

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 343

(Senator Conway, *et al.*)

Judicial Proceedings

**Baltimore City - Office of State's Attorney - Authority to Appoint Criminal
Investigators**

This bill authorizes the State's Attorney for Baltimore City to appoint criminal investigators, subject to the approval of the mayor and the city council.

Fiscal Summary

State Effect: Potential minimal increase in special fund revenues for the Department of Public Safety and Correctional Services (DPSCS), to the extent that Baltimore City appoints criminal investigators who are sent to the Maryland Police and Correctional Training Commission (MPCTC) for necessary training. State expenditures are not directly affected.

Local Effect: Baltimore City expenditures may increase by approximately \$5,200 in one-time costs as early as FY 2019. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The State's Attorney may appoint full-time or part-time criminal investigators. If more than one investigator is appointed, the State's Attorney may designate one as the chief investigator and assign other ranks and titles to the other investigators. An investigator serves at the pleasure of the State's Attorney and must perform the duties designated by the State's Attorney. An investigator is subject to the regulations of the State's Attorney and must take an oath of office that the clerk of the circuit court administers. An investigator must meet the criteria regarding training and

experience that the State's Attorney requires. The investigator may serve a summons or subpoena that the State's Attorney issues and may wear or display appropriate metallic badges that the State's Attorney authorizes.

The State's Attorney may designate a criminal investigator as a peace officer if the criminal investigator meets the selection and training standards of the Police Training Commission as set forth in statute. In addition to the authority, duties, and limitations set forth above, a criminal investigator designated as a peace officer may (1) arrest a person who commits a crime in the county or in a municipal corporation in Baltimore City; (2) serve a warrant, summons, or subpoena that has been issued by the District Court in Baltimore City or a circuit court; and (3) possess and carry a firearm, including a handgun or any other weapon that the State's Attorney requires.

A criminal investigator, whether designated as a peace officer or not, is not subject to the Law Enforcement Officers' Bill of Rights.

Current Law/Background: State statutory language does not address the duties or staff of the State's Attorney's Office in Baltimore City.

The Law Enforcement Officers' Bill of Rights outlines certain procedures that must be followed in disciplining specified law enforcement officers.

State's Attorney's offices in 13 jurisdictions are specifically authorized in statute to hire criminal investigators or investigative staff. However, in only three of these jurisdictions (Dorchester, Garrett, and Talbot counties) do the investigators have traditional law enforcement powers such as the ones being proposed under the bill.

Baltimore City advises that its State's Attorney's Office already employs a team of investigators, and that up to five of the investigators are eligible to be appointed as a criminal investigator pursuant to the bill.

Local Expenditures: Subject to approval of the mayor and the city council, Baltimore City expenditures increase by approximately \$5,220 in the first year only (which may be as early as fiscal 2019, depending on when the approval is secured). This estimate includes costs associated with sending five investigators (who are already employed with the Baltimore City State's Attorney's Office) to MPCTC. It also includes expenditures associated with purchasing badges and handcuffs.

Additional Comments: DPSCS notes that an individual may only exercise the powers of a police officer if he or she has been certified by MPCTC. Title 3, Subtitle 2 of the Public Safety Article sets forth requirements for the police training commission and defines a "police officer" as an individual who is authorized to enforce the general criminal laws of

the State and is a member of one of a number of specified law enforcement agencies. The Baltimore City State's Attorney's Office is not one of the specified law enforcement agencies.

Additional Information

Prior Introductions: SB 409 of 2017 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1403, received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: None.

Information Source(s): Baltimore City; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2018
mm/kdm

Analysis by: Jennifer K. Botts

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