

Commission on Local Government

Estimate of Local Fiscal Impact

2017 General Assembly Session

Bill: SB1501

Patron: Favola

Date: 1/25/2017

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:

Provides that for any physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall receive information regarding the results of any analysis. The bill provides that law enforcement shall not be required to disclose the results of any analysis to an alleged perpetrator. The bill contains technical amendments.

Executive Summary:

As per the provisions of SB 1501, law enforcement agencies are required to provide the results of any analysis to the parent or guardian of a minor victim or the next of kin. Furthermore, law enforcement agencies would be restricted from disclosing the results of any analysis to an alleged perpetrator. Localities have evaluated a negative fiscal impact ranging from \$0.01 - \$93,000.00. Localities noted that the cost of the bill would be indeterminate, but they anticipate a negative fiscal impact because it would require staff time, training, research, notifications etc. One locality expressed concerns about the litigation exposure the bill could impose upon localities that fail to comply with provisions of the bill it felt were open to interpretation. Some localities noted that there would be no or minimal fiscal impact while one locality noted that the state lab already performs these analysis. Other localities noted that they are already comply with provisions of the bill.

Local Analysis:

Locality: City of Danville

Estimated Fiscal Impact: \$0.01

This will have little to no fiscal impact.

Locality: City of Lynchburg

Estimated Fiscal Impact: \$25,000.00

The only fiscal impact this would have would be staff time required to research the case and then attempt to locate/contact the victim/parent/next of kin. True cost would be hard to determine, as it would be impacted by the hourly rate of the detective and the number of hours required to accomplish the above (both which could vary significantly).

Locality: City of Manassas

Estimated Fiscal Impact: \$0.01

No impact to the City of Manassas.

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**Locality:** City of Roanoke

**Estimated Fiscal Impact:** \$93,000.00

The Roanoke Police Department sympathizes with the victims of sexual assault and respects their right to know the status of their investigation, but we have serious concerns about the feasibility and litigation exposure of the proposed changes.

We estimate the minimum cost of this unfunded mandate as the equivalent of 1 FTE of detective tenure, plus a 50% indirect cost match (training, supplies, postage, overhead, office space, technology, etc.)

1 FTE of detective tenure = \$62,000 + 50% indirect cost = \$31,000..... So the proposal will cost the PD an estimated \$93,000 in unfunded mandate. This cost does not count potential litigation costs arising from vague wording.

The proposed code section "SHALL" requires that the Roanoke Police Department to go back through all PERK kits collected and sent for testing prior to July 1, 2016 and make a "Good Faith Attempt" to locate a respondent party. In essence it creates a cold case PERK notification position at the Roanoke Police Department.

The code sections fundamental weakness is because it only requires action on the part of the Police Department. The respondent party who requests to be notified "MAY" provide a current address and telephone number.

So in essence the Police Department must exhaustively research the respondents of all PERK kits in its possession and must locate and contact a respondent party. If we fail to contact a respondent party and that party sues the City of Roanoke for our failing to notify them, the legal defense for the municipality rests solely upon the determination of what "Good Faith" means to a judge. The respondent party has no obligation to provide us with current contact information, nor cooperate with our investigation. The code section places yet another unfunded mandate on the municipality while increasing our legal liability.

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Locality: City of Winchester

Estimated Fiscal Impact: \$10,000.00

funds primarily for research and notification

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**Locality:** Henrico County

**Estimated Fiscal Impact:** \$0.01

Henrico County already complies with these standards and therefore should not be impacted by this bil

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Locality: Mecklenburg County

Estimated Fiscal Impact: \$100.00

As the State lab has always performed the analysis, if they continue to do it, then only the coping cost.

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**Locality:** Roanoke Valley-Alleghany Regional Commission

**Estimated Fiscal Impact:** \$110.00

There is extremely minimal fiscal impact associated with the proposed legislation, as this is a minor procedural addition, which will not result in any significant increase in law enforcement staff time or resources. The fiscal impact estimate of \$10 per locality for 11 localities in the region, represents minimal overhead costs for victim outreach and staff time.

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Locality: Town of Boones Mill

Estimated Fiscal Impact: \$1.00

No fiscal impact upon the smallest of towns such as Boones Mill

Our police department has limited resources, and we defer investigation of the most serious crimes to the county sheriff's department. PERK is a good example. We do not carry forensic equipment or have officers trained in its collection and handling. Investigations requiring PERK would be passed to the County, and the bill would impact the other agency, not the Town.

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**Locality:** Town of Christiansburg

**Estimated Fiscal Impact:** \$200.00

The Town of Christiansburg already share the results of any physical evidence recovery kits submitted for analysis with the victim, the parent or guardian of minor victims, or the next of kin of a deceased victim upon request. There would slight additional costs for officers' time if it were required - approximately \$200 per year.

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