Erin Farley:
Okay. Good afternoon, everyone. If you have any problems hearing me, please note that in your chats. We'll talk about how to do that, and send a message to everybody, but if you have a chance right now and you are having any problems hearing me, please let me know via chat, sending it to Panelists.

Erin Farley:
I want to welcome everyone. My name is Erin Farley and I am one of JRSA's Research Associates. For those of you who are less familiar with JRSA, it stands for Justice Research and Statistics Association. We are a national nonprofit organization dedicated to the use of research and analysis to inform criminal and juvenile justice decision-making. We are comprised of a network of researchers and practitioners, which at the core, includes Directors and staff from state statistical analysis centers.

Erin Farley:
It is my pleasure today to welcome you to our webinar on deaths in custody, data collection, and report [inaudible 00:01:57]. It will be presented by Greg Coster, who is the Director of Maryland Statistical Analysis Center. Welcome, Greg.

Erin Farley:
Before we go on any further, I would like to thank our partners at the Bureau of Justice Statistics for helping to make this webinar possible.

Erin Farley:
Okay, covering a few logistical items before we begin. We will be recording today's session for future playback. The link to this recording will be posted on JRSA's website. It's usually posted the following day. We will also have a copy of the PowerPoint slides available as well. Today's webinar is being audio cast via speakers around our computer and teleconference, so you can either use your headphones or call in. You can check your options using the audio conference at the top of the bar. To access this, select audio and then select audio conference. Once the audio conference window appears, you can view the teleconference, call-in information, or join the audio conference via your computer.

Erin Farley:
If you have any questions for us, we will be the ones, specifically me, I will be the one that is passing those around to Greg as he is presenting. If you go into your chat function, up a little bit, you will have the option of selecting who you want to send your question to. Now, if you want to, you can send it to everybody, which would be All Attendees. If for some reason you don't want to share your question with everybody, please select either Panelists or the option that says Host, Presenter and Panelists.

Erin Farley:
I, Erin Farley, am the one that will be handling the questions and not the host. If you send it to the host, unfortunately, I will not be able to see those questions. Again, if you could send it to All Panelists or just everybody, if you feel comfortable doing that. We can answer questions as we go through the PowerPoint slides in the presentation. Greg thinks he would be very comfortable with that, so we don't have to wait until the very end to handle
questions. Just shoot them off as they come to you and we will go through them.

Erin Farley: This webinar is scheduled for about an hour. If you have any technical difficulties, please contact Jason Trask at jtrask@jrsa.org and he will be able to handle some of those issues. In the last five minutes of today's webinar, we will ask you to complete a short survey. This information that you provide will help us to plan and improve future webinars and meet our reporting requirements. With that, I'm going to hand it over to Greg. So, welcome.

Greg Coster: All right. Thanks, Erin. All right. It's Monday and 2:00 PM here in the East. I've got a webinar on a cold, overcast January day in the mid-Atlantic. I can just feel the energy coming through the phone lines, so think you guys for joining us today. Hopefully, you will get something out of this. For those of you who attended the NTJA Forum in Philadelphia, this is basically a shorter and updated version of that, so there is a little bit of redundancy from that presentation. I've selected the items which I think, based on the audience, you guys are looking for. I hope everybody get something out of this webinar today.

Greg Coster: First of all, just to give you a little background on who I am, this is me, Greg Coster. I'm the Director of the Maryland Statistical Analysis Center located in the Governor's Office of Crime Control & Prevention here in Maryland. For those of you who require a visual to help you visualize, that's me right there in 1998, and I still look exactly the same, so you can just picture that in your head while you're listening to this.

Greg Coster: In all honesty, I do show this for a reason, and that's to show that I was in law enforcement, retired from the US Coast Guard. I went from law enforcement into the stats and research field upon retirement. I have carried a gun and a badge, so I understand both sides of this topic and I really appreciate all sides of this data collection project that's been taken on.

Greg Coster: So, what are statistical analysis centers? Just going to do this quickly, just because I want you guys to get an idea of what we do here. There's a link there to JRSA, which you could probably click on, and it gives you a little update on what exactly we do, for those of you who aren't familiar with the State Statistical Analysis Center program. In Maryland, we are basically a research and statistics entity, we are housed in the Maryland Governor's Office of Crime Control & Prevention.

Greg Coster: We are used a lot to provide statistical and research support to the legislature; as well as the Governor, based on what's currently happening in the state. We take on a variety of projects throughout the year. We are partially grant funded by the BJS and Death in custody, arrest-related deaths, deaths involving a law enforcement officer has been part of my work since 2011. When the General Assembly in Maryland was looking to pass legislation, having been the federal
collectors of this data, they picked up the phone, and called our shop, and we were more than happy to help out.

Greg Coster: Let me talk a little bit about the legislation. Just to be clear, what this webinar is about, it’s about state legislation passed in Maryland requiring the submission by local and state law enforcement agencies of information on officer-involved deaths; officer deaths in the line of duty; and then, in addition to those two elements, we did a three-year retroactive report.

