

Analysis

Item 33: Department of State Police

Statistical Transparency of Policing Program

Analyst: Julie Neburka

Request: Allocate \$134,709 from the Emergency Fund to pay the unbudgeted implementation costs of the Statistical Transparency of Policing (STOP) program technology solution to meet the data gathering requirements of HB 2355 (2017).

Analysis: HB 2355 (2017) created the requirement that law enforcement agencies in Oregon record certain information about all traffic and pedestrian stops, including the race and gender of the person stopped, starting on July 1, 2018. The resulting program is now known as the Statistical Transparency of Policing (STOP) Program. The law required the Criminal Justice Commission (CJC), with the Oregon State Police (OSP) and the Department of Justice, to develop and implement a “standardized method” to record certain data about officer-initiated stops. The bill appropriated \$780,418 General Fund for three limited-duration positions and for contracted technical development services and provided \$750,000 of Other Funds expenditure limitation for system acquisition to the Oregon State Police to create or acquire a data collection system for that purpose. The revenue source for the Other Funds expenditure limitation was a one-time grant from the National Highway Traffic Safety Administration. The budget report for HB 2355 noted that

...the statewide data collection system is still in a preliminary phase and actual costs of the system are indeterminate until formal requests for proposal are submitted and a contract vendor is selected. OSP may need to return to the Legislature for additional resources, if the costs associated with the statewide system exceed this limitation.

OSP reports that a contract was signed with Five Point Solutions, LLC, on March 2, 2018, for a cloud-based software-as-a-service (SaaS) data collection system, and that the system successfully went live on July 1, 2018, allowing the state’s largest law enforcement agencies to meet their statutory deadline for data collection. The system allows users to enter data via a web form, Android or IOS mobile applications, or via batch upload from the local agency’s own law enforcement data system. Implementation costs total \$1,705,715 and are payable through October 2020, when the smallest law enforcement agencies will have begun collecting traffic stop data. The total contract length is thirteen years, with a three-year implementation period, after which an annual fee of \$180,500 will pay for hosting, maintenance, and system support.

OSP’s implementation costs through June 2019 total \$884,709, or \$134,709 more than HB 2355 provided for data system acquisition. Responsibility for this data collection system will transfer to the Criminal Justice Commission in July 2019. The CJC has included vendor costs for the remainder of the implementation after that date in a policy option package in its agency requested budget.

Legislative Fiscal Office Recommendation: Allocate \$134,709 from the Emergency Fund to pay for the balance of the Department of State Police’s implementation costs for the technology solution chosen for the STOP program.

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Request: The Oregon State Police (OSP) is requesting an allocation of \$134,709 from the Emergency Fund to fund unbudgeted costs associated with the implementation for the Statistical Transparency of Policing (STOP) technology solution required by House Bill 2355 (2017).

Recommendation: Approve the request.

Discussion: House Bill 2355 (2017) instructed OSP in consultation with the Criminal Justice Commission (CJC), the Department of Justice (DOJ), and the Department of Public Safety Standards and Training to establish a data collection system compatible with law enforcement agencies' current STOP data recording methods. OSP was appropriated \$1,530,418 total funds, \$780,418 General Fund and \$750,000 Other Funds for this project. The Other Funds came to OSP as a grant award from the Oregon Department of Transportation, Federal National Highway Traffic Safety Administration Traffic Records funds.

OSP was tasked with developing and implementing the new system. The Department worked with the Department of Administrative Services Procurement Office, DOJ, and the Oregon State Chief Information Officer to obtain an appropriate vendor meeting the requirements as outlined in the bill. As outlined in the budget report, OSP will transfer ownership, operations and maintenance responsibilities of the system to CJC, effective July 1, 2020.

Given the short turnaround time to meet the statutory requirements, the cost of the project exceeded the funding and limitation approved.

The project is on time and the July 1, 2018 launch was successful. All Tier 1 agencies are actively collecting the required data elements. The central repository is receiving the data as designed. The project is moving forward with the Tier 2 agencies. Since the launch and progress of the project is ahead of schedule, both OSP and CJC agreed to transfer the new system effective July 1, 2019. CJC will assume responsibility of the new system and finish the work with the vendor and the project team.

