

LEGISLATIVE COMMITTEE MINUTES

SB387

Bill as Introduced

SB 387-FN-A - AS INTRODUCED

2022 SESSION

22-2920

08/04

SENATE BILL **387-FN-A**

AN ACT making an appropriation to the body-worn and dashboard camera fund.

SPONSORS: Sen. Kahn, Dist 10; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Sherman,
Dist 24; Sen. Gannon, Dist 23; Sen. Prentiss, Dist 5; Sen. Soucy, Dist 18; Rep.
Cushing, Rock. 21; Rep. Porter, Hills. 1

COMMITTEE: Finance

ANALYSIS

This bill makes an appropriation to the body-worn and dashboard camera fund and establishes a distribution process.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT making an appropriation to the body-worn and dashboard camera fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Appropriation; Body-Worn and Dashboard Cameras. The sum of \$20,000,000 for the fiscal
2 year ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera fund
3 established in RSA 105-D:3 for the purpose of reimbursing county and municipal law enforcement
4 agencies for 50 percent of the initial body-worn and dashboard cameras and associated video
5 retention acquisition costs. The appropriation shall be funded from any remaining American Rescue
6 Plan Act funds, or any other federal funds that can be used for this purpose. Any amount remaining
7 after the use of federal funds shall be appropriated from the general fund and the governor is
8 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated. Funds shall be distributed on a first-come, first-served basis and shall not lapse until
10 September 30, 2024.

11 2 Effective Date. This act shall take effect June 30, 2022.

**SB 387-FN-A- FISCAL NOTE
 AS INTRODUCED**

AN ACT making an appropriation to the body-worn and dashboard camera fund.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$20,000,000	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$20,000,000	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Body-Worn and Dashboard Camera Fund and American Rescue Plan Act (ARPA) Funds			

COUNTY:

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

LOCAL:

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill appropriates \$20,000,000 in FY 2022 to the body-worn and dashboard camera fund, administered by the Department of Safety. The appropriation would be a charge against available American Rescue Plan Act (ARPA) funds, to the extent available for this purpose, with any remaining amount being a charge to the state general fund. This appropriation would be used to reimburse county and municipal law enforcement agencies for 50 percent of the initial body-worn and dashboard cameras, and associated video retention acquisition costs. It is not known at this time how much would be disbursed to local or county law enforcement agencies, or in which fiscal year.

AGENCIES CONTACTED:

None

Committee Minutes

ATTENDANCE

SENATE CALENDAR NOTICE

Finance

37

- Sen Gary Daniels, Chair
- Sen John Reagan, Vice Chair
- Sen Bob Giuda, Member
- Sen Erin Hennessey, Member
- Sen Chuck Morse, Member
- Sen Lou D'Allesandro, Member
- Sen Cindy Rosenwald, Member

START : 1:00 pm

STOP : 1:37 PM

Date: December 29, 2021

HEARINGS

Tuesday

01/25/2022

Finance	(Day)	(Date)	State House 103	1:00 p.m.
(Name of Committee)			(Place)	(Time)
1:00 p.m.	SB 387-FN-A	making an appropriation to the body-worn-and-dashboard-camera-fund.		
1:10 p.m.	SB 402-FN	granting disaster relief for two presidentially declared disasters in response to July-August 2021 flood damage sustained by communities in Cheshire and Sullivan counties.		
1:20 p.m.	SB 415-FN-A	making an appropriation to the department of health and human services for the purpose of increasing rates paid to homeless shelters.		
1:30 p.m.	SB 412-FN-A	making an appropriation to the department of health and human services for nursing home reimbursement rates.		

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 387-FN-A

- | | | | |
|-------------|---------------|--------------|--------------|
| Sen. Kahn | Sen. Whitley | Sen. Watters | Sen. Sherman |
| Sen. Gannon | Sen. Prentiss | Sen. Soucy | Rep. Cushing |
| Rep. Porter | | | |

SB 402-FN

- | | | | |
|---------------|----------------|-------------------|----------------|
| Sen. Kahn | Sen. Watters | Sen. Avard | Sen. Ward |
| Sen. Sherman | Sen. Ricciardi | Sen. Whitley | Sen. Rosenwald |
| Sen. Prentiss | Sen. Soucy | Rep. Ames | Rep. Weber |
| Rep. Parshall | Rep. Aron | Rep. Steven Smith | |

SB 415-FN-A

- | | | | |
|--------------------|-------------------|----------------|---------------------|
| Sen. Kahn | Sen. Sherman | Sen. Whitley | Sen. Watters |
| Sen. Rosenwald | Rep. Ames | Sen. Cavanaugh | Sen. Prentiss |
| Sen. Perkins Kwoka | Sen. D'Allesandro | Sen. Soucy | Rep. Amanda Bouldin |

