

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 585
Judiciary

(Delegate Williams, *et al.*)

Public Safety - Use of Force Incident Reports

This bill expands the information required to be included in an incident report filed by a police officer who was involved in a use of force incident in the line of duty. An incident report must include (1) the law enforcement officer's justification for the use of force and (2) any disability of any individuals against whom force was used and any law enforcement officer involved in the incident. In addition, the bill requires, by January 1, 2024, and every three months thereafter, each local law enforcement agency to publish, on its public website, the total number of use of force incidents reported for the preceding three months in which the local law enforcement agency determined that the use of force was consistent or inconsistent with its policies and applicable laws.

Fiscal Summary

State Effect: State finances and operations are not anticipated to be materially affected.

Local Effect: Potential minimal increase in local expenditures for some law enforcement agencies, as discussed below. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Each law enforcement agency must 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. The required incident report must include specified information relating to the force used, the encounter, and the individual and law enforcement officer involved.

By July 1, 2023, and each July 1 thereafter, each local law enforcement agency must report to the Maryland Police Training and Standards Commission (MPTSC) specified information on each use of force incident reported, for the previous calendar year, involving a police officer employed by the law enforcement agency. By July 15 each year, MPTSC must post on its website and submit to the General Assembly a compendium of the 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, the Governor's Office of Crime Prevention, Youth, and Victim Services may not make any grant funds available to the law enforcement agency.

Local Expenditures: The bill may result in a minimal increase in expenditures for some local law enforcement agencies. While Caroline and Howard counties advise that the bill does not affect their operations or finances, Prince George's County advises that it may incur costs to construct a database to track the use of force incident reports and then link the information to the website for its police department. In addition, Baltimore City advises that the Baltimore Police Department likely will not be able to meet the timeframe for reporting established under the bill, as investigations relating to use of force incidents typically require more than three months to complete.

The Maryland Association of Counties reports that some counties may experience a minimal increase in administrative costs as a result of the additional time needed to complete reports and for database management and website updates.

The Maryland Municipal League advises that municipal police agencies can likely handle the bill's changes with existing resources.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Caroline, Howard, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Governor's Office of Crime Prevention, Youth, and Victim Services; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Maryland Department of Labor; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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km/lgc

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