

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 522
 Judiciary

(Delegate Queen, *et al.*)

Public Safety - Maryland Police Training and Standards Commission - Sexual Assault Investigation Training

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to develop and maintain a uniform statewide training and certification curriculum to ensure use of best practices in sexual assault investigations. MPTSC must require that the minimum course of study for periodic in-service training conducted by the State and each county and municipal police training school include the curriculum. MPTSC must also determine the percentage of officers required to receive the in-service training and the frequency at which officers must receive refresher training.

Fiscal Summary

State Effect: General fund expenditures increase by \$36,900 in FY 2019 only. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	36,900	0	0	0	0
Net Effect	(\$36,900)	\$0	\$0	\$0	\$0

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

Local Effect: Potential minimal increase in expenditures for some jurisdictions, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC 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.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. 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probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC requirements include:

- 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;
- 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;
- for entrance-level police training and, as determined by MPTSC, 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;

- for entrance-level police training and at least every two 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 of antidiscrimination and use of force de-escalation training; and
- for entrance-level police training and 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, training related to motorcycle profiling in conjunction with existing training regarding other profiling.

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

State Expenditures: General fund expenditures increase by \$36,876 in fiscal 2019 only, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring a contractual curriculum developer for four months to update the curriculum, determine the frequency of training, and determine the percentage of officers required to receive the training. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$31,730
Operating Expenses	<u>5,146</u>
Total FY 2019 State Expenditures	\$36,876

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

MPTSC advises that it needs a full-time employee to update and maintain the curriculum, determine the frequency of training, and determine the percentage of officers required to receive the training. However, the Department of Legislative Services disagrees and advises that MPTSC currently provides training on a variety of issues which are maintained, as necessary, with existing resources. Therefore, this estimate assumes that (1) a contractual curriculum developer updates the curriculum, determines the frequency

of training, and determines the percentage of officers required to receive the training and (2) future maintenance of the curriculum is handled with existing resources.

Training adaptations for the Department of State Police and any other affected State law enforcement agencies can be handled with existing budgeted resources.

Local Expenditures: The various local government agencies that conduct police entrance-level training and in-service training may need to modify existing training programs to meet the bill's requirements. Some local governments can modify their training programs with existing resources, while others may incur some additional minimal costs.

Additional Information

Prior Introductions: HB 213 of 2017 passed with amendments in the House and received a hearing from the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 582 (Senator Ramirez, *et al.*) - Judicial Proceedings.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; cities of Salisbury and Westminster; Town of Leonardtown; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2018
mm/lgc

Analysis by: Shirleen M. E. Pilgrim

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