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Joint Committee on Finance

Paper #625

State Patrol Equipment Funding (Transportation -- State Patrol)

[LFB 2021-23 Budget Summary: Pages 598 and 599, #1, #2, and #3]

CURRENT LAW

The Division of State Patrol's primary duty is the enforcement of traffic laws and commercial motor vehicle laws by conducting highway patrols and truck inspections, in addition to inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. The State Patrol has 301 officer positions classified as troopers and 93 positions that are classified as motor carrier inspectors. There are also 86 supervisory positions (including the ranks of sergeant, lieutenant, captain, major, and colonel), and the State Patrol superintendent.

Upon the request of a State Patrol officer, the Department of Transportation (DOT) is statutorily required, as soon as is practicable, to equip that officer with bulletproof garment. This type of garment is commonly referred to as a "bulletproof vest" or "body armor." There is no state law requiring the use of body-worn cameras by law enforcement agencies, and no state funding is specifically dedicated to these cameras. State Patrol currently equips all squad vehicles with in-vehicle video cameras, but does not utilize body-worn cameras.

In the 2017-19 biennial budget, a GPR annual appropriation was created for the purchasing of state traffic patrol equipment, including in-vehicle camera equipment, tactical vests, and helmets. In 2017-18, the State Patrol received \$2,750,000 GPR for the purchase of approximately 500 in-vehicle video cameras to replace existing cameras and \$800,000 GPR for the purchase of 500 tactical vests and helmets to protect against high-caliber, high-velocity bullets as well as some armor-piercing rounds. This GPR appropriation has not received funding since 2017-18.

DISCUSSION POINTS

1. This paper discusses the provision of three different types of equipment for State Patrol officers in the performance of their duties. Each of the three items were included in the Governor's 2021-23 biennial budget recommendations. However, the Department did not include any of the items in their agency's 2021-23 biennial budget request.

Body-Worn Cameras

2. Although state law does not require the use of body-worn cameras by law enforcement agencies, their use has increased in recent years to provide additional transparency and accountability. In a 2020 survey conducted by the Department of Justice, it was reported that 63.1% of Wisconsin law enforcement agencies indicate they utilize body-worn cameras.

3. In 2018, the Joint Legislative Council established the Study Committee on the Use of Policy Body Cameras. The result of the study committee was the enactment of 2019 Act 108, which went into effect on March 1, 2020. This Act created standards for a law enforcement agency that uses body cameras. Specifically, the Act addressed law enforcement agency policies, training, and compliance related to body cameras, and retention and release of body camera data. The Act specified the following: (a) certain standards for what information written policies of law enforcement agencies must include; (b) that body-worn camera policies need to be publically available; and (c) training for the agencies must be provided. In addition, Act 108 required data from body cameras to be retained for a minimum of 120 days after its recording. Exceptions for longer retention were also specified, such as data used in an investigation, case, or complaint and the encounter resulted in the death or physical injury to an individual, or an encounter that included the use of force by an officer. Further, Act 108 stated that body cameras be generally open to inspection and their data to copying under the open records law.

4. On August 24, 2020, the Assembly Speaker created the Task Force on Racial Disparities to assess racial disparities, educational opportunities, public safety, and police policies and standards in Wisconsin, including a 19-member subcommittee on Law Enforcement Policies and Standards. Through the course of eight meetings, this subcommittee received testimony from stakeholders, including on the use of body-worn cameras. Based on its discussions, the subcommittee recommended that all active duty law enforcement officers who are primarily assigned to patrol functions be equipped with a body camera. The subcommittee supported requiring body camera activation in certain situations in which an officer interacts with the public rather than "24/7" activation, which may be too costly and could raise privacy concerns. The subcommittee further recommended creating a funding mechanism to assist agencies with the associated costs. If possible, collaboration among law enforcement agencies, if third-party vendors were willing, was encouraged to reduce costs.

