

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5009-01
Bill No.: HB 1452
Subject: Law Enforcement Officers and Agencies; Department of Public Safety
Type: Original
Date: April 4, 2018

Bill Summary: This proposal specifies procedure in officer-involved deaths and shootings by requiring the officer take a drug test and undergo a psychiatric evaluation.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Highway Funds	(Up to \$29,000)	(Up to \$29,000)	(Up to \$29,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(Up to \$29,000)	(Up to \$29,000)	(Up to \$29,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state, currently the Missouri State Highway Patrol mandates employees who are directly involved in officer-involved shootings to attend a counseling session with a mental health professional (not necessarily a psychiatrist), and two additional follow-up sessions if deemed necessary by the attending mental health professional.

MHP states, if adopted, this bill would generate expenses to their agency, ranging between \$300 - \$3,000 per affected employee for psychiatric evaluations. Psychiatric evaluations used by the Patrol in the past for fitness-for-duty examinations generally cost between \$500 and \$1,500 per session for an employee. The current cost per toxicology case, such as an officer-involved shooting is \$239.

Since officer-involved shootings cannot be predicted in advance, it is difficult to estimate the total fiscal impact for any given year. The average number of officer-involved shootings for the Highway Patrol over the last three years is 8.3. This number is rounded up to 9 to account for a possible increase in officer-involved shootings over the next three years.

Psychiatric Evaluations:

$9 \times \$300 = \$ 2,700$

$9 \times \$3,000 = \$27,000$

Expense Range = \$2,700 - \$27,000 per year

Toxicology Case:

$9 \times \$239 = \$2,151$

Total: $\$27,000 + \$2,151 = \$29,151$

The assumptions used considered the current market rate for professional psychiatric fees as experienced by the Patrol for fitness-for-duty examinations. The Patrol currently provides a minimum of three professional counseling session to officers directly involved in officer-involved shootings, however these services are typically performed by a counseling professional, not necessarily a psychiatrist. Toxicology cases are handled by the Highway Patrol's Crime Laboratory.

ASSUMPTION (continued)

Toxicology Costs:

Laboratory (Shared) Supplies	\$38,244
Toxicology Consumables	\$357,496
DC/TOX Shared Supplies	\$8,779
Total Cost of Labor per year (w/o fringe)	\$678,240
Training and Education	\$15,346
Equipment (depreciated)	<u>\$244,200</u>
Total Toxicology Expenses per year	\$1,342,306

Total Number of cases 2016 (completed) 5,616

Cost per case (completed) \$239

In summary, the MHP assumes a cost to the Highway funds of approximately \$29,000 per year.

Officials from the **Missouri Department of Conservation** assume an unknown negative fiscal impact, but likely less than \$100,000 due to the unknown costs of psychiatric evaluations.

Officials from the **Department of Natural Resources** and the **Department of Social Services - State Technical Assistance Team** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Boone County Sheriff's Department** assume costs will be incurred for each drug test and psychiatric evaluation that must be performed.

Officials from the **Branson Police Department** state this will not result in a change for their agency as their policy already requires the items specified in the bill.

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

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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HIGHWAY FUNDS

<u>Costs</u> - MHP - for psychiatric evaluations and drug toxicology tests	<u>(Up to \$29,000)</u>	<u>(Up to \$29,000)</u>	<u>(Up to \$29,000)</u>
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ESTIMATED NET EFFECT TO HIGHWAY FUNDS	<u>(Up to \$29,000)</u>	<u>(Up to \$29,000)</u>	<u>(Up to \$29,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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LOCAL LAW ENFORCEMENT

<u>Costs</u> - psychiatric evaluations and drug tests for officer-involved shootings	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<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 an officer involved in an officer-involved shooting or an officer-involved death to take a drug test and undergo a psychiatric evaluation, and the officer's employing agency shall ensure the requirements are satisfied.

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 - Missouri Highway Patrol
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Boone County Sheriff's Department
Branson Police Department

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
April 4, 2018