

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-1637/1	Introduction Number AB-216																											
Subject Racial profiling																												
Fiscal Effect																												
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Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463	Date 9/6/2005																										

Fiscal Estimate Narratives

DOJ 9/7/2005

LRB Number	05-1637/1	Introduction Number	AB-216	Estimate Type	Original
Subject					
Racial profiling					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires a law enforcement agency to collect specified data concerning motor vehicle stops and to forward the data to the Department of Justice. The Department of Justice is required to compile, analyze and prepare an annual report. The bill also requires law enforcement training programs concerning cultural diversity.

The fiscal ramifications of the bill are three-fold: 1) the impact of the reporting on law enforcement; 2) the positions required in the Department of Justice to develop the reporting system, manage the program, conduct data analysis and prepare an annual report; and 3) the development of training programs concerning cultural diversity.

This fiscal note will only address the impact on the Department of Justice and does not address the impact on law enforcement agencies.

Department of Justice Impact:

The information that is to be collected under this bill must be forwarded to DOJ, which must then do the following:

1. Compile and analyze the data to determine whether the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority is disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied by persons who are not members of a racial minority.
2. If DOJ finds that the number of stops involving racial minorities is disproportionate, DOJ must then determine whether that is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement.
3. DOJ must prepare an annual report that summarizes the information submitted by law enforcement, and also describe the methods and conclusions of its analysis of the information.
4. DOJ must promulgate rules to implement the collection of the required information, development of a form, and establishing a schedule for receiving the information.

The Department of Transportation indicated that there are approximately 850,000 entries each year on driver records. Each of these entries would stem from issuance of a citation to an individual in Wisconsin for a motor vehicle violation. This bill requires that law enforcement agencies report certain information concerning the driver and passengers of each "motor vehicle stop". A "motor vehicle stop" is defined as the stop or detention of a motor vehicle that is traveling in any public or private place, or the detention of an occupied motor vehicle that is already stopped in any public or private place. As such, the total number of "motor vehicle stops" will far exceed the number of actual citations that are written by law enforcement agencies.

It is estimated that there are a total of seven (7) actual "motor vehicle stops" as defined by this legislation for each actual citation issued by a Law Enforcement agency. As such, there would be a total of 5,950,000 "motor vehicle stops" that would need to be reported (850,000 X 7 "motor vehicle stops").

REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE

Requirements for DOJ will fall into 2 primary categories:

1. Development of the form, management of the reporting system, data analysis and production of the required reports is estimated to require 2 permanent FTEs, Program Planning Analyst Advanced and a Planning Analyst Senior. The DOJ would advocate electronic reporting of the required data. However, this will involve extensive development at the law enforcement agency level and at a substantial cost. As such, it is anticipated that a significant number of law enforcement agencies will forward the data in paper form. DOJ will require 2 permanent FTE Data Entry Operators to input the data into a database.

2. Development of an automated reporting system will require 1500 hours of consultant programming development costs @ \$70/hr, approximately \$260,000 in initial hardware/software, and approximately \$50,000 in on-going maintenance/licensing costs.

These positions should begin on October 1, 2006 to enable data collection to begin January 1, 2007. Details of costs for FY 2007 calculated using October 1, 2006 as a start date are as follows:

Program Planning Analyst (Adv)

Salary \$46,000

Fringe \$19,940

One-time Supplies/Services \$10,800

On-going Supplies/Services \$6,000

Program Planning Analyst (Sr)

Salary \$37,600

Fringe \$14,664

One-time Supplies/Services \$10,800

On-going Supplies/Services \$6,000

2 Data Entry Operators

Salary \$48,270

Fringe \$18,826

One-time Supplies/Services \$21,600

On-going Supplies/Services \$12,000

Consultant Services

One-time Supplies/Services \$118,000*

Hardware/Software

One-time Supplies/Services \$260,000

On-going Supplies/Services \$50,000

Totals

Salary \$131,870

Fringe \$53,430

One-time Supplies/Services \$421,200

On-going Supplies/Services \$74,000

*Consultant services equal 1600 hours @ \$70/hr hour plus \$6,000 supplies and Services.

LAW ENFORCEMENT TRAINING

The Department of Justice has been developing training regarding this subject for inclusion in basic recruit school and for in-service training of Law Enforcement officers. Therefore, it is not necessary to include the cost of this training in the fiscal note for this bill. This training will be developed and included regardless of the outcome of this legislation. By the end of the year we will have the following resources in place to conduct statewide diversity training – beyond basic training:

- A new diversity student text – available now
- A PowerPoint presentation entitled "Driving While Black" – available now
- Six training scenarios designed for basic and in-service training
- Instructors prepared to conduct scenario training

The resources will be available to all of the certified academies (23) for basic and in-service training. In addition, departments may also want to use the resources to conduct training for their officers.

Long-Range Fiscal Implications