

Department of Legislative Services
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 705

(Senator Klausmeier)

Judicial Proceedings

Public Safety - SWAT Team Activation and Deployment - Reports

This bill restores the data collection and reporting program related to law enforcement “SWAT team” activities. The information must be reported biannually to the Governor’s Office of Crime Control and Prevention (GOCCP) and the appropriate local governing body. A summary of the biannual reports must be prepared each year by GOCCP and submitted to the Governor, the General Assembly, and each law enforcement agency by September 1. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Assuming a relatively modest number of SWAT team activations and deployments occurring annually, any additional workload can be handled with existing resources of GOCCP and the Maryland Police Training and Standards Commission (MPTSC). Revenues are not affected.

Local Effect: Local expenditures may be affected in some jurisdictions. The fiscal impact likely varies by law enforcement agency and jurisdiction; however, because this information has been collected before, it is assumed that most jurisdictions can implement the bill with minimal or no additional costs. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill requires, beginning January 1, 2019, a law enforcement agency that maintains a SWAT team to report the following information to GOCCP and the appropriate county or municipal governing body, on a biannual basis:

- the number of times the team was activated and deployed by the law enforcement agency in the previous six months;
- the name of the county and/or municipality and zip code of the location where the team was deployed for each activation;
- the reason for each activation and deployment;
- the legal authority, including type of warrant, if any, for each activation and deployment; and
- the result of each activation and deployment, including (1) the number of arrests made, if any; (2) whether property was seized; (3) whether a forcible entry was made; (4) whether a weapon was discharged by a SWAT team member; and (5) whether a person or domestic animal was injured or killed by a team member.

MPTSC, in consultation with GOCCP, must develop a standardized format for the reports. GOCCP must analyze and summarize the biannual reports and submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before September 1 of each year. GOCCP also must publish the report on its website.

If a law enforcement agency fails to comply with the reporting provisions, GOCCP must report the noncompliance to MPTSC. Upon receipt of a noncompliance report, MPTSC must contact the law enforcement agency and request that the agency comply with the required reporting provisions. If the agency fails to comply within 30 days after such a request, GOCCP and MPTSC must jointly report the noncompliance to the Governor and the Legislative Policy Committee.

“SWAT team” means a special unit composed of two or more law enforcement officers within a law enforcement agency trained to deal with unusually dangerous or violent situations and having special equipment and weapons, such as rifles more powerful than those carried by regular police officers.

Current Law: Chapter 803 of 2017 requires MPTSC to consult and cooperate with commanders of “SWAT teams” to develop standards for training and deployment of SWAT teams and of law enforcement officers who are not members of a SWAT team who conduct no-knock warrant service in the State based on best practices in the State and nationwide.

“SWAT team” means an agency-designated unit of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

Background: Chapters 542 and 543 of 2009 required a law enforcement agency that maintains a SWAT team to report the same information required under the bill on a biannual basis to GOCCP and the appropriate county or municipality. MPTSC, known at the time as the Police Training Commission, in consultation with GOCCP, developed a standardized format for the reports. GOCCP analyzed and summarized the biannual reports and submitted a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency by September 1 of each year.

The provisions of Chapters 542 and 543 terminated June 30, 2014. Several bills to extend the termination date failed during the 2013 session.

According to the *Fiscal Year 2014 SWAT Team Deployment Data Analysis [report](#)*, which was the final report issued by GOCCP, pursuant to Chapters 542 and 543, during fiscal 2014, a total of 1,689 SWAT deployments were activated in Maryland, an increase of 2.4% from fiscal 2013. In fiscal 2014, SWAT deployments occurred in all 24 of Maryland's jurisdictions. A total of 35 police departments reported at least 1 SWAT deployment and activation. Six additional agencies had an active SWAT team but did not make a deployment during the reporting period. All of the remaining law enforcement agencies in Maryland were excluded from the 2014 report because they did not have SWAT teams.

Additional Information

Prior Introductions: None.

Cross File: HB 920 (Delegate Miele, *et al.*) - Judiciary.

Information Source(s): Montgomery and Prince George's counties; cities of Bowie and Takoma Park; Governor's Office of Crime Control and Prevention; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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