



STATE FUND (continued)	FY 2007	FY 2008	FUTURE YEARS
<b>Funds of Certain State Agencies (those with peace officers/troopers as defined by the bill)*</b>			
Revenues	Likely gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs	Potential gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs	Potential gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs
Expenditures	Likely increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments	Potential increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments	Potential increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments
<b>General Revenue Fund (GRF)</b>			
Revenues	Potential negligible gain in court cost revenues	Potential negligible gain in court cost revenues	Potential negligible gain in court cost revenues
Expenditures	Potential incarceration cost increase, minimal at most	Potential incarceration cost increase, minimal at most	Potential incarceration cost increase, minimal at most

Note: The state fiscal year is July 1 through June 30. For example, FY 2007 is July 1, 2006 – June 30, 2007.

\* The state entities likely to be affected by the bill include, but are not limited to, the Department of Public Safety (in particular the Ohio State Highway Patrol), the Adult Parole Authority, the Department of Natural Resources, and the police departments of state institutions of higher education.

- ***Office of the Attorney General.*** At the time of this writing, based on information provided by personnel of the Attorney General, the reimbursement program could serve up to 28,500 peace officers/troopers statewide and cost up to \$4.56 million or more in annual reimbursement payments. The costs to administer the program are uncertain. The initial source of funding for the program will come in the form of a one-time cash transfer and appropriation of \$5.0 million from the Attorney General's Claims Fund (Fund 419). The source of funding for law enforcement training reimbursement in subsequent years is uncertain.
- ***State law enforcement agencies.*** As of this writing, it is unclear how certain state agencies with peace officer/trooper personnel will be affected by the bill's mandated law enforcement training, or, if additional training related costs are generated by the bill, what portion of those costs the Attorney General's proposed reimbursement program will cover.
- ***Incarceration expenditures.*** It is possible that, as a result of the bill's criminal offense provisions, additional offenders could end up being sentenced to prison or sentenced to prison for a longer stay than might otherwise have been the case under current law. It would appear, however, that the number of offenders that could be affected annually by these changes in the bill should be relatively small, and that any resulting increase in DRC's annual GRF incarceration costs would be unlikely to exceed minimal.

- **Court cost revenues.** The possibility of a few additional misdemeanor and potentially enhanced felony convictions means that additional state court cost revenues might be collected and deposited into the GRF and the Victims of Crime/Reparations Fund (Fund 402). Given the number of expected additional or enhanced convictions appear to be relatively small, any potential revenue gain to either the GRF or Fund 402 would be at most negligible annually.

### *Local Impact Statement*

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
<b>County, municipal, and township law enforcement agencies (law enforcement training)</b>			
Revenues	Likely gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs	Potential gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs	Potential gain from reimbursement payments by the Attorney General related to mandatory law enforcement training costs
Expenditures	Likely increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments	Potential increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments	Potential increase related to mandatory training for certain law enforcement officers, possibly (1) exceeding minimal and (2) offset to some degree by Attorney General reimbursement payments
<b>Counties and municipalities (criminal justice system case processing)</b>			
Revenues	Potential gain in court cost and fine revenues, likely to be minimal at most	Potential gain in court cost and fine revenues, likely to be minimal at most	Potential gain in court cost and fine revenues, likely to be minimal at most
Expenditures	Potential increase in criminal justice system operating costs, likely to be minimal at most	Potential increase in criminal justice system operating costs, likely to be minimal at most	Potential increase in criminal justice system operating costs, likely to be minimal at most

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Local law enforcement agencies.** Based on LSC fiscal staff's research to date, it appears that local law enforcement appointing authorities will likely experience expenditure increases in excess of the Attorney General's currently proposed reimbursement formula for mandated law enforcement training. For some law enforcement entities, these expenditures could be quite significant, exceeding minimal on an annual basis. For the purposes of this fiscal analysis, an expenditure increase in excess of minimal means an estimated annual cost of: (1) more than \$5,000 for any affected county, city, or township with a population of 5,000 or more, or (2) more than \$1,000 for any affected village or township with a population of less than 5,000. However, due to the large number of variables, including, but not limited to the size of the law enforcement entity, the scope of primary enforcement duties, the number of volunteer officers to cover shifts of absent officers, the size of administrative staff, the state reimbursement rate at any given time, and the mandated minimum number of training hours,

it is rather problematic to predict with much certainty exactly how each individual local law enforcement appointing authority could be effected by the bill.

