

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 929

(Senator Hayes, *et al.*)

Judicial Proceedings and Budget and Taxation

Judiciary

Public Safety - Baltimore City - P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program

This bill establishes the Public Resources Organizing to End Crime Together (P.R.O.T.E.C.T.) Program and related requirements for the Department of State Police (DSP), the Department of Public Safety and Correctional Services (DPSCS), the Department of Juvenile Services (DJS), and the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOVS). For fiscal 2022 and each year thereafter, the Governor must include in the annual budget bill (1) an appropriation sufficient to fully fund the bill’s requirements and (2) an additional appropriation of at least \$500,000 for GOVS to hire and manage specified staff. The bill also expands the jurisdiction of DSP in Baltimore City if acting in accordance with a specified memorandum of understanding (MOU) and authorizes the State and Baltimore City to enter into an MOU to give specified State law enforcement agencies and the Baltimore Police Department (BPD) concurrent jurisdiction in parts of Baltimore City, as specified. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$3.0 million annually beginning in FY 2021; FY 2020 costs reflect only one month. Revenues are not affected.

This bill establishes a mandated appropriation beginning in FY 2022.

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0.5	3.0	3.1	3.1	3.2
Net Effect	(\$0.5)	(\$3.0)	(\$3.1)	(\$3.1)	(\$3.2)

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

Local Effect: Potential significant positive operational impact for Baltimore City and other local governments, as discussed below. Local revenues are not affected.

Small Business Effect: Minimal or no direct impact.

Analysis

Bill Summary: The P.R.O.T.E.C.T. Program is established to maximize the use of State, local, and community resources to combat neighborhood decline in Baltimore City and throughout the State, support comprehensive strategies to reduce crime and fear in those communities, and ensure that BPD sworn officers are utilized in direct public safety roles.

GOVS must select 10 high-crime micro-zones within the State and create, as a civilian position, an “End the Violence” P.R.O.T.E.C.T. coordinator position for each high-crime micro-zone. A coordinator must reside in the jurisdiction in which the high-crime micro-zone is located and must:

- ensure utilization of all existing crime prevention programs and grants;
- coordinate community and youth programs;
- assist with community mobilization and activities to reclaim public space;
- assist with rapid response to public nuisances; and
- coordinate community engagement with the local law enforcement agency with jurisdiction in the high-crime micro-zone.

The mandated appropriation for GOVS must be used to hire and manage the coordinators.

DSP, the Division of Parole and Probation (DPP) within DPSCS, and DJS must establish and operate a warrant apprehension task force partnership. BPD, DJS, and DPP must establish and operate collaborative district officer supervision teams that provide intensive supervision, including increased home visits, of adult and juvenile violent offenders.

The bill expands the jurisdiction of DSP in Baltimore City if acting in accordance with a specified MOU. In addition, the State and Baltimore City may enter into an MOU to give specified “State law enforcement agencies” and BPD concurrent jurisdiction over I-83 and I-295 in Baltimore City; such an MOU must be reviewed and submitted annually to specified legislative committees.

The Baltimore Pretrial Complex must be staffed by DPSCS, and BPD sworn officers may not be used to staff the Baltimore Pretrial Complex.

State law enforcement agencies, BPD, DJS, and DPSCS must make diligent efforts to fully implement the bill’s provisions as quickly as possible and may adopt implementing regulations. By December 31 annually, DSP, DJS, DPSCS, GOVS, and Baltimore City must each report to the Governor and the General Assembly on the progress made in implementing the requirements of the bill, as specified. In addition, by December 1, 2020, DJS and BPD must submit to specified legislative committees and the Baltimore City

Delegation a report detailing plans for reducing the number of sworn officers used to staff the Baltimore City Juvenile Justice Center.

“State law enforcement agencies” includes DSP, the Maryland Transportation Authority (MDTA) Police, the Department of General Services (DGS) Police, and the Maryland Capitol Police.

