

Fiscal Estimate Narratives

DOT 9/25/01

LRB Number 01-1532/2	Introduction Number SB-238	Estimate Type Original
Subject Collection of data regarding law enforcement agency contacts with motorists		

Assumptions Used in Arriving at Fiscal Estimate

2001 SB 238 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 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 as described in SB 238 conducted during a traffic contact will require UP TO FIVE MINUTES of additional time for each law enforcement officer. The actual additional time spent by a law enforcement officer for racial/ethnic data collection will depend upon numerous factors: 1) the number of questions to be answered, 2) the number of persons at the stop/contact/crash site from whom data is collected, 3) the type of contact and its complexities, 4) the cooperation of the motorists and passengers to provide the required information, 5) the type of form required for data collection as developed by DOJ (paper, check off, computer based, scanned), and 6) the training of the law enforcement officer on the data collection. It is anticipated that overall averages for time spent during data collection will be reduced as officers become familiar with the procedures of data collection and the public is aware of the data collection itself. This additional time for data collection may be able to be absorbed into each law enforcement agencies' 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 additional officer cost factors is impossible to determine or estimate.

* The State Patrol conducts an average of 325,000 traffic contacts annually, thus potentially requiring an additional 27,000 hours of traffic stop time (at an additional 5 minutes per contact), 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 SB 238 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 \$15.582/hr x 2088 hours = \$32,550

Fringe benefits of 42.5% = \$14,250

One-time equipment costs = \$10,000

Systems furniture & chair = \$5,000

Desktop PC = \$3,000

Miscellaneous equipment = \$2,000

* Other divisions within DOT will be required to assist the State Patrol in statewide analysis the data received from DOJ and creating reporting documents, as required in SB 238. 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 any law enforcement agency. 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			
Collection of data regarding law enforcement agency contacts with motorists			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
\$10,000 new analyst equipment costs			
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, ets.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$47,250	\$unknown
NET CHANGE IN REVENUE		\$	\$0
Agency/Prepared By		Authorized Signature	Date
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