

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5560-02  
Bill No.: SB 842  
Subject: Crimes and Punishment; Criminal Procedure; Courts; Evidence; Law  
Enforcement Officers and Agencies; Public Safety Department  
Type: Original  
Date: February 8, 2016

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Bill Summary: This proposal requires law enforcement agencies to develop certain policies for eyewitness identification procedures.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol and Capitol Police** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Jefferson City Police Department**, the **Columbia Police Department** and the **Springfield Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Cole County Sheriff's Department** state the proposal would be fiscally significant for all agencies.

Officials from the **Independence Police Department** state this legislation has a potential significant fiscal impact on law enforcement agencies. It now requires a second investigator be involved in every case utilizing eyewitness identification procedures. This means that in addition to the case detective, a second detective will be required to show each lineup, and then must be involved throughout the criminal justice process. This takes detectives away from their assigned case loads and requires they spend additional time in court. Both of these mean additional expenses to the law enforcement agency.

In response to a similar proposal from 2015 (SB 303), officials from the **City of St. Louis** stated the Bureau of Investigations of the St. Louis Metropolitan Police Department estimated that the proposed legislation would cost approximately \$189,000 per year. The Police Department conducts lineups and photo spreads in a fashion similar to the system proposed by this legislation. This legislation would add more detailed pre-interviews and documentation. In addition, the legislation would require a detective to conduct blind photo spreads and two detectives to conduct blind lineups.

The cost is made up of two components:

1. Additional costs due to additional hours spent conducting photo spreads, lineups and show ups as proposed in this legislation. Based on an average of 5,500 photo spreads, lineups and show ups per year, detectives would spend an additional 3,670 hours conducting them to adhere to this legislation (5,500 x 40 additional minutes). The total additional cost would be \$99,000 (3,670 hours x \$26.99 (the average detective hourly wage)) per year.

ASSUMPTION (continued)

2. Additional costs due to certain detectives being taken away from their own caseloads to assist. Conducting 5,100 photo spreads a year would mean that “blind” detectives would spend 2,550 hours on cases not assigned to them. At \$26.99 per hour, this cost is \$68,800. Conducting about 400 lineup a year would mean that “blind” detectives would spend 800 hours on cases not assigned to them. At \$26.99 per hour, this cost is \$21,600.

Therefore, St. Louis estimated the annual total costs to be: \$189,400 (\$99,000 + \$68,800 + \$21,600). There would also be costs associated with implementing a training program at the Police Academy.

**Oversight** will reflect an Unknown expense to local police departments and sheriff's departments, statewide, to implement the changes in the bill.

Officials from the Attorney General's Office, Buchanan County Sheriff's Office, Cass County Sheriff's Office, Clark County Sheriff's Office, Jackson County Sheriff's Office, Platte County Sheriff's Office, St. Charles Police Department and the St. Louis County Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (6 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (6 Mo.)	FY 2018	FY 2019
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**LOCAL LAW ENFORCEMENT**

<u>Costs</u> - Police Departments and Sheriff's Departments - to implement the changes in eyewitness identification procedures	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT</b>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></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

Under this act, each law enforcement agency that uses eyewitness identification procedures must adopt written policies governing the procedures by January 1, 2018.

A list of practices that must be included within the policies is provided.

This act specifies that the statute shall not be construed as a ground to exclude evidence at trial. When evidence of compliance or noncompliance with the statute is presented at trial, the court must instruct the jury that it may consider the compliance, or lack thereof, when judging the reliability of an identification.

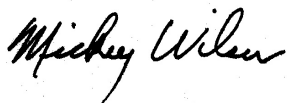
The provisions of this act take effect January 1, 2017.

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  
Jefferson City Police Department  
Cole County Sheriff's Department  
Independence Police Department  
Columbia Police Department  
Springfield Police Department  
City of St. Louis

**NOT RESPONDING:**  
Attorney General's Office



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