

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6456

BILL NUMBER: HB 1267

DATE PREPARED: Dec 7, 2001

BILL AMENDED:

SUBJECT: Racially-Based Traffic Stops.

FISCAL ANALYST: James Sperlik

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the compilation of data concerning traffic stops, including the race of a driver stopped by a law enforcement officer. It provides that the data may not be used in a legal proceeding to establish an inference of discrimination. The bill requires a law enforcement agency to prohibit racial profiling and to provide sensitivity training. It authorizes the establishment of local civilian review boards to investigate allegations of misconduct by law enforcement officers.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The Indiana State Police would experience an increase in administrative expenses regarding the provisions of this bill. Annual expenses could total approximately \$721,000 after a first year start-up cost of approximately \$1.03 M. Expenses would result from additional staff, computer reprogramming, and equipment. The funds affected are the State General Fund, approximately 47.9%, the Motor Vehicle Highway Account, approximately 47.9%, and the Motor Carrier Regulation Fund, approximately 4.2%. These funds support the operation of the State Police.

Under current Indiana law, the State Police Department is not required to collect, maintain, and report data concerning the ethnicity of an individual who is stopped in violation of a motor vehicle statute or ordinance. In accordance with this bill, the State Police would be required to do so on a continual basis.

Specifically, the State Police would be required to: 1) regularly collect and compile various data; 2) regularly submit the data to the Attorney General; and 3) adopt a policy on racially based traffic stops including items ranging from a prohibition against the practice of routinely stopping members of minority groups to a requirement that officers receive sensitivity training regarding the prohibition against racial profiling.

Attorney General- The Attorney General would experience an indeterminable increase in administrative expenses regarding the provisions of this bill. Expenses could possibly result from additional staff, computer reprogramming, and equipment.

Under current Indiana law, the Attorney General is not required to analyze and report findings of racially based traffic stops. In accordance with this bill, the Attorney General would be required to do so on an annual basis.

Specifically, the Attorney General would be required to determine the format for law enforcement agencies to report data as well as submit annual reports to the Governor, the Legislative Services Agency, and to each law enforcement agency in the State. Reports would include items ranging from the total number of vehicles stopped by law enforcement agencies to the number and percentage of vehicles stopped that were driven by members of a minority group.

Use of Data- Compiled data could not be utilized in order to establish an inference of discrimination on the basis of particular identifying characteristics in legal or administrative proceedings. In addition, all compiled data would include only information that would not inadvertently reveal the identity of an individual stopped for a traffic violation and would only be used for research and statistical purposes.

The funds and resources required above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; and 3) authorized, but vacant, staff positions, including those positions that would need to be reclassified.

Other sources to fund additional staff could originate from funds that otherwise would be reverted or from new appropriations. (The State Police reverted \$206 to the State General Fund for FY 2001. The Attorney General reverted \$40,115 to the State General Fund for the same fiscal year.)

Ultimately, the source of funds and resources required to satisfy the requirements of this bill would depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the State General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund. Funding for the administration of the Attorney General originates from the state General Fund.

Explanation of State Revenues:

Explanation of Local Expenditures: Law enforcement agencies could experience an increase in administrative expenses similar to those of the State Police. The specific effects would vary by agency and would depend upon the sophistication of each agency's personnel and equipment.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General; Indiana State Police.

Local Agencies Affected: Local Law Enforcement Agencies.

Information Sources: Steve Hillman, Indiana State Police, (317) 232-8204.