5. In the 2020 survey conducted by the Department of Justice on the use of body-worn and in-vehicle cameras, State Patrol indicated that costs associated with purchasing body-worn cameras and recording and preserving data has prevented the agency from fully implementing the devices. In addition to purchasing the camera equipment, which typically cost from \$800 to \$1,200 per unit, there are a number of factors that would influence the cost of utilizing body cameras. These factors include:

(a) costs associated with storage both on- and off-site; (b) licensing fees for video management and editing software; (c) information technology infrastructure upgrades; (d) personnel costs associated with information technology, training, and other programming; and (e) costs associated with video transmission to the public or criminal justice system. For example, a provider of body-worn cameras to several Wisconsin law enforcement agencies stated in 2018 that its costs for services were \$79 per month per user. In addition, in 2020, the Milwaukee Police Department indicated they pay \$1,700,000 each year to operate 1,260 body-worn cameras, 325 in-vehicle cameras, 28 interview room cameras, and unlimited web-based storage.

6. The Governor recommends providing \$700,000 SEG annually to fund the purchase of body-worn cameras and store camera data for the State Patrol. This would establish a \$700,000 increase in base level SEG funding in State Patrol's operations appropriation. Over the approximate five-year useful life of body-worn cameras, the administration estimates that State Patrol could purchase approximately 100 body-worn cameras and their related data storage per year. After five years, State Patrol would have 500 cameras and related storage, at which time they could begin to use the ongoing funding to replace 100 cameras each year provided the costs would not increase substantially. Therefore, the increase to base level funding would allow for DOT to replace the body-worn cameras on a rolling basis rather than periodic, larger purchases to replace all cameras, which would reduce their reliance on the biennial budget process to fund these purchases. Further, the annual rolling purchase of cameras and storage could allow State Patrol to take advantage of any changes in technology sooner than a large one-time purchase. [Alternative A1]

7. Alternatively, if a \$700,000 SEG increase to base level funding for this purpose is a concern, \$3,500,000 could be provided to purchase all 500 body-worn cameras in 2021-22. While this approach would not allow State Patrol to take advantage of changes in technology as quickly, the consistency in technology for the users and for maintaining the cameras and storage could also have benefit. However, this would require \$2,100,000 more in SEG funding compared to \$700,000 annually needed in the 2021-23 biennium to purchase the 500 cameras over five years. [Alternative A2]

8. Under the base level funding currently included in the substitute amendment to Assembly Bill 68/Senate Bill 111, expenditures from the transportation fund are significantly higher than under the Governor's recommendations. The Governor's recommendations reduced SEG funding to the state highway improvement program and replaced that funding with bonding. Further, while the 2019-21 budget increased revenues to the transportation fund, the coronavirus pandemic has dampened the impact of those revenue increases to the fund, as well as to ongoing base level revenues. The Committee already took action to reduce transportation fund appropriations, including adopting standard budget adjustments and reestimates of sum sufficient debt service appropriations that reduced appropriations by \$46.5 million in 2021-22 and \$31.4 million in 2022-23. Despite these actions and slightly higher estimated revenues, prior to Committee actions on the remainder of the transportation budget the estimated 2022-23 ending balance is -\$32.3 million. Again, this is largely due to higher base level transportation fund appropriations (\$162.1 million over the biennium). Additional reductions to base level funding, and/or the authorization of bonding in lieu of SEG funding for the state highway improvement program may be needed to balance the fund in the 2021-23 biennium under the substitute amendment, especially considering revenues to the transportation

fund will likely remain somewhat dampened when compared to pre-pandemic levels.

