

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

Senate Bill 270 (Senator Jacobs, *et al.*)
 Judicial Proceedings

Law Enforcement Personnel - Training - Human Trafficking Offenses

This bill requires the Governor’s Office of Crime Control and Prevention (GOCCP) to provide mandatory training for law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, others involved in the criminal justice system and juvenile justice system, and public officials in addressing human trafficking.

Fiscal Summary

State Effect: General fund expenditures increase by \$121,200 in FY 2015 for GOCCP to provide the mandatory training. Out-year costs reflect annualization and inflation. Other State agencies, including the Judiciary, may incur additional overtime costs for some personnel to participate in the required training. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	121,200	154,300	161,500	169,100	177,000
Net Effect	(\$121,200)	(\$154,300)	(\$161,500)	(\$169,100)	(\$177,000)

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

Local Effect: Minimal.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill details seven specific areas of focus for the human trafficking training required under the bill. GOCCP is required to seek the input and participation of appropriate governmental and nongovernmental organizations in the preparation and presentation of the required training.

Current Law/Background: The Police Training Commission (PTC) was created in 1966 and is chaired by the Superintendent of State Police. It operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. It also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools. PTC certifies persons as police officers who have met commission standards. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

PTC requires, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures. PTC also requires, for entrance-level police training and annually for in-service level police conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of electronic control devices for specified police officers, consistent with established law enforcement standards and constitutional provisions.

Training for the certification of law enforcement officers in the State may be conducted at PTC facilities or at any of 20 police training academies in the State certified by PTC. There are approximately 16,000 certified police officers in Maryland.

PTC regulations address police officer entrance-level training and include requirements for police officer training in criminal investigation, crime prevention, etc. In addition to these regulatory requirements, PTC's detailed *Entrance-Level Training Objectives* already require training that familiarizes a student with criminal law.

The Judicial Institute of Maryland was established in 1981 by the Court of Appeals as the entity responsible for developing and conducting continuing judicial education programs for the Maryland Judiciary. Today, the institute is responsible for the continuing education of more than 500 judges and masters serving at all levels of the State judicial system. The institute's stated mission is to provide a comprehensive and innovative in-house educational curriculum for Maryland judges and masters, to identify and address emerging issues of importance to the courts, and to make the curriculum available in an efficient and cost-effective manner.

The Maryland Capitol Police currently teaches a course on human trafficking during in-service training for police officers of the Department of General Services (DGS). The course is mandated by PTC.

According to the Federal Bureau of Investigation (FBI), human sex trafficking is the most common form of modern-day slavery. Estimates place the number of its domestic and international victims in the millions, mostly females and children enslaved in the commercial sex industry for little or no money. In 2000, Congress passed the Trafficking Victims Protection Act (TVPA), which created the first comprehensive federal law to address trafficking, with a significant focus on the international dimension of the problem. The law provides a three-pronged approach: (1) prevention through public awareness programs overseas and a State Department-led monitoring and sanctions program; (2) protection through a new T Visa and services for foreign national victims; and (3) prosecution through new federal crimes and severe penalties. The federal Office to Monitor and Combat Trafficking in Persons was established in October 2001. The enabling legislation led to the creation of a bureau within the State Department to specifically address human trafficking and exploitation on all levels and to take legal action against perpetrators. TVPA was designed to enforce all laws within the 13th Amendment to the U.S. Constitution that apply.

The FBI regards human sex trafficking as the fastest-growing business of organized crime and the third-largest criminal enterprise in the world.

The Maryland State Commission on Criminal Sentencing Policy reports that in fiscal 2013, there were two criminal convictions for misdemeanor human trafficking and one conviction for felony human trafficking in Maryland circuit courts.

State Fiscal Effect: GOCCP general fund expenditures increase by \$121,207 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects the cost of hiring one human trafficking training coordinator and one training specialist to develop and implement the mandatory training program. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$111,597
Equipment/Operating Expenses	<u>9,610</u>
Total FY 2015 GOCCP Expenditures	\$121,207

Future year expenditures reflect full salaries with annual increases and annual increases in ongoing operating expenses.

Other State agencies involved in the criminal justice system and juvenile justice system may incur some overtime costs for participating in the required human trafficking training if such training is not already offered as a component of their annual in-service training programs. For instance, while DGS police currently receive some annual human trafficking training, it is not known if the current program meets the standards to be developed by GOCCP under the bill. The Office of the Public Defender (OPD) reports that the bill has an operational impact on OPD. Without knowing the length or other details of the GOCCP program, a specific estimate of potential overtime impacts across all State agencies cannot be provided at this time; however, any such costs are assumed to be minimal.

The Administrative Office of the Courts (AOC) advises that, because the training is mandatory, all judges, and possibly judicial masters, could be required to receive the training. Although AOC also assumes an involvement with GOCCP in the development of the training, the operational impacts of the bill on the Judiciary cannot be known until the details of the training program are finalized. AOC is also uncertain whether the training will incorporate the role of a judge as a neutral arbiter in human trafficking cases. As noted above, the Judicial Institute of Maryland is the entity responsible for developing and conducting continuing judicial education programs for the Maryland Judiciary. The bill is silent on what role, if any, the institute may play in the development and administration of GOCCP program established by the bill.

Local Fiscal Effect: A limited survey of local jurisdictions by the Department of Legislative Services suggests that most, if not all, law enforcement operations (including police departments, sheriff's offices, and State's Attorneys' offices) either already receive human trafficking training or could accommodate an annual training component with existing budgeted resources. However, it is assumed that some affected local jurisdictions may incur some minimal additional costs associated with participating in a training module developed and conducted by GOCCP.

Additional Information

Prior Introductions: None.

Cross File: Although HB 358 (Delegate Schuh, *et al.* – Judiciary) is identified as a cross file, it is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Commission on Criminal Sentencing Policy; Harford, Kent, Montgomery, and Washington counties; Baltimore City; City of Rockville; Town of Berlin; Governor's Office of Crime Control and Prevention; Department of Natural Resources; Department of General Services; Department of Juvenile Services; Department of State Police; Department of Public Safety and Correctional Services; Office of the Public Defender; Maryland Department of Transportation; University System of Maryland; Federal Bureau of Investigation; Department of Legislative Services

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