Current Law:

DSP Jurisdiction: Generally throughout the State, DSP has the same powers, privileges, immunities, and defenses as sheriffs, constables, police officers, and other peace officers possessed at common law and may now or in the future exercise within their respective jurisdictions. DSP may execute an arrest warrant in any part of the State without further endorsement. However, DSP may not act within the limits of a municipal corporation (including Baltimore City) that maintains a police force except:

- when in pursuit of a criminal or suspect;
- when in search of a criminal or suspect wanted for a crime committed outside of the limits of the municipal corporation or when interviewing or seeking to interview a witness or supposed witness to the crime;
- when a crime is committed in the presence of the police employee, and the arrested party must be immediately transferred to the custody of the local law enforcement agency;
- when requested to act by the chief executive officer or chief police officer of the municipal corporation;
- when ordered by the Governor to act within the municipal corporation;
- when enforcing the motor vehicle laws of the State, except in Baltimore City;
- in Baltimore City, only when enforcing Title 23 of the Transportation Article;
- in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates to guard the safety of legislators or the integrity of the legislative process;
- to protect the safety of an elected State official;
- in the municipal corporations of Somerset County;
- when conducting investigations relating to or otherwise enforcing various sexual offenses, misuse of telephone facilities and equipment, misuse of electronic mail, and abduction of a child younger than age 16;
- when participating in a joint investigation with officials from another State, federal, or local law enforcement agency at least one of which has local jurisdiction;
- when rendering assistance to a police officer;
- when acting at the request of a local police officer;

- when a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety, welfare, or property from actual or threatened harm or from an unlawful act exists;
- when acting in accordance with specified regulations adopted by the Secretary;
- when conducting investigations relating to or otherwise enforcing laws relating to unauthorized access to computers and related material; or
- when conducting an investigation of the death of an inmate in the custody of the Division of Correction.

Warrant Apprehension Unit: The Warrant Apprehension Unit (WAU) within DPSCS is authorized to:

- execute warrants for the retaking of offenders;
- execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;
- obtain and execute search warrants as authorized by statute; and
- arrest offenders in the State's home detention program as authorized by statute.

WAU employees who are authorized to make arrests must meet minimum qualifications required by the Maryland Police Training Commission and satisfactorily complete training prescribed by the commission. They are authorized to make arrests and to exercise the powers of a peace officer and a police officer.

State Law Enforcement Coordinating Council: The State Law Enforcement Coordinating Council was established by executive order in 2012 (Executive Order 01.01.2012.03). The council adopts written policies and procedures that provide a framework for coordination of the work of State law enforcement agencies. The council has the authority and responsibility to coordinate among its member agencies to further the safety and security of State residents and to improve the administration and enforcement of the laws of Maryland by ensuring that police resources are deployed across the State to address statewide crime trends, regional and local crime, maintain homeland security, respond to any threats to homeland security, and to address emergencies either natural or man-made.

Collaborative efforts by the council may concern homeland security; natural or man-made emergency response; actions to increase the safety of roadways and other forms of transportation; and targeted investigation and law enforcement of crime trends or specific criminal activity. In addition, the council explores ways that State law enforcement agencies can share resources and eliminate overlapping or redundant functions in areas such as campus security, communications, emergency planning, homeland security, information technology, procurement, and training.

By September 1 of each year, the council must submit a summary report to the Governor concerning all actions taken for the previous fiscal year ending June 30, including the member agency participants and the location of each action.

Background: In an effort to support Baltimore City in its fight against crime, the State has taken on a larger role in combatting crime within the city. The State’s role is a multifaceted one, consisting of providing grant and aid funding, providing direct law enforcement assistance, and increasing State personnel working within the court systems. Agencies from across State government are involved in the effort.

State Expenditures: General fund expenditures increase by *at least* \$3.0 million annually beginning in fiscal 2021; the fiscal 2020 costs shown below reflect only one month. Beginning in fiscal 2022, the Governor must include in the annual budget bill an appropriation sufficient to fully fund the bill’s requirements and at least an additional \$500,000 to be used by GOVS to hire and manage the “End the Violence” P.R.O.T.E.C.T coordinators. The bill’s effect by agency is described below.

