

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 785 (The President)(By Request - Department of Legislative Services)

Judicial Proceedings

Department of Legislative Services - Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services

This bill requires, by October 31 each year, the Department of Public Safety and Correctional Services (DPSCS), the Department of State Police (DSP), the Maryland Police Training and Standards Commission (MPTSC), and the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to submit, in electronic format, to the Department of Legislative Services (DLS) specified information relating to public safety and criminal justice. By July 1, 2022, the Department of Juvenile Services (DJS) and DLS must enter into a memorandum of understanding for DJS to (1) provide various custom reports to DLS with specified information relating to a juvenile’s record and (2) develop a work plan regarding efforts to include specific race and ethnicity data for individual juveniles. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: No effect in FY 2022. General fund expenditures increase by \$1.1 million in FY 2023; future years are annualized and reflect ongoing costs (including contractual services). Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,124,400	1,132,300	404,000	405,700	407,400
Net Effect	(\$1,124,400)	(\$1,132,300)	(\$404,000)	(\$405,700)	(\$407,400)

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

Local Effect: The bill does not directly affect local governments.

Small Business Effect: None.

Analysis

Current Law:

Department of Public Safety and Correctional Services Reporting: By October 31 of each year, the Commissioner of Correction must submit an [annual report](#) to the Secretary of Public Safety and Correctional Services and the Governor that states, for each correctional facility in the Division of Correction (DOC):

- its expenses, receipts, disbursements, condition, and progress;
- the number of inmates and each inmate's age, sex, race, place of birth, and conviction, crime, and term of confinement;
- the number of inmates who escape, are pardoned, or are discharged;
- the job classifications for inmate labor in each department and facility under DOC's control;
- the daily wage scale at each prison for each job classification under DOC's authority;
- the total number of inmates currently employed at facilities under DOC's authority, disaggregated by facility; and
- any remarks and suggestions the commissioner considers necessary to advance the interests of the correctional facility.

The commissioner must also submit with the report an accurate, detailed statement for all receipts and disbursements to DOC during the year. The commissioner must verify the required report and statement. The Governor must submit to the General Assembly the required report and statement and any recommendations that the Governor considers expedient.

Department of State Police Reporting: DSP must collect, analyze, and disseminate information about the incidence of crime in Maryland. DSP must also collect and analyze information about incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to such [hate crimes](#). DSP must make monthly reports to the Maryland Commission on Civil Rights with the required information. Data for the reports are gathered from each agency's record of complaints, investigations, and arrests. DSP's Central Records Division compiles the State's Uniform Crime Report (UCR) information by calendar year, which is published annually as [Crime in Maryland](#).

Maryland Police Training and Standards Committee Reporting: Chapter 59 of 2021 requires each law enforcement agency to require a police officer who was involved in a

use of force incident in the line of duty to file an incident report regarding the use of force by the end of the officer's shift unless the officer is disabled. By March 1 each year, each law enforcement agency must submit to MPTSC the number of use of force complaints made against its police officers during the previous calendar year, aggregated by numbers of complaints administratively charged, not charged, unfounded, and exonerated. By July 15 each year, MPTSC must post on its website and submit to the General Assembly a compendium of the required information submitted by law enforcement agencies. If a law enforcement agency has not submitted the required report by July 1 for the previous calendar year, GOCPYVS may not make any grant funds available to that law enforcement agency.

MPTSC is required to develop a system by which law enforcement agencies report to the commission on the number of serious officer-involved incidents each year, the number of officers disciplined each year, and the type of discipline administered to those officers. MPTSC must annually summarize the information submitted by law enforcement agencies and (1) post the summary, excluding the names of officers and other involved parties, on a website maintained by MPTSC and (2) submit the [summary](#) to the General Assembly.

Governor's Office of Crime Prevention, Youth, and Victim Services Reporting: Chapter 391 of 2021 requires, by March 1, 2022, and each March 1 thereafter, each local law enforcement agency to report to GOCPYVS specified information on each use of force incident, for the previous calendar year, involving a police officer employed by the law enforcement agency that resulted in a monetary settlement or judgment against the law enforcement agency. GOCPYVS must (1) adopt procedures for the collection and analysis of the required information; (2) by June 30 each year, compile and submit an annual report on the required information to the General Assembly; and (3) annually post the required report to its website.

Raced-based Traffic Stop Reporting: Since 2001, various laws have required law enforcement agencies in the State to (1) adopt policies against race-based traffic stops to be used as a management tool to promote nondiscriminatory law enforcement practices and (2) collect and report data related to race-based traffic stops. Chapters 625 and 626 of 2019 made permanent the data collection and reporting program related to race-based traffic stops.

MPTSC, in consultation with the Maryland Statistical Analysis Center (MSAC), must develop a model policy against race-based traffic stops that a law enforcement agency can use in developing its own policy. In addition, the commission is required to develop a model format for the efficient recording of traffic stop data on an electronic device, or by any other means, for use by a law enforcement agency and guidelines that each law enforcement agency may use in data evaluation.

