

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 24  
Appropriations

(Delegate Cluster)

---

Correctional Officers' Bill of Rights - Investigations

---

This bill increases, from 90 days to one year, the time period after which charges recommending the imposition of discipline against a State correctional officer may not be brought against a State correctional officer by an appointing authority or the Internal Investigations Unit (IIU) of the Department of Public Safety and Correctional Services (DPSCS) after acquiring knowledge of the action that gives rise to the discipline. The one-year limitation does not apply to charges that relate to criminal activity or excessive use of force.

---

Fiscal Summary

**State Effect:** The bill's changes to the Correctional Officers' Bill of Rights (COBR) do not materially affect State operations or finances. Any costs associated with additional disciplinary charges being brought against State correctional officers cannot be reliably predicted but can be handled with existing budgeted resources.

**Local Effect:** None. The bill's changes only affect investigations of State correctional officers under COBR.

**Small Business Effect:** None.

---

Analysis

**Current Law:** The appointing authority of a State correctional facility may not bring charges recommending the imposition of discipline more than 90 days after IIU or the appointing authority acquires knowledge of the action that gives rise to the discipline.

An appointing authority may not recommend disciplinary action against a correctional officer for excessive use of force against an inmate based solely on the uncorroborated statement of the inmate unless the appointing authority determines that there exists any indicia of reliability to support the inmate's allegation.

These provisions do not limit the right of DPSCS to investigate claims of excessive force against inmates to ensure the safety and security of its correctional facilities, or for any other legitimate purpose.

**Background:** Chapter 194 of 2010 enacted COBR, which provides for the employment, investigation, and discipline of State correctional officers working in a State correctional facility. COBR extends uniform investigatory and disciplinary protections to officers whose duties relate to the investigation, care, custody, control, or supervision of inmates.

Under Chapter 194, the appointing authority may authorize the emergency suspension of an officer (with pay) if the suspension is in the best interest of the public, inmates, and the correctional facility. However, if an officer is charged with a felony, the appointing authority may impose an emergency suspension of correctional powers without pay. Under COBR, when an emergency suspension of a correctional officer without pay is imposed, the correctional officer is entitled to a prompt hearing, held no more than 90 days after the suspension.

In light of the April 2013 federal grand jury indictment which alleged that correctional officers helped leaders of the Black Guerilla Family smuggle contraband into State correctional facilities, the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, in its December 2013 final report to the General Assembly, found that DPSCS should have the ability to authorize the suspension (without pay) of a correctional officer charged with bringing contraband into a correctional facility (regardless of whether the offense is a misdemeanor).

To that end, the commission made the following specific recommendations:

- that State law be amended to authorize the appointing authority of a correctional facility to impose an emergency suspension without pay when a correctional officer is charged with bringing contraband into a correctional facility, irrespective of whether it's a misdemeanor violation; and
- that nonofficer personnel charged with bringing contraband into a correctional facility be suspended (without pay) pending the resolution of the disciplinary matter.

This bill specifically addresses and expands the period of time during which disciplinary actions may be taken after the appointing authority or IIU learns of the action giving rise to the consideration of the suspension. By doing so, the bill enables DPSCS to more thoroughly investigate suspensions when needed.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore, Charles, Frederick, and Montgomery counties; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 20, 2014  
ns/lgc

---

Analysis by: Guy G. Cherry

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