

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**

Correction **Substitute**

Date 31JAN2024

Bill No: HB 285

Sponsor: Reena Szczepanski

Short Title: Public Safety Recruitment Bureau

Agency Name and Code

790 – Department of Public Safety

Number:

Person Writing Sonya K. Chavez

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
Recruitment Bureau	\$500.0	Non-Recurring	General Fund
Recruitment Website	\$250.0	Non-Recurring	General Fund
Recruitment Media Strategy	\$5,250.0	Non-Recurring	General Fund
Outreach Programs	\$325.0	Non-Recurring	General Fund
Recruitment Guidelines	\$250.0	Non-Recurring	General Fund
Telecommunicator Retention	\$500.0	Non-Recurring	General Fund to Law Enforcement Retention Fund
Telecommunicator Training	\$300.0	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0.0	\$0.0	\$0.0		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total for Recruitment Bureau	\$0.0	\$1,222.7	\$1,037.7	\$2,260.4	Non-Recurring	General Fund
Total for Recruitment Website	\$0.0	\$125.0	\$125.0	\$250.0	Non-Recurring	General Fund
Total for Recruitment Media Strategy	\$0.0	\$2,625.0	\$2,625.0	\$5,250.0	Non-Recurring	General Fund
Total for Outreach Programs	\$0.0	\$162.5	\$162.5	\$325.0	Non-Recurring	General Fund
Total for Recruitment Guidelines	\$0.0	\$125.0	\$125.0	\$250.0	Non-Recurring	General Fund
Total for Telecommunicator Retention	\$0.0	\$430.7	\$511.6	\$942.3	Non-Recurring	General Fund to Law Enforcement Retention Fund
Total for Telecommunicator Training	\$0.0	\$150.0	\$150.0	\$300.0	Non-Recurring	General Fund
Total for Administrative Services Division	\$0.0	\$399.7	\$361.7	\$761.4	Non-Recurring	General Fund
Total for Information Technology Division	\$0.0	\$224.5	\$205.5	\$430.0	Non-Recurring	General Fund
Total Agency Need	\$0.0	\$5,465.1	\$5,304.0	\$10,761.9		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2024 SB-13
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

The proposal seeks to fund a comprehensive recruiting and retention initiative impacting all police agencies in New Mexico. The proposal tasks the Department of Public Safety (the New Mexico

Law Enforcement Academy) with the implementation and oversight of this initiative. Section 4 includes seven separate appropriations totaling \$7,375,000 for six recruiting initiatives in addition to adding public safety telecommunicators to the Law Enforcement Retention Fund administered by the New Mexico Department of Public Safety per Laws 2022, 2nd Session, Chapter 56, Section 36 for House Bill 68.

FISCAL IMPLICATIONS

Section 4 (A) - \$500,000 non-recurring appropriation from the general fund for public safety recruitment bureau salaries and benefits; and office space, equipment, furniture and supplies;

* In addition to the above appropriation, the DPS and the NMLEA projects that there will be a shortfall of \$1,760,400 to staff and equip the recruitment bureau for FY 25 and FY26. The additional costs include one Business Operations Specialist A, two Public Relations Specialists A, one Program Coordinator A, one Art Director Operational, one Administrative Services Coordinator Operational, one NMLEA Instructor Manager and three NMLEA Instructors.

Section 4 (B) - \$250,000 appropriation from the general fund for the development and implementation of the centralized law enforcement and telecommunicator recruitment website;

* This appropriation is adequate to fund the development and implementation website.

Section 4 (C) - \$5,250,000 appropriation from the general fund for the development and implementation of the recruitment media strategy, including media consultants and advertising purchases;

* This appropriation is adequate to fund the recruitment media strategy.

Section 4 (D) - \$325,000 appropriation from the general fund for the public safety recruitment bureau to work with law enforcement agencies and school districts to plan and offer outreach programs and field trips to the New Mexico law enforcement academy to encourage female high school students to pursue law enforcement careers;

* This appropriation is adequate to fund the recruitment bureau outreach programs.

Section 4 (E) - \$250,000 appropriation from the general fund for the public safety recruitment bureau to adopt guidelines and assist law enforcement agencies to implement mentoring, coaching and peer assistance programs;

* This appropriation is adequate to fund the recruitment bureau guidelines.

Section 4 (F) - \$500,000 appropriation from the general fund to expand the law enforcement retention fund to include public safety telecommunicators; and

* The legislation will add public safety telecommunicators (dispatchers) to the current Law Enforcement Retention Fund (LERF) administered by DPS which has two benchmarks: reaching

4, 9, 14 and 19 years of continuous service; and reaching 5, 10, 15 and 20 years of service the following year to receive a five percent payout. The employing agencies will receive a payment of five percent for eligible employees plus the employer share for Social Security and/or Medicare based upon their respective Public Employee Retiree Association (PERA) retirement plans and deductions. Based on current staffing at twenty-two local, regional and the New Mexico State Police dispatch centers throughout the State, DPS projects an FY 2025 retention payment of \$430,700 and \$511,600 in FY 2026, for a two-year need of \$942,300 which is \$442,300 less than the appropriated amount of \$500,000. The two-year appropriation through this bill significantly underfunds what it will cost to pay retention differential disbursements to public safety telecommunicators on an annual basis.

This appropriation only funds the disbursements for FY 2025. If this initiative is intended recurring, DPS would need a new appropriation in FY 2026 to sustain these disbursements from LERF.

Furthermore, the bill does not appropriate any money towards retention differential disbursements to “law enforcement officers” or “safety agencies” who are indicated as recipients of disbursements in this bill per Section 1 (C). Lack of funding results in a large unfunded mandate for the Department of Public Safety.

