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FISCAL IMPACT REPORT

SPONSOR HJC **ORIGINAL DATE** 03/10/11 **LAST UPDATED** _____ **HB** CS/93/HJCS
SHORT TITLE Police Training for Mental Impairments **SB** _____
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		*See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute 2 for House Judiciary Committee Substitute for Bill 93 creates a new section in the Law Enforcement Training Act (Act) that requires certain persons working in law enforcement to receive initial and periodic in-service trainings in interacting with persons with mental impairments.

The bill provides for forty hours of basic training and two hours yearly in-services for certified police officers and one hour bi-annual in-services for telecommunication personnel in crisis management. Crisis management includes training in confrontation de-escalation practicum and proper interaction with persons with mental impairments. Mental impairment is defined as a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in crisis and traumatic brain injury. The bill requires training in this topic area for all chief law enforcement officers and intermediate and advanced proficiency certified officers by July 1, 2012.

FISCAL IMPLICATIONS

Initially, law enforcement agencies will incur costs to develop the training model and training materials. Agencies may be able to combine their resources to meet this public safety need.

It is hopeful that the new curriculum component could be integrated into the basic training programming currently being provided for officers. The bill precludes delivering the instruction using a pre-recorded course format for the basic training requirement most likely to allow for the use of live scenario exercises as a teaching tool. Law enforcement agencies will be able to use this format for the periodic in-services training requirement.

Existing law provides that telecommunicator-training be twenty hours in length for each two-year period. The bill will require one hour of that training to be in proper interaction with persons with mental impairments.

SIGNIFICANT ISSUES

There are approximately 200 law enforcement agencies in New Mexico with 5000 plus certified officers, and 40 telecommunication centers with 1700 plus personnel.

DPS maintained in the original bill that multi-media and computer based training should be an available method of training to support the traditional classroom “face-to-face” training if it is to be affordable and readily available to rural areas. Some law enforcement agencies do use junior colleges distance learning to meet existing statutory training requirements.

The bill does not reference a national or state curriculum or “best practice” model against which to initially develop the required training content. DPS stated in the original bill that law enforcement agencies currently act independently when developing their in-service learning objectives which are based on student skill proficiencies.

PERFORMANCE IMPLICATIONS

This area of public safety may benefit from be administered using an evidence-based standardized and approach.

The committee substitute may better support law enforcement agencies in complying with the Americans with Disabilities Act (ADA). Unexpected actions taken by some individuals with disabilities may be misconstrued by officers as suspicious or illegal activity or uncooperative behavior. Training, sensitivity, and awareness will help to ensure equitable treatment of individuals with disabilities as well as effective law enforcement. It is also important that behaviors resulting from a disability not be criminalized where no crime has been committed.

ADMINISTRATIVE IMPLICATIONS

The New Mexico Law Enforcement Academy Board currently has statutory authority for establishing the formal training standards for basic and in-service training under Title 10 Chapter 29 of the New Mexico Administrative Code.

OTHER SUBSTANTIVE ISSUES

The bill appears to use the term “mental impairments” to address both intellectual disabilities that can appear at any age and developmental disabilities that impact growth and development.

It remains uncertain if law enforcement plans to have a statewide standardized response to incidents involving persons with mental impairments. Or will agencies under the bill develop this training program independent of each other ignoring any national training standard or model.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Board will continue to address policies regarding training requirements for law enforcement personnel that may or may not reflect best practice in interacting with persons with mental impairments or persons in crisis.