Greg Coster: There are very few states that have this as state law and, as most of you probably know, the information being collected on the federal level is they’re in the middle of finalizing their program right now. For years, they had a very organized data of arrest-related death data collection and we just piggy-backed off that and said, "Let’s pass a law here in Maryland requiring the collection of this data." What's the dilemma? Why did we need to pass a law?

Greg Coster: Two big problems, okay? What were the sources, where was this information coming from? Citizens being involved in fatal encounters with law enforcement. Where were we getting the information from? Why couldn't we come up with a definitive number? If you take this PowerPoint back and click on these links, you'll see, in your own state if you’re doing this for purposes of collecting data in your own state, you'll see almost every one of these links paints a different statistical picture of what's happening.

Greg Coster: You can see, here, this is a little dated. This was a presentation back in August, but The Guardian had seven people and they used the term "killed by police". Another independent data collection entity uses the same term "killed by police", but they had nine as of the same period. Then, you had another entity that used the term "police killings".

Greg Coster: Then, finally, another entity that talks about "shot by police". I think the public, for the most part, assumes that these cases, when they hear them, are shot by police; but as we saw, here in Maryland shortly after the passage of this bill with the Freddie Gray case, there are a lot of elements that need to be taken into account when we're collecting this data. The dilemma pretty much sits that, what are our sources and what are we going to call these programs?

Greg Coster: This session, we are going to talk a little bit about the background and the rationale for the legislation. The considerations and the hurdles that, if your state is looking to implement a program such as this, what are some of the hurdles that you’re going to see? Then, the main focus is going to be on how we went about implementing the bill. I'm flying through stuff, but if anyone has any questions right now, I see a couple coming in, I'd really like to address some questions. That way I know how to tailor my presentation to those questions and know that I'm really hitting the mark. We have a really diverse audience here today. It's really nice to see.
Erin Farley: Greg, can you see that question right there that asks ... It's not specific to Maryland, but it's asking about the federal program?

Greg Coster: Yeah. Okay, so the question is, "Do you have a sense of whether the federal Data Collection Programs proposed in the fall will continue under the new administration?" Okay, I'm not good enough to multitask right here, but I saw that Duren Banks, from RTI, is scheduled to be on the call. I also saw that Mike Plantly might be there. I'm not going to put them on the spot; either of them are on the line and they would like to talk about that a little, they're welcome to, or we can save that till the end.

Greg Coster: I don't know, is the answer to that. Me, personally, I just don't know. I'm sure there's a lot of things up in the air right now with the new administration. I'm sure that's the sense. When we went through an administration change here in Maryland, there was a little bit of a period where we just had to make sure everybody was on board with things that had begun before the new administration began, so I don't have an answer to that right now; but I can probably get you in touch with people who can help. Okay.

Erin Farley: Great. [crosstalk 00:12:33].

Greg Coster: Yeah. Any other questions right now? Is there anything anyone is interested in getting out of this? Why they signed on and I can help as to whether I'll be ... Is anyone implementing this in their state? Similar legislation? No? Okay. All right, then I'll just get right into it. Why Maryland felt like this was something we had to do.

Greg Coster: A lot of people thought that this was a result of the Freddie Gray incident, but the legislation was actually read into the General Assembly in January 2015. The legislation passed via vote prior to the Freddie Gray incident, which happened in April of 2015. The rationale was just, it had been time that we started to put a mechanism in place. Some members of the General Assembly recognized that, and knew that there were going to be some growing pains, and decided to go for it.

Greg Coster: There are some attachments that I'm going to have for you, for you to be able to take away, and the bill, itself, is in those attachments. It's kind of interesting to look at the bill. You can see some of the strike-through language that was part of the original bill, and then was taken out, and then step that was added. It's always interesting to see how those bills evolved and it can show you, okay, what was the thought process at the beginning and then what did we end up with?

Greg Coster: I have a question from one state who they're talking about advocating for a policy to mandate the collection in their state. This will talk about that and probably give you some really good information on some of the things you
might be able to take to assist, because I think it's fear of the unknown. People fear what's going to happen when we start collecting this. To answer your question, I think this, especially the implementation portion, is really going to help you out.

Greg Coster: Considerations and hurdles to expect. I think anytime you have something that can, at times, be an inflammatory topic, you're going to have strong opinions on all different sides of the fences. Your stakeholders, law enforcement, the General Assembly, lawmakers, civil liberties groups, media outlets and special interest groups, etc. Everyone has a way they think this bill should look and they all had input. Here's the deal, we accepted the input of all the stakeholders. We listened.

Greg Coster: I say we, I was the advisor on the data collection side. When I say we, I really mean the delegate, Alonzo Washington, who sponsored the bill. Allowed everyone who had an interest in knowing this information, including citizens, their voice was heard and how this was going to happen. You'll see in my implementation portion, it really just comes down to people being able to sit down and agree to disagree, but then, at the end of the day, come up with what's going to be best for the citizens and what's being asked for by the citizens.