SB 412-FN-A

- | | | | |
|----------------|-------------------|----------------|--------------|
| Sen. Rosenwald | Sen. D'Allesandro | Sen. Hennessey | Sen. Bradley |
| Sen. Kahn | Sen. Giuda | Sen. Reagan | Rep. Wallner |
| Rep. Nordgren | Rep. Rogers | | |

Deb Martone 271-4980

Gary L. Daniels
Chairman

Senate Finance Committee

Deb Martone 271-4980

SB 387-FN-A, making an appropriation to the body-worn and dashboard camera fund.

Hearing Date: January 25, 2022

Time Opened: 1:00 p.m.

Time Closed: 1:37 p.m.

Members of the Committee Present: Senators Daniels, Reagan, Giuda, Hennessey, Morse, D'Allesandro and Rosenwald

Bill Analysis: This bill makes an appropriation to the body-worn and dashboard camera fund and establishes a distribution process.

Sponsors:

Sen. Kahn

Sen. Whitley

Sen. Watters

Sen. Sherman

Sen. Gannon

Sen. Prentiss

Sen. Soucy

Rep. Cushing

Rep. Porter

Who supports the bill: Senators Jay Kahn, David Watters, Bill Gannon and Tom Sherman; Representative Michael Pedersen; Frank Knaack (ACLU New Hampshire); Kate Horgan (NH Association of Counties); Elizabeth Sargent (NH Association of Chiefs of Police); Elizabeth Fenner-Lukaitis; David Bates; Andrea Polizos; Cheryl Kahn; Marcia Kayser; Joanne Casino; Barbara Bryce; Cassandra Curtis; Janet Lucas; Lois Cote; Karen Campbell; Brian Levesque; Karen Dewey; Michael Fraysse; Claudia Damon; James McKim; Susan Richman; Paula Hurley; Kit Lord; Brian Lord; Linda Burnap; Mark Lord; Bonnie Hill; Gary Duquette (NH Association of Chiefs of Police); Amy Erickson; Elizabeth Lewis; Mark Chase; Tara Laurent (NH Association of Chiefs of Police; Greenland Police Department); Mark Reams; Kate Coon; Denise Clark; Benjamin Stinson; Marie Straiton; Margaret Keeler; Eric Marquis; David Goldstein; William Maddocks.

Who opposes the bill: Terri O'Rorke.

Who is neutral on the bill: Chief Charles Rataj (Hinsdale Police Department); Eddie Edwards and Steve Lavoie (NH Department of Safety).

Summary of testimony presented in support:

Senator Kahn, Prime Sponsor:

- SB 387-FN-A addresses the body-worn and dashboard camera fund.
- This is a recommendation of the Commission on Law Enforcement.
- The body-worn and dashboard camera fund needed a significant amount of funding. The original appropriation was \$1 million. That runs far short of

establishing a statewide standard to be embraced by law enforcement throughout the state. The \$1 million would cover \$850,000 for grants.

- JLCAR has embraced rules for the fund. It places a \$50,000 grant limit per Department, which ultimately works out to 17 Department grants--far short of statewide implementation.
- The bill is a \$20 million request representing approximately 3,329 police officers (not including the State Police).
- The Hollis Police Chief provided testimony last year. He approximated \$200,000 to equip his department of 15 officers. For the Keene Police Department with 45-50 officers, the cost was estimated at \$450,000.
- A \$50,000 cap does not cover a 50/50 match, which was the goal.
- The bill assumes local contributions would be \$20 million.
- The contracts for these cameras are at 5-year terms, due to technology advancements. Departments are leasing the equipment.
- Amendment #2022-0221s identifies a staffing request for the Department of Safety. That would come out of the \$20 million.
- Additional training will be needed for the use of body-worn and dashboard cameras. That training is not included in the appropriation. The amendment's language may need to be revised.
- These cameras will benefit both our police officers and municipalities. They are also empowering in the sense of providing transparency. It is clearing up complaints as much as supporting them.
- Senator Hennessey inquired if the positions in the amendment are for administration of the fund. Senator Kahn stated they are. She wondered if they are temporary or permanent positions. Senator Kahn suggested leaving that question up to the Department.
- Senator Rosenwald inquired as to the cost per camera over the 27 months the bill contemplates. Senator Kahn estimated a cost of \$150 per month over 60 months (quoted from one year ago). That includes the backend equipment. He suggested there may also be supply chain questions involved. Senator Rosenwald asked if the entire \$20 million would need to be appropriated up front. Senator Kahn stated it would.
- Senator Daniels inquired how many departments are interested in this endeavor. Senator Kahn was unsure.

