

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 397 (The President, *et al.*) (By Request - Administration)
 Judicial Proceedings and Budget and Taxation

**Public Safety - Local Law Enforcement Coordination Council and Coordinator
 and State Aid for Police Protection Fund**

This Administration bill (1) establishes the Local Law Enforcement Coordination Council and the Council Executive Committee and the membership and duties of both the council and the executive committee; (2) establishes the Office of the Local Law Enforcement Coordination Council Coordinator and the duties and functions of the coordinator position; (3) increases the formula for the calculation of supplemental grants payable to local governments under the State Aid for Police Protection Fund (police aid formula), as specified; and (4) requires payment of an annual grant of \$8.0 million to Baltimore City; the additional funding for Baltimore City is not subject to the State police crime lab reimbursement requirement. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$46.1 million in FY 2023. Future years reflect ongoing costs. The Governor’s proposed FY 2023 budget includes \$45.9 million due to the change in the police aid formula. Revenues are not affected. **This bill increases an existing mandated appropriation beginning in FY 2023.**

(in millions)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	46.1	46.4	46.6	46.9	47.2
Net Effect	(\$46.1)	(\$46.4)	(\$46.6)	(\$46.9)	(\$47.2)

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

Local Effect: State aid to local governments increases by \$45.9 million in FY 2023 and by \$47.0 million by FY 2027 due to the change in the police aid formula. Baltimore City receives a direct payment of \$8.0 million annually beginning in FY 2023.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary:

Local Law Enforcement Coordination Council and Council Executive Committee

Membership on the council or the executive committee does not constitute holding an office of profit. Members may not receive compensation for service, but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

The executive committee must establish procedures and requirements for meetings, deliberations, and the administration of the functions of the council. The council must meet at least six times per year and hold special meetings when called: (1) by the chair, on the chair's own initiative; (2) by the vice chair, in the absence of the chair; or (3) on the written request of at least three council members.

Local Law Enforcement Coordination Council Coordinator

The coordinator must be appointed by and serve at the pleasure of the executive committee, must devote full time to the coordinator's official duties, and may not engage in a private business or the private practice of law. The coordinator must receive the salary provided in the State budget. An individual is eligible to be the coordinator if the individual has served in good standing as a police officer in the State or as a deputy sheriff in the State or is admitted to practice law in the State.

The coordinator must serve as the secretary to the council and perform the duties and responsibilities the executive committee directs in order to carry out the functions of the council. In addition, the coordinator must prepare and submit to the Governor a budget for the coordinator's office each fiscal year. The coordinator may appoint and employ professional and clerical staff approved by the executive committee and as provided in the State budget.

Each unit of State and local government must cooperate to the extent practicable with the coordinator and the staff of the coordinator in the work of the coordinator's office.

The coordinator also must:

- regularly meet and confer with sheriffs, chiefs of police, the council, and the executive committee;
- develop model policies and procedures to enhance the coordination of local law enforcement services;
- explore ways that local law enforcement agencies could share resources and eliminate overlapping or redundant functions;
- coordinate training efforts with designated entities to provide for the uniform implementation of standards and programs;
- develop and implement specialized executive management training for and provide materials to sheriffs, chiefs of police, and the executive staff of the sheriffs and chiefs of police;
- provide and coordinate continuing professional education programs and services for sheriffs, chiefs of police, and the executive staff of the sheriffs and chiefs of police, as specified;
- with the approval of the executive committee, (1) establish model statistical reporting procedures for sheriffs and chiefs of police; (2) accept and expend funds, grants, and gifts and accept services from public or private sources; and (3) enter into agreements and contracts with public or private agencies or educational institutions; and
- provide services and functions as the executive committee directs to carry out the duties of the office of the coordinator.

State Aid for Police Protection Fund (Police Aid Formula)

The bill increases State funding to local governments under the police aid formula by altering two program components: (1) the supplemental grant; and (2) the municipal sworn officer grant. The supplemental grant for each county is increased by \$6.46 per capita (from \$2.50 to \$8.96 per capita), and the municipal sworn officer grant is increased by \$975 per officer (from \$1,950 to \$2,925 per officer). In addition, Baltimore City receives a direct \$8.0 million annual payment which is not based on population or the number of sworn officers. The additional funding for Baltimore City is also not subject to the State police crime lab reimbursement requirement.

