

SB134_FAV_Lee_2022.pdf

Uploaded by: Susan Lee

Position: FAV

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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
Maryland Legislative Asian American
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1, 2022

Judicial Proceeding Committee

SB 134 – Favorable - Sponsor Testimony - Maryland Police Training and Standards Commission - Training Requirements - Electronic Stalking

Senate Bill 134 is a police training bill to help protect against a new and growing threat to Marylanders, electronic stalking and stalkerware. National and international groups such as INTERPOL has stepped up training around the world to equip law enforcement with the tools they need to help victims of this pernicious and dangerous behavior. Stalking a serious crime with a penalty of up to 5 years, but it is rarely prosecuted. Perhaps prosecutions are lower than the projected incident rate because when victims go to police for assistance, [they feel gaslit](#).

The ACLU report that the Maryland Network Against Domestic Violence referenced in another bill, highlighted that 88% reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence. Respondents said that survivors called police in the past “to find that the police took no action, did not believe them, minimized the situation, or threatened the survivor with arrest.” “Often times the police believe the woman is seeking attention, or this is a tactic to end the relationship.” “Survivors are often concerned [rightly so] that their children will be taken away if the police are called to a domestic violence situation.” Most importantly, that ACLU report provides, that survivors’ goals do not align with those of the criminal justice system or how it operates. Survivors are looking for options other than punishment for the abuser. A quote that should stick with you if none else do, is, “Our clients report that they don’t want their abuser to be arrested. The police often give the impression that the only service they can offer to domestic [violence] calls is to place someone under arrest.” If they don’t necessarily want an arrest, what do they want? Perhaps a 21st century safety plan, and law enforcement that is familiar with stalking and the ways to mitigate harms.

Importantly, stalking is not just domestic violence related. You can't just cure this problem with protective orders. What if you don't know who is placing the tag on your car to track your movements? How about the malicious stalkerware put on your phone by someone you don't know well? How do you seek relief from this type of cyber abuse from strangers? Well, apparently the police want you to file a complaint about concerns, and have that complaint get in line with the already backlogged computer forensic unit that is rightly prioritizing more imminent threats to abducted or abused children. Are you giving the forensic unit your phone? Won't that alert the stalker? Don't you need your phone to work and live in the 21st century? A little secret, the police don't know how to respond because they were not trained but our experts do were trained and I hope you ask them lots of questions, because not enough people are asking these important ones. Privacy is inextricably intertwined with safety in the 21st century, and stalkerware is a clear and present danger to Marylanders.

How could this happen in Maryland, where our Police Training Commission must have [extensive training](#) for new police officers? Well, unlike their [testimony for the hate crimes bill](#), the chiefs and sheriffs won't be able to say stalking is taught to new recruits – because even simple “stalking” is not listed as a training requirement. That is fascinating because when I passed the update to the stalking law in 2016, we were repeatedly told how complicated and different of a crime stalking is, yet police get no basic training here, and now with the [exponential growth of stalkerware](#) – we have nothing new to provide them?

We have the leading national and international experts joining this hearing today to highlight the harms and plethora of resources from non-profits. We have no doubt the police generally oppose this because they think the legislature shouldn't mandate training requirements at all. My office met with the state police to discuss this bill and there was a productive dialogue but there is a clear resistance to legislate in this space at all, despite the need. However, recall that we have recently legislated in this same section of code for human trafficking police training, a bill I sponsored, as well as the more recent hate crimes training provision. Both of these crimes were taught to new recruits but they didn't have the experience we wanted for treating victims with the respect and consideration the crimes demanded. Here too, we need to codify this training requirement for training to appropriately interact with stalkerware victims, to ensure they know to help victims protect themselves, gather evidence and not alarm the stalker and escalate the abuse.

For these reasons and more to be outlined by the experts, I respectfully request a favorable report on SB134.

SB 134 FWA House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: FWA



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

SUPPORT WITH AMENDMENTS SENATE BILL 134

February 1, 2022

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal representation to victims of domestic violence throughout the State. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 134 would require law enforcement officers to receive training on the criminal laws concerning stalking as they pertain to electronic surveillance and tracking. **The House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 134 and issue a favorable report.**

Victims who are subjected to various forms of electronic stalking live in almost-constant fear, never knowing when, where or how an abuser might conceal a tracking or listening device and use it to follow, track or spy on their daily activities. These and other forms of electronic and technology-based surveillance are the most commonly used forms of stalking today. It is important that law enforcement officers and officials be versed in these methods of stalking and how to respond to victims who report these crimes.