Frank Knaack, Policy Director, ACLU New Hampshire:

- SB 387-FN-A supports police transparency and accountability.
- There should be some type of disciplinary process enacted into law when officers fail to follow the prescribed process for activating body cameras.
- Currently, there is no prohibition for police officers to view camera footage if they are involved in a fatal shooting, prior to writing their initial report.
- This legislation is a positive step forward.
- Initially, body cameras were perceived to be a win/win. More recent data shows they are a tool that can help reduce police complaints. But at the same time it appears they are the solution to police violence. This Legislature should look at other ways to reduce police violence.

- Senator Daniels sought clarification on Director Knaack's testimony regarding police officers viewing camera footage. Director Knaack stated the ACLU believes the law should clarify that these officers *cannot* review body camera footage before writing their initial report. Senator Daniels questioned why. Director Knaack stated the accused is unable to view the footage. Law enforcement should write the report to the best of their recollection, and then view the footage afterward. The same standard should apply to everyone.

Neutral Information Presented:

Chief Charles Rataj, Hinsdale Police Department:

- Hinsdale has 10 full time officers.
- We ask a lot of our police officers, with many agencies being short staffed. We ask them to make difficult decisions and be highly accountable.
- Body and cruiser cameras are needed to support good officer decisions.
- It is important to document incidents with both video and audio recording.
- Police officers encounter individuals under challenging circumstances. They are often impaired; some may have mental health issues.
- When a complaint is made it is helpful to have the body camera footage available to help resolve the complaint. Sometimes citizen complaints are valid.
- This equipment is expensive.
- Senator D'Allesandro inquired about community pressure to obtain these cameras. Chief Rataj indicated Hinsdale and surrounding communities are supportive of local law enforcement. They want the cameras and the accountability. Senator D'Allesandro wondered about the sentiment to fund the cameras. Chief Rataj stated Hinsdale made the investment and purchased 10 body-worn cameras. Body cameras take a beating and are expensive to replace. They also need to pay for the data storage.
- Hinsdale does lack cruiser cameras, and thus miss the initial interaction.
- Communities are willing to front some of the expense of these cameras.
- Senator D'Allesandro asked about the longevity of the cameras. What does it cost to maintain them? Does it become a line item in the budget? Chief Rataj indicated they are line items in the budget. Cruiser cameras hold up very well, being inside of the cruiser. They are not exposed to the elements. There is more turnover with the body-worn cameras, but they tend to be less expensive, under \$1,000. Hinsdale is receiving 3-5 years out of each body-worn camera.
- Senator Daniels wondered if the town's governing board was willing to pay for the cameras. Chief Rataj explained the Selectboard is conscious of the cost to the taxpayer. The Board supports local law enforcement.

Eddie Edwards, Assistant Commissioner, NH Department of Safety:

- The public places its trust in police officers. The public demands more accountability and more transparency.
- The New Hampshire State Police are in the process of standing up a body-worn and dashboard camera program. These cameras are important training tools.
- Allegations against police officers are proven to be valid or invalid based on these cameras.

- Senator Rosenwald inquired about the Fiscal Note on the bill. Using Senator Kahn's data of 3,300 officers at \$150 per month for 60 months, that doesn't get you to \$20 million. **Steven Lavoie, Director of Administration at the NH Department of Safety** explained the cost used for the Fiscal Note was an estimate to begin with. If you used \$100 per camera thinking the cost would actually be around \$200, that gets you to the \$20 million. Senator Rosenwald noted the bill has the money lapsing September 30, 2024. Would that need to be changed to accommodate the 60 months? Or would all the money be paid up front for the entire 5-year period? Director Lavoie believes Amendment #2022-0221s resolves the lapse situation in the original bill. The fund established in RSA 105-D:3 is a continuing, nonlapsing fund.
- Senator Morse inquired if there were financials available from the State Police on their camera program. That is \$2,400 per year per officer based on what was testified. Hinsdale bought the equipment for less than \$1,000; the data collection costs were unspecified. Do we know what the Department of Safety is paying? Assistant Commissioner Edwards clarified they were not buying the equipment; they have a service plan. Director Lavoie explained the State Police contract is a 5-year contract. The total is \$3.3 million. They are looking at \$660,000 each year. That is for the service. They are renting the equipment and the network involved to support it, which is the data collection and upload to the hosted environment. It's a challenge to compare the State Police system with the systems the municipalities might use. With statewide jurisdiction and use, the State Police system has an additional network that's built to allow troopers to upload that video once it's captured. The locals typically will go back to the police station at the end of the shift, and don't have to build a statewide network to worry about data transmission. Senator Morse asked how many officers are outfitted with cameras in the State Police. Assistant Commissioner Edwards indicated they have 350 positions, all outfitted with cameras. Currently, however, they are 50 troopers short. Senator Morse sought to confirm the Department of Safety system is an advanced system that is less than \$200 per officer. Again, Hinsdale testified they bought cameras for less than \$1,000. Beyond that, the State Police had to buy a service to store the data. He is trying to find out what the real number is, per camera per month. What should that number be? If the state is going to start purchasing like this, the price should be going down and not up. Director Lavoie agreed. If the state were to purchase these on behalf of the municipalities and distribute them, you might get different pricing. The way SB 387-FN-A is written grants are awarded to the locals who enter into their own contract on a 1:1 basis. They may have a different system. Some may choose a leased system like the State Police. Some may choose to purchase the cameras outright, and then deal with the replacement costs over time. The estimates that were used attempted to factor that in. There are different systems that will have different per camera costs depending upon what the local community decides. Senator Morse stated New Hampshire is set to buy 33,000 cameras. That's what we're heading towards.

