



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

May 31, 2022

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Department of Justice: Section 13.10 Request for Release of Funding for Body Worn Camera Grants -- Agenda Item V

REQUEST

On April 21, 2022, the Department of Justice (DOJ) submitted a request under s. 13.10 of the statutes for release of \$2,000,000 GPR in 2022-23 from the Committee's supplemental appropriation (s. 20.865(4)(a)) to DOJ's appropriation for body worn camera (BWC) grants (s. 20.455(2)(d)).

BACKGROUND

Under 2021 Act 58, a new continuing GPR appropriation, initially budgeted at \$0, was created for DOJ to issue grants to law enforcement agencies for the purchase of BWCs. Act 58 also placed \$2 million GPR in 2021-22 in the Joint Committee of Finance GPR supplemental appropriation for law enforcement agency BWC grants.

On May 18, 2021, Assembly Bill 335 creating the statutory criteria for a BWC grants was introduced. On June 16, 2021, the Assembly passed the bill as amended. On February 22, 2022, the Senate concurred with the bill as passed Assembly. On March 17, 2022, the bill was enacted as 2021 Act 185.

The act requires DOJ to award grants to law enforcement agencies in Wisconsin to purchase BWCs for the officers employed by the agency. For purposes of eligibility for the grant program, the act defines “law enforcement agency” to include an agency of a Wisconsin political subdivision, an agency of a federally recognized Indian tribe or band, and the Marquette University police department, but excludes any agency of the state.

A law enforcement agency applying for a grant must include: (a) a proposed plan of expenditure, including an estimated cost per BWC and the number of cameras needed; (b) a

statement of intent to match the grant award and to maintain the equipment and adequate digital video storage for at least three years; and (c) an anticipated amount of time before the agency is able to equip with a BWC all officers who have primary duties involving traffic patrol, beat patrol, or responding to public calls. The Act specifies that more than one law enforcement agency may jointly apply.

Further, for at least three years from the date of a grant award, a grant recipient must do all of the following: (a) equip with a BWC all officers who have primary duties involving traffic patrol, beat patrol, or responding to calls from the public requiring assistance; and (b) require an officer equipped with a BWC to activate the camera in situations in which the officer has an enforcement or investigation contact with a member of the public, including a traffic stop, arrest, search, interrogation or interview, or in any other situation in which the officer has contact with a member of the public that becomes adversarial after the initial contact.

Under the act, grant funds may be used only to cover the costs of BWCs, digital storage, and retrieval systems. Grant recipients must provide an equal match and are authorized to use contributions, gifts, or other grants as part or all of the matching requirement. Further, grant funds may not supplant existing resources and may not be used to hire employees or pay salaries.

The act requires DOJ to attempt to award grants to all qualifying law enforcement agencies that apply. If funds are insufficient to make awards to all applicants, DOJ must consider fairness among different population areas and need based on crime rates. Further, DOJ and the Department of Administration must work together to develop options for reducing the cost of BWC data storage. In addition, within 90 days of the act's effective date, DOJ must consult with BWC vendors to find cost-saving measures that a law enforcement agency may use when estimating the cost of BWCs in a grant application or when acquiring BWCs using grant funds.

ANALYSIS

Since Act 185 requires DOJ to attempt to award grants to all eligible law enforcement agencies that apply, the exact amount per grant and number of law enforcement agencies served may not be determined until applications are received.

With regards to options for purchasing, according to DOJ:

Law enforcement agencies in Wisconsin use a wide array of makes and models of BWCs. When selecting a vendor, agencies might consider the other computer and recording equipment already used by the agency, which may be compatible with certain types of body cameras but not others, and the cameras in use by other local and regional law enforcement agencies.

Understanding that a wide variety of vendors may be needed to meet the needs of local law enforcement agencies across the state, the department completed a market survey of body camera procurement options. As described further below, the department has identified two cooperative, competitively bid government purchasing agreements that provide substantial discounts on body cameras and related services and accessories. This information will be shared with law enforcement agencies as part of the application process.

The Department further identifies two multi-state contracts that may be used to purchase body cameras and video storage through over 17 vendors.

Note that the BWC grants appropriation is a continuing appropriation. As such, funds remain in the appropriation until fully expended. Monies in a continuing appropriation do not lapse at the end of a fiscal year or biennium. The Department's request would place funding in 2022-23 and establish the base funding for the 2023-25 biennium. As a result, \$2,000,000 GPR annually would be added to the appropriation and could be used for current and future grants.

If the Committee wishes, the Department's request for release of funding could be approved. [Alternative 1] Alternatively, the Committee could approve DOJ's request, but on a one-time basis in 2022-23. [Alternative 2] If the request is denied, funding would remain in the Committee's biennial supplemental appropriation, and DOJ could submit a subsequent request seeking release. [Alternative 3]

ALTERNATIVES

1. Approve the request and transfer \$2,000,000 GPR in 2021-22 held in reserve for body-worn camera grants from the Committee's supplemental appropriation [s. 20.865(4)(a)] to the Department of Justice's appropriation for body-worn cameras appropriation [s. 20.455(2)(d)] in 2022-23.
2. Approve the Department's request but specify that funding in 2022-23 would be provided on a one-time basis.
3. Deny the request.

Prepared by: Sarah Wynn