

HF2376 - 0 - Citizen Oversight Councils

Chief Author: **Aisha Gomez**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **6/12/2020 12:01:23 PM**  
 Lead Agency: **Peace Officers Board (POST)**  
 Other Agencies:  
     Public Safety Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Peace Officers Board (POST)</b>						
General Fund	-	-	10	-	-	-
<b>Public Safety Dept</b>						
General Fund	-	300	23,870	23,870	23,870	23,870
<b>State Total</b>						
General Fund	-	300	23,880	23,870	23,870	23,870
	<b>Total</b>	<b>-</b>	<b>300</b>	<b>23,880</b>	<b>23,870</b>	<b>23,870</b>
	<b>Biennial Total</b>		<b>24,180</b>		<b>47,740</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Peace Officers Board (POST)</b>					
General Fund	-	-	-	-	-
<b>Public Safety Dept</b>					
General Fund	-	-	5	5	5
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>5</b>

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Adam Blom      **Date:** 6/12/2020 12:01:23 PM  
**Phone:** 651-284-6542      **Email:** adam.blom@lbo.leg.mn

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>		<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
<b>Peace Officers Board (POST)</b>						
General Fund		-	-	10	-	-
<b>Public Safety Dept</b>						
General Fund		-	300	23,870	23,870	23,870
<b>Total</b>		<b>-</b>	<b>300</b>	<b>23,880</b>	<b>23,870</b>	<b>23,870</b>
<b>Biennial Total</b>				<b>24,180</b>		<b>47,740</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Peace Officers Board (POST)						
General Fund		-	-	10	-	-
<b>Public Safety Dept</b>						
General Fund		-	300	23,870	23,870	23,870
<b>Total</b>		<b>-</b>	<b>300</b>	<b>23,880</b>	<b>23,870</b>	<b>23,870</b>
<b>Biennial Total</b>				<b>24,180</b>		<b>47,740</b>
<b>2 - Revenues, Transfers In*</b>						
Peace Officers Board (POST)						
General Fund		-	-	-	-	-
<b>Public Safety Dept</b>						
General Fund		-	-	-	-	-
<b>Total</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>				<b>-</b>		<b>-</b>

**HF2376 - 0 - Citizen Oversight Councils**

Chief Author: **Aisha Gomez**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **6/12/2020 12:01:23 PM**  
 Agency: **Peace Officers Board (POST)**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	10	-	-	-
<b>Total</b>	-	-	<b>10</b>	-	-	-
<b>Biennial Total</b>			<b>10</b>			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Adam Blom      **Date:** 6/11/2020 1:22:47 PM  
**Phone:** 651-284-6542      **Email:** adam.blom@lbo.leg.mn

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2019	FY2020	FY2021	FY2022	FY2023
General Fund		-	-	10	-	-
<b>Total</b>		-	-	<b>10</b>	-	-
<b>Biennial Total</b>				<b>10</b>		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund		-	-	10	-	-
<b>Total</b>		-	-	<b>10</b>	-	-
<b>Biennial Total</b>				<b>10</b>		-
<b>2 - Revenues, Transfers In*</b>						
General Fund		-	-	-	-	-
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

**Bill Description**

This bill creates 626.8272, Procedural Justice; Policies Required. Subdivision 1 requires, in part, that By August 15, 2019, the board, in consultation with interested parties, shall develop and distribute to all chief law enforcement officers a procedural justice model policy to govern interactions between peace officers and community members. The bill then identifies what the policy must minimally require.

Additionally, the bill requires that by November 1, 2019, the chief law enforcement officer of every state and local law enforcement agency shall establish and enforce a written procedural justice policy governing the conduct of peace officers engaged in interactions with community members. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's policy. The chief law enforcement officer also shall ensure that each peace officer is aware of the policy's purpose and the conduct addressed by the policy. This policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 1.

The bill further requires every state and local law enforcement agency certify to the board that the agency has adopted a written policy in compliance with the board's model policy and submit an electronic copy of the policy to the board. The board shall review each policy to ensure compliance and post each policy on the board's website.

The bill also creates 626.8474, procedural justice and community interaction skills; learning objectives and states By August 15, 2019, the board shall prepare learning objectives as described in subdivision 3 for preservice training to instruct peace officers in procedural justice and community-interaction skills. The learning objectives must be included in the required curriculum of professional peace officer education programs. Further, an individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after July 1, 2020, unless the individual has received the training described.

Section 4 of the bill appropriates money from the general fund in fiscal 2020 and 2021 to the Peace Officers Standards and Training Board for costs associated with this act.

-

**Assumptions**

Assumes all 422 law enforcement agencies in Minnesota will adopt and implement the model policy as directed and provide the appropriate training to their staff to meet its requirements.

Assumes that approximately 50% of the state's law enforcement agencies (211) will adopt an identical policy to the board's model policy, which will reduce staff time in reviewing the policy to ensure it meets the requirements of the bill. For those agencies who adopt their own policy (211), the bill will require POST Board staff to review each department's policy to ensure it substantially incorporates the main items from the board's model policy. It is estimated approximately 30 minutes of staff time will be required to review each agency's policy that is not identical to the board's model policy.

Assumes that implementation of this bill require approximately 70 hours of staff time to develop the learning objectives for

pre-service training. The work would be primarily completed by one staff position with support from the board's training committee members and research assets.

Specific tasks include research, writing drafts of the learning objectives; consulting with professional organizations, higher education representatives and stakeholders as specified in the bill.