Greg Coster: I use that term pushback. I probably should remove that. Now that I look at it, I kind of want to remove that pushback, because it's not pushback. It's just everybody has concerns and everybody has things they want to see. If you use that term, it's probably not correct moving forward, so I'm going to adjust that in the future. Let's talk about the implementation. This, to me, is the most important part, okay?

Greg Coster: The bill gets passed, all right? We are going to talk a little bit about what they were asking to be collected. That'll all be in this section and how we went about collecting it. In the state of Maryland, here, when the Statistical Analysis Center is asked to work on a bill, or collect data in association with a law, we have a process that works for us. It starts with the Implementation Group. Let me go to the side for a second. One question. I see. There's one question, it's asking which states have their own death in custody reporting laws. Really good question.

Greg Coster: Right now, California and Texas definitely do. Before I came on this call, I read some articles and I was more confused after reading them than before I did, about other states that are implementing them, or have implemented laws, or are in the process of. It's a little gray. I don't have any current information during this legislative session, but I know California and Texas, they have a really nice report. To answer your question, for now, definitely those two. There could be elements of this and other states. We can go with those for sure. Good question.
Greg Coster: As I said, we start with the Implementation Group. We let the General Assembly know, when this bill passes, we're going to sit down, we're going to take a nice group, a variety of stakeholders in the state, and we're all going to sit down at a table. We are going to go through the bill line by line, make sure that nothing was missed, nothing critical is going to be misunderstood. We literally go line through line and we discussed what the bill is asking us to do at the Statistical Analysis Center.

Greg Coster: Again, as I mentioned, we are chosen by legislators because they have recognized that we are thorough and we are unbiased. If you look at the list of those who were invited to participate in the Implementation Group, you can see. Starts with the delegate who sponsored the bill; our office; State's Attorney; Medical Examiner, who, we'll talk, is an extremely important part of this process; US Attorney; various police and Sheriff entities; Civil Liberties Union; JRSA helps us out, as well; we have a private defense attorney; and we had a private citizen.

Greg Coster: The only one we missed, that someone pointed out to us, is a Public Defender. Again, that, we recognized, someone from the Public Defender should have sat in on that. We recognized that error, we reached out to Public Defenders afterwards, and they were fine with everything that we came up with. We set this group down and we basically go through the bill. We decide, how are we going to implement this bill, how are we going to collect the data, what data is going to be collected?

Greg Coster: That results, basically, in this, an Implementation Guide for Law Enforcement, okay? You'll soon see that law enforcement reporting is just one element to the big picture. This guide, as Erin wrote in her aside, is an attachment and it will be available on the JRSA website. I encourage you to use it if you're looking to implement something in your state; copy it, whatever you need. The feds were very nice in letting me copy some of their forms and utilize some of the information that they had worked so hard for years to gather.

Greg Coster: I'm just paying it forward by saying, "Here, look at this guide. See what works for you, what doesn't work for you, change the language if you need to based on the law that you passed, but feel free to use it to help you guys out." We came up with a Procedures Guide and we send this out to all the law enforcement agencies in the state. We presented it at the Maryland Chiefs and Sheriffs Monthly Meetings. We made sure that the information got to where it needed to go. All right. So, here's the meat and potatoes of what the state of Maryland decided was going to be captured. What citizen deaths were going to be reported.

Greg Coster: If you look at this slide, anything in bold is taken, basically, from the federal program. If it's in bold, it's almost an exact mirror of what the federal Arrest-Related Death Program was already collecting. Okay? If it's not in bold, there are
just little things that may not have either been stated directly in the federal program or we felt the need to specifically state. You can read through these. The first one, any use of force by state or local law enforcement personnel, we added, acting either on duty or off duty in the capacity of a law enforcement officer.

Greg Coster: We had cases in Maryland where an off-duty officer was coming home from the gym. He had worked all day, he was coming home from the gym, he had his law enforcement equipment in a gym bag. As he was getting out of his car, he was held up at gunpoint, went to retrieve his wallet, obviously retrieved his firearm instead, and shot the individual. The individual died. We felt like cases like that were cases that citizens would like to know about because, in Maryland, where we have a pretty tight personal-carry law, it's not like a state that has a very, very liberal personal-carry law. When an individual uses a firearm to defend themselves, it doesn't happen a lot.

Greg Coster: In a case where it's a law enforcement officer, it was the idea of, all right, where was this individual, what was the case? If this was just a citizen, would it have been a high profile case? Law enforcement also found that it really helps answers some of those questions that are sometimes posed in a negative way of, at what point is a law enforcement officer still a law enforcement officer? The answer is, when they're acting in that capacity and using a weapon issued by their agency during this process. We do capture those. We haven't had any problems, or issues, or pushback. There is only a couple, two to three, incidents a year where an off-duty officer has had to engage in deadly force of some kind. There has been good reason to capture those, we felt, in the state.

