

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

House Bill 1039

(Delegate Griffith, *et al.*)

Appropriations

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**Law Enforcement - Use of Force - Training, Policies, and Equipment**

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This bill adds a new purpose to the use of the Law Enforcement Equipment Fund: to assist officers in using less lethal alternatives to use of deadly force and discharge of firearms. Law enforcement agencies that apply for grants must provide the number of excessive force complaints filed against its members within the last two years, and the fund's executive director must consider this information in making grant decisions.

The Police Training Commission must adopt regulations requiring training of officers to use the lowest level of force necessary to protect the officer's and public's safety. Law enforcement agencies must have written policies, subject to annual review, on use of force, including consideration of less lethal alternatives to deadly force. Agencies must consider whether there is equipment or other technology available that would allow for less lethal alternatives. The bill provides immunity to police officers who use less lethal alternatives under circumstances when use of deadly force is authorized, provided that the officer acts in good faith and in a reasonable manner.

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**Fiscal Summary**

**State Effect:** It is expected that any additional training or policy development could be handled with existing resources.

**Local Effect:** Potential increase in expenditures for costs associated with training of officers in less lethal alternatives. It is expected that local law enforcement agencies could adopt written policies on use of force with existing resources.

**Small Business Effect:** Potential minimal. Small businesses that sell equipment or technology that are considered “less lethal alternatives” could receive additional business.

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## **Analysis**

**Current Law:** The Law Enforcement Equipment Fund was established in 2001 upon enactment of Chapter 603 to assist local law enforcement agencies in acquiring law enforcement equipment needed to address violent crime. The Governor’s Office of Crime Control and Prevention is responsible for administration of grants from this fund. Priority must be given to those jurisdictions with the highest incidence of violent crime; law enforcement agencies applying for grants must supply the fund’s executive director with the number of violent crime incidents committed with the agency’s jurisdiction over the past two years.

State regulatory law identifies performance objectives for all entry-level firearms training. These include the ability to: (1) define the terms and circumstances of reasonable force and deadly force; and (2) identify the limits of deadly force as identified by State law. Among other regulatory requirements, a police officer must satisfactorily demonstrate that the officer has met these performance objectives before such officer may carry a service weapon. All law enforcement officers authorized to carry firearms must qualify annually, and further training is a part of the qualification.

Additionally, all law enforcement officers must participate in in-service trainings from State or local police academies at least every three years. Use of “unwarrantable” excessive force against any person in the care and custody of the State is grounds for automatic termination from State employment.

**State Fiscal Effect:** The bill could theoretically result in a “reduction” in liability expenditures for the State. The bill provides immunity to police officers for use of “less lethal alternatives” when deadly force is authorized. An officer acting within the scope of the officer’s official duties is indemnified by the State for any claims made. However, the Treasurer’s Office advises that there have been no claims filed against the State based on a claim of excessive use of force by a police officer in at least the past three years (therefore, no liability expenditures).

The Maryland Police Training Commission (MPTC) (a division of the Department of Public Safety and Correctional Services) estimates a total cost in fiscal 2003 of \$82,954 for salaries, fringe benefits, and operating costs, based on the need to hire and equip two

new instructors to adopt regulations and conduct training on the use of force by police officers. MPTC indicates it currently provides only “limited” less lethal training.

Legislative Services disagrees with this assessment. According to the commission’s 2002 Training Catalog, it is offering two full courses in this area in calendar 2002. The first is a three-day course entitled “Less Lethal Program” on less lethal products used in police and corrections. The second is a one-day course entitled “Less Lethal Products” on a variety of weapon systems, including tasers, pepper balls, air-munitions, beanbags, and net cannons; each system is an individual school. Thus, the commission already has instructors with expertise in the area of less lethal alternatives. Legislative Services therefore believes that any changes or additions to the current training offered and adoption of the regulations could be handled with existing staff and resources.

The bill’s provisions altering the purpose of the Law Enforcement Equipment Fund would not have any significant impact on State operations or finances.

**Local Expenditures:** MPTC states that it charges local law enforcement agencies to cover costs of employing additional contractual instructors, materials and supplies, space rental (if unable to obtain free space), and other such costs directly related to the program. To the extent that MPTC charges local law enforcement agencies for these trainings, general fund expenditures for such agencies could increase to cover those costs (notwithstanding the requirement that all officers receive annual firearms training and tri-annual in-service trainings). It is expected that the local agencies could adopt the requisite written policies and procedures on use of force (to the extent such policies may not exist currently) with existing resources.

**Additional Comments:** The Governor’s Office of Crime Control and Prevention advises that there are currently no funds in the Law Enforcement Equipment Fund.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Governor’s Office (Commission on Crime Control and Prevention), Department of Public Safety and Correctional Services (Maryland Police Training Commission), Department of Legislative Services

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