- Senator D'Allesandro indicated if we're going to buy the best system, we ought to be able to get the best price. We ought to be looking at the best methodology to service what we want, the data that protects the officer. There appears to be a bit of an inconsistency.

dm

Date Hearing Report completed: January 28, 2022

Speakers

SENATE FINANCE COMMITTEE

Date: 01/25/2022 Time: 1:00 p.m. Public Hearing on SB-387-FN-A3

Making an appropriation to the Body-Worn and Dashboard Camera Fund.

~~Please check box(es) that apply.~~

SPEAKING FAVOR OPPOSED			NAME (Please print)	REPRESENTING
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Elizabeth Sargent, NH Assoc of Chiefs of	Police ✓
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ADDIE EDWARDS, DOS	✓
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Steve Lawrie, DOS	✓
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Senate Remote Testify

Finance Committee Testify List for Bill ~~SBS 87~~ on 2022-01-25

~~Support 491 Oppose 1~~

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
✓ Watters, Senator David	An Elected Official	Myself	Support
✓ Gannon, Senator Bill	An Elected Official	SD 23	Support
* O'Rourke, Terri	A Member of the Public	Myself	Oppose
✓ Fenner-Lukaitis, Elizabeth	A Member of the Public	Myself	Support
✓ Bates, David	A Member of the Public	Myself	Support
✓ Polizos, Andrea	A Member of the Public	Myself	Support
✓ Kahn, Cheryl	A Member of the Public	Myself	Support
✓ Kayser, Marcia	A Member of the Public	Myself	Support
✓ Casino, Joanne	A Member of the Public	Myself	Support
✓ Bryce, Barbara	A Member of the Public	Myself	Support
✓ Curtis, Cassandra	A Member of the Public	Myself	Support
✓ Lucas, Janet	A Member of the Public	Myself	Support
✓ Cote, Lois	A Member of the Public	Myself	Support
✓ Sherman, Senator	An Elected Official	SD24	Support
✓ Campbell, Karen	A Member of the Public	Myself	Support
✓ Levesque, Brian	A Member of the Public	Myself	Support
✓ Dewey, Karen	A Member of the Public	Myself	Support
✓ Fraysse, Michael	A Member of the Public	Myself	Support
✓ Damon, Claudia	A Member of the Public	Myself	Support
✓ McKim, James	A Member of the Public	Myself	Support
✓ Richman, Susan	A Member of the Public	Myself	Support
✓ Pedersen, Michael	An Elected Official	Nashua - Ward 5	Support
✓ Hurley, Paula	A Member of the Public	Myself	Support
✓ Lord, Kit	A Member of the Public	Myself	Support
✓ Lord, Brian	A Member of the Public	Myself	Support
✓ Burnap, Linda	A Member of the Public	Myself	Support
✓ Lord, Mark	A Member of the Public	Myself	Support
✓ Hill, Bonnie	A Member of the Public	Myself	Support
✓ Duquette, Gary	A Lobbyist	NH Chiefs of Police Association	Support
✓ Erickson, Amy	A Member of the Public	Myself	Support
✓ Lewis, Elizabeth	A Member of the Public	Myself	Support
✓ Chase, Mark	A Member of the Public	Myself	Support
✓ Laurent, Tara	A Member of the Public	NH Assoc of Chiefs of Police & Greenland Police Dept	Support
✓ Reams, Mark	A Member of the Public	Myself	Support
✓ Coon, Kate	A Member of the Public	Myself	Support
✓ Clark, Denise	A Member of the Public	Myself	Support
✓ Stinson, Benjamin	A Member of the Public	Myself	Support
✓ Straiton, Marie	A Member of the Public	Myself	Support
✓ Keeler, Margaret	A Member of the Public	Myself	Support
✓ Marquis, Eric	A Member of the Public	Myself	Support
✓ Goldstein, David	A Member of the Public	Myself	Support
✓ Maddocks, William	A Member of the Public	Myself	Support

