

**SB785\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV

# Disaggregated Data Relating to Public Safety Can Be A Tool For Policy Reform

## Position Statement Supporting Senate Bill 785

*Given before the Senate Judicial Proceedings Committee*

The reintegration of people leaving incarceration into their communities can be filled with difficulties. Those who have little to no wrap-around services upon reintegrating face tremendous obstacles getting adequate support. Research shows that recidivism rates are high for those in such situations<sup>1</sup>. **The Maryland Center on Economic Policy supports Senate Bill 785** because requiring that the Department of Public Safety and Correctional Services, among other agencies, provide disaggregated data on demographics and the crimes collected through the uniform crime reporting program can give insight into the ways our criminal legal and corrections systems can be improved.

Tracking this data, which includes disaggregated data on certain crimes, along with several other metrics regarding law enforcement personnel status and rank from the appropriate agencies, can provide a holistic view into the experiences of returning citizens with the state criminal legal system. Furthermore, this data will provide lawmakers and the public with the information needed to evaluate the state's current policies. This information could inform the development of more equitable policies and set up mechanism by which to examine the effectiveness of these policies through future research.

**For these reasons, the Maryland Center on Economic Policy respectfully requests the Judicial Proceedings Committee to make a favorable report on Senate Bill 785.**

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### Equity Impact Analysis: Senate Bill 785

#### *Bill Summary*

Requiring the Department of Public Safety and Correctional Services, the Department of State Police, the Maryland Police Training and Standards Commission, and the Governor's Office of Crime Prevention, Youth, and Victim Services to provide certain information related to public safety and criminal justice in a certain manner to the Department of Legislative Services on or before a certain date each year.

#### *Background*

This bill intends to provide disaggregated data on the crimes collected through the uniform crime reporting program and other agency data reporting requirements.

### *Equity Implications*

Our state's reliance on incarceration has put too many Marylanders of every racial and ethnic background behind bars and disrupted communities in every part of our state. At the same time, these harms fall far more heavily on some than on others. For example:

- 7 out of 10 Marylanders incarcerated in state prisons are Black, compared to three out of 10 Marylanders overall.
- Marylanders who identify themselves as American Indian/Alaska native constitute 0.24 percent of our state's total population, but 0.52 percent of Marylanders in state prison.
- The lack of rehabilitation and welfare programs lead to high recidivism rates, particularly youth who, in some cases, see a 76% recidivism rate.

### *Impact*

Senate Bill 785 will likely **improve racial and economic equity** in the state by providing the data needed to inform more effective policies.

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<sup>i</sup> <https://stacks.cdc.gov/view/cdc/23501>

# **MCPA-MSA\_SB 785 DLS Collection of Public Safety Da**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

**FROM:** Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** March 3, 2022

**RE:** **SB 785 – Department of Legislative Services – Collection of Information  
Related to Public Safety, Criminal Justice, Corrections, and Juvenile  
Services**

**POSITION:** OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 785. This bill requires several data elements be reported to the Department of Legislative Services in an electronic format, some of which are currently reported through the Uniform Crime Reporting program, but many of which are not.

The State Uniform Crime Reporting (UCR) Program follows the National UCR Program guidelines and collections for National Incident Based Reporting System (NIBRS) (i.e. Crimes Against Person, Crimes Against Property & Crimes Against Society). Therefore, there are several fields in this bill that are not currently collected. As an example, NIBRS doesn't collect names, addresses, telephone numbers and zip codes.

To comply with this bill, Maryland State Police (MSP) would need to modify these systems to collect the required data, which is a time consuming and costly endeavor. NIBRS was recently modified (implementation took three years) for the State UCR Program in 2021, but local law enforcement agencies are still being certified to participate. This bill would trigger this significant, and costly effort to be undertaken again.

As the data being collected by MSP comes from local law enforcement agencies, agencies would also be required to assume significant costs for vendors to change software and hardware to be able to electronically report the new data sets to MSP for MSP to comply with SB 785. This is after budgeting significant costs to purchase a new Records Management System, for reporting crime data in compliance with the FBI NIBRS mandates

Also, previously mentioned, local law enforcement agencies are required to go through a submission and approval process to participate in NIBRS. Once the updated systems are developed and implemented, this bill would trigger that certification process again, which takes at least 6 months. Given the undertaking this bill presents, there is no way the state or local law enforcement agencies will be able to comply with this bill in the near future.

For these reasons, MCPA and MSA OPPOSE SB 785 and urge an UNFAVORABLE Committee report.

# **SB0785 - DJS Testimony - Letter of Information - F**

Uploaded by: Andrew Tress

Position: INFO

Boyd K. Rutherford  
Lt. GovernorLarry Hogan  
GovernorSam Abed  
Secretary

Date: 3/3/2022  
Bill # / Title: SB 785 - Department of Legislative Services - Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services  
Committee: Appropriations  
Position: Letter of Information

The Department of Juvenile Services (DJS) is providing information for SB 785.

SB 785 requires DJS to enter into an Memorandum of Understanding (MOU) with the Department of Legislative Services (DLS) for the purposes of submitting various reports which will include de-identified and disaggregated data on juveniles as it relates to their:

- Delinquency;
- Court actions;
- Supervision; and
- Placement.

Additionally there is a requirement to develop a work plan with DLS to collect race/ethnicity data on individual juveniles.

DJS is a data-driven agency, and the data collected is used to guide our decision-making and as a tool to craft policies and practices. However, it's imperative that in the course of any data sharing agreement, the confidentiality of juvenile records remains intact.

