

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1105H.01I
Bill No.: HB 461
Subject: Law Enforcement Officers and Agencies; Political Subdivisions; Criminal Procedure
Type: Original
Date: February 12, 2021

Bill Summary: This proposal requires law enforcement agencies to adopt written investigation policies for officer-involved deaths.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(Less than \$4,691,303)	(Less than \$3,557,533)	(Less than \$3,598,190)
Total Estimated Net Effect on General Revenue	(Less than \$4,691,303)	(Less than \$3,557,533)	(Less than \$3,598,190)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Highway (0644)	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	Less than 21 FTE	Less than 21 FTE	Less than 21 FTE
Total Estimated Net Effect on FTE	Less than 21 FTE	Less than 21 FTE	Less than 21 FTE

- ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§590.510 – Officer-involved deaths

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would require law enforcement agencies to have a written policy regarding the investigation of officer-involved deaths that requires 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. This would include in-custody deaths. This legislation also addresses compensation with a mutual aid agreement, but the Patrol is unable to determine that amount.

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 three largest agencies (St. Louis City, St. Louis County, and KCPD) averaged between 15-17 per year. This number did not include Jackson County. In 2019, the Highway Patrol investigated 32 officer-involved shootings, from other agencies, not including St. Louis City, County, KCPD, Jackson County, Greene County, and Springfield PD. In 2020, only including totals through November, the Patrol has investigated 39 officer-involved shooting, including several from KCPD. In 2019, the Highway Patrol investigated 9 in-custody deaths. In 2020, only including totals through November, the Patrol investigated 15 in-custody deaths. 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 3-4 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 21 FTE would be needed.

These investigations average 3 months each. Assuming the Patrol would do most, if not all of these investigations, the Patrol is asking for a total of 21 additional criminal investigators for each of the 9 investigative units. The breakdown would be:

Troop A – 4	Troop E - 3
Troop B – 1	Troop F - 3
Troop C – 4	Troop H - 2
Troop D – 3	Troop I - 1

These investigator positions would be filled by members having the rank of Sergeant.

In addition to the General Revenue expense indicated for the 21 Sergeants that will be transferring from the Highway Fund, it is assumed there will be some savings to the Highway Fund as those 21 formerly Highway-funded Sergeants are ultimately replaced by 21 Highway-funded Probationary Troopers. While the exact dollar amount of that savings cannot be determined, due to the cost of promotions that will occur during the backfilling process, etc., there will likely be some amount of savings to the Highway Fund.

Oversight states 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 may not warrant an additional 21 troopers for the MHP, but we have no basis to estimate the amount needed. Therefore, Oversight will reflect a fiscal impact of “Less Than” to the estimate provided by the MHP.

Officials from the **Attorney General’s Office**, the **Department of Natural Resources**, the **Department of Public Safety - Capitol Police**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Crestwood Police Department**, the **Ellisville Police Department**, and the **Kansas City Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **St. Louis County Police Department** state the proposed legislation would require law enforcement agencies to adopt written investigation policies for officer-involved deaths. The following issues have been identified by the St. Louis County Police Department:

1. It is impossible to determine the number of investigations the Department would be required to conduct for area agencies. The Department currently provides crime scene and investigative assistance to smaller agencies in the area, free of charge.
2. While the Department does have mutual aid agreements, much assistance is currently provided free of charge; therefore, the proposed legislation would require the drafting of new agreements with several local law enforcement agencies.
3. Although the Department would be able to provide the necessary resources to smaller agencies to conduct thorough investigations, there are not any agencies, in the immediate area, besides MHP, that could provide the same level of quality in return.
4. The Department recently expanded the Crimes Against Persons Bureau in order to keep up with the increasing caseload. If these same detectives were required to take on other agencies officer-involved death investigations, that would take away time from other Department investigations, including those that are not officer-involved.
5. Finally, a policy change would be required to modify current practice.

Ultimately, due to these factors, it is impossible to calculate the significant cost associated with this proposal.

Oversight notes the St. Louis Police Department indicated this proposal would have an unknown negative impact; however, Oversight is unable to project a statewide cost for police and sheriff's departments. Therefore, Oversight the impact to local governments will be presented as \$0 to (Unknown).

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other county prosecutors, St. Louis City, and police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – MHP (\$590,510)</u>	Less than...	Less than...	Less than...
Personal services	(\$1,392,720)	(\$1,687,977)	(\$1,704,856)
Fringe benefits	(\$1,031,773)	(\$1,500,612)	(\$1,515,617)
Expense and equipment	(\$2,266,810)	(\$368,944)	(\$377,717)
<u>Total costs – MHP</u>	<u>(Less than \$4,691,303)</u>	<u>(Less than \$3,557,533)</u>	<u>(Less than \$3,598,190)</u>
FTE Change – MHP	Less than 21 FTE	Less than 21 FTE	Less than 21 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than \$4,691,303)	(Less than \$3,557,533)	(Less than \$3,598,190)
Estimated Net FTE Change for the General Revenue Fund	Less than 21 FTE	Less than 21 FTE	Less than 21 FTE

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
HIGHWAY FUND (0644)			
<u>Savings</u> - MHP (\$590.510) Replacing existing Sergeants with probationary troopers (less expensive)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO HIGHWAY FUNDS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
Estimated Net FTE Change for the Highway Fund	0 FTE	0 FTE	0 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
POLICE AND SHERIFF'S DEPARTMENTS			
<u>Costs</u> - Police and Sheriff's Departments (\$590.510) Increased labor hours to process cases	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON POLICE AND SHERIFF'S DEPARTMENTS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (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 every 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.

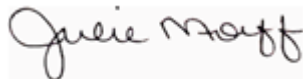
The investigators conducting an investigation must provide a complete report to the prosecutor of the county or city not within a county in which the officer-involved death occurred.

Compensation for participating in an investigation is determined by a manner consistent with a mutual aid agreement.


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 Natural Resources
Department of Public Safety
Department of Social Services
Missouri Department of Conservation
Missouri Office of Prosecution Services
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department



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