

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0374-01
Bill No.: SB 120
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement; Officers and Agencies
Type: Original
Date: January 23, 2015

Bill Summary: This proposal requires law enforcement agencies to adopt written policies for investigating officer-involved deaths and modifies provisions related to victim's rights.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	Less than (\$1,734,864)	Less than (\$1,242,543)	Less than (\$1,256,534)
Total Estimated Net Effect on General Revenue	Less than (\$1,734,864)	Less than (\$1,242,543)	Less than (\$1,256,534)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Highway	Less than \$361,272	Less than \$515,141	Less than \$480,976
Total Estimated Net Effect on Other State Funds	Less than \$361,272	Less than \$515,141	Less than \$480,976

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	Less than 8 FTE	Less than 8 FTE	Less than 8 FTE
Total Estimated Net Effect on FTE	Less than 8 FTE	Less than 8 FTE	Less than 8 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation states that each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve peace officers employed by the agency. Each officer-involved death is to be investigated by at least two investigators, one of whom is the lead investigator and neither of whom is employed by the law enforcement agency that employs the law enforcement officer involved in the death.

Currently, the Patrol is not tasked with assisting larger law enforcement agencies with their officer involved death investigations. The Division of Drug and Crime Control (DDCC) polled surrounding agencies for their number of officer-involved shooting investigations. Most agencies failed to respond at the time this response was prepared, but the two largest agencies averaged 15 per year. This number did not include St. Louis County or Jackson County. Officer involved shooting investigations are time and manpower intensive. They are prioritized before all other cases due to the sensitive nature. Based on preliminary numbers from the largest police agencies in Missouri and in order to provide adequate coverage for the state, the Highway Patrol estimates that 8 FTE would be needed for the following areas: Springfield (1), Kansas City (2), St. Louis (3), Troop F (1), and Troop H (1).

These investigator positions (at \$74,844 annually) would be filled by members having the rank of Sergeant. The cost to the state would be hiring a new recruit to eventually replace these positions. The recruits would go through several salary levels (starting at \$38,574) during the first three years. Our figures are based on internal pay increases unique to troopers.

Other costs to establish the investigator positions include:

Vehicle and equipment	\$48,149
Academy Training	\$11,597
Weapons, Personal Equipment, etc.	\$2,689
Uniform Allowance	\$800
Vehicle Maintenance	\$1,732
Gasoline	\$9,250
Cell Phone Costs with Mi-Fi Unit	\$1,140
Dell Latitude 15 with Docking Station	\$969
Miscellaneous Trooper Expenses (Ammunition, Leather Replacement, etc.)	<u>\$330</u>
Expense / Equipment for 8 Criminal Investigators	\$76,656

ASSUMPTION (continued)

PLUS:

2 3D High-Speed Laser Scanner \$150,900 each

(The 3D High-Speed Laser Scanner is a device used for forensic mapping. The laser scanner will thoroughly record distance, angles, and elevation of a crime scene in a short amount of time and the data collected can be used to create a three-dimensional model of the crime scene exactly the way the officer found it.)

2 Software Recurring Charge (for 3D laser scanner) \$3,200 each

Overall, the cost to the state would be to General Revenue for the new Criminal Investigators expense with a smaller offsetting savings in Highway since higher paid Sergeants would be taken off of highway duty and replaced with lower-paid new recruits.

In summary, the MHP assumes a cost to the General Revenue Fund of \$1.7 million in FY 2016 and \$1.25 million each year thereafter, as well as a savings to Highway Funds of approximately \$500,000 per year.

Oversight assumes it is unknown how many officer-involved death investigations would occur each year, and what agencies would be requested to conduct those investigations. Oversight assumes the numbers would not warrant an additional 8 troopers for the MHP, but we have no basis to estimate the amount needed. Therefore, Oversight will reflect a fiscal impact of "Less Than" the estimate provided by the MHP.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Missouri Department of Conservation** assume an unknown negative fiscal impact from the proposal.

In response to a similar proposal from this year (HB 62), officials from the **St. Louis County Police Department** stated there would be a significant fiscal impact to their agency from the portion of the bill requiring all officer involved deaths to be investigated by at least two investigators, neither of whom can be employed by St. Louis County. The bill suggests a mutual aid agreement to deal with the compensation of such investigators. St. Louis County could enter into a mutual aid agreement with St. Louis City, where both parties agree that any officer involved deaths will be investigated by the other for no cost. One problem with that is reflected

ASSUMPTION (continued)

in incident numbers. In 2013, St. Louis County had one officer involved death. In 2013 St. Louis City had seven officer involved deaths. Going forward in years to come, it is very likely that St. Louis County ends up doing more work, and spending more man hours, investigating than St. Louis City. If investigators are not acquired through mutual aid agreements, there will be a significant cost associated with having to compensate at least two investigators for an unknown length of time while an investigation is being conducted.

