

Department of Legislative Services  
 Maryland General Assembly  
 2020 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1408 (Delegate Attar)  
 Judiciary

**Public Safety - Baltimore City - P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program**

This bill establishes the Public Resources Organizing to End Crime Together (P.R.O.T.E.C.T.) Program and related requirements for the Department of State Police (DSP), the Department of Public Safety and Correctional Services (DPSCS), the Department of Juvenile Services (DJS), and the Governor’s Office of Crime Control and Prevention (GOCCP). For fiscal 2022 and each year thereafter, the Governor must include in the annual budget bill (1) an appropriation sufficient to fully fund the bill’s requirements and (2) an additional appropriation of at least \$500,000 for GOCCP to hire and manage specified staff. The bill also expands the jurisdiction of DSP to include enforcing the motor vehicle laws of the State in Baltimore City. **The bill takes effect June 1, 2020.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by at least \$12.2 million in FY 2020; future years reflect annualization and ongoing costs. Federal fund revenues decrease by at least \$2.5 million annually beginning in FY 2021. **This bill establishes a mandated appropriation beginning in FY 2022.**

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
FF Revenue	\$0	(\$2,500,000)	(\$2,500,000)	(\$2,500,000)	(\$2,500,000)
GF Expenditure	\$12,241,900	\$21,775,700	\$22,378,700	\$23,044,700	\$23,839,000
Net Effect	(\$12,241,900)	(\$24,275,700)	(\$24,878,700)	(\$25,544,700)	(\$26,339,000)

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

**Local Effect:** Potential significant positive operational impact for Baltimore City and other local governments, as discussed below. Local revenues are not affected.

**Small Business Effect:** Minimal or no direct impact.

## Analysis

**Bill Summary:** The P.R.O.T.E.C.T. Program is established to maximize the use of State, local, and community resources to combat neighborhood decline in Baltimore City and throughout the State, support comprehensive strategies to reduce crime and fear in those communities, and ensure that Baltimore City Police Department (BPD) sworn officers are utilized in direct public safety roles.

GOCCP and DSP must select 10 high-crime micro-zones within the State and create an “End the Violence” P.R.O.T.E.C.T. coordinator position for each high-crime micro-zone. A coordinator must reside in the jurisdiction in which the high-crime micro-zone is located and must:

- ensure utilization of all existing crime prevention programs and grants;
- coordinate community and youth programs;
- assist with community mobilization and activities to reclaim public space;
- assist with rapid response to public nuisances; and
- coordinate community engagement with the local law enforcement agency with jurisdiction in the high-crime micro-zone.

The mandated appropriation for GOCCP must be used to hire and manage the coordinators.

DSP, the Division of Parole and Probation (DPP) within DPSCS, and DJS must establish and operate a warrant apprehension task force partnership. BPD, DJS, and DPP must establish and operate collaborative district officer supervision teams that provide intensive supervision, including increased home visits, of adult and juvenile violent offenders. DSP, BPD, DJS, and DPSCS must make diligent efforts to fully implement the bill’s provisions as quickly as possible and may adopt regulations necessary to implement the bill.

The Baltimore City Juvenile Booking Facility must be staffed by DJS, and the Baltimore Detention Center must be staffed by DPSCS. BPD sworn officers may not be used to staff the Baltimore City Juvenile Booking Facility or the Baltimore Detention Center.

DSP must extend its jurisdiction for traffic patrol and accident investigations into highways and streets that serve as significant entry and exit corridors to Baltimore City, as specified by the Baltimore Police Commissioner in consultation with the Secretary of State Police.

By December 31 annually, DSP, DJS, DPSCS, GOCCP, and Baltimore City must each report to the Governor and the General Assembly on the progress made in implementing the requirements of the bill.

## **Current Law:**

*DSP Jurisdiction:* Generally throughout the State, DSP has the same powers, privileges, immunities, and defenses as sheriffs, constables, police officers, and other peace officers possessed at common law and may now or in the future exercise within their respective jurisdictions. DSP may execute an arrest warrant in any part of the State without further endorsement. However, DSP may not act within the limits of a municipal corporation (including Baltimore City) that maintains a police force except:

- when in pursuit of a criminal or suspect;
- when in search of a criminal or suspect wanted for a crime committed outside of the limits of the municipal corporation or when interviewing or seeking to interview a witness or supposed witness to the crime;
- when a crime is committed in the presence of the police employee, and the arrested party must be immediately transferred to the custody of the local law enforcement agency;
- when requested to act by the chief executive officer or chief police officer of the municipal corporation;
- when ordered by the Governor to act within the municipal corporation;
- when enforcing the motor vehicle laws of the State, except in Baltimore City;
- in Baltimore City, only when enforcing Title 23 of the Transportation Article;
- in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates to guard the safety of legislators or the integrity of the legislative process;
- to protect the safety of an elected State official;
- in the municipal corporations of Somerset County;
- when conducting investigations relating to or otherwise enforcing various sexual offenses, misuse of telephone facilities and equipment, misuse of electronic mail, and abduction of a child younger than age 16;
- when participating in a joint investigation with officials from another State, federal, or local law enforcement agency at least one of which has local jurisdiction;
- when rendering assistance to a police officer;
- when acting at the request of a local police officer;
- when a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety, welfare, or property from actual or threatened harm or from an unlawful act exists;
- when acting in accordance with specified regulations adopted by the Secretary;
- when conducting investigations relating to or otherwise enforcing laws relating to unauthorized access to computers and related material; or

- when conducting an investigation of the death of an inmate in the custody of the Division of Correction.

