

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1188

(Delegate Angel, *et al.*)

Judiciary

Law Enforcement Officers - Entrance-Level and In-Service Training
 Requirements - Mental Health Issues

This bill requires the Police Training Commission (PTC) to require, for entrance-level training and, as determined by PTC, for in-service training conducted by the State and each county and municipal police training school, that the curriculum and minimum course of study include training concerning mental health issues that is (1) developed in consultation with mental health professionals and their professional associations and (2) conducted by a mental health professional.

Fiscal Summary

State Effect: General fund expenditures for PTC increase by \$61,600 in FY 2017 to develop the required curriculum; future year PTC expenditures reflect ongoing costs through FY 2019, including costs to train mental health professionals in FY 2018. State expenditures (multiple fund types) increase, likely beginning in FY 2019, to hire mental health professionals to conduct the required training. Revenues are not affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	61,600	77,400	18,500	0	0
GF/SF Exp.	0	0	-	-	-
Net Effect	(\$61,600)	(\$77,400)	(\$18,500)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: While some local governments may be able to implement the bill with existing resources, others likely incur costs to modify current training programs and hire mental health professionals to conduct the required training. Revenues are not affected.

This bill imposes a mandate on a unit of local government.

Small Business Effect: Minimal.

Analysis

Current Law: PTC, within the Department of Public Safety and Correctional Services (DPSCS), was created in 1966 and is chaired by the Superintendent of State Police. It operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

PTC certifies persons as police officers who have met commission standards. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

PTC requires, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of (1) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures; (2) the contact with and treatment of victims of crimes and delinquent acts; (3) the notices, services, support, and rights available to victims and victims' representatives under State law; and (4) the notification of victims of identity fraud and related crimes of their rights under federal law. PTC also requires, for entrance-level police training and annually for in-service level police conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of electronic control devices for specified police officers, consistent with established law enforcement standards and constitutional provisions.

PTC further requires, for entrance-level police training and, as determined by PTC, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) *training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.*

Chapter 126 of 2015 requires the Baltimore City Police Department and the Baltimore County Police Department to each establish, to the extent practicable, a behavioral health unit by October 1, 2016. Training must be developed in consultation with the Behavioral Health Administration of the Department of Health and Mental Hygiene. The Act terminates June 30, 2019.

Background: Training for the certification of law enforcement officers in the State may be conducted at PTC facilities or at any of 20 police training academies in the State certified by PTC. There are approximately 16,500 certified police officers in Maryland.

Baltimore City advises that it is currently in the process of deploying a \$75,000 grant to implement a crisis intervention team model and, pending the identification of additional resources, establishing the pilot program for behavior health units as required by Chapter 126.

The National Conference of State Legislatures reports that eighteen states currently have statutes that address crisis intervention training that includes mental health issues for police officers. California's law enumerates core requirements for police crisis intervention training. Under statute, the basic training required must include instruction on (1) the nature of mental illnesses; (2) appropriate responses to common situations; (3) conflict resolution and de-escalation techniques for potentially dangerous situations involving people exhibiting mental illness; (4) alternatives to lethal force when interacting with potentially dangerous people; and (5) community and state resources available to serve people with mental illness and how these resources can be best utilized by law enforcement.

In 2015, Indiana, Texas and Washington enacted laws addressing crisis intervention training for law enforcement, as follows:

- Indiana created a Technical Assistance Center for Crisis Intervention Teams, which is charged with identifying funding opportunities for local crisis intervention teams, creating an advisory committee, providing training and technical assistance, communicating law enforcement standards for transferring an individual in crisis to medical treatment, and reporting on the status of crisis intervention teams in Indiana.
- Texas enables county mental health authorities to prioritize their funding for programs, including crisis intervention training for law enforcement, to divert individuals from detention.
- Washington's law requires all peace officers with patrol duties to complete eight hours of crisis intervention training for certification as well as an annual two-hour online continuing education course. Among other things, the law provides for (1) enhanced crisis intervention training for at least 25% of all patrol duty peace

officers and (2) reimbursement to law enforcement agencies for the costs of such training.

State Expenditures: General fund expenditures for DPSCS increase by \$61,643 in fiscal 2017, which accounts for the bill’s October 1, 2016 effective date. This estimate reflects the cost of hiring one contractual curriculum development specialist within PTC to develop the mental health training curriculum required by the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$56,828
Equipment and Operating Expenses	<u>4,590</u>
Total FY 2017 DPSCS (PTC) Expenditures	\$61,543

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including \$6,000 in costs in fiscal 2018 to train mental professionals so that they can provide the required training to police officers. Future year expenditures also reflect termination of the contractual employee after two years (in fiscal 2019).

In addition to PTC’s costs to develop the curriculum and train mental health professionals, State expenditures (multiple fund types) likely increase beginning in fiscal 2019 for other State agencies with law enforcement units to hire mental health professionals to conduct the training, as required by the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford and Montgomery counties, Baltimore City, Maryland Association of Counties, City of Rockville, Maryland Municipal League, Department of Public Safety and Correctional Services, National Conference of State Legislatures, Department of Legislative Services

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