

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendment adopted through April 21, 2021.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	322,889		260,768	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	322,889		260,768	

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

AM745 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.

Continuing education hours would be increased from at least 20 hours to 28 hours in 2022 and 32 hours in 2023 and subsequent years. De-escalation training is also required. Instruction conducted over the Internet being limited to ten hours annually is removed in AM745.

On or before January 1, 2023, each law enforcement agency shall be accredited in a manner approved by the Crime Commission. A law enforcement agency shall not be accredited unless it has adopted written policies as determined by the commission and met other requirements as determined by the commission.

Beginning January 1, 2023, the Crime Commission shall post on its website a list of all law enforcement agencies that are not accredited. The commission shall update the list at least annually.

A law enforcement agency that is not accredited as required by this subsection shall be ineligible to receive loans, grants, funds, or donations administered by the Crime Commission until the commission determines that such agency has been properly accredited.

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.”

AM745 also contains a modified version of LB601. It would require the commission to post a database of law enforcement officers that have had their certification revoked, been convicted of a felony or Class I misdemeanor, or have been adjudicated to have engaged in serious misconduct.

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

AM872 struck language that stated a noncertified conditional officer shall not wear a badge. This change should not have an impact.

Sections 81-1438 through 81-1446 are outright repealed. These sections relate to law enforcement reserve forces and reserve officers.

The following table summarizes the impact to the Crime Commission as amended by AM745:

	FY2021-22	FY2022-23	FY2021-22	FY2022-23
ITEMS	Number of Positions		Expenditures	
Attorney II	1.00	1.00	55,841	56,958
Administrative Assistant III	2.00	2.00	90,310	92,568
Benefits			103,238	106,992
De-escalation Training for 2 Instructors			8,500	4,250
Law enforcement agency accreditation visits			40,000	0
Agency Website Changes			25,000	0
TOTAL	3.00	3.00	322,889	260,768

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.

Two Administrative Assistant III:

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

The other Administrative Assistant III would monitor compliance and regulate the requirements to become a noncertified conditional officer.

Benefits: The agency assumed family coverage for health insurance for each position.

De-escalation Training for 2 Instructors: Train and certify for de-escalation, anti-bias, and implicit bias.

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.

Agency Website Changes: One-time cost to make the necessary changes to their website to accommodate the new information.

See the response of the Crime Commission attached for additional details. At this time, there is no basis to disagree with their estimate.

The City of Imperial estimates \$28,250 in FY22 and \$30,500 in FY23 in additional expenses for training. Imperial notes additional training of 40 hours per year, but AM745 has reduced the additional training hours to 28 hours in 2022 and 32 hours in 2023 and subsequent years, up from the current training hours of at least 20 hours per year. Imperial could still incur additional costs for training, but it will probably be less than what they estimated based on 40 hours per year.

In the introduced copy of this bill that did require 40 hours per year, Imperial estimated \$500 in annual expenses for training and evaluations of new police officers. It is unclear why the estimated costs increased so dramatically under AM745.

The City of Lincoln estimates no fiscal impact from AM745.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM: 745	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (78)
REVIEWED BY: Joe Wilcox	DATE: 04/06/2021	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 The Judiciary Committee Amendment – AM 745, to LB 51, with the exception that the estimated cost for Benefits appears high in relation to the total salaries level estimated.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 51	AM: 745	AGENCY/POLT. SUB: City of Lincoln
REVIEWED BY: Joe Wilcox	DATE: 04/06/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Lincoln estimate of No Fiscal Impact to the City from LB 51, as amended by the Judiciary Committee Amendment to the bill – AM 745.		

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

2021

LB⁽¹⁾ 51 as amended by AM 745

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⁾ 4-6-2021 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>322,889</u>	<u></u>	<u>260,768</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>322,889</u>	<u></u>	<u>260,768</u>	<u></u>

Explanation of Estimate: Section 12 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 19 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 experience in investigating 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.

Section 23 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).

Section 14 of LB 51 lists requirements to become a noncertified conditional officer including the requirement to be employed for a period not to exceed sixteen consecutive weeks. Section 14 also includes standards for field training officers. We are requesting an Administrative Assistant III position to monitor compliance and regulate the requirements in Section 14. For our estimate for benefits, we assumed family insurance.

Sections 23 and 24 of LB 51 make additions to the information required to be displayed on our agency website. We estimate a one-time cost of \$25,000 in FY 21-22 to make the necessary changes to our website to accommodate the new information (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>
Attorney II	1.0	1.0	55,841	56,958
Administrative Assistant III	2.0	2.0	90,310	92,568
Benefits.....			103,238	106,992
Operating.....			65,000	0
Travel.....			8,500	4,250
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			322,889	260,768

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2021

LB⁽¹⁾ 51 AM 745

FISCAL NOTE

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

Prepared by: ⁽³⁾ Jo Leyland Date Prepared: ⁽⁴⁾ 03/31/2021 Phone: ⁽⁵⁾ 308-882-4368

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Explanation of Estimate:

I had to estimate the cost of sending all officers to additional training at the Law Enforcement Academy, and the additional time it would take to complete the required training, as well as additional training that will be required to move to the 40 hours of training per year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2021-22	2022-23
	21-22	22-23	EXPENDITURES	EXPENDITURES
Police Officer	4	4	18,250.	18,500.
Benefits.....				
Operating.....			10,000.	12,000.
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			28,250.	30,500.

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2021

LB⁽¹⁾ 51 AM745

FISCAL NOTE

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

Prepared by: ⁽³⁾ James Van Bruggen Date Prepared: ⁽⁴⁾ 4/2/21 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:

No Fiscal Impact

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.....	_____	_____	_____	_____