9. The 2017-19 biennial budget created an annual State Patrol GPR appropriation for the purchase of traffic patrol equipment, including in-vehicle cameras and tactical vests and helmets. The Committee could choose to amend this existing appropriation to allow the purchase of body-worn cameras, and provide funding for the cameras with this appropriation if it has concerns about providing funding from the transportation fund for this purpose, particularly given the adverse revenue effects to the fund from the coronavirus pandemic. The Governor's current biennial budget recommendations also include provisions to provide body-worn cameras to Capitol Police, which would be funded through program revenue, and Department of Natural Resource wardens, which would be primarily funded through segregated revenue but also include some GPR funding. The Committee could choose to provide annual funding of \$700,000 GPR [Alternative A3], which would establish an ongoing base level of GPR funding, or one-time funding of \$3,500,000 GPR in 2021-22. [Alternative A4]

10. The Committee could choose not to fund the purchase of body-worn cameras for State Patrol officers if concerns exist regarding the use of these cameras and the costs associated with purchasing the cameras and maintaining their data in addition to the resources required to develop policies and trainings to comply with 2019 Act 108. If additional funding is not provided, the Department indicates that State Patrol would not have sufficient resources to purchase body-worn cameras without taking away from other priorities. [Alternative A5]

In-Vehicle Cameras

11. The Department utilizes in-vehicle cameras for a variety of purposes, including documentation for training, liability protection, and public transparency. Under DOT policy, footage from in-vehicle cameras is required to be retained for 90 days after conviction, or to be downloaded to a storage site. For certain cases, the retention requirement is extended to six months after conviction.

12. Video from in-vehicle cameras is stored on the in-vehicle device until that device's storage is full. At that time, the video is manually transferred to an external hard drive. All videos are currently stored by individual troopers or inspectors on those external hard drives. The cameras purchased in 2017-18 were initially planned to have the capability to upload and store video data remotely. New cameras would enable storing video directly to cloud-based service platforms. This stored video data is frequently requested as part of open records requests. The Department indicates that their Southwest Region alone received 931 open records requests in calendar year 2019, of which they estimate 98% included video. Many of these requests are from attorneys for criminal cases.

13. State Patrol used \$2,750,000 GPR funding provided in 2017-18 to purchase its current 500 in-vehicle cameras. DOT estimates that purchasing all 500 in-vehicle cameras outright would require \$2,900,000, with each camera costing \$5,800. However, the Governor recommends providing \$1,057,400 annually under a three-year master lease, beginning in 2022-23, to replace their 500 in-vehicle cameras. Funding under the master lease would provide ongoing funding for routine replacement of the equipment, compared to the prior funding that was provided on a one-time basis. This would allow the Department to spread out replacement costs over several years rather than

incurring larger, periodic costs every few years to receive funding to replace all of the cameras. However, under the master lease financing agreement, DOT would incur \$272,200 in interest costs over the lease period. Providing ongoing funding would also allow DOT to continue to replace in-vehicle cameras on an as-needed basis without having to request the additional funding for these cameras through the budget process. [Alternative B1]

14. The Committee could choose instead to provide \$2,900,000 in 2021-22 one-time funding for the in-vehicle cameras, if concerns exist related to providing ongoing funding or related to the interest costs associated with the master lease agreement. Providing this one-time funding for the replacement of the cameras all at once would cost \$272,200 less than funding the \$3,172,200 (\$1,057,400 x 3 years) three-year cost of the master lease. However, the \$2,900,000 one-time cost would require \$1,842,600 more in the biennium than would be required if DOT spread out the costs over a three-year master lease. [Alternative B2]

15. Again, if the Committee is concerned about providing an ongoing funding increase using SEG funding from the transportation fund, funding could be provided from the existing GPR appropriation in the amount of \$1,057,400 in 2022-23 [Alternative B3], which would provide an ongoing funding for the master lease, or the \$2,900,000 in 2021-22 required for the one-time replacement of in-vehicle cameras. [Alternative B4]

16. As noted, the Department received \$2,750,000 in 2017-18 to purchase 500 new in-vehicle cameras. If concerns exist amongst the Committee in providing funding to replace in-vehicle cameras in relatively short amount of time since the Department replaced all cameras, they may decide not to provide funding for this item. However, DOT indicates that in-vehicle cameras have a short useful life because of technological advancements, relatively heavy use, and vendors often do not maintain an adequate supply system for older equipment, resulting in the maintenance and repair of cameras being difficult after several years, although this item was not included in the agency's 2021-23 biennial budget request. Choosing to not provide funding for in-vehicle camera replacement could also increase short-term maintenance costs and adversely affect the Department's ability to record and maintain videos until funding for their replacement is provided. [Alternative B5]

Personal Protective Equipment Replacement

17. As required by statute, the Department currently provides officers with "level II" body armor, which protects against common handgun rounds. The level II vests are concealable and are worn under uniforms while officers are on duty. State Patrol officers may purchase their own body armor, if a higher level of protection is desired. The vests have a useful life of about five years and are replaced as needed.