Testimony



One Municipal Drive Derry, NH 03038 www.nhchiefsopolice.com

New Hampshire Association of Chiefs of Police

February 3, 2022

To the members of the Senate Finance Committee:

My name is Joseph Hoebeke and I serve as the Chief of Police in Hollis, New Hampshire. I also serve as the President of the New Hampshire Association of Chiefs. On Tuesday, January 25, 2022, your committee heard testimony on **Senate Bill 387**, which would make an appropriation to the body-worn and dashboard camera fund.

I intended to attend the public hearing and testify, but I was attending a meeting of the Police Standards and Training Council, which extended longer than expected. As such, I offer my written testimony in **SUPPORT** of this legislation, and ask that my commentary be considered for further discussion on this bill.

In August 2016, the Hollis Police Department became one of only a few New Hampshire law enforcement agencies in the State to implement a body worn camera program. Traditionally, our agency has built and maintained strong relationships with the community, predicated on transparency, accountability, embracement of 21st Century policing philosophies, and the delivery of compassionate policing services. We fully recognize that effective policing is built upon the foundation of trust and legitimacy, and that partnerships are key at addressing quality of life issues within a given community. This was the reason why our agency embraced body worn camera technology.

In the time our agency has utilized body worn and in-car video technology, we have used footage to address a number of training and potential accountability related issues with officer performance. Thankfully, in most circumstances, the footage has allowed us to clear officers of policy violations while providing a way by which we can share with a complainant the video evidence and explain exactly why an action was taken and how it aligns with agency practices. Moreover, these videos are an important training tool, and provide better tools for both prosecutors and defense attorneys in the resolution of adjudicatory matters.

I am proponent of the use of this technology as it provides an independent witness at every call an officer handles or responds to. However, it is important to note that these systems are not cheap, and given the simple concepts of supply and demand, we have seen the costs of such systems increase exponentially in the last 22 months.

In speaking with Chiefs throughout the State, on a quite regular basis, I will tell you that many agencies are unable to purchase equipment because of the cost. We know that federal grant funding for body worn and in-car video systems is limited, and that application processes are time consuming, cumbersome, and competitive. Some would even argue that it is just not worth the time and effort to apply for these grants given the foregoing considerations.

I am hopeful that the Senate Finance Committee and our State Legislature, as a whole, view these funds as critical and necessary in moving New Hampshire law enforcement forward. I firmly believe that here in New Hampshire, we embrace best practices and are committed to producing capable and competent guardians of communities across this State. It is important, however, to note that funding is always a necessary tool if we want to further best practices in an effort to meet the demands of policing in the 21st Century.

There are many agencies that would welcome the ability to apply for such funds. Again, these systems are expensive, and although they are not a panacea to some of the issues we have experienced with policing across the United States, it is my humble opinion that the benefits far outweigh the costs.

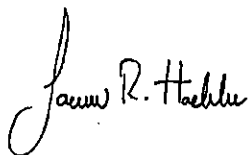
I also wanted to mention that there has been some discussion on identifying a sole vendor by which agencies across the State can purchase these systems. I would be very reluctant in supporting this and would respectfully urge the committee to avoid this course of action. I think it is important for agencies to have the ability to choose the best system for them and to do so in the most fiscally responsible way.

Given the fact that this funding appropriation, if approved, would likely only reimburse agencies for a portion of a system's cost, we need to be mindful that the remainder of these costs will fall on the municipality and taxpayers. Agencies will need to determine which technology is best for their officers. If the State identified a sole vendor, I think this would reduce officer input, which is critical, and it also may discourage some agencies from pursuing the implementation of these systems.

In closing, I am hopeful that this testimony provides you with some practical information as you consider this bill. I respect the work of the Committee and avail myself to answering any questions that you may have.

Thank you for your time and consideration, and I thank you for your service to the State of New Hampshire.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Joseph R. Hoebeke".

