

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5202-04  
Bill No.: SB 976  
Subject: State Attorney General; Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: February 29, 2016

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Bill Summary: This proposal modifies provisions relating to racial profiling in policing.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$111,440)	(\$114,730)	(\$115,970)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$111,440)</b>	<b>(\$114,730)</b>	<b>(\$115,970)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Conservation Commission	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</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 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
General Revenue	1.5 FTE	1.5 FTE	1.5 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1.5 FTE</b>	<b>1.5 FTE</b>	<b>1.5 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 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to a similar proposal from this year (SB 671), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated this bill requires the collection of data for "Terry" stops or pedestrian stops that are currently not collected in the field. Currently, the officers report racial profiling data on traffic stops. The "Terry" stops would require a change in the current FATPOT AFR to capture the data from the officers and be able to process an output report with this data. This change to the FATPOT AFR is the reason for the fiscal impact. The cost breakdown is in two parts, management of the project (\$850) and the actual programming of the changes (\$3,001). Each change requires documentation and tracking of work (management), the actual programming is covered in the analyst costs. The MHP assumes a cost of \$3,851 to the Highway Fund from this proposal.

**Oversight** assumes the MHP could absorb this amount within their current appropriation levels.

Officials from the **Department of Natural Resources (DNR)** state that various sections of this bill require data to be collected and analyzed by law enforcement agencies in order to predict and intervene on officer behavior. We have determined that an existing system that the Missouri State Ranger Program is using under a Memorandum of Understanding with the Missouri State Highway Patrol will be modified to meet these reporting needs. The reprogramming costs are estimated to be \$3,807. The Ranger Program will need one FTE (Human Relations Officer I at \$38,928 annually) in order to review the reports created by the modified system to analyze, predict, and intervene when patterns of profiling are discovered per 590.650.6.

In order to have the data necessary for the input into the system and submission to the Attorney General's Office, new Traffic Stop forms will need to be printed. We estimate needing 5,000 forms annually.

The increased annual training costs are estimated to be \$100 per officer for 45 officers.

ASSUMPTION (continued)

The time and cost for the Missouri State Parks to train and document new procedures (downloading, monitoring, accessing for authorized used, etc.) for the use of the cameras and racial profiling intervention will be absorbed by current staff time and current budget funds.

In summary, DNR assumes a cost of approximately \$72,000 per year to implement the changes in this proposal.

Officials from the **Attorney General's Office (AGO)** state the bill would impact their agency as follows:

1. This bill would require the AGO to change the current online reporting system for racial profiling data to include newly required information;
2. The bill would require the AGO to modify its contract with the analysts who calculate the disparity indices to account for the new data and calculations required;
3. In certain circumstances, the AGO would receive racial profiling data from law enforcement agencies more than once per year; and
4. If those circumstances persist, "the Attorney General shall require changes in the agency's policies and practices, including techniques for identifying problem officers, requirements that an officer's profiling statistics be a part of the record used to evaluate promotions and reassignments, training of supervisors in the skills necessary to eliminate bias in policing, and increasing the quality and quantity of officer training related to bias in policing." The AGO may seek additional appropriations for an additional FTE if the AGO needs to oversee the changes required of non-compliant agencies.

The AGO would require an additional temporary 0.50 FTE Information Systems Specialist for one year to update the racial profiling reporting system to accommodate the additional information that must be reported under the bill. The AGO assumes a cost of approximately \$42,000 per year for this additional .5 FTE.

Officials from the **Missouri Department of Conservation** assume unknown negative fiscal impact, but likely greater than \$100,000 due to increase in paperwork required for a reportable contact with a "pedestrian."

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

In response to a similar proposal from this year (SB 671), officials from the **Springfield Police Department** assumed there would be added costs to the departments from this bill.

In response to a similar proposal from this year (SB 671), officials from the **Cole County Sheriff's Department** stated this requires developing a new profiling form and a new training component. The first year will have a significant cost for statewide training module and overtime for class attendance.

In response to a similar proposal from this year (SB 671), officials from **St. Louis County** stated, if passed, this bill would cause an undetermined increase in cost. The bill requires additional data collection be added to racial profiling forms that officers currently complete for traffic stops. The bill also requires that the same information be completed for all pedestrian stops. The increase in time spent on paperwork and/or overtime that would be used to provide officers with the time to accurately complete the paperwork is foreseeable. The analysis of the data would then take additional time and cost possibly including additional data analysis programs. Although St. Louis County appears to meet many of the training standards in the bill, there is an additional standard that supervisors must attend annual training on the promotion of fair and impartial policing which would be an additional financial responsibility outside of the current provided training.