Greg Coster: In the third bullet, you'll see, we added, in the case of suicide, if the suicide occurred while law enforcement is present at the scene. It's just a little, slightly, different from the federal, where the federal question asks, would the individual who committed suicide been arrested if they had not committed suicide? We still use that as a guide as to whether a case is captured or not; but again, we've had no pushback. Law enforcement recognizes, if they show up on the scene, especially if there's a firearm involved, and there's going to be questions as to who shot who, did the person shoot themselves, did the officer engage?

Greg Coster: We had a case here in Maryland where police just arrived on scene and the individual had a firearm. Basically, shot themselves in the bullet went through the person and ended up hitting an officer. Officers returned fire. A case like that, it's good to capture, because it allows us to go in, take a look at the Medical Examiner Report, work with law enforcement on getting the report, and then work with the media when they submit the PIA Request, and it's transparent. There's nothing being hidden in this case. There was never a situation, in that case, where somebody questioned, well, did law enforcement fire prior to this individual committing suicide, because it was picked up and it was a non-issue when it comes to was law enforcement transparent in providing this information?
Greg Coster: Okay, in the other bullets, you can see a drug overdose has been an issue where we've had to work a little bit on, okay, where are we going to draw the line? That could get interesting, in a sense, that some states are, I'm not going to see decriminalizing, but it's more Good Samaritan type laws are being passed in states. To use the standard of, was that person going to be arrested or not, is getting a little more gray because of Good Samaritan laws or a trend or push toward not arresting individuals during drug overdoses.

Greg Coster: Right now, it's kind of a case-by-case basis that it's looked at, so we tried to use the wording to mirror the federal program, which basically says, "Only when the intoxication occurred when law enforcement was attempting to detain or arrest of the individual." Notable cases where law enforcement shows up, the individual is overdosed, and law enforcement is administering Narcan. The individual wakes up, and then becomes combative, and then the incident happens, and the subject is killed during that incident. That would be captured. Very rare. Those cases are very, very rare. I think we may have had one in the last two or three years.

Greg Coster: Okay. Again, the next bullet talks about occurring during the process of arrest, that's pretty straightforward. Then, occurring in the custody during a medical or mental health assistance or welfare call. The second to last bullet is where we stray off a little bit from the federal program. When we first started collecting the data, we collected information on a death that occurred while an individual was confined in either a jail, booking facility, detention center that was run by a law enforcement agency in Maryland.

Greg Coster: In Maryland, we have some detention centers that are run by the Sheriff's Department in that jurisdiction, we have some which are run by a division of Corrections or division of Detention. What was happening was the detention centers or booking facilities that were run by a Sheriff's Department or law enforcement agency were submitting their data on deaths that occurred in their facility, but the facilities where a sworn law enforcement entity was not running that facility didn't have to submit their data. It was skewing the numbers.

Greg Coster: There were two or three detention centers that looked like they were the only detention centers in the state having problems with deaths in custody when that wasn't true at all. It was just that they were run by a "Maryland law enforcement agency". You can see, where we quickly went to work with the General Assembly. Again, we already established such a great relationship with the stakeholders, the General Assembly, we sent a message out to our Implementation Group and said, "Hey, we think we should remove this for now, because we think it's skewing our data," and everybody agreed. That was not a part of our second report that we submitted.

Greg Coster: The final piece, which I think is a really good take away for states that are looking to implement this, is the capturing of bystanders. The federal program
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does not collect information on bystanders or they didn’t with the previous arrest-related deaths. When we were doing this in 2010, and '11, and '12, we noticed there were some high profile cases that involved bystanders. We wanted to somehow capture those cases, because they are important and they're requested many times by different groups and we just didn't have the data. We collected it and you'll see when I get into how we code some of these what we did with those.

Greg Coster: Any questions right now? This is strange for me. I'm used to seeing faces and, jokes, and whatnot, so I feel like I'm talking to myself right now. Anybody? Any questions? Anything? Erin, are you still there?

Erin Farley: I'm here, yeah. I don't see any new questions.

Greg Coster: All right, great. Okay. My computer just locked. Here we go. There, you see the excluded cases. Federal law enforcement personnel, deaths attributed to them. I think that might be something we include in future legislation. It hasn't been talked about by the General Assembly as of now. Then, inmate deaths. As I discussed previously, the inmate deaths were not included if they were run by a Maryland law enforcement agency. I'll talk about that in a minute, how we're fixing that.

Greg Coster: Then the death of a suspect that occurred before the decedent came into contact with law enforcement. A notable case with that was the case where a negotiator was talking to an individual who was on the phone, very remotely, not even in the same jurisdiction as the negotiator, and the individual committed suicide. That was one of those cases where it was determined that physical contact is more the standard and not just a call to 9-1-1 or something like that. That's why that was thrown in.

