



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 1, 2022

BILL NUMBER: House Bill 1023 **POSITION:** Letter of Information

BILL TITLE: Department of Legislative Services – Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services

REVIEW AND ANALYSIS:

This legislation seeks to require the Department of State Police (DSP) to report certain information to the Department of Legislative Services (DLS) in an electronic format, de-identified and disaggregated by incident collected through the Uniform Crime Report and Hate Bias Report. The Maryland Police Training and Standards Commission is required to report certain information from use of force incident reports and other public safety agencies are also required to report certain information in a similar format to DLS.

The State Uniform Crime Reporting (UCR) Program follows the National UCR Program guidelines and collects crime information for the National Incident Based Reporting System (NIBRS) (i.e. Crimes Against Person, Crimes Against Property & Crimes Against Society). There are several fields required by the legislation that are not currently collected by law enforcement and reported in the existing methods.

The second report referenced by the legislation is the Hate Bias Report. The information collected in the Hate Bias Report is mandated by Maryland law and is provided through a data portal separate from the UCR. The two systems do not talk to each other and information is not readily shared between the two systems. This is important because the information required by the HB 1023 from both databases is not reported to or collected by the DSP.

As an example, UCR/NIBRS does not collect Ethnicity or zip codes. While the Hate Bias Report does collect zip codes. Neither report collects law enforcement officers or civilian positions, rank, race or ethnicity. While the phrase race/ethnicity/ancestry is within the Hate Bias Report only the race is captured.

Most importantly, HB 1023 does not consider that the DSP gets its information for the UCR and Hate Bias Report from the local contributing agencies. This legislation does not require the contributors to send the additional data to the DSP and if the bill did require such a change it would be an unfunded mandate for the county and municipal police departments.

- If HB1023 were enacted in 2022, the State would not be able to meet the October 31, 2022 requirement for NIBRS compliance because the additional fields required by the bill are not a part of the current NIBRS implementation. The NIBRS implementation was

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completed for the State UCR Program in 2021. However, implementation for all UCR contributors is still underway (Local police agencies).

- In order to add the additional required fields not currently captured, the State UCR Program would have to develop specifications to expand on the fields collected by the Federal Bureau of Investigations (FBI) NIBRS specification. The pre-planning required for this will take time and require multiple revisions and reviews from agencies and key stakeholders. Once approved, the development (*current NIBRS implementation took three years*) will take time to ensure the validation and process is as complete as the existing process that we just finished for NIBRS only data elements.
- Once the additional Maryland specifications are developed and rolled out, it is important to note, this will have a substantial impact on the UCR contributors which includes development time and funding. Contributors, who are either certified or working toward certification, have ensured/or are ensuring that their Records Management Systems (RMS) is NIBRS compliant with the FBI NIBRS specifications. Any change to the required data set will have a cost and require contributors to identify funding to change their current submission. Furthermore, these additional fields would cause those contributors that are already certified to have to undergo the six-month certification process again. It is also important to note that there are a large number of contributors who are still reporting summary and would not meet this new requirement should it be enacted this year.

As the DSP gets the information in our report from the contributors, the DSP could never comply with the bill until the contributors are able to report. There are no consequences for the local agencies who do not wish to pay the additional costs of reprogramming NIBRS/ RMS systems to comply with a mandate given to the DSP.

The DSP prepares a report for the General Assembly each year on NIBRS compliance by state and local police agencies. Based on the most recent report, 107 contributors are in different stages of compliance. NIBRS reporting metrics are established by the FBI. HB 1023 alters the reporting metrics for MSP only as the other law enforcement agencies are not required to comply.

Regarding the reporting requirement placed upon the Maryland Police Training and Standards Commission, police agencies do not report the information required in (C) (1) (II) 1. and 2. The police agencies also do not report to the Commission (C) (2) (II) 1. 2. and 3. The police accountability legislation, Chapter 59 of 2021, PS 3-514 only requires law enforcement agencies to report total Use of Force complaints aggregated by the number of complaints administratively charged, not charged, unfounded, and exonerated.

House Bill 1023 does not provide any resources in order to assist the DSP or other agencies comply with the necessary changes.