Joseph R. Hoebeke

President, New Hampshire Association of Chiefs of Police
Chief of Police, Hollis, New Hampshire Police Department



State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF ADMINISTRATION

JAMES H. HAYES BLDG. 33 HAZEN DR. CONCORD, NH 03305
(603) 223-8000

STEVEN R. LAVOIE, CPA, CGMA
DIRECTOR OF ADMINISTRATION

Memo

To: The Honorable Senator Gary Daniels
Members Senate Finance

Fr: Steven R. Lavoie, Director of Administration *SRL*

Date: February 3, 2022

Re: SB 387 – Additional Information

Based on discussions during the public hearing on SB 387 and at the request of the bill's sponsor, the following Body & Dash Cam System proposal information was obtained from several local Law Enforcement agencies for use in determining the current market rate for camera implementations on a per camera/per month basis:

	Agency #1	Agency #2	Agency #3	Agency #4
Date	2020	2020	2020	2021
Type	Purchase	Professional Service	Professional Service	Professional Service
Body Cam	26	36	17	179
Dash Cams	9	30	12	63
Interview Room Cams	0	0	0	5
Misc Cam Equip	26	36	6	179
Waypoint	1	1	1	1
In-Car Video Controller	Yes	Yes	Yes	Yes
Uniform Allotment	No	Yes	Yes	Yes
Software and Storage	Hosted	Hosted	Hosted	Hosted
CAD Integration	No	Yes	Yes	Yes
Installation	Yes	Yes	Yes	Yes
Total Camera Count	35	66	29	247
Total Cost	\$191,155	\$373,085	\$168,370	\$1,825,304
Term (Months)	60	60	60	72
Per Camera/Per Month Cost	\$91	\$94	\$97	\$103

Assuming an estimated cost of \$100 per camera, per month, an appropriation of \$10M would likely be sufficient to fund the initial procurement, installation, and operation of body worn and dashboard cameras for county and local law enforcement agencies:

Estimated Monthly Cost per Camera	NH LE Officers	Monthly per Camera Grant	Term in Months	Total State Cost (Rounded)
\$100	3,300	\$50	60	\$10,000,000

President

Wendy Piper
Grafton County Commissioner

Vice President

Tom Tombarello
Rockingham County Commissioner

At Large Member

Toni Pappas
Hillsborough County Commissioner

At Large Member

Cathy Stacey
Rockingham County Register of Deeds



Association of Counties

46 Donovan Street, Suite 2
Concord, NH 03301

(603) 224-9222
(603) 224-8312 (fax)

www.nhcounties.org

Immediate Past President

Chuck Weed
Cheshire County Commissioner

Treasurer

Suzanne Collins
Coos County Treasurer

Bylaws Chair

Chris Coates
Cheshire County Administrator

January 24, 2022

The Honorable Gary Daniels
Chair
Senate Finance
State House
Concord, NH 03031

Chairman Daniels and Members of the Senate Finance Committee,

The NH Association of Counties would like to register its support for SB 387, making an appropriation to the body worn and dashboard camera fund.

This bill appropriates \$20,000,000 for fiscal year 2022 to the body-worn and dashboard fund. This additional funding would allow counties to apply for reimbursement for 50% of body-worn and dashboard equipment and storage costs. The equipment and video storage fees are often a barrier to county law enforcement and the ability to defer some of those costs away from county taxpayers is vitally important to county government.

The Association asks for your support for SB 387. If you have any questions, please feel free to reach out to our Executive Director, Kate Horgan at khorgan@dupontgroup.com.

Sincerely,

Wendy Piper
President
NH Association of Counties

Support SB 387 – Strengthen Police Transparency and Accountability

SB 387 would appropriate \$20 million for the fiscal year ending June 30, 2022 to the body-worn and dashboard camera fund established in RSA 105-D:3 for the purpose of reimbursing county and municipal law enforcement agencies for 50 percent of the initial body-worn and dashboard cameras and associated video retention acquisition costs. The appropriation shall be funded from any remaining American Rescue Plan Act funds, or any other federal funds that can be used for this purpose, with any additional funding coming from the state general fund.

Provides funding in support of a New Hampshire Commission on Law Enforcement (LEACT) recommendation. The LEACT final report included a recommendation that all law enforcement departments to use body cameras.ⁱ Despite this recommendation, sufficient funding was not made available to ensure that departments could purchase the necessary equipment. This legislation is an important step toward achieving this LEACT recommendation.

