

### Fiscal Estimate - 2021 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>21-3646/1</b>	Introduction Number <b>SB-514</b>
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**Description**  
 prosecution decisions following deaths involving law enforcement officers

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

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	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	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DOC/ Shelby Slaven (608) 240-5415	<b>Authorized Signature</b> Paulina De Haan (608) 240-5056	<b>Date</b> 9/17/2021
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Fiscal Estimate Narratives

DOC 9/17/2021

LRB Number	21-3646/1	Introduction Number	SB-514	Estimate Type	Original
<b>Description</b> 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**