

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	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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, require policies on excessive force, and create a public data base of law enforcement officer misconduct. It outright repeals sections 81-1438 to 81-1446 (law enforcement reserve officer provisions).

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.”

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

ITEMS	FY2021-22	FY2022-23
	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 Two night stay at Training Academy Plus Meals	1,145	1,145
	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 NSP’s estimates.

The Crime Commission estimates costs of up to \$1,587,205 in FY21-22 and up to \$1,541,729 in FY22-23. The reason for this range of costs depends on how a “record” is defined and this determines the estimated cost of the software changes needed to be made to the Nebraska Criminal Justice Information System (NCJIS).

The estimated costs for just the NCJIS changes, including a Business Systems Analyst to operate the new system, range between \$307,232 to \$1,357,232 in FY21-22 and \$308,876 to \$1,358,876 in FY22-23. The low estimate is if a record is defined as a series of data fields. The high estimate is if a record is defined as both data fields and documents.

The remaining costs are for the following items:

- Attorney II: administer the program for accreditation for law enforcement agencies, handle non-compliance issues, and do other legal duties as necessary. Note: This position is listed as an Attorney II in the narrative but an Attorney III in the table at the bottom of the agency's fiscal note.
- 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 not included here.

Because the bill requires the Crime Commission to perform additional duties, it is not unreasonable to expect that they would have increased costs associated with performing those additional duties. At this time, it is unknown whether the estimated costs are reasonable or not.

The City of Lincoln estimates \$2,500 for training to investigate complaints. They also state there are unknown costs to provide data on a quarterly basis and for accreditation.

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

The Lancaster County Sheriff estimates costs of \$238,466 in FY22, and \$191,847 in FY23. These estimated costs are for additional annual training for sworn officers, accreditation, psychological evaluations, and training for Internal Affairs investigator.

Because the bill requires additional hours of training and other additional requirements for law enforcement agencies, it is not unreasonable to expect that they would have increased costs associated with performing those additional duties. At this time, it is unknown whether the estimated costs are reasonable or not.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 551	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)
REVIEWED BY: Joe Wilcox	DATE: 02/01/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of potential Fiscal Impact to the Agency from LB 551.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 551	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (78)
REVIEWED BY: Joe Wilcox	DATE: 02/01/2021	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 551.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 551	AM:	AGENCY/POLT. SUB: City of Lincoln
REVIEWED BY: Joe Wilcox	DATE: 01/22/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Lincoln estimate of potential, but Undetermined Fiscal Impact to the City from LB 551.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 551	AM:	AGENCY/POLT. SUB: City of Omaha
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Omaha estimate of potential Fiscal Impact to the City from LB 551.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 551	AM:	AGENCY/POLT. SUB: Lancaster County Sheriff's Office
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Sheriff's Office estimate of potential Fiscal Impact to the County from LB 551.		

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2021

LB⁽¹⁾ 551

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 551 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⁾ 551

FISCAL NOTE

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

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 2-1-2021 Phone: ⁽⁵⁾ 402-471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>1,587,205</u>	<u> </u>	<u>1,541,729</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>1,587,205</u>	<u> </u>	<u>1,541,729</u>	<u> </u>

Explanation of Estimate: Section 117of LB 551 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 551 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).

DATA COLLECTION: Section 19 6 (a) requires the Crime Commission to maintain a public data base of records transmitted under subsections (2), (3), (4), and (5) of Section 19. The data base shall be posted on the Commission’s web site in an electronic format that is machine-readable, machine-searchable, and readily accessible to the public. The cost to make the software changes to the Nebraska Criminal Justice Information System (NCJIS) is estimated to be the following:

Low End Estimate (if “record” is defined as a series of data fields):
\$200,000 - \$25,000 per form, four forms needed (separation of service for any reason); possible revocation grounds; any officer discipline; and 791 reports.
\$25,000 addition to NCJIS general funds to cover new databases (server and webserver).
\$82,232 to hire a 1.0 FTE Business Systems Analyst needed to operate the new system. We assume family benefits.
Total cost of low end estimate = 307,232 in FY 21-22 and 308,876 in FY 22-23.

High End Estimate (if “record” is defined as both data fields and documents).
\$800,000 to integrate the electronic records.
\$25,000 addition to NCJIS general funds to cover new databases (server and webserver).
\$450,000 for the searchable site functionality.
\$82,232 to hire a 1.0 FTE Business Systems Analyst needed to operate the new system. We assume family benefits.

Total cost of high end estimate = 1,357,232 in FY 21-22 and 1,358,876 in FY 22-23.

FOR THE PURPOSES OF THIS FISCAL NOTE WE ARE USING THE HIGH-END ESTIMATE FOR DATA COLLECTION.

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 III + Business Sys Analyst	2.0	2.0	105,527	107,638
Administrative Assistant III	1.0	1.0	45,579	46,491
Benefits.....			100,099	102,100
Operating.....			1,315,000	1,275,000
Travel.....			21,000	10,500
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			1,587,205	1,541,729

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2021

LB⁽¹⁾ 551

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 01-27-2021 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><u>238,466.13</u></u>	<u><u> </u></u>	<u><u>191,847.28</u></u>	<u><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>	<u><u> </u></u>	<u><u> </u></u>

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2021

LB⁽¹⁾ 551

FISCAL NOTE

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

Prepared by: ⁽³⁾ Tyler Leimer Date Prepared: ⁽⁴⁾ 1/27/2021 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	\$6,231,851		\$6,231,851	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

Estimated fiscal impact of LB551 for OPD:

Training: \$6,215,485.00

- 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
- 40 hour continuing education in-service (officers & instructors) = \$2,539,514.00

Professional Oversight, Internal Affairs: \$16,366.00

- 24 hours of investigator training (registration fees, travel, lodging, meals X 6 investigators) = \$12,078.00
- Quarterly reports of Officer misconduct & discipline to the Crime Commission (maintain data with 1 sgt. & 3 ofc's, 4 hours each) = \$4,288.00

Backgrounds: *Estimated costs of LB551 requirements are already budgeted*

- *Required background investigation for each candidate = \$2,000.00*
- *Required psychological evaluation for each candidate = \$400.00*
- *Application & testing process = \$11,000.00*

Research & Planning: *Estimated costs of LB551 requirements are already budgeted*

- *Annual CALEA review process = \$6,495.00*

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	NUMBER OF POSITIONS		2021-22	2022-23
	<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⁾ 551

FISCAL NOTE

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

Prepared by: ⁽³⁾ James Van Bruggen Date Prepared: ⁽⁴⁾ 1/21/21 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:

Training for an employee to investigate complaints is estimated at \$2,500. Additional undetermined costs include providing data on a quarterly basis and possible accreditation costs which would be determined by the Nebraska Commission on Law Enforcement and Criminal Justice.

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.....	_____	_____	_____	_____