

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5039
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 25, 2021

SUMMARY

- Synopsis:** Requires correctional police officers to wear body worn cameras and security camera systems to be installed in State correctional facilities.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** Department of Corrections; Juvenile Justice Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Annually Thereafter</u>
State Expenditure Increase	Indeterminate	\$4,200,000 to \$5,200,000

- The Office of Legislative Services (OLS) projects the costs to the State for outfitting all State correctional police officers with body-worn cameras based on a Department of Corrections (DOC) estimate.
- Within State government, the body-worn camera requirement would apply to the DOC and the Juvenile Justice Commission (JJC). The DOC responded to an FY 2022 OLS Discussion Point that it would require \$26.0 million for a five-year contract to outfit all of its corrections officers with body-worn cameras. Some \$8.6 million would be needed in the first year for the purchase of equipment and licenses and \$4.4 million for each remaining year for license maintenance.
- The OLS does not have sufficient information on the costs for the implementation and installation of a state-of-the-art camera system in all State correctional facilities per the provisions of this bill. To provide some context, in response to a follow up question from the Assembly Budget Committee for FY 2022, the DOC noted that the expansion of a facility-wide camera project at Edna Mahan Correctional Facility for Women alone is an estimated \$6.2 million.

BILL DESCRIPTION

This bill requires correctional police officers to wear body worn cameras (BWC) and requires the development and implementation of a comprehensive plan to install a state-of-the-art camera system in State correctional facilities.

The bill specifically requires all correctional police officers employed in a State correctional facility to wear a BWC at all times while performing the officer's duties, unless otherwise provided in the bill. The bill also regulates the use of BWCs by correctional police officers by outlining the circumstances under which a BWC may be deactivated, restricting the use of BWCs in certain circumstances, and specifying the retention periods for recorded footage.

The bill clarifies the circumstances in which deactivation of the BWC is required or permitted.

The bill imposes data storage retention requirements. BWC recordings are to be retained for a minimum of 180 days from the date of the recording, but are subject to longer periods if they fall into certain categories. For example, a BWC recording is to automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered.

In regard to the camera system, the bill specifically requires the DOC to contract with a consultant who has expertise in the area of surveillance cameras in correctional facilities to conduct a study of each facility. The consultant is to advise the department on the development and implementation of the plan for installing the camera system.

The plan for the camera system is to require an evaluation of the current number and location of cameras in the facility and to the extent possible, incorporate these cameras into the comprehensive plan. The plan is to require security cameras be placed throughout the facility, including identified blind-spots, housing unit hallways and entryways, common spaces, and exterior locations. The plan also is to require systematic oversight and review of the camera footage. At least one corrections officer per shift is required to continuously monitor the camera system. The plan also is to require security camera footage to be maintained for not less than 90 days and, when necessary, to be retained indefinitely.

The DOC would be required to submit to the Legislature an annual report evaluating the effectiveness of the camera system, including a review of the location of cameras and whether their placement achieves maximum supervision.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not provided a formal fiscal note on this bill. However, the Department of Corrections responded to an FY 2022 OLS Discussion Point that it had purchased 200 body-worn cameras for deployment at the Edna Mahan Correctional Facility for Women at an estimated cost of \$250,000.

Moreover, the department would need an additional \$26.0 million over a five-year period to contract with the current vendor for a five-year basic program for all officers to be outfitted with such cameras. Specifically, some \$8.6 million would be needed in the first year for the purchase of equipment and licenses and \$4.4 million for each remaining year for license maintenance.

Furthermore, in response to a follow up question from the Assembly Budget Committee for FY 2022, the DOC noted that the expansion of a facility-wide camera project at Edna Mahan Correctional Facility for Women alone is an estimated \$6.2 million.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects the costs to the State for outfitting all State correctional police officers with body-worn cameras based on a DOC estimate. Within State government, the body-worn camera requirement would apply to the DOC and the JJC. The DOC responded to an FY 2022 OLS Discussion Point that it would require \$26.0 million for a five-year contract to outfit all of its corrections officers with body-worn cameras. Some \$8.6 million would be needed in the first year for the purchase of equipment and licenses and \$4.4 million for each remaining year for license maintenance.

The OLS estimates are predicated on the cost projection the DOC provided in reply to an FY 2022 OLS Discussion Point, as noted above. The department based its projection on its current contract for equipping a limited number of correctional officers with body-worn cameras. As a caveat, the OLS notes that other contractual arrangements are conceivable with different costs for equipment, license fees, and other miscellaneous expenses.

The OLS estimate is based on the following variables and assumptions:

- a) Based on funded positions in the FY 2022 Governor's Budget in the Institutional Control and Supervision program for the DOC and the JJC, the OLS estimates there are 5,740 correctional officers at State correctional facilities.
- b) The Department of Corrections cost estimate yields a per-officer cost of \$1,594 in the first year of equipping officers with cameras and \$816 in each subsequent year for maintenance and license fees (\$8.6 million in initial-year costs and \$4.4 million in subsequent annual cost divided by 5,394 funded positions in the department's Institutional Control and Supervision program class);
- c) For the State cost estimate, the OLS multiplies the per-capita amounts calculated in b) by the 5,740 funded FY 2022 positions in the Institutional Control and Supervision program class in the Department of Corrections and the Juvenile Justice Commission to arrive at \$9.2 million in initial-year costs and \$4.7 million in annual costs thereafter;
- d) Accounting for uncertainty as to the number of correctional officers who may already be outfitted with body-worn cameras and the possibility of different contractual arrangements to operate body-worn camera programs, the OLS determines a range of potential costs attributable to the bill whose lower bound equals 90 percent of the estimated amounts and whose upper bound equals 110 percent thereof.

Camera System:

With regard to the costs for the implementation of a comprehensive plan to install a state-of-the-art camera system in all State correctional facilities, the OLS does not have sufficient information to the coverage needed in each State correctional facility. To provide some context, in response to a follow up question from the Assembly Budget Committee for FY 2022, the DOC noted that the expansion of a facility-wide camera project at Edna Mahan Correctional Facility for Women is estimated at \$6.2 million

General Background:

According to a 2014 report by the Police Executive Research Forum entitled "Implementing a Body-Worn Camera Program Recommendations and Lessons Learned," the price of a body-worn camera ranged from approximately \$120 to nearly \$2,000. Prices varied depending on factors such as functionality, storage, capacity, and battery life. Agencies generally made an initial purchase upfront, and often purchased cameras as part of a contract with a manufacturer for related services, such as data storage and technical assistance. The report found that many police executives attributed the most expensive aspect of a body-worn camera program to data storage along with other ongoing expenses such as staffing commitments.

Section: Judiciary

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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.).