

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2579-02
Bill No.: HB 1207
Subject: Law Enforcement Officers and Agencies
Type: Original
Date: April 3, 2015

Bill Summary: This proposal requires law enforcement agencies to have a written policy regarding the investigation of officer-involved deaths.

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 <u>Other</u> 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 9 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

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

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 **Department of Public Safety (Capitol Police and the Division of Fire Safety)** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Cole County Sheriff's Department** assume the proposal would have minimal fiscal impact.

Officials from the **Boone County Sheriff's Department** state policy development would require 8 to 10 hours at \$35/hour for an estimate of \$270 to \$350. A minimum cost of \$1,327 will be incurred for each hour of training required to train approximately 75 certified/licensed officers within this department on the new policy.

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 agency \$7,250 per investigator for 30 days for a total of \$21,750 (3 x \$7,250) per year. This includes our current rate of pay for an investigator with benefits. It also assumes our agency would be involved in one officer-involved death per fiscal year.

Officials from the **Independence Police Department** state this bill has the potential to have a significant fiscal impact on police departments throughout the state. The Independence Police Department has highly trained criminal investigators as well as accident reconstructionists. Investigations conducted into officer involved injuries and death are conducted by these highly trained personnel and are done in accordance with Department policy. In addition, investigations into these deaths are conducted in accordance with work agreements that are currently in place. Bringing in outside agencies can potentially significantly delay the death investigations as the outside law enforcement agency must be contacted, call out the appropriate investigators and

ASSUMPTION (continued)

await their on-scene arrival. Because these investigators may be coming from a considerable distance, (for example the Highway Patrol may send investigators from other counties to investigate), this necessitates the involved agency committing resources to hold the crime scene for prolonged periods. This creates significant overtime and staffing issues as well as potential community issues, (waiting to move the body, large crime scene security preventing access to residents, etc). In addition, there are fiscal considerations relating to paying an outside agency to conduct an investigation that typically would be handled by on-duty, department personnel.

In response to similar proposals from this year (such as HB 62), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the proposed legislation would require any officer-involved deaths to be investigated by a law enforcement agency that does not employ a law enforcement officer involved in the death being investigated.

This proposed legislation states that each law enforcement agency shall have a written policy regarding the handling of deaths involving a law enforcement officer employed by the agency.

Each policy shall require a team of investigators, including at least two different law enforcement agencies that do not employ a law enforcement officer involved in the death being investigated. 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.

ASSUMPTION (continued)

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

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 be requested by the Attorney General 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.

ASSUMPTION (continued)

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 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.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs - Missouri Highway Patrol</u>	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 - MHP</u>	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

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
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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>
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ESTIMATED NET EFFECT TO HIGHWAY FUNDS	Less than <u>\$361,272</u>	Less than <u>\$515,141</u>	Less than <u>\$480,976</u>
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Estimated Net FTE Change for the Missouri Highway Patrol	0 FTE	0 FTE	0 FTE
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<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	<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 bill requires each law enforcement agency to have a written policy regarding the investigation of officer-involved deaths. The written policy must:

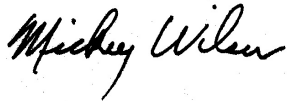
- (1) Require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death;
- (2) Require, in the case of a traffic-related death, the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated. However, any state law enforcement agency may allow an investigation involving a law enforcement officer employed by that agency to use a crash reconstruction unit from the same state law enforcement agency; and
- (3) Allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation required under these provisions.

The investigators conducting an investigation must provide a complete report, in an expeditious manner, to the prosecutor of the county or city not within a county in which the officer-involved death occurred. If the prosecutor determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation must release a report of their findings.

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



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Director
April 3, 2015

Ross Strobe
Assistant Director
April 3, 2015