

Fiscal Estimate Narratives

DOJ 1/4/2010

LRB Number	09-3615/1	Introduction Number	SB-395	Estimate Type	Original
Description Psychological evaluations for law enforcement officers, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Law Enforcement Standards Board (LESB) is attached to the Department of Justice (DOJ) and DOJ shall supply the staffing needs of the LESB.

Under 2009 Senate Bill 395, no person may be appointed as a full-time law enforcement or tribal law enforcement officer on or after January 1, 2010, unless the person receives an evaluation by a licensed psychologist and the evaluation is reviewed by the appointing authority. SB 395 requires the LESB to promulgate rules regarding the content of the psychological evaluation and to submit a report to the legislature by April 1, 2011, on the effect of requiring psychological evaluations and whether the requirement should be extended to part-time officers and officers who serve on special weapons and tactics units.

State Impact:

Since DOJ is required to supply the staffing needs of the LESB, DOJ will incur costs assisting the LESB with its new duties and responsibilities under SB 395. DOJ anticipates having to facilitate the LESB's efforts to: 1) convene and/or interview mental health experts to determine the proper content of a psychological evaluation for law enforcement candidates; and 2) conduct a study and submit a report that evaluates the effectiveness of requiring psychological evaluations for law enforcement candidates and that recommends whether psychological evaluations should be required for others. In addition, SB 395 will necessitate that DOJ make modifications to existing documents and a database used to implement current LESB policies. DOJ estimates that these costs will total approximately \$25,000.

DOJ believes that the psychological evaluations required by SB 395 will cost between \$500 and \$1,000. SB 395 is silent on who will pay for the psychological evaluations. DOJ hires 5 special agents in an average year. If DOJ pays for the evaluations of its law enforcement candidates, SB 395 will cost DOJ between \$2,500 and \$5,000 annually.

DOJ anticipates that it will be able to absorb these estimated costs. If the costs are significantly higher, DOJ will not be able to absorb them and will need additional resources.

Local Impact:

Under current law, it is permissible for a city, village, or county law enforcement agency to require a law enforcement candidate to be subject to a psychological evaluation prior to gaining employment with the agency. As stated above, under SB 395, all full-time law enforcement candidates will be required to have a psychological evaluation. Any local agency that does not pass the costs of candidate evaluations on to the candidates will incur the costs of those evaluations.

Long-Range Fiscal Implications