



Department of Public Safety and Correctional Services

Office of Government and Legislative Affairs

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BILL: HOUSE BILL 162

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill would require the Department of Public Safety and Correctional Services (Department) to negotiate contracts to purchase body worn cameras (BWC), store data from BWCs, and fund the purchase and storage of all aspects of BWCs and footage for over 150 police agencies in the State.

Comments:

- The Police Training and Standards Commission (PTSC) is an independent Commission that is supported by an Executive Director and other personnel and whose budget falls under the Department. All of the other Commission members are assigned according to the membership criteria established in Public Safety Article § 3-203 and consist of employees of law enforcement agencies, public and private organizations, and citizens.
- The PTSC has the powers and duties stated in Public Safety Article § 3-207. These powers and duties do not include the ability to negotiate contracts, purchase, or store equipment for law enforcement agencies in the State. By extension, neither does the Department.
- Law enforcement agencies currently purchase and maintain their own equipment. As written, HB 162 would require the Department to pay for BWCs for EVERY law enforcement agency in the State, which consists of over 150 agencies, and depending on how the BWCs are utilized, the Department would be required to purchase approximately 16,000 BWCs.
- The Department is not a law enforcement agency, and is not involved in any aspect of the operation of law enforcement agencies. This bill would directly insert the Department into the operations of law enforcement agencies as it would require the Department to maintain footage for all BWCs.
- HB 162 places responsibility for the BWC footage with the Department. This could have an impact on Public Information Act requests. The Department is not able to project the number of PIA requests that may be submitted as a result of being the custodian of the footage; however, the fiscal impact is anticipated to be significant.

- Pursuant to the Public Information Act, the Department would be considered the Custodian of records for the BWC footage. As such, there will be significant legal ramifications as to whether or not the Department should be viewing the footage as a non law enforcement agency, and it further puts the Department at the forefront of litigation as it relates to the disclosure of such records.
- Inserting the Department into the process of obtaining equipment and maintaining footage for agencies that are not within its purview would have a significant fiscal impact on the Department. The Department could be in a position to purchase and maintain approximately 16,000 BWCs.
- Maintaining the BWCs and the footage will result in the need for additional personnel at a projected cost of almost \$500,000 in FY 23 and continuing.
- HB 162 would require the Department to purchase the equipment to support BWCs and to store the footage. The fiscal impact in FY23 is projected to be over **\$60 million** for such an endeavor. The projected costs will decrease by approximately \$10 million in the subsequent years, leaving a continuing fiscal impact in subsequent years in excess of \$50 million annually.
- Public Safety Article § 3-511.1 states that the PTSC is to be involved in negotiating contracts for purchasing of BWC equipment and technology along with approving non-DPSCS approved entities that are negotiating directly with an agency. Contract negotiations for the PTSC have been conducted via the Executive Director of the Maryland Police and Correctional Training Commissions (MPCTC) via the Department. This would therefore place the Department into the negotiations.
- Negotiating contracts, purchasing equipment, and maintaining footage for other State, county, and local law enforcement agencies are actions that are completely outside the scope and authority of the PTSC and the Department, and in no way relate to the certification or compliance of certification for police officers.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 162