

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 559

(Washington County Delegation)

Environmental Matters

Judicial Proceedings

Washington County - Special Deputy Sheriffs

This bill specifies the duties to which a special deputy sheriff in Washington County may be assigned, and makes it discretionary, rather than mandatory, for county liability insurance to be provided to special deputy sheriffs.

The bill also establishes that (1) designation as a special deputy sheriff does not authorize a designated individual to perform law enforcement duties outside of the appropriate jurisdiction, except under specified circumstances and (2) a special deputy sheriff is under the authority of the Sheriff of Washington County while he/she is performing official duties as a special deputy sheriff.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Washington County finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill expands the list of specified duties to which the Sheriff of Washington County is required to assign a special deputy sheriff to include:

- performing a vehicle traffic stop resulting from the special deputy sheriff's observation that the operation of the vehicle endangered human life;
- stabilizing a traffic situation that is endangering human life;

- stabilizing an emergency situation that involves the potential for loss of human life, bodily injury, or damage to property;
- responding as an initial responder or an emergency responder after being dispatched by the Washington County Emergency Communications Center to a location outside the special deputy sheriff's jurisdiction but which the communications center believed was in the special deputy sheriff's jurisdiction;
- responding to an emergency under a Mutual Aid and Assistance Agreement to which a municipality and the Washington County Sheriff's Office are parties and which is in effect at the time of the response or under a mutual aid agreement if the special deputy sheriff is in compliance with the agreement;
- serving on a task force that is jointly operated by a municipal police department and the Washington County Sheriff's Office; or
- serving on a special response team that has been activated for a response outside the special deputy sheriff's jurisdiction.

Other than these specified duties, designation as a special deputy sheriff does not authorize the special deputy sheriff to perform law enforcement duties outside the special deputy sheriff's jurisdiction. A special deputy sheriff is under the authority of the Sheriff of Washington County while the special deputy sheriff is performing duties as a special deputy sheriff.

Current Law: The Washington County Sheriff may appoint special deputy sheriffs, including qualified members of the police force of a Washington County municipality who are selected by the municipality's police chief. The sheriff must assign a special deputy sheriff who is a police force member to duties in the municipality where the individual is employed, or to duties in other areas of the county.

The sheriff may terminate the appointment of the special deputy sheriff for cause or on completion of the assignment for which the individual was appointed. The special deputy sheriff is not an employee of Washington County for the purpose of employment security or employee benefits. Pursuant to Chapter 148 of 2009 (HB 625), county liability insurance must be provided to a special deputy sheriff only for acts within the official duties as special deputy sheriff.

The Local Government Tort Claims Act (LGTC) defines local government to include counties, municipal corporations, Baltimore City, and various agencies and authorities of local governments such as community colleges, county public libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities. LGTC limits the liability of a local government to \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including

intentional and constitutional torts). It further establishes that the local government is liable for the tortious acts or omissions of its employees acting within the scope of employment. Thus, LGTCA prevents local governments from asserting a common law claim of governmental immunity from liability for such acts or omissions of its employees.

Background: Law enforcement is provided in Washington County by the sheriff's department and four municipal police departments. The boundaries of the municipalities are fragmented, and at times it is difficult to determine if a location is within the jurisdiction of the municipality or the county. There have been instances in which a municipal police officer was mistakenly dispatched to a location that was technically outside of the municipality, and cases have dismissed because a municipal police officer mistakenly believed he was acting within the municipal jurisdiction.

The bill is intended to expand the list of duties of a special deputy sheriff so that a municipal police officer deputized as a special deputy sheriff by the Sheriff of Washington County may respond to calls and take action without fear of losing the case in court due to mistaken jurisdictional boundaries.

Local Fiscal Effect: Washington County advises that the bill does not affect county expenditures and does not affect county insurance premiums. The county plans to develop memoranda of understanding with municipalities through which a deputy sheriff's insurance coverage is provided by the deputy sheriff's employer (the municipality).

Additional Information

Prior Introductions: None.

Cross File: SB 408 (Senator Shank, *et al.*) - Judicial Proceedings.

Information Source(s): Washington County, Department of Legislative Services

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