House of Ruth supports this bill and proposes the following amendment: on page 2, line 10, place a period after "available to victims" and strike the remainder of line 10 and line 11. It is our understanding that documenting digital evidence is a specialized field and that only officers who work in this area need training on the subject.

The House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 134 and report favorably.

SB134_FWA_AlzheimersAssociationMD.pdf

Uploaded by: Eric Colchamiro

Position: FWA

Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters
SB 134 Maryland Police Training and Standards Commission - Training Requirements - Electronic Stalking
Position: Favorable with Amendments

Chair Smith and Vice Chair Waldstreicher,

My name is Eric Colchamiro, and I am Director of Government Affairs for the Alzheimer's Association in Maryland. The Alzheimer's Association supports SB 134, and acknowledges the importance of electronic stalking. Yet for any legislation that comes before Senate Judiciary on police training, we must learn from the Joint Chairmen's 2021 report on dementia training, and **ask for an amendment to have them also trained on dementia.**

Per the attached Joint Chairmen's Report – Q00G00.01– Police and Correctional Training Commission – Dementia Response Training Report, there are no dementia specific training standards. There have also been a series of incidents, particularly with regard to wandering, where law enforcement did not have the background to effectively engage with Marylanders who have this chronic disease.

This matters because six in 10 of the Marylanders with dementia will wander. When individuals with dementia are lost, they may show signs of anxiety, fear, or hostility — all of which can escalate to more aggressive behaviors. Law enforcement officials may engage individuals with Alzheimer's, who may present as uncooperative, disruptive, and combative when they have difficulty communicating and understanding what is happening. If law enforcement—among other first responders—are not trained, they may not understand how to effectively engage them, leading to only more problems.

Thank you for your time and consideration.



Department of Public Safety and Correctional Services

Office of the Secretary

6852 4th Street, Sykesville, Maryland 21784
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August 15, 2021

STATE OF MARYLAND

LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD LT.
GOVERNOR

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
3 West Miller State Building
Annapolis, Maryland 21401-1911

The Honorable Maggie McIntosh
Chair, House Appropriations Committee
House Office Building, Room 121
Annapolis, Maryland 21401-1911

RE: Joint Chairmen’s Report – Q00G00.01– Police and Correctional
Training Commission – Dementia Response Training Report

Dear Chair Guzzone and Chair McIntosh:

Pursuant to the 2021 Joint Chairmen’s Report, the Department of Public Safety and Correctional Services is required to submit a report on Dementia Response Training. The reporting requirement found on page 155 of the 2021 Joint Chairmen’s Report, states:

The budget committees request that the Police and Correctional Training Commissions (PCTC), in collaboration with the Governor’s Office for Crime Prevention, Youth, and Victim Services (GOCPYVS), conduct an evaluation on the training provided to law enforcement and other first responders who may respond to emergency calls for services related to those with dementia. The requested report should provide the following:

- the current process for reporting to law enforcement instances of neglect, criminal abuse, sexual abuse, physical abuse, and financial exploitation of individuals with dementia;
- the current process for responding to calls for service from Adult Protective Services and referring cases to Adult Protective Services;
- existing training standards, curriculum, and best practices related to dementia; and
- the available data on dementia-related calls including, but not limited to, cases of wandering or hostile behaviors. To the extent available, the data should be provided for each of the last 10 years. This component of the report should also include a cost-per-search analysis related to calls for wandering or missing persons with dementia

Attached is the Department's submission in satisfaction of the reporting requirement.

I hope this letter and the attachments meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact myself or Acting Director of Government and Legislative Affairs, Jennifer Beskid at jennifer.beskid@maryland.gov.

