

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$271,946		\$224,826	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$271,946		\$224,826	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would change and provide qualifications for and duties relating to certification of law enforcement officers, require accreditation of law enforcement agencies, prohibit chokeholds in law enforcement, and require policies on excessive force.

The Nebraska Police Standards Advisory Council is increased from 7 to 9 members.

The bill creates the Nebraska Police Improvement and Professionalism Fund. The fund is to be used for a grant program to pay for the costs of accreditation. The bill states that “the State Treasurer shall credit to the fund any funds transferred or appropriated to the fund by the Legislature and funds received as gifts or grants or other private or public funds.”

It outright repeals sections 81-1438 to 81-1446 (law enforcement reserve officer provisions).

The following table summarizes the impact to the Crime Commission:

ITEMS	FY2021-22	FY2022-23	FY2021-22	FY2022-23
	Number of Positions		Expenditures	
Attorney II	1.00	1.00	56,626	57,759
Administrative Assistant III	1.00	1.00	45,579	46,491
Benefits			66,768	68,103
Train & certify for de-escalation & anti-bias & implicit bias			8,500	4,250
Training on how to investigate officer misconduct			12,500	6,250
Law enforcement agency accreditation visits			40,000	0
TOTAL	2.00	2.00	229,973	182,853

NOTES FOR THE ABOVE TABLE:

Attorney II: administer the program for accreditation for law enforcement agencies, handle non-compliance issues, and do other legal duties as necessary.

Administrative Assistant III: assist with administration of the accreditation program, manage the Nebraska Police Improvement and Professionalism Fund, and maintain the accreditation policies and documents.

Train & certify for de-escalation & anti-bias & implicit bias: send two instructors to be trained and certified in these areas.

Training on how to investigate officer misconduct: send 3-4 instructors for training on how to conduct these types of investigations, and then have the instructor’s perform officer misconduct training at the Training Center.

Law enforcement agency accreditation visits: contract with individuals to visit each of the approximately 200 law enforcement agencies every three years to ensure they meet the standards for accreditation.

See the response of the Crime Commission attached for additional details.

The following table summarizes the impact to the Nebraska State Patrol (NSP)

	FY2021-22	FY2022-23
ITEMS	Expenditures	
Payroll Costs for 40 hours de-escalation Instruction	27,087	27,087
Additional Cost for Meals	3,175	3,175
Continuing Education Requirements: Overtime for Travel, and	1,145	1,145
Two night stay at Training Academy Plus Meals	10,566	10,566
TOTAL	41,973	41,973

NOTES FOR THE ABOVE TABLE:

Payroll Costs for 40 hours de-escalation Instruction and Additional Cost for Meals: Payroll and meal expenses from extending the length of a new recruit camp by 40 hours for an average recruitment camp of 15 recruits per camp (2 per fiscal year).

Continuing Education Requirements: Overtime for Travel, and Two night stay at Training Academy plus Meals: Overtime costs for additional travel time to the Training Academy by a small portion of officers, and two overnight stays at the Training Academy required for all officers.

See the response of NSP attached for additional details.

At this time, there is no basis to disagree with either the Crime Commission's or NSP's estimates.

The City of Imperial estimates \$500 in annual expenses for training and evaluations of new police officers.

The City of Omaha estimates additional expenditures of \$6.2 million for the additional training required under this bill.

The City of Lincoln estimates \$5,000 for training costs noting that they already do many of the bill's requirements.

Lancaster County Sheriff's Office estimates \$238,466 in FY22 and \$191,847 in FY23 for the following items: Wage & benefit costs for additional training, accreditation fees, psychological evaluations, and training costs.

