

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0080-02  
Bill No.: HB 62  
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement; Officers and Agencies  
Type: Original  
Date: January 20, 2015

Bill Summary: This proposal requires any officer-involved deaths to be investigated by a law enforcement agency that does not employ a law enforcement officer involved in the death being investigated.

**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 Other 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 9 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 **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would require any officer-involved deaths to be investigated by a law enforcement agency that does not employ a law enforcement officer involved in the death being investigated.

This proposed legislation 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, which is subject to approval by the Department of Public Safety's Peace Officer Standards and Training Commission (POST).

Each policy shall require a team of investigators consisting of at least three individuals, including at least two different law enforcement agencies that do not employ a law enforcement officer involved in the death being investigated. 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 two largest agencies averaged 15 per year. This number did not include St. Louis County or Jackson County. Officer involved shooting investigations are time and manpower intensive. They are prioritized before all other cases due to the sensitive nature. 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 8 FTE would be needed for the following areas: Springfield (1), Kansas City (2), St. Louis (3), Troop F (1), and Troop H (1).

These investigator positions (at \$74,844 annually) 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 recruits would go through several salary levels (starting at \$38,574) during the first three years. Our figures are based on internal pay increases unique to troopers.

ASSUMPTION (continued)

Other costs to establish the investigator positions include:

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.)	<u>\$330</u>
Expense / Equipment for 8 Criminal Investigators	\$76,656

PLUS:

2 3D High-Speed Laser Scanner \$150,900 each

(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.)

2 Software Recurring Charge (for 3D laser scanner) \$3,200 each

Overall, the cost to the state would be to General Revenue for the new Criminal Investigators expense with a smaller offsetting savings in Highway since higher paid Sergeants would be taken off of highway duty and replaced with lower-paid new recruits.

In summary, the MHP assumes a cost to the General Revenue Fund of \$1.7 million in FY 2016 and \$1.25 million each year thereafter, as well as a savings to Highway Funds of approximately \$500,000 per year.

**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 - Capitol Police** assumes an unknown fiscal impact as they are not able to judge its compensation requirements for an investigation team due to a death involving a Capitol Police Officer. There would be a cost, but the amount is not able to be determined at this point.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. However, under Section 590.656.2(4), the proposal mentions that a search warrant may be needed if the officer does not provide permission to provide a blood sample. The proposal is unclear as to the responsible agency for securing search warrants. If the AGO is ultimately responsible for the application of such warrants, the AGO may seek additional appropriations if the workload exceeds the limits of existing resources.

Officials from the **St. Louis County Police Department** state there would be a significant fiscal impact to their agency 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.

Officials from the **Independence Police Department** state this bill can have significant impact on law enforcement. Utilizing outside agencies to investigate officer involved deaths can directly impact local law enforcement agency budgets as someone will be responsible for paying the direct and indirect costs associated with the investigations. This can include salaries, travel time, overtime benefits that are non-budgeted particularly with regards to paying outside agencies. Also, if outside agencies are going to be called in to investigate the death, the crime scene will have to be held for prolonged periods of time while waiting for the outside investigators to arrive. This will also increase overtime costs for the agency as they must maintain personnel on site to guard the scene. This can also delay the removal of the body from the crime scene since typically the scene is not processed until the investigators are on site.

This bill also creates potential issues with labor organizations as many FOP contracts specifically

ASSUMPTION (continued)

cover procedures relating to the handling of officer involved injuries and deaths.

Lab work associated with these independent investigations can also prove costly for the host agency. The requirement for mandatory blood testing on the involved officer can prove costly as well. This may also pose a contract issue for agencies that have formal work agreements.

Officials from the **Springfield Police Department** state they would need to reimburse three investigators, from an outside agency, to investigate officer-involved shootings that involve a death. Assuming the investigators could conclude an investigation in 30 days, this would cost the department \$7,250 per investigator x 3 = \$21,750.

Officials from the **Cole County Sheriff's Department** assume the proposal would have minimal fiscal impact.

Officials from the **Office of the State Courts Administrator**, the **Office of Prosecution Services**, and the **Columbia Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the Boone County Sheriff's Department, the Buchanan County Sheriff's Department, the Clark County Sheriff's Department, the Jackson County Sheriff's Department, the Jefferson City Police Department, the Platte County Sheriff's Department, the St. Charles Police Department, the St. Joseph Police Department, and the St. Louis Metropolitan Police Department did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Costs - Missouri Highway Patrol</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)
Expense and Equipment	(\$117,611)	(\$108,506)	(\$111,059)
Vehicle and Equipment	(\$385,192)	\$0	\$0
3D High-Speed Laser Scanner	<u>(\$301,800)</u>	<u>(\$6,560)</u>	<u>(\$6,724)</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>
 Estimated Net FTE Change for the General Revenue Fund	 Less than 8 FTE	 Less than 8 FTE	 Less than 8 FTE
 <b>HIGHWAY FUNDS</b>			
<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>
 Estimated Net FTE Change for the Missouri Highway Patrol	 0 FTE	 0 FTE	 0 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
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**LOCAL POLITICAL SUBDIVISIONS**

<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>
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<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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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 creates a board for review of officer-involved deaths. The board will consist of five members as follows:

1. One retired judge;
2. A former sheriff, chief of police, deputy sheriff, or deputy chief of police;
3. An assistant attorney general;
4. A professor or researcher affiliated with a Missouri university or college who has expertise in the field of criminal law or criminal justice;
5. A licensed attorney with experience in criminal defense who is in no way involved in prosecuting crimes; or
6. A former prosecuting attorney or assistant prosecuting attorney who served in that capacity for at least 10 years.

The board members must be appointed by the Attorney General with the initial members serving staggered terms.

The bill also requires each law enforcement agency to establish a written policy regarding the handling of deaths involving law enforcement officers. The policies must be approved by the POST commission.

FISCAL DESCRIPTION (continued)

Each department will be required to have a team of at least three investigators, with at least two from different law enforcement agencies that do not employ a law enforcement officer involved in the death being investigated.

If the death is traffic related, the investigation team will be required to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the death being investigated.

Any officer involved in the death will be required to submit a blood sample. A search warrant or permission from the officer will be needed to perform any analysis or test on the blood sample.

At the conclusion of the investigation, the sample may be destroyed with court approval.

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  
Attorney General's Office  
Office of Prosecution Services  
Office of the State Courts Administrator  
Cole County Sheriff's Department  
Columbia Police Department  
Independence Police Department  
Springfield Police Department  
St. Louis County Police Department



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