

SENATE BILL 173

E4

5lr1414
CF 5lr1264

By: **Senator Gladden**

Introduced and read first time: January 30, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – SWAT Team – Deployment and Reporting**

3 FOR the purpose of authorizing the deployment of a SWAT team only under certain
4 circumstances; requiring a law enforcement agency to create a certain report before
5 the deployment of a SWAT team, with a certain exception; requiring, at certain
6 intervals beginning on a certain date, a law enforcement agency that maintains a
7 SWAT team to report certain information to the Governor's Office of Crime Control
8 and Prevention using a certain format; requiring the Police Training Commission, in
9 consultation with the Governor's Office of Crime Control and Prevention, to develop
10 a standardized format that certain law enforcement agencies shall use in reporting
11 certain data relating to the activation and deployment of certain SWAT teams to the
12 Governor's Office of Crime Control and Prevention and to certain local officials;
13 requiring a law enforcement agency to compile certain information as a report in a
14 certain format and to submit the report to the Governor's Office of Crime Control
15 and Prevention no later than a certain date following the period that is the subject
16 of the report; requiring the Governor's Office of Crime Control and Prevention to
17 analyze and summarize certain reports of law enforcement agencies and to submit a
18 report of the analyses and summaries to the Governor, the General Assembly, and
19 each law enforcement agency before a certain date each year; providing that, if a law
20 enforcement agency fails to comply with the reporting provisions of this Act, the
21 Governor's Office of Crime Control and Prevention shall report the noncompliance to
22 the Police Training Commission; providing that the Commission shall contact a
23 certain law enforcement agency and request that the agency comply with this Act
24 under certain circumstances; providing that, if a certain law enforcement agency
25 fails to comply with certain reporting provisions within a certain period, the
26 Governor's Office of Crime Control and Prevention and the Commission jointly shall
27 make a certain report to the Governor and the Legislative Policy Committee of the
28 General Assembly; defining certain terms; and generally relating to the activation
29 and deployment of SWAT teams.

30 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety
2 Section 3–507
3 Annotated Code of Maryland
4 (2011 Replacement Volume and 2014 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – Public Safety**

8 **3–507.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS
12 LISTED IN § 3–101(E) OF THIS TITLE.

13 (3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN AN
14 OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN
15 EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SECTION.

16 (4) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN THE
17 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED
18 UNDER § 3–202 OF THIS TITLE.

19 (5) “SWAT TEAM” MEANS A SPECIAL UNIT COMPOSED OF TWO OR
20 MORE LAW ENFORCEMENT OFFICERS WITHIN A LAW ENFORCEMENT AGENCY
21 TRAINED TO DEAL WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND
22 HAVING SPECIAL EQUIPMENT AND WEAPONS, SUCH AS RIFLES MORE POWERFUL
23 THAN THOSE CARRIED BY REGULAR POLICE OFFICERS.

24 (B) A LAW ENFORCEMENT AGENCY MAY DEPLOY A SWAT TEAM ONLY IF
25 THE LAW ENFORCEMENT AGENCY REASONABLY BELIEVES THAT:

26 (1) THERE IS A SIGNIFICANT IMMINENT THREAT TO HUMAN LIFE,
27 WELFARE, AND SAFETY; AND

28 (2) THE USE OF REGULAR PATROL OFFICERS WILL BE INSUFFICIENT
29 TO MEET THE THREAT.

30 (C) EXCEPT WHEN DOING SO WOULD SUBSTANTIALLY ENDANGER THE LIVES
31 OR WELL-BEING OF CIVILIANS OR POLICE PERSONNEL, BEFORE A SWAT TEAM

1 DEPLOYMENT, A LAW ENFORCEMENT AGENCY SHALL INCLUDE IN A WRITTEN
2 REPORT APPROVED BY A SUPERVISORY LAW ENFORCEMENT OFFICER:

3 (1) A DETAILED ACCOUNT OF THE FACTS SUPPORTING THE
4 REASONABLE BELIEF THAT THERE IS A SIGNIFICANT THREAT TO HUMAN LIFE,
5 WELFARE, AND SAFETY;

6 (2) AN EXPLANATION OF WHY THE USE OF REGULAR LAW
7 ENFORCEMENT OFFICERS IS INSUFFICIENT TO MEET THE THREAT; AND

8 (3) WHETHER PREGNANT WOMEN, CHILDREN, OR ELDERLY
9 INDIVIDUALS ARE SUSPECTED TO BE PRESENT AT A SCENE OF DEPLOYMENT.

