

**Department of Legislative Services**  
 Maryland General Assembly  
 2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 585  
 Judiciary

(Delegate Sydnor, *et al.*)

**Public Safety - Police Training Commission - Policies and Reporting Requirements**

This bill requires the Police Training Commission (PTC) to develop, in cooperation with the Office of the Attorney General (OAG) and the Governor’s Office of Crime Control and Prevention (GOCCP), statewide standards for (1) the use of body cameras by law enforcement officers; (2) the use of force by law enforcement officers; (3) disciplinary processes for law enforcement officers; and (4) the hiring and recruitment of law enforcement officers. PTC, in cooperation with OAG, must annually review the policies adopted by law enforcement agencies pursuant to the bill. The bill also establishes requirements for PTC and law enforcement agencies that relate to the reporting of specified incidents and posting that information on specified websites.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$320,000 in FY 2017 for PTC to purchase a system to track the required information. Future year costs reflect system maintenance. State law enforcement agencies can likely implement the bill with existing resources, as discussed below. Any impact resulting from the standards adopted pursuant to the bill cannot be reliably estimated. Revenues are not affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	320,000	120,000	120,000	120,000	120,000
Net Effect	(\$320,000)	(\$120,000)	(\$120,000)	(\$120,000)	(\$120,000)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Assuming that the bill’s requirements can be fulfilled electronically, local law enforcement agencies can likely implement the bill with existing budgeted resources.

Any impact resulting from the standards adopted pursuant to the bill cannot be reliably estimated. Revenues are not affected.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** PTC, in cooperation with OAG, must annually review, for constitutional sufficiency, the policies adopted by law enforcement agencies pursuant to the bill.

PTC must develop a uniform form and a system by which law enforcement agencies must report annually to PTC on incidents involving (1) the use of force and (2) citizen contacts and temporary detentions of individuals. PTC must annually summarize that information and post the summary on its website. Each law enforcement agency must (1) adopt the standards and uniform form developed by PTC; (2) post the agency's official policies on either PTC's website or its own website; and (3) submit the required annual reports to PTC.

**Current Law:** PTC, within the Department of Public Safety and Correctional Services (DPSCS), was created in 1966 and is chaired by the Superintendent of State Police. It operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

PTC certifies persons as police officers who have met commission standards. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

PTC requires, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of (1) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures; (2) the contact with and treatment of victims of crimes and delinquent acts; (3) the notices, services, support, and rights available to victims and victims' representatives under State law; and (4) the notification of victims of identity fraud and related crimes of their rights under federal law. PTC also requires, for entrance-level police training and annually for in-service level police conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of electronic control

devices for specified police officers, consistent with established law enforcement standards and constitutional provisions.

PTC further requires, for entrance-level police training and, as determined by PTC, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.

PTC is responsible for the development of (1) a uniform identity fraud reporting form with the cooperation of OAG, GOCCP, and the Federal Trade Commission and (2) a uniform missing person report form with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation.

### **Background:**

#### *Law Enforcement Officer Training – Generally*

Training for the certification of law enforcement officers in the State may be conducted at PTC facilities or at any of 20 police training academies in the State certified by PTC. There are approximately 16,500 certified police officers in Maryland.

#### *Body-worn Cameras*

Chapters 128 and 129 of 2015 established the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers. Through examination of model policies and discussion, the commission compiled a list of best practices for body-worn cameras (BWCs) and submitted a report to PTC and the General Assembly on September 16, 2015.

The commission's [report](#) addresses (1) procedures for testing and operating equipment, including when BWCs must be activated and when use is prohibited; (2) notification responsibilities of law enforcement officers to individuals being recorded; (3) confidentiality and ownership of data; (4) procedures and requirements for data storage; (5) review of recordings by parties in interest; and (6) establishment of retention periods, release of recordings as required by the Maryland Public Information Act, and development of written policies for BWC usage consistent with State law and regulations issued by PTC.

In addition, pursuant to Chapters 128 and 129, PTC developed a policy for the issuance and use of a BWC by a law enforcement officer; the policy incorporated the recommendations of the commission. PTC also published a [Body-worn Camera Procedural Reference Guide](#) that provides practical and detailed background information and advisory language for use by law enforcement agencies. The reference guide addresses:

- the testing of BWCs to ensure adequate functioning;
- the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift;
- when recording is mandatory, prohibited, or discretionary;
- when recording may require consent of a subject being recorded;
- when recording may be ended;
- providing notice of recording;
- access to and confidentiality of recordings;
- the secure storage of data from a BWC and review of that data;
- the retention and use of recordings;
- dissemination and release of recordings;
- consequences for violations of the agency's BWC policy;
- notification requirements when another individual becomes a party to the communication following the initial notification;
- specific protections for individuals when there is an expectation of privacy in private or public places; and
- additional issues determined to be relevant in the implementation and use of BWCs by law enforcement officers.

### **State Expenditures:**

#### *Costs to Develop Standards, Develop a Tracking System, and Review Information*

DPSCS advises that PTC does not currently have a system for tracking the information required to be submitted by law enforcement agencies under the bill. Thus, general fund expenditures increase by an estimated \$320,000 in fiscal 2017 for PTC to purchase a system to track the information. Annual maintenance costs for the system beginning in fiscal 2018 are estimated at \$120,000.

In addition to the cost to purchase and maintain the tracking system, DPSCS reports a need to hire one part-time staff to develop the required form and collect the required information from law enforcement agencies. *For illustrative purposes only*, hiring one additional part-time research analyst increases general fund expenditures by approximately \$28,500

in fiscal 2017, which accounts for the bill's October 1, 2016 effective date, and by a minimum of \$32,500 annually thereafter. However, assuming DPSCS is able to implement a fully electronic reporting process, the Department of Legislative Services (DLS) advises that PTC should be able to handle the bill's requirements with existing staff. DLS notes, however, that this likely requires diversion of existing staff temporarily each year to review information. This analysis also assumes that PTC can develop the required standards with existing resources.

It is also assumed that OAG and GOCCP can implement the bill with existing resources. OAG reports that it needs to hire a half-time assistant attorney general, at a cost of approximately \$55,500 in fiscal 2017 and at least \$68,200 annually thereafter, to implement the bill; however, OAG did not provide any additional detail regarding the need for such staff. DLS notes that the bill likely requires a temporary diversion of staff each year to review information. GOCCP did not provide any information regarding the potential impact of the bill.

#### *Impact on State Law Enforcement Agencies to Submit Required Information*

Because DLS assumes that an electronic reporting system is implemented, it is also assumed that State law enforcement agencies are able to report the required information using existing resources. However, DLS notes that some agencies surveyed about the potential impact of the bill indicate concern regarding the additional workload the bill's reporting requirements could have. For example, the Natural Resources Police (NRP) within the Department of Natural Resources advises that the bill's requirement to report all incidents involving citizen contacts and temporary detentions of individuals could be labor intensive, since nearly every action taken by an NRP officer on patrol involves citizen contact and temporary detention. In fact, NRP advises that it needs to hire two supervisory level employees to collect and report the required information. *For illustrative purposes only*, hiring two additional supervisory level employees increases general fund expenditures by approximately \$158,800 in fiscal 2017, which accounts for the bill's October 1, 2016 effective date, and by a minimum of \$200,800 annually thereafter.

DLS notes, however, that any impact on State law enforcement agencies resulting from the standards adopted under the bill cannot be reliably estimated at this time and is not reflected in this analysis.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Dorchester, Garrett, and Montgomery counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Baltimore City Community College; University System of Maryland; Morgan State University; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Office of the Attorney General; Department of Legislative Services

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