Legislators must also ensure strong policies governing the use of body cameras before they are deployed. Without strong policies, body cameras become just another tool to hide law enforcement abuses. While New Hampshire has minimum standards that govern the use of body cameras,ⁱⁱ the standards lack several key provisions that are necessary to ensuring accountability. Specifically, the legislature must ensure the state's body camera law includes the following mandates:

- That appropriate disciplinary action is taken against an officer who fails to follow recording and retention requirements.
- A prohibition against recording First Amendment protected activity, including peaceful protests, unless related to a call for service or other law enforcement action.
- Beyond what is mandated by state law, all videos depicting any police use of force or alleged police misconduct should be released to the public upon request; where a video depicts a member of the public being killed, shot by a firearm, or grievously injured by an officer, such video should be released within five days of a request.
- That no law enforcement officer may review or receive an accounting of any body camera footage until they have completed their initial reports, statements, or interviews (with certain exceptions).ⁱⁱⁱ
- Video redaction may be used to protect privacy, but only where the redaction does not interfere with a viewer's ability to fully, completely, and accurately comprehend the events captured on the video footage.
- A rebuttable evidentiary presumption in favor of criminal defendants who reasonably assert that exculpatory evidence was destroyed or not captured in cases where an officer failed to adhere to recording or retention requirements.
- A rebuttable evidentiary presumption in favor of civil plaintiffs suing the government, a law enforcement agency, and/or law enforcement officers for damages based on police misconduct in cases where an officer failed to adhere to recording or retention requirements.

Body cameras must be a tool to enhance law enforcement accountability, not hide law enforcement abuses. Current law exempts body cameras from disclosure under 91-A unless the footage depicts “[a]ny restraint or use of force by a law enforcement officer[.]” ... the “discharge of a firearm,” ... or “[a]n encounter that results in an arrest for a felony-level offense[.]”^{iv} But, those provisions also include a broad exemption for “those portions of recordings which constitute an invasion of privacy of any person.”^v In addition, body camera footage of police misconduct that does not meet the criteria

above is exempt from disclosure. Because of these exemptions, law enforcement can, in certain cases, decide what video footage they want to release or keep secret. When law enforcement have the power to protect themselves instead of serving the public interest, they undermine the very purpose of deploying body cams in the first place. Setting the right balance between privacy and transparency in public access is tricky, but some situations are clear: when the video captures a critical incident (such as a serious use of force), when there are allegations of misconduct regarding the interaction captured on video, or when the subject of the video requests it, camera video should be released. Legislators must ensure body cameras are a tool to increase law enforcement transparency and accountability.

Current New Hampshire law undermines the integrity of the investigatory process. Under current law, officers may review their body camera footage prior to preparing their reports or statement of events, including in instances where an officer killed a person, unless the local agency prohibits it.^{vi} Officers involved in a critical incident like a shooting or facing charges of misconduct should not be permitted to view footage of the incident before making a statement or writing an initial report. Police do not show video evidence to other subjects or witnesses before taking their statements, and for good reasons. First, cognitive science has demonstrated that watching video of an incident actually changes a person's memory. Second, persons intent on providing misleading statements would be advantaged to know what falsities would and would not be disproven by body camera footage. Officers should watch the video after their initial statement and then have the chance to offer additional information and context. Because they may not remember a stressful incident perfectly, omissions or inconsistencies in their initial account shouldn't be grounds for discipline without evidence they intended to mislead. This would provide the fullest picture of what happened without tainting officers' initial recollection or creating the perception that body cameras are being used to cover up misconduct rather than to hold officers accountable.

Body Cameras are not a solution to police violence. As we have seen across the country, the introduction of police body cameras has not stopped police violence.^{vii} Contrary to what we see on television, in reality law enforcement spend the vast majority of their time policing low level offenses like drug possession and having an open container of alcohol. Of the approximately 10 million arrests each year, only about five percent are for serious offenses like murder, rape, and aggravated assault.^{viii} The vast majority of arrests are for low level things like "drug abuse violations" and disorderly conduct.^{ix} New Hampshire is not far off the national numbers. For example, as the Vera Institute for Justice found, "[i]n 2018, the Manchester Police Department made 4,142 arrests. Like most departments around the country, the majority of these arrests were not made for serious violent incidents, but instead for low level offenses. In fact, 84 percent of the 4,142 arrests in 2018 in Manchester were made for non-serious non-violent charges. These arrests are often made in response to situations that do not require police presence."^x The only way to reduce police violence and make our communities safer and stronger is to reduce the size, scope, and role of law enforcement and invest in our communities. Can body cameras, if governed by proper policies, improve police transparency and accountability? Perhaps, to a modest degree. Can they bring about significant improvements to the inequities and violence that plague modern policing? No.

Legislators should fund body cameras and ensure the state's body camera law strengthens law enforcement transparency and accountability.

Legislators must also rethink the role of policing in our society.

The ACLU's model body camera policy can be found at: <https://www.aclu.org/other/model-act-regulating-use-wearable-body-cameras-law-enforcement>.

ⁱ New Hampshire Commission on Law Enforcement, Report and Recommendations, Aug. 31, 2020, p. 19, available at <https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2020-09/accountability-final-report.pdf>.