Current Law:

Governor's Office of Crime Prevention, Youth, and Victim Services

The Governor's Office of Crime Prevention, Youth, and Victim Services serves as a coordinating office that advises the Governor on criminal justice strategies. The office

plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims.

Maryland Police Training and Standards Commission

The Maryland Police Training and Standards Commission, an independent commission within the Department of Public Safety and Correctional Services (DPSCS), 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.

State Aid for Police Protection Fund (Police Aid Formula)

The police aid formula provides State funding to support the operational costs of county and municipal law enforcement agencies. The program includes 10 components; however, most of the program's funding is allocated based on population density whereby counties with higher population density receive a higher per capita grant. The population density grants range from \$12.25 per capita in the 5 large urban counties (Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's) to \$3.50 in 15 more rural counties. County population and the municipal sworn officers count are also used to allocate funding under the program.

Since fiscal 2004, local governments have been required to reimburse the State for 30% of the State Police crime lab costs. The reimbursements are based on local crime rates (one-third) and local wealth (two-thirds).

Baltimore City was excluded from the police aid formula beginning in fiscal 1992 due to the State's assumption of the Baltimore City Detention Center (now the Baltimore Pretrial Complex) and the establishment of the Baltimore Central Booking and Intake Facility. In fiscal 1997, the police aid formula was adjusted to provide Baltimore City with a relatively small supplemental grant (\$0.50 per resident). In recent years, this funding amount has been canceled out by the State police crime lab reimbursement requirement. However, Baltimore City continues to receive State funding under several targeted crime grants, as discussed in more detail below.

Background:

State Aid for Police Protection Fund Formula

The Governor's proposed fiscal 2023 budget includes \$76.6 million for the existing statutorily required police aid formula and \$45.9 million in additional funding based on the provisions of the bill. State support for the police aid formula has remained constant in recent years, as shown in **Exhibit 1**. The annual increase in State aid has averaged 0.725% over the past five years. On a per capita basis, State aid is higher in the more urban jurisdictions, with per capita funding ranging from \$7.41 in Garrett County to \$16.20 in Prince George's County. State funding under the police aid formula accounts for a relatively small portion of total spending on local police protection. In fiscal 2020, county and municipal governments spent \$1.8 billion on police protection and Baltimore City spent \$561.7 million. Only about 4% of county and municipal police expenditures are covered by the police aid formula.

Exhibit 1
Police Aid Formula - Funding Trend
Fiscal 2019-2023

County	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Per Capita Amount - FY 23
Allegany	\$856,249	\$848,160	\$843,118	\$843,801	\$823,554	\$12.09
Anne Arundel	8,939,029	9,013,818	9,031,073	9,066,885	9,074,472	15.43
Baltimore City	0	0	0	0	0	0.00
Baltimore	12,782,211	12,815,492	12,777,289	12,680,713	13,059,880	15.28
Calvert	798,456	801,082	804,604	808,691	774,541	8.35
Caroline	335,609	340,349	344,733	351,736	336,696	10.11
Carroll	1,585,367	1,596,933	1,513,015	1,604,713	1,615,687	9.35
Cecil	1,001,278	1,007,621	1,009,561	1,005,762	987,938	9.52
Charles	1,377,091	1,395,393	1,408,149	1,420,241	1,425,871	8.56
Dorchester	376,197	386,555	356,155	369,173	357,523	10.99
Frederick	2,460,989	2,495,443	2,603,403	2,564,805	2,606,152	9.59
Garrett	224,079	223,117	223,093	219,944	213,454	7.41
Harford	2,850,308	2,862,385	2,871,586	2,877,682	2,905,844	11.14
Howard	3,838,281	3,881,496	3,888,362	3,923,677	5,005,985	15.06
Kent	199,735	195,313	195,161	187,603	186,744	9.73
Montgomery	16,303,504	16,532,160	16,449,136	16,375,224	16,282,482	15.33
Prince George's	14,987,024	15,015,853	14,832,592	14,914,338	15,665,883	16.20
Queen Anne's	434,769	441,983	446,119	447,810	433,102	8.68
St. Mary's	958,007	959,675	956,434	961,960	942,643	8.29
Somerset	243,212	241,939	236,252	236,342	228,948	9.30
Talbot	421,522	420,090	405,553	413,727	410,216	10.93
Washington	1,523,838	1,504,356	1,486,392	1,504,620	1,499,678	9.69
Wicomico	1,124,827	1,120,834	1,128,932	1,126,851	1,110,184	10.72
Worcester	828,881	748,689	693,673	686,639	686,391	13.08
Total	\$74,450,463	\$74,848,736	\$74,504,385	\$74,592,937	\$76,633,868	\$12.41

