

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1769-03
Bill No.: SCS for SB 488
Subject: Department of Corrections; Law Enforcement Officers and Agencies; Department of Public Safety
Type: Original
Date: April 4, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(More than \$1,241,983)	(More than \$1,239,238)	(More than \$1,245,345)
Total Estimated Net Effect on <u>All</u> State Funds	(More than \$1,241,983)	(More than \$1,239,238)	(More than \$1,245,345)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety (DPS)** assumes the proposed legislation requires a regulatory agency to be formed to license correctional officers. DPS assumes this program is most like the Peace Officer Standards & Training (POST) Program. The difference is the POST program regulates peace officers. DPS requested 11 FTE: 1 Program Manager (\$55,860); 4 Program Specialist II (\$47,100); 1 Computer Information Technology Specialist III (CITS III) (\$47,100); 1 Investigator II (\$37,488); 1 Clerk IV (\$26,460); 3 Clerk/Typist III (\$23,184). The Program Manager will have overall administrative authority over the program. The Program Specialist II will ensure officers are properly certified, oversee continuing education of the officers, oversee the compliance with the regulations as they pertain to the training aspects of the academy, and make sure the training curricula are current with the law and manage the administrative rules process. The CITS III will provide all computer, network, and database support. The Clerk IV and Clerk Typist III will provide clerical support to the program.

Oversight assumes, based on 4500 budgeted FTE Corrections Officers and a 20% turnover rate, that the DPS would need 4 FTE: 1 Program Manager (\$48,072), 2 Program Specialist II (\$40,716), and 1 Clerk IV (\$23,268). Salaries have been adjusted to more closely reflect actual starting salaries. Oversight assumes the FTE would be housed within existing facilities. Therefore, no additional rent, renovation, janitorial, and utility expenses would be incurred.

Officials from the **Office of Secretary of State (SOS)** assume this proposal creates the Corrections Officer Standards and Training Commission within the Department of Public Safety. The Department of Public Safety shall promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Public Safety could require as many as 52 pages in the Code of State Regulations. For any given rule, roughly half again as many pages, or 78, are published in the Missouri Register as in the Code because cost statements, fiscal notes, and the like are not repeated in Code. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulation is \$27.00. Base on these numbers, the estimated cost of the proposal is \$3,198 in FY02. The actual costs could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume the Corrections Officer Standards and Training (COST) Commission would be administered by the Department of Public Safety. According to the guidelines of this proposal, the COST Commission would have the authority to direct the DOC in the administration of standards and training certification programs for all ranks of Corrections Officers (Cos) employed with the DOC.

Based upon the testimony of the bills' sponsors and proponents, the DOC assumes the training standards and certification program would mirror those of the Peace Officer Standards and Training (POST) program. POST certification requires 600* hours of basic training for its participants. Missouri and Missouri Western Universities' cost for this training through their Law Enforcement Academies averages \$3,300 per person. This cost is not paid by the DPS, rather POST applicants pay for their own pre-service training prior to employment. DOC officers are hired via the State merit system before training occurs and DOC pays the pre-service training for new Cos. DOC assumes this practice will continue. (*DOC recognizes a class B level of POST training exists, which requires 470 hours of training. The same assumptions could be made using the class B level.)

The DOC currently (FY01) employs 5,376 Corrections Officers (COs) of which 4,512 hold the rank of Correctional Officer I. The remaining 864 hold the supervisory ranks of CO II and CO III (Sergeants/Lieutenants) and Corrections Supervisor (CS) II and CS III (Majors/Captains). DOC assumes 75% of the existing eligible CO workforce will elect to participate in the POST training. DOC assumes the COST training for all existing staff electing to participate will occur in FY02.

COs electing to participate in training will be absent from their jobs/posts for at least 600 hours each for training plus travel. CO I and CO II are compensated at time and a half rate; CS II and III staff earn straight time. The budgeted annual salary for a CO I is \$26,460 (\$12.72 per hour).

As of December 2000, the DOC's turnover rate for CO I is 22%; the turnover rate for other CO ranks is 16.2%.

