



## Office Memorandum

**Date:** October 21, 2015

**To:** Representative Ann Lenczewski                      Senator Rod Skoe, Chair  
Representative Greg Davids, Chair                  Senator Julianne E. Ortman  
Representative Jim Knoblach, Chair                Senator Richard J. Cohen, Chair  
Representative Lyndon Carlson Sr.                 Senator Michelle L. Fischbach

**From:** Margaret Kelly, State Budget Director *MK*

**Subject:** Local Impact Note for S.F. 466-1E (Latz): Peace Officer-Involved Incidents

On March 3, 2015, Minnesota Management and Budget received a request to prepare a local impact note on S.F. 466 (Latz): Peace Officer-Involved Deaths. On March 4, 2015, S.F. 466-1E (Latz): Peace Officer-Involved Incidents passed the Minnesota Senate Judiciary Committee as amended. We have completed our analysis on S.F. 466-1E and a copy of the note is attached.

Local impact notes are similar to the fiscal notes that you are familiar with, but they focus on the fiscal impact of proposed legislation on local governments rather than the state. This process is described in Minnesota Statutes 3.987 and 3.988. This statute requires MMB to gather and analyze information on local costs of legislation when requested by the chair or ranking minority member of the House and Senate Tax committees, the Senate Finance committee, and the House Ways and Means committee.

MMB consulted with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and the Minnesota Department of Public Safety to evaluate the impact of S.F. 466-1E on local units of government. After consulting with these organizations, MMB has determined that S.F. 466-1E would lead to an increase in officer-involved incident investigations. However, local law enforcement agencies have the option to use the Bureau of Criminal Apprehension and/or the Minnesota State Patrol to complete these investigations, as is current practice. These services are funded through the Bureau of Criminal Apprehension and the Minnesota State Patrol budgets. Requesting agencies are not charged fees; therefore, MMB has determined that the bill would not result in any state-mandated additional costs to local law enforcement agencies. However, local law enforcement agencies could incur local cost if they do not utilize available state resources and instead rely on other local law enforcement agencies to complete the investigations mandated in S.F. 466-1E.

If you or your staff has any questions about the local note process, feel free to contact Executive Budget Coordinator Britta Reitan at (651) 201-8028.

cc: Senator Ron Latz  
Legislative staff (electronic)

October 21<sup>st</sup>, 2015

S.F. 466-1E (Latz)

Peace Officer-Involved Incidents

| <b>Local Fiscal Impact</b>  |             |             |             |             |
|---|-------------|-------------|-------------|-------------|
| Net Expenditure Increase/Revenue Loss or<br>(Expenditure Decrease/Revenue Gain) |             |             |             |             |
| In Dollars, Calendar Years  |             |             |             |             |
|   | <u>2015</u> | <u>2016</u> | <u>2017</u> | <u>2018</u> |
| <b>Statewide</b>  | \$0         | \$0         | \$0         | \$0         |

**Bill Description**

S.F. 446-1E stipulates that when a peace officer is involved in an officer-involved incident, that incident must be investigated by a law enforcement agency other than the agency that employs the officer. Additionally, if the officer-involved incident is traffic-related and results in a crash, the investigation must also include a crash reconstruction unit from a law enforcement agency other than the agency that employs the officer involved. The agency conducting the investigation must submit a report to the county attorney of the county in which the incident occurred. If the county attorney does not prosecute the officer involved, the law enforcement agency must release the report to the public.

**Local Impact Methodology**

MMB consulted with the Minnesota Chiefs of Police Association (MCPA), the Minnesota Sheriffs’ Association (MSA), and the Minnesota Department of Public Safety (DPS) to evaluate the impact of S.F. 466-1E on local units of government.

**Local Fiscal Impact Analysis of S.F. 466-1E**

It is MCPA and MSA’s belief that all local law enforcement agencies complete criminal investigations of officer-involved incidents involving shootings and/or death. While many agencies utilize external agencies for these investigations, the Minneapolis Police Department and the St. Paul Police Department complete their own criminal investigations.

Use of force resulting in great bodily harm, which would require external investigation under S.F. 466, can encompass more than shootings and/or deaths. Minnesota Statutes 2014, section 609.02, subdivision 8, defines great bodily harm as “bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.” MCPA and MSA note that, while rare, great bodily harm can result from the use of Tasers, restraint, or from traffic-related incidents. It is MCPA and MSA’s belief that these incidents are not investigated by an external agency as often as shootings, thus MMB estimates that S.F. 466-1E would result in an increase in investigations.

Any local law enforcement agency can request that the Bureau of Criminal Apprehension (BCA) investigate officer-involved incidents involving their officers. According to BCA, approximately 15-20 officer-involved shootings occur in Minnesota each year, with the Bureau involved as the lead investigating agency in 10-15, or 65-70%, of those cases. This service is paid for within the BCA budget and requesting agencies are not charged fees. BCA does not track the number of officer-involved incidents, as defined in S.F. 466-1E, that occur in Minnesota each year.

Less understood is the extent to which local law enforcement agencies use crash reconstruction units for incidents that are traffic-related and result in crashes. However, this is a service that is provided by the Minnesota State Patrol upon the request of an agency. Again, this service is paid for within the Minnesota State Patrol budget and requesting agencies are not charged fees.

Some local law enforcement agencies, particularly those in the Twin Cities metro area, rely either on their own agencies or on other local law enforcement agencies to investigate officer-involved incidents involving their peace officers. However, local law enforcement agencies have the choice to use the Bureau of Criminal Apprehension and/or the Minnesota State Patrol for these services. Thus, while S.F. 466-1E would lead to an increase in officer-involved incident investigations, MMB has determined that the bill would not result in any state-mandated additional costs to local law enforcement agencies. However, local law enforcement agencies could incur local cost if they do not utilize available state resources and instead rely on other local law enforcement agencies to complete the investigations mandated in S.F. 466-1E.

## **Assumptions**

MMB made the following assumptions in its analysis of the local impact of S.F. 466 1-E:

1. The Bureau of Criminal Apprehension and the Minnesota State Patrol continue to provide officer-involved incident investigations and crash reconstruction units, respectively, to local law enforcement agencies without charging requesting agencies fees for these services. According to DPS, the agency has not charged local law enforcement agencies for these kinds of services since 1927.