- **County and municipal criminal justice system expenditures.** It is possible that, as a result of the bill's criminal offense provisions, the threat of a more serious sanction may speed certain criminal cases through the bargaining process (potentially saving expenditures). Other cases may slow down, by increasing an offender's desire to pursue a criminal trial to avoid having to face a more serious sanction (potentially increasing expenditures). These potential expenditure savings and increases may offset one another, and the number of cases that might be affected in either manner in any given local jurisdiction is likely to be fairly small. Thus, the net fiscal effect would be, in the worst-case scenario, at most a minimal increase in the annual operating costs of any affected county or municipal criminal justice system. For the purposes of this fiscal analysis, a minimal expenditure increase means an estimated annual cost of no more than \$5,000 for any affected county or municipal criminal justice system.
- **Local court cost and fine revenues.** As a result of violations of the bill's criminal offense provisions, it is possible that counties and municipalities may collect more in court cost and fine revenues than might otherwise have been the case under current law and practice. That said, the relatively small number of criminal matters that would likely be affected in any local jurisdiction suggests that the amount of revenues that might be collected would be minimal at most. For the purposes of this fiscal analysis, minimal means a revenue gain estimated at no more than \$5,000 for any affected local jurisdiction per year.

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## *Detailed Fiscal Analysis*

### **(I) Law enforcement training**

#### **Existing law**

Under current law, the Office of the Attorney General is charged with administering a law enforcement training reimbursement program, with the reimbursement payments to be drawn from the Law Enforcement Assistance Fund (Fund 5L5). However, the reimbursement program has, to date, not been activated, as no moneys have ever been deposited in the state treasury to the credit of Fund 5L5 that could in turn have been appropriated for that purpose. Thus, state and local law enforcement agencies and their personnel have not been reimbursed in some manner by the Office of the Attorney General for costs incurred for state-mandated law enforcement training.

#### **Bill's provisions**

Most notably, the bill: (1) abolishes the current law enforcement training reimbursement program and replaces it with a similar program, (2) mandates up to 24 hours a year of continuing professional training for peace officers and Ohio State Highway Patrol troopers, and (3) establishes the method by which the Attorney General may reimburse the training costs. The Attorney General is required to adopt rules for implementation of the program, including the actual amount of reimbursement for continuing professional training; the program is to be administered by the Ohio Peace Officer Training Commission (OPOTC).

The bill mandates every "public appointing authority"<sup>34</sup> to require each of its paid peace officers and troopers to complete up to 24 hours of continuing professional training each calendar year and provides that no paid peace officer or trooper who fails to complete the minimum required hours of law enforcement training in any calendar year or who fails to comply with the existing firearms requalification law or any other required training may carry a firearm during the course of official duties or perform the functions of a peace officer or trooper until evidence of their compliance with those requirements is filed with the OPOTC.

According to testimony provided by the Executive Director of the Ohio Peace Officer Training Academy (OPOTA),<sup>35</sup> the Office of the Attorney General has identified a level of available cash from within its existing revenues to initially support a reimbursement rate of \$20 per hour for eight hours of training per peace officer or trooper.

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<sup>34</sup> Any public agency or entity that appoints or employs a peace officer or Ohio State Highway Patrol trooper.

<sup>35</sup> Executive Director Schierholt (OPOTA) testified before the Senate Judiciary Committee on Criminal Justice on May 17, 2006.

