

Commission on Local Government

Estimate of Local Fiscal Impact

2020 General Assembly Session

Bill: HB1250

Patron: Torian

Date: 1/23/2020

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Community Policing Act; data collection and reporting requirement. Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill directs the Department of State Police to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to use the database to collect and analyze motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. Each state and local law-enforcement agency shall also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The Superintendent of State Police shall annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data to the Department of State Police. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

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### Executive Summary:

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$1,250,000.00. Most of the localities noted that the bill would require hiring additional staff or staff time, new or updated software with related equipment to accommodate new requirements, licensing, training, implementation, and ongoing maintenance fees. Other localities that responded with a cost noted that the actual cost is indeterminate but would be substantial, and cannot be determined without a formal RFP. They also noted that the cost can fluctuate depending on the requirements imposed by the Department of State Police. Another locality noted that the bill would not have any impact on them because they do not have any police department.

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### Local Analysis:

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$20,000.00

All of the data required by this bill is not currently collected. New/updated software would be needed to collect this information at the point of origin and allow for upload to VSP. This would include the software itself, licenses, training, implementation, and ongoing maintenance.

**Locality:** City of Harrisonburg

**Estimated Fiscal Impact:** \$0.00

No fiscal impact.

**Locality:** City of Norfolk

**Estimated Fiscal Impact:** \$25,000.00

An exact estimate is not known. The city currently has the ability to meet several of the requirements of the legislation as the data is already collected. However, some data is not currently collected and will require the creation of a database and the potential modification of current software. Depending on the final parameters required from the Department of State Police, the estimated locality cost could fluctuate.

**Locality:** City of Roanoke

**Estimated Fiscal Impact:** \$433,479.00

Per our Police Dept, for the City of Raonoke to begin this level of data collection, the cost is estimated at \$433,479. That cost covers the city switching to an electronic-summons (e-summons) format. In order to switch to e-summons we also have to switch all 70 of our mobile data terminals (MDTs or laptops) over to the new technology that includes identification card readers. We would also have to purchase the printer, adapter, and cable for each of our 115 vehicles that are used in traffic stops. We would also get charged \$5,078 for the creation of the e-summons warning ticket that would be used to track all stops that did not result in a traffic summons. Nearly all of the total cost is for a one-time start-up purchase. Moving forward the annual cost would only be \$1,066 in maintenance fees. While it is certainly planned for us to eventually switch to e-summons, the process is still under way and our Dept of Technology did not plan to switch all MDTs at once, hence the large start-up cost if this legislation was to pass. See breakdown of start-up costs below:

- PJ63 Brother Printer = 115 printers x \$398 unit price = \$45,195
- LB3692 Brother, Pocketjet, Car adapter-wired = 115 x \$23 unit price = \$2,645
- LB3603 Brother Pocketjet, USB Cable = 115 x \$13 unit price = \$1,495
- Tyler Technologies Software License for Warning Ticket = 1 x \$5,078 unit price = \$5,078
- Tyler Technologies Software Annual Maintenance Fee = 1 x \$1,066 unit price = \$1,066
- MDT with card-reader feature = 70 x \$5,400 unit price =\$378,000

**Locality:** City of Virginia Beach

**Estimated Fiscal Impact:**  
\$1,250,000.00

The bill would present substantial costs, fiscal and otherwise, to the City of Virginia Beach. Present forms do not capture all data requested in HB 1250 as such forms do not include sections for reasons for stop / searches or for warnings issued. New forms would have to be designed and categories on the new form would require additional officer time to submit. This may result in added overtime costs. Furthermore, current City software can not process the data requested in HB 1250. More fields would be needed within the records systems to ensure all information is collected; however, such fields would require a custom software modules or a new comprehensive records management system. A custom solution would likely cost millions, while a new system would cost tens of millions and would take several years to implement. The actual cost would not be known without a formal RFP process. In addition, data support staff and public safety analyst workloads would increase and it may be necessary to hire additional support to ensure reports are accurate. Lastly, police vehicle printers would have to be replaced faster due to an increase in printings associated with issuance of warnings. The total cost of this bill is unable to be estimated, but fiscal impact in this bill is \$ 1 million for a present software solution and \$250,000 for overtime, new data and analyst staff, and associated equipment.

