

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: **H.B. 363**

DATE: **June 29, 1999**

STATUS: **As Introduced**

SPONSOR: **Rep. Jones**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Requires detailed reporting of all traffic stops to the Attorney General**

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
State Highway Safety Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	At least \$2.4 million increase	At least \$4.7 million increase	At least \$4.7 million increase
Waterways Safety, Wildlife and Other State Funds			
Revenues	Potential loss of fine revenues	Potential loss of fine revenues	Potential loss of fine revenues
Expenditures	At least \$1.7 million increase	At least \$3.4 million increase	At least \$3.4 million increase
General Revenue Fund			
Revenues	Potential loss of fine revenues	Potential loss of fine revenues	Potential loss of fine revenues
Expenditures	Potential increase in the thousands or hundreds of thousands of dollars	Potential increase in the thousands or hundreds of thousands of dollars	Potential increase in the thousands or hundreds of thousands of dollars

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- The bill directs the Attorney General to collect pertinent information regarding all traffic stops. The bill grants the Attorney General broad discretion in establishing reporting guidelines for all law enforcement agencies. An annual report of findings from the Attorney General is also required. The cost for implementing the provisions of the bill by the Attorney General could be in the thousands or hundreds of thousands of dollars; however, LBO cannot be certain as the office of the Attorney General has not conducted an expense evaluation.
- The Ohio Highway Patrol estimates the operation of the bill increases the time spent on traffic stops by as much as five minutes. This translates into \$4.7 million yearly expenditure on officer pay for gathering the additional traffic stop information. Increased expenditures can also be expected for administrative support to compile and report the information to the analyzing agency.
- The Ohio Department of Natural Resources (ODNR) estimates the bill will contribute to agency expenditures similar to that of the Highway Patrol. ODNR estimate of \$3.4 million per year increase in expenditures is inclusive of officer time and that of administrative personnel who would compile and

forward the information. Other law enforcement bureaus of state government may also be affected by the bill thus increasing state expenditures.

- Officers may feel restrained in exercising their discretion regarding when, where, and how to conduct traffic stops. If officers feel less compelled to conduct traffic stops, then citation issuance will likely decrease, potentially causing a reduction in fine revenue.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
County, Municipalities and Townships			
Revenues	- 0 -	Potential loss of fine revenues	Potential loss of fine revenues
Expenditures	- 0 -	Potentially in millions of dollars	Potentially in the millions of dollars

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Local governments that maintain a law enforcement agency will be affected in the same manner as state law enforcement by increasing law enforcement expenditures. The amount of fiscal effect depends upon the method for reporting traffic stop information, the number of traffic stops performed by the department, and the technological capabilities either maintained or available to the department.
- Officers may feel restrained in exercising their discretion regarding when, where, and how to conduct traffic stops. If officers feel less compelled to conduct traffic stops, then citation issuance will likely decrease, potentially causing a reduction in fine revenue.

Detailed Fiscal Analysis

Bill Requirements

The bill stipulates whenever a law enforcement officer causes a motor vehicle to stop that information pertaining to the stop must be recorded by the officer and given to the Attorney General for analysis. The operation of the bill includes common traffic stops, vehicle safety inspections, impaired driver checkpoints, and any other roadblocks consistent with the laws of this state and the federal constitution. Law enforcement officers are required to record information on twelve (12) specific aspects pertaining to the stop. A sample of the sort of information that is to be recorded includes the race of the driver, the alleged traffic violation that precipitated the stop, information on all occupants in the vehicle, whether or not a search of the vehicle was conducted, and if a search resulted in a seizure of any items. This information is to be compiled in a manner and form prescribed by the state Attorney General.

The bill stipulates that the Attorney General is responsible for the compilation and analysis of the traffic stop information. The Attorney General is also directed to report the results of the analysis and associated conclusions to the General Assembly by the first day of May of every year. The report is to include, but is not limited to, the total number of traffic stops conducted by all law enforcement officers during a calendar year, the percentage of minorities to

Caucasians who are stopped for alleged traffic violations, and benefit of traffic stops with regard to the interdiction of drugs and proceeds from drug trafficking.