### Attorney General costs

At the time of this writing, based on information provided by personnel of the Attorney General, LSC fiscal staff assumes the following:

- The reimbursement program could serve up to 28,500 peace officers/troopers statewide. (According to the federal Bureau of Justice Statistics,<sup>36</sup> as of the year 2000, Ohio had 25,082 sworn law enforcement personnel statewide.)
- All peace officers/troopers would meet the criteria for the mandated training requirements and that eight hours of training would be required according to the rules to be adopted by the Attorney General subsequent to the bill's enactment.
- The program could cost the Attorney General up to \$4.56 million in reimbursement payments. This figure is based on 28,500 peace officers/troopers completing eight hours of training and then reimbursed at a rate of \$20 per hour per peace officer/trooper (28,500 eligible personnel x 8 training hours x \$20 hourly reimbursement rate = \$4.56 million). The costs to administer the program are uncertain.
- The initial source of funding for the program will come in the form of a one-time cash transfer and appropriation of \$5.0 million from the Attorney General's Claims Fund (Fund 419). The source of funding for law enforcement training reimbursement in subsequent years is uncertain.

### State and local law enforcement costs

According to the Executive Director of the Buckeye State Sheriffs' Association, law enforcement appointing authorities will likely experience expenditure increases in excess of the proposed reimbursement formula. For some law enforcement entities, these expenditures could be quite significant, exceeding minimal on an annual basis.<sup>37</sup> However, due to the large number of variables, including, but not limited to size of the law enforcement entity, the scope of primary enforcement duties, the number of volunteer officers to cover shifts of absent officers, the size of administrative staff, the state reimbursement rate at any given time, and the mandated minimum number of training hours, it is rather problematic to predict with much certainty exactly how each individual state and local law enforcement appointing authority could be effected by the bill.

That said, there appears to be four major cost issues associated with the bill:

- (1) **Training costs.** It is possible that law enforcement appointing authorities may need to pay for registration costs of training sessions (currently unspecified by the bill).
- (2) **Overtime and travel costs of attendees.** According to the Executive Director of the Buckeye State Sheriffs' Association, many law enforcement officers earn in excess of

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<sup>36</sup> Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies, 2000 (October, 2002).

<sup>37</sup> For the purposes of this fiscal analysis, a minimal expenditure increase means an estimated annual cost of: (1) no more than \$5,000 for any affected county, city, or township with a population of 5,000 or more, or (2) no more than \$1,000 for any affected village or township with a population of less than 5,000.

\$20 per hour (the reimbursement rate currently proposed by the Attorney General) and overtime costs would be accumulated as peace officers and troopers are likely to attend training sessions during normal work hours. In addition, travel costs would be reimbursed by the law enforcement appointing authority for which the peace officer/trooper works.

- (3) **Overtime costs for shift coverage.** Law enforcement appointing authorities would incur further overtime expenses in order to staff the shifts of peace officers/troopers who are attending training sessions.
- (4) **Administrative costs.** While these costs should be minimal, additional administrative expenses would be incurred in order to comply with the bill's reporting requirements.

Depending upon the number of training hours required by the Attorney General, larger law enforcement appointing authorities could possibly incur thousands of dollars in additional expenses each year. In the attached Table 1, the potential costs for a hypothetical municipality employing 100 officers are depicted.

## **(II) Criminal offenses**

From a fiscal perspective, the bill's criminal offense provisions most notably:

- Extend the provision in the Revised Code that increases the penalty for aggravated vehicular homicide against a peace officer to include a Bureau of Criminal Identification and Investigation (BCII) investigator.
- Extend the offense of impersonating a peace officer to include a BCII investigator.

### **Aggravated vehicular homicide**

Under current law, the offense of aggravated vehicular homicide prohibits causing the death of another as the result of: (1) negligence, (2) recklessness, or (3) driving while under the influence. Violation of the prohibition is generally a felony of the second degree and a felony of the first degree if the offender has previous driving while under the influence convictions or is driving under suspension.

The bill's aggravated vehicular homicide provision as it relates to a BCII investigator will not create any new criminal matters to resolve, nor will it produce additional arrests or prosecutions. The primary effect of this change will be to enhance the likely prison term of an offender convicted of aggravated vehicular homicide involving the death of a BCII investigator.

### **Impersonating a peace officer**

Under current law, the offense of impersonating a peace officer carries penalties ranging from a misdemeanor of the fourth degree to a felony of the third degree depending on the conduct of the offender while impersonating the peace officer. By including a BCII investigator in this prohibition, additional misdemeanor and felony cases could be generated.

