

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 810

(Senator Benson)

Judicial Proceedings

Marlow Heights Police Department - Establishment

This bill establishes the Marlow Heights Police Department to provide protection for the Marlow Heights Community in Prince George's County and to enforce the applicable laws, ordinances, and regulations of the county. The bill specifies the powers and the duties of the Marlow Heights Police Department and makes the police officers subject to the Law Enforcement Officers' Bill of Rights (LEOBR), eligible for notice regarding exposure to a contagious disease or virus, and eligible for certification by the Maryland Police Training Commission (PTC).

Fiscal Summary

State Effect: None. Any additional responsibilities for PTC can be handled with existing budgeted resources.

Local Effect: Gelman Management Company is a privately held company, and all associated costs under the bill should not affect any public entities, including Prince George's County. Any operational impacts to the county could be accommodated with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The Marlow Heights Police Department is not an agency of Prince George's County, and its officers, employees, and agents are not officers, employees, or agents of the county. Prince George's County is not responsible for the acts or omissions

of the Marlow Heights Police Department or the officers, employees, or agents of the police department.

Gelman Management Company is solely liable for the funding of the Marlow Heights Police Department. However, the Marlow Heights Police Department or Gelman Management Company 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 unit, any foundation, or any other person.

The bill provides for the method of appointment, qualifications, duties, and responsibilities of the police department's chief of police. All orders to the police department from the president of Gelman Management Company must be directed through the chief of police or the chief's designee. Members of the police department have all the powers granted to a peace officer and a police officer of the State, as specified.

PTC must adopt specified standards, qualifications, and prerequisites for the police department and may delegate the authority to Gelman Management Company. Gelman Management Company must adopt rules governing the operation and conduct of the police department that supplement any regulations of PTC.

Current Law/Background: The Marlow Heights Police Department is currently a special police force. A special police officer holds a commission granted by the Governor. Generally, a commission authorizes the officer to arrest individuals who trespass or commit offenses on the property described in the commission, exercise the powers of a police officer on the property described in the commission, exercise the powers of a police officer in a county or municipal corporation associated with the property described in the commission, and direct and control traffic on public highways and roadways in the immediate vicinity of the property described in the commission. The Secretary of State Police may require, as necessary, training and education for special police officers.

PTC trains and certifies police officers and also approves and certifies police training academies that meet the commission's minimum standards for police officer training. If Gelman Management Company opts to develop its own training program for its officers, it must meet the commission's standards in order for its officers to have police powers.

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 26 specified State and local agencies. It does not grant collective bargaining rights. The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal must be conducted in accordance with LEOBR.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Department of Public Safety and Correctional Services, Department of State Police, Department of Legislative Services

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kb/lgc

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