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FISCAL IMPACT STATEMENT

LS 6915

BILL NUMBER: HB 1006

NOTE PREPARED: Mar 11, 2021

BILL AMENDED: Jan 28, 2021

SUBJECT: Law Enforcement Officers.

FIRST AUTHOR: Rep. Steuerwald

FIRST SPONSOR: Sen. Young M

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Indiana Law Enforcement Training Board (LETB) to establish mandatory training in de-escalation as part of the use-of-force curriculum, and requires de-escalation training to be provided as a part of: (1) pre-basic training; (2) mandatory inservice training; and (3) the executive training program.

The bill establishes a procedure to allow the LETB to decertify an officer who has committed misconduct. It also requires an agency hiring a law enforcement officer to request the officer's employment record and certain other information from previous employing agencies, requires the previous employing agency to provide certain employment information upon request, and provides immunity for disclosure of the employment records.

The bill defines "chokehold" and prohibits the use of a chokehold except under certain circumstances.

The bill specifies that a law enforcement officer who turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor.

The bill makes an appropriation to the Indiana Law Enforcement Academy for making capital improvements.

Effective Date: Upon passage; July 1, 2021.

Explanation of State Expenditures: *Indiana Law Enforcement Academy Improvements* – This bill appropriates \$70 M from the General Fund to the Indiana Law Enforcement Academy (ILEA) during FY 2021.

Decertification of Law Enforcement Officers – This bill significantly alters the process regarding the decertification of law enforcement officers and increases the workload of the LETB. It also expands the circumstances under which a law enforcement officer may be considered for decertification, which is likely to increase the number of officers considered by the executive director of ILEA for decertification and the number of decertification hearings conducted by the LETB. These requirements represent a workload increase for the LETB and current resources are likely to be insufficient to fully implement the provisions of this bill.

De-Escalation Training Development – This bill requires the Law Enforcement Training Board (LETB) to modify programs of instruction for two courses and statutorily-mandated annual in-service training. The bill specifies that de-escalation training is to be integrated into existing use of force training and not conducted as a separate class. The necessary modifications to programs of instruction (POIs) will be developed by the Indiana Law Enforcement Academy (ILEA). The bill's requirements represent an additional workload on the Academy outside its routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. Ultimately, the source of funds and resources required to develop this program will depend on legislative and administrative actions.

Implementing Training – The LETB will implement the training changes for the pre-basic and executive training courses at ILEA and any satellite academies conducting pre-basic courses elsewhere in the state. Retraining instructors, refining the POIs, and developing course material constitutes additional short-term workload. Existing personnel and appropriations are likely able to fulfill the requirements.

De-Escalation Training Requirements – See *Explanation of Local Expenditures*.

Chokeholds – See *Explanation of Local Expenditures*.

Additional Information: Indiana Law Enforcement Academy Improvements – In accordance with needs identified by the 2019 Governor's Task Force on Law Enforcement Training, ILEA plans to conduct a two-phased expansion and renovation plan, with Phase 1 occurring in the next 1-5 years and Phase 2 beginning when all Phase 1 projects are complete. ILEA estimates total construction/remodeling costs of \$58.3 M for Phase 1 and \$35.9 M for Phase 2. All capital improvement costs associated with Phase 1 should be able to be completed using the funds appropriated by this bill.

Decertification of Law Enforcement Officers – The bill requires the LETB to establish protocols for an officer who has been decertified to apply for reinstatement. It requires that an officer be served notice of charges if the executive director of the LETB recommends that the LETB decertify the officer. At the request of an officer facing decertification, this bill requires the LETB to form a subcommittee to conduct an evidentiary hearing and to make recommendations to the entire LETB regarding the decertification. It also requires the decertification of an officer to be reported on the LETB website (as is current practice) and through the decertification index maintained by the International Association of Directors of Law Enforcement Standards and Training. The LETB has no full-time staff. Currently, ILEA provides the facilities, administrative and technical support to facilitate the LETB's proceedings. Management of the projected increase in decertification proceedings, new reporting requirements and the coordination of evidentiary hearings would be outside the routine functions of both the LETB and ILEA.

Explanation of State Revenues: Penalty Provision – This bill provides that a law enforcement officer who

turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *De-Escalation Training Requirements* – This bill adds to the statutorily-mandated in-service training that law enforcement officers must complete annually. These training POIs are developed by the LETB and ILEA and conducted at satellite academies and by departments with qualified instructors. The additional de-escalation training will require retraining of instructors and additional training time for each law enforcement officer. In aggregate, these provisions constitute a significant workload increase for law enforcement agencies and will likely require the payment of additional overtime, a small decrease in police presence in the community, or both. The source of funds and resources required to implement the revised training requirements will depend on legislative and administrative actions.

Decertification of Law Enforcement Officers – This bill significantly alters the process regarding the decertification of law enforcement officers and increases the workload of the law enforcement agencies. The impact of this bill’s requirements will vary depending on the number of officers in a given agency whose conduct merits investigation by administrators and by the regularity with which officers are found to have engaged in behavior that warrants their decertification.

Chokeholds – This bill defines chokeholds and classifies the use of a chokehold as “deadly force.” This will require some departments to amend internal policies and practices. The workload and expenditures associated with the provisions of this bill are within each agency’s routine administrative functions, and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Penalty Provision – A Class A misdemeanor is punishable by up to one year in jail.

Additional Information: *Decertification of Law Enforcement Officers* – The bill expands the circumstances under which a law enforcement officer may be considered for decertification, It also specifies certain elements of due process be adhered to by police administrators. It imposes reporting requirements on the chief executive officer or the hiring or appointing authority of any law enforcement agency that finds an officer to have met the criteria to be decertified. The bill’s changes to the LETB’s decertification process may also require additional support from local units to participate in and provide evidence for evaluation by an LETB decertification subcommittee hearing.

Chokeholds – This bill specifies that a “chokehold” refers to a technique intended to restrict the airway of another person, also known as a respiratory chokehold. Most, if not all, departments in Indiana have restricted the use of respiratory chokeholds to circumstances in which deadly force would otherwise be authorized. The reclassification of chokeholds will require retraining of some personnel and changes to training programs of instruction, which will increase the workload for departments.

Explanation of Local Revenues: *Penalty Provision* – If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Law Enforcement Training Board; Indiana Law Enforcement Academy; Law enforcement agencies.

Local Agencies Affected: Trial courts, local law enforcement agencies, LETB-certified satellite academies.

Information Sources: Tim Harty and Jenny Fults, Indiana Law Enforcement Academy; Law Enforcement Training Board Meetings, October 19, 2020, and December 21, 2020; Report of Governor's Task Force on Law Enforcement Training, October 31, 2019.

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