Targeted Crime Grants

The Governor’s proposed fiscal 2023 budget includes \$46.0 million in funding for several targeted crime grants, as shown in **Exhibit 2**. About one-third of the funding (\$15.3 million) is allocated to Baltimore City, while Prince George’s County receives 10% of the funding (\$4.7 million). The remaining funds (\$26.1 million) are targeted to statewide initiatives.

Exhibit 2 Targeted Crime Grant Funding

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Proposed FY 2023</u>	<u>FY 2022-23 Difference</u>	<u>Share of Total</u>
Baltimore City					
War Room	\$761,135	\$715,211	\$715,211	\$0	1.6%
Direct Police Grant	8,078,560	9,180,113	9,180,113	0	19.9%
Technology Improvement Grant	0	0	0	0	0.0%
Safe Streets	3,669,646	3,600,000	3,600,000	0	7.8%
State's Attorney's Office	1,571,363	1,760,355	1,760,355	0	3.8%
Subtotal	\$14,080,704	\$15,255,679	\$15,255,679	\$0	33.1%
Prince George's County					
Drug Enforcement	\$1,079,389	\$1,214,610	\$1,214,610	\$0	2.6%
Violent Crime	2,292,489	2,292,489	2,292,489	0	5.0%
State's Attorney's Office	1,628,507	1,145,600	1,145,600	0	2.5%
Subtotal	\$5,000,385	\$4,652,699	\$4,652,699	\$0	10.1%
Statewide Initiatives					
Body Armor	\$60,042	\$49,088	\$49,088	\$0	0.1%
Training Grants	42,676	45,000	45,000	0	0.1%
Domestic Violence	189,555	196,354	196,354	0	0.4%
Sex Offender Compliance Enforcement	770,760	728,916	728,916	0	1.6%
Rape Kit Testing Grant	513,588	1,000,000	3,500,000	2,500,000	7.6%
Gun Violence Reduction	915,293	926,940	926,940	0	2.0%
Day Reporting Centers	157,056	270,000	270,000	0	0.6%
Internet Crimes Against Children	2,245,423	2,000,000	2,000,000	0	4.3%
Community Program Fund	280,070	500,000	500,000	0	1.1%
Vehicle Theft Prevention	1,680,773	1,886,020	1,886,020	0	4.1%
Police Recruitment and Retention	853,003	1,300,000	1,300,000	0	2.8%
Police Accountability	0	0	8,000,000	8,000,000	17.4%
Maryland Criminal Intelligence Network	5,138,371	6,720,365	6,723,865	3,500	14.6%
Subtotal	\$12,846,610	\$15,622,683	\$26,126,183	\$10,503,500	56.8%
Total Funding	\$31,927,699	\$35,531,061	\$46,034,561	\$10,503,500	100.0%

State Assumed Functions in Baltimore City

County governments have traditionally been given the responsibility for defendants confined while awaiting pretrial release or trial. In Baltimore City, however, DPSCS is responsible for operating and funding the Baltimore Pretrial Complex and the Baltimore

Central Booking and Intake Facility. The Governor’s proposed fiscal 2023 budget includes \$168.5 million to operate the two facilities.

State Expenditures: General fund expenditures increase by at least \$46.1 million in fiscal 2023 to fund (1) the establishment of the Office of the Coordinator and (2) the enhancements to the police aid formula. The Governor’s proposed fiscal 2023 budget does not include specific funding for the new coordinator position or the coordinator’s office; however, \$45.9 million in additional funding for police aid is included in the proposed budget. Future year expenditures reflect ongoing costs for the coordinator’s office and the enhancements to the police aid formula; increases for police aid are projected to total \$46.2 million in fiscal 2024, increasing to \$47.0 million by fiscal 2027.

Office of the Coordinator

General fund expenditures increase by at least \$228,442 in fiscal 2023, which accounts for the bill’s July 1, 2022 effective date. This estimate reflects the cost of hiring the coordinator, as required by the bill, and one office administrator to perform the functions required by the office. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses (including office rent and limited travel).

