

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 539
(Senator Lam)
Judicial Proceedings

Maryland Police Training and Standards Commission - Body-Worn Camera Policy

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to include in policies regarding the issuance and use of a body-worn camera (BWC) by a law enforcement officer that (1) a BWC purchased or otherwise procured for use by a law enforcement officer on or after January 1, 2020, have a video redaction software tool capable of blurring out faces and personally identifiable markings such as body tattoos, and automatically record and save two minutes of audio and video footage immediately prior to the officer activating the record button on the device and (2) a law enforcement officer who is issued a BWC be required to activate the camera, when applicable, at the time of dispatch.

Fiscal Summary

State Effect: While MPTSC can establish the policy required under the bill with existing resources, the policy may result in a significant increase in general fund expenditures for any State law enforcement agencies that purchase or otherwise procure BWCs on or after January 1, 2020. There is likely no immediate impact, however, as discussed below. Revenues are not affected.

Local Effect: Potential significant increase in local expenditures for law enforcement agencies that purchase or otherwise procure BWCs on or after January 1, 2020. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law/Background: 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: MPTSC can establish the policy required under the bill with existing resources.

Although all State law enforcement agencies contacted for information for this fiscal and policy note advise that law enforcement officers within their respective agencies do not currently use BWCs, general fund expenditures increase potentially significantly for any State law enforcement agencies that choose to purchase or otherwise procure BWCs on or after January 1, 2020. The Department of State Police (DSP) and MPTSC both advise that video storage and redaction services for BWCs have significant costs.

The Natural Resources Police, the Maryland Transit Administration Police Force, the Maryland Transportation Authority Police Force, and DSP each advise that law enforcement officers within each of their respective agencies do not currently use BWCs. Accordingly, there is likely no immediate impact on State finances.

Local Expenditures: The bill results in a potential significant increase in local government expenditures for local law enforcement agencies who purchase or otherwise procure BWCs on or after January 1, 2020. For example:

- Montgomery County advises that the equipment currently owned by the county is capable of blurring faces, activating a recording at the time of dispatch, and saving two minutes of audio and video immediately prior to the officer activating the record button on the device. However, the amount of video redaction necessary as a result of using any of the features increases redaction work hours. After MPTSC establishes the policy required under the bill, the county estimates the need for a contractual redaction specialist and additional contractual services at a cost of approximately \$26,000 to \$38,000 annually over the next five years.
- Prince George's County advises that the estimated cost to purchase equipment capable of meeting the bill's requirements and to provide storage for the data for three years is \$5.5 million. It is unclear, however, if this estimate includes costs it would otherwise incur to purchase BWCs in the absence of this bill.
- Howard County advises that, while its police department does not currently use BWCs, the estimated cost to meet the bill's requirements should it choose to use BWCs in the future is approximately \$2 million annually. It is unclear, however, if this estimate includes costs it would otherwise incur to purchase BWCs in the absence of the bill.

Additional Information

Prior Introductions: None.

Cross File: HB 462 (Delegates Moon and Sydnor) - Judiciary.

Information Source(s): Howard, Montgomery, and Prince George's counties; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Natural Resources; Department of Legislative Services

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