

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4368-01
Bill No.: HB 1494
Subject: Law Enforcement Officers and Agencies; Department of Public Safety
Type: Original
Date: January 20, 2016

Bill Summary: This proposal requires peace officers to complete a module established by the POST commission to assess cultural competency.

FISCAL SUMMARY

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

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

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

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

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

☐ 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 2017	FY 2018	FY 2019
Local Government	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state this program development/course delivery can be done through the training centers with approval by Peace Officer Standards and Training (POST). DPS states they do not see a substantial fiscal impact upon POST and feel they can perform this with existing staff.

Officials from the **Department of Social Services - State Technical Assistance Team**, and the **Department of Public Safety - Missouri Highway Patrol** and **Capitol Police** assume the proposal would not fiscally impact their agency.

Officials from the **Missouri Department of Conservation (MDC)** assume the proposal would have an unknown negative fiscal impact due to the unknown cost of the module.

Oversight assumes the MDC could absorb the additional expense from this proposal within its current appropriation levels.

Officials from the **Department of Natural Resources (DNR) - Missouri State Parks** state they see no substantial fiscal impact associated with this proposal. There is always a cost involved when adding training; however, there is no way to estimate that based on this proposed bill.

Officials from the **Cole County Sheriff's Office** state this bill will be very expensive in time, overtime, and administrative costs.

Officials from the **Boone County Sheriff's Office** state adding a required training module adds cost to agencies to provide said training. The proposed required module on cultural competency is not adequately defined in this language to determine how long the module must be, which directly affects costs (payroll) to train the employees, and costs to pay tuition, instructors/vendors and any travel costs for the training. We would have to pay each employee their hourly rate of pay for each hour of required training and associated costs as stated. Without adequate language/requirements defined, the ongoing annual cost cannot be properly calculated, but will be significant, and ongoing annually.

In response to a similar proposal from 2015 (HB 56), officials from the **St. Louis County Police Department** stated the fiscal impact on St. Louis County for this bill is unknown due to the ambiguous wording and meaning behind this bill. There will be some sort of cost associated with the module to test an officer's cultural competency. It is unknown what a test of that sort encompasses or what it will look like, and therefore the exact cost of such a test is unknown.

ASSUMPTION (continued)

There would be some sort of cost to St. Louis County to send 850 officers to take a test annually. Along with the cost of the test, there would be the cost of overtime required to make sure all beats are staffed while officers are at testing. Along with this, if the officer fails such a test, there will be more costs incurred with the required follow-up training and retesting. Without knowing anything about cultural competency tests we are unable to provide an estimate, but can say there would be a fiscal impact on St. Louis County Police.

In response to a similar proposal from 2015 (HB 56), officials from the **Columbia Police Department** stated if this is in addition to the currently required racial profiling training that officers already have it will create significant impact. Of 160 officers, this equals 480 hours. The salary alone is nearly \$10,000. In addition, removing officers from their regular assignment to attend additional mandated training will create unknown staffing issues requiring overtime to be paid. Also, paying a trainer to provide the training is an unknown cost. In short, this would impact our budget.

In response to a similar proposal from 2015 (HB 56), officials from the **Platte County Sheriff's Department** stated there will be additional costs associated with putting officer/deputies through cultural diversity competency training. Currently Missouri law requires peace officers to receive racial profiling training which is different from cultural diversity competency training, which is not currently required under the law. The Platte County Sheriff's Office anticipates that if this bill were to become law it would either have to incur the added expense of certifying trainers to provide this type of training or that it would have to send deputies that fail the POST cultural diversity competency test to training put on by outside providers. In either case expected expenses could include: registration fees, per diem, lodging, fuel and overtime. It is not possible to provide an exact amount as the cost of these trainings, the number of employees that would need the training and the location of these trainings is unknown. Additionally, the Sheriff's Office may incur the expense of backfilling a deputy's shift while they are in training. It is the belief of the Sheriff's Office that these costs may be significant depending on the factors mentioned above and the possibility of other factors that cannot be anticipated at this time.

Officials from the Buchanan County Sheriff's Department, the Independence Police Department, the Jefferson City Police Department, the St. Charles Police Department, and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

Oversight will assume that local political subdivisions could incur annual costs exceeding \$100,000 to comply with this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
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LOCAL POLITICAL SUBDIVISIONS

<u>Costs</u> - Police Departments and Sheriff's Offices - of annual module to determine if each peace officer is culturally competent and the cost of training on cultural diversity competency if the officer received a failing grade on the module	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</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

Currently, peace officers who make traffic stops are required to receive three hours of training within a three-year reporting period concerning the prohibition against racial profiling and said training must promote the understanding and respect for racial and cultural differences and the use of effective, noncombative methods for carrying out law enforcement duties in a racially and culturally diverse environment. This bill changes this section to apply to all peace officers.

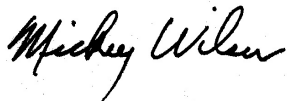
The bill requires any peace officer to complete a module established by the POST commission to determine if he or she is culturally competent. The peace officer must receive a passing score, as determined by the POST commission. If an officer obtains a failing score, he or she must attend training on cultural diversity competency and retest until a passing score is obtained.

FISCAL DESCRIPTION (continued)

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
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Cole County Sheriff's Office
Boone County Sheriff's Office
Platte County Sheriff's Office
St. Louis County Police Department
Columbia Police Department



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January 20, 2016

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