### **State fiscal effects**

It is possible that, as a result of the bill's criminal offense provisions, additional offenders could end up being sentenced to prison or sentenced to prison for a longer stay than might otherwise have been the case under current law. It would appear, however, that the number of offenders that could be affected annually by these changes in the bill should be relatively small, and that any resulting increase in DRC's annual GRF incarceration costs would be unlikely to exceed minimal.

The possibility that a few additional misdemeanor and potentially enhanced felony convictions for the offense of impersonating a peace officer could result from the bill means that additional state court cost revenues might be collected and deposited into the GRF and the Victims of Crime/Reparations Fund (Fund 402). Given the number of expected additional or enhanced convictions appear to be relatively small, any potential revenue gain to the GRF or Fund 402 would be at most negligible annually.

### **County and municipal criminal justice system expenditures**

Any local fiscal effects created by the bill are likely to impact counties, which are largely responsible for funding the operation of the felony portion of the state's local criminal justice system, as well as municipalities that would process misdemeanor criminal cases. The bill will likely create few, if any, additional criminal cases to be processed locally, but could possibly alter the manner in which certain cases are resolved. It is possible that the threat of a more serious sanction may affect individual criminal cases by speeding some through the bargaining process (potentially saving expenditures). Other cases may slow down, by increasing an offender's desire to pursue a criminal trial to avoid having to face a more serious sanction (potentially increasing expenditures). As these potential expenditure savings and increases may offset one another and the number of cases that might be affected in either manner in any given local jurisdiction is likely to be fairly small, it appears that the net fiscal effect would be, in the worst case scenario, at most a minimal increase in the annual operating costs of any affected county or municipal criminal justice system. For the purposes of this fiscal analysis, a minimal expenditure increase means an estimated annual cost of no more than \$5,000 for any affected county or municipal criminal justice system.

### **County and municipal revenues**

As a result of violations of the bill's criminal offense provisions, it is possible that counties and municipalities may collect more in court cost and fine revenues than might otherwise have been the case under current law and practice. That said, the relatively small number of criminal matters that would likely be affected in any given local jurisdiction suggests that the amount of revenues that might be collected would be minimal at most. For the purposes of this fiscal analysis, minimal means a revenue gain estimated at no more than \$5,000 for any affected local jurisdiction per year.

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**Table 1**  
**Training Cost Scenario for Hypothetical Municipality "X"**

<p><b><u>Assumptions</u></b></p> <ol style="list-style-type: none"> <li>1. Number of eligible peace officers: <b>100</b></li> <li>2. Number of hours of mandated training for the current year: <b>8</b></li> <li>3. Average hourly wage: <b>\$20 per hour (\$30 per hour, overtime pay)</b></li> <li>4. All officers eligible for full reimbursement of \$20 per hour by the Attorney General</li> <li>5. Training provided free of charge by the Ohio Peace Officer Training Academy; no related registration fees charged to City ""X"" *</li> </ol>
<p><b><u>City's cost per peace officer</u></b></p> <p>\$30 (overtime pay) x 8 hours of training = <b>\$240 per officer</b></p>
<p><b><u>Incidental costs</u></b></p> <p>Extra shift coverage + travel costs + administrative costs = <b>uncertain amount per peace officer</b></p>
<p><b><u>Reimbursement per officer (issued by the Attorney General)</u></b></p> <p>\$20 per hour x 8 hours of training = <b>\$160 per officer</b></p>
<p><b><u>Net per peace officer cost to City ""X""</u></b></p> <p>(\$240 city's cost per officer - \$160 reimbursed by the Attorney General) = <b>\$80, plus uncertain amount in incidental costs per peace officer</b></p>
<p><b><u>Total net cost to City ""X""</u></b></p> <p>\$80 net cost per officer x 100 officers = <b><u>\$8,000 plus uncertain amount in incidental costs**</u></b></p>

\* The bill is silent on this issue. It is possible that there could be some related registration fees if law enforcement appointing authorities attend privately provided training sessions.

\*\* These estimates are valid for the first year of the training program after the bill's enactment; the Office of the Attorney General predicts a rate of reimbursement in the amount of \$20 per hour, per peace officer/trooper.