

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 63

(Senator Benson)

Judicial Proceedings

Marlow Heights Police Department - Establishment

This bill establishes the Marlow Heights Police Department to provide protection for the Marlow Heights community in Prince George’s County and to enforce the applicable laws, ordinances, and regulations of the county. The bill specifies the powers and the duties of the Marlow Heights Police Department and makes the police officers subject to the Law Enforcement Officers’ Bill of Rights (LEOBR), eligible for notice regarding exposure to a contagious disease or virus, and eligible for certification by the Maryland Police Training and Standards Commission (MPTSC).

Fiscal Summary

State Effect: None. Any additional responsibilities for State agencies can be handled with existing budgeted resources.

Local Effect: Gelman Management Company is a privately held company, and all associated costs under the bill should not affect any public entities, including Prince George’s County. Any operational impacts to the county can be accommodated with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The Marlow Heights Police Department is not an agency of Prince George’s County, and its officers, employees, and agents are not officers, employees, or agents of the county. Prince George’s County is not responsible for the acts

or omissions of the Marlow Heights Police Department or the officers, employees, or agents of the police department.

Gelman Management Company is solely liable for the funding of the Marlow Heights Police Department. However, the Marlow Heights Police Department or Gelman Management Company may apply for, accept, and spend any gift or grant for the benefit or use of the police department from the federal government, any State unit, any foundation, or any other person.

Members of the police department have all the powers granted to a peace officer and a police officer of the State, as specified. Members of the police department have concurrent jurisdiction in the performance of their duties with the law enforcement agencies of the State and Prince George's County. The Prince George's County Police Department must establish a memorandum of understanding with the Marlow Heights Police Department that authorizes the department to transmit communications over police radio channels directly to the Prince George's County Police.

MPTSC must adopt specified standards, qualifications, and prerequisites for the police department, but may delegate the authority to do so to Gelman Management Company. Gelman Management Company must adopt rules governing the operation and conduct of the police department that supplement any regulations of MPTSC.

The Department of Public Safety and Correctional Services must assist the police department in applying for and obtaining an Originating Agency Identifier number from the Federal Bureau of Investigation. In addition, the Motor Vehicle Administration must designate, title, and register any vehicles requested by the police department as emergency vehicles, as specified.

Current Law: The Marlow Heights Police Department is currently a special police force.

Special Police Officers

The Governor may appoint and deputize an individual as a special police officer (SPO). Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. An SPO appointed by the Governor may:

- arrest individuals who trespass or commit offenses on the property described in the application for the commission;
- exercise the powers of a police officer on that property;
- exercise the powers of a police officer in a county or municipality in connection with the care, custody, and protection of other property of the entity that requested

- the appointment of the SPO or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and
- direct and control traffic on public highways and roads in the immediate vicinity of the property in order to facilitate the orderly movement of traffic to and from the property, if approved in advance.

Chapter 426 of 2020 requires, with specified exceptions, an SPO applicant for an initial commission to complete a training course approved by the Secretary of State Police, in consultation with MPTSC, consisting of at least 80 hours of instruction, as specified. Before submitting an application for renewal, an SPO must complete 12 hours of in-service training approved by the Secretary in consultation with MPTSC.

Maryland Police Training and Standards Commission

MPTSC 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.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological consultation. 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.

MPTSC requirements include, among other things, that the curriculum and minimum courses of study include special training, attention to, and study of the application of (1) the contact with and treatment of victims of crimes and delinquent acts and (2) the notices, services, support, and rights available to victims and victims' representatives under State law. These requirements apply to in-service level police training every three years and entrance-level training conducted by the State and each county and municipal police training school.

If Gelman Management Company opts to develop its own training program for its officers, it must meet the commission's standards in order for its officers to have police powers.

Law Enforcement Officers' Bill of Rights

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of specified State and local agencies but does not extend to any correctional officers in the State. LEOBR extends uniform protections to officers in two major components of the

disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer; and (2) procedures that must be followed once an investigation results in a recommendation that an officer be disciplined. LEOBR requirements are much more restrictive and time consuming than general State personnel requirements under Title 11 of the State Personnel and Pensions Article.

Additional Information

Prior Introductions: SB 810 of 2016, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Prince George's County; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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