Greg Coster: I want to talk a little bit about the process. Not too much more here, but this is where the rubber meets the road, right here, with the process. Okay? We want all this data, we want really good data, how do we get it? Well, there's a lot of different theories on how to get this data. You have some folks who think, well, you just tell law enforcement they have to submit it. That's great, but law enforcement is very busy. They're very, very busy.

Greg Coster: Now, with difficulty in getting staffing levels up and the amount of stuff, with the heroin epidemic, that law enforcement is being asked to do that isn't necessarily even law enforcement work; we, here, recognize how busy they are and we expect that things are going to fall through the cracks. We really like to help law enforcement in completing their legislative requirements here, at the Maryland Statistical Analysis Center. We don't want to select, and direct, and say, "All right, you give us all the data and we'll just publish a report." It doesn't work that way.
Greg Coster: It's really a multipronged approach on how you're going to get all the data. It starts, obviously, down in the left box with a department point of contact. I tell everybody, some states it's harder than others. Obviously, Maryland is not a big state, so it's not difficult for us to have a point of contact in each department. Obviously, if you have that challenge with this, that means you have that challenge with everything, and I'm sure you have a system in place on how you regionalized that her deal with it; but, that's the most important part. Have to have a point of contact in each department and that takes work at the offset.

Greg Coster: Once you have that, you'll find that the departments actually are pretty good at keeping up with you. I'll get an email every couple weeks, "Hey, Greg. Captain Smith was the point of contact for you regarding this. I'm the new point of contact, let me know what you need." You have to establish that point of contact at the department level, make sure they know exactly what they need to submit and exactly when they need to submit it. Again, we are not relying on just them. We're going to try to help them out a little.

Greg Coster: Some people have said, "Well, you let them off the hook." Well, no, I'm not. I really want to help them do their job, and get out there, and do police work, and not have to spend so much time on these legislative mandates where I'm getting paid to collect this data and I know that it can be done in a few different ways. The top left talks about open source. We've learned that, when it comes to deaths in custody, arrest-related deaths, or as we call it, deaths involving a law enforcement officer, open source is here and it's here to stay.

Greg Coster: Some people don't like the fact that we use open source items, and articles, and Google searches to capture these cases, but you're just increasing your exposure to what's going on by keeping an open source system in place. We have a few different open source systems that we keep in place, which we have a Google alert that's pretty robust. We have a Communications Office here that keeps on top of social media when things are happening, on top of news articles, in big jurisdictions, some of our smaller jurisdictions, so we just keep on top of it. We look for articles.

Greg Coster: Going back to one of my first slides, some of those sources are actually good sources at helping you become aware of that a case has happened. Unfortunately, most of them have a tone of negativity about them, especially in regard to law enforcement. Killedbypolice.net is probably infamous, but I'm on their Facebook page every day and I'm looking to see what they've picked up, seeing if I can pick something up off of them, just keeping an eye on what's happening. Some of those links I sent in this will be good open source resources for you to use.

Erin Farley: Hey, Greg?

Greg Coster: Yeah.
Erin Farley: Before you go any further, I just wanted to back up. Someone asked the question, talking about the department point of contact, the question is, "Has there been a study on compliance and what happens if an agency fails to report?"

Greg Coster: Great question. Really great question. As far as a study on compliance, we're still too much in our infancy to put together anything that would be meaningful. We have 137 law enforcement entities in Maryland. I can tell you, because we're such a small state, by the time the reporting period comes and goes, if I have not heard from an agency, I reach out to them. Again, this is where I think some people think I go a little too far in, well, you shouldn't have to do that.

Greg Coster: Well, I know I shouldn't, but this bill is in its infancy and I think there's still a lot of agencies who just don't have the manpower, they forget, or maybe they just choose not to report. There are definitely some cases where the agency didn't report, which leads me to my next source, which is the Medical Examiner, and we saw it on the Medical Examiner Report. The answer is there is no punitive action, at this time. We are like everyone else, waiting to see what happens with the federal program. If we can piggyback onto some type of withholding of grant funds.

Greg Coster: We are the SAA, so we have the immediate ability to withhold grant funds if that's chosen as a penalty for not submitting. As of now, there is no penalty. We just really hound them at that point and really make sure that we've crossed our Ts and dotted our Is; which leads to the Medical Examiner Report. If you're looking at implementing a program in your state, you have to have a good relationship with the Medical Examiner. Again, you're identifying cases, first, through your department point of contact; second, through your open source; and then, through your Medical Examiner Reports.

Greg Coster: We have a great relationship. Whenever there is a case that meets our definition of a death involving a law enforcement officer, The Medical Examiner sends me an email as soon as the autopsy is completed. Now, again, I stressed our definition, because of what you'll find, another lesson to learn from is, your Medical Examiner may not have the same definition that you do as what qualifies as an officer involved death. You want to make sure, when you have that meeting with the Medical Examiner about getting this information that everyone is on the same page. Okay?