18. During the 2017-19 biennial budget process, DOT expressed concern that officers may encounter an increasing number of incidents in which rifles or shotguns, rather than handguns, are being used by shooters, and the current body armor offered by the Department may not provide adequate protection in these situations. As a result, 2017 Act 59 created a new GPR appropriation for the purchasing of state traffic patrol equipment, under which DOT was provided \$800,000 in one-time GPR funding in 2017-18 to purchase 500 tactical vests, 1,000 polyethylene plates, and 500 helmets that provide "level III" protection, which protect against rifle ammunition. The 2017-19 biennial

budget did not provide an ongoing funding source to replace this equipment because it was provided on a one-time basis rather than as an increase to the base level funding.

19. The Department indicates that the personal protective equipment purchased with the \$800,000 provided under 2017 Act 59 will reach the end of their useful life in 2022-23, and would therefore need replacement. In addition, the Department indicates that gun-related homicides and active shooter incidents have increased in recent years, and although less than 4% of gun-related homicides include rifles, the Department requires a higher-level of protection for its officers to protect against this threat. DOT indicates that assignments to provide security details for major events has increased in recent years, and that higher-level of personal protective equipment increases force projection during these events by signaling the capability to handle a threat.

20. The Governor recommends providing annual funding beginning in 2022-23 of \$203,400 SEG to finance a four-year master lease to replace personal protective gear for State Patrol officers. This would include replacing 1,000 polyethylene plates (about \$500 each), 500 tactical helmets (about \$365 each), 500 face shields (about \$120 each), and 100 each of the helmet modular suspension systems (about \$150 each) and tactical vests (about \$215 each) to provide increased protection for officers. Again, funding these equipment purchases through a master lease provides ongoing funding for the routine replacement of the equipment, spreads the replacement costs over several years, and allows DOT to continue to replace equipment on an as-needed basis without having to request funds through the budget process. However, under the master lease financing agreement, DOT would incur \$38,600 in interest costs over the lease period. [Alternative C1]

21. Similar to the in-vehicle cameras, the Committee could instead provide the full amount to fund the replacement of personal protective equipment on a one-time basis, or \$775,000 SEG in 2021-22. Funding the replacement of personal protective equipment through one-time funding of \$775,000 would cost \$38,600 less than the \$813,600 ($\$203,400 \times 4$) four-year cost of financing the purchase through a master lease. However, providing \$775,000 in one-time funding would require \$571,600 more in the biennium than would be required if DOT spread out the costs over a four-year master lease. [Alternative C2]

22. Again, the existing GPR appropriation could instead be used to provide the \$203,400 GPR in 2022-23, which would establish an ongoing increase in the base [Alternative C3] or the \$775,000 required for the one-time replacement of personal protective equipment. [Alternative C4]

23. As noted, the Department received \$800,000 GPR in 2017-18 to upgrade 500 tactical vests, 1,000 polyethylene plates, and 500 helmets. Given the relatively short amount of time since the Department upgraded this equipment, providing replacement funding may not be needed at this time and could be revisited in the 2023-25 biennium. While personal protective equipment does have a limited useful life because of routine use and an increasing number of events requiring a high level of security, this funding request was not included in the Department 2021-23 biennial budget request. [Alternative C5]

ALTERNATIVES

A. Body-Worn Cameras

1. Provide \$700,000 SEG annually to fund the purchase of body-worn cameras and store camera data for the State Patrol. This would establish an ongoing \$700,000 increase in base level SEG funding in State Patrol's operations appropriation.

