

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 238 (Senator Simonaire)
 Judicial Proceedings

Public Safety - Law Enforcement Dogs - Protective Equipment

This bill requires a law enforcement agency that uses a dog licensed by the Department of State Police (DSP) to make available a protective vest or body armor for use on the dog if (1) the dog is on duty and operating in a physically threatening environment and (2) wearing the protective vest or body armor would reduce the risk of serious injury or death. The law enforcement agency or the dog’s handler must make the determination on whether to have a dog wear the vest or body armor. DSP must monitor compliance and submit a specified report to the General Assembly. DSP may adopt implementing regulations.

The bill’s provisions that require DSP to monitor compliance and submit reports terminate September 30, 2019.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$118,600 in FY 2017 for DSP, the Natural Resources Police (NRP), and the Department of Public Safety and Correctional Services (DPSCS) to purchase vests. Transportation Trust Fund expenditures increase by \$5,000 in FY 2017 for the Maryland Transit Administration (MTA), and nonbudgeted expenditures by the Maryland Transportation Authority (MDTA) increase by \$7,000 in FY 2017. Other State agencies with K-9 law enforcement units may also incur costs. Future year expenditures reflect replacement. Revenues are not materially affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	118,600	14,400	8,200	12,200	55,100
SF Expenditure	5,000	0	0	0	0
NonBud Exp.	7,000	0	0	0	0
Net Effect	(\$130,600)	(\$14,400)	(\$8,200)	(\$12,200)	(\$55,100)

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

Local Effect: Local expenditures increase for local law enforcement units to purchase protective vests and body armor for K-9s. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: By January 1 each year, DSP must report to the General Assembly, with respect to each law enforcement agency subject to the bill, on:

- the total number of dogs licensed by DSP in use by each law enforcement agency;
- the total number of protective vests or body armor needed by each law enforcement agency to comply with the bill's provisions; and
- the current number of protective vests or body armor on hand at each law enforcement agency.

The bill establishes the intent of the General Assembly that each law enforcement agency subject to the bill's provisions must be in full compliance by January 1, 2018.

Current Law: Each publicly owned dog used for law enforcement work by the State or a local jurisdiction must have a license issued by DSP. There is no license fee. A license must be issued on the form provided by DSP and to the law enforcement officer to whom the licensed dog is assigned. Each license must (1) be dated and numbered; (2) state the law enforcement agency to which the dog belongs; and (3) describe the dog that is licensed. DSP must provide with each license a metal tag that is stamped "Department of State Police" and bears the license number of the dog. The tag must be affixed to a substantial collar to be provided by the law enforcement agency to which the dog belongs.

A license is valid for all dog licensing purposes anywhere in the State and is in effect until the earlier of (1) revocation of the license by DSP or (2) removal of the licensed dog from law enforcement work.

Background: DSP is responsible for maintaining a registry of all publicly owned dogs used for law enforcement by State or local government agencies. Licensing and registration is done online. The license terminates upon the death of the dog, retirement from service, or transfer to another agency. Upon reassignment of a handler and/or the assignment of the canine to a new handler, the new handler or agency is required to notify DSP. The number of new State and local law enforcement dog licenses issued each year by DSP since calendar 2010 is shown in **Exhibit 1**.

Exhibit 1
Licenses Issued by DSP
Calendar 2010-2015

	<u>New</u> <u>Licenses Issued</u>
2010	7
2011	93
2012	91
2013	82
2014	47
2015	95
Total	415

Source: Department of State Police

Currently, there are a number of nonprofit organizations that provide canine protective vest donations to law enforcement K-9 units. Prices vary depending on the type of body armour purchased, but, based on information provided by State and local law enforcement agencies, can range from about \$700 to more than \$1,500 each.

State Expenditures: State expenditures (multiple fund types) increase for various State law enforcement agencies to purchase protective vests and armor for affected canines. Examples of impacts on State law enforcement agencies are described below.

- DSP’s canine unit currently has 45 dogs. The unit’s primary mission is to provide DSP and other police departments specialized canine support to assist them in their mission of protecting both the life and property of the citizens of the State of Maryland. This is achieved by advancing the primary purpose of the police service canine, which is to “locate and indicate” whether it be for narcotics, explosives, or people wanted for either criminal acts or those reported missing. DSP advises that for proper fit and mobility, the best type of vest for ballistic and stab protection requires custom fitting for each dog. If the vest does not fit properly, it could impede the mobility of the dog during an active incident. Thus, general fund expenditures for DSP increase by \$91,845 in fiscal 2017 to purchase vests for its existing canines. Future year expenditures reflect the replacement of vests as the dogs grow and/or when the vests expire; DSP assumes that each dog requires four vests during its period of service.

- NRP has three canines, with plans to acquire two more over the next two years. NRP estimates that its general fund expenditures increase by an estimated \$4,250 over two years to purchase initial vests.
- MDTA currently has 10 canines. Each dog is in service for approximately seven years. Assuming MDTA purchases armor that costs \$700 per dog, nonbudgeted expenditures increase by \$7,000 in fiscal 2017. MDTA reports that replacement vests likely need to be purchased every five years.
- MTA reports that it has five explosive detection dogs through the Transportation Security Administration (TSA). MTA expects to spend \$1,000 per vest for a total of \$5,000 in fiscal 2017; however, MTA advises that this cost may be able to be reimbursed by TSA. (Any such reimbursement is not reflected in this analysis, however.)
- DPSCS advises that the Division of Correction currently has 56 K-9 teams. At any given time, half of those K-9 teams (28) are on duty and operating in a physically threatening environment. DPSCS reports that the vests they may purchase under the bill range in price from \$710 to \$895 per vest. In addition, DPSCS advises that a cooling pack is needed for each dog at \$170 each. Thus, general fund expenditures for DPSCS increase by at least \$24,640 in fiscal 2017. Replacement costs of at least \$880 are incurred as needed.
- DSP can monitor compliance and submit the required reports using existing resources.

Local Expenditures: Numerous local jurisdictions also operate canine units and are similarly affected by the requirement to purchase protective vests and body armor for affected canines. Local law enforcement agencies report the following impacts resulting from the bill:

- Anne Arundel County reports that all of the county's dogs currently have protective equipment donated from outside sources. If the county needs to purchase any additional vests in the future, county expenditures increase by \$1,200 per dog.
- Dorchester County advises that the sheriff has one canine officer that requires body armor at a cost of \$900.
- Montgomery County reports that its police department has 32 K-9s. At a cost of \$800 per vest, the cost to purchase initial vests is \$25,600, with replacement costs every five years. In addition, the sheriff's office reports that it has 5 licensed K-9s and that costs increase by \$5,000 to \$7,500 in fiscal 2017 and every three years thereafter for replacement vests.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Dorchester, Garrett, and Montgomery counties; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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