Law enforcement officers must record specified information in connection with each traffic stop, including the driver's race and ethnicity, to evaluate the manner in which the vehicle laws are being enforced. The race or ethnicity of the driver must be recorded as (1) Asian; (2) Black; (3) Hispanic; (4) White; or (5) other. Each law enforcement agency is required to compile the data collected by its officers and submit an annual report to MSAC by March 1 of each year reflecting the prior calendar year.

These provisions do not apply to a law enforcement agency that is subject to an agreement with the U.S. Department of Justice (DOJ) requiring similar data collection; however, such agencies are required to provide copies of the report made to DOJ in lieu of the program's reporting requirements.

MSAC is charged with analyzing the data based on a methodology developed in consultation with MPTSC. By September 1 of each year, MSAC must issue a report to the Governor and the General Assembly as well as to each law enforcement agency. Reports of noncompliance by law enforcement agencies are required to be made by MPTSC and MSAC to the Governor and the Legislative Policy Committee.

By September 1 each year, MSAC must post on its website (in a location that is easily accessible to the public) a filterable data display showing all data required to be collected for the previous calendar year. The filterable data display must allow a person to (1) filter the traffic stop data by county, municipality, or law enforcement agency and (2) review various visuals associated with data items required to be reported pursuant to current law.

GOCPYVS must provide written notice to the General Assembly when MSAC updates the information. The latest report can be found [here](#).

Department of Juvenile Services Reporting: DJS is responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and after-care services. The department collaborates with youth, families, schools, community partners, law enforcement, and other public agencies to coordinate services and resources. DJS annually publishes a [Data Resource Guide](#).

Background: DLS provides nonpartisan support to the members of the Maryland General Assembly, which includes legal, fiscal, committee, research, reference, auditing, administrative, and technological support. DLS has largely been in its current form since 1997, when the Department of Legislative Reference and the Department of Fiscal Services were merged, creating the current agency. Upon request of DLS, a unit of State or local government promptly must provide any information requested by the department for preparing a fiscal note.

DLS advises that the information addressed in the bill is necessary to complete Racial Equity Impact Notes, which DLS has been directed to complete for proposed criminal justice legislation to the extent data is available.

State Expenditures:

Department of State Police

General fund expenditures for DSP increase by \$1.1 million in fiscal 2023, which accounts for a 120-day start-up delay. This estimate reflects the cost of hiring one administrative specialist to manage a database and comply with the bill’s reporting requirements. It includes a salary, fringe benefits, one-time start-up costs, ongoing operating expenses, and contractual expenses to modify the department’s records management system. The information and assumptions used in calculating the estimate are stated below:

- the State UCR program follows the national UCR program’s guidelines and requirements provided by the Federal Bureau of Investigation for the National Incident-Based Reporting System (NIBRS);
- NIBRS does not require the collection of data relating to zip codes, race, and ethnicity for any crime or law enforcement employee;
- State law requires additional information in reporting for carjacking, domestic violence, and hate crimes, including zip codes, race, and ethnicity for specific crimes;
- DSP maintains separate databases for the information required for the UCR program and for information required for State-specific reporting, and the two databases are not integrated to share information;
- in order to collect information regarding zip codes, race, and ethnicity for all crimes as required by the bill, DSP needs to develop a new database; and
- development of the new database requires contractual services at a cost of \$1.1 million in fiscal 2023 and one administrative specialist to manage the database.

Position	1.0
Salary and Fringe Benefits	\$44,417
Contractual Services	1,060,000
Other Operating Expenses	<u>19,943</u>
Total FY 2023 State Expenditures	\$1,124,360

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including ongoing contractual services. Future year contractual services total \$1.1 million in fiscal 2024, which reflects continued development of the database, and \$330,000 annually thereafter for maintenance.

Maryland Police Training and Standards Commission

MPTSC advises that one regular full-time position is needed to collect and provide to DLS the information required by the bill. However, DLS disagrees; the information required by the bill is already collected and available to MPTSC in electronic form, which can be shared with DLS to meet the bill's requirements.

Other State Agencies

DLS, DPSCS, GOCPYVS, and DJS can meet the bill's requirements with existing budgeted resources.

Additional Comments: The bill requires DSP to provide specified information regarding crimes committed in the State; however, data for crimes in the State is gathered from records of complaints, investigations, and arrests provided by other law enforcement agencies. While the bill requires DSP to provide specified information to DLS, the bill does not require other law enforcement agencies to provide the additional information to DSP, and DSP does not have the authority to require those agencies to provide the additional information.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1023 (The Speaker)(By Request - Department of Legislative Services) - Appropriations.

Information Source(s): Harford and Prince George's counties; Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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