During FY02, 262 additional COs will be hired, of which 56 will hold a CO supervisory rank. The remaining 206 will serve as CO Is. In FY03, 555 new FTE will be hired, including 81 CO supervisors and 474 CO Is.

The DOC's current annual costs for pre-service training will be redirected to offset, in small part, the estimated COST commission expenditures.

ASSUMPTION (continued)

The DOC would also provide at least 80 additional hours of training per person, beyond the 600 hours of POST training to address corrections specific issues including prison custody and offender-specific policy. Assuming the same cost rate for POST training ($\$3,300 \div 600 \text{ hours} = \5.50 cost per hour), the DOC estimates these department would incur an estimated additional cost per person for pre-service training of \$440 (80 hours x \$5.50 per hour) for this corrections-specific training.

The proposed language in §590.212 directs the COST commission to design and implement education programs for all CO personnel. Costs associated with changes to the ongoing in-service training required per CO per year are unknown and are not included in the fiscal note assumptions. This cost would be offset by DOC's annual expenditure of \$258,800 for in-service training and \$199,200 for supervisory training.

Based on these assumptions, DOC estimates the cost of the Corrections Officer Standards and Training program to exceed \$56,048,717 in FY02; \$5,148,185 in FY03; and \$3,702,785 in FY04.

In summary, this proposal removes responsibility for initial training of custody staff from the DOC and places responsibility with DPS. To some extent, the same responsibility shift takes place with regard to in-service training and discipline.

Oversight assumes the Corrections Officer training will be established pursuant to decisions made by the Corrections Officer Standards and Training (COST) Commission. The proposal could result in additional training costs to the DOC. Oversight assumes the DOC will phase in the COST training of current employees. Although unknown, Oversight assumes the DOC's training costs will depend on funding available, and could exceed \$1,000,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Costs - Department of Public Safety</u>			
<u>(DPS)</u>			
Salaries	(\$130,493)	(\$160,506)	(\$164,519)
Fringe Benefits	(\$43,493)	(\$53,497)	(\$54,834)
Equipment and Expense	<u>(\$67,997)</u>	<u>(\$25,235)</u>	<u>(\$25,992)</u>
Total <u>Costs</u> - DPS	(\$241,983)	(\$239,238)	(\$245,345)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Costs - Department of Corrections</u>			
<u>(DOC)</u>	(More than	(More than	(More than
Training	<u>\$1,000,000)</u>	<u>\$1,000,000)</u>	<u>\$1,000,000)</u>
Total <u>Costs</u> - DOC	(More than	(More than	(More than
	<u>\$1,000,000)</u>	<u>\$1,000,000)</u>	<u>\$1,000,000)</u>
 ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	 (More than <u>\$1,241,983)</u>	 (More than <u>\$1,239,238)</u>	 (More than <u>\$1,245,345)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act establishes the Corrections Officer Standards and Training Commission within the Department of Public Safety. The nine-member Commission shall establish the core curriculum and regulations for the administration of standards and training certification programs. The Director shall provide standards for certification, and offer continuing education programs. All programs shall be provided at no cost to the officers.

The commission may direct the Department of Corrections to publish and distribute educational training materials to all Missouri corrections institutions; provide seminars and supervisory training on a voluntary enrollment basis; and consult and cooperate with other governmental agencies. The director shall issue, suspend or revoke certificates of officers who complete specialized training courses.

As of January 1, 2002, every person who becomes an officer within the Department of Corrections shall successfully complete a certified instructional program. Persons who are corrections officers as of that date may voluntarily attend programs for the purpose of career advancement, and shall be required to complete the necessary continuing education courses. The

DESCRIPTION (continued)

Director of the Department of Corrections shall notify the Director of the Department of Public Safety of any officer's separation from the Department, including the facts and reasons for the separation.

The bill grants the Director of the Department of Public Safety authority to visit training programs; issue, suspend or revoke instructor certificates; and issue diplomas. The act lists grounds for discipline of a certificate, and provides for appeal by the officer. Any person authorized to submit information to the Director shall be immune from liability, so long as the action was in good faith.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Public Safety
Secretary of State's Office



Jeanne Jarrett, CPA
Director

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