

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number **01-3546/1** Introduction Number **AB-489**

Subject
Collection of data regarding law enforcement agency contacts with motorists

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

Increase Existing Appropriations Increase Existing Revenues Increase Costs - May be possible to absorb within agency's budget
 Decrease Existing Appropriations Decrease Existing Revenues Yes No
 Create New Appropriations Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. Increase Costs 3. Increase Revenue
 Permissive Mandatory Permissive Mandatory

2. Decrease Costs 4. Decrease Revenue
 Permissive Mandatory Permissive Mandatory

5. Types of Local Government Units Affected
 Towns Village Cities
 Counties Others DNR law enforcement
 School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

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Fiscal Estimate Narratives

DOT 09/20/2001

LRB Number 01-3546/1	Introduction Number AB-489	Estimate Type Original
Subject		
Collection of data regarding law enforcement agency contacts with motorists		

Assumptions Used in Arriving at Fiscal Estimate

2001 AB 489 requires all law enforcement agencies in Wisconsin to annually collect data during all law enforcement traffic contacts, regarding the race/ethnicity of the person operating the motor vehicle and the occupants of the motor vehicle, and record the various additional information about the vehicle operator and occupants and the specifics of the traffic contact itself, including vehicle and/or driver/occupant search information. This data collection is scheduled to begin on January 1, 2002, and continue indefinitely.

The data collected from each law enforcement agency is then submitted to the Department of Justice (DOJ) which compiles the data and analyzes the information, including determining whether the number of contacts and searches of motor vehicles operated or occupied by members of a racial or ethnic minority are disproportionate compared to the number of contacts and search of motor vehicles operated or occupied solely by persons who are not members of a racial or ethnic minority. DOJ must then additionally determine whether that disproportion is a result of racial profiling, racial discrimination, or selective enforcement. The results of these analyses are to be submitted annually to the legislature, the Governor and the State Courts.

DOJ must also promulgate the rules to implement the collection information requirements.

DOJ must forward its report to the Department of Transportation (DOT) for further analyses, including the effects and impact of motor vehicle contacts on highway safety and on state and local traffic enforcement, and whether specific enforcement strategies or other activities may promote highway safety. The report of these analyses is to be submitted annually to DOJ.

The 400-hour annual training requirement for all law enforcement officers in Wisconsin, administered by DOJ's Law Enforcement Standards Board must include some training designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races.

STATE PATROL AND LOCAL LAW ENFORCEMENT COSTS

* DOJ has estimated that racial profiling data collection described in 1999 SB 354 conducted during a traffic stop, will require approximately 1 minute of additional time for an individual law enforcement officer, per traffic stop. This original estimate was based on information from a study of data collection procedures conducted in Connecticut which requires the collection of less data than was proposed during 1999/2000 in Wisconsin. However, due to the extent of the data to be collected and the possible complexity of search information to be collected as proposed in 2001 AB 489, the State Patrol estimates that the data collection, as proposed, could take UP TO 5 minutes, per officer per traffic contact. The exact time is difficult to determine due to the uncertainty of how the form will be developed, how officers are trained to complete the form, and how cooperative the motorists will be in answering questions. This estimate of UP TO 5 minutes is a estimate for all law enforcement agencies in Wisconsin and may be reduced as officers become more familiar with the form and the data requirements, and as motorists become educated on the data collection and its intent. In total, however, the additional time spent for data collection may be able to be absorbed into each law enforcement agency's officer time spent on traffic control, but may eventually create a situation where officers are not able to respond to all requests for response/assistance, and thus may eventually result in a reassignment of officers to busier locations or may require the hiring of additional officers. This possibility is not determinable; thus any additional officer cost factors are impossible to estimate at this time.

* The State Patrol conducts an average of 325,000 traffic contacts annually, thus potentially requiring a maximum additional 27,000 hours of traffic contact time (at a maximum additional 5 minutes per contact; see note #1 above) which may or may not be absorbed using current staffing levels. The number of annual traffic contacts estimated for other local law enforcement agencies throughout Wisconsin is not available; other law enforcement agencies perform more various enforcement duties than the State Patrol due to their differing

statutory authority.

* The State Patrol will require an additional professional, civilian analyst position to perform the statewide data analysis tasks described in AB 489 and assigned to DOT, and to assist in administering the data collection procedures for State Patrol officers in accordance with rules promulgated by DOJ. The estimated cost for this analyst include:

Ongoing Program and Planning Analyst 4 position annual cost = \$47,250

Salary of \$15.584/hr x 2088 hours = \$32,550

Fringe benefits of 42.5% = \$14,250

One-time equipment costs = \$10,000

Systems furniture and chair = \$5000

Desktop PC = \$3000

Miscellaneous equipment - \$2000

* Other divisions within DOT will be required to assist the State Patrol in statewide analysis of the data received from DOJ and in creating reporting documents, as required in AB 489. This additional work will require additional staff time either from existing or additional professional staff members or by privately contracted staff. The total estimate of those additional staff costs is impossible to estimate at this time.

* Costs involved in creating training programs relating to racial profiling will vary according to individual law enforcement agency capabilities and resources. This cost may not be able to be absorbed within all law enforcement agencies. The State Patrol may be able to incorporate its training into current curriculum, but the need for additional instructors, material, officer housing, or other instructional resources is indeterminable until DOJ Training & Standards develops the criteria and requirements for the instruction.

Long-Range Fiscal Implications

unknown

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Subject			
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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
\$10,000 for staff furniture and equipment			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$47,250	
(FTE Position Changes)		(1.0 FTE)	
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$47,250	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S (47,250)		47,250	
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S		0	
TOTAL State Revenues		\$0	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$47,250	\$unknown
NET CHANGE IN REVENUE		\$0	\$0
Agency/Prepared By		Authorized Signature	Date
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