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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/08

SPONSOR Powdrell-Culbert LAST UPDATED 2/8/08 HB 270/aHAFC

SHORT TITLE Study Bias-Based Policing SB

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Sentencing Commission (NMSC)
 Indian Affairs Department (IAD)
 Homeland Security and Emergency Management Department (HSEMD)

No Responses Received From

Governor's Office
 New Mexico Corrections Department
 Department of Public Safety
 Department of Transportation
 Association of Counties
 Higher Education Department

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 270 on page 1, line 22, strikes "MAKING AN APPROPRIATION", and on page 3, strikes Section 2 in its entirety.

Synopsis of Bill

House Bill 270 appropriates \$150.0, for expenditure in fiscal year 2009 and 2010, from the general fund to the New Mexico Sentencing Commission for the purpose of contracting for a study of and report on bias-policing on a statewide basis. The study is to include an examination of the following:

- All available data regarding motor vehicle stops and arrests by law enforcement agencies;
- Complaints against law enforcement agencies and officers;
- Monetary settlements of complaints against law enforcement agencies; and
- Other information available that is necessary to attain a full understanding of bias-based policing incidents and practices.

The New Mexico Sentencing Commission, in collaboration with other agencies involved in the study, is to create recommendations for the development and implementation of plans, policies and strategies to eliminate bias-based policing in New Mexico. The study results and recommendations are to be presented to the public with opportunities for public comment and to the governor, the Department of Public Safety, the Department of Transportation, the governor's homeland security advisor, the courts, the New Mexico Corrections Department and the appropriate interim legislative committee. A preliminary progress report will be made to the public and the previously mentioned entities by October 1, 2008, and a final report, including all study results, will be made to the public and entities by August 1, 2009.

FISCAL IMPLICATIONS

The appropriation of \$150.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

AOC states fiscal impact will be to the extent that the courts are involved in the study, and a minimal amount of administrative costs might be expended. AOC states at this time it is unknown whether they will participate in the study, development of the recommendations, or the reporting process.

NMSC states it can do research if funded at an adequate level.

SIGNIFICANT ISSUES

NMSC states it received \$50 thousand in FY08 to begin work on bias-based policing study and have published a literature review and are planning a survey for two areas of the state. The literature review states that "bias-based policing is somewhat difficult to define yet most definitions generally consider bias-based policing to be the use of race as the sole or primary factor in the decision of a police officer to initiate a contact with a civilian." (See Attachment)

IAD reports the four-corner regions of New Mexico, and in particular Farmington, has experienced a turbulent period of racial tension, especially in the 1970s. In November 2005, the committee issued its report *The Farmington Report: Civil Rights for Native Americans 30 Years Later*. The report found significant progress in race relations between Navajos and whites in Farmington compared to 1975. There still exists a concern, especially among the Navajo communities in the Farmington region, of possibly racial inequality against Native Americans. IAD states in light of history in the Farmington area, a bias-based policing study as established by the proposed legislation may prove beneficial despite the fact that the data collection process used to research a bias-based policing may have its flaws.

HSEMD states the National Crime Victimization Survey conducts similar surveys at the national level.

PERFORMANCE IMPLICATIONS

NMSC has a performance measure “number of research projects completed” with a target of 11 for FY08.

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