ⁱⁱ See, RSA 105-D:2

ⁱⁱⁱ Current law states that “If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other use of deadly force, the agency *may* limit or restrict an officer from viewing the video file.” (Emphasis added). RSA 105-D:2(XIV).

^{iv} 91-A:5(X)(a-c).

^v *Id.*

^{vi} Current law states that “If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other use of deadly force, the agency *may* limit or restrict an officer from viewing the video file.” (Emphasis added). RSA 105-D:2(XIV).

^{vii} Louise Matsakis, *Cameras Haven't Stopped Police Brutality. Here's Why*, Wired, June 17, 2020, available at <https://www.wired.com/story/body-cameras-stopped-police-brutality-george-floyd/#:~:text=Six%20years%20later%2C%20body%20cameras%20are%20now%20used,while%20he%20was%20in%20police%20custody%20last%20month>; See also, Cheryl Corley, *Study: Body-Worn Camera Research Shows Drop In Police Use Of Force*, NPR, Apr. 26, 2021, available at <https://www.npr.org/2021/04/26/982391187/study-body-worn-camera-research-shows-drop-in-police-use-of-force> (“Body-worn cameras are a useful part of the response but not a solution by themselves. Body-worn cameras are not going to solve the problem of the enormous gap we see in police use of force in the U.S. against Black versus white Americans.”)

^{viii} Vera, *Every Three Seconds: Unlocking Police Data on Arrests*, Jan. 2019, available at <https://www.vera.org/publications/arrest-trends-every-three-seconds-landing/arrest-trends-every-three-seconds/overview>.

^{ix} *Id.*

^x Vera, *What Policing Costs*, Manchester, NH, available at <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities/manchester-nh>.

Debra Martone

From: Jay Kahn
Sent: Saturday, January 29, 2022 3:02 PM
To: Gary Daniels
Cc: John Reagan; Chuck Morse; Lou D'Allesandro; Cindy Rosenwald; Bob Giuda; Erin Hennessey; Debra Martone
Subject: Updates on SB 387, 402 and 415

Dear Chairman Daniels,

I appreciated the opportunity for testimony on 3 bills before the Senate Finance Committee this past Tuesday. It allowed for presentation of information gathered and demonstrated where additional information is needed for your consideration. Here's an update on each bill:

~~SB 387~~ Body Dash Camera Fund -

The funding level needs more justification. To that end, the Department of Safety is working with the Police Chiefs Association to summarize the terms and costs from a variety of departments. Our objective is to have that information for the Committee before your Feb. 8th meeting. There will also be a response to questions about a single procurement process.

SB 302 - Disaster relief matching fund

We have a chicken and egg problem. We can't determine a total accepted FEMA claims figure until a final determination is made. On the other hand, towns know what they've claimed. If towns knew the sources of funds, including if the state would provide half of the local match, they could proceed with work as quickly as possible, using loan provisions. Director Harper and I will consult with LBA on how to word a contingency motion, that based upon amounts authorized by FEMA, the state will reimburse towns 12.5% of authorized amounts. For an illustration, if the total disaster relief authorized by FEMA was \$50 million, the state would be responsible for up to \$6.25M, only if and when towns covered another \$6.25M.

SB 415 - Homeless Shelter reimbursements

Based on the testimony provided, Health and Human Services is refining it's reimbursement goal and a means for calculating an amount needed to fund it.

We're aiming to provide the updates prior to your meeting on Feb. 8th. Let me know if this creates any problem. Thank you for allowing us time to answer items addressed at the hearings.

Jay

Jay Kahn
State Senator
Senate-District 10
Keene, NH
603-381-2930 (c)

Voting Sheets

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 387-FN-A

Hearing date: 01/25/22

Executive session date: 03/15/22

Motion of: ITL

VOTE: 5-2 *Rosenwald
D'Allesandro*

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input checked="" type="checkbox"/>
<u>Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input checked="" type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

Docket of SB387

Docket Abbreviations

Bill Title: making an appropriation to the body-worn and dashboard camera fund.

Official Docket of SB387.:

Date	Body	Description
12/23/2021	S	To Be Introduced 01/05/2022 and Referred to Finance; SJ 1
12/29/2021	S	Hearing: 01/25/2022, Room 103, SH, 01:00 pm; SC 1
3/16/2022	S	Committee Report: Inexpedient to Legislate, 03/24/2022; SC 12
3/24/2022	S	Inexpedient to Legislate, RC 13Y-9N, MA === BILL KILLED === ; 03/24/2022; SJ 6

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 387-FI-A

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Mantone
Committee Aide

06/23/22
Date

Senate Clerk's Office AK