

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0295-03
Bill No.: HB 334
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; State Attorney
 General
Type: Original
Date: January 21, 2015

Bill Summary: This proposal requires law enforcement agencies to adopt written policies regarding officer-involved deaths and allows the Attorney General to investigate 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 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 **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposal has the following fiscal impact:

Section 563.078 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, and such policy shall designate in advance the outside law enforcement agency that shall conduct the investigation.

Currently, the MHP is not tasked with assisting larger law enforcement agencies with their officer involved death investigations, as most of the larger law enforcement agencies are equipped with adequate investigative resources.

The MHP's Division of Drug and Crime Control (DDCC) does not have a homicide unit. DDCC criminal investigators are assigned a variety of cases ranging from misdemeanor theft to homicide. Officer involved shooting investigations are time and manpower intensive. They are prioritized before all other cases due to the sensitive nature. St. Louis and Kansas City Police Departments indicated they average 15 officer involved shootings a year. This bill does not clarify the agencies that the AGO would utilize when pursuing their investigations. However, if the AGO were to utilize the Patrol as one of the two investigative agencies and based on preliminary numbers from the largest police agencies in Missouri, the Highway Patrol anticipates needing 8 FTE for the following areas to provide adequate coverage for the state: Springfield (1), Kansas City (2), St. Louis (3), Troop F (1), and Troop H (1).

Probationary Trooper $(\$1,568.50 \times 2 \times 7) + (\$1,661.50 \times 2 \times 5)$ (7 months entry salary/5 months graduation salary)	\$38,574
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Criminal Investigator	\$74,844
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**These investigator positions 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 starting salary has been shown, but the recruit would go through several salary levels during the first three years. Our figures are based on internal pay increases unique to troopers.

ASSUMPTION (continued)

Overall, the cost to the state would be a General Revenue expense with a smaller offsetting savings in Highway. The following is breakdown of the equipment and expenses:

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.)	\$330
3D High-Speed Laser Scanner	\$150,900

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.

Software Recurring Charge	\$3,200
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In summary, the MHP estimates the cost of the 8 new FTE to be:

Salary (annually)	\$605,000
Fringe (annually)	\$520,000
Expense (annually)	<u>\$115,000</u>
TOTAL REOCCURRING	\$1,240,000
plus Equipment (one time)	\$716,256

The MHP's estimated savings to Highway Funds (approximately \$500,000 annually) would result from replacing higher-paid troopers (who now will be paid from General Revenue while conducting officer-involved deaths) with lower-paid recruits.

Oversight assumes it is unknown how many officer-involved death investigations would be conducted 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)

Officials from the **Department of Public Safety (Office of the Director and Capitol Police)**, **Missouri Department of Conservation, Department of Natural Resources, Office of Prosecution Services**, the **Office of the State Public Defender**, and the **Department of Social Services - State Technical Assistance Team** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Columbia Police Department** and the **Springfield Police Department** each assume the proposal would have minimal or no fiscal impact on their respective agencies.

Officials from the Boone County Sheriff's Department, the Buchanan County Sheriff's Department, the Independence Police Department, the Platte County Sheriff's Department, and the St. Louis Metropolitan Police Department did not respond to our request for fiscal impact.

Oversight assumes law enforcement agencies will not incur material additional expense in developing written policies regarding officer-involved deaths. However, law enforcement agencies, including the Missouri Highway Patrol, would incur additional expense if requested to investigate officer-involved deaths. Oversight will reflect an unknown cost to local law enforcement agencies to conduct these investigations.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs - MHP</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)
Vehicles (8)	(\$385,192)	\$0	\$0
3D High-Speed Laser Scanner	(\$301,800)	\$0	\$0
Other expense & Equipment	<u>(\$117,611)</u>	<u>(\$115,066)</u>	<u>(\$117,783)</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>
 HIGHWAY FUNDS			
<u>Savings - MHP - from replacing existing troopers (Sergeants) with probationary troopers - (less expensive)</u>	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>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs</u> - Law Enforcement Agencies - to investigate officer-involved deaths	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

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 policy must designate in advance the outside law enforcement agency that will conduct the investigation.

Each prosecutor must have a written policy designating an outside prosecutor to determine if charges will be brought against the officer.

The designated investigator must provide a complete report to the outside prosecutor. If the outside prosecutor determines that there is no basis to prosecute the law enforcement officer involved in the death, the outside prosecutor may release the report to the general public.

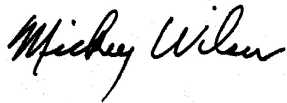
An officer-involved death is a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The provisions of this bill apply to officer-involved deaths that occur after August 28, 2015.

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

Attorney General's Office
Department of Public Safety
Missouri Department of Conservation
Department of Natural Resources
Department of Social Services
Columbia Police Department
Springfield Police Department



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Director
January 21, 2015

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January 21, 2015