Because this bill requires additional training for police, it is not unreasonable to assume that cities and counties could incur additional costs. Whether or not such costs as estimated are reasonable is unknown at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (78)
REVIEWED BY: Joe Wilcox	DATE: 01/15/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of potential Fiscal Impact to the Agency from LB 51.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)
REVIEWED BY: Joe Wilcox	DATE: 01/25/2021	PHONE: (402) 471-4178
COMMENTS: The Nebraska State Patrol estimate of potential fiscal impact on the Agency from LB 51 appears reasonable as it takes the wage of new recruits times 40 additional hours of training at the academy for the new requirements, thus extending the training time in camp for the new recruits by 40 hours, which would not otherwise occur.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: City of Imperial
REVIEWED BY: Joe Wilcox	DATE: 01/11/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Imperial estimate of potential Fiscal Impact to the City from LB 51.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: City of Omaha
REVIEWED BY: Joe Wilcox	DATE: 01/19/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Omaha estimate of potential Fiscal Impact to the City from LB 51.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: City of Lincoln
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Lincoln estimate of potential Fiscal Impact to the City from LB 51.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM:	AGENCY/POLT. SUB: Lancaster County Sheriff's Office
REVIEWED BY: Joe Wilcox	DATE: 01/25/2021	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Sheriff's Office bases a large portion of its fiscal note on LB 51 on the cost of training as the number of hours of training times the average wage rate of sworn personnel. However, the wages paid to sworn personnel are not an added cost due to the training, unless the training would be conducted on days off or as overtime to sworn personnel. Otherwise the actual additional cost of the training itself should be used to more properly reflect the cost to the Lancaster County Sheriff's office from LB 51.		

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Commission On Law Enf and Criminal Justice (Crime Commission)

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-14-2021 Phone: ⁽⁵⁾ 402-471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>229,973</u>	<u> </u>	<u>182,853</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>229,973</u>	<u> </u>	<u>182,853</u>	<u> </u>

Explanation of Estimate: Section 11 of LB 51 makes changes to the basic training curriculum at the Law Enforcement Training Center by adding instruction related to de-escalation and anti-bias/ implicit bias. We anticipate sending two instructors to be trained and certified in these subject areas at a cost of \$8,500 in 21-22 and \$4,250 in 22-23 (Travel).

Section 18 requires each law enforcement agency to have a policy regarding investigation of complaints of officer misconduct. These investigations are to be completed by a law enforcement officer who has a minimum of 24 hours of training on how to investigate such misconduct. The Law Enforcement Training Center anticipates sending 3-4 instructors for training on how to conduct these types of investigation. Once trained, these instructors could be used to conduct officer misconduct training at the Training Center. The cost to train these instructors is estimated at \$12,500 in 21-22 and \$6,250 in 22-23 (Travel).

Section 22 of LB 51 requires the Crime Commission to develop accreditation requirements for Nebraska law enforcement agencies. Each law enforcement agency, on or before January 1, 2023, shall be accredited in a manner approved by the Crime Commission. Each agency will be required to adopt written polices and other requirements as determined by the Commission. We anticipate the need for two additional staff as follows: (1) Attorney II to administer the program, handle non-compliance issues, and do other legal duties as necessary. (2) Administrative Assistant III to assist with administration, manage the Nebraska Police Improvement and Professionalism Fund, and maintain the accreditation policies and documents. In our estimates for benefits, we assumed family insurance for each of these positions.

In connection with Section 22 we anticipate contracting with individuals to visit each law enforcement agency to ensure they meet the standards for accreditation. There are approximately 200 law enforcement agencies in Nebraska. We estimate these inspections will take place every three years. We estimate the contractual costs to be \$50 per hour and 800 hours time spent (4 hours per agency x 200 agencies). Total cost is \$40,000 in 21-22 and \$0 in 22-23 (Operations).

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Attorney III</u>	<u>1.0</u>	<u>1.0</u>	<u>56,626</u>	<u>57,759</u>
<u>Administrative Assistant III</u>	<u>1.0</u>	<u>1.0</u>	<u>45,579</u>	<u>46,491</u>

Benefits		<u>66,768</u>	<u>68,103</u>
Operating		<u>40,000</u>	<u>0</u>
Travel		<u>21,000</u>	<u>10,500</u>
Capital outlay			
Aid			
Capital improvements			
TOTAL		<u>229,973</u>	<u>182,853</u>

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Nebraska State Patrol

Prepared by: (3) Carol Aversman Date Prepared: (4) 1/20/2021 Phone: (5)

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$41,973		\$41,973	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$41,973</u>		<u>\$41,973</u>	

Explanation of Estimate:

LB 51 requires additional training as part of entry-level law enforcement certification. This entails the training academy requiring completion of forty hours of instruction relating to de-escalation. Such forty hours shall include twenty-four hours relating to mental health and substance abuse and sixteen hours relating to human behavior and communicating with a person in a crisis situation. The fiscal note reflects the additional costs that would be incurred from extending the length of a new recruit camp by 40 hours. This includes operational expenses, and payroll expenses for an average recruitment camp of 15 recruits per camp. The Agency estimates that two new recruit training camps will be held in each of the fiscal years. The cost included in the fiscal note is made up of payroll costs for the additional 40 hours totaling \$27,087 and the cost of meals at the Training Academy totaling \$3,175 per fiscal year.