ALT A1	Change to Base
SEG	\$1,400,000

2. Provide \$3,500,000 SEG in 2021-22 to fund the one-time purchase of body-worn cameras and store camera data for the State Patrol without providing an ongoing increase to base level funding.

ALT A2	Change to Base
SEG	\$3,500,000

3. Provide \$700,000 GPR annually to fund the purchase of body-worn cameras and store camera data for the State Patrol. Modify the existing GPR appropriation created for the purchase of State Patrol equipment to allow the purchasing body-worn cameras as an allowable expenditure from the appropriation. This would establish an ongoing \$700,000 increase in base level GPR funding in State Patrol's GPR equipment purchase appropriation rather than funding this item through the State Patrol's SEG operations appropriation.

ALT A3	Change to Base
GPR	\$1,400,000

4. Provide \$3,500,000 GPR in 2021-22 to fund the one-time purchase of body-worn cameras and store camera data for the State Patrol without providing an ongoing increase to base level funding rather than funding this item through the State Patrol's SEG operations appropriation. Modify the existing GPR appropriation created for the purchase of State Patrol equipment to specify purchasing body-worn cameras as an allowable expenditure from the appropriation.

ALT A4	Change to Base
GPR	\$3,500,000

5. Take no action.

B. In-Vehicle Cameras

1. Provide \$1,057,400 SEG in 2022-23 to fund the replacement of State Patrol's in-vehicle video cameras through a master lease contract. This would establish an ongoing \$1,057,400 increase in base level SEG funding in State Patrol's operations appropriation to fund the master lease payments.

ALT B1	Change to Base
SEG	\$1,057,400

2. Provide \$2,900,000 SEG in 2021-22 to fund the one-time replacement of State Patrol's in-vehicle video cameras.

ALT B2	Change to Base
SEG	\$2,900,000

3. Provide \$1,057,400 GPR in 2022-23 to fund the replacement of State Patrol's in-vehicle video cameras through a master lease contract using the existing GPR appropriation created for this purpose. Providing this funding would establish an ongoing \$1,057,400 increase in base level GPR funding in State Patrol's GPR equipment purchase appropriation to fund the master lease payments.

ALT B3	Change to Base
GPR	\$1,057,400

4. Provide \$2,900,000 GPR in 2021-22 to fund the one-time replacement of State Patrol's in-vehicle video cameras using the existing GPR appropriation created for this purpose.

ALT B4	Change to Base
GPR	\$2,900,000

5. Take no action.

C. Personal Protective Equipment

1. Provide \$203,400 SEG in 2022-23 to fund the replacement of personal protective equipment for State Patrol, including bulletproof garment, tactical vests, and helmets to provide a level of body armor protection for officers through a master lease contract. This would establish an ongoing \$203,400 increase in base level SEG funding in State Patrol's operations appropriation to fund the master lease payments.

ALT C1	Change to Base
SEG	\$203,400

2. Provide \$775,000 SEG in 2021-22 to fund the one-time replacement of personal protective equipment for State Patrol, including bulletproof garment, tactical vests, and helmets to provide a level of body armor protection for officers.

ALT C2	Change to Base
SEG	\$775,000

3. Provide \$203,400 GPR in 2022-23 to fund replacement of personal protective equipment for State Patrol, including bulletproof garment, tactical vests, and helmets to provide a level of body armor protection for officers through a master lease contract using the existing GPR appropriation created for this purpose. Providing this funding would establish an ongoing \$203,400 increase in base level GPR funding in State Patrol's GPR equipment purchase appropriation to fund the master lease payments.

ALT C3	Change to Base
GPR	\$203,400

4. Provide \$775,000 GPR in 2021-22 to fund the one-time replacement of personal protective equipment for State Patrols, including bulletproof garment, tactical vests, and helmets to provide a level of body armor protection for officers using the existing GPR appropriation created for this purpose.

ALT C4	Change to Base
GPR	\$775,000

5. Take no action.

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