Sincerely,



Robert L. Green
Secretary

Attachment

cc: Members of the Senate Budget and Taxation Committee
Members of the House Appropriations Committee
Ms. Sarah Albert, Department of Legislative Services
Mr. Matthew Bennett, Counsel, Senate Budget and Taxation Committee
Mr. Keiffer Mitchell, Jr., Chief Legislative Officer, Governor's Office
Ms. Amelia Chassé Alcivar, Chief of Staff, Governor's Office
Mr. Kenneth Weaver, Policy Analyst, House Appropriations Committee
Ms. Cathy Kramer, Department of Legislative Services
Ms. Cristina Jorge-Tuñón, Budget Analyst, Department of Budget and Management
Ms. Erin Chase, Deputy Legislative Officer, Governor's Office
Mr. Jacob Cash, Policy Analyst, Department of Legislative Services



**DEPARTMENT OF PUBLIC SAFETY AND
SERVICES**

CORRECTIONAL

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

DEMENTIA RESPONSE TRAINING REPORT

August 15, 2021

Governor Larry Hogan
Lt. Governor Boyd K. Rutherford
Secretary Robert L. Green

INTRODUCTION

In accordance with the *2021 Joint Chairmen's Report – FY 2022 Operating and Capital Budgets* (Page 155), the Police and Correctional Training Commissions (PCTC), in collaboration with the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) have been asked to submit a report to the budget committees by August 15, 2021, as it relates to dementia response training.¹ Specifically, the requested report must include an evaluation of training provided to law enforcement and other first responders who may respond to emergency calls for services related to those with dementia. In addition, the requested report must contain the following:

1. The current process for reporting to law enforcement instances of neglect, criminal abuse, sexual abuse, physical abuse, and financial exploitation of individuals with dementia;

¹ Department of Legislative Services. (2021). [*2021 Joint Chairmen's Report: Report on the Fiscal 2022 State Operating Budget \(HB 588\) And the State Capital Budget \(HB 590\) And Related Recommendations.*](#)

2. The current process for responding to calls for service from Adult Protective Services and referring cases to Adult Protective Services;
3. Existing training standards, curriculum, and best practices related to dementia; and
4. The available data on dementia-related calls including, but not limited to, cases of wandering or hostile behaviors. To the extent available, the data should be provided for each of the last 10 years, including a cost-per-search analysis, related to calls for wandering or missing persons with dementia.

OVERVIEW

The Department of Public Safety and Correctional Services (DPSCS) oversees all aspects of supervision for sentenced inmates in the State prison system. DPSCS also houses the Police and Correctional Training Commissions (PCTC). PCTC supports two independent commissions, the Police Training and Standards Commission (PTSC) and the Correctional Training Commission (CTC).

In preparing this report, it is important for the recipients to understand that both the PTSC and the CTC were established by statute and prescribed the task of establishing training requirements and standards related to the certification of police and correctional professionals in the State. Neither Commission establishes policy for the individual agencies whose employees are certified by each Commission. Therefore, surveys were sent to each police agency in the State to determine (1) the current process for reporting to law enforcement instances of neglect, criminal abuse, sexual abuse, physical abuse, and financial exploitation of individuals with dementia; (2) the current process for responding to calls for service from Adult Protective Services and referring cases to Adult Protective Services; and (4) data for the last 10 years, including cost-per-search analysis related to calls for wandering or missing persons with dementia.² The survey results were used to provide the information requested.

1. The current process for reporting to law enforcement instances of neglect, criminal abuse, sexual abuse, physical abuse, and financial exploitation of individuals with dementia.

Calls for service regarding individuals who may have dementia and are experiencing instances of neglect, criminal abuse, physical abuse, and/or financial exploitation are received in the same manner as all other calls for service – they are reported to an agency by a citizen, concerned individual, or in some cases Adult Protective Services via 9-1-1 or a personal contact. Of the responding agencies, there were no reporting agencies with specific policies pertaining to those with dementia. Municipal agencies reported they might handle the initial call for service and then make a referral to the investigative division of a larger county police

² It is important to note that information pertaining to existing training standards, and best practices related to dementia was not requested from agencies because the PTSC sets selection and training standards for police officers.

agency or contact Adult Protective Services. Colleges and universities reported a similar process. County agencies and Maryland State Police generally referred cases to their investigations units. Other State agencies reported assisting in searches for individuals with dementia; however, the scope of their response was limited by the type of agency they were and therefore they reported working with other agencies that were the lead investigatory agencies.

2. The current process for responding to calls for service from Adult Protective Services and referring cases to Adult Protective Services.

When a call from Adult Protective Services is received, the majority of the responding agencies reported that the call is handled in the same manner as a request for a wellness check on an individual. Some agencies reported the call may be screened by a sergeant before it is referred to a patrol officer or specialized unit for investigation. Another response was that the law enforcement agency would follow up with someone from Adult Protective Services prior to conducting a wellness check, and may even conduct the check in partnership with a social worker from Adult Protective Services.

Agencies indicated officers would reach out directly to Adult Protective Services if they identified a circumstance where they believed an individual was being neglected or was otherwise in need of services. In some cases, where an agency has a specialized unit for vulnerable populations, a referral is made to the unit and their officers will follow-up with Adult Protective Services and conduct any necessary investigation.

3. Existing training standards, curriculum, and best practices related to dementia.

The PTSC sets selection (hiring) and training standards for police officers. All employees mandated by the PTSC are required to complete an entrance-level academy and field training before they can be certified as an officer. Although there are no dementia-specific training objectives, there are objectives for officers responding to individuals who are members of vulnerable populations. The entrance-level training objectives that address adults with dementia are provided in the table below:³

PTSC Entrance-Level Training Objectives
06.04 Demonstrate effective communication skills in dealing with various types of persons, i.e., hostile, angry, hysterical, intoxicated, mentally ill, young, elderly, racist, individuals with developmental disabilities.
06.04.01 Demonstrate techniques to negotiate with calm or control an emotionally distraught person who has contacted a police agency.
09.16.02 Identify what is meant by hidden disabilities.

³ Maryland Police and Correctional Training Commissions. MPTC Police Entry Level Objectives (Effective 07/01/2016).

09.17.07 Describe the importance of using community resources to assist the officer.
09.22.06 Identify factors to be considered when handling mentally disturbed or irrational persons, such as ignore verbal abuse, avoid excitement.
12.07.01 Identify the booking process for adult offenders with medical condition, i.e. injury or illness.
12.07.03 Identify the required notification procedures an officer must make when handling adult prisoners with a medical condition; i.e., intoxicated, injured, ill.
12.07.05 Identify the booking process for adult offenders with mental illnesses or emotional instability.

The PTSC mandates that certified officers complete a minimum of 18 hours of annual inservice training to maintain their certification as an officer. The PTSC does not mandate the training topics. However, the PCTC, as the administrative staff for the PTSC, does track compliance with training topics that have been mandated by the Maryland legislature, such as first aid and lifesaving techniques, and rape and sexual assault training.

4. The available data on dementia-related calls including, but not limited to, cases of wandering or hostile behaviors. To the extent available, the data should be provided for each of the last 10 years, including a cost-per-search analysis, related to calls for wandering or missing persons with dementia.

In general, the responding agencies reported that data is maintained in a Computer Aided Dispatch (CAD) system and to obtain the information requested would require them to contact the agencies that provide the CAD services. In addition, the CAD may not record the calls for service as specifically being dementia-related; therefore, the data provided would most likely be underreported. The agencies that provided data specific to dementia-related calls for service are listed below:

Agency Name	Description
Bowie Police Department	The department received dementia-related calls for service in 2016 (9 calls); 2018 (4 calls); 2019 (9 calls); 2020 (6 calls); and 2021 (17 calls). They also used the Prince George's County Police Department's bloodhound in 2018 (1); 2019 (2); and 2020 (5).

Hagerstown Community College Police	HCC Behavior Intervention and Care Team was alerted to an elderly male that enrolled in classes and was on campus on April 19, 2021. Subject seemed confused and disoriented. He was enrolled in a Con Ed class, but never showed up. This matter was forwarded to the Dean of Students for follow up. No HCC Police involvement at the time of the incident. No cost incurred. No determination if the subject had dementia. No other reports available for HCC Campus Police.
Natural Resources Police	The NRP data goes back to October 2013. NRP is the primary agency for persons missing in state parks and on state waters; however, most of their involvement with dementia cases are assisting the reporting agency with their search. Most calls were of a short duration, 1 hour or less. A complete breakdown is provided in Appendix A.
Maryland Transit Police	In 2020, dementia and/or Alzheimer's was listed in 2 officer reports and 4 field interviews reports. Each report would have to be analyzed to determine the circumstances.
Maryland National Capital Park Police – Prince George's County	<p>On November 22, 2020, an officer responded for female wandering around without sufficient clothing. A computer check revealed her to be reported missing from the District of Columbia and suffering from dementia. She was transported to the hospital and released to the appropriate agency.</p> <p>On October 10, 2020, an officer found elderly gentleman banging on the door of the police substation. The gentleman was found to be reported missing through the Prince George's County Police Department and suffering from dementia. The contact person listed was notified as well as the fire department and the reporting</p>
	<p>agency. The gentleman was released to his daughter on the scene.</p> <p>On April 2, 2020, an officer found elderly female wandering around a closed facility on MNCPPC property. Female was found to be missing from the District of Columbia and suffering from dementia. She was released to her son.</p> <p>On September 18, 2015, elderly male suffering from dementia walked away from a picnic being held by his caregivers. Extensive search was unsuccessful. Male was found approx. 1 month later deceased in a field.</p>