Greg Coster: This is our list, so if it's on the border, pick up the phone, and give me a call, and I'll tell you if it qualifies or not. I don't know rules, regulations and other state in regards to Medical Examiner Reports and public information, etc. I will say that we have had no issues since this bill has passed getting our Medical Examiner Reports. There were a couple cases where the Medical Examiner wasn't too thrilled about giving us either the manner or the cause of death for reasons, ongoing litigation, the case was still open.
Greg Coster: In cases where they weren't completely comfortable, we said, "You know what? We'll meet you halfway. If you are not comfortable, if your supervisors are comfortable because this is still an open case, we'll put it down as not yet determined or pending." I think it's that give-and-take that really makes us a credible source for them, because they realize, all right, if we need to not give out information because of an ongoing investigation or a directive from our supervisors, let's meet them halfway and we do that. Happens very, very rarely. It's probably only, out of, I think, maybe a few hundred cases over the last eight or nine years, we've only had to do that two or three times. That's not common.

Greg Coster: You got, so far, three parts. The department point of contact, open source, Medical Examiner, and then, our federal partners. Working closely with the Department of Justice; working with RTI, who's been great. If we ever need to pick up the phone and ask them, "Hey, what do you guys have from some of your open source data pulls? Can you confirm this, or can you help us out on this, or can we help you out?" Just working closely with your federal partners on how you can tighten things up, or get cases, or confirm cases, or whatever needs to be done.

Greg Coster: All four of those parts, they all work together. You're going to see a case that comes across in the media through your open source, you're going to reach out to your department point of contact and they're going to say, "Yep, we're working on it, it's an ongoing investigation." You're going to then get your Medical Examiner Report a couple months down the road, then you're going to go back to your department point of contact and say, "Hey, the Medical Examiners said it definitely qualifies," and they're going to get you the information you need.

Greg Coster: You have to have all those parts working together. I know there are a lot of people who really want to get rid of the open source as an actual form of data collection or gathering information, but it's extremely important and, many times, that's what gets the ball rolling for you. We actually have police departments who appreciate when we reach out to them and say, "Hey, listen, I saw you had a case last night. Looks pretty crazy. It looks like it's going to be pretty hectic. Tell you what, we're going to put it on our spreadsheet."

Greg Coster: You don't have to give us any information right now, but just let us know who to follow up with." They actually really appreciate that, because, as you know especially with any jurisdiction, a police involved death or a police involved shooting incident, it's a very stressful time for the police. We completely understand that and know that the last thing they want to do is filling out this form you see in front of you. That leads to that data collection point. We are almost there, only a couple more slides.

Greg Coster: The process and, basically, we created ... Law enforcement wanted it to be simple. They asked, "Could you just make it simple for us so we can just get you
what the bill requires and we can get it to you?" This is what we all agreed on. We kind of stole the federal form number. I got permission to do that. I think Mike [crosstalk 00:45:05] gave me permission.

Erin Farley: Hey, Greg?

Greg Coster: Yeah.

Erin Farley: There's a quick question. It says, "I may have missed this, but I was wondering, how many staff members you have that have worked with the collection, monitoring and screening of the data for this?"

Greg Coster: That's a good question. You are speaking to 50% of the staff members that take care of this. I do it and I have an analyst to help us out, as well. There's just two of us. I'm sorry I don't have the numbers memorized, but you're talking about 25 to 35 cases a year in Maryland. Obviously, in bigger states, you're going to have larger numbers, but just two of us. This is probably about 5% of what we do here and so there's just two of us that do it.

Greg Coster: I'm telling you, once you get the process, it's not a super heavy lift. I'm really, really willing to work with anybody and give them some little tips, share my open source secret, Google keywords, like top secret. No, it's no big deal. Just share with you guys what we use to capture those and share some of the forms that save you the time. Again, steal my Implementation Guide if you need time. Once it comes time for the report, yeah, it does take some cleaning, because you do not want to make a mistake; although, we are only collecting, as you see, how many data points?

Greg Coster: Two, three, four, five, six, seven, eight, nine, 10, 11 ... Less than 15 data points. It's still, you don't want to mess up, you want to really make sure and go over. I go over each of these cases probably 20 times to make sure everything is correct and sometimes on the 18th time you'll realize that you got some of the officer information wrong. That's one other area that we haven't discussed yet, where Maryland is a little different from the federal program.

Greg Coster: I can't remember. No, we don't. Officer information, the age, ethnicity, gender and race of the officer or officers involved is collected. Excuse me. There are some cases where we have a SWAT deployment and 30 officers show up. On cases like that, we make a case-by-case basis distinction on what officers are captured. Normally, if it's the shooting, it's just the officers who are involved in the shooting portion. I think if it's a police chase and a bystander's head or something like that, it's the officers involved when the incident actually happened.

