

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 394

(Senator Frosh)

Judicial Proceedings

Judiciary

**Public Safety - Department of State Police - Investigations of Deaths in or
Outside Correctional Facilities**

This bill requires the State Police to investigate the death of an inmate suspected to be a homicide that occurs while the inmate is in the custody of the Division of Correction (DOC) whether inside or outside of a correctional facility. The bill authorizes a State trooper to act within the limits of a municipal corporation that maintains a police force when conducting such an investigation.

Fiscal Summary

State Effect: None. With an average of two to four homicides per year in DOC facilities, it is expected that the Department of State Police could meet the bill's requirements with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 393 of 1999 established IIU as a separate agency within DPSCS. IIU's investigators were provided with the same authority, including arrest powers, as police officers on departmental property and, under certain circumstances, off-site. Chapter 393 also included investigators of IIU with other law enforcement officers under provisions relating to the transmission of contagious diseases or viruses. The Act granted all civil immunities to an IIU investigator as would apply to a State police officer. IIU must make specified advanced notifications to other law enforcement agencies when

conducting authorized investigations or enforcement actions in other agencies' jurisdictions.

Background: In July 1985, an investigative unit was formed within DPSCS and was comprised of the Maryland State Police, then a part of DPSCS, and correctional officers of DOC. Investigators in this unit conducted criminal and misconduct investigations. Correctional officers in the unit were sent to entrance level police academies and certified as police officers. When the Maryland State Police became a separate State department in July 1996, the unit consisted of only DOC investigators. Chapter 393 of 1999 established IIU within DPSCS as a new law enforcement agency in the State.

The IIU currently consists of one supervisor (holding the rank of Major) and 19 investigators. It has investigated an average of 29 deaths per year that would have been covered by this bill over the past four years. Over that same period, nine deaths have developed into full homicide investigations.

According to the American Correctional Association (Lanham, Maryland), states typically have internal investigation entities that operate on prison grounds to handle internal disciplinary issues. However, state provisions vary in the way serious offenses (such as homicides) are handled and to whom the internal unit is accountable. A death in a state prison arising from a criminal act will usually lead to the intervention of an outside investigator.

This bill is in response to the 2004 death of inmate Ifeanyi A. Iko at Western Correctional Institution in Allegany County after a confrontation with correctional officers.

The State Police Homicide Unit consists of two supervisors and eight investigators. Crime scene data gathering is handled by the Forensic Sciences Division (the State crime laboratory). The unit investigates about 15-25 homicides per year, as well as about 75-100 other "detailed, sensitive, and high-profile" investigations.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510