

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0604-01  
Bill No.: SB 43  
Subject: State Attorney General; Highway Patrol; Law Enforcement Officers and Agencies  
Type: Original  
Date: January 20, 2015

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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**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
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)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Less than (\$1,734,864)</b>	<b>Less than (\$1,242,543)</b>	<b>Less than (\$1,256,534)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Highway	Less than \$361,272	Less than \$515,141	Less than \$480,976
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$361,272</b>	<b>Less than \$515,141</b>	<b>Less than \$480,976</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 8 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>
General Revenue	Less than 8 FTE	Less than 8 FTE	Less than 8 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Less than 8 FTE</b>	<b>Less than 8 FTE</b>	<b>Less than 8 FTE</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>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## 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 allows the AGO to investigate officer involved deaths. If the AGO determines a need for an investigation, there would be two investigators assigned from two different agencies.

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 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 **Department of Public Safety - Office of the Director, Missouri Department of Conservation, 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 **Platte County Sheriff's Department** state currently it is not possible to provide a detailed analysis of the fiscal impact of this bill for fiscal years 2016, 2017 and 2018. The bill does not specify who is responsible for paying the costs associated with having outside investigators conduct investigations into officer-involved death incidents. If costs such as overtime for the investigators, mileage, per diems and other associated costs are the responsibility of the law enforcement agency whose officer(s) are being investigated, this bill may have a significant fiscal impact on the local law enforcement agency.

Officials from the **St. Louis County Police Department** state there would also be a significant impact to St. Louis County from the portion of the bill requiring all officer involved deaths to be investigated by at least two investigators, neither of whom can be employed by St. Louis County. The bill suggests a mutual aid agreement to deal with the compensation of such investigators. St. Louis County 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. One problem with that is reflected in incident numbers. In 2013, St. Louis County had one officer involved death. In 2013 St. Louis City had seven officer involved deaths. Going forward in years to come, it is very likely that St. Louis County ends up doing more work, and spending more man hours, investigating than St. Louis City. 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. There will be an impact to St. Louis County, we are unable to determine the exact fiscal amount.

Officials from the **Springfield Police Department** assume no fiscal impact; however, this is assuming the strict language in which it is not our responsibility to hire outside investigators, unlike in HB 62.

Officials from the **Columbia Police Department** state the fiscal impact is indirect, as the arrangement, loss of time and reliance of another agency to be involved likely will indirectly impact my agency in the form of staffing requirements. Drafting a policy alone is minimal to no impact.

ASSUMPTION (continued)

**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 by the AGO 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
<b>GENERAL REVENUE</b>			
<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
 <b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	 <b>Less than <u>(\$1,734,864)</u></b>	 <b>Less than <u>(\$1,242,543)</u></b>	 <b>Less than <u>(\$1,256,534)</u></b>

**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>
 <b>ESTIMATED NET EFFECT TO HIGHWAY FUNDS</b>	 <b>Less than <u>\$361,272</u></b>	 <b>Less than <u>\$515,141</u></b>	 <b>Less than <u>\$480,976</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Costs</u> - Law Enforcement Agencies - to investigate officer-involved deaths, if requested to do so by the Attorney General	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal requires law enforcement agencies to have written policies regarding the investigation of deaths involving their commissioned officers.

This proposal provides that the Attorney General has the discretion to investigate an officer-involved death. If an investigation is ordered by the Attorney General, it must be conducted by at least two investigators, neither of whom is employed by the agency that employs an officer involved in the death. The investigators must provide a complete report to the Attorney General. If the Attorney General determines there is no basis to prosecute the officer involved in the death, the report may be released to the public.

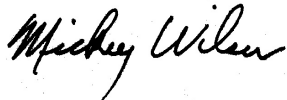
This proposal only applies to officer-involved deaths that occur after August 28, 2015.

The provisions of this act do not apply to members of the Missouri State Highway Patrol. This act defines "officer-involved death" as a death resulting from an act or omission of a police officer while on duty or off duty but performing activities within the scope of his or her law enforcement duties.

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  
Platte County Sheriff's Department  
St. Louis County Police Department



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