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Locality: City of Winchester

Estimated Fiscal Impact: \$5,000.00

This has unfunded mandates on it. We comply with the majority of this already as we have warning tickets and summons that we are to issue when we stop vehicles. The cost is we pay for the tickets and the warning citations. We don't collect every piece of information they are wanting. So we would have to generate reports with the data and then report it through a portal of some sort. What that would be if electronic is their a cost for the equipment and upgrades? We would or could be detaining people for longer periods of time which could increase complaints? In addition, if the person refuses to give the mandatory information what does the officer do, guess and then the information is wrong? Would the person be in violation if they refuse to give it? How do they correlate the information? Is the officer a minority (race and gender) to show a profiling? We can search our RMS system now with some of the data we have. Many agencies do not have warning citations or capture field contacts. These are just a few of the things.

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**Locality:** Prince Edward County

**Estimated Fiscal Impact:** \$239,600.00

The fiscal impact is unknown because of the reporting requirements have not been established. But it will require an considerable increase in the amount of time to input the additional data which will require the officers to hold citizens for a much longer period of time for each motor vehicle and investigatory stop while they are collecting and inputting the data on their remote terminals. This will also mean the law enforcement officer will be unavailable for reassignment requiring an additional officer on each shift to maintain the same level of service. This will mean the hiring of an additional 4 sheriff deputies at a cost of \$59,000 to include benefits for each deputy for a total cost of \$239,600

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Locality: Town of Ashland

Estimated Fiscal Impact: \$9,237.00

During 2019, the Ashland Police Department made 3,121 traffic stops which resulted in 1,911 traffic summonses issued. Given 15 minutes to complete the summons and stop on the roadside and 5 minutes for civilian staff to enter the summons in our Records Management System (RMS), this equated to 478 total hours issuing summonses and 153 hours entering the data into our RMS. This is a very conservative estimate on time allocation.

Given that the Virginia Uniform Summons captures nearly all the data requested by the Bill language, the additional work burden will be converting the traffic stops that resulted in a verbal warning (1,210) into written warning for data capture and entry purposes. This would amount to an additional 302 hours of time on the roadside data collection and 97 hours for the data entry.

The roadside cost would more be measured in opportunity lost. That 302 hours now is dedicated to foot patrols, visiting churches, playing kickball with kids at school or simply on proactive patrol in neighborhoods and business corridors. That being said, the dollar cost of this additional work would be \$7,608. For entry, this would be added work to our small civilian staff to complete. As they are already taxed, we would have to pay overtime or bring in part time staff to complete the data entry. This cost, conservatively, would be \$1,629 annually.

That being said, if we were to go to written warnings to track this information, the cost would be our relationship with our community and motoring public. Currently, if motorist is released on a verbal warning, it often is a kind approach and the driver leaves the interaction feeling that the officer offered leniency. In this Chief's studies, written warnings often leave the driver demoralized. That is the true price.

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**Locality:** Town of Buchanan

**Estimated Fiscal Impact:** \$0.00

Our Town does not currently have a police department. We contract with the County so I have no data to report on the fiscal impact.

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Locality: Town of Scottsville

Estimated Fiscal Impact: \$2,075.00

The data collection and reporting in this bill would be a new process for our small-town police force. It appears to be a new reporting database, likely with some training, account security protocol, and data hygiene rules. This department makes a ballpark of 1,000 stops per year. If the new reporting requires 5 minutes per stop, there would be 83 person-hours of work in reporting. Taking a rough average wage of \$25/hour, the compliance cost is \$2,075. This would be about 1% of the Police Department budget.

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