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Joint Committee on Finance

Paper #796

State Patrol Equipment and Open Records Staffing (Transportation – State Patrol)

[LFB 2023-25 Budget Summary: Page 658, #2, Page 659, #7, and Page 660, #8]

CURRENT LAW

The primary duty of the Division of State Patrol (DSP) is the enforcement of traffic laws and commercial motor vehicle laws by conducting highway patrols, inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. The State Patrol has 377 state traffic officer positions classified as either troopers or supervisory roles (including the ranks of sergeant, lieutenant, captain, major, and colonel) not including the State Patrol Superintendent. DSP currently provides all state troopers with in-vehicle video cameras for their squad vehicles, and also provided state troopers with tactical helmets in 2017-18 to protect them against high-caliber, high-velocity bullets as well as some armor-piercing rounds. DSP also deploys officer body-worn cameras in its southwest region, and employs two program assistants who process open records requests for footage from body-worn cameras.

DISCUSSION POINTS

1. This paper discusses three provisions in Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) to increase funding and position authority for State Patrol: (a) purchasing new in-vehicle cameras, (b) providing additional staffing for open records requests on body camera footage; and (c) purchasing new tactical helmets for state troopers. Funding requests for in-vehicle cameras and tactical helmets were included in both the bill and the Department of Transportation (DOT) agency budget request. However, the bill would provide SEG to purchase this equipment, while the DOT agency budget requested provision of GPR. The bill also provides additional funding and positions to fulfill open records requests for footage from body-worn cameras.

A. In-Vehicle Cameras

2. 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 serious cases, the retention requirement is extended to six months after conviction.

3. The video recordings can be vital in court cases and high-risk enforcement activities such as police pursuits. A video record provides video and audio evidence and can protect officers and the Department from liability concerns. Video can also be a valuable training tool for improving officer performance and safety. In addition, stored video data is frequently requested as part of open records requests. For example, the Department indicates that its southwest region received 2,634 open records requests for footage from cameras in 2021. Many of these requests are from attorneys for criminal cases.

4. Video from in-vehicle cameras is stored on the in-vehicle device until that device's storage is full. At that time, officers manually transfer the video files to an external hard drive. All videos are currently stored by individual troopers or inspectors on those external hard drives. New cameras would enable storing video files directly on cloud-based service platforms without the need for manually transferring the files. Thus, DOT indicates that a transition to cameras with cloud-based storage capability would reduce officers' current workload from manually transferring video files.

5. The 2017-19 biennial budget created a GPR annual appropriation for purchasing State Patrol equipment, including in-vehicle camera equipment, tactical vests, and helmets, and provided one-time funding of \$3,550,000 GPR 2017-18 for this purpose. DSP used \$2,750,000 of these funds to purchase 500 in-vehicle cameras in the 2017-19 biennium, which are still in use. DOT indicates that these cameras have reached the end of their service life and have begun to fail. For example, over 40 cameras experienced hard drive failures in DOT's southwest region during the last eight months of 2021. In addition, the vendor that manufactured the cameras is no longer in business, and thus cannot supply parts that could be used to repair the existing cameras.

6. DOT estimates that new cameras would cost \$4,346 each, including hardware, licensing, software, security, and data storage costs. AB 43/SB 70 would provide \$2,178,000 SEG annually in the 2023-25 biennium to the State Patrol to fund the replacement of the Division's entire existing stock of 500 in-vehicle cameras each year. This would establish an ongoing increase of \$2,178,000 SEG for the State Patrol general operations appropriation, which would allow DOT to continue to annually replace its entire stock in-vehicle cameras in future years without having to request the additional funding through the budget process. [Alternative A1]

7. DOT indicates that its existing stock of in-vehicle cameras had a service life of three years (2018-21). In addition, the Governor's 2021-23 budget bill recommended a three-year master lease to replace DSP's stock of 500 cameras on a rolling basis over a three-year period (this request was not ultimately included in the 2021-23 budget act). Rather than providing a level of funding that would allow for the replacement of DSP's entire stock of cameras each year, funding the ongoing replacement of one-third (167) of DSP's in-vehicle cameras each year over a three-year period would

be a less expensive alternative. Providing \$726,000 SEG annually would fund the replacement of two-thirds of DSP's existing stock of in-vehicle cameras over the biennium, and establish a base level of funding that would allow DOT to continue a three-year cycle of replacing the cameras in future years. [Alternative A2]

8. If concerns exist related to providing ongoing funding, the Committee could instead choose to provide \$2,178,000 SEG in 2023-24 for a one-time replacement of DSP's 500 in-vehicle cameras. This would provide full funding for the purchase of new in-vehicle cameras as needed and require less funding than what is recommended under the bill. However, the Department would likely need to submit future funding requests every three years when these cameras reach the expected end of their useful life. [Alternative A3]

