

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1706
Judiciary

(Delegates Carter and Oaks)

Accurate Crime Reporting Act of 2006

This bill requires each local law enforcement agency and the State Fire Marshal to provide the Department of State Police (DSP) with specified accurate information relating to the incidence of crime within the respective jurisdiction of the agency. The bill also provides employees with specified protections and remedies related to providing accurate crime incidence information.

Fiscal Summary

State Effect: The bill's provisions could be handled with the existing budgeted resources of the State Police. The effect of any civil judgments resulting from this bill and affecting an agency of State government cannot be reliably predicted.

Local Effect: The bill's provisions could be handled with the existing budgeted resources of local law enforcement units. The effect of any civil judgments resulting from this bill and affecting a unit of local government cannot be reliably predicted. According to the Administrative Office of the Courts, law enforcement agency employees are likely already covered under each jurisdiction's whistleblower provisions.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that a law enforcement agency and the State Fire Marshal may not intentionally provide DSP inaccurate information concerning the incidence of crime. A law enforcement agency is prohibited from taking or refusing to take a personnel action as a reprisal against an "employee" because the employee: (1)

provides accurate information relating to the incidence of crime; (2) objects or refuses to participate in the intentional provision of inaccurate information; or (3) seeks a remedy provided under these provisions after the provision of accurate information. The bill allows an employee subject to a personnel action in violation of this provision to bring a civil action and delineates where and when such an action may be brought.

A court may take several specified measures in such an action, including reinstatement of the employee, compensation for lost wages, and awards of appropriate damages and relief. It is a defense in such an action that the personnel action was based on grounds other than the employee's exercise of rights provided under this bill.

A law enforcement agency is required to provide employees with written notice of the protections and remedies provided under the bill. The bill's provisions are applied prospectively only.

Current Law: DSP must collect, analyze, and disseminate information about the incidence of crime in Maryland. DSP must also collect and analyze information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to such hate crimes.

The Secretary of Budget and Management must submit an annual report to the Governor and the General Assembly for each fiscal year that provides information about the various personnel areas under the Secretary's jurisdiction, including whistleblower proceedings and each denial of a pay increase, each disciplinary suspension, each grievance, each involuntary demotion, and each rejection on probation. The report also must include information on hiring, firing, promotions, terminations, and rejections on probation, by race, sex, and age.

The Health Care Whistleblower Protection provisions of the Health Occupation Article include many provisions that pertain to prohibiting wrong or fraudulent claims; recovering funds that were wrongfully, fraudulently, or mistakenly paid to a service provider; and protecting individuals who in good faith report allegations of a mistaken claim, fraud, waste, or abuse.

Background: In 1975, Maryland instituted a program to require all local law enforcement agencies to submit standardized crime reports based on the federal reporting system to ensure consistency. The methodology for these reports follows guidelines and definitions of crimes as provided by the FBI and its national *Uniform Crime Report* (UCR). Data for the reports are gathered from each agency's record of complaints, investigations, and arrests. DSP's Central Records Division compiles the State's UCR information by calendar year, which is published annually as *Crime in Maryland*.

In Maryland, DSP is responsible for providing statewide data to the FBI. Crime data and related information is submitted to DSP's Central Records Division by State, county, and municipal law enforcement agencies monthly for the following crime categories (as defined by the FBI): criminal homicide, forcible rape, robbery, assault, breaking or entering, larceny-theft, motor vehicle theft, and arson. These reports measure the incidence, arrests, and trends for those eight crimes, referred to as Part I offenses.

According to DSP, each report received by the Central Records Division is recorded, examined, and verified for mathematical accuracy and reasonableness. The current verification process includes checks for validity of information. Particular attention is paid to "elimination of duplicate reporting by individual contributors." The FBI requires such verification processes.

Although *Crime in Maryland* does not provide information concerning drug offenses, it does provide information concerning arrests. Arrest data is collected and reported for another 21 infractions, referred to as Part II offenses. Examples are disorderly conduct, drug abuse, embezzlement, prostitution, and vandalism. Although UCR data provides an indicator of criminal activity in the State, collection and reporting limitations understate overall criminal activity, primarily because data relating to Part II offenses is only collected for arrests and not total reported offenses. Additionally, citizens do not report all criminal activity, nor are provisions made to distinguish degrees of severity for offenses committed or to assess the actual psychological or economic impact to victims.

Additional Information

Prior Introductions: None.

Cross File: SB 1030 (Senators Jacobs and Forehand) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Queen Anne's County, Harford County, Montgomery County, Carroll County, Department of Legislative Services

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Analysis by: Guy G. Cherry

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

