement Agencies - Body-Worn Cameras

This bill expands, to *all* law enforcement agencies, the existing requirement for a law enforcement agency of a county, by July 1, 2025, to require the use of a body worn camera (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. In addition, the existing BWC requirement (for agencies that must require the use of BWCs by July 1, 2023, and those that must require the use of BWCs by July 1, 2025) is expanded to apply regardless of whether the law enforcement officer is in uniform or in plain clothes, carries a firearm as part of the law enforcement officer’s official duties, or carries a firearm issued by a law enforcement agency while off duty and in public. A law enforcement agency must issue a BWC to a law enforcement officer required to use a BWC. **The bill takes effect on the taking effect of Chapter 60 of 2021; that Act takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$2.1 million in FY 2023, by *at least* \$2.8 million in FY 2024, and by at least \$1.6 million annually thereafter, reflecting costs for only specified State agencies. Transportation Trust Fund (TTF) expenditures increase by at least \$42,400 in FY 2024 and by at least \$16,000 annually thereafter. State expenditures (multiple fund types) for other State agencies may also increase significantly but cannot be quantified. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,114,800	2,774,100	1,556,700	1,570,600	1,584,900
SF Expenditure	0	42,400	16,000	16,000	16,000
Net Effect	(\$2,114,800)	(\$2,816,500)	(\$1,572,700)	(\$1,586,600)	(\$1,600,900)

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

Local Effect: Potential significant increase in expenditures for affected counties and municipalities. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: 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 the Maryland Police Training and Standards Commission (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 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: General fund expenditures increase by *at least* \$2.1 million in fiscal 2023 for DSP to implement the bill's provisions relating to BWCs. General/special fund expenditures increase by *at least* \$2.8 million in fiscal 2024 for ongoing costs and for the Department of Natural Resources (DNR), the Department of Public Safety and Correctional Services (DPSCS), the Department of General Services (DGS), and the Maryland Department of Transportation (MDOT) to implement the bill's provisions relating to BWCs. Expenditures for fiscal 2025 and beyond reflect ongoing costs. State expenditures (multiple fund types) for other State law enforcement agencies may also increase significantly but cannot be quantified at this time.

This analysis assumes that DSP purchases BWCs in fiscal 2023, even though the bill does not require the use of BWCs by DSP until July 1, 2023. In addition, this analysis assumes that other affected State law enforcement agencies purchase BWCs in fiscal 2024, even though the bill does not require the use of BWCs until July 1, 2025 (the start of fiscal 2026). To the extent BWCs are purchased later, costs could be delayed.

Department of State Police

The Governor's proposed fiscal 2023 budget includes funding for approximately 915 BWCs for DSP law enforcement officers who regularly interact with members of the public as part of the law enforcement officer's official duties; however, under the bill, approximately 635 *additional* law enforcement officers need BWCs. Therefore, general fund expenditures for DSP increase by *at least* \$2.1 million in fiscal 2023, which

assumes that all BWCs are purchased at the same time. This estimate reflects the cost to purchase BWC equipment as well as the cost of hiring one technician to handle the additional BWCs and associated requests. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$60,376
BWC Equipment and Training	2,022,673
Automobile	31,000
Other Operating Expenses	<u>795</u>
Minimum FY 2023 DSP Expenditures	\$2,114,844

The information and assumptions used in calculating the estimate are stated below:

- one vehicle is needed for the technician to travel to provide maintenance and support to officers using BWCs; and
- approximately 635 BWCs are needed, at a cost of \$1.4 million (\$2,200 per device); additional first-year operating costs for user management, licensing, and storage of BWC footage are estimated at \$825,000.

Future year expenditures reflect a salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Also included are continued BWC user management and BWC storage costs. To the extent that additional BWC training, maintenance, and storage are needed, expenditures increase further; however, without actual experience using BWCs within the department, such costs cannot be reliably estimated and are not included in this estimate.

