

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 819 (Senators Mooney and Brinkley)
Judicial Proceedings

Sheriff's Offices - Reserve Deputies

This bill requires the Police Training Commission to establish a certification program for qualified applicants for the position of reserve deputy in a sheriff's office and to establish a training program for reserve deputies who seek to increase their skills. Furthermore, the bill authorizes the Sheriff of Frederick County to appoint reserve deputies who serve at the pleasure of the sheriff. In Frederick County, the reserve deputies must be certified by the Police Training Commission, and they would be allowed to conduct investigations and make arrests. The bill also alters the definition of "State personnel" for purposes of the Maryland Tort Claims Act (MTCA) to include "reserve deputy of a county or Baltimore City."

Fiscal Summary

State Effect: State expenditures would increase by \$8,500 in FY 2006 only to implement a training program for reserve deputy sheriffs. Revenues would not be affected.

Local Effect: For each reserve deputy, Frederick County expenditures for equipment and operating expenses would increase by \$29,000 in the deputy's initial year and by \$14,200 in subsequent years.

Small Business Effect: None.

Analysis

Current Law: The Frederick County Sheriff is authorized to appoint, as necessary, deputy sheriffs. Additionally, the sheriff has the authority to appoint special deputies

who are members of the police force of a municipality in Frederick County, have been selected by the police chief of the municipality, and have been verified by the police chief of the municipality as having achieved the minimum level of training for police duties as designated by the Maryland Police Training Commission. These special deputies serve at the pleasure of the sheriff and are not considered an employee of Frederick County for employment security and benefits.

Under the MTCA, State personnel are immune from liability for acts or omissions performed in the course of their official duties, so long as the acts or omissions are made without malice or gross negligence. The State essentially waives its own common law immunity for its employees' actions. The MTCA limits the liability of the State to \$200,000 to a single claimant for injuries arising from a single incident. The MTCA's definition of State personnel includes:

- State employees or officials paid through the Central Payroll Bureau;
- employees or officials of various State agencies;
- individuals who, without compensation, exercise a part of the sovereignty of the State;
- students of a State educational institution providing clinical services who also meet specified liability insurance requirements;
- a sheriff or deputy sheriff of a county or Baltimore City;
- a county employee assigned to a local department of social services;
- a State's Attorney and employees of a State's Attorney's office;
- members of various county boards;
- judges and employees of the circuit courts and orphans' courts;
- nonprofit organizations, without other insurance, that have been approved as third-party payees for providing temporary cash assistance, transitional assistance, or child-specific benefits to Family Investment Program recipients; and
- students, faculty, or staff of a higher education institution who are providing a service under the Family Investment Program.

Background: Frederick County advises that reserve deputies will be specialists in certain fields who could be called up on a case-by-case basis to assist the sheriff's department in solving cases. The county further advises that in order for these individuals to adequately assist the sheriff's department, they would need training so as to be able to operate in an emergency situation, if the need arose. With training, these individuals could also be used as back-up deputies if needed.

A special deputy is a member of a municipal police force who may be called upon in an emergency situation to assist the sheriff's department in apprehending a perpetrator. The county advises that this is generally used for K-9 units, in which the number of K-9 units

in the sheriff's department is insufficient to cover the search area in question. Consequently, by being special deputies, K-9 units from a municipal police force would be able to participate in the search, despite being outside of their normal jurisdiction.

State Fiscal Effect: The State would incur no additional cost to altering the definition of "State personnel" for purposes of the MTCA to include "reserve deputy of a county or Baltimore City."

The Police and Correctional Training Commissions (PCTC) advise that it would cost the State \$8,500 to create a new certification process for reserve deputy sheriffs. **Exhibit 1** shows the breakdown of the costs that would be incurred by PCTC to implement this process. PCTC advises that these costs would be one-time expenditures to implement the program, and that expenditures required to maintain the program could be handled with existing resources.

Exhibit 1
Cost to Implement Reserve Deputy Sheriffs' Training Program

<u>Expense</u>	<u>Expenditure</u>
Changes to the PCTC Computerized System	\$3,600
Purchase of a computer, printer, and operating software	2,200
Development and printing of new certification cards	1,100
Temporary clerical assistance for training program development	<u>1,600</u>
Total	\$8,500

Local Fiscal Effect: Frederick County advises that the reserve deputy positions will be filled by volunteers, and that it anticipates taking on 10 reserve deputies. Because these positions are filled by volunteers, there will be no cost incurred for salaries and benefits; however, there will be costs incurred for equipment, uniforms, and operational expenses. Of these expenditures, the county advises that new equipment and uniforms would only be purchased for each reserve deputy in the initial year, and that out-year expenditures would not reflect these expenses. Consequently, it would cost the county \$29,022 for each reserve deputy in their initial year and \$14,158 for each reserve deputy in subsequent years. Assuming the county takes on 10 reserve deputies in fiscal 2006, the total cost to the county in fiscal 2006 would be \$290,220 and \$141,580 beginning in fiscal 2007. **Exhibit 2** shows the breakdown of Frederick County expenditures for implementing the reserve deputy program for both the initial year as well as the annual cost for out-years.

Exhibit 2
Total Frederick County Expenditures for Each Reserve Deputy

<u>Expense</u>	<u>Initial Expenditure</u>	<u>Out-year Expenditure</u>
Fleet fuel	\$3,000	\$3,000
Motor pool direct	7,000	7,000
Liability insurance	800	800
Telephone (voicemail)	45	45
Wireless communication	1,200	1,200
Postage and printing	40	0
Training and travel	2,500	500
Police hardware	4,664	400
Uniforms and equipment	1,710	250
Cleaning allowance	400	400
Consumable supplies	63	63
Firearms	500	500
Handgun, shotgun, MDC	<u>7,100</u>	<u>0</u>
Total	\$29,022	\$14,158

Source: Frederick County Sheriff's Office

Additional Information

Prior Introductions: None.

Cross File: HB 924 (Frederick County Delegation) – Judiciary.

Information Source(s): Frederick County, Department of Public Safety and Correctional Services, Department of Legislative Services

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