

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1207

(Delegate Anderton, *et al.*)

Judiciary and Appropriations

Public Safety - Body-Worn Cameras - Costs and Expenses

This bill requires the State to be responsible for all costs and expenses associated with the procurement and use of body-worn cameras (BWC), including the initial and ongoing operating costs associated with the use of BWCs by a law enforcement agency that is required by Chapter 60 of 2021 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. **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 \$8.4 million in FY 2023, by at least \$1.3 million in FY 2024, by at least \$53.8 million in FY 2025, and by at least \$9.5 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	8.4	1.3	53.8	9.5	9.5
Net Effect	(\$8.4)	(\$1.3)	(\$53.8)	(\$9.5)	(\$9.5)

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

Local Effect: Significant decrease in county expenditures related to the purchase and operation of BWCs, corresponding to the increase in State expenditures estimated above. Revenues are not affected.

Small Business Effect: None.

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: Law enforcement agencies currently purchase, operate, and maintain their own BWCs, equipment, and technology. Under the bill, *the State* is responsible for all costs and expenses associated with the procurement and use of BWCs for each law enforcement agency subject to the requirements of Chapter 60.

Pursuant to Chapter 60, by July 1, 2023, DSP, the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office must 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. Therefore, general fund expenditures increase by at least \$8.4 million in fiscal 2023 for the State to purchase BWCs for the aforementioned law enforcement agencies (except for DSP, which is a State agency, so costs incurred by DSP are already borne by the State). The information and assumptions used in calculating the estimate are stated below:

- the State is responsible for *all* associated costs and expenses;
- the bill takes effect July 1, 2022, as that is the date Chapter 60 takes effect;
- law enforcement agencies are eligible for federal and State grant funds to offset the costs to purchase BWCs and to operate a BWC program; however, the State is not eligible to apply for such funding; and
- there are approximately 1,550 law enforcement officers in the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office that need BWCs by July 1, 2023, at a total cost of \$3.4 million (\$2,200 per device). Additional first-year operating costs for use management, licensing, and storage of BWC footage are estimated to total \$5.0 million (management costs – \$186,000 at \$120 per device; licensing, software, and warranty costs – \$3.5 million at \$2,250 per device; and storage costs – \$1.3 million at \$843 per device).

General fund expenditures increase by at least \$1.3 million in fiscal 2024 for ongoing BWC footage maintenance associated with the BWCs purchased in fiscal 2023.

General fund expenditures increase by at least \$53.8 million in fiscal 2025 for the State to purchase BWCs for county law enforcement agencies that are required to have BWCs by July 1, 2025, and pay for ongoing BWC footage maintenance for BWCs purchased in fiscal 2023. There are approximately 9,700 law enforcement officers employed by a law enforcement agency of a county (excluding the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office) that need BWCs by that date, at a total cost of \$21.3 million (\$2,200 per device). Additional first-year operating costs for use management, licensing, and storage of BWC footage are estimated to total \$31.2 million (management costs – \$1.2 million at \$120 per device; licensing, software and warranty costs – \$21.8 million at \$2,250 per device; and storage costs – \$8.2 million at \$843 per device).

Future year expenditures (at least \$9.5 million annually) reflect ongoing BWC footage maintenance.

This estimate could vary significantly depending on the actual costs incurred by the counties, which are unknown without actual experience under the bill. For example, the estimate does not include:

- any additional costs that may be incurred by counties for staff, training, maintenance, user management, licensing, or data storage; and
- costs related to BWCs that may need to be purchased by the Maryland-National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission, as it is unknown if these bi-county agencies are subject to Chapter 60.

In addition, the estimate assumes that the State pays the costs for new BWCs for *all* eligible law enforcement agencies; however, several law enforcement agencies already own BWCs and may not require additional BWCs to comply with Chapter 60. To the extent that some law enforcement officers do not need a new BWC paid for by the State, costs are less.

Finally, the timing of the costs incurred by the State could vary. While some counties are not required to have their BWC programs in place until July 1, 2025, they may have plans to purchase BWCs and begin their BWC programs in advance of that deadline.

Local Fiscal Effect: County expenditures decrease significantly (corresponding with the increase in State expenditures estimated above). Under the bill, the State is responsible for *all costs and expenses* associated with the use of BWCs required under Chapter 60. Accordingly, counties 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 the

State. Counties with established BWC programs likely benefit less than those that have not yet established a BWC program.

Information provided by some counties regarding the anticipated decrease in expenditures resulting from the shift of costs from the county to the State is provided below:

- Harford County advises that county expenditures decrease by approximately \$650,000 related to the operation of its BWC program;
- Prince George's County advises that county expenditures decrease by approximately \$2.0 million in fiscal 2023, which has been budgeted for the purchase of BWCs and storage; out-year savings have not been estimated;
- Washington County advises that county expenditures decrease by at least \$60,000 annually, which reflects operating costs associated with existing BWCs; and
- Worcester County advises that county expenditures decrease by \$544,600 in fiscal 2023 and by approximately \$432,800 annually thereafter, which reflects costs to purchase BWCs, costs for the staff necessary to operate the BWC program, and storage costs.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Harford, Howard, Kent, Prince George's, Washington, and Worcester counties; Maryland Association of Counties; Department of Budget and Management; Department of State Police; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

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