

Fiscal Estimate - 2021 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 21-2841/1	Introduction Number AB-0448
Description prosecution decisions following deaths involving law enforcement officers	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div>	
Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex;"> <div style="width: 50%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 50%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> <div style="width: 33%;"> 5.Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
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Date 8/13/2021	

Fiscal Estimate Narratives

DOC 8/13/2021

LRB Number	21-2841/1	Introduction Number	AB-0448	Estimate Type	Original
Description prosecution decisions following deaths involving law enforcement officers					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a requirement that a special prosecutor be appointed following an investigation of an officer-involved death to determine whether to bring charges against the officer involved. Procedurally, after the district attorney of the county in which the officer-involved death occurred has received the investigation report they shall request that a judge appoint a special prosecutor who will determine if there is a basis to prosecute the law enforcement officer involved. If the special prosecutor files charges against the officer, they also act as the prosecuting attorney in the case. Under current law, the investigation report of an officer-involved death must be provided to the district attorney of the county where the death occurred, who also makes the determination on whether to prosecute the officer involved.

It is unknown how appointing a special prosecutor to investigate deaths involving a law enforcement officer will affect the number and severity of convictions compared to current practice, therefore it is not possible to predict the state or local fiscal impact of this bill.

State costs could change if an increased or decreased number of individuals are convicted and receive a prison sentence. The average FY20 annual cost for a person in our care in a DOC institution is approximately \$36,200. However, whenever there is excess capacity in DOC facilities, the incremental costs (i.e. food, healthcare, and clothing) of housing a small number of persons in our care is approximately \$7,000 based on FY20 costs. Should the department need to use contract beds, the rate per person would be approximately \$18,800 annually.

Costs to the Department of Corrections could also change if an increased or decreased number of individuals are placed on probation. The average annual FY20 cost to supervise one offender is approximately \$3,300. However, since it is not possible to estimate the number of law enforcement officers that would be charged and sentenced for their involvement in a death, the fiscal impact to the Department of Corrections is indeterminate.

County jails could experience increased or decreased costs if more or less individuals receive a jail sentence. The average FY20 annual cost to jail inmates is \$18,800. Since it is not possible to estimate the number of law enforcement officers that would receive a jail sentence, the fiscal impact is indeterminate at the local level.

Long-Range Fiscal Implications