

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 291

(Delegates Bozman and Conway)

Judiciary

Judicial Proceedings

Ocean Pines Police Department

This bill codifies provisions relating to the Ocean Pines Police Department.

Fiscal Summary

State Effect: None. The additional workload for the Police Training Commission to apply the commission's training standards to the Ocean Pines' police force would be minimal and could be accommodated with existing budgeted resources.

Local Effect: None. Ocean Pines is a homeowner's association and all associated costs under this bill would not affect any public entities, including Worcester County.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that the Ocean Pines Police Department is not an agency of Worcester County and that Worcester County is not responsible for certain acts or omissions.

The bill specifies the powers and the duties of the Ocean Pines Police Department and requires the Maryland Police Training Commission to adopt specified related standards. Members of the Ocean Pines Police Department who meet the requirements of the commission must be certified by the commission.

The bill requires the Board of Directors of Ocean Pines Association, Incorporated, to adopt rules governing the operation and conduct of the police department. The bill provides for the method of appointment, qualifications, duties, and responsibilities of the department's Chief of Police.

Funding for the police department must come from revenue derived from assessments levied on real property located in the Ocean Pines Community, and other sources, if available.

The Ocean Pines Police Department, or the board, acting as administrator of the community, may apply for, accept, and spend any gift or grant for the benefit or use of the police department from the federal government, any State agency or office, any foundation, or any other person.

The bill includes a member of the police department as a "law enforcement officer" in connection with provisions relating to powers of warrantless arrest, notice of contact with certain diseases, and the Law Enforcement Officers' Bill of Rights.

Current Law: The Ocean Pines Police Department is currently a special police force. The following entities may apply for the appointment of special police officers for the following purposes:

- a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;
- another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;
- a college, university, or public school system in the State, in order to protect its property or students; or
- a person that exists and functions for a legal business purpose, in order to protect its business property.

The Secretary of State Police may require training and education for special police officers as the Secretary considers necessary.

A special police officer is responsible for: (1) any abuse of the special police officer's powers; and (2) the exercise of the special police officer's powers on property not within the special police officer's jurisdiction. The entity that requested the appointment of the special police officer is also responsible for: (1) any wrongful action that the special

police officer commits in the course of the special police officer's duties; and (2) any abuse of the powers granted by the commission, either on or off the premises.

The Law Enforcement Officers' Bill of Rights was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to officers of the following State and local agencies:

- the Department of State Police;
- the Baltimore City Police Department;
- the Baltimore City School Police Force;
- the Baltimore City Watershed Police Force;
- the police department, bureau, or force of any county;
- the police department, bureau, or force of any municipal corporation;
- the office of the sheriff of any county;
- the police department, bureau, or force of any bi-county agency;
- the Maryland Transportation Authority Police and the police forces of the Maryland Department of Transportation;
- the police force of the Department of Natural Resources;
- the Field Enforcement Division of the Comptroller's Office;
- the Housing Authority of Baltimore City Police Force;
- the Crofton Police Department;
- the police force of the Department of Health and Mental Hygiene;
- the police force of the Department of General Services;
- the police force of the Department of Labor, Licensing, and Regulation;
- the office of the State Fire Marshal;
- the police forces of the University System of Maryland; and
- the police force of Morgan State University.

Background: Ocean Pines is the only housing development in Worcester County that has a population of at least 10,000, is overseen by a homeowners association, and has a special police force. Ocean Pines has more than 15,000 full-time residents and an additional 7,500 summertime residents, is represented by the Ocean Pines Association, and has a special police force of 15 sworn officers with full police powers.

Chapter 182 of 2004 authorized the Worcester County Liquor Control Board to establish and maintain a liquor dispensary in a housing development with a population of at least 10,000 that is overseen by a homeowners association and has a special police force.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Worcester County; Department of Public Safety and Correctional Services (Police Training Commission); Ocean Pines Association, Inc.; Department of Legislative Services

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