OSP is requesting \$134,709 General Fund from the Emergency Fund to cover their portion of the vendor contract costs through June 30, 2019. CJC requested the balance of the vendor contract costs in a policy package within their 2019-21 Agency Requested Budget.

Legal Reference: Allocation of \$134,709 from the State Emergency Fund to supplement the appropriation made by chapter 581, section 2(4), Oregon Laws 2017, for the Oregon State Police, under House Bill 2355 (2017) Statistical Transparency of Policing (STOP) technology solution for the 2017-19 biennium.



August 24, 2018

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Department of State Police (the Agency) respectfully requests permission to appear before the September 2018 Emergency Board for the purpose of:

- Requesting an appropriation of \$134,709 from the State Emergency Fund to fund unbudgeted vendor solution implementation costs due in the 2017-19 biennium which are associated with implementation of the Statistical Transparency of Policing (STOP) technology solution as required by HB2355 (2017).

Agency Action

HB2355 was enrolled during the 2017 Legislative Session. Section 2 of the bill directs that no later than July 1, 2018, the Oregon Criminal Justice Commission, in consultation with the Department of State Police, and the Department of Justice, shall develop and implement a standardized method to be used by law enforcement officers to capture officer-initiated pedestrian and traffic stop data. The bill phased the deadlines for agencies to begin collecting the data based upon the size of the agency.

Tier	Agency Size	Deadline
Tier 1	Agencies that employ 100 or more officers	July 1, 2018
Tier 2	Agencies that employ between 25 and 99 officers	July 1, 2019
Tier 3	Agencies that employ between one and 24 officer	July 1, 2020

The Agency began work on the technology solution to meet the requirements of the bill in late spring, 2017.

- Engaging the Office of the State Chief Information Officer (OSCIO), our Senior IT Portfolio Manager, Department of Administrative Services – Procurement Services (DAS-PS), and the Department of Justice (DOJ).
- The Agency's role is to design and implement the system to collect traffic and pedestrian stop data. Once the system is created, ownership of the system and the program going forward will transfer to the Criminal Justice Commission (CJC).

The project is progressing on-time and within both scope and budget. A recent major milestone was achieved July 1, 2018 with all Tier 1 agencies collecting the required data elements and a functioning central repository as part of the technology solution available to receive the data. Agencies can choose from the STOP solution's web form, iOS app, Android app, or bulk record upload options to submit their data.

During the 2017 Legislative Session, a Request for Information (RFI) was completed by DOJ, DAS-PS, and the Agency to seek information on available data collection systems and their costs. The RFI returned several responses, with costs for data collection systems ranging from approximately \$250,000 up to \$7,000,000. The Agency submitted a fiscal impact statement based upon the information known at the time. Both the Agency's Fiscal Impact Statement and the Legislative Fiscal Office budget report on HB 2355 state that due to the preliminary phase of the project the Agency may need to return to the Legislature for additional financial resources. The Agency also applied for and received a grant from Oregon Department of Transportation (ODOT) in the amount of \$750,000 to pay for vendor costs.

The total vendor implementation costs are \$1,705,715 and are due over time through October 2020. The Agency and CJC have mutually agreed to transfer the project to CJC on June 30, 2019. The Agency's obligation for this contract through June 30, 2019 is \$884,709, and the CJC obligation will be \$821,006 for the remainder of the contract. The Agency was budgeted \$750,000 through an ODOT grant that will be exhausted by October 2018, leaving \$134,709 unfunded. This request is for the additional \$134,709 General Fund for unfunded vendor implementation costs due in the 2017-2019 biennium.

Action Requested

The Agency respectfully requests that the Emergency Board appropriate \$134,709 for the unfunded vendor implementation costs due in the 2017-19 biennium.

Legislation Affected

Chapter 581, Section 1(4), Oregon Law 2017

Thank you for your consideration of this request.

Sincerely,



Travis Hampton
Superintendent
Oregon State Police

Cc: Heidi Moawad, Governor's Office
Michelle Lisper, Department of Administrative Services - Chief Financial Office
Julie Neburka, Legislative Fiscal Office