*Warrant Apprehension Unit:* The Warrant Apprehension Unit (WAU) within DPSCS is authorized to:

- execute warrants for the retaking of offenders;
- execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;
- obtain and execute search warrants as authorized by statute; and
- arrest offenders in the State's home detention program as authorized by statute.

WAU employees who are authorized to make arrests must meet minimum qualifications required by the Maryland Police Training Commission and satisfactorily complete training prescribed by the commission. They are authorized to make arrests and to exercise the powers of a peace officer and a police officer.

*State Law Enforcement Coordinating Council:* The State Law Enforcement Coordinating Council was established by executive order in 2012 (Executive Order 01.01.2012.03). The council adopts written policies and procedures that provide a framework for coordination of the work of State law enforcement agencies. The council has the authority and responsibility to coordinate among its member agencies to further the safety and security of State residents and to improve the administration and enforcement of the laws of Maryland by ensuring that police resources are deployed across the State to address statewide crime trends, regional and local crime, maintain homeland security, respond to any threats to homeland security, and to address emergencies either natural or man-made.

Collaborative efforts by the council may concern homeland security; natural or man-made emergency response; actions to increase the safety of roadways and other forms of transportation; and targeted investigation and law enforcement of crime trends or specific criminal activity. In addition, the council explores ways that State law enforcement agencies can share resources and eliminate overlapping or redundant functions in areas such as campus security, communications, emergency planning, homeland security, information technology, procurement, and training.

By September 1 of each year, the council must submit a summary report to the Governor concerning all actions taken for the previous fiscal year ending June 30, including the member agency participants and the location of each action.

**Background:** In an effort to support Baltimore City in its fight against crime, the State has taken on a larger role in combatting crime within the city. The State's role is a

multifaceted one, consisting of providing grant and aid funding, providing direct law enforcement assistance, and increasing State personnel working within the court systems. Agencies from across State government are involved in the effort. The Department of Legislative Services estimates that more than \$247.1 million in aid is provided to Baltimore City for public safety-related efforts in the Governor's proposed fiscal 2021 budget.

**State Revenues:** Federal fund revenues likely decrease by at least \$2.5 million annually beginning in fiscal 2021. This analysis assumes there is no effect on federal fund revenues in fiscal 2020, despite the bill's June 1, 2020 effective date, as discussed below.

DJS is currently classified as a Human Services agency and, as a result, receives approximately \$2.5 million annually under Title IV-E of the Social Security Act. Title IV-E provides federal matching funds to help states pay for foster care placements for children who meet federal eligibility criteria. Youth who have been adjudicated delinquent qualify for these funds if they meet all of the federal foster care criteria and are placed with a foster family or in other types of facilities as allowed by federal law. Under the bill, DJS must provide staff for the Baltimore City Juvenile Booking Facility. As a result, DJS' classification will change to a law enforcement/public safety agency and make the agency ineligible to receive Title IV-E funds. A state may claim Title IV-E administrative support for a child who is temporarily living in an ineligible foster care setting (*e.g.*, a locked juvenile detention facility) but only for one month; therefore, it is assumed there is no effect on federal fund revenues in fiscal 2020.

DJS may lose other federal funds due to the reclassification.

**State Expenditures:** General fund expenditures increase by at least \$12.2 million in fiscal 2020, which accounts for the bill's June 1, 2020 effective date. Beginning in fiscal 2022, the Governor must include in the annual budget bill an appropriation sufficient to fully fund the bill's requirements and at least an additional \$500,000 to be used by GOCCP to hire and manage the "End the Violence" P.R.O.T.E.C.T coordinators. The bill's effect by agency is described below.

