

Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Note: This fiscal note is prepared pursuant to Joint Rule 22(b)(2).

Drafting Number: LLS 10-0243
Prime Sponsor(s): Sen. Tochtrop
 Rep. Gagliardi

Date: March 22, 2010
Bill Status: Senate Judiciary
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TITLE: CONCERNING THE CREATION OF A COLORADO PEACE OFFICERS' BILL OF RIGHTS.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
State Expenditures		
General Fund	\$200,964	\$204,281
FTE Position Change	1.5 FTE	1.5 FTE
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2010-2011: See State Appropriations section.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

With Amendment L.002, the bill creates a Peace Officers' Bill of Rights that applies to all peace officers in Colorado at the state and local level. Specifically, the bill provides rights to peace officers, including the following:

- the employing agency is prohibited from placing an adverse comment in a peace officer's file without the peace officer having the opportunity to review and respond to the comment;
- a peace officer is allowed to form, join, support, or participate in any employee organization and the employing agency is required to honor a payroll deduction for an employee organization;
- any complaint against a peace officer that is subject to a non-criminal investigation must be made in writing by the complainant;
- a peace officer may have a representative at any interview concerning a non-criminal investigation and he or she must be advised of the nature of the interview;
- prior to any interview, a peace officer may review any evidence available concerning the investigation;
- an interview may be audio or video recorded and the peace officer is to receive a copy of the recording, upon request;
- a peace officer is entitled to review all previous statements before providing an additional statement concerning the investigation;

- all interviews that could result in major disciplinary action must be transcribed by the employing agency and a peace officer shall have access to the transcriptions and any other evidence after the investigation is completed;
- prior to deciding to impose major disciplinary action, a peace officer has a right to a predisiplinary hearing with the deciding authority; and
- a peace officer has the right to appeal a major disciplinary action. The appeal is to be conducted by the state Personnel Board, if applicable, or a mutually agreed upon third party, such as an arbitrator or administrative law judge.

State Expenditures

The bill increases state expenditures by \$200,964 and 1.5 FTE in FY 2010-11 and \$204,281 and 1.5 FTE in FY 2011-12. Costs for specific departments are provided below.

Department of Corrections (DOC). To implement this bill, the DOC requires \$153,722 and 1.0 FTE in FY 2010-11 and \$154,335 and 1.0 FTE in FY 2011-12. Specific costs are provided in Table 1.

Table 1. Expenditures for the DOC under SB 10-084		
Cost Components	FY 2010-11	FY 2011-12
Personal Services	\$58,102	\$63,385
FTE	1.0	1.0
Operating Expenses and Capital Outlay	5,620	950
Transcription	90,000	90,000
TOTAL	\$153,722	\$154,335

The DOC employs 4,000 peace officers whose disciplinary investigations would be subject to the bill. This requires the DOC to use different rules from other department employees for notifying peace officers of investigations and handling of evidence concerning complaints. At the beginning of each complaint process, the DOC will be required to meet with the peace officer to obtain his or her signature acknowledging the complaint and provide him or her with the opportunity to respond to the complaint. During an investigation, the DOC will have to make evidence available to the peace officer at a time when he or she wishes to see it and possibly several times over the course of the investigation.

The DOC is required to transcribe any interviews for investigations that result in a major disciplinary action. The DOC has about 300 investigations a year that result in major disciplinary action and will require transcription. The cost for transcription is \$2.10 a minute with an estimate of about 140 minutes of transcription for each of the 300 investigations. *The fiscal note assumes that only interviews with the peace officer require transcription; if transcription were required for all interviews concerning an investigation the costs would increase significantly.*

Department of Public Safety (DPS). The DPS requires \$19,526 and 0.3 FTE in FY 2010-11 and \$20,846 and 0.3 FTE in FY 2011-12. Specific costs are provided in Table 2.

Table 2. Expenditures for the DPS under SB 10-084		
Cost Components	FY 2010-11	FY 2011-12
Personal Services	\$14,526	\$15,846
FTE	0.3	0.3
Transcription	5,000	5,000
TOTAL	\$19,526	\$20,846

The DPS employs about 1,000 peace officers whose disciplinary investigations would be subject to the bill. Therefore, the DPS requires an additional 0.3 FTE in human resources to apply the new rules and evidence handling procedures for investigations involving peace officers. The DPS typically has about 20 investigations per year that require major disciplinary action for which the transcription of the peace officer interview would also be required.

Judicial Branch. The Judicial Branch requires \$23,217 and 0.3 FTE in FY 2010-11 and \$24,600 and 0.3 FTE in FY 2011-12. Specific costs are provided in Table 3.

Table 3. Expenditures for the Judicial Branch under SB 10-084		
Cost Components	FY 2010-11	FY 2011-12
Personal Services	\$15,217	\$16,600
FTE	0.3	0.3
Transcription	8,000	8,000
TOTAL	\$23,217	\$24,600

The Judicial Branch employs about 1,000 peace officers whose disciplinary investigations would be subject to the bill. As with the DPS, the branch requires an additional 0.3 FTE in human resources to apply the new rules and evidence handling for investigations involving peace officers. The branch typically has 28 investigations per year that require major disciplinary action for which transcription of the peace officer interview would also be required.

Department of Revenue (DOR). The DOR requires \$4,500 annually beginning in FY 2010-11. The DOR employs about 200 peace officers and has, on average, 15 investigations per year that involve a major disciplinary action. With 200 peace officers, the human resources needs required under the bill, such as providing notification and evidence to the peace officer, can be absorbed within existing resources. The DOR will require \$4,500 each year to pay for the transcriptions required for the 15 investigations that result in disciplinary action.

Other departments. Several other departments, such as the Departments of Natural Resources and Human Services, employ peace officers. However, these departments either have very few peace officers or do not typically have enough investigations per year to require resources under this bill. If implementation of this bill does require additional resources for these departments, the fiscal note assumes that they will be addressed as a part of the annual budget process.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 4.

Table 4. Expenditures Not Included Under SB 10-084*		
Cost Components	FY 2010-11	FY 2011-12
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$10,650	\$10,650
Supplemental Employee Retirement Payments	3,267	4,336
TOTAL	\$13,917	\$14,986

**More information is available at: <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1200536133924>*

Local Government Impact

Local governments that employ peace officers will have varying costs to implement this bill. Local governments do not have the same personnel policies from agency to agency or the same policies as the state; therefore, it is not possible to quantify the costs for local governments. Some governments may already have procedures in place similar to those described in the bill and other agencies may have to completely change their existing practices concerning peace officers to conform with the law which will result in significant costs.

State Appropriations

In FY 2010-11, the following General Fund appropriations are required to implement the bill:

- \$153,722 and 1.0 FTE for the Department of Corrections;
- \$19,526 and 0.25 FTE for the Department of Public Safety;
- \$23,217 and 0.25 FTE for the Judicial Branch; and
- \$4,500 for the Department of Revenue

Departments Contacted

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| Corrections | Public Safety | Judicial |
| Revenue | Higher Education | Law |
| Transportation | Military and Veterans Affairs | Human Services |
| Personnel and Administration | Natural Resources | Agriculture |