



enforcement agency employing the officer. Violations that would constitute a violation of the general employment policies of an agency are not covered by KRS 15.520 or this bill.

Section 2 of HB 333 HCS includes extensive new language setting forth standards and procedures for ensuring the professional conduct of police officers of consolidated local governments, the fair adjudication of such complaints, and due process rights for officers. The section sets forth administrative procedures and due process rights for consolidated local government police officers when adjudicating an officer's conduct, both criminally and civilly. Additionally, Section 2(1)(h) specifically lists nine minimum administrative due process rights which are to be afforded to charged police officers.

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The fiscal impact of HB 333 HCS on local government is expected to be minimal to moderate.**

Some additional costs to local governments will result from increased legal costs associated with this expansion and extension of the Police Officer Bill of Rights to internal disciplinary matters.

Under current law, internal disciplinary actions are not subject to the same procedures as citizen complaints. They are handled in accordance with local police department internal policies. Under HB 333 HCS all complaints are subject to the Police Officer Bill of Rights statute (KRS 15.520). Extending due process rights to officers for internal disciplinary matters, including the right to counsel, may result in local governments incurring legal costs associated with representing the police department (or sheriff's department) during all phases of internal disciplinary matters. This includes the initial interrogation through an administrative hearing and any appeals to the courts. Additionally, failure to follow procedural guarantees established in the Police Officer Bill of Rights may result in adjournment of the proceedings and the award of back pay and benefits.

**It is unknown how many of these actions will occur, the extent of legal representation required by local governments, and the costs associated with documented compliance (or non-compliance) with the requirements of Sections 1 and 2 of HB 333 HCS.**

**Data Source(s):** Kentucky State Police; KY Association of Chiefs of Police; KY Sheriffs Association; KY Association of Counties, KY League of Cities

**Preparer:** Hank Marks      **Reviewer:** MCY      **Date:** 2/13/15