

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 1094

Judiciary

Community Safety and Strengthening Act

This bill authorizes the Johns Hopkins University (JHU) to establish a police department and sets forth requirements for the establishment and functions of a JHU police department. The bill also establishes a Law Enforcement Cadet Apprenticeship Program (Cadet Program) in the Department of Labor, Licensing, and Regulation (DLLR) to award competitive grants to specified law enforcement agencies. In addition, the bill modifies and establishes mandatory appropriations for the Seed Community Development Anchor Institution Fund, Baltimore Children and Youth Fund, Baltimore City YouthWorks Summer Jobs Program, and the Cadet Program. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures increase by \$46,400 in FY 2020 for DLLR. Beginning in FY 2021, general fund expenditures increase by \$5.3 million, reflecting mandated appropriations under the bill. In addition, general fund pay-as-you-go (PAYGO) and/or general obligation (GO) bond expenditures increase by \$5.0 million in FY 2021 and 2022 and \$10.0 million annually beginning in FY 2023; special fund revenues and expenditures increase correspondingly. **This bill increases and makes permanent a mandated appropriation beginning in FY 2021; it establishes additional mandated appropriations, one of which is also permanent, beginning in FY 2021.**

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
SF Revenue	\$0	\$5.00	\$5.00	\$10.00	\$10.00
GF Expenditure	\$0.05	\$5.25	\$5.25	\$5.25	\$5.25
SF Expenditure	\$0	\$5.00	\$5.00	\$10.00	\$10.00
Bond/PAYGO Exp.	\$0	\$5.00	\$5.00	\$10.00	\$10.00
Net Effect	(\$0.05)	(\$10.25)	(\$10.25)	(\$15.25)	(\$15.25)

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

Local Effect: Local governments benefit from increased funding available beginning in FY 2021, particularly for revitalization of blighted areas but also for law enforcement agencies that participate in the Cadet Program. Baltimore City receives \$4.5 million in mandated funding each year from FY 2021 through 2024 for two specified programs. Baltimore City may also benefit from JHU establishing a police department.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Mandated Appropriations

The bill increases and makes permanent an existing mandated appropriation. Specifically, for fiscal 2021 and each fiscal year thereafter, the Governor must include in the annual operating budget or the capital budget an appropriation of \$10.0 million for the Seed Community Development Anchor Institution Fund.

The bill establishes mandated appropriations over a four-year period for two programs in Baltimore City. Specifically, for fiscal 2021 through 2024, the Governor must include in the State budget appropriations of *at least* \$3.5 million for the Baltimore City Children and Youth Fund and *at least* \$1.0 million for the Baltimore City YouthWorks Summer Jobs Program. The bill establishes that this funding is in addition to any State funding otherwise available to the fund and the program, and for fiscal 2021 through 2024, the Governor must identify how the required funding is being used to supplement, and not supplant, the funding for the fund and the program.

The bill expresses legislative intent that the East Baltimore Historical Library in Baltimore City receive State funds in the amount of \$100,000 if JHU provides matching funds. Any funds provided to the East Baltimore Historical Library must be used for the acquisition, planning, design, construction, or capital equipping of the East Baltimore Historical Library.

The bill establishes a mandated appropriation of *at least* \$750,000 a year beginning in fiscal 2021 for the Cadet Program in DLLR. The funding is for grants to eligible law enforcement agencies and may be used to cover the costs of administering the program.

Law Enforcement Cadet Apprenticeship Program

The purposes of the Cadet Program are to:

- provide young individuals opportunities to begin a career in law enforcement;
- foster positive relationships between the public, particularly young individuals, and law enforcement agencies;
- develop a cohort of individuals qualified to join a law enforcement agency;
- encourage law enforcement agencies to hire apprentices; and
- help law enforcement agencies offset additional costs, if any, associated with hiring apprentices.

DLLR is charged with administering the Cadet Program and awarding competitive grants to law enforcement agencies, defined in the bill as the police departments of a county, municipal corporation, or university in Maryland. To be eligible for an award, the law enforcement agency must employ at least one apprentice who (1) has been employed by the agency for at least seven months; (2) is enrolled in the first year of a specified apprenticeship program; and (3) lives in a zip code in which at least 10% of the population is below the federal poverty level, as specified.