Greg Coster: We've had to make a few gray area determinations, because that's completely new for us. This is the first time we've been doing that and you can take a look
at the bill and see. If you take a look at the bill, you'll see a lot of the strike-throughs from some of the information that was requested. Badge number, last name, years on force. There was a lot of information that was negotiated down to this, but we found this to be a good first step and a good compromise to what was being asked for.

Greg Coster: I have another question. "How do you anticipate compliance with the federal DCRA program since the Act requires reporting of all correctional center deaths and a timeline for reporting?" Really great question and it's a perfect segue. Here. I'll get into this in a minute. I want to answer that question. What we are doing now is we actually uncovered some flaws in the federal DCRA. Not on the Fed side, on Maryland side, which is the reporting of deaths in all correctional centers: prisons, detention centers. We are working through that now.

Greg Coster: We are actually creating a sister built of this, which is going to require state law require us to collect that data. We are going to basically mirror what we're doing here with all the correctional and booking entities in Maryland, so that instead of them reporting directly to the feds ... Well, they will still do that, but we will be, now, a check and balance. Hopefully, if the law passes then we'll be doing, basically, the same thing with the corrections entities that we're doing with law enforcement. Let me take a look and make sure.

Greg Coster: Yeah. Hopefully, that answers the question. Like I said, because we haven't gotten involved in that program, which is the correctional reporting, we've now started to look at how that process works and we're going to be working on that hard over the next year to make sure that all the cases are being captured. I don't really have a final answer to how that will be done, but the answer is, we recognize what we need to do and we're going to start to work on that. Does that answer that question at all? Or was there a follow-up? Okay, great. Thanks.

Greg Coster: All right. Closing out, just a couple more slides. The process, this is the advice. I think they picked the right entity when they picked this one out, the Center, to do this, because we work hard to remain neutral. We've tried to establish a reputation in the state for various data reporting elements that we remain neutral. My favorite word in 25 years of criminal justice is the word reasonable. We try to take a reasonable approach to the end goal and how we can get there.

Greg Coster: I wanted to talk quickly about the report. All the attachments are going to be on the JRSA website, including the two reports we've done, so I want you to take a look at that. One of the issues that I wanted to address is, when writing the report, we don't go directly into the stats. We talk a little bit about the background and then we break things down a little bit. We actually break down each death by manner of death, because we kind of knew that, as researchers know, we put all this great work into be thorough, and ethical, and make sense.
Greg Coster: Then somebody gets a hold of it, and they just look for the raw number, and they just spit it out. 100 people died in police custody in Maryland, that's it. We tried to make people read a little bit before we got into the stats, so I encourage you to go take a look at those reports. They can probably be fine-tuned. They were our first two cracks, so they'll probably be fine-tuned a little bit. Feel free to reach out to me with any suggestions on what you think we could probably do a little better. We kind of make people wait a little before we give them the totals for the year.

Greg Coster: It's a very robust report. It's got a lot of information, case-by-case information, of the qualifying deaths. In addition, we were very clear to explain what each collected variable is and any potential answers to each variable, right down to how do we define race and ethnicity or how did the consensus of the Implementation Group decide to define race and ethnicity. Broken down by manner of death. I found this to be probably one of the better the deliverables of the report, is breaking it down so the general reader doesn't think every single death is a police officer shooting an individual.

Greg Coster: Take a look at that and you'll see, we've used the manner of death that are pretty universal amongst Medical Examiners. I think there's actually, I don't know what it's called, but there is one book that all Medical Examiners use to set how they're going to make determinations and what that means when they make a determination.

Erin Farley: Greg?

Greg Coster: Yeah.

Erin Farley: Hi. Sorry, I don't mean to interrupt. I just wanted to let you know that we're closing in on the end of the hour, so just if we might go over a little bit. If the attendees want to dig in throughout the end of the presentation, they are more than welcome, because I feel that this is a really interesting topic. You also have one more question that has been added. Whenever you want to answer that, I just wanted to bring your attention to it.

Greg Coster: Okay. Great. Let me go to the questions. I only have a couple more minutes on the slides, anyway. One question is, do I anticipate possibly gathering more data points in the future? The answer is yes, they're going to be introduced and there's a laundry list of data points that have been suggested by various agencies. Right now, we're leaving that up to the General Assembly to hash out. That allows us to keep our neutral point. If it's introduced in the General Assembly, and there's meetings and discussions about it, and it's agreed-upon, then we have no problem in collecting it.

Greg Coster: We just like to stay out of that to remain neutral. Obviously, as data gatherers, we are very interested in a lot more information. Do we have more
information? Yes, we have more information, because we've seen what the incidents entail, but it's not official information, so it's not anything that's going to be reported on or it's basically anything the public has access to. That's why we include a description in each and we allow people to ask these kinds of questions. Let me see. Coding incidents.