-

### **Expenditure and/or Revenue Formula**

Pre-service Learning objectives - One professional position: 70 hours @ \$57 (including fringe) = \$4,000.

Policy work: .5 hours per agency (211) = 105 hours. One professional position - hourly rate with fringe is \$57.00 per hour. 105 hours multiplied by \$57.00 = approximately \$6,000.

### **Long-Term Fiscal Considerations**

Upon completion of the project, there will be minimal costs associated with this mandate. These can be absorbed by the agency.

### **Local Fiscal Impact**

The fiscal impact to local government units, specifically the 422 current state, county and local law enforcement agencies is hard to predict given their unique staffing, budgetary resources and individual policy status.

### **References/Sources**

Erik Misselt, Interim Executive Director, MN POST, 651-201-7789#, erik.misselt@state.mn.us.

**Agency Contact:** Erik Misselt 651-201-7789

**Agency Fiscal Note Coordinator Signature:** Dan Boytim

**Date:** 6/11/2020 12:23:03 PM

**Phone:** 651-201-7040

**Email:** Dan.Boytim@state.mn.us

**HF2376 - 0 - Citizen Oversight Councils**

Chief Author: **Aisha Gomez**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **6/12/2020 12:01:23 PM**  
 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	300	23,870	23,870	23,870	23,870
<b>Total</b>	<b>-</b>	<b>300</b>	<b>23,870</b>	<b>23,870</b>	<b>23,870</b>	<b>23,870</b>
<b>Biennial Total</b>			<b>24,170</b>			<b>47,740</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	5	5	5
<b>Total</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>5</b>	<b>5</b>

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Adam Blom      **Date:** 6/12/2020 12:00:47 PM  
**Phone:** 651-284-6542      **Email:** adam.blom@lbo.leg.mn

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023	
General Fund	-	300	23,870	23,870	23,870	
<b>Total</b>	<b>-</b>	<b>300</b>	<b>23,870</b>	<b>23,870</b>	<b>23,870</b>	
<b>Biennial Total</b>			<b>24,170</b>			<b>47,740</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	300	23,870	23,870	23,870	
<b>Total</b>	<b>-</b>	<b>300</b>	<b>23,870</b>	<b>23,870</b>	<b>23,870</b>	
<b>Biennial Total</b>			<b>24,170</b>			<b>47,740</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Biennial Total</b>			<b>-</b>			<b>-</b>

**Bill Description**

The bill requires the establishment of Local Citizen Oversight Councils for Law Enforcement agencies and outlines the roles and responsibilities of the Councils. The bill appropriates funding to the Commissioner of Public Safety to establish grants to law enforcement agencies for counseling services for peace officers and grants to establish and maintain citizen oversight councils.

It also appropriates funding for increased soft body armor reimbursement under Minnesota Statutes, section 299A.38.

**Assumptions**

Based on statistics provided by the MN Peace Officer Standards and Training Board (POST), there are 422 law enforcement agencies in Minnesota and 11,084 licensed active peace officers.

OJP assumes not all law enforcement agencies are governed by a local unit of government and will not be required to establish and maintain a Citizen Oversight Board. As this is a new program, OJP assumes that 300 local governments that oversee a law enforcement agency will be required to establish a council and maintain it. OJP assumes that local units of government will continue to support the work of the Councils.

OJP estimates that cost of launching a Council to include at minimum a half time staff person.

OJP assumes that most law enforcement agencies offer Employee Assistance Programs and provide insurance that includes mental health services. OJP assumes that 50% of law enforcement will implement additional counseling services for law enforcement officers.

OJP assumes up to 2.5% to administer the two grant programs for peace officer counseling and to establish and maintain citizen oversight council. With the number of grants involved, OJP assumes 5 additional FTE's to administer and oversee.

This bill does not require citizen oversight councils for state-level law enforcement agencies.

There is currently a \$645,000 annual appropriation for soft body armor reimbursement. We have reimbursed \$627,812 so far this year for 1,211 requests. We currently have a substantial amount of requests and anticipate an additional \$300,000 is needed to cover reimbursements through 6/30/2020.

It is estimated that there will be 1,800 reimbursement requests in FY 2021 with an average cost of about \$525 per vest for \$945,000. This would be on par with FY 2019 when 1,873 vest were reimbursed for \$974,375.

The soft body armor reimbursement rate is adjusted annually based on statute.

**Expenditure and/or Revenue Formula**

Local Citizen Oversight Council: .5 FTE at \$45,000.  $\$45,000 \times 300$  local units of government= \$13,500,000

Grants to law enforcement agencies for counseling services for law enforcement: 211 law enforcement agencies x .50 FTE to coordinate counseling (\$45,000) = \$9,495,000.

$\$13,500,000 + \$9,495,000$  grant funding = \$22,995,000 X 2.5% admin (\$574,875) = \$23,569,875

Soft Body Armor:

\$300,000 in FY2020 and \$300,000 in FY2021 for soft body armor reimbursement to local law enforcement. This amount covers about 570 addition vest reimbursements at the projected FY 2021 average rate. This increase amount is projected to enable us to reimburse all requests on an annual bases.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

Local units of government will be required to support the continuance of these Councils and counseling services.

**References/Sources**

**Agency Contact:** Kate Weeks (651-201-7305)

**Agency Fiscal Note Coordinator Signature:** Larry Freund

**Phone:** 651-201-7050

**Date:** 6/12/2020 10:53:41 AM

**Email:** Larry.Freund@state.mn.us