The amount of a grant awarded under the Cadet Program is based on the number of apprentices within the law enforcement agency who meet all three of the eligibility criteria and is generally capped at \$2,000 for each such apprentice. However, for an eligible university law enforcement agency, a grant award is capped at \$1,000 for each such apprentice.

DLLR must adopt regulations necessary to carry out provisions regarding the Cadet Program.

The Johns Hopkins University Police Department

JHU is authorized to establish a police department based on a memorandum of understanding (MOU) entered into by the university and the Baltimore Police Department (BPD) regarding matters related to police jurisdiction, functions, and operations. The MOU must require that BPD (1) have primary responsibility for all investigations and arrests related to Part I offenses specified under the Uniform Crime Reporting Program, except as specified; (2) maintain any evidence collected from crime scenes at the Evidence Control Unit of BPD, as specified; and (3) impound any stolen vehicles, as specified.

A JHU police officer may exercise the powers granted to a peace and police officer but generally only on the university's campus area and concurrently with BPD within areas

adjacent to the campus area as specified in an executed MOU developed with input from the relevant community. A JHU police officer may *not* exercise such powers on any other property, except under specified circumstances.

If JHU establishes a campus police department, JHU must continue to make use of the JHU security personnel or building guards in addition to the police department and also must:

- adopt specified standards, qualifications, and prerequisites for hiring and training JHU police officers that comply with the regulations of the Maryland Police Training and Standards Commission (MPTSC);
- adopt standards for character, education, human relations, public relations, and experience for JHU police officers;
- ensure constitutional and community-oriented policing through the adoption of policies, practices, and training, as specified; and
- seek accreditation by the Commission on Accreditation for Law Enforcement Agencies, the International Association of Campus Law Enforcement Administrators, or a similar organization.

If established by JHU, the JHU police department is subject to a 15-member University Police Accountability Board established by JHU. The purpose of the accountability board is to:

- enable community members to share community concerns regarding the police department directly with police department leadership;
- review police department metrics;
- provide feedback on existing police department policies and practices, including police department standards for hiring and recruitment; and
- suggest ideas for improving police department policies, procedures, and performance, including ideas for community-based public safety initiatives.

In addition, if JHU establishes a police department, JHU must (1) establish at least one specified Police Athletic/Activity League in Baltimore City at its own expense and (2) annually report specified information regarding the structure, functions, and operations of the police department to the Mayor of Baltimore City and the City Council of Baltimore, the General Assembly, and the accountability board.

The bill makes law enforcement officers, except the chief of police, in the JHU police department subject to the Law Enforcement Officers' Bill of Rights (LEOBR) with specified requirements to include voting members of the public on a hearing board. Law enforcement officers in the JHU police department are eligible for certification by MPTSC and subject to review by the Baltimore City Civilian Review Board.

Before executing a MOU, JHU must:

- post publicly the proposed MOU, as specified;
- provide the Baltimore City Council specified time to review and submit written comments, as specified;
- provide affected individuals, neighborhoods, community groups, and local officials with an opportunity to review and comment on the proposed MOU; and
- host public forums, as specified.

If a final MOU is executed by all parties, JHU must post a copy of the executed MOU on a website available to the public.

Nothing in the bill may be construed to affect the right of employees of the police department to form, join, support, or participate in a labor organization to engage in collective bargaining under applicable federal law.

Current Law/Background:

The Johns Hopkins University – Campus Safety and Security

JHU Campus Safety and Security currently uses a combination of special police officers, security officers, private security, and off-duty BPD officers and deputy sheriffs on campus. Special police officers patrol the campus and adjacent streets; these officers are unarmed, but they can arrest suspects on campus or other JHU property. The campus security officers are also unarmed, but they have no power to make arrests. BPD officers work closely with JHU and have full police authority to make arrests, conduct investigations, and otherwise enforce the law on all property owned or operated by JHU in Baltimore City.