#### *Department of State Police*

General fund expenditures for DSP increase by at least \$11.3 million in fiscal 2020, which accounts for the bill's June 1, 2020 effective date. This estimate reflects the cost of hiring 141 positions. It includes salaries, fringe benefits, one-time start-up costs (including the purchase of vehicles), and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- Within Baltimore City, DSP’s jurisdiction relating to motor vehicle laws is currently limited to the enforcement of laws related to the inspection of used vehicles and warnings for defective equipment. Under the bill, DSP’s jurisdiction is expanded to include traffic patrol and accident investigations into the highways and streets that serve as significant entry and exit corridors to Baltimore City. Examples of highways and streets that serve as significant entry and exit corridors include York Road, Belair Road, Harford Road, Hanover Street, Route 395, Route 295, Interstate-95, Interstate-83, Route 40, Northern Parkway, Perring Parkway, Liberty Road, Reisterstown Road, and Edmonson Avenue. The Maryland Transportation Authority (MDTA) currently patrols areas of I-95 and Route 395 within the city, and this analysis assumes no change to MDTA’s current practice. However, DSP needs to provide coverage for the additional highways and streets. Thus, DSP needs to hire 125 troopers, 10 corporals, 5 sergeants, and 1 field sergeant to provide full-time coverage of the additional roads.
- Each trooper, corporal, sergeant, and field sergeant needs a vehicle.

Positions	141
Salaries and Fringe Benefits	\$1,300,341
Vehicles	9,298,988
Operating Expenses	<u>698,153</u>
<b>Total FY 2020 DSP Expenditures</b>	<b>\$11,297,482</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. This estimate does not include vehicle replacement costs.

DSP can work with DPP and DJS to establish and operate a warrant apprehension task force partnership with existing budgeted resources. DSP can also adopt implementing regulations and submit the required annual reports using existing budgeted resources.

*Department of Juvenile Services*

General fund expenditures for DJS increase by \$605,918 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 61 new staff. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- The Baltimore City Juvenile Booking Facility is currently staffed by members of BPD. The facility is open and operating at all times. In order for DJS to staff the facility, DJS needs to hire 40 resident advisors, 5 resident advisor leads, and 5 resident advisor supervisors.

- DJS must establish and operate collaborative district officer supervision teams, in conjunction with BPD and DPP, to provide intensive supervision, including increased home visits, of adult and juvenile violent offenders. As a result, DJS needs 10 case manager specialists and 1 case manager supervisor.

Positions	61
Salaries and Fringe Benefits	\$304,529
Operating Expenses	<u>301,389</u>
<b>Total FY 2020 DJS Expenditures</b>	<b>\$605,918</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

DJS can adopt implementing regulations and submit the required annual reports using existing budgeted resources.

*The Department of Public Safety and Correctional Services*

General fund expenditures for DPSCS increase by \$209,380 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 18 parole and probation agents and three field supervisors to establish and operate collaborative district officer supervision teams, in conjunction with BPD and DJS, that provide intensive supervision, including increased home visits, of adult and juvenile violent offenders.

Positions	21
Salaries and Fringe Benefits	\$105,623
Operating Expenses	<u>103,757</u>
<b>Total FY 2020 DPSCS Expenditures</b>	<b>\$209,380</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

WAU is authorized to execute warrants for the retaking of offenders and for the arrest of probationers for whom a warrant is issued for an alleged violation of probation. To the extent that the bill requires WAU to perform additional duties, general fund expenditures for DPSCS increase further.

Although the bill references the Baltimore Detention Center, this analysis assumes that the Baltimore Pretrial Complex is the intended facility, as the Baltimore City Detention Center no longer exists. DPSCS currently provides staff for the Baltimore Pretrial Complex. Accordingly, the bill’s requirement that DPSCS staff the Baltimore Detention Center has no fiscal impact.

DPSCS can adopt implementing regulations and submit the required annual reports using existing budgeted resources.

*Governor Office of Crime Control and Prevention*

General fund expenditures for GOCCP increase by \$129,112 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 10 “End the Violence” P.R.O.T.E.C.T. coordinator positions (one for each of the 10 high-crime micro-zones within the State) to complete the tasks required under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	10
Salaries and Fringe Benefits	\$79,704
Operating Expenses	<u>49,408</u>
<b>Total FY 2020 GOCCP Expenditures</b>	<b>\$129,112</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. Beginning in fiscal 2022 and each fiscal year thereafter, the Governor must include in the annual budget bill an appropriation of a least \$500,000 to be used by GOCCP to hire and manage the coordinators. Based on this analysis, GOCCP needs an appropriation of approximately \$1.0 million annually beginning in fiscal 2021 to cover the costs of the coordinator positions.

GOCCP can submit the required annual reports using existing budgeted resources.

**Local Fiscal Effect:** Under the bill, DSP, DPSCS, and DJS are required to perform functions currently performed by BPD officers. To the extent that the bill’s requirements relieve BPD officers of current duties, such officers can be reassigned to other law enforcement functions within Baltimore City. Such reassignment likely results in positive operational and fiscal impacts for BPD.

To the extent that DSP, DPSCS, and DJS perform functions in other areas of the State currently performed by local law enforcement, other local jurisdictions benefit from positive operational and fiscal impacts.

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**Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 929 (Senators Hayes and Smith) - Judicial Proceedings and Budget and Taxation.

**Information Source(s):** Baltimore City; Governor's Office of Crime Control and Prevention; Department of Budget and Management; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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