LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1163

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 31, 2020

SUMMARY

Synopsis:	Requires law enforcement officers to wear body cameras.
Type of Impact:	State and Local Expenditure Increases. Forfeiture Funds.
Agencies Affected:	Department of Law and Public Safety; State, County and Municipal Entities Employing Law Enforcement Officers.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the cost to the State and local governments to implement the provisions of this bill are indeterminate, specifically due to the variations in cost for the body worn cameras (BWCs), including storage and maintenance costs, and because the number of officers needed to be outfitted with the cameras is unknown.

- Forfeiture funds will be utilized to provide funding needed to effectuate the provisions in this bill; however the OLS notes that the availability of these funds fluctuate annually depending on seized and forfeited property.

- The bill authorizes the Attorney General to issue guidelines and directives on BWCs; however, the Office of the Attorney General has already issued two directives regarding the utilization of BWCs and the OLS finds the costs related to updating the current directive unknown.

BILL DESCRIPTION

This bill requires certain law enforcement officers to wear body cameras. Specifically, under the provisions of this bill, every uniformed State, county, and municipal patrol law enforcement

officer is required to wear a BWC that electronically records audio and video while acting in the performance of the officer's official duties.

Under this bill, the BWCs are to be funded by forfeiture funds collected pursuant to N.J.S.2C:64-6 in an amount to be determined by the Attorney General. Finally, the bill authorizes the Attorney General to promulgate guidelines or directives.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the cost to the State and local governments to implement the provisions of this bill are indeterminate, specifically due to the variations in cost for the BWCs, including storage and maintenance costs, and because the number of officers needed to be outfitted with the cameras is unknown. The bill requires funding for the purchase of the BWC be provided from annual forfeiture funds. As forfeiture funds are an unreliable source of annual revenue, fluctuating from year to year, the OLS is uncertain if the amount of annual forfeiture funds will be available to offset the remaining amount of BWCs needed Statewide.

Background: In 2014, New Jersey passed a law mandating that every new municipal police vehicle used primarily for traffic stops be outfitted with a dashboard camera (dash-cam). Alternatively, it was determined that departments could avoid equipping cars with video systems if their officers wore body cameras. The law created a $25 surcharge on those convicted of driving while intoxicated that would help pay for the cameras. In 2015, the New Jersey Council on Local Mandates panel found the law created an unconstitutional financial burden on local governments, issuing a "state mandate, state pay" decision, indicating that the State would be unable to provide adequate funding and as a result the law could not be applied.

In FY 2016, the Department of Law and Public Safety commenced a $4 million Statewide BWC initiative to equip all New Jersey Division of State Police (DSP) troopers in the field with the BWCs and institute a grant program to provide funding for local police departments to acquire BWCs on a voluntary basis. To be eligible a local applicant had to employ permanent, regular police officers with a funding cap per BWC of the greater of actual costs or $500.

In response to an OLS inquiry in FY 2017, the department reported that a total of 213 local, county, and campus police agencies received funding to purchase over 6,100 BWCs. The department further noted that as of February 2017, an additional approximately 30 local and campus police departments had purchased BWCs without State funding offered through the Office of the Attorney General.

As of 2017, it was reported that three stations of DSP troopers began wearing the devices resulting from federal funds, which afforded the DSP to purchase cameras for 1,575 officers. In July of 2020, a news article confirmed that DSP Troops A, B, and C headquarters covering the southern, northern, and central regions of the State already had implemented the BWC program. The article indicated, however, that according to the Office of the Attorney General there was a problem with a vendor which caused a delay in the implementation of BWC program at the Troop D headquarters. According to a spokesperson with the Office of the Attorney General, troopers with the Troop D headquarters will receive BWCs at latest by October of 2020.

Expenditures: The OLS is of the understanding that the BWC program is in the process of being implemented by the DSP and in at least in 243 local, county, and campus police agencies. The OLS estimates the cost to implement the program in the remaining local, county, and campus police agencies that have chosen not to participate to-date to be indeterminate.

According to the 2014 report "Implementing a Body-Worn Camera Program Recommendations and Lessons Learned," published by the Police Executive Research Forum with support from a cooperative agreement awarded by the Office of Community Oriented Policing Services in the U.S. Department of Justice, the price of body-worn cameras ranged from approximately $120 to nearly $2,000 for each device. Prices varied depending on factors such as functionality, storage capacity, and battery life. Agencies generally made an initial purchase up front, and often purchased cameras as part of a contract with a manufacturer for related services, such as data storage and technical assistance.

Although the initial costs of purchasing the cameras may be a significant investment, the report found that many police executives attributed the most expensive aspect of a body-worn camera program to be data storage. In addition to the cost of purchasing cameras and storing data, the report indicated that administering a body-worn camera program requires considerable ongoing financial and staffing commitments. According to the report, many agencies appoint at least one full-time officer to manage the camera program, which may be an additional cost. Agencies are to provide ongoing training programs, ensure that cameras are properly maintained, fix technical problems, and address any issues of officer noncompliance. Some agencies also devote resources toward public information campaigns aimed at educating the community about the program.

The actual cost may diverge widely, depending on a host of factors such as the vendor chosen through competitive bidding and the unit costs that result, and the ancillary services, e.g., data storage, procured along with the cameras. There are ongoing unknown annual costs thereafter, e.g., to manage data storage, respond to public information requests, and replace damaged and nonfunctional cameras. The Office of the Attorney General has issued two directives on BWCs: Attorney General Law Enforcement Directive NO. 2015-1, Law Enforcement Directive Regarding Police Body Worn Camera (BWCs) and Stored BWC Recordings and Attorney General Law Enforcement Directive NO. 2018-10, Law Enforcement Directive Concerning Public Release of Video Recordings Depicting Police Deadly Force Incidents. The OLS cannot determine how revisions to the Attorney General's guidelines and directives regarding BWCs may influence costs.

Revenue: The Governor's FY 2020 recommended budget reflected forfeiture revenue for public safety purposes totaling $4 to $5 million annually (page C-13). Forfeiture funds are not a dependable revenue source as the amount is subject to annual fluctuation. No information is available to the OLS as to the extent of locally realized forfeiture funds, or the extent to which local forfeiture funds are at present supporting costs of BWCs.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).