Maryland Police Training and Standards Commission

MPTSC 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 JHU 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.

Commissioning as a Special Police Officer

Under the Public Safety Article, the Governor may appoint and deputize an individual as a special police officer. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. A special police officer,

unless on detective duty, must wear a uniform that gives notice that the special police officer is a special police officer, rather than a law enforcement officer.

Law Enforcement Officers' Bill of Rights

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 and includes all of the agencies under the board's jurisdiction. 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.

Baltimore City Civilian Review Board

The Baltimore City Civilian Review Board is a permanent, independent agency in Baltimore City that is authorized to process complaints lodged by members of the public who allege abusive language, false arrest, false imprisonment, harassment, or excessive force by members of BPD. The board may also review BPD's policies and make recommendations to the police commissioner. The following police agencies fall under the jurisdiction of the board: BPD; the Baltimore City School Police; the Housing Authority Police of Baltimore City; the Baltimore City Sheriff's Department; the Baltimore City Watershed Police Force; the police force of the Baltimore City Community College; and the police force of Morgan State University.

Seed Community Development Anchor Institution Fund

Chapter 31 of 2016 established the Seed Community Development Anchor Institution Fund within the Department of Housing and Community Development (DHCD) to provide grants and loans to "anchor institutions" for community development projects in "blighted areas" of the State. DHCD administers the fund, which consists of money appropriated in the State budget, investment earnings of the fund, and any other money accepted from any other source for the benefit of the fund. For fiscal 2018 through 2022, the Governor must include in the annual operating budget or capital budget an appropriation of \$5.0 million to the fund.

"Anchor institution" is defined as (1) an institution of higher education in the State or (2) a hospital institution in the State. A hospital institution must (1) have at least five physicians organized as a medical staff for the institution; (2) maintain facilities to provide diagnostic and treatment services for two or more unrelated individuals; and (3) admit or retain individuals for overnight care.

A “blighted area” is one in which the majority of buildings have declined in productivity by obsolescence, depreciation, or other cause to an extent that they no longer justify fundamental repairs and adequate maintenance.

To be eligible for a grant or loan, an anchor institution must provide evidence of matching funds from a private source. Grants and loans must be awarded on a competitive basis. Expenditures from the fund may be made only in accordance with the State budget.

Baltimore City Children and Youth Fund

The Baltimore Children and Youth Fund was launched in 2015 by Baltimore City Council President Bernard C. “Jack” Young and approved by Baltimore City voters in November 2016 as a nonlapsing fund. The fund is capitalized with a \$12.0 million set aside from property tax revenue and is dedicated specifically to supporting Baltimore City’s children, youth, and young adults.

Maryland Summer Youth Connection Program and the Baltimore City YouthWorks Summer Jobs Program

Established by Chapter 322 of 2005, the Maryland Summer Youth Connection Program in DLLR’s Division of Workforce Development and Adult Learning provides summer jobs for youth ages 14 through 21 who are from low-income families, have a disability or special need, or otherwise encounter barriers in the labor market. The director must make grants to local workforce investment areas according to a formula established under the federal Workforce Innovation and Opportunity Act (WIOA) and evaluate the performance of these local areas in fulfilling the goals of the program. Local areas must develop work experiences with public and private nonprofit community-based sites, as well as a limited percentage of private for-profit sites; provide job training and career-exposure activities; and monitor work sites. These local areas must submit a plan detailing their program and submit an end-of-summer report.

Local program costs are authorized to include wages paid to participants, supervision expenses, materials and supplies, reasonable transportation expenses, training expenses, and administrative support. No more than 10% of total local program costs may be used for administrative support services. Participants may not be paid less than the federal minimum wage for each hour worked.