Greg Coster: Again, same answer for the analysis of the incidents. Not at this moment, I'm leaving it up to the General Assembly to pass if they have any new bills. The question is, "Do we hope to capture incidents that do not result in a citizen death?" Again, great question. I think the Google federal use of force project or pilot and that type of information is probably going to be coming through the federal use of force, which is, I believe if I'm not completely up to speed, but I believe that's going through the UCR. I think that's a good crossover, that federal use of force data collection project that's going on with the FBI. I think I'm on point with that.

Greg Coster: One more question.

Erin Farley: The next question is actually directed, if there is anybody attending from BJS, BJA, or DOJ, which is, "How do you anticipate state compliance with the program for situations where state law, such as this isn't likely, the latest interpretation if they provide the DOJ suggest some expanded language beyond the 2013 Act, which would be impossible for states to comply with unless it's the exact same rule of law. Will states in this circumstance have the ability to individually report data in order to satisfy DCRA, or would each state still be accountable for all agencies contained therein?"

Erin Farley: That was a big question. I don't know if anybody wants to chime in that's attending? We can actually unmute if anybody from those agencies is on and wants to chime in. We'll leave that up there and, Greg, if you want to just continue with the presentation and we'll see if anybody responds.

Greg Coster: Yeah, I just have one more question. Do we have somebody responding?

Erin Farley: I don't see anybody responding right now. If they do, I will jump in.

Greg Coster: Question about clarifying the federal reporting of law enforcement personnel responding to a medical emergency. It is a broad definition, they cite an example of does this include a traffic collision, or response to medical aid, or some type of medical problem? Right now, the last directive I got in regard to the federal program is simply fatal alcohol and drug overdoses that occurred during the process of arrest or while in custody. I think the federal program is really geared more towards that, process of arrest while in custody.

Greg Coster: Again, I think I'm up to speed with that. The question is, the person that's being engaged by law enforcement, are they being engaged and they don't have the
feeling that they are allowed to just walk away from that situation? That's sort of the standard that was used in the past. Is this person "in custody" or can they turn around and walk away? If they can turn around and walk away at any time, whatever occurred in that case would probably not be counted. If there is a case where they turn around and start to walk away and law enforcement would certainly detain them, they are, at that point, involved in that case.

Greg Coster: This is why I mention the bystanders, some of the other things for our state program, because we just wanted to close that gap a little bit. I think what I'm really getting from this and the questions, and thank you so much for the questions, they are great, a lot of them, is that there is definitely a thirst for the federal program information to come out yesterday, right? That's something I can definitely share with my contacts within the federal program. That the people definitely want this to be finalized and know exactly what's going on with that.

Erin Farley: Well, and Greg, this is Erin. I think that because there is so much information in this topic, when the information is released, I think for JRSA, we would definitely reach out and invite anybody to come and present a webinar on that so we can disseminate the information.

Greg Coster: Yeah, exactly.

Erin Farley: That's definitely something, as well, that we, here, will be keeping an eye on and see if we can make some sort of arrangement for a future webinar.

Greg Coster: Great. Well, that's pretty much it. The final take away is, again, point of contact. Customer service has been our friend. Working together with all the different stakeholders, all the partners, getting on a first name basis with people even if you perceive them as adversarial, understanding where they're coming from. PIA requests, that's something that's really, really important. Please understand that anything you get, any communication you have, anything you get from law enforcement, if you're a government entity, is more than likely PIA request the ball.

Greg Coster: We've gotten a little bit of, almost, bind where one police department sent us a police report. They were like, "Here you go, whatever data you need, just pull from this." As a data collector, we are like, great, thank you, that's great. When a PIA request is done and that is part of an email, you have to turn that over to a media outlet, or a citizen, or a researcher, whoever requests it. I always now do a blurb: "Good morning, Chief. I understand you had an incident last night. Please understand that anything you provide me with can be retrieved via Maryland PIA request by an entity, so take that into account."

Greg Coster: Then, if we do fill a PIA request, we immediately send out a notification to anyone whose data was shared. "Good morning, Chief. Just want to let you
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know, in regard to the incident that happened last evening, we received an immediate PIA request from this entity. Just wanted to let you know that we'll be sharing the CJ11MD Form with them." Again, transparent, open customer service and usually the reply is, "Thank you very much for letting us know."

Greg Coster: That's pretty much all I have today. Really, thank you guys. It looks like a bunch of you hung in there. Thank you. I really appreciate the questions. I'm always available for follow-up questions, concerns, anything you have. All my contact information is there. Thank you so much for joining me today.

Erin Farley: Great. Thank you so much, Greg. I'm hoping that everybody will hang on just one or two more minutes. We're going to launch a poll and it should be popping up any second. If you could just take a moment to answer those few questions, we would greatly appreciate any feedback that you may have. We also do have webinars, a number of skill building webinars, in the coming months, so please hop on our website and check those out. Hopefully, you will be interested in those and we'll see you again in the future. Thank you, Greg, and thank you for everyone in the audience. Have a good afternoon.

Greg Coster: Thank you.

Erin Farley: Thanks.