Law Enforcement Reporting Guide
HB 954 (2015)
Deaths Involving a Law Enforcement Officer
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On May 12, 2015, Maryland House Bill 954, “Deaths Involving a Law Enforcement Officer” was signed into law by Governor Larry Hogan. For the first time in Maryland, a legal mechanism is now in place for capturing and reporting to the public each time a citizen dies during a police encounter, or a law enforcement officer dies in the line of duty. Please review the bill (Appendix A), and refer to this reporting guide for updating your Standard Operating Procedures, and/or reporting directives/policies. If you have any additional questions, please contact:

The Governor’s Office of Crime Control & Prevention
300 East Joppa Rd, Suite 1105, Baltimore MD, 21286
C/O Greg Coster – Director of the Maryland Statistical Analysis Center
(410) 821-2859 / Gregory.Coster@Maryland.gov

WHO SHOULD REPORT?

Taken directly from HB 954:

“EVERY YEAR, ON OR BEFORE MARCH 1, 2016, AND MARCH 1 OF EACH SUBSEQUENT YEAR, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION WITH INFORMATION, FOR THE PREVIOUS CALENDAR YEAR, ABOUT EACH OFFICER–INVOLVED DEATH AND DEATH IN THE LINE OF DUTY THAT INVOLVED A LAW ENFORCEMENT OFFICER EMPLOYED BY THE AGENCY.”

- A current list of all Maryland Law Enforcement Agencies can be found in Appendix B of this document. If you are on this list, you must report both citizen deaths involving an officer from your agency, as well as the death of an officer from your agency. If the incident took place in another jurisdiction, or required a multijurisdictional response, you are still required to report the incident in accordance with HB 954.
I. OFFICER INVOLVED CITIZEN DEATHS

WHICH CITIZEN DEATHS SHOULD BE REPORTED?

INCLUDE CITIZEN DEATHS:
- resulting from any use of force by state or local law enforcement personnel acting either on duty, or off duty in the capacity of a law enforcement officer
- caused by injuries sustained while attempting to elude state or local law enforcement personnel or injuries incurred after custody had been established
- in cases of suicide, only when the suicide occurs while law enforcement is present at the scene
- in cases of deaths as the result of drug overdose or medical condition, only when the fatal alcohol or other drug intoxications, or medical conditions (e.g., cardiac arrest) occurred while law enforcement was attempting to detain or arrest the subject
- occurring during the process of arrest by or in the custody of state or local law enforcement personnel
- occurring in the custody of state or local law enforcement personnel responding to a medical or mental health assistance or welfare call
- that occur while confined in lockups or booking centers run by a Maryland Law Enforcement agency
- of bystanders while law enforcement is present and/or as the result of a law enforcement action

EXCLUDE:
- deaths attributed to federal law enforcement personnel (e.g., FBI, DEA)
- any inmate death that occurred in the custody of local jails (not run by a Maryland Law Enforcement agency), state prisons, state juvenile correctional facilities, or private correctional facilities
- any death of a criminal suspect that occurred before the decedent came into contact with law enforcement

HOW TO REPORT A CITIZEN DEATH

INITIAL REPORTING:
- Within 48 hours of an incident, where a citizen death involving a law enforcement officer has occurred, or a subject is suffering from life threatening injuries following an interaction with a law enforcement, a law enforcement point of contact will notify the Governor’s Office of Crime Control and Prevention by either:
  1. Calling (410) 821-2828 and asking for the Director of the Maryland Statistical Analysis Center (leave voicemail if necessary)
  2. Sending a brief email to the Governor’s Office of Crime Control and Prevention via the following address: deathsincustodymd@gmail.com
  3. Completing a CJ-11MD Form, and emailing it to deathsincustodymd@gmail.com
- Immediately following the incident it is only critical to make the Governor’s Office of Crime Control and Prevention aware that the incident has occurred. Specific details will not be requested at that time.
- The hours and days following each of these incidents are extremely stressful for law enforcement personnel. Therefore, in the event that the Governor’s Office of Crime Control and Prevention becomes aware of an incident, and have not heard from the law enforcement agency after the 48 hour reporting window, the Maryland Statistical Analysis Center will monitor media reports, and attempt to contact a department representative for the initial report.
FINAL REPORTING:

- On or before March 1 of each year, each local and state law enforcement agency shall provide the Governor’s Office of Crime Control and Prevention with information on each citizen Death Involving a Law Enforcement Officer that matches the criteria outlined in Section I of this document, which occurred during the previous calendar year.

- Agencies can do this by filling out the CJ-11MD Form, and emailing it to: deathsincustodymd@gmail.com

- If you chose to provide the information in your own format, be sure to include the following information:
  - Primary Agency
  - Date/Time
  - Deceased Age/Gender/Ethnicity/Race
  - Officer Involved Age/Gender/Ethnicity/Race
  - Location of Incident
  - Narrative/Summary of Incident

- The report submitted to the Governor’s Office of Crime Control & Prevention does not need to be extensive, or extremely detailed. If agencies utilize the CJ-11MD Form, all of the required information is on this form. Once the Governor’s Office of Crime Control and Prevention receives the report, agencies will receive a follow up correspondence prior to June 30th, the date which the final legislative report is due to the General Assembly. The Governor’s Office of Crime Control and Prevention, not local/state law enforcement, will prepare any/all additional reports required by the law.
II. OFFICER DEATHS IN THE LINE OF DUTY

WHICH LAW ENFORCEMENT DEATHS SHOULD BE REPORTED?

INCLUDE DEATHS:
• of law enforcement personnel killed in the line of duty or in the course of law enforcement activities.

EXCLUDE DEATHS:
• of federal law enforcement personnel (e.g., FBI, DEA).

HOW TO REPORT A LAW ENFORCEMENT OFFICER DEATH?

INITIAL REPORTING:
➢ Within 48 hours of an incident, where an officer death has occurred, or an officer is suffering from life threatening injuries, a law enforcement point of contact will notify the Governor’s Office of Crime Control and Prevention by either:
   1. Calling (410) 821-2828 and asking for the Director of the Maryland Statistical Analysis Center (leave voicemail if necessary)
   2. Sending a brief email to the Governor’s Office of Crime Control and Prevention via the following address: deathsincustodymd@gmail.com
   3. Completing a CJ-11MD Form, and emailing it to deathsincustodymd@gmail.com

➢ Immediately following the incident it is only critical to make the Governor’s Office of Crime Control and Prevention aware that the incident has occurred. Specific details will not be requested at that time.

➢ The hours and days following each of these incidents are extremely stressful for law enforcement personnel. Therefore, in the event that the Governor’s Office of Crime Control and Prevention becomes aware of an incident, and have not heard from the law enforcement agency after the 48 hour reporting window, the Maryland Statistical Analysis Center will monitor media reports, and attempt to contact a department representative for the initial report.

FINAL REPORTING:
➢ On or before March 1 of each year, each local and state law enforcement agency shall provide the Governor’s Office of Crime Control and Prevention with the following information on each Death of a Law Enforcement Officer that matches the criteria outlined in Section II of this document, which occurred during the previous calendar year.

➢ Agencies can do this by filling out the CJ-11MD Form, and emailing it to: deathsincustodymd@gmail.com

➢ If you chose to provide the information in your own format, be sure to include the following information:
   • Primary Agency
   • Date/Time
   • Deceased Officer’s Age/Gender/Ethnicity/Race
   • Location of Incident
   • Narrative/Summary of Incident
The report submitted to the Governor’s Office of Crime Control & Prevention does not need to be extensive, or extremely detailed. If agencies utilize the CJ-11MD Form, all of the required information is on this form. Once the Governor’s Office of Crime Control and Prevention receives the report, agencies will receive a follow up correspondence prior to June 30th, the date which the final legislative report is due to the General Assembly. The Governor’s Office of Crime Control and Prevention, not local/state law enforcement, will prepare any/all additional reports required by the law.
III. THREE YEAR HISTORY REPORT

Taken directly from HB 954:

“ON OR BEFORE AUGUST 15, 2016, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION WITH THE INFORMATION DESCRIBED IN 3-507B OF THE PUBLIC SAFETY ARTICLE AS ENACTED BY THIS ACT FOR THE PREVIOUS 3 CALENDAR YEARS.”

- Law Enforcement agencies are being asked to repeat the process outlined in Sections I and II of this guide, however this time, they will provide information on cases occurring between January 1, 2013, and June 30, 2015. This will satisfy the submission of 3 calendar years (2013-2015).

IV. THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION’S REPORTING REQUIREMENT UNDER HB 954

First Legislative Report (3 year history)
Data submission due to MSAC: Law Enforcement submission required by 8/15/16
Legislative Report Due: October 15, 2016
Data Source: Data reported by law enforcement to the Governor’s Office of Crime Control and Prevention’s Maryland Statistical Analysis Center (MSAC) (410) 821-2828
Sunset: N/A
Notes: This is a 1 time report due 10/15/16

Second Legislative Report
Data period covered: July 1, 2015 – December 31, 2015
Data submission due to MSAC: Law Enforcement submission required by March 1, 2016
Legislative Report Due: June 30, 2016
Data Source: Data reported by law enforcement to the Governor’s Office of Crime Control and Prevention’s Maryland Statistical Analysis Center (MSAC) 410-821-2828
Sunset: None
Notes: First report due 6/30/16. Law Enforcement will start collecting data on 7/1/15.

Subsequent Legislative Reports
Data period covered: January 1 – December 31
Data submission due to MSAC: Law Enforcement submission required by March 1
Legislative Report Due: June 30
Data Source: Data reported by law enforcement to the Governor’s Office of Crime Control and Prevention’s Maryland Statistical Analysis Center (MSAC) 410-821-2828
Sunset: None
Notes: First report due 6/30/16. Law Enforcement will start collecting data on 7/1/15.
V.  FREQUENTLY ASKED QUESTIONS

Define “reporting”?  
There has been some confusion as to whether law enforcement is being asked to provide some type of formal report, or simply report the incident. Law enforcement must report the incident to the Governor’s Office of Crime Control and Prevention, along with a synopsis of the event. This can be done in accordance with the guidelines under the “How Do I Report” section of this directive. More than likely, a Governor’s Office of Crime Control and Prevention representative will then reach out to the law enforcement point of contact if clarifications are needed. The Governor’s Office of Crime Control and Prevention will compile the information received, reformat the information, and submit an all inclusive report to the General Assembly.

Will narratives be included in the Legislative Report prepared by the Governor’s Office of Crime Control and Prevention?  
The law states that the Governor’s Office of Crime Control and Prevention’s report to the General Assembly includes “a brief description of the circumstances surrounding the death.” Please be sure to provide a short synopsis or police narrative to help the Governor’s Office of Crime Control and Prevention satisfy the element of the bill.

If an incident involves multiple law enforcement agencies, which agency is required to report the incident?  
In accordance with the bill, each law enforcement agency is required to provide information about each officer-involved death that involved a law enforcement officer employed by their agency. Therefore, if one of your agency’s officers was involved in the incident, you are required to report the incident. Multiple reporting on the same incident, by different jurisdictions may result in these cases being labeled as “multi-jurisdictional.”

Why will additional data elements outside the requirements of the bill being collected?  
At the Maryland Statistical Analysis Center, we recognize that it’s only a matter of time before the federal program is back up and running, requiring us to collect the data on their form. The federal bill has passed, and we anticipate collection resuming by the middle of 2016. Rather than having to go back over each incident, the implementation group is in agreement that we collect the information that will be required under the federal program in order to consolidate resources.

Why do we always hear about the federal program being ineffective and/or inconsistent?  
First, many states were not reporting data. States were unwilling to pass legislation mandating the reporting of this data at the state level, and willing to accept up to a 10% reduction in BJAG funding as a result of their non-compliance. In addition, states that wanted to collect the data, but had no state law mandating the reporting of this information, were submitting inconsistent data because not all jurisdictions in the state would cooperate.

Why did we need to pass HB 954 when the data was already being collected?  
As the primary point of contact for law enforcement during the federal collection process, I can proudly say that Maryland Chiefs, Sheriffs, Wardens, Detectives, Officers, and Medical Examiners have been extremely accessible and compliant when asked to voluntarily provide information for the federal program. When the federal program is rolled out, we have been informed that significant penalties, once again in the form of withheld BJAG funding for non-compliant states, will be a reality. HB 954 ensures that Maryland will never have to worry about law enforcement grant funds being reduced due to non-compliance.
VI. APPENDICES

APPENDIX A

Chapter 134
(House Bill 954)

AN ACT concerning

Public Safety – Deaths Involving a Law Enforcement Officer – Reports

FOR the purpose of requiring local law enforcement agencies to provide the Department of State Police Governor’s Office of Crime Control and Prevention with certain information on officer-involved deaths and deaths in the line of duty; requiring the Department of Governor’s Office of Crime Control and Prevention to report annually certain information on officer-involved deaths and deaths in the line of duty to the General Assembly; requiring the Department Governor’s Office of Crime Control and Prevention to adopt certain procedures for reporting certain deaths; requiring the Department Governor’s Office of Crime Control and Prevention to report certain information on officer-involved deaths and deaths in the line of duty to the General Assembly by a certain date; defining certain terms; and generally relating to the reporting of officer-involved deaths and deaths in the line of duty.

BY adding to
Article – Public Safety
Section 2–315–3–507
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Safety

2–315–3–507. (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEATH IN THE LINE OF DUTY” MEANS THE DEATH OF A LAW ENFORCEMENT OFFICER OCCURRING 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.
(3) “Law enforcement agency” has the meaning stated in § 2–101 of this title.

(4) (i) “Law enforcement officer” has the meaning stated in § 3–101 of this article.

(ii) “Law enforcement officer” includes a private security officer performing duties as part of a contract with a law enforcement agency.

(5) “Officer–involved death” means the death of an individual resulting directly from an act or omission of a law enforcement officer while the officer is on duty or while the officer is off duty, but performing activities that are within the scope of the officer’s official duties.

(B) Every year, beginning January 1, 2016 on or before March 1, 2016, and March 1 of each subsequent year, each local law enforcement agency shall provide the Department Governor’s Office of Crime Control and Prevention with information, for the previous calendar year, about each officer–involved death and death in the line of duty that involves—involved a law enforcement officer employed by the agency, to include at a minimum:

(1) The age, gender, ethnicity, gender identity, sexual orientation, ethnicity, race, and language preference and race of a deceased individual who is not a law enforcement officer;

(2) The age, gender, ethnicity, gender identity, sexual orientation, ethnicity, race, and language preference and race of the officer involved;

(3) The manner of the officer or deceased individual’s death—a brief description of the circumstances surrounding the death; and

(4) The date, time, and location of the death; and

(5) The disposition of any investigation, inquiry, or disciplinary proceeding resulting from the death—The law enforcement agency of the officer who:

(1) Died, if the incident involved an officer who died in the line of duty; or
(II) DETAINED, ARRESTED, OR WAS IN THE PROCESS OF ARRESTING THE DECEASED, IF THE INCIDENT INVOLVED AN OFFICER–INVOLVED DEATH.

(C) THE DEPARTMENT–GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ADOPT PROCEDURES FOR THE COLLECTION AND ANALYSIS OF THE INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(D) THE DEPARTMENT–GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND DISSEMINATE THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(E) THE DEPARTMENT–GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL MAKE AN ANNUAL REPORT ON THE INCIDENCE OF OFFICER–INVOLVED DEATHS AND DEATHS IN THE LINE OF DUTY IN THE STATE TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JUNE 30 OF EACH YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 15, 2016, the Department of State Police Governor’s Office of Crime Control and Prevention shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the number of officer–involved deaths and deaths in the line of duty that occurred during the previous 10 calendar years.

(b) The report shall include information as required by § 2–315(b)–3–507(b) of the Public Safety Article as enacted by this Act.

(c) Each local law enforcement agency shall provide the Department of State Police Governor’s Office of Crime Control and Prevention with the information described in § 2–315(b)–3–507(b) of the Public Safety Article as enacted by this Act for the previous 10 calendar year period.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

APPENDIX B
Active Maryland Law Enforcement Agencies as of 2/19/16*
Aberdeen Police
Allegany Co Sheriff
Allegany Co. Bureau of Police
Amtrak Police
Annapolis Police
Annapolis Fire/Explosive Invest. Unit
Anne Arundel County Sheriff
Anne Arundel County Police
Anne Arundel Co Fire/Explosive Invest
Baltimore City Community College
Baltimore City Police
Baltimore City School Police
Baltimore City Sheriff
Baltimore County Police
Baltimore County Sheriff
Baltimore Environmental Police
Bel Air Police
Berlin Police
Berwyn Heights Police
Bladensburg Police
Boonsboro Police
Bowie Police Department
Bowie State University
Brentwood Police
Brunswick Police
Calvert Co Sheriff
Cambridge Police
Capitol Heights Police
Caroline County Sheriff
Carroll County Sheriff
Cecil County Sheriff
Centreville Police
Charles County Sheriff
Chesterfield Police
Cheverly Police
Chevy Chase Police
Colmar Manor Police
Community College of Baltimore County
Coppin State University Police
Cottage City Police
Crisfield Police
Crofton Police
Cumberland Police
Delmar Police
Denton Police
DHMH- Clifton T. Perkins Hospital Center
DHMH- Eastern Shore Hospital Center
DHMH- Potomac Center
DHMH- Spring Grove Hospital Center
DHMH- Springfield Hospital Center
DHMH- Thomas B. Finan Center
District Heights Police
Div. of Rehabilitation Services Police
Dorchester County Sheriff
Dorchester States Attorney's Office
DPP Warrant Apprehension Unit
Easton Police
Edmonston Police
Elkton Police
Fairmount Heights Police
Federalsburg Police
Forest Heights Police
Frederick City Police
Frederick County Sheriff
Frederick County Sheriff's Academy
Frostburg City Police
Frostburg State University Police
Fruitland Police
Gaithersburg Police
Garrett County Sheriff
Garrett County State's Attorney
Gibson Island Police
Glenarden Police
Greenbelt Police
Greensboro Police
Hagerstown City Fire Marshal
Hagerstown Community College
Hagerstown Police
Hampstead Police
Hancock Police
Harford Co Sheriff
Harford County Police
Havre de Grace Police Department
Holly Center
Howard County Police
Howard County Sheriff
Hurlock Police
# APPENDIX C

## CJ-11MD Form

Deaths Involving a Law Enforcement Officer Report Form

### Reporting Agency:

<table>
<thead>
<tr>
<th>Type of Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Citizen Death</td>
</tr>
<tr>
<td>□ Officer Death</td>
</tr>
</tbody>
</table>

### Deceased Information

(please fill out a separate form for multiple subjects - 1 form per subject)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Date of Death:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>Gender:</td>
</tr>
<tr>
<td>Ethnicity:</td>
<td>Race:</td>
</tr>
</tbody>
</table>

### If Citizen Death, Provide Officer Involved Information

(please use the additional information area for more than 1 officer)

<table>
<thead>
<tr>
<th>Age:</th>
<th>Gender:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnicity:</td>
<td>Race:</td>
</tr>
</tbody>
</table>

### Type of Incident (Preliminary)

| □ Homicide  |
| □ Medical Condition / Illness |
| □ Natural Causes  |
| □ Overdose / Intoxication  |

### Details

Description of Incident:

### Reporting Official / Agency Information

<table>
<thead>
<tr>
<th>Reporting Official</th>
<th>Date of Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Title</td>
<td>Method of Reporting</td>
</tr>
</tbody>
</table>

Contact Information