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## FISCAL IMPACT REPORT

**SPONSOR** Garcia, M.J. **ORIGINAL DATE** 01-21-11  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_  
**SHORT TITLE** Child Abuse Incident Training For Police **SB** 77  
**ANALYST** Woods

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)\*

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	-	NFI	NFI	-	-	-

(Parenthesis ( ) Indicate Expenditure Decreases)

\* Fiscal impact data provided by the Department of Public Safety.

### SOURCES OF INFORMATION

LFC Files

#### Response Received From

Department of Public Safety (DPS)

Children Youth and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 77 seeks to create a new section in the law enforcement training act that requires child abuse incident training in the basic academy and annually for law enforcement officers. There is no appropriation attached to the bill.

### FISCAL IMPLICATIONS

DPS notes that there is no fiscal impact in the delivery of the training at the basic academy level since child abuse is already a part of the required training curriculum under section 10.29.9.8 (F) (5) of the New Mexico Administrative Code. Further, that "There is a fiscal impact upon all law enforcement agencies that would arise from removing officers from their regular assignments in order to attend the training, especially if the agency must pay overtime to obtain coverage for the officer removed from their regular assignment."

DPS adds that, in the area of in-service training for the incumbent officer, this would have some, but indeterminate fiscal impact on the training agencies as they would need to expend resources

on child abuse curriculum development, identification of instructors, possible development of a train-the-trainer course to teach the topic, preparation of student training materials, tracking and reporting of training compliance, conducting the training, and obtaining coverage for officers that are in training during the minimum course training hours that are yet to be established.

## **SIGNIFICANT ISSUES**

CYFD raises the following considerations:

The New Mexico Children’s Code Child Section 32A-1-1 NMSA 1978 allows law enforcement officers to place children in the emergency custody of the children, youth and families department in response to concerns of child abuse and neglect. Each year, 90-95% of the children entering custody do so through an emergency custody determination by law enforcement. Often, the children, youth & families department caseworker is onsite working side-by-side with the law enforcement in these emergency situations.

The Criminal Justice Act Advisory Group is currently supporting a project to develop briefing videos for all law enforcement agencies in the state. Children, youth & families department along with New Mexico State University and Bernalillo county sheriff’s department are working collaboratively to develop the videos to provide training and information to law enforcement on recognizing and responding to child abuse and neglect, as well as the impact of trauma and placement on children.

DPS adds that, the training is already a part of the basic academy training requirements. In the area of in-service training for the incumbent officer, no minimum hours of training are established by the legislation. In addition, DPS suggests that the use of direct legislation to impose new training requirements upon law enforcement continues to create a significant administrative conflict with the duties and responsibilities of the New Mexico Law Enforcement Academy Board. The Board 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 (NMAC). This legislative initiative inhibits the Boards ability to annually address state-wide training needs in the basic academy and for incumbent officers in a consistent and coordinated manner and detracts from its ability to manage statutory training requirements established in prior years along with the biennial training requirements that are established every two years by the Board. Each such initiative by the legislature seriously impacts limited resources that must be summoned for the creation, delivery, and tracking of each new training requirement enacted.

## **PERFORMANCE IMPLICATIONS**

DPS notes that while law enforcement agencies are already impacted by having to remove officers from regular duties to meet current training requirements, and for ongoing professional development, each additional training requirement contributes to a reduction in agency and employee productivity and their ability to achieve their agency mission.

## **ADMINISTRATIVE IMPLICATIONS**

DPS advises: While employee training is an ongoing administrative cost, duty, and responsibility of all law enforcement agencies, each additional training requirement that is imposed will

directly impact the agency’s resource management ability and add further to a reduction in direct services available or being provided.”

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

DPS states, “Conflicts with the authority and responsibility of the New Mexico Law Enforcement Academy Board.”

**ALTERNATIVES**

DPS advises, “Direct referral of this and all future law enforcement training issues to the New Mexico Attorney General who is the chairperson of the New Mexico Law Enforcement Academy Board for Board action via New Mexico Administrative Code Board Rules instead of direct legislation.”

**AMENDMENTS**

None suggested by respondents.

BW/mew