

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 181
Judiciary

(Delegate Anderson, *et al.*)

Judicial Proceedings

Maryland Police Training and Standards Commission - Guidelines for Use of
Electronic Control Devices

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to include guidelines for the use of electronic control devices (ECDs) within the set of best practices and standards for use of force adopted and recommended by MPTSC.

Fiscal Summary

State Effect: Because MPTSC already has guidelines for the use of ECDs, the commission can incorporate them into its set of best practices and guidelines for use of force with existing budgeted resources.

Local Effect: The bill's requirements can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The Code of Maryland Regulations (COMAR) establishes minimum police officer training requirements related to the use of an ECD. COMAR specifies that a police officer may not carry or use an ECD as part of the officer's official law enforcement duties before the officer's law enforcement agency has:

- approved each specific manufacturer's model of an ECD used as part of the officer's duties;

- certified to MPTSC, on forms or in a manner determined by MPTSC, that the officer has successfully completed MPTSC training requirements established for each specific manufacturer's model of an ECD approved by the law enforcement agency, which, at a minimum, include (1) classroom instruction; (2) a written examination; and (3) practical exercises demonstrating proficiency in the use of the specific manufacturer's model of an ECD; and
- determined that the officer has received adequate training demonstrating the ability to safely and effectively use each specific manufacturer's model of an ECD the police officer is authorized to carry or use.

Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC 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.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. 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.

MPTSC requirements include, among other things:

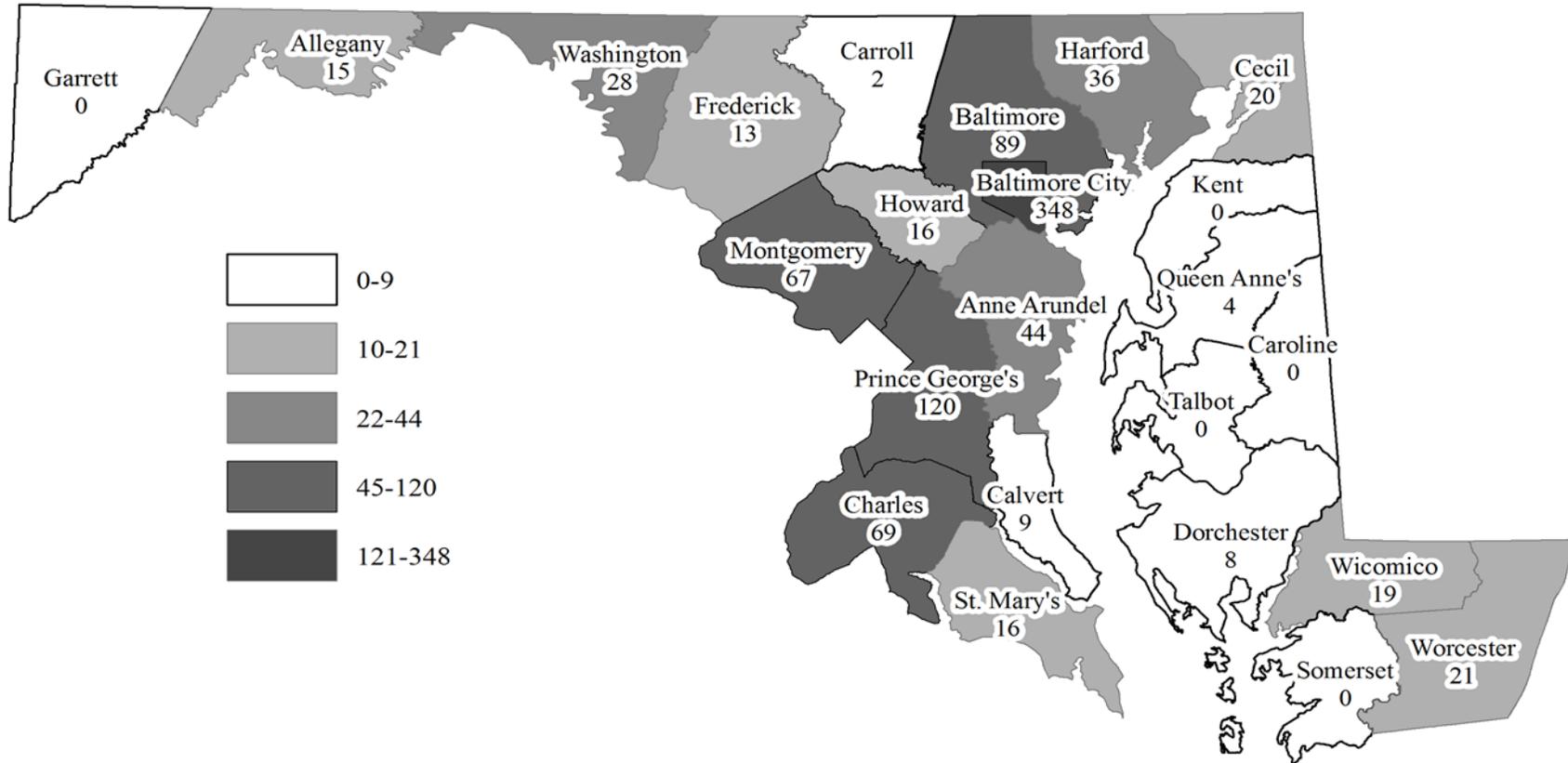
- for entrance-level police training and annually for in-service level police conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of ECDs for specified police officers, consistent with established law enforcement standards and constitutional provisions;
- for entrance-level police training and, as determined by MPTSC, 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; and

- for entrance-level police training and at least every two 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 of antidiscrimination and use of force de-escalation training.

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

In August 2016, the Governor's Office of Crime Control and Prevention released the fourth and final [report](#) on ECD use as required under Chapters 78 and 79 of 2011. Major findings from the report include that, in 2015, more than 95% of individuals receiving an ECD discharge were African American or Caucasian (73% and 22.7%, respectively). ECD discharges were most likely to occur in densely populated areas. Almost half of all discharges occurred between 4:00 p.m. and 12:00 a.m. The majority of discharges occurred during law enforcement's initial response to a criminal incident and when a person failed to comply with law enforcement officer orders. Two individuals died after receiving an ECD discharge in 2015. **Exhibit 1** displays the overall breakdown of ECD discharges aimed at human targets by county in 2015.

Exhibit 1
Law Enforcement Electronic Control Device Discharges Aimed at Human Targets (2015)



Source: Governor's Office of Crime Control and Prevention

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, Talbot, and Wicomico counties; City of College Park; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2017
mm/lgc Third Reader - February 24, 2017

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510