Background

The bill serves as an evaluation mechanism pertaining to allegations of racial profiling of motorists by law enforcement officers. The focus of the national media and an increase in public outcry of such alleged practices in other states has hastened a thorough and comprehensive assessment. Racial profiling is not exclusively associated with African-Americans. Similar allegations of race-based traffic stops being made on **all** persons of color is increasing. The bill would institute a statewide law enforcement study that would provide data on whether racial profiling is used by law enforcement officers within the state.

U.S. Study

This bill mirrors that which has been introduced in the United States House of Representatives by Representative John Conyers, Jr. (D-MI). The bill, H.R. 1443, is referred to as the Traffic Stops Statistics Study Act. H.R. 1443 authorizes the United States Attorney General to conduct a nationwide study of traffic stops performed by a representative sample of law enforcement officers throughout the nation. The purpose of the study is to determine the propensity of racial profiling before the initiation of a traffic stop. Informal reports of such practices conclude that disproportionate amounts of minorities, specifically African-Americans, are targeted by law enforcement for the purpose of roadside searches of persons and vehicles¹. Under the Fourth Amendment to the U. S. Constitution, a law enforcement officer must have reasonable grounds to suspect illegal activity before conducting a search. A person's race, gender, or any other physical attribute does not constitute grounds for any police action and assuredly is a violation of civil rights.

Fiscal Effects

The fiscal impact of this bill is primarily dependent on how the approximate 940 law enforcement agencies² in the state uniformly report traffic stop information. It is incumbent upon the Attorney General to account for manpower and any monetary assets to research, design and implement a reporting system as called for in the bill. LBO has made repeated attempts to obtain information about the reporting format and implementation costs from the Attorney General's office. To date this information has not been provided.

In lieu of the lack of relevant cost estimates from the office of the Attorney General, the majority of this fiscal analysis will therefore be based upon information obtained from out-of-state resources. Design, implementation, and system management will make up the bulk of the fiscal impact. State and local law enforcement will be appreciably affected by the chosen reporting method. Reasonable time estimates for gathering the data range from additional two to five minutes per traffic stop. The city of Pittsburgh, Pennsylvania is under Consent Decree with

¹ Introduction of Traffic Stops Statistics Act of 1999, 106th Cong., 1st Sess. (1999) (testimony of Representative John Conyers, Jr.).

² Reaves, B. A. and Goldberg, A. L. (1998). Census of State and Local Law Enforcement Agencies, 1996. Bureau of Justice Statistics Bulletin (NCJ Publication No. 164618). Washington, DC: U. S. Department of Justice, Office of Justice Programs.

the U.S. Department of Justice to maintain an “early warning system” on officer conduct within the city police department. Pittsburgh City Police Officers are required to fill out a one-page form for every traffic stop. The form is in a format that permits the officer to check a block that answers questions such as the race and sex of the motorist, reason for the stop, and the disposition of the stop. A representative from the City of Pittsburgh Law Department estimates the amount of officer time spent on filling out the form is two minutes. The form is then dropped off at the police station at the end of the officer’s shift and scanned into the police department’s early warning system database.

The Ohio Highway Patrol estimates that the operation of the bill will increase the time a trooper spends on a routine traffic stop from eight minutes to approximately thirteen minutes. On an individual basis, this does not appear to be an extraordinary amount of time to spend gathering the required information. However, adding up the additional time spent on individual traffic stops does lead to some extraordinary numbers. For example, the Ohio State Highway Patrol conducts approximately 1.7 million traffic stops per year. These stops range from simply advising the motorists of equipment safety hazard with the vehicle to an issuance of a citation for a state moving violation. An additional five minutes spent on 1.7 million traffic stops equates to 141,667 additional labor-hours per year. Quantifying this figure in officer pay translates into approximately \$4.7 million additional cost in labor-hours for the Highway Patrol. Similarly, Ohio Department of Natural Resources (ODNR) law enforcement agents conduct traffic stops in numerous settings such as in state parks and natural areas and preserves. ODNR estimates that the operation of the bill will increase law enforcement expenditures by approximately \$3.4 million per year.