10 (D) EVERY 6 MONTHS, BEGINNING JANUARY 1, 2016, A LAW ENFORCEMENT
11 AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING
12 INFORMATION TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
13 USING THE FORMAT DEVELOPED UNDER SUBSECTION (E) OF THIS SECTION:

14 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED AND
15 DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS 6 MONTHS;

16 (2) THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL
17 CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS
18 DEPLOYED FOR EACH ACTIVATION;

19 (3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF THE
20 SWAT TEAM SPECIFYING:

21 (I) THE ALLEGED CRIME COMMITTED BY A SUSPECT; AND

22 (II) IF DEPLOYED TO SERVE A SEARCH WARRANT, WHY THE USE
23 OF A SWAT TEAM WAS NECESSARY;

24 (4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY,
25 FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

26 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE
27 SWAT TEAM, INCLUDING:

28 (I) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL
29 ENCOUNTERED;

1 (II) THE NUMBER OF ARRESTS MADE, IF ANY, AND FOR WHAT
2 CHARGES;

3 (III) A LIST OF ANY CONTROLLED SUBSTANCES, WEAPONS,
4 CONTRABAND, OR EVIDENCE OF CRIME FOUND;

5 (IV) WHETHER THE SWAT TEAM WAS DEPLOYED TO THE
6 CORRECT ADDRESS;

7 (V) WHETHER THE SWAT TEAM ANNOUNCED ITS PRESENCE
8 AND REQUESTED ENTRY;

9 (VI) WHETHER A FORCIBLE ENTRY WAS MADE AND IN WHAT
10 MANNER;

11 (VII) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM
12 MEMBER;

13 (VIII) WHETHER A CIVILIAN USED OR THREATENED TO USE A
14 WEAPON AGAINST A LAW ENFORCEMENT OFFICER; AND

15 (IX) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED
16 OR KILLED BY A SWAT TEAM MEMBER.

17 (E) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE
18 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, SHALL DEVELOP A
19 STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN
20 REPORTING DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
21 PREVENTION UNDER SUBSECTION (D) OF THIS SECTION.

22 (F) A LAW ENFORCEMENT AGENCY SHALL:

23 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS
24 SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED
25 UNDER SUBSECTION (E) OF THIS SECTION; AND

26 (2) NO LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE
27 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:

28 (I) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
29 PREVENTION; AND

1 **(II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION**
2 **SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM**
3 **THAT IS THE SUBJECT OF THE REPORT; OR**

4 **2. IF THE JURISDICTION SERVED BY THE LAW**
5 **ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF**
6 **THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF**
7 **THE JURISDICTION.**

8 **(G) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
9 **PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**
10 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (F) OF THIS SECTION.**

11 **(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
12 **PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE**
13 **REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS**
14 **SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §**
15 **2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT**
16 **AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.**

17 **(3) EACH REPORT SUBMITTED BY THE GOVERNOR'S OFFICE OF**
18 **CRIME CONTROL AND PREVENTION UNDER PARAGRAPH (2) OF THIS SUBSECTION**
19 **SHALL INCLUDE:**

20 **(I) THE TOTAL NUMBER OF SEARCH WARRANTS EXECUTED BY**
21 **EACH LAW ENFORCEMENT AGENCY IN COMPARISON TO THOSE EXECUTED BY THE**
22 **AGENCY'S SWAT TEAM; AND**

23 **(II) WHETHER THE INTELLIGENCE UNDERLYING EACH SWAT**
24 **TEAM DEPLOYMENT WAS SUBSTANTIATED.**

25 **(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
26 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME**
27 **CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE POLICE**
28 **TRAINING COMMISSION.**

29 **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE**
30 **TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND**
31 **REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING**
32 **PROVISIONS.**

33 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
34 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**

1 CONTACTED BY THE POLICE TRAINING COMMISSION, THE GOVERNOR'S OFFICE OF
2 CRIME CONTROL AND PREVENTION AND THE POLICE TRAINING COMMISSION
3 JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE
4 LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2015.