

Fiscal Estimate Narratives

UWS 7/27/2021

LRB Number	21-3272/1	Introduction Number	AB-0465	Estimate Type	Original
Description requiring the use of body cameras by law enforcement and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a law enforcement agency uses a body camera on a law enforcement officer, the agency is required to administer a written policy regarding the use of body cameras. Under current law, the written policy is required to cover any limitations the agency imposes on which officers may wear a body camera, and any limitations on situations, persons, or encounters that may be recorded. Current law also specifies data retention requirements for data from a body camera and specifies when this data may be released to the public under the open records law.

This bill would do all of the following with respect to a body camera and a dashboard-mounted camera used by law enforcement:

1. Require the Law Enforcement Standards Board (LESB) to develop a statewide policy for an officer's use, maintenance, and storage of a body camera or a dashboard-mounted camera, and data recorded by such a camera by January 1, 2025. Under the bill, the policy developed by the LESB would replace the policy of a law enforcement agency. Under the bill, the LESB policy would require officers to record every encounter with a civilian. Exceptions to this standard would be specific and based on best practices.
2. Specify that if an officer intentionally violates a written policy on body cameras by failing to use the camera, the officer would be guilty of the crime of misconduct in public office, a Class I felony.
3. Specify that a law enforcement agency that is using a body camera on an officer on the effective date of the bill would be required to continue use of a body camera on that officer until January 1, 2025, when the LESB policy would take effect.
4. Require a law enforcement agency to provide body cameras to each of its officers and dashboard-mounted cameras for each of its vehicles by January 1, 2025.
5. Require a law enforcement agency to conduct periodic reviews of body camera and dashboard-mounted camera footage for compliance with the agency's use of force policy. If the agency would determine, as a result of such a periodic review, that an officer has violated a use of force policy, the bill would require that the agency immediately terminate employment of the officer.
6. Apply to dashboard-mounted cameras the current data retention and open records requirements for body cameras.

Also, under current law, a collective bargaining unit that represents law enforcement officers may generally bargain wages, hours, and conditions of employment. Under the bill, mandatory termination of employment for a violation of a use of force policy that is discovered upon review of body camera or dashboard-mounted camera footage may not be collectively bargained.

Because this bill would create a new crime or revise a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

Long-Range Fiscal Implications

Campuses in the UW System are at various stages of implementing body worn cameras and dashboard-mounted cameras, therefore it is difficult to estimate the costs associated with this bill until the LESB statewide policy is developed to understand the implementation impact associated with coming into compliance with the policy.