The bill poses similar fiscal impact on local law enforcement agencies. One suburban police department estimates that an additional five minutes per traffic stop for his agency would amount to 232 additional labor hours at an expense of \$3,840 per year. Although the disparity in size and activity between state and local police departments is significant, the attributed costs reflect how the operation of the bill will have the same effect on police agencies large and small. Increase in labor-hour expenditures can be expected as well as an increase in administrative activity for both the officer and agency support staff.

The aforementioned cost analyses were predicated on the use of a paper reporting system. There are other possible means of reporting information such as on-line submission, tape/diskette submission, modem submission, and Internet submission (via email or file transfer). Regardless of the reporting format, the information collected by the law enforcement officer must be given to their employer who will compile the data and forward it for analysis. A paper form report would require provisioning approximately 24,000 sworn officers with the appropriate paper form for each traffic stop. Other attributed costs include staff time to collect and package the forms, and postage and handling charges to forward the completed forms for analysis.

The viability of instituting an electronic reporting system depends on the electronic capabilities of law enforcement agencies and their ability to support the system. The San Jose Police Department has incorporated into its computer-aided dispatch system a reporting method that consumes a minimal amount of officer time. In the past, a San Jose police officer would clear from a traffic stop by transmitting an alphanumeric disposition, such as “10-98D-David.” The department now uses a two number four-letter disposition. Example disposition may be “10-98 D-David, A-Adam, W-William, V-Victor.” The additional alpha designators expand the

disposition to include important pieces of information that are at the heart of the traffic stop profiling issue. It is highly unlikely that every law enforcement agency in the state possesses modern electronic capabilities such as San Jose's computer aided dispatch. The costs associated with this method for agencies not possessing compatible electronic equipment would be in the thousands of dollars and potentially in the tens of thousands of dollars. The funding required to put into operation such a system would entail monies for computer hardware and software, training, interface equipment, communication access, and personnel and administrative costs.

The possibility that fine revenue will decrease due in part to the operation of the bill is exactly that, a possibility. The potential loss of fine revenues is possible if an officer's issuance of a citation is used as a crux to manipulate the search and seizure laws. To date, there have been limited studies on the topic of racial profiling by law enforcement. The mere anecdotal evidence derived from these limited studies does not provide conclusive findings. If officers believe that the operation of this bill serves to inhibit their discretion, then in all likelihood there will be a reduced issuance of traffic citations. This potentially translates into a reduction in fine revenue for both the state and local governments.

Data Analysis

The bill requires an annual report be presented to the Ohio General Assembly on the findings and conclusions drawn from the analysis of traffic stop data. The report is to include the following information:

- The aggregate number of traffic stops per year by all law enforcement agencies in the state
- The number of stopped motor vehicles operated by persons of each particular minority group and each of those numbers expressed as a percentage the total number of vehicles stopped.
- A comparison of the percentage of each minority group stopped to the total population of this state.
- Benefits attributed to traffic stops regarding the interdiction efforts made against the tyranny of the drug trade.

Costs to perform this annual requirement are ascribed to database management, data analysis, and other administrative resources. Determination of how much of a fiscal impact this operation would be is dependent upon knowing the current capabilities of the Attorney General's central database. As mentioned before, LBO has not received relevant information from the Attorney General's office that is necessary to estimate these costs.

Summary of Fiscal Effects

The bill has an estimated monetary effect upon state government of at least \$8.1 million dollars annually. Statewide local governments that maintain a law enforcement agency could incur expenditures in the millions of dollars. Variations of these figures depend upon the reporting method chosen and the technological capabilities law enforcement agencies have at their disposal.

□ *LBO staff: Eugene T. Gabrys, Graduate Researcher*

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