LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 1163

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: NOVEMBER 19, 2020

SUMMARY

Synopsis:	Requires law enforcement officers to wear body cameras.
Type of Impact:	State and Local Expenditure Increases.
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.

- Funds for the purchase of BWCs may be derived from any source of funding, including forfeiture funds and federal grants, to provide funding needed to effectuate the provisions in this bill.

- The bill authorizes the Attorney General to issue and revise 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 every uniformed State, county, and municipal patrol law enforcement officer to wear a BWC to record the officer's activities while performing his or her duties. Certain law enforcement officers would be excluded from this requirement while engaging in certain activities.

The bill specifies that funding for the BWCs may be derived from any funding source made available, including annual appropriations, federal funds, and forfeiture funds collected pursuant to State law.

Finally, the bill authorizes the Attorney General to promulgate or revise guidelines or directives.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the Office of the Governor in the recent Conditional Veto (CV) of Senate Bill No. 1163 (2R) of 2020, there are over 35,000 local, county, and State law enforcement officers in this State. Further, it was indicated that the New Jersey Office of the Attorney General completed a survey reflecting that while many law enforcement agencies in New Jersey currently use BWCs, more than half do not. The survey found that approximately 12,000 BWCs are currently in use across the State requiring up to two-thirds of the State's law enforcement officers to be outfitted with BWCs to execute the provisions of the bill.

The Department of Law and Public Safety estimates that initial deployment of nearly 26,000 cameras could cost up to $55.8 million, depending on the specific number of BWCs required to outfit all uniformed patrol officers who are not currently so equipped. This estimate includes equipment acquisition, an annual licensing fee, maintenance and storage. Even after acquisition, ongoing maintenance and storage costs would be incurred.

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.

The OLS concurs with the Department of Law and Public Safety's estimate of the number of BWCs which would be needed; however, specifically due to the variations in cost for the BWCs, including storage and maintenance costs, the ultimate expenditure is indeterminate.

The bill requires funding for the purchase of the BWCs to be provided from any available funding, including annual appropriations, forfeiture funds, and federal funds.

Expenditures: The OLS is of the understanding that the BWC program is in the process of being implemented by the Division of State Police 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 BWCs 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 BWC as part of a contract with a manufacturer for related services, such as data storage and technical assistance.

Although the initial costs of purchasing BWCs may be a significant investment, the report found that many police executives attributed the most expensive aspect of a BWC program to be data storage. In addition to the cost of purchasing cameras and storing data, the report indicated

that administering a BWCs program requires considerable ongoing financial and staffing commitments. According to the report, many agencies appoint at least one full-time officer to manage the BWC 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, including managing storage, responding to public information requests, and replacing damaged and nonfunctional BWCs. 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 bill provides that funds for the purchase of BWCs may be derived from any source, including forfeiture funds and federal grants, to provide funding needed to effectuate the provisions in this bill.

According to the Office of the Governor in the recent CV of Senate Bill No. 1163 (2R) of 2020, as recently as August 2020, the forfeiture fund account identified in this legislation to fund this endeavor contained less than $2 million, and $1 million had already been earmarked for respective programs, leaving under $1 million to cover the costs of BWCs. It was additionally noted in the CV that recent changes to the forfeiture laws to promote fairness to property owners will further limit the funds that may be available from this source moving forward.

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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.).