9. AB 43/SB 70 includes a variety of items for the appropriation of additional SEG funding, which introduce competing demands on the transportation fund while limited revenues are available. Conversely, the general fund has large one-time revenues available. In addition, the 2017-19 budget created a GPR appropriation for State Patrol to purchase in-vehicle video camera equipment, tactical vests, and helmets. If concerns exist regarding funding demands on the transportation fund, the Committee could instead choose to provide \$2,178,000 GPR from State Patrol's existing GPR appropriation in 2023-24 for the one-time replacement of the 500 cameras. DSP is typically provided with state SEG funds derived from taxes and fees on users of the transportation system, which aligns with the Division's primary responsibility of highway safety. However, use of GPR funds may be warranted given DSP's broader impact on statewide public safety beyond the transportation system, as well as the large opening balance in the general fund that is available for such one-time expenses. [Alternative A4]

10. The Committee could also choose not to replace the cameras, however DOT indicates that its existing stock of cameras have reached the end of their useful life and have begun to fail. Further, the vendor from which the Department's existing stock of cameras were purchased no longer services the cameras. As a result, choosing to not provide funding for in-vehicle camera replacement could lead to additional short-term maintenance costs, and adversely affect the Department's ability to record and maintain video files. [Alternative A5]

B. Staffing for Open Records Requests

11. In addition to DSP's stock of 500 in-vehicle cameras, the 2021-23 budget provided \$700,000 to State Patrol in 2021-22 for the one-time purchase of body-worn cameras. The Department used these funds to purchase 52 camera systems, which are all currently deployed in DSP's southwest region.

12. 2019 Act 108 requires law enforcement agencies in the state that use body cameras to retain data from the body cameras for a minimum of 120 days after recording, and also specifies exceptions for longer retention, 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. Act 108 also stated that body cameras be generally open to inspection and their data to copying under state open records law.

13. According to a report from the U.S. Department of Justice, body-worn camera programs often require ongoing financial and staffing commitments, with one of the most significant administrative costs coming from the process of reviewing and categorizing videos, given the large volume of content that the cameras produce. Significant administrative costs are also associated with responding to open records requests, which require time to be spent reviewing videos to find relevant footage, determining whether an exception to the presumption of disclosure applies, and performing any required redactions.

14. The Department currently employs two program assistant positions that process confidential open records requests for camera footage from both body cameras and in-vehicle cameras. Following the deployment of body cameras in 2021-22, the Department indicates that it has experienced a significant increase in open records requests for video footage in its southwest region. Requests increased from 1,560 in 2020 to 2,634 in 2022, or an increase of 68.8%, with staffing constraints resulting in an average backlog of 123 requests at any given time.

15. AB 43/SB 70 provides \$77,100 in 2023-24, \$102,700 in 2024-25, and 2.00 positions to the Division of State Patrol's general operations appropriation to fulfill open records requests for video footage from body-worn cameras. In 2023-24, 75% of the 2024-25 funding level is recommended to reflect that the positions would not be filled until October 1, 2023. The 2024-25 funding would establish a base level of \$102,700 and 2.00 additional positions under the State Patrol general operations appropriation, providing ongoing administrative resources for the State Patrol body-worn camera program following the one-time purchase of body cameras in 2021-22. [Alternative B1]

16. The Department indicates that it worked with the Michigan State Police to produce its estimate for the ongoing costs of the DSP body-worn camera program, which reported that it needs roughly one FTE for every 40 body cameras to process open records requests. This would equate to approximately 1.5 FTE for the Department's current stock of 59 body-worn cameras. However, DOT open records request staff respond to requests for footage from both body-worn cameras and in-vehicle cameras. To provide some support for open records requests from body-worn cameras, while limiting ongoing transportation fund expenditures, the Committee could choose to provide only one of the two additional positions recommended under the bill. This alternative would provide \$38,600 in 2023-24, \$51,400 in 2024-25, and 1.00 FTE to DSP's general operations appropriation. This would allow the Department to employ a total of three positions to review open records requests from body cameras and in-vehicle cameras. [Alternative B2]

17. DOT could be required to continue to reallocate existing resources to open records requests, rather than receive additional staffing resources. However, the Department has indicated that demand for open records requests has grown significantly in recent years, and increasing amounts of existing resources are needed to respond to these requests on a timely basis. The continued ability to reallocate resources could remain challenging, if the number open records requests received by the Department remains high. [Alternative B3]

C. Tactical Helmets

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 that the State Patrol's existing stock of body armor at the time did not provide adequate protection. As a result, 2017 Act 59 created a new GPR appropriation for the purchase of state traffic patrol equipment, from which DOT was provided \$800,000 in onetime GPR funding in 2017-18 to purchase 500 tactical vests, 1,000 polyethylene plates, and 500 tactical helmets that provide "level III" protection, which protect against rifle ammunition. However, the 2017-19 biennial budget did not provide ongoing funding to replace this equipment.

