

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0687-01
Bill No.: HB 232
Subject: Law Enforcement Officers and Agencies
Type: Original
Date: February 17, 2017

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 2018	FY 2019	FY 2020
General Revenue	Less than (\$1,639,877)	Less than (\$1,290,953)	Less than (\$1,305,662)
Total Estimated Net Effect on General Revenue	Less than (\$1,639,877)	Less than (\$1,290,953)	Less than (\$1,305,662)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Highway	Less than \$345,561	Less than \$524,678	Less than \$499,702
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$345,561	Less than \$524,678	Less than \$499,702

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state this 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 officer involved in the death.

Currently, the MHP 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. On an average officer involved shooting/death investigation, there is a minimum of three to four Highway Patrol investigators assigned to each of these critical incidents. Many of these types of investigations require an increase in manpower depending on the number of crime scenes, witnesses and the nature of evidence collection. 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's would be needed for the following areas: Springfield (1), Kansas City (2), St. Louis (3), Troop F (1), and Troop H (1).

Probationary Trooper ($\$1,715 \times 2 \times 7$) + ($\$1,758 \times 2 \times 5$) (7 months entry salary/5 months graduation salary)	\$41,590
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Criminal Investigator	\$77,256
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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	\$49,798
Academy Training	\$12,754
Weapons, Personal Equipment, etc.	\$2,889
Uniform Allowance	\$800
Vehicle Maintenance	\$1,857
Gasoline	\$9,250
Cell Phone Costs with Mi-Fi Unit	\$1,140
Dell Latitude 15 with Docking Station	\$826
Miscellaneous Trooper Expenses (Ammunition, Leather Replacement, etc.)	\$330
Laser Scanner	\$78,127

The 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	\$4,950
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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 \$1.64 million in FY 2018 and \$1.3 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)

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

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

In response to a similar proposal from 2016 (HB 1774), officials from the **Independence Police Department** stated the bill will have significant fiscal impact on local law enforcement. By requiring outside agency investigators of any law enforcement involved death, the investigation will be delayed while outside agencies are contacted, resources identified and those officers are called out to respond to investigate. While this is taking place the involved agency will have to secure the crime scene. This will require significant resources quite possibly involving extensive overtime expenses. Investigative agencies will also have increased expenses associated with conducting investigations for outside agencies.

In response to a similar proposal from 2016 (HB 1774), officials from the **Boone County Sheriff's Department (BCSD)** stated costs will be incurred for policy development that meets statutory requirements, and then training staff on that policy. For the BCSD, this cost includes the training of approximately 60 department staff. The policy training block would likely be from 1 to 2 hours per staff member. Starting hourly rate for a deputy in Boone County is \$19.93, but the figure of \$20/hour will be used as this is the absolute lowest possible cost (actual cost will be much greater based upon tenured staff hourly pay rate). Training costs will range at a minimum from \$1200 (1 hours) to \$2400 (2 hours).

Officials from the **St. Louis County Police Department** state there would be an unknown significant fiscal impact to St. Louis County Police Department from this bill. The bill suggests a mutual aid agreement to deal with the compensation of officer involved death investigators. St. Louis County Police Department 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 however a second agreement would also have to be made with an additional agency. Based on these agreements, St. Louis County Police Department would also be responsible for assisting at any time without notice and for an undetermined amount of time. It should also be noted that St. Louis County Police Department could have to provide more investigators and man hours to other agencies than the County would use itself.

ASSUMPTION (continued)

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. Also, there are usually more than two investigators involved in such investigations, causing the total cost to rise significantly.

While we are unable to estimate an exact number to predict the fiscal impact of this bill, we can breakdown the average cost of an officer involved death investigation. On average, each officer involved death investigation consists of the following: 80 hours of investigation for two investigators, 8 hours of investigation for five additional investigators, 16 hours of supervision for one sergeant, 8 hours of supervision for one lieutenant, 8 hours of investigation for one crime scene investigator, and 8 hours of supervision for one crime scene supervisor. The average hourly rate for a police officer is \$37.48; for a sergeant is \$44.91; and for a lieutenant is \$52.22. This means on average, one officer involved death investigation costs a minimum of \$9,291.44. St. Louis County Police Department has averaged 3 officer involved death investigations per year, over the last three years. This is a cost of \$27,784 per year. This is the minimum amount of fiscal impact this bill would cost the department, and we anticipate the cost being significantly higher when investigations for other municipalities are factored in.

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

In response to a similar proposal from 2016 (HB 1774), officials from the **Columbia Police Department** and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Costs - Missouri Highway Patrol</u>	Less than...	Less than....	Less than....
Personal Service (8 FTE)	(\$515,040)	(\$624,228)	(\$630,471)
Fringe Benefits	(\$451,227)	(\$546,886)	(\$552,356)
Expense and Equipment	(\$95,788)	(\$109,691)	(\$112,434)
Vehicle and Equipment	(\$421,568)	\$0	\$0
Laser Scanner	<u>(\$156,254)</u>	<u>(\$10,148)</u>	<u>(\$10,401)</u>
<u>Total Costs - MHP</u>	Less than <u>(\$1,639,877)</u>	Less than <u>(\$1,290,953)</u>	Less than <u>(\$1,305,662)</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>(\$1,639,877)</u>	Less than <u>(\$1,290,953)</u>	Less than <u>(\$1,305,662)</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 - MHP - from replacing existing troopers (Sergeants) with probationary troopers - (less expensive)</u>	Less than <u>\$345,561</u>	Less than <u>\$524,678</u>	Less than <u>\$499,702</u>
ESTIMATED NET EFFECT TO HIGHWAY FUNDS	Less than <u>\$345,561</u>	Less than <u>\$524,678</u>	Less than <u>\$499,702</u>
Estimated Net FTE Change for the Missouri Highway Patrol	0 FTE	0 FTE	0 FTE

FISCAL IMPACT - Local Government

FY 2018
(10 Mo.)

FY 2019

FY 2020

LOCAL POLITICAL SUBDIVISIONS

Costs - Law Enforcement Agencies - to
investigate officer-involved deaths

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT TO
LOCAL POLITICAL SUBDIVISIONS**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

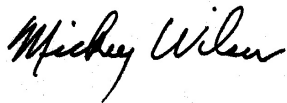
This bill requires each law enforcement agency to have a written policy regarding the investigation of officer-involved deaths. The written policy specified in the bill requires an investigation to be conducted by at least two investigators in the case of a traffic-related death; the investigation to use a crash reconstruction unit; and allows for an internal investigation.

The investigators conducting an investigation must provide a complete report to the prosecutor of the county or city not within a county in which the officer-involved death occurred.

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



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