Additionally, there are continuing education requirements included in the bill. The Agency estimates that there will be some overtime costs related to this requirement due to additional travel time required to and from the Training Academy by a small portion of its employees totaling \$1,145 per fiscal year. It also estimates that two overnight stays at the Training Academy will be required for all of its sworn officers, and therefore the cost of meals has also been included in this fiscal note totaling \$10,566 per fiscal year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
State Patrol Officer Candidate			\$26,187	\$26,187
Benefits.....			\$2,045	\$2,045
Operating.....			\$13,741	\$13,741
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>\$41,973</u>	<u>\$41,973</u>

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2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Imperial

Prepared by: ⁽³⁾ Jo Leyland Date Prepared: ⁽⁴⁾ 01-11-2021 Phone: ⁽⁵⁾ 308-882-4368

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>500</u>	<u> </u>	<u>500</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>500</u>	<u> </u>	<u>500</u>	<u> </u>

Explanation of Estimate:

I anticipate additional expenses for training and evaluations of new police officers.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Police Officer	<u>4</u>	<u>4</u>	<u> </u>	<u> </u>
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u>500</u>	<u>500</u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u>500</u>	<u>500</u>

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Omaha

Prepared by: ⁽³⁾ Tyler Leimer Date Prepared: ⁽⁴⁾ 1/19/2021 Phone: ⁽⁵⁾ (402) 444-4514

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$6,228,635		\$6,228,635	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate: Training: \$6,216,557.00

- 40 hours initial de-escalation training in addition to current curriculum (officers & instructors) = \$2,539,514.00
- 8 hours anti-bias training in addition to current curriculum (officers & instructors) = \$505,813.00
- 2 hours duty to intervene/report training (entire department) = \$124,831
- 8 hours CRCH training (entire department) = \$505,813.00
- State shoot, Crime Commission notifications (maintain data with 1 sgt. & 3 ofc's, 4 hours each) = \$1,072.00
- 40 hour continuing education in-service (officers & instructors) = \$2,539,514.00

Professional Oversight, Internal Affairs: \$12,078.00

- 24 hours of investigator training (registration fees, travel, lodging, meals X 6 investigators) = \$12,078.00

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22 EXPENDITURES</u>	<u>2022-23 EXPENDITURES</u>
	<u>21-22</u>	<u>22-23</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Lincoln

Prepared by: ⁽³⁾ James Van Bruggen Date Prepared: ⁽⁴⁾ 1/27/21 Phone: ⁽⁵⁾ 402-441-8301

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

The City of Lincoln already fulfills many of the bill's requirements. There would be training costs estimated at \$5,000.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 51

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Sheriff's Office

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 01-24-2021 Phone: ⁽⁵⁾ 402 441 6500

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>238,466.13</u>	<u> </u>	<u>191,847.28</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>238,466.13</u>	<u> </u>	<u>191,847.28</u>	<u> </u>

Explanation of Estimate:

20 hrs of additional annual training X 82 sworn personnel X average wage/benefits(51.43 per hr) = \$84,345.20
 3.5% wage increase for year two=\$87,297.28
 Accreditation: Unknown fiscal impact for Crime Commission's Accreditation. Currently fees for CALEA (Commission for the Accreditation for Law Enforcement Agencies) \$50,000 Annual and 1 FTE accreditation manager (\$100,000)= \$150,000
 3.5 % wage increase for year two= \$103,500
 Psychological Evaluations, average 3 new deputy sheriffs per year @\$350 each=\$1,050
 Training for Internal Affairs investigator (24 hrs) wages \$1,070.93 + \$2,000 est. for training=\$3,070.93

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>