Within Baltimore City, the YouthWorks Summer Jobs Program provides a five-week summer work experience to Baltimore City residents, ages 14 to 21. The program connects young people to summer jobs with private, nonprofit, and city and State government employers throughout Baltimore City. Partners for the program include the City of Baltimore, State of Maryland, local employers, nonprofits, philanthropic contributors,

Baltimore City Foundation, and Baltimore Workforce Development Board Youth Committee. Participants develop workplace skills while working 25 hours a week earning the State minimum wage of \$10.10 per hour. The program served 7,152 Baltimore City youth in fiscal 2017 and set a target of 8,000 youth for fiscal 2019. Baltimore City's 2019 fiscal budget appropriated \$7.0 million to YouthWorks, which includes \$2.2 million of Baltimore City general fund expenditures.

For fiscal 2019, DLLR allocated \$1.13 million of general funds for the Baltimore City YouthWorks Summer Program and \$960,000 of general funds for the Maryland Summer Youth Connection statewide activities, of which \$207,456 was allocated to Baltimore City. This funding is provided to supplement WIOA federal funds that DLLR oversees and provides to local workforce entities.

The minimum cost for the Baltimore City YouthWorks Summer Program to handle the youth's payroll is \$1,600 per intern that is working the standard YouthWorks hours of 25 hours a week for five weeks. The Baltimore City YouthWorks Summer Program generally covers the costs for nonprofits, government organizations, and for small businesses with fewer than five employees, while larger private-sector businesses pay \$1,600 for each intern.

East Baltimore Historical Library

The East Baltimore Historical Library is a community space that preserves and shares the history of east Baltimore. The library collects and makes memories accessible and collaborates with local libraries, youth, community and arts organizations, creative artists, historians, and educators to archive and continually reconstruct the history and culture of the community. The library facilitates education by helping young people explore how information, art, social movement, and political issues flow throughout and within their neighborhoods and the world.

State Fiscal Effect: Overall, general fund expenditures increase by \$46,455 in fiscal 2020 for DLLR, as discussed below, and by at least \$5.3 million annually from fiscal 2021 through 2024. General fund PAYGO or GO bond expenditures increase by \$5.0 million in fiscal 2021 and 2022 and then by \$10.0 million annually beginning in fiscal 2023; special fund revenues and expenditures increase correspondingly. In addition, general fund PAYGO or GO bond expenditures may increase by \$100,000 should JHU provide matching funds for the East Baltimore Historical Library.

Seed Community Development Anchor Institution Fund

Under existing law, the Governor is required to appropriate \$5.0 million annually through fiscal 2022 to the Seed Community Development Anchor Institution Fund. The bill

increases the mandated appropriation to \$10.0 million beginning in fiscal 2021 and makes the mandated appropriation permanent. Thus, this analysis assumes that PAYGO general fund and/or GO bond expenditures increase by \$5.0 million in fiscal 2021 and 2022 and \$10.0 million annually thereafter as a result of the bill. Special fund revenues and expenditures increase correspondingly as all appropriated funds are assumed to be spent each year. The analysis does not reflect any additional special fund revenues that may accrue due to investment earnings and loan repayments.

As PAYGO general funds are being used to meet the current mandated appropriation, it is likely that they continue to be used. However, as under current law, the bill allows for the mandate to be met with GO bond funds in the capital budget. To the extent GO bond funding is used instead, the total capital budget does not increase; less funding is available for other projects.

Even though the mandated appropriation for the fund doubles under the bill, it is assumed that DHCD receives only a minimal number of applications for funding. As a result, DHCD can handle administration of the additional funding with existing resources. DLS notes that only one (very large) project has been funded in fiscal 2019.

State entities that qualify as “anchor institutions” may receive financial assistance due to the greater level of funding provided under the bill.

Baltimore City Children and Youth Fund and Baltimore City YouthWorks Summer Jobs Program

General fund expenditures increase, by a combined total of at least \$4.5 million, for the Baltimore City Children and Youth Fund (\$3.5 million) and the Baltimore City YouthWorks Summer Jobs Program (\$1.0 million) in fiscal 2021 through 2024. Both programs are administered by Baltimore City. Though the YouthWorks Summer Jobs Program is normally funded through DLLR and the Maryland Summer Youth Connection Program, this analysis assumes that the minimum required level of funding is provided and that it is passed through the Department of Human Services.