Positions	2
Salaries and Fringe Benefits	\$207,226
Equipment/Operating Expenses	<u>21,216</u>
Minimum FY 2023 Office Expenditures	\$228,442

Future year expenditures, which total \$210,000 in fiscal 2024 and increase to \$227,000 by fiscal 2027, reflect annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate assumes that the coordinator position, which is required by the bill, and one office administrator are able to perform the functions of the office. To the extent that additional staff are needed, costs increase further.

Local Fiscal Effect: State aid to local governments increases by \$45.9 million in fiscal 2023, as shown in **Exhibit 3**. The additional funding is based on county population and the number of municipal sworn officers. Baltimore City receives an annual direct payment of \$8.0 million. State funding in future years is projected to increase by \$46.2 million in fiscal 2024 and by \$47.0 million in fiscal 2027.

Local governments may also benefit from the establishment of the council, the executive committee, and the office of the Local Law Enforcement Coordination Council Coordinator.

**Exhibit 3
Police Aid Enhancement - Fiscal 2023 Funding Allocation**

County	Population Based Grant			Officer Based Grant			Total Allocation		
	Population	Per Capita Grant	Funding Amount	Municipal Sworn Officers	Per Officer Grant	Funding Amount	Funding Amount	Per Capita Amount	Share of Funding
Allegany	68,106	\$6.46	\$439,965	66	\$975	\$64,350	\$504,315	\$7.40	1.1%
Anne Arundel	588,261	6.46	3,800,166	111	975	108,225	3,908,391	6.64	8.5%
Baltimore City	585,708	0.00	0	0	0	0	8,000,000	13.66	17.4%
Baltimore	854,535	6.46	5,520,296	0	975	0	5,520,296	6.46	12.0%
Calvert	92,783	6.46	599,378	3	975	2,925	602,303	6.49	1.3%
Caroline	33,293	6.46	215,073	28	975	27,300	242,373	7.28	0.5%
Carroll	172,891	6.46	1,116,876	88	975	85,800	1,202,676	6.96	2.6%
Cecil	103,725	6.46	670,064	65	975	63,375	733,439	7.07	1.6%
Charles	166,617	6.46	1,076,346	22	975	21,450	1,097,796	6.59	2.4%
Dorchester	32,531	6.46	210,150	46	975	44,850	255,000	7.84	0.6%
Frederick	271,717	6.46	1,755,292	177	975	172,575	1,927,867	7.10	4.2%
Garrett	28,806	6.46	186,087	2	975	1,950	188,037	6.53	0.4%
Harford	260,924	6.46	1,685,569	102	975	99,450	1,785,019	6.84	3.9%
Howard	332,317	6.46	2,146,768	0	975	0	2,146,768	6.46	4.7%
Kent	19,198	6.46	124,019	14	975	13,650	137,669	7.17	0.3%
Montgomery	1,062,061	6.46	6,860,914	189	975	184,275	7,045,189	6.63	15.4%
Prince George's	967,201	6.46	6,248,118	427	975	416,325	6,664,443	6.89	14.5%
Queen Anne's	49,874	6.46	322,186	13	975	12,675	334,861	6.71	0.7%
St. Mary's	113,777	6.46	734,999	0	975	0	734,999	6.46	1.6%
Somerset	24,620	6.46	159,045	22	975	21,450	180,495	7.33	0.4%
Talbot	37,526	6.46	242,418	57	975	55,575	297,993	7.94	0.6%
Washington	154,705	6.46	999,394	100	975	97,500	1,096,894	7.09	2.4%
Wicomico	103,588	6.46	669,178	122	975	118,950	788,128	7.61	1.7%
Worcester	52,460	6.46	338,892	148	975	144,300	483,192	9.21	1.1%
Total	6,177,224	\$6.46	\$36,121,193	1,802	\$975	\$1,756,950	\$45,878,143	\$7.43	100.0%

Source: Department of Legislative Services

Additional Information

Prior Introductions: None.

Designated Cross File: HB 411 (The Speaker, *et al.*) (By Request - Administration) - Judiciary.

Information Source(s): Caroline, Montgomery, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2022
rh/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety - Local Law Enforcement Coordination Council and
Coordinator - State Aid for Police Protection Fund

BILL NUMBER: SB 397

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS