Department of Planning and Budget
2016 Fiscal Impact Statement

1. **Bill Number: HB 998**

House of Origin	☒	Introduced	☐	Substitute	☐	Engrossed
Second House	☐	In Committee	☐	Substitute	☐	Enrolled

2. **Patron: Levine**

3. **Committee: House Courts of Justice**

4. **Title:** Body-worn cameras

5. **Summary:**

The proposed legislation would prohibit any locality from purchasing or deploying a body-worn camera system unless it had adopted a written policy for the operation of such a system. The written policy would have to conform to a model policy established by the Department of Criminal Justice Services (DCJS). The legislation stipulates several provisions that any local policy must include.

The legislation also provides that the Commonwealth shall reimburse any county or city one-half of the costs of any body-worn system. The reimbursement would be contingent upon the locality adopting a written policy approved by DCJS.

6. **Budget Amendment Necessary**: Yes.

7. **Fiscal Impact Estimates:** Indeterminate. See Item 8.

8. **Fiscal Implications:**

The proposed legislation could have a significant fiscal impact. One aspect of the impact can be determined; the more significant aspect cannot be determined because there are many factors that need to be taken into account, but the dimensions of which are unknown at this time.

The impact that can be determined with some certainty is that upon DCJS. The legislation would make the agency responsible for: (1) developing a model policy for body-camera systems; (2) providing technical assistance to localities who wish to develop written body-worn camera policies; (3) reviewing and approving local policies to enable them to qualify for reimbursement; (4) developing procedures for reimbursing localities; and (5) reviewing and processing requests for reimbursement. According to DCJS, there are approximately 290 law-enforcement agencies in the Commonwealth that could develop such a policy. To carry out these responsibilities, the agency will need initially an additional staff position, at an annual cost of approximately $90,500. In later years, as more localities begin to participate in the program, the agency may need additional personnel.

The larger impact, but which cannot be reliably projected, would be the reimbursement of counties and cities for the cost of body-worn camera systems. The cost to the Commonwealth would be dependent on the actual cost to the localities and the number of localities that employ systems.

The costs of a body-worn camera system can be divided into three categories: equipment (cameras and docking stations), licenses and maintenance, and data storage. The cameras and docking stations constitute the smallest portion of the overall cost. All researchers and reports agree that data storage is the largest cost and the biggest unknown. The cost related to data storage cannot be determined because localities will have implemented different policies on how long the data can be stored; the packages purchased by the various law enforcement agencies from a vendor may vary. If the file is evidential, the retention time expands, based on the seriousness of the case and lengthy court processes. Thus, the storage of video files for the entire operational component of the various police departments can be tremendous, encompassing many petabytes of data. The cost associated with data storage could be significant, but cannot be determined at this time.

Although body-worn camera system costs vary greatly and cannot be determined with a reasonable degree of accuracy, it is possible to estimate the rough order of magnitude of the fiscal impact on the state of the proposed legislation. From news reports and surveys by law-enforcement organizations, it seems that the most commonly used camera costs approximately $500. To make estimating the cost more complicated, some vendors offer package deals, which include the cost of the camera, maintenance, periodic replacement of cameras, and a specified amount of storage. One major vendor offers such a package at the cost of $99 per month per camera. That $1,200 annual cost is more than what has been reported to be the costs for police departments in the Hampton Roads area that have implemented body camera systems. For two cities that purchased contracts that included cameras, the annual cost was about $820 per camera. Obviously, the costs for an individual locality will vary, depending on the number of cameras, storage space, and maintenance agreements. However, for this analysis, an annual cost of $820 will be used.

According to DCJS, there are 19,051 certified local law-enforcement officers in the Commonwealth. That includes supervisory personnel, who ordinarily would not be on patrol and be outfitted with a body camera. Assuming that one-fourth of that number is supervisory, that would leave 14,288 law-enforcement officers who potentially would need body cameras. An agency could assign one body camera per patrol officer and detective or officers could share cameras when they came off duty. A department could also have more than one camera per two officers, in case of equipment failure or emergencies. However, for this analysis, it is assumed that departments would need the equivalent of two-thirds of a camera per officer, resulting in a potential state need of 9,530 cameras. At an annual cost of $820 per camera, the total cost would be $7.8 million. Under the provisions of the proposed legislation and these assumptions, the annual state share would be $3.9 million. However, it is likely that some localities would not choose to equip its law-enforcement officers with body-worn cameras. To the extent that is the case, the Commonwealth's cost would be lower.

There is another cost of employing body-worn camera systems that is not included in the analysis above. Many law-enforcement agencies have reported they needed to dedicate one or more staff to manage the body-worn camera program. It is not feasible to estimate those costs and include them in the estimate.

Another factor affecting the potential cost for the state is the lack of a definition of "costs" in the proposed legislation. On line 240, the legislation directs DCJS to develop procedures for the reimbursement of localities for the "purchase" of a body-worn camera system. On line 267, reference is made to the reimbursement of the "costs" of a system. If it is the intent of the legislation to reimburse half of only the initial "purchase" cost, rather than the ongoing "costs", the fiscal impact on the Commonwealth would be much smaller.

In summary, because there are so many unknown factors, it is not possible to project with reasonable reliability what the fiscal impact of the proposed legislation would be. However, based on information that is available, it seems reasonable to assume that the legislation could have an annual fiscal impact of several million dollars to the Commonwealth.

9. Specific Agency or Political Subdivisions Affected:

Department of Criminal Justice Services
Counties and cities

10. Technical Amendment Necessary:

Eligible entity—In lines 248-253, the legislation requires any "locality" that deploys a body-worn camera system to develop a written policy that conforms to the DCJS model policy. The general rule for sections in the Code of Virginia is that the term "locality" includes counties, cities, and towns (§ 1-221, Code of Virginia). However, in lines 266-270, the legislation provides specifically for reimbursement of only counties and cities. (The fiscal impact estimates in Item 8 include law-enforcement officers in towns.)

Sheriffs—In line 248, the legislation provides that "No locality having jurisdiction over criminal law enforcement or regulatory violations…" shall deploy body-worn camera systems without a written policy that conforms to a DCJS model policy. However, in most counties, the responsibility or jurisdiction to enforce criminal laws lies not with the county government (locality) or board of supervisors, but with the sheriff, who is an elected official and not responsible to the county government (§ 15.2-1609, Code of Virginia). If it is the intent that sheriffs' offices are subject to the requirements of the legislation, that should be made clear. (The fiscal impact estimates in Item 8 assume that sheriffs would be affected.)

11. Other Comments: Identical to HB 1327.

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