Natural Resources Police

General fund expenditures (or possibly a combination of general and special fund expenditures) for the Natural Resources Police (NRP) within DNR increase by *at least* \$1.2 million in fiscal 2024, which assumes a July 1, 2023 implementation date. This estimate reflects the cost to purchase BWC equipment as well as the cost of hiring two technicians and one administrative aide to develop and manage the BWC program and handle associated requests. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$223,813
BWC Equipment and Training	894,644
Automobiles	70,000
Other Operating Expenses	<u>10,645</u>
Minimum FY 2024 NRP Expenditures	\$1,199,102

The information and assumptions used in calculating the estimate are stated below:

- two vehicles are needed for technicians to travel to provide maintenance and support to officers using BWCs; and
- there are currently approximately 250 law enforcement officers within NRP that require BWCs, at a cost of \$550,000 (\$2,200 per device); additional first-year operating costs for user management, licensing, and storage of BWC footage are estimated at \$325,000.

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Also included are continued BWC user management and BWC storage costs. To the extent that additional BWC training, maintenance, and storage are needed, expenditures increase further; however, without actual experience using BWCs within the department, such costs cannot be reliably estimated and are not included in this estimate.

Department of Public Safety and Correctional Services

General fund expenditures for DPSCS increase by *at least* \$487,170 in fiscal 2024 and by approximately \$86,700 annually thereafter. This estimate reflects the cost of purchasing BWCs for 90 law enforcement officers at a cost of \$2,200 per BWC. Additional first-year operating costs for user management, licensing, and storage of BWC footage are estimated at \$289,170. This estimate does not include costs for additional staff, training, or maintenance. To the extent that additional staff and/or BWC training, maintenance, and storage are needed in fiscal 2024 and in future years, expenditures increase further. However, without actual experience using BWCs within the department, such costs cannot be reliably estimated and are not included in this estimate.

Department of General Services

General fund expenditures for DGS increase by *at least* \$178,200 in fiscal 2024. This estimate reflects the cost of purchasing BWCs for 81 law enforcement officers at a cost of \$2,200 per BWC. This estimate does not include costs for additional staff, training, maintenance, user management, licensing, or data storage. To the extent that additional staff and/or BWC training, maintenance, and storage are needed in fiscal 2024 and in future years, expenditures increase further. However, without actual experience using BWCs within the department, such costs cannot be reliably estimated and are not included in this estimate.

Maryland Department of Transportation

TTF expenditures for MDOT's Motor Vehicle Administration increase by *at least* \$42,400 in fiscal 2024, and \$16,000 in future years for data storage. This estimate reflects the cost of purchasing BWCs for 12 law enforcement officers at a cost of \$2,200 per BWC. This estimate does not include costs for additional staff, training, maintenance, user management, or licensing. To the extent that additional staff and/or BWC training, licensing, and maintenance are needed in fiscal 2024 and in future years, expenditures increase further. However, without actual experience using BWCs within the department, such costs cannot be reliably estimated and are not included in this estimate.

MDOT advises that the Maryland Transit Administration and the Maryland Transportation Authority (a nonbudgeted State agency) already plan to purchase BWCs.

Other State Law Enforcement Agencies

Other State agencies with law enforcement units (such as the Comptroller, the University System of Maryland, and Morgan State University, among others) are also affected. As a result, State expenditures (multiple fund types) increase potentially significantly to purchase BWCs and implement a BWC program.

Local Expenditures: Expenditures increase significantly for counties and municipalities to comply with the bill's expanded BWC requirements. While Chapter 60 of 2021 requires the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of BWCs by July 1, 2023, and all law enforcement agencies of a *county* to require use by July 1, 2025, the bill expands the requirement to include law enforcement officers that counties would otherwise not equip with a BWC, including off-duty and undercover law enforcement officers. Thus, expenditures increase significantly for affected counties to purchase, operate, and maintain additional BWCs.

In addition, the Maryland Municipal League advises that approximately 40 of the 88 municipal law enforcement agencies in the State currently have at least a partial BWC program; thus, some municipalities that have existing BWC programs may need to purchase additional BWCs, and at least 48 municipal law enforcement agencies need to purchase BWCs in order to comply with the bill. The overall fiscal effect on all affected municipalities is unknown.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Carroll, Charles, Howard, Kent, Montgomery, and Prince George's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Baltimore City Community College; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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