State agencies may benefit from having interns that are paid through the Baltimore City YouthWorks Summer Jobs Program.

Cadet Program within the Department of Labor, Licensing, and Regulation

The bill mandates that the Governor appropriate at least \$750,000 for fiscal 2021 and each year thereafter to the Cadet Program. The bill specifically authorizes DLLR to cover administrative costs of operating the Cadet Program with the appropriation. However, DLLR advises, and DLS concurs, that in order to have the program operational beginning

in fiscal 2021, the department needs administrative staff beginning in fiscal 2020. Thus, general fund expenditures increase by \$46,433 in fiscal 2020, which accounts for a start date of January 1, 2020. This estimate reflects the cost of hiring one full-time program administrator to establish the program requirements and parameters, including adopting regulations, prior to the program beginning in fiscal 2021. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

	<u>FY 2020</u>	<u>FY 2021</u>
New Position	1.0	-
Salary and Fringe Benefits	\$41,230	\$82,402
One-time Start-up Costs	4,890	0
Ongoing Operating Expenses	313	625
Funding Available for Grant Awards	0	<u>666,973</u>
Total DLLR Expenditures	\$46,433	\$750,000

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses. However, beginning in fiscal 2021, the salary is covered by the mandated appropriation, and almost \$667,000 is available for awards. This analysis assumes that the minimum mandated amount is provided and that awards are not made until fiscal 2021. If additional funding is provided in fiscal 2020, it is discretionary and further accelerates the need for staffing.

As State law enforcement agencies (including those at public universities) may participate in the Cadet Program, they may receive grant awards to offset the costs of hiring apprentices beginning in fiscal 2021.

East Baltimore Historical Library

To the extent that JHU provides matching funds, general fund PAYGO or GO bond expenditures increase by as much as \$100,000 for funding to the East Baltimore Historical Library. As noted above, if GO bond expenditures are used, total funding in the capital budget does not increase; instead, fewer projects may be funded.

Local Revenues: Beginning in fiscal 2021, Baltimore City receives at least \$4.5 million in additional funding each year over a four-year period for its Children and Youth Fund and its YouthWorks Summer Jobs Program. Baltimore City may also benefit to the extent BPD participates in the Cadet Program and receives grant awards beginning in fiscal 2021. Other local law enforcement agencies also benefit to the extent they participate in the Cadet Program and receive grant awards. Although local revenues increase under such a scenario, any grant awards are used to offset the costs of hiring apprentices.

Local Expenditures: With additional funding available for its Children and Youth Fund and YouthWorks Summer Jobs Program, Baltimore City may incur additional administrative costs. As noted above, BPD and any other law enforcement agency that participates in the Cadet Program incur costs for hiring apprentices.

Should JHU use the bill's authorization to establish a police department, BPD may realize minimal cost savings to the extent it does not need to patrol the JHU campus. Even so, the number of BPD officers does not necessarily decrease.

The Judiciary advises that should JHU establish a police department, administrative appeals from police hearing boards to the circuit court for Baltimore City under LEOBR are likely to increase; however, such an increase is likely to be minimal and can be handled with existing resources for the circuit court.

Small Business Effect: Small businesses benefit to the extent they are involved with community development projects that are funded as a result of the bill. In addition, any small businesses located in blighted areas where anchor institutions fund community development projects benefit to the extent the bill contributes to revitalization of those areas. Small businesses that participate in the Baltimore City YouthWorks Summer Program also benefit.

Additional Comments: JHU costs increase to the extent it establishes a police department. If it does so, JHU is also eligible to participate in the Cadet Program. In addition, JHU likely benefits significantly from the additional funding for the Seed Community Development Anchor Institution Fund since it is a qualifying "anchor institution."

Additional Information

Prior Introductions: None.

Cross File: SB 793 (Senator Hayes)(By Request) - Judicial Proceedings and Budget and Taxation.

Information Source(s): Harford, Montgomery, and Wicomico counties; Baltimore City; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); University System of Maryland; Morgan State University; Department of Budget and Management; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Housing and Community Development; Department of Legislative Services

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