19. The 2021-23 budget also provided one-time funding of \$387,500 SEG for State Patrol to purchase personal protective equipment, which was half of the amount that DOT had indicated would be needed to fund the full, one-time replacement of its existing stock of bulletproof garments, tactical vests, and tactical helmets. The Department indicates that these funds were used to purchase tactical vests, which had reached the end of their service life, while no funds were used to purchase helmets.

20. The Department indicates that the tactical helmets purchased in 2017-18 will reach the end of their seven-year warranty in April, 2025. In addition, the Department notes that FBI statistics show that gun crime and homicides involving firearms have increased over the last two decades and that Wisconsin has the ninth-highest active shooter incident level among all states. AB 43/SB 70 contains a recommendation to provide \$170,700 SEG in 2024-25 to the Division of State Patrol general operations appropriation, which would fund the purchase of 510 tactical helmets for state troopers at an estimated cost of \$335 each. This would establish an ongoing increase of \$170,700 SEG for DSP, allowing DOT to continue to replace the State Patrol's entire stock of tactical helmets on an annual basis without having to request the additional funding through the budget process. [Alternative C1]

21. The Department indicates that that State Patrol's existing stock of tactical helmets were covered by a seven-year warranty. Given the multi-year shelf life of these helmets, the Committee could provide \$170,700 SEG in 2023-24 for the one-time purchase and replacement of 510 tactical helmets. This alternative would not establish an ongoing increase to State Patrol's general operations appropriation to replace these helmets in future years. Instead, the Department would be required to submit a future funding request once the helmets reach the end of their useful life. [Alternative C2]

22. As mentioned previously, limited revenues are available in the transportation fund while a large, one-time general fund surplus is available, and DSP has an existing GPR appropriation for State Patrol equipment. If concerns exist regarding funding demands on the transportation fund, the Committee could instead choose to provide \$170,700 GPR from State Patrol's existing GPR appropriation in 2023-24 to fund the one-time purchase of the 510 helmets. [Alternative C3]

23. DOT acknowledges that the existing tactical helmets will be under warranty until April, 2025, which is near the end of the upcoming biennium. Given this timeframe, funding may not be needed to replace the helmets at this time. DOT could include the helmet funding as part of its 2025-27 budget request. [Alternative C4]

ALTERNATIVES

A. In-Vehicle Cameras

1. Provide \$2,178,000 SEG annually to fund the replacement of State Patrol's full stock of in-vehicle video cameras each year. This would establish an ongoing increase of \$2,178,000 in base level SEG funding for State Patrol's general operations appropriation.

ALT A1	Change to Base
SEG	\$4,356,000

2. Provide \$726,000 SEG annually to fund the ongoing replacement of State Patrol's stock in-vehicle video cameras in a three-year cycle. This would establish an ongoing increase of \$726,000 in base level SEG funding for State Patrol's general operations appropriation to continue the replacement of in-vehicle cameras in future years.

ALT A2	Change to Base
SEG	\$1,452,000

3. Provide \$2,178,000 SEG annually in 2023-24 to fund the one-time replacement of State Patrol's 500 in-vehicle video cameras.

ALT A3	Change to Base
SEG	\$2,178,000

4. Provide \$2,178,000 GPR annually in 2023-24 to fund the one-time replacement of State Patrol's 500 in-vehicle video cameras.

ALT A4	Change to Base
GPR	\$2,178,000

5. Take no action.

B. Staffing for Open Records Requests

1. Provide \$77,100 SEG in 2023-24 and \$102,700 SEG in 2024-25 and 2.00 FTE to the Division of State Patrol general operations appropriation to fulfill open records requests for body-worn camera footage. This would establish an ongoing increase of \$102,700 in base level SEG funding for State Patrol's general operations appropriation.

ALT B1	Change to Base	
	Funding	Positions
SEG	\$179,800	2.00

2. Provide \$38,600 SEG in 2023-24 and \$51,400 SEG in 2024-25 and 1.00 FTE to the Division of State Patrol general operations appropriation to fulfill open records requests for body-worn camera footage. This would establish an ongoing increase of \$51,400 in base level SEG funding for State Patrol's general operations appropriation.

ALT B2	Change to Base	
	Funding	Positions
SEG	\$90,000	1.00

3. Take no action.

C. Tactical Helmets

1. Provide \$170,700 SEG in 2024-25 to purchase 510 tactical helmets for state patrol troopers. This would establish an ongoing increase of \$170,700 in base level SEG funding for State Patrol's general operations appropriation.

ALT C1	Change to Base
SEG	\$170,700

2. Provide \$170,700 SEG in 2023-24 to fund a one-time purchase of 510 tactical helmets for State Patrol troopers.

ALT C2	Change to Base
SEG	\$170,700

3. Provide \$170,700 GPR in 2023-24 to fund a one-time purchase of 510 tactical helmets for State Patrol troopers.

ALT C3	Change to Base
GPR	\$170,000

4. Take no action.

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