

STATE PROSECUTORY & STATE ATTORNEY
REPORTING REQUIREMENTS

12/26/2019 (Authored by J. Saint-George, Esq.)

Jo@HealthyLawyers.org

Bill Number: _____

Requested: _____

Committee: _____

A BILL ENTITLED

AN ACT concerning

**PROSECUTOR CASE MANAGEMENT AND POLICE USE OF
FORCE DECLINATION REPORTING**

For the Purpose of: (insert by legislative counsel)

BY adding to

Article –Office of the State Prosecutor– Title 14
[Section 14-102](#)(F) “General Duties and Powers” to be under the new subtitle “Subtitle stated
“Reporting” of the Code of Maryland
(2019 Replacement Volume)

Article – Office of the States Attorney – Title 15
Subtitle 1 - Definitions; General Duties and Powers [§ 15-102](#) Duty to represent State to
Be under the new subtitle “Reporting” under new § 15-103

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the
Laws of Maryland read as follows:

(A) THIS SECTION APPLIES MARYLAND STATE PROSECUTORS, STATES
ATTORNEYS AND ANY OTHER STATE LEGAL OFFICERS WITH AUTHORITY TO
PROSECUTE VIOLATIONS OF THE MARYLAND CRIMINAL CODE
(COLLECTIVELY HEREAFTER THE “ATTORNEY”).

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(B) COMMENCING ON JANUARY 30, 2021, AND QUARTERLY THEREAFTER ALL ATTORNEYS SHALL PROVIDE A REPORT TO THE MARYLAND GENERAL ASSEMBLY AND SHALL POST THE REPORT ON THE ATTORNEYS WEBSITE, A REPORT THAT INCLUDES THE FOLLOWING INFORMATION IN SPREADSHEET FORM:

- a. FIRST AND LAST NAME OF EVERY PERSON ARRESTED;
- b. AGE OF ARRESTEE
- c. GENDER
- d. COUNTY OF ARREST
- e. RACE/ETHNIC BACKGROUND AS DESIGNATED ON THE ARRESTEE DRIVERS LICENSE, IDENTIFICATION CARD, OR AS SELF -IDENTIFIED
- f. BASIS FOR ARREST BASED ON ARREST RECORD;
- g. LIST OF ALL CHARGES MADE BY THE ATTORNEY IN CHARGING DOCUMENTS AGAINST EACH PERSON;
- h. DATE OF ALL CHARGES
- i. IF ANY CHARGES HAVE BEEN DROPPED, LIST OF DROPPED CHARGES
- j. OUT COME OF RESOLUTION OF CASE, WHICH SHALL INCLUDE:
 - i. DATE OF TRIAL OR AGREEMENT
 - ii. VERDICT ON EACH CHARGE PROSECUTED
 - iii. SENTENCE GIVEN FOR EACH ARREST
- k. THE REPORT SHALL INCLUDE AN SUMMARY REPORTS THAT DISPLAY IN THE AGGREGATE BY PERCENTAGE AND ACTUAL NUMBERS, THE FOLLOWING INFORMATION:
 - i. PERCENTAGE AND ACTUAL NUMBER OF THE TYPES OF CHARGES AGAINST EACH ARRESTEE BY RACE/ETHNIC GROUP, AGE AND COUNTY;
 - ii. PERCENTAGE AND ACTUAL NUMBER OF O CHARGES DROPPED AGAINST ARRESTEES BY RACE/ETHNIC GROUP, AGE AND COUNTY;

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- iii. PERCENTAGE AND ACTUAL NUMBER OF CONVICTIONS AGAINST ARRESTEES BY RACE/ETHNIC GROUP, AGE AND COUNTY; AND
- iv. PERCENTAGE AND ACTUAL NUMBER OF AQUITALS BY RACE/ETHNIC GROUP, AGE AND COUNTY

(C) ANNUALLY COMMENCING ON JANUARY 30, 2021, ALL ATTORNEYS SHALL PROVIDE TO THE MARYLAND GENERAL ASSEMBLY AND MAKE AVAILABLE ON THE ATTORNEYS WEBSITE A POLICE USE OF FORCE DECLINATION REPORT, THAT SHALL BE COMPLETED NO LATER THAN 90-DAYS AFTER THE DECISION TO DECLINE PROSECUTION, ON POLICE INVOLVED CIVILIAN DEATHS, WHICH SHALL INCLUDE, BUT NO LIMITED TO, THE FOLLOWING INFORMATION:

- a. INTRODUCTION WITH SUMMARY OF THE FACTS OF THE CASE;
- b. OVERVIEW OF THE FATALITY
- c. DETAILED TIMELINE SUMMARY OF THE OFFICERS TESTIMONY REGARDING THE EVENTS THAT LED UP TO THE FATALITY, WITH REFERENCES TO ANY POLICE BODY WORN CAMERA TIMES LINES, AUDIO RECORDING, OR ANY OTHER TANGIBLE EVIDENCE RELIED UPON;
- d. DETAILED TIMELINE SUMMARY OF THE TESTIMONY OF ALL OTHER OFFICERS REGARDING THE EVENTS THAT LED UP TO THE FATALITY;
- e. DETAILED TIMELINE OF THE EVIDENCE OBTAINED FROM BODY WORN CAMERAS RELIED UPON;
- f. DETAILED SUMMARY OF 911 CALL INFORMATION RELIED UPON
- g. LIST OF DATA PROVIDED BY THE STATE AUTOPSY REPORT RELIED UPON
- h. DETAILED SUMMARY OF CIVILIAN WITNESS STATEMENTS AND LAW ENFORCEMENT STATEMENTS;
- i. DETAILED LEGAL ANALYSIS OF THE CRIMINAL CODE VIOLATIONS AN OFFICER CAN BE CHARGED WITH IF THE FATALITY IS NOT JUSTIFIED
- j. ANALYSIS OF WHY AN OFFICER DID NOT VIOLATE ANY APPLICABLE CRIMINAL CODE AND CONCLUSION

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the health and wellness standards developed by the Department of Health or adopted by the

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Department of Public Safety and Correctional Services under Section 1 of this Act shall be developed, adopted and implemented using the department's existing resources.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.