#### **Maintaining confidentiality of juvenile information is essential.**

Confidentiality is one of the central values of the juvenile justice system. Confidentiality is necessary to protect a youth from possible stigma, collateral consequences, and retaliation stemming from their justice-system involvement. DJS prioritizes data requests from other agencies or branches of government, and provides responses in an accurate manner while prioritizing confidentiality. Concerns arise that de-identified data (which may not include names, addresses, date of birth, etc.) can still be used to pin-point certain identifiable information. For example, in smaller jurisdictions de-identified information which contains dates or locations of an alleged offense could compromise the identity of an involved juvenile.

#### **DJS currently shares a wide array of data.**

The department publishes a wealth of data, in various forms, on the DJS website. In addition to the annual Data Resource Guides (DRG)<sup>1</sup>, DJS posts a multitude of publications<sup>2</sup> and reports on various topics. Through the efforts of our Office of Research and Evaluation, DJS assists policy-makers and stakeholders to conduct analysis. As a result of this transparency, DJS prefers to reply to impromptu research/data requests.

To date, and upon the request of DLS, the department has shared the aggregate data that would be available for the analysis envisioned in this bill. However, the de-identified and disaggregated data request contemplated in SB 785 from DJS may be unnecessary and far-reaching.

DJS is dedicated to collaborating with DLS on a process to improve data sharing/collection and developing additional pathways to measure equity and disproportionality. DJS looks forward to working with our partners and stakeholders to use data responsibly in order to advance racial equality and fairness.

<sup>1</sup> <https://djs.maryland.gov/Pages/Data-Resource-Guides.aspx>

<sup>2</sup> <https://djs.maryland.gov/Pages/Publications.aspx>



# **SB0785 - DLS- Collection of Information Related to**

Uploaded by: Jennifer Beskid

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

45 Calvert Street, Suite 7A-C, Annapolis MD 21401  
410-260-6070 • [www.dpscs.state.md.us](http://www.dpscs.state.md.us)

STATE OF MARYLAND

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GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

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WAYNE HILL  
DEPUTY SECRETARY  
OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY McLHINNEY  
ASSISTANT SECRETARY

JENNIFER A. BESKID  
DIRECTOR

**BILL: SENATE BILL 785**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill would require the Department of Public Safety and Correctional Services to submit de-identified and deaggregated data by age, race and sex to the Department of Legislative Services on an annual basis.

#### Comments:

- The Department of Public Safety and Correctional Services (Department) oversees the Division of Correction which operates 13 State correctional facilities, housing offenders sentenced to periods of incarceration for 18 months and longer. The Department also oversees the Division of Pretrial Detention and Services which operates the Baltimore City Pretrial Complex.
- The Department's Office of Data Development (ODD) is charged with collecting, tracking and analyzing data, including trend comparisons for the Department's sentenced, pretrial and community supervision population. This agency-wide data is published on a data dashboard developed by ODD, and can be found on the Department's website at [https://dpscs.maryland.gov/community\\_releases/DPSCS-Annual-Data-Dashboard.shtml](https://dpscs.maryland.gov/community_releases/DPSCS-Annual-Data-Dashboard.shtml)
- Rather than submitting the data electronically to DLS as required under the bill, the Department could publish this information either through a dashboard on its website or through the State open data portal. This would improve accessibility of the data for DLS staff, other State entities, and the public.
- Data published through a dashboard or through the State open data portal may be downloaded for analysis by DLS.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information and as it deliberates Senate Bill 785.

# **OPD Informational Statement\_SB785-HB1023\_Collectio**

Uploaded by: Krystal Williams

Position: INFO



**PAUL DeWOLFE**  
PUBLIC DEFENDER  
**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER  
**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT  
**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION  
**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB1023/SB785 – Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services**

**FROM: Maryland Office of the Public Defender**

**POSITION: Informational**

**DATE: 03/03/2022**

The Office of the Public Defender is providing information on HB1023/SB785 as to its juvenile records portion. We do not take a position as to the other portions, given mandates for information already in place.

We see the value in quality data regarding how young people are treated in the justice system, but that data already exists and is being used by the Juvenile Justice Reform Council to put forward quality pieces of legislation.

The language as it stands is unclear as to what a memorandum between DJS and the Department of Legislative Services would actually call for. Instead, it appears as though the exact data to be collected will be agreed upon at a later point in time. It calls only for “[t]he provision of custom reports.” We are concerned that this may open the door for unnecessary data collection practices, and may vitiate the confidentiality at the bedrock of Maryland’s juvenile justice system.

We urge care in terms of what data is collected. The New York Times published an article yesterday about a Whole Foods Market in Washington, D.C. that requires absolutely no interaction. All one needs to check out is data. The more we prioritize data collection, the easier it becomes to justify collecting more of it, paying short shrift to the very real concerns we all share regarding privacy. Because of social media, internet sleuths are able to engage in doxing— which is the revealing of personal information about individuals for nefarious purposes. The more data we have regarding juvenile offenses, the greater the likelihood that this information will be used – even unintentionally—for immoral ends.

The Department of Juvenile Services publishes annually a DJS Resource Guide, containing information about the treatment of juveniles, with special care paid to racial and ethnic disparities. DJS also publishes other, individual data guides and reports that are available online.<sup>1</sup> And while the Department of Juvenile Services currently provides general data sought by this bill, it is important to clearly identify additional information sought with specificity such that the safeguards of intended confidentiality for children and youth records are not jeopardized.

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

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<sup>1</sup> <https://djs.maryland.gov/Pages/Publications.aspx>.