

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1135 (Carroll County Delegation)
Environmental Matters

**Carroll County - Local Ordinance Creating a County Police Department -
Submission to Local Referendum**

This emergency bill provides that if the Carroll County Commissioners enact, by ordinance, a local law that creates a county police department, the county commissioners must submit the ordinance to a local referendum to be held at the next ensuing general election. If a majority of voters vote in favor of the referred law, it becomes effective on the thirtieth day following the official canvas of votes. If a majority of voters vote against the referred law, the provisions of the law are null and void.

Fiscal Summary

State Effect: None.

Local Effect: None. Submitting a local ordinance to referendum should not result in additional cost for the Carroll County Board of Elections.

Small Business Effect: None.

Analysis

Current Law: Carroll County is one of the eight Maryland counties that operate under the commission form of government (Calvert, Carroll, Cecil, Frederick, Garrett, St. Mary's, Somerset, and Washington). Commission counties cannot enact local laws in areas where the General Assembly has not expressly granted authority. Commission counties are authorized under State law to provide for the appointment of county police, to prescribe their duties, and fix their compensation.

There is no provision in the Maryland Constitution or in State law that would allow voters in Carroll County to petition to referendum an ordinance creating a county police department. State law authorizes referendum by petition in charter and code home rule counties, but the power is not expressly granted to commission counties, such as Carroll County. However, the General Assembly may mandate a public local law to referendum on the subject of a county police department.

Background: State and local governments share law enforcement responsibilities in most counties with local sheriffs and police departments acting as the primary local law enforcement agency and the State Police focusing on traffic management and specialized services. Under the Maryland Constitution, each county and Baltimore City is required to elect a sheriff, who is by common law the primary public safety officer of the jurisdiction.

State law also authorizes counties to provide for a separate county police force. Local governments maintaining county police forces include Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, along with Baltimore City. The law is silent on the specific duties of these county law enforcement agencies. In practice, county police departments have become the primary law enforcement agencies in these counties. The sheriffs departments in these counties primarily support judicial functions such as courtroom security and service of process. In fiscal 2005, the most recent data available, county governments and Baltimore City spent \$1.0 billion on police protection and municipal governments spent \$152.7 million. Carroll County spent \$7.8 million and its municipalities spent \$5.2 million.

Law Enforcement Activities in Carroll County

Carroll County does not have a county police department. Primary local enforcement duties in the county are provided by the Maryland State Police through the Resident Trooper Program. Forty-six resident State troopers perform local law enforcement duties throughout unincorporated areas and in the municipalities without a town police office at an annual cost of \$5.3 million in fiscal 2008. The Carroll County Sheriff's Office provides some law enforcement services and performs judicial functions in the county. The county sheriff's office is staffed by 71 uniformed officers at a cost of \$4.6 million in fiscal 2008. The sheriff's office also spends \$6.2 million for the detention center. Five of the eight municipalities in the county have town police offices.

Redeployment of State Troopers

The current agreement between the Maryland State Police and the Carroll County Commissioners includes a clause which requires a five-year notice of intent to terminate

the contract. In this five-year period State troopers would be incrementally reassigned to fill vacancies within the State Police force throughout the State. It is not expected that any personnel would be terminated as a result of the Resident Trooper Program being cancelled by Carroll County.

Establishing County Police Department

Assuming that Carroll County enacts a local law creating a county police department and that a voter referendum approves that local law, Carroll County advises that local expenditures for police enforcement could increase by \$300,000 in fiscal 2009 for uniforms, equipment, and other one-time transition costs. It is unclear at this time if annual expenditures for operating a county police department would be greater or less than payments made to the Maryland State Police for the Resident Trooper Program. Carroll County also indicates that definitive plans for the location of a county police department have not yet been determined, so there may be additional capital and equipment expenses associated with creating a county police department.

Additional Information

Prior Introductions: None.

Cross File: SB 659 (Carroll County Senators) – Judicial Proceedings.

Information Source(s): Department of State Police, Carroll County, Department of Legislative Services

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mll/hlb

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