Officials from the Boone County Sheriff's Office, Buchanan County Sheriff's Office, Cass County Sheriff's Office, Clark County Sheriff's Office, Columbia Police Department, Independence Police Department, Jefferson City Police Department, Platte County Sheriff's Office, St. Charles Police Department, St. Joseph 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 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE</b>			
<u>Costs - AGO</u>			
Personal Service (0.5 FTE)	(\$21,673)	(\$26,268)	(\$26,530)
Fringe Benefits	(\$10,126)	(\$12,222)	(\$12,294)
Expense and Equipment	<u>(\$7,401)</u>	<u>(\$4,417)</u>	<u>(\$4,528)</u>
<b>Total Costs - AGO</b>	<b>(\$39,200)</b>	<b>(\$42,907)</b>	<b>(\$43,352)</b>
FTE Change - AGO	0.5 FTE	0.5 FTE	0.5 FTE
<u>Costs - DNR</u>			
Personal Service (1 FTE)	(\$32,440)	(\$39,317)	(\$39,710)
Fringe Benefits	(\$17,273)	(\$20,833)	(\$20,941)
Expense and Equipment	<u>(\$22,527)</u>	<u>(\$11,673)</u>	<u>(\$11,967)</u>
<b>Total Costs - DNR</b>	<b>(\$72,240)</b>	<b>(\$71,823)</b>	<b>(\$72,618)</b>
FTE Change - DNR	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$111,440)</u></b>	<b><u>(\$114,730)</u></b>	<b><u>(\$115,970)</u></b>
Estimated Net FTE Change for General Revenue	1.5 FTE	1.5 FTE	1.5 FTE
<b>CONSERVATION COMMISSION</b>			
<u>Costs - MDC - to implement the requirements in the proposal</u>	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT TO THE CONSERVATION COMMISSION</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>LOCAL LAW ENFORCEMENT AGENCIES</b>			
<u>Costs</u> - to implement the provisions related to racial profiling	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT AGENCIES</b>	( <b>More than</b> <b><u>\$100,000</u></b> )	( <b>More than</b> <b><u>\$100,000</u></b> )	( <b>More than</b> <b><u>\$100,000</u></b> )

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act creates definitions for "benchmark", "biased policing", "contraband", "disparity index", "hit rate", and "law enforcement activity" for purposes of a statute requiring the reporting of certain information regarding stops by law enforcement officers.

This act prohibits every member of a law enforcement agency, including any civilian employee or party contracted by the agency, from engaging in biased policing.

Under current law, law enforcement officers must report certain information regarding motor vehicle stops, which is then analyzed by the Attorney General and released in an annual report. This act requires law enforcement officers to also report certain information regarding pedestrian stops and modifies the information that must be reported by law enforcement officers. In addition, the agencies must update the data and publicize it on the agency's website on a monthly basis, maintain the data for not less than four years, and provide for the protection of the identities of the officers, drivers, passengers, and pedestrians involved in the reported data.

This act specifies that the Attorney General must analyze the annual reports from law enforcement agencies using best practices and include meaningful benchmarks against which to measure data. A list of suggested benchmark measures is provided. In addition, the list of information that the Attorney General must include in its annual report is expanded.

FISCAL DESCRIPTION (continued)

Current law requires law enforcement agencies to adopt a policy on race-based traffic stops that contains certain elements and provides that the Governor may withhold state funds from noncompliant agencies. This act requires each law enforcement agency to annually review the data collected by their officers and the Attorney General's annual report. The agency must determine whether the reports indicate disparities, and if they do, the agency must take certain actions. In addition, each agency must adopt internal policies that include certain provisions. The Governor must withhold state funds if the law enforcement agency does not report or submits incomplete reports.

This act requires each law enforcement agency to create a community and law enforcement partnership.

Under this act, the Peace Officers Standards and Training (POST) Commission must create and disseminate certain types of training for agencies and officers related to biased policing and require officers to participate in the training.

Any law enforcement agency that reports a stop or consent search disparity index for any minority group that is one standard deviation above the corresponding statewide indices for that same group for three consecutive years is subject to a review period for three years. During the review period, the agency must provide semi-annual reports to the Attorney General concerning stop information and a narrative describing the efforts of the agency to address racial disparities in stops and searches. If the agency's disparity indices remain one standard deviation or more above the statewide indices in the second year of review, the Attorney General must require changes in the agency's policies and practices. If the agency's disparity indices remain one standard deviation or more above the statewide indices in the third year of review, the POST Commission and the Attorney General must review the agency to determine whether the agency should be decertified.

Civil remedies are provided under this act for individuals subject to biased policing.

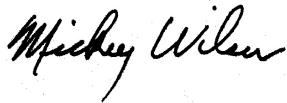
This act contains a severability clause.

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

Missouri Department of Conservation  
Department of Natural Resources  
Office of the State Courts Administrator  
Attorney General's Office  
Department of Public Safety - Missouri Highway Patrol  
Springfield Police Department  
Cole County Sheriff's Office  
St. Louis County



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