

Commission on Local Government

Estimate of Local Fiscal Impact

2020 General Assembly Session

Bill: HB5043

Special Session: 1

Patron: Bourne

Date: 9/2/2020

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:

Mental health awareness response and community understanding services (Marcus) alert system. Provides that the Department of Criminal Justice Services and the Department of Behavioral Health and Developmental Services shall support the development and establishment of a mental health awareness response and community understanding services (Marcus) alert system in localities and areas throughout the Commonwealth. The bill provides that, by July 1, 2021, every locality shall have established, or be part of an area that has established, a Marcus alert system that uses community care teams. An area can be a combination of one or more localities or institutions of higher education located therein that may have law-enforcement officers. A "community care team" is defined in the bill as a group of mental health service providers working with registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. A "mental health awareness response and community understanding services (Marcus) alert system" is defined in the bill as a process in which a call for service or other communication to an emergency 911 system or that is communicated with any other equivalent reporting system gets routed for the appropriate services, including calls for service being directed to a community care team

Executive Summary:

Localities have evaluated a negative fiscal impact ranging from \$100,000.00 - \$2,042,000.00. All localities responded with a cost and noted that the cost would be related to – (i) hiring additional staff, (ii) training and certification including lodging, food, and gas costs for out of area training, (iii) cameras for sworn officers, (iv) facilities to operate the community care team and for assessment of individuals in crisis, (v) new vehicles, (vi) potential workers compensation related claims costs because of certain prohibitions on use of lethal force, and (vii) purchases to expand IT infrastructure. One locality noted that hiring for a community care team would be difficult because there might not be sufficient qualified personnel to hire.

Local Analysis:

Locality: City of Manassas

Estimated Fiscal Impact: \$1,000,000.00

The City of Manassas supports the goals and objectives of this legislation to better deal with our citizens who may be in mental health crises. However, the bill as currently written calls for complete separation of the mental health team members – separate staff, facilities, vehicles, etc. While this may be the most preferred alternative, it significantly adds to the expense of the formation and operation of these teams as we will be required to have separate operational resources over and above the hiring of additional staff.

Locality: City of Martinsville

Estimated Fiscal Impact: \$237,500.00

If this is another unfunded mandate from the state then it could have a severe impact on our local mental health services provider and our police department, especially since our locality already provides financial support to the health services provider. In their estimation, such a "team" would require additional staff since they're already at a minimum, specialized training and certification. Same would be true for police officers for training and certification.

Locality: City of Norfolk

Estimated Fiscal Impact: \$1,200,000.00

The bill would have a fiscal impact and increase expenses by \$800,000 to \$1,200,000 annually. The increase in costs comes from additional personnel as well as the necessary vehicles to meet the requirements of the services stated in the bill.

Locality: City of Virginia Beach

Estimated Fiscal Impact: \$367,700.00

The City of Virginia Beach currently has a mobile co-responder team made up of employees from Human Services and the Police Department that we assume would qualify as a Community Care Team, per the definition embedded in the bill text. However, Virginia Beach does not have dedicated Human Services employees as part of this team; the department merely rotates employees as available. This bill is unclear if the community care team must include dedicated FTEs or if using a rotational basis is sufficient. Nor, is the bill clear on the number of teams that must be created. Is having multiple employees who participate on a team for this purpose adequate, or must there be multiple pairs who always work together to qualify as "teams"? To add 2 dedicated FTEs, as was initially proposed in our FY 2020-21 Operating Budget, but then removed due to COVID fiscal constraints, would cost \$183,850. Therefore, for the purpose of this fiscal impact, we are assuming that we ultimately will have to add no less than 2 FTEs, but likely at least 4 for geographic balance (one per police precinct). For a more accurate answer of need, we would recommend that 37.3-320(C) be amended to include a cost estimate and number of FTEs required per locality/area as part of the "assessment of the effectiveness of the locality's or area's plan" and that this report by DBHDS and DCJS also identify possible plans for Commonwealth assistance or other funding mechanisms.

We assume that the Marcus Alert will not have a substantial cost since we currently have the ability to alert the mobile co-responder team and that any protocol (37.2-322) is generally in place within our standard existing practice.

Locality: City of Winchester

Estimated Fiscal Impact: \$100,000.00

My fiscal impact number is for one additional E-911 staff member and one police officer dedicated to mental health issues.

Locality: Prince George County

Estimated Fiscal Impact: \$615,000.00

Prince George County police officers do not currently wear body worn cameras. We have recently implemented some in-car cameras. The financial impact goes beyond the purchase of cameras for sworn officers. We would also be required to employ another Assistant Commonwealth's Attorney, and would need full-time or part-time employees to assist in managing data and freedom of information act requests in both our Police Department and County Attorney's Office. Data storage demands would require purchases to expand our IT infrastructure (servers and related equipment). Deputy's from our Sheriff's Department also run selective enforcement and serve warrants. It is unclear from the proposal whether they would have to wear body-worn cameras. This fiscal impact exists with HB 5043 along with training costs.

Locality: Town of Ashland

Estimated Fiscal Impact: \$1,000,000.00

New cost is primarily due to increased staffing and training requirements.

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**Locality:** Town of Blacksburg

**Estimated Fiscal Impact:** \$500,000.00

Unsure of the fiscal impact as there are several unknowns. This figure is calculated assuming that the localities will need to absorb the cost of the "community care team" since existing mental health service providers have full schedules at this time. The fiscal impact may not be the whole picture. Even if the localities could come up with fiscal resources to hire members for a community care team, there may be no availability of qualified personnel to hire for these teams. In our area a regional approach with the university would make sense but it may need to be for the whole region not just the two localities. In that case the fiscal impact would be higher as it would involve more localities.

Other considerations is July 1, 2021 enough time to coordinate, hire and train the "community care teams".

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Locality: Town of Luray

Estimated Fiscal Impact: \$150,000.00

If the Town loses the use of one to two Officers, the Town will need to increase staffing to account for the reduced community policing staffing.

The General Assembly should attempt to focus on improving the efficiency of the current mental health facilities and reduce the bureaucracy allowing Officers to identify and refer needing individuals to the appropriate facilities, rather than create a new solution. The current procedures limit an Officer's ability to refer individuals to facilities.

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**Locality:** Town of Marion.

**Estimated Fiscal Impact:** \$150,000.00

Mental health services are generally provided by Community Services Boards. If this passes, we are certain that the system will require additional CSB staff, and the impact on localities could be substantial.

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Locality: Wise County

Estimated Fiscal Impact: \$2,042,000.00

1. Additional Personnel to review and copy (paper, folders, etc) investigative files--cost 60,000 per year
 2. Additional funds for part time, auxiliary and reserve officers and employees, for training, equipment, academy fees, etc --12,000
 3. Additional training requirements for officers would create time away from work, out of the area training would be translated to hotel, food, gas costs--20,000 per year
 4. Marcus' act is very concerning with many of the restrictions that are in this bill;
 - a. Additional personnel--x4= 200,000 per year in salaries and benefits
 - b. vehicles that are not marked x4= 200,000
 - c. Facility to operate out of (bill states can not be law enforcement or detention center)--1.5 Million
 - d. Workers Comp related claims costs, since officer can not have lethal force options, non-lethal options always require a lethal force option as a backup in case of failure of non-lethal force .50,000 per year
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