

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1173

(Delegate Haynes, *et al.*)

Judiciary

**Public Safety - Use of Force De-Escalation Training of Law Enforcement Officers
- Reports**

This bill requires each local law enforcement agency to provide the Governor's Office of Crime Control and Prevention (GOCCP) with the agency's policies and procedures on use of force de-escalation training for its law enforcement officers, including specified information, beginning October 1, 2018, and every two years thereafter. GOCCP must (1) adopt procedures for the collection, analysis, and compilation of the required information and (2) beginning January 1, 2019, and every two years thereafter, submit a report that compiles the required information to specified legislative committees.

Fiscal Summary

State Effect: GOCCP can handle the bill's requirements with existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: Local law enforcement agencies can handle the bill's requirements with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 519 of 2016 reconstituted the former Police Training Commission as the Maryland Police Training and Standards Commission (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probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.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 electronic control devices 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.

Each law enforcement agency is required to submit a report to MPTSC on the number of serious officer-involved incidents each year, the number of officers disciplined each year, and the type of discipline administered. MPTSC must annually summarize that information, post the summary on a website maintained by MPTSC, and submit the summary to the General Assembly.

In addition, by March 1 of each year, each local law enforcement agency must provide GOCCP with information, for the previous calendar year, about each officer-involved death and death in the line of duty that involved a law enforcement officer employed by

the agency, as specified. GOCCP must analyze and disseminate the information and submit an annual report to the General Assembly.

Under § 2-101 of the Public Safety Article, “law enforcement agency” means a law enforcement agency of a department, county, or municipal corporation of the State. “Law enforcement agency” includes sheriffs and similar agencies of other states and the United States.

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.

State Expenditures: GOCCP advises that one part-time employee is needed to collect, analyze, and compile the required information, at a cost of \$37,183 in fiscal 2019, increasing to \$48,303 by fiscal 2023. However, the Department of Legislative Services disagrees. GOCCP currently has processes for collecting information from law enforcement agencies on a regular basis. In addition, the report required under the bill is only required once every two years. Thus, GOCCP can implement the bill with existing budgeted resources.

Additional Information

Prior Introductions: HB 1503 of 2017 passed the House with amendments and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Baltimore City; Anne Arundel, Montgomery, and Prince George’s counties; Governor’s Office of Crime Control and Prevention; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

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