SB 134_MNADV_FWA.pdf

Uploaded by: Melanie Shapiro

Position: FWA



BILL NO: Senate Bill 134
TITLE: Maryland Police Training and Standards Commission - Training Requirements - Electronic Stalking
COMMITTEE: Judicial Proceedings Committee
HEARING DATE: February 1, 2022
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report with amendments SB 134.**

According to the CDC, 7.5 million people are stalked each year with women ages 18-24 experiencing the highest rate of stalking.¹ Current or former intimate partners are responsible for stalking 61% of female victims and 44% of male victims and 90% of stalking incidents are committed by someone that the victim knows.² In a recent report studying the impact of technology abuse in the context of domestic violence during the pandemic researchers found an increase in every type of tech abuse including harassment and monitoring or surveillance.³ Stalking is often a precursor to femicide. Studies show that 76% of women murdered by an intimate partner were stalked.⁴

It is crucial that all law enforcement officers be trained and are knowledgeable about Maryland's stalking laws and the most current methods of stalking including electronic means. Since these methods continue to evolve as new technologies emerge training should be included as a part of the 3-year in-service training. However, we also recognize that documenting digital evidence can be a specialized field requiring specific knowledge and expertise and that Maryland law enforcement agencies have officers with that unique knowledge and expertise. MNADV prioritizes the training for law enforcement on identifying that digital evidence exists and

¹ https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

² *Id.*

³ https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/61674c082419497a370af990/1634159630368/2021_T2E+Needs+Assessment+Report.pdf

⁴ https://assets.speakcdn.com/assets/2497/domestic_violence_and_stalking_ncadv.pdf



preserving it for those officers with specialized training to document. MNADV suggests striking the word “document” on page 2, line 11 and inserting the words “identify and preserve.”

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report with amendments on SB 134.**

MSP Position Paper for SB 134.pdf

Uploaded by: Thomas Williams

Position: INFO



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

POSITION ON PROPOSED LEGISLATION

DATE: February 1, 2022

BILL NUMBER: Senate Bill 134 **Position:** Letter of Information

BILL TITLE: Maryland Police Training and Standards Commission –
Training Requirements – Electronic Stalking

REVIEW AND ANALYSIS:

This legislation seeks to require the Maryland Police Training and Standards Commission to require entrance–level and in–service police training to include training related to the criminal laws concerning stalking as they pertain to electronic surveillance or tracking. The training is to include prevention methods for victims and the documentation of digital evidence.

Under current law, the Maryland Police Training and Standards Commission (MPTSC) is required to establish the minimum training standards and curriculum for all police training schools. The MPTSC currently has required training, generally, on criminal law and services available for all victims of crime. Police officers are required to provide every victim with the Maryland Crime Victims and Witness Pamphlet. The Governor’s office of Crime Prevention, Youth, and Victims Services also has Victim’s Rights and Resources information posted on their website.

This legislation will require the MPTSC to add to an already long list of training mandates for both the entrance–level and in–service requirements. One of the concerns for law enforcement in SB 134 is the requirement that all police officers are to be trained to document digital evidence. This requirement would make it necessary for each officer to be able to identify, document, preserve and seize digital evidence without destroying or corrupting the data and be familiar with every potential device that could hold digital evidence. This ability is considered a special expertise and requires an investigator who is trained in the field as well as time to give the training necessary.

There is a specialized unit within the Department that deals specifically with any crime related to the use of computers or electronic devices. These investigators are specially trained and will assume the investigation of any complex crime related to computers or electronic stalking, in this case. This unit is also made available to our law enforcement partners who may not have their own personnel with this level of training. In order to achieve this expertise, members of this specialized unit undergo 18 months of training that is very expensive. Their technical proficiency is far greater than an average trooper and it is unrealistic that every trooper or police officer could be trained at the entrance or in-service level to be able to perform these duties.