

HOUSE BILL 521

E4

6lr0643
CF 6lr2761

By: **Delegates Smith, Carter, Anderson, Atterbeary, Conaway, Dumais, Moon, Morales, Proctor, Sanchez, and Sydnor**

Introduced and read first time: February 1, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – SWAT Teams – Reporting and Limitations**

3 FOR the purpose of requiring the Police Training Commission to adopt a certain set of
4 standards for the training and deployment of SWAT teams in the State; requiring
5 each law enforcement agency to follow a certain set of standards; requiring, at
6 certain intervals, a law enforcement agency that maintains a SWAT team to report
7 certain information to the Governor’s Office of Crime Control and Prevention using
8 a certain format; requiring the Police Training Commission, in consultation with the
9 Governor’s Office of Crime Control and Prevention, to develop a standardized format
10 that certain law enforcement agencies shall use in reporting to the Governor’s Office
11 of Crime Control and Prevention certain data relating to the deployment of SWAT
12 teams; requiring the Governor’s Office of Crime Control and Prevention to analyze
13 and summarize certain reports of law enforcement agencies and to submit a certain
14 report of the analyses and summaries to the Governor, the General Assembly, and
15 each law enforcement agency before a certain date each year; providing that, if a law
16 enforcement agency fails to comply with the reporting provisions of this Act, the
17 Governor’s Office of Crime Control and Prevention shall report the noncompliance to
18 the Commission; requiring the Commission to contact a certain law enforcement
19 agency and request that the agency comply with this Act under certain
20 circumstances; providing that, if a certain law enforcement agency fails to comply
21 with certain reporting provisions within a certain period after being contacted by the
22 Commission, the Governor’s Office of Crime Control and Prevention and the
23 Commission jointly shall make a certain report to the Governor and the Legislative
24 Policy Committee of the General Assembly; defining certain terms; and generally
25 relating to the deployment of SWAT teams.

26 BY adding to

27 Article – Public Safety

28 Section 3–801 through 3–803 to be under the new subtitle “Subtitle 8. SWAT Teams”

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Safety

SUBTITLE 8. SWAT TEAMS.

3–801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN § 3–101(E) OF THIS TITLE.

(C) “LAW ENFORCEMENT OFFICER” MEANS A PERSON WHO, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SUBTITLE.

(D) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THIS TITLE.

(E) “SWAT TEAM” IS AN AGENCY–DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A COORDINATED TEAM TO RESOLVE CRITICAL INCIDENTS THAT ARE SO HAZARDOUS, COMPLEX, OR UNUSUAL THAT THEY MAY EXCEED THE CAPABILITIES OF FIRST RESPONDERS OR INVESTIGATIVE UNITS.

3–802.

(A) THE POLICE TRAINING COMMISSION SHALL ADOPT A SET OF STANDARDS FOR THE TRAINING AND DEPLOYMENT OF SWAT TEAMS IN THE STATE, BASED ON BEST PRACTICES IN THE STATE AND NATIONWIDE.

(B) EACH LAW ENFORCEMENT AGENCY SHALL FOLLOW THE STANDARDS ADOPTED UNDER THIS SECTION.

3–803.

(A) ON OR BEFORE APRIL 1, 2017, AND ON OR BEFORE APRIL 1 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT MAINTAINS A SWAT TEAM

1 SHALL REPORT THE FOLLOWING INFORMATION TO THE GOVERNOR'S OFFICE OF
2 CRIME CONTROL AND PREVENTION USING THE FORMAT DEVELOPED UNDER
3 SUBSECTION (B) OF THIS SECTION:

4 (1) THE NUMBER OF TIMES THE SWAT TEAM WAS DEPLOYED BY THE
5 LAW ENFORCEMENT AGENCY IN THE PREVIOUS CALENDAR YEAR;

6 (2) THE CITY OR TOWN, COUNTY, AND ZIP CODE OF THE LOCATION
7 WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH DEPLOYMENT;

8 (3) THE SPECIFIC REASONS FOR EACH DEPLOYMENT OF THE SWAT
9 TEAM, INCLUDING THE ALLEGED CRIME COMMITTED BY A SUSPECT AND ALL OTHER
10 INFORMATION RELEVANT TO THE DECISION TO DEPLOY THE SWAT TEAM;

11 (4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY,
12 FOR EACH DEPLOYMENT OF THE SWAT TEAM; AND

13 (5) THE RESULT OF EACH DEPLOYMENT OF THE SWAT TEAM,
14 INCLUDING:

15 (I) THE AGE, GENDER, AND RACE OF ANY INDIVIDUAL
16 DETAINED AT THE DEPLOYMENT LOCATION, IF KNOWN;

17 (II) THE NUMBER OF ARRESTS MADE, IF ANY;

18 (III) WHETHER PROPERTY WAS SEIZED;

19 (IV) A LIST OF ALL CONTROLLED SUBSTANCES, WEAPONS,
20 CONTRABAND, OR EVIDENCE OF CRIME FOUND;

21 (V) WHETHER A FORCIBLE ENTRY WAS MADE;

22 (VI) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM
23 MEMBER;

24 (VII) WHETHER A WEAPON WAS FOUND, USED, OR DISCHARGED
25 BY A RESIDENT OR OCCUPANT OF THE DEPLOYMENT LOCATION;

26 (VIII) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED
27 OR KILLED BY A SWAT TEAM MEMBER;

28 (IX) WHETHER A DOMESTIC ANIMAL WAS PRESENT AT THE
29 DEPLOYMENT LOCATION; AND

1 **(X) WHETHER A LAW ENFORCEMENT OFFICER OR K-9 WAS**
2 **TARGETED, ASSAULTED, INJURED, OR KILLED BY A RESIDENT OR OCCUPANT OF THE**
3 **DEPLOYMENT LOCATION.**

4 **(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE**
5 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, SHALL DEVELOP A**
6 **STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE TO**
7 **REPORT DATA TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**
8 **UNDER SUBSECTION (A) OF THIS SECTION.**

9 **(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
10 **PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**
11 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.**

12 **(2) (I) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
13 **PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE**
14 **REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS**
15 **SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §**
16 **2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT**
17 **AGENCY BEFORE SEPTEMBER 1 EACH YEAR.**

18 **(II) EACH REPORT SUBMITTED SHALL INCLUDE THE TOTAL**
19 **NUMBER OF SEARCH WARRANTS EXECUTED BY EACH LAW ENFORCEMENT AGENCY**
20 **IN COMPARISON TO THOSE EXECUTED BY THE AGENCY'S SWAT TEAM.**

21 **(D) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
22 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME**
23 **CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO THE POLICE**
24 **TRAINING COMMISSION.**

25 **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE**
26 **TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND**
27 **REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING**
28 **PROVISIONS.**

29 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
30 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**
31 **CONTACTED BY THE POLICE TRAINING COMMISSION WITH A REQUEST TO COMPLY,**
32 **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE POLICE**
33 **TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE**
34 **GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL**
35 **ASSEMBLY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.