The Department of Public Safety and Correctional Services

General fund expenditures for DPSCS increase by \$209,380 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 18 parole and probation agents and three field supervisors to establish and operate collaborative district officer supervision teams, in conjunction with BPD and DJS, that provide intensive supervision, including increased home visits, of adult and juvenile violent offenders.

Positions	21
Salaries and Fringe Benefits	\$105,623
Operating Expenses	<u>103,757</u>
Total FY 2020 DPSCS Expenditures	\$209,380

Future year expenditures, which are at least \$1.3 million annually, reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

WAU is authorized to execute warrants for the retaking of offenders and for the arrest of probationers for whom a warrant is issued for an alleged violation of probation. To the extent that the bill requires WAU to perform additional duties, general fund expenditures for DPSCS increase further.

DPSCS can adopt implementing regulations and submit the required annual reports using existing budgeted resources.

Governor Office of Crime Prevention, Youth, and Victim Services

General fund expenditures for GOVS increase by \$129,112 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 10 “End the Violence” P.R.O.T.E.C.T. civilian coordinator positions (1 for each of the 10 high-crime micro-zones within the State) to complete the tasks required under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	10
Salaries and Fringe Benefits	\$79,704
Operating Expenses	<u>49,408</u>
Total FY 2020 GOVS Expenditures	\$129,112

Future year expenditures, which total approximately \$1.0 million annually, reflect full salaries with annual increases and employee turnover and ongoing operating expenses. Beginning in fiscal 2022 and each fiscal year thereafter, the Governor must include in the annual budget bill an appropriation of *at least* \$500,000 to be used by GOVS to hire and manage the coordinators. Based on this analysis, GOVS needs an appropriation of approximately \$1.0 million annually beginning in fiscal 2021 to cover the costs of the coordinator positions.

GOVS can submit the required annual reports using existing budgeted resources.

Department of Juvenile Services

General fund expenditures for DJS increase by \$111,595 in fiscal 2020, which accounts for the bill’s June 1, 2020 effective date. This estimate reflects the cost of hiring 10 case manager specialists and one case manager supervisor to establish and operate collaborative district officer supervision teams, in conjunction with BPD and DPP, and to provide intensive supervision, including increased home visits, of adult and juvenile violent offenders. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	11
Salaries and Fringe Benefits	\$57,246
Operating Expenses	<u>54,349</u>
Total FY 2020 DJS Expenditures	\$111,595

Future year expenditures, which are more than \$700,000 annually, reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

DJS can adopt implementing regulations and submit the required annual reports using existing budgeted resources.

Department of State Police

DSP can work with BPD to enter into an MOU for concurrent jurisdiction over I-83 and I-295 with existing resources. To the extent actual experience under the bill indicates a need for additional troopers, DSP can request additional resources through the annual budget process. In addition, DSP can work with DPP and DJS to establish and operate a warrant apprehension task force partnership with existing budgeted resources. DSP can also adopt implementing regulations and submit the required annual reports using existing budgeted resources.

Other Affected State Law Enforcement Agencies

It is assumed that the MDTA Police, the DGS Police, and the Maryland Capitol Police within DGS can enter into MOUs for concurrent jurisdiction over I-83 and I-295 with BPD with existing resources. To the extent actual experience under the bill indicates a need for additional officers, the affected State agencies can request additional resources through the annual budget process.

Local Fiscal Effect: Under the bill, State law enforcement agencies and DPSCS may perform functions currently performed by BPD officers. To the extent that the bill's requirements and authorizations relieve BPD officers of current duties, such officers can be reassigned to other law enforcement functions within Baltimore City. Such reassignment likely results in positive operational and fiscal impacts for BPD.

To the extent that DSP, DPSCS, and DJS perform functions in other areas of the State currently performed by local law enforcement, other local jurisdictions benefit from positive operational and fiscal impacts.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1408 (Delegate Attar) - Judiciary.

Information Source(s): Baltimore City; Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Budget and Management; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of General Services; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

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