

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1256
Judiciary

(Delegate A. Washington)

Public Safety - Deaths Involving a Correctional Officer - Reports

This bill requires each State and local correctional facility, by March 1, 2019, and by March 1 of each subsequent year, to provide the Governor's Office of Crime Control and Prevention (GOCCP) with specified information for the previous calendar year about each "inmate death" and "death in the line of duty" that involved a correctional officer assigned to the facility. GOCCP must adopt specified procedures, analyze and disseminate the information it receives from correctional facilities, and meet specified reporting requirements. The bill also requires local law enforcement agencies to submit specified information to GOCCP by August 15, 2018. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None. The bill's analysis and reporting requirements can be met with GOCCP's existing budgeted resources. Revenues are not affected.

Local Effect: Local correctional facilities and local law enforcement agencies can likely provide the required information with existing local resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The information in the reports provided to GOCCP must include, at a minimum:

- the age, gender, ethnicity, and race of a deceased individual;
- the age, gender, ethnicity, and race of the correctional officer involved;

- a brief description of the circumstances surrounding the death;
- the date, time, and location of the death;
- if applicable, any mental illness or other disability of the deceased individual; and
- the correctional facility of the correctional officer who (1) died, if the incident involved a correctional officer who died in the line of duty or (2) supervised or had custody or control of the deceased, if the incident involved an officer-involved death.

GOCCP must adopt procedures for the collection and analysis of the information required to be included in the reports. GOCCP must analyze and disseminate the information reported by each facility and submit an annual report on the incidence of correctional officer-involved deaths and deaths in the line of duty in Maryland to the General Assembly by June 30 of each year.

By October 15, 2018, GOCCP must report to the General Assembly on the number of correctional officer-involved deaths and deaths in the line of duty that occurred during the previous three calendar years. This report must include the same information described above. Each local law enforcement agency must provide GOCCP with the three-year report information by August 15, 2018.

An “inmate death” means the death of an adult or a juvenile occurring while the individual is under the supervision of a local or State correctional facility. “Inmate death” includes the death of an individual under supervision at a local correctional facility, a booking facility, a detention center, a State correctional facility, a medical treatment release center, a halfway house, a work detail, or a temporary holding or lockup facility.

“Death in the line of duty” means the death of a correctional officer while the officer is acting in the officer’s official capacity while on duty or while the officer is off duty but performing activities that are within the scope of the officer’s official duties.

Current Law/Background: The Mortality in Correctional Institutions (MCI) (formerly the Deaths in Custody Reporting Program) within the Bureau of Justice Statistics of the U.S. Department of Justice collects data from each of the nation’s 50 state prison systems, 50 state juvenile correctional authorities, and 3,095 local jails on deaths that occur while inmates are in the custody of local jails or state prisons. Local jail and state prison data are collected directly from jails and state departments of corrections. MCI provides individual-level data on the number of deaths by year; cause of death; and decedent age, race or Hispanic origin, and sex. According to MCI, 813 inmates died between 2001 and 2014 in State and federal custody in Maryland. Of the total number of inmate deaths for the 13-year period, 37 deaths were the result of homicide. The Department of Public Safety

and Correctional Services advises that 2 inmate deaths were the result of homicide in fiscal 2017.

Two national systems collect data which includes correctional officer deaths:

- the National Center for Health Statistics maintains the National Vital Statistics System, which aggregates data from locally filed death certificates. State laws require that death certificates be filed with local registrars, but the certificates do not systematically document whether an inmate or a correctional officer was involved; and
- the Federal Bureau of Investigation (FBI) maintains the Uniform Crime Reporting (UCR) Program which relies on the voluntary participation of state and local law enforcement agencies in submitting reports about crimes.

Since 1975, the Maryland UCR Program requires all law enforcement agencies in the State to report on the incidence of crime and law enforcement over the previous year. The information is collected by the Department of State Police in order to publish an annual UCR report called *Crime in Maryland*. The data is also provided to the FBI for assembly and publication of the annual, national UCR report.

Additional Comments: The federal Health Insurance Portability and Accountability Act prohibits the release of individually identifiable health information for an individual for up to 50 years after the death of the individual. Thus, State and local correctional facilities may not be able to report information regarding any mental illness or other disability of a deceased individual as required by the bill.

Additional Information

Prior Introductions: HB 1342 of 2017, a similar bill, passed the House but received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Public Safety and Correctional Services; Department of State Police; Bureau of Justice Statistics; Department of Legislative Services

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