

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1351

(Delegate Anderson, *et al.*) (By Request - Baltimore City Administration)

Environmental Matters

Judicial Proceedings

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**Baltimore City - Special Police Officers and School Police Officers**

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This bill repeals two statutory provisions of the Public Local Laws of Baltimore City: (1) a specified provision relating to the appointment of special police officers in Baltimore City; and (2) an obsolete provision relating to Baltimore City school police officers.

The bill takes effect July 1, 2014.

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**Fiscal Summary**

**State Effect:** Minimal. Any additional applications for special police commissions issued by the Governor resulting from the bill do not significantly affect general fund revenues. The Department of State Police (DSP) can handle any increase in applications with existing resources.

**Local Effect:** Minimal, as discussed below.

**Small Business Effect:** Minimal or none.

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**Analysis**

**Current Law:** The Police Commissioner of Baltimore City is authorized, upon the application of any corporation, association, firm, or person in the City of Baltimore deemed responsible, to appoint suitable persons as special police officers to serve without pay from the city or the State, and the corporation, association, firm, or person applying for the appointment are liable for the official misconduct, wrongful, or negligent acts of

the appointed officer. Every special police officer appointed under these provisions must, upon the premises of the corporation, association, firm, or person for which he may have been appointed, but not elsewhere, have power to preserve the public peace, prevent crime, arrest offenders, protect the rights and property in and upon such premises as fully as a regular police officer of Baltimore City. A record of the appointment must be kept in the office of the commissioner, and any appointments may be revoked by the commissioner at any time. The form of badge to be worn by such a special police officer must be prescribed by the commissioner and the special police officers may not wear a uniform not approved by the commissioner. These provisions are not intended to permit private detectives licensed in Maryland to act or be appointed as a special police officer.

Baltimore City school police officers appointed under these public local laws have power to preserve the public peace, prevent crime, arrest offenders, make arrests, or issue traffic citations for violations of any of the provisions of the Maryland vehicle law or local traffic laws or regulations, including the parking area regulations adopted by a principal for school property, protect rights and property in, upon, and in the immediate vicinity of the premises of schools and other Department of Education properties as fully as regular police officers of Baltimore City. The Baltimore City school police officers have the immunities and defenses of regular police officers in any civil or criminal suit brought against them in consequence of acts done in their official duties. The provision of this section that appointees must serve without pay from the city or the State does not apply to Baltimore City school police officers.

In addition to the special police officer appointment authority granted to the Baltimore City Police Commissioner under the Public Local Laws for Baltimore City, under the Public Safety Article, the Governor may appoint and deputize an individual as a special police officer. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. The Secretary of State Police is required to investigate the character, reputation, and qualifications of each applicant for a commission. Upon completion of the investigation, the Secretary must transmit to the Governor (1) the results of the investigation; (2) a recommendation on denying or granting the application; (3) the reasons for the recommendation; and (4) the final disposition of any appeal. The Governor may accept the recommendation of the Secretary but need not issue a commission if the Governor believes it not to be in the best interest of the State to do so.

Under State provisions, the employer of an applicant for a commission must submit an application for each special police officer commission. The application fee is \$100, which is nonrefundable. A special police officer appointed by the Governor may:

- arrest individuals who trespass or commit offenses on the property described in the application for the commission;

- exercise the powers of a police officer on that property;
- exercise the powers of a police officer in a county or municipality in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and
- direct and control traffic on public highways and roads in the immediate vicinity of the property in order to facilitate the orderly movement of traffic to and from the property, if approved in advance.

While any special police officer in the State is eligible for training by the Police Training Commission and any local training academy, it is not required for the issuance of the commission. A violator of specified provisions relating to State special police officer commissions is guilty of a misdemeanor and subject to imprisonment for six months and/or a fine of \$1,000.

**Background:** Since 2012, the *Baltimore Sun* has published several stories and opinion pieces on the lack of standards and accountability of individuals granted commissions as special police officers in Baltimore City and statewide.

**State Revenues:** The repeal of the issuance of special police commissions by BCPD likely increases applications for commissions made to DSP. However, because the number of existing commissions issued by BCPD is fewer than 20, and at its peak the program consisted of about 100 commissions, any increase in general fund revenues from additional application fees is likely minimal.

**Local Fiscal Effect:** Baltimore City reports that, over the past several years, there have been several accusations of abuse of arrest powers by individuals issued special police commissions by the Baltimore City Police Commissioner. BCPD is also aware that some security agencies that employ special police have created uniforms that look like those worn by the BCPD officers, without the required approval of BCPD. Complaints have also been filed accusing special police officers overstepping their geographical boundaries. In some instances, the complaints have involved illegal traffic stops and excessive force. In 2012, BCPD suspended or revoked several commissions and, in 2013, a complaint was received that a special police badge was used by someone to impersonate a police officer.

Beginning in September 2012, BCPD stopped issuing special police commissions and has allowed all existing commissions to expire. All of the current commissions are scheduled to expire by August 2014. Each commission issued by BCPD has a term of two years.

Most special police officers in Baltimore City work as security guards at various private and city venues, and their special police designation grants them arrest powers in the

geographic area of their employment. They are neither supervised by BCPD, nor are they provided any special training. BCPD believes that the current program opens Baltimore City and BCPD to increased liability.

Because only a nominal fee was assessed for each commission issued by BCPD, and fewer than 20 commissions remain, local revenues are not significantly affected.

The bill's elimination of the provision relating to school police officers has no operational or fiscal effect on Baltimore City because the provision is already obsolete. In 1991, the Baltimore City School Police was designated as a law enforcement agency under the Public Safety Article.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Maryland State Department of Education, Department of Public Safety and Correctional Services, Department of State Police, *Baltimore Sun*, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510