Section 4 (G) - \$300,000 for the New Mexico law enforcement standards and training council to develop new basic and in-service training for telecommunicators.

* This appropriation is adequate to fund the basic and in-service training.

There are additional operating costs to DPS’s Administrative Services Division and Information Technology Bureau:

* FY 25 \$399,600

\$361,600 recurring costs for the Administrative Services Division (ASD) for one Human Resource Coordinator, one Human Resource Generalist I, one Human Resource Generalist IV and one Human Resource Manager I. This increase in workload cannot be absorbed by the Division’s current staff or authorized FTE’s.

*FY 25 \$224,500

\$205,500 recurring costs for Information Technology Division (ITD) for one IT End User Support III and one IT application Developer I. This increase in workload cannot be absorbed by the existing IT Division.

DPS projects the two-year cost of these initiatives to cost \$10,761,900 which exceeds the appropriated amount of \$7,375,000 by \$3,386,900.

SIGNIFICANT ISSUES

Although the proposal is expected to be effective in the long-term, for the recruitment bureau, a phased-in approach would be most effective to ensure proper implementation and impact. The initial phase would allow for the immediate expansion of staffing within the DPS/LEA infrastructure to prepare for the statewide implementation of the website, recruiting campaign and substantial required outreach (ASD, IT, technical support); the next phase would be the actual implementation of the website and outreach to police agencies to assess and collect region/agency

specific data to ensure the overall plan is designed to meet the specific needs of small and rural police agencies; the final stage would be the creation of the recruiting media and actual outreach via electronic media and specifically-designed collaboration initiatives targeting diverse groups.

Significant issues with this legislation exist in Sections 1 (A) and (C) where retention differential disbursements are required for law enforcement officers and safety agencies. The Department of Public Safety currently distributes retention differential disbursements on an annual basis to law enforcement agencies statewide. Proposed legislation would be duplicating efforts with an already successful retention fund program that is already funded and in its second year of existence.

Of additional concern, proposed legislation charges the Department of Public Safety with retention differential disbursements for safety agencies, defined through this legislation as “a unit of state or local government or political subdivision that provides police, firefighting or emergency medical services”. The Department of Public Safety is not experienced in the oversight of non-law enforcement safety agencies or associated fire and EMS occupations. The fund and appropriation (if made) for differential disbursements for safety agencies belongs most appropriately with the State Fire Marshal located within the Department of Homeland Security and Emergency Management and the EMS Bureau found within the Department of Health. Furthermore, DPS does not possess the infrastructure required to conduct an appropriate cost analysis related to these disbursements nor manage these statewide distributions.

PERFORMANCE IMPLICATIONS

DPS must create, advertise and hire the needed positions before the agency can start reaching out to law enforcement agencies and dispatch centers to meet and discuss their needs and challenges, in order to develop effective strategies to meet the objectives of this legislation. DPS staff will also need to assess efficiency and efficacy, making adjustments and changes as needed. DPS believes it will take a minimum of three years to operate a robust and effective program which will require a time extension and additional funding. Should this program become permanent, DPS will need to request Addition-To-Base funding in its annual appropriation request in future years.

ADMINISTRATIVE IMPLICATIONS

The proposed allocation of five hundred thousand dollars (\$500,000) for public safety recruitment bureau salaries and benefits; and office space, equipment, furniture and supplies; would need to increase to include an enhancement for the Administrative Services Division, which would ultimately oversee and process the implementation of new positions and facilitating the hiring process, in concert with the LEA leadership. The proposed allocation would not be sufficient to include office space, equipment and furniture. This would need to be recurring funding.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

2024 SB-13

The proposal should require direct involvement (buy-in) from all police agencies in New Mexico to ensure the scope of the recruiting initiative is relative and impactful to the unique challenges faced by small, rural agencies with very limited resources.

TECHNICAL ISSUES

The proposal would need to ensure close coordination with DPS IT personnel to ensure capacity to create, implement, oversee and service websites, in concert with LEA personnel.

OTHER SUBSTANTIVE ISSUES

Space considerations are substantive. DPS is currently pursuing several options for required expansion to accommodate several new initiatives, including the Law Enforcement Certification Board personnel (a legislative enhancement of 12 personnel who are in the process of being hired and will eventually be located in the former DPS Laboratory on the DPS campus); additionally, space at the LEA is an increasing challenge as curriculum is expanded, recruiting efforts increase, resulting in a higher number of cadets and prompting required growth within the instructor cadre and the need for increased space.

On Page 11 of the bill (Section K) it states agencies “shall” prepare a plan to recruit law enforcement officers from underrepresented demographic groups as well as having a goal of thirty percent of the agency to be female by 2030. DPS thinks this is a worthwhile goal and should be something the bureau encourages and perhaps even provides suggestions for, but it might be difficult to mandate to agencies. Many of the agencies the bill is attempting to assist are small and have less than ten or in some cases less than five officers. They cannot even staff their agency, let alone have the resources to draft a comprehensive recruiting plan. Also, with such small numbers and difficulty filling positions, it is extremely difficult to meet any predetermined racial or gender diversity number. DPS thinks this would be good to make as a recommendation, but that the section should not be a mandate.

ALTERNATIVES

If recommended by the legislature, a phased-in approach to implementation of this initiative is recommended.

Space options at other state-owned facilities (aside from the DPS/LEA campus) throughout New Mexico should be considered; perhaps northern and southern satellite office options to accommodate smaller law enforcement agencies and dispatch centers.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. The law enforcement retention fund, particularly, will continue to support law enforcement agencies, particularly those with a smaller footprint and no budget for recruiting or retention initiatives.

AMENDMENTS

None proposed.