

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB 196

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Locke

3. Committee: Senate Courts of Justice

4. Title: Professional law-enforcement standards of conduct

5. Summary:

The proposed legislation would require the Criminal Justice Services Board (Board) to adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers, as well as appropriate due process procedures for decertification based on serious misconduct in violation of those standards.

Current law requires the Board to decertify any law-enforcement officer for whom it has been notified has (1) been convicted of a felony, (2) been convicted of a Class 1 misdemeanor involving moral turpitude, (3) been convicted of a misdemeanor sex offense, (4) been convicted of domestic assault, (5) failed to comply with or maintain compliance with mandated training requirements, or (6) refused to submit to a drug screening or has produced a positive result on a drug screening. A decertified officer may not serve as a law-enforcement officer within the Commonwealth until his/her certification has been reinstated by the Board.

The proposed legislation would add another situation for which decertification would be required: having engaged in serious misconduct as defined in the professional standards of conduct adopted by the Board.

The staff support needed by the Board to develop the professional standards and due process standards and to administer the decertification requirements would be provided by the Department of Criminal Justice Services (DCJS).

6. Budget Amendment Necessary: Yes. See Item 8.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications:

Because the proposed legislation would require that the standards of professional conduct become effective no later than July 1, 2019, DCJS will need to hire a consultant with expertise in law-enforcement standards of conduct and administrative due process in order to

develop standards and procedures for the Board to consider and adopt in time to meet this deadline. It is estimated that the cost to hire such consultant or consultants will range from \$75,000 to \$100,000.

There could be an additional cost for DCJS to administer the decertification process relating to the standards of conduct. The proposed legislation requires that the Board decertify law-enforcement and jail officers who have engaged in serious misconduct as defined by the standards. Because an officer who has been decertified has a statutory right to appeal the decertification to the Board, the agency anticipates that there would be a significant increase in the number of appeals. To process these appeals and gather any additional information needed by the Board in its consideration of them, DCJS may need an additional analyst position at an annual cost of approximately \$89,000.

9. Specific Agency or Political Subdivisions Affected:

Criminal Justice Services Board
Department of Criminal Justice Services
Department of State Police
Other state agencies with law-enforcement positions
Counties, cities, and towns
Sheriffs
Regional jail authorities

10. Technical Amendment Necessary: None.

11. Other Comments:

The proposed legislation would require the professional standards of conduct to become effective no later than July 1, 2019. The requirement that the Criminal Justice Services Board decertify any law enforcement or jail officer found to have engaged in serious misconduct would not be effective until October 1, 2019.