



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 25, 2020

BILL NUMBER: House Bill 736 **POSITION:** Letter of Information

BILL TITLE: Police Officers – Mental Health – Employee Assistance Programs

REVIEW AND ANALYSIS:

This legislation seeks to require each law enforcement agency in the State to develop and implement an Employee Assistance Program for its sworn members. The program must be offered at low-cost or no-cost to the officer and must include counselling services, crisis or stress management, mental health evaluations and peer support services. This legislation allows officers to voluntarily get mental health evaluations when the officer is involved in an incident when the officer suffers a serious injury, an officer-involved shooting, an accident involving a fatality or any use of force resulting in a fatality or serious injury.

The Department currently has an Employee Assistance Program (EAP). EAP covers five visits, and is increasing to eight with current RFB-contract renewal process. The term "mental health evaluations" is very nebulous, and if communicated with the Department, without clearly expressed consent to disclose, can destroy any potential benefit due to the loss of confidentiality.

This legislation allows for voluntary participation by the officer, yet currently a trooper is required to have an evaluation when an incident results a serious injury or fatality. If the trooper refuses to comply because the program is voluntary, the employee would not be able to be returned to "full duty" status.

"Annual" assessments of the EAP program to ID deficiencies and areas for improvement would necessitate creation of a new system of record keeping and tracking, then ongoing data entry, while maintaining individual confidentiality. If this was done by our current contractor, it would likely be at a rate of just over \$300/hour currently, and would likely request a minimum of an hour for each of our 1447 Troopers,

The Department also has a Critical Incident Response Team that is sent to the scene of any stressful event or can be requested if the affected troopers think it would be beneficial. This is a peer support group that is led by the Department's psychologist. It is confidential and made available to all troopers 24 hours a day, seven days a week.

This legislation is a good idea, however the amendments proposed by the Chiefs and Sheriffs would make the legislation easier for smaller agencies to comply. Most agencies have EAP and the larger agencies offer their teams to smaller agencies that do not have one.