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FISCAL IMPACT REPORT

SPONSOR Taylor ORIGINAL DATE 1/30/06 HJM 6
LAST UPDATED _____ SB _____
SHORT TITLE Law Enforcement Physical Fitness Standards ANALYST Peery

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY06	FY07	FY08	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$250.0		\$250.0	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
NM Association of Community Colleges (NMACC)
Department of Public Safety (DPS)

No Responses Received From

NM Municipal League (NMML)
NM Association of Counties (NMAC)

SUMMARY

Synopsis of Bill

House Joint Memorial 6 requests that the New Mexico Law Enforcement Academy board adopt new physical fitness standards for law enforcement officers.

FISCAL IMPLICATIONS

DPS states the fiscal impact to complete a new job task analysis could be significant. DPS reports a market review recently conducted by the New Mexico Law Enforcement Academy board identified the cost of conducting a job task analysis and establishing legally defensible standards in the range of \$150,000. DPS states newly adopted standards may also require the construction and design of new obstacle course(s) or the purchase of specialized equipment for applicant testing and annual compliance testing of incumbent officers. DPS reports costs for such a construction and equipment purchase could exceed \$100,000 per site or agency.

SIGNIFICANT ISSUES

NMCD reports concern that there will be continuing standards throughout an officer's career. NMCD states this could lead to liability in terms of officers being injured while exercising to conform to standards. NMCD also reports it would be costly to build gyms and pay officers for time spent exercising.

NMACC notes the memorial states that the current physical fitness standards contained in the New Mexico Administrative Code were taken from previous Cooper Institute "percentile" standards which are now outdated. NMACC states that evidently the New Mexico standards are age and gender adjusted thus conflicting with present law. NMACC reports it is important that all New Mexico law enforcement officers meet these fitness standards for their own safety on the job and for those they are trying to protect.

DPS states the issue of the use of age and gender norms is again identified as being in conflict with present Federal law. DPS reports the Public Safety Training and Recruiting Division and the New Mexico Law Enforcement Academy board are aware of the potential conflict that exists with current Federal law and acted in the spring of 2005 by establishing a Fitness Committee to review the physical fitness standards and specifically the use of age and gender norms. DPS reports a final recommendation by the committee is to be made to the board at its quarterly board meeting to be held on February 22, 2006.

DPS reports the current New Mexico Physical Fitness standards were not taken from previous Cooper Institute "percentile" standards. The NM Law Enforcement Academy Board, through the Department of Public Safety, Training and Recruiting Division, does not utilize the Cooper Institute for the validation of its current physical fitness standards.

DPS states the current physical fitness standards were developed through a Job Task Analysis that began in July 1991, by the Systems Design Group, for the basic law enforcement officer position. DPS reports the specific objectives of the project were to validate the law enforcement officer minimum standards of training and training curricula, and develop a job description for the basic law enforcement officer position which would help state and local law enforcement agencies respond to the demands of the Americans with Disabilities Act. The Systems Design Group conducted the project mindful of three significant legal issues: the Americans with Disabilities Act, Federal Uniform Guidelines on Employee Selection Procedures, and charges of negligent failure to train. DPS reports in September 1996, the Systems Design Group followed up the initial Job Task Analysis with a study to develop and validate the physical agility exit tests for New Mexico Department of Public Safety, Training and Recruiting Division. This study involved more than 1400 patrol officers and supervisors from 67 law enforcement agencies. DPS reports the current physical fitness standards the department has in place were developed through this process.

DPS states the New Mexico Department of Public Safety Training and Recruiting Division and the New Mexico Law Enforcement Academy are responsible for identifying, implementing, and regulating minimum training and employment standards for all law enforcement officers in the State of New Mexico. DPS reports the Law Enforcement Academy regularly reviews its standards and conducts state-wide job task analysis studies to ensure its standards and training accurately reflect the work of law enforcement.

DPS reports in July 2002, the Systems Design Group completed a task analysis study of entry-level law enforcement officers in the state of New Mexico. This project was supported by Grant 2001-CK-WX-KO56, awarded by the U.S. Department of Justice Office of Community Oriented Policing Services. More than 700 law enforcement personnel from 99 different law enforcement agencies participated in this study. DPS reports the study consisted of a quantitative analysis including the development and dissemination of a research tool that identified the knowledge, skills, abilities and other characteristics necessary to perform the job of law enforcement officer in New Mexico. DPS states in addition, a separate review of lesson plans and the preparation of test items were then employed to conduct testing which developed the cut off score for entry level positions based on the statistical analysis of five hundred test participants.

PERFORMANCE IMPLICATIONS

DPS states incumbent officers should meet the same physical fitness standards as applicants. DPS reports if physical fitness is truly job-related, it would be incongruous to select police officers on the basis of their physical fitness and abilities, and then have no requirement that minimum fitness and abilities be maintained.

DPS reports the department may reduce its exposure during the police applicant selection and negligent retention of unfit officers by developing a series of tests that will assess the officer's ability to perform job related essential functions in a safe, efficient manner.

ADMINISTRATIVE IMPLICATIONS

NMACC states law enforcement academies throughout the state will have to implement the new standards. NMACC reports besides the law enforcement academy in Santa Fe, there are several other academies certified throughout the state to provide training for law enforcement officers at community colleges. NMACC states the community colleges need to be involved in the review and implementation of any new standards.

DPS reports conducting a job task analysis of law enforcement officer duties is necessary before implementing a physical assessment program. Following the job task analysis, physical fitness tests should be devised that are job related and subsequently validated by appropriate experts.

ALTERNATIVES

DPS states an alternative to the Joint Memorial is to let the Law Enforcement Academy board's Fitness Committee to continue their work in researching and evaluating the physical fitness standards in regards to the use of age and gender norms.

RLP/mt