

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1044
Judiciary

(Delegate Williams, *et al.*)

Public Safety - Use of Force Incident Reports

This bill specifies the information that must be included in an incident report filed by a law enforcement officer (pursuant to current law) or a police officer (pursuant to Chapter 59 of 2021) regarding a use of force incident in the line of duty. The bill also establishes requirements for *local* law enforcement agencies with regard to that information. Specifically, by January 1, 2023, and every three years thereafter, each *local* law enforcement agency must publish on its public website the total number of reported use of force incidents for the preceding three months in which the local law enforcement agency determined that the use of force was or was not consistent with its policies and applicable laws. By July 1, 2024, and annually thereafter, each *local* law enforcement agency must publish on its public website the aggregate data of police officers' reported use of force. **The bill takes effect July 1, 2022, subject to specified provisions.**

Fiscal Summary

State Effect: The Maryland Police Training and Standards Commission (MPTSC) can handle the bill's changes with existing resources, as discussed below. State law enforcement agencies can handle the bill's changes with existing resources. Revenues are not affected.

Local Effect: Potential minimal increase in local government expenditures for some law enforcement agencies. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, *each* law enforcement agency must require a law enforcement 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. Chapter 59 of 2021, which takes effect July 1, 2022, modifies this requirement to apply to police officers instead of law enforcement officers.

The bill specifies that the incident report must include (1) the type of encounter; (2) the type of force used; (3) the location at which force was used; (4) the law enforcement officer's justification for the use of force; (5) whether the individual against whom force was used was arrested; (6) what charges the individual against whom force was used was arrested for, if any; (7) whether the individual against whom force was used requested medical care; (8) whether the law enforcement officer requested medical care; and (9) the demographic information about any law enforcement officer involved in and individuals subject to the use of force, as specified.

Under Chapter 59, by March 1 each year, each law enforcement agency must submit to MPTSC the number of use of force complaints made against its police officers during the previous calendar year, aggregated by numbers of complaints administratively charged, not charged, unfounded, and exonerated. 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 is prohibited from making any grant funds available to that law enforcement agency.

State Expenditures: MPTSC estimates that it needs to hire one contractual administrator for two years to work with each law enforcement agency to ensure proper tracking and submission of the required information and to review, compile, and accurately report the information; costs associated with this position are estimated at \$50,846 in fiscal 2023, \$54,781 in fiscal 2024, and \$14,153 in fiscal 2025. The Department of Legislative Services disagrees. The new requirements to publish information regarding the incident reports under the bill apply only to *local* law enforcement agencies. The information that *each* law enforcement agency must report to MPTSC does not change as a result of the bill, and as such, the duties for MPTSC remain unchanged.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 752 (Senator Jackson) - Judicial Proceedings.

Information Source(s): Baltimore, Carroll, Harford, and St. Mary's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Comptroller's Office; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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