Officials from the **Independence Police Department** state this bill can have significant impact on law enforcement agencies. Contracting with outside agencies to conduct independent investigations into officer related deaths could prove quite costly. Holding crime scenes while awaiting outside agency investigators to respond could seriously impact the investigation as well as create significant overtime costs.

Officials from the **Springfield Police Department** state they would need to reimburse three investigators, from an outside agency, to investigate officer-involved shootings that involve a death. Assuming the investigators could conclude an investigation in 30 days, this would cost the department $\$7,250$ per investigator $\times 3 = \$21,750$.

Officials from the **Boone County Sheriff's Department** state the cost to develop the written policy would be \$250 - \$300. Additional costs would be incurred in developing a printing a Victim's Rights brochure that could be distributed.

Officials from the **Office of the State Courts Administrator**, the **Office of Prosecution Services**, the **Department of Natural Resources**, the **Department of Social Services - State Technical Assistance Team**, and the **Columbia Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the Buchanan County Sheriff's Department, the Clark County Sheriff's Department, the Cole County Sheriff's Department, the Jackson County Sheriff's Department, the Jefferson City Police Department, the Platte County Sheriff's Department, the St. Charles Police Department, the St. Joseph Police Department, and the St. Louis Metropolitan Police Department did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs</u> - Missouri Highway Patrol	Less than...	Less than...	Less than....
Personal Service (8 FTE)	(\$498,960)	(\$604,740)	(\$610,787)
Fringe Benefits	(\$431,301)	(\$522,737)	(\$527,964)
Expense and Equipment	(\$117,611)	(\$108,506)	(\$111,059)
Vehicle and Equipment	(\$385,192)	\$0	\$0
3D High-Speed Laser Scanner	<u>(\$301,800)</u>	<u>(\$6,560)</u>	<u>(\$6,724)</u>
 <u>Total Costs</u> - MHP	 Less than <u>(\$1,734,864)</u>	 Less than <u>(\$1,242,543)</u>	 Less than <u>(\$1,256,534)</u>
 FTE Change - MHP	 Less than 8 FTE	 Less than 8 FTE	 Less than 8 FTE
 ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	 Less than <u>(\$1,734,864)</u>	 Less than <u>(\$1,242,543)</u>	 Less than <u>(\$1,256,534)</u>
 Estimated Net FTE Change for the General Revenue Fund	 Less than 8 FTE	 Less than 8 FTE	 Less than 8 FTE
 HIGHWAY FUNDS			
<u>Savings</u> - MHP - from replacing existing troopers (Sergeants) with probationary troopers - (less expensive)	Less than <u>\$361,272</u>	Less than <u>\$515,141</u>	Less than <u>\$480,976</u>
 ESTIMATED NET EFFECT TO HIGHWAY FUNDS	 Less than <u>\$361,272</u>	 Less than <u>\$515,141</u>	 Less than <u>\$480,976</u>
 Estimated Net FTE Change for the Missouri Highway Patrol	 0 FTE	 0 FTE	 0 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
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LOCAL POLITICAL SUBDIVISIONS

<u>Costs</u> - Law Enforcement Agencies - to investigate officer-involved deaths	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act requires each law enforcement agency to have a written policy regarding the investigation of deaths resulting directly from an act or omission of a police officer. The policy must require an investigation conducted by at least two investigators, neither of whom is employed by the law enforcement agency that also employs the police officer involved in the death.

The policy must also require, in traffic-related deaths, the use of a crash reconstruction unit from a law enforcement agency that is not the employer of the officer, unless the employer is the Missouri State Highway Patrol, in which case the Highway Patrol may provide the unit.

The investigators must expeditiously provide a report to the prosecuting attorney. If the prosecuting attorney determines there is no basis to prosecute the police officer, the investigators must release the report to the public.

These provisions apply to deaths that occur after August 27, 2015.

Under current law, victims of crime have certain enumerated rights. This act adds, for victims of officer-involved deaths, the right to be informed about the process of filing an affidavit seeking prosecution of a crime and the process of inquests.

FISCAL DESCRIPTION (continued)

This act also requires law enforcement agencies, within 24 hours of investigating a crime, to provide victims with certain information about their rights and available services.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Attorney General's Office
Office of Prosecution Services
Office of the State Courts Administrator
Boone County Sheriff's Department
Columbia Police Department
Independence Police Department
Springfield Police Department
St. Louis County Police Department



Mickey Wilson, CPA
Director
January 23, 2015

Ross Strobe
Assistant Director
January 23, 2015