

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0053-07  
Bill No.: SB 303  
Subject: Crimes and Punishment; Criminal Procedure; Courts; Evidence; Law Enforcement Officers and Agencies; Public Safety Department  
Type: Original  
Date: February 20, 2015

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Bill Summary: This proposal requires law enforcement agencies to develop certain policies for eyewitness identification procedures.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Office of Prosecution Services**, the **Springfield Police Department**, and the **Columbia Police Department** 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.

Officials from the **Office of the State Public Defender** state although this bill may have no impact on the number of cases for which the Public Defender System is required to provide representation, the changes in the indicated procedures may impact the necessary workload to defend the indigent accused.

Officials from the **Boone County Sheriff's Department** assume implementing the proposal would require approximately 8 to 10 hours to develop the written policy at a cost of about \$35.00/hour is \$270 to \$350. A minimum cost of \$1,326.75 will be incurred for each hour of training required to train approximately 75 certified/licensed officers within this department.

Officials from the **Cole County Sheriff's Department** state the proposal is grossly expensive.

Officials from the **Independence Police Department** state this bill does have the potential to have a fiscal impact on our agency. Under one of the provisions of this bill, it requires that "a requirement that the administrator conducting the photograph or live lineup either does not know the suspect's identity or employs a procedure that prevents the administrator from observing the lineup members being viewed by the eyewitness." This would require that someone other than the investigating officer show the lineup and therefore removes the investigator from this portion of the investigation. Most criminal investigations are assigned to an individual detective who has a large case load that they must manage. Our detectives are well versed on investigative procedures including conducting lineups. This requirement would force the Department to assign a second detective to each case involving the lineup and pull that detective off of his assigned cases each time a lineup must be shown. This would have a significant fiscal impact requiring a second detective to be assigned to show any and all video, photograph or in-person lineups.

Officials from the **City of St. Louis** state the Bureau of Investigations of the St. Louis Metropolitan Police Department estimated that the proposed legislation would cost

ASSUMPTION (continued)

approximately \$189,000 per year. The Police Department currently conducts lineups and photo spreads in a fashion similar to the system proposed by this legislation. This legislation would add more detailed pre-interviews and documentation. In addition, the legislation would require a detective to conduct blind photo spreads and two detectives to conduct blind lineups.

The cost is made up of two components:

1. Additional costs due to additional hours spent conducting photo spreads, lineups and show ups as proposed in this legislation. Based on an average of 5,500 photo spreads, lineups and show ups per year, detectives would spend an additional 3,670 hours conducting them to adhere to this legislation (5,500 x 40 additional minutes). The total additional cost would be \$99,000 (3,670 hours x \$26.99 (the average detective hourly wage)) per year.
2. Additional costs due to certain detectives being taken away from their own caseloads to assist. Conducting 5,100 photo spreads a year would mean that “blind” detectives would spend 2,550 hours on cases not assigned to them. At \$26.99 per hour, this cost is \$68,800. Conducting about 400 lineups a year would mean that “blind” detectives would spend 800 hours on cases not assigned to them. At \$26.99 per hour, this cost is \$21,600.

Therefore, St. Louis estimates the annual total costs to be: \$189,400 (\$99,000 + \$68,800 + \$21,600). There would also be costs associated with implementing a training program at the Police Academy.

**Oversight** will reflect an Unknown expense to local police departments and sheriff's departments, statewide, to implement the changes in the bill starting January 1, 2017 (FY '17).

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

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017 (6 Mo.)	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016	FY 2017 (6 Mo.)	FY 2018
<b>LOCAL LAW ENFORCEMENT</b>			
<u>Costs</u> - Police Departments and Sheriff's Departments - to implement the changes in eyewitness identification procedures	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT</b>	<u>\$0</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

Under this act, each law enforcement agency that uses eyewitness identification procedures must adopt written policies governing the procedures by January 1, 2018.

A list of practices that must be included within the policies is provided.

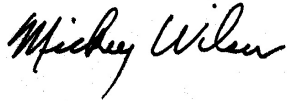
This act specifies that the statute shall not be construed as a ground to exclude evidence at trial. When evidence of compliance or noncompliance with the statute is presented at trial, the court must instruct the jury that it may consider the compliance, or lack thereof, when judging the reliability of an identification.

The provisions of this act take effect January 1, 2017.

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  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Attorney General's Office  
Boone County Sheriff's Department  
Independence Police Department  
Springfield Police Department  
Cole County Sheriff's Department  
Columbia Police Department



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