



ACLU OF MARYLAND

**BRIEFING PAPER ON DEATHS IN POLICE ENCOUNTERS IN MARYLAND,
2010-2014**

MARCH 2015

INTRODUCTION

Between 2013 and early 2014, the ACLU heard from individuals and families across Maryland whose loved ones had died in police encounters. These families were searching both for ways to make sense of what had happened, and for ways to ensure that others would not suffer the same loss. After hearing from them we sought a clearer understanding of this problem in Maryland.

What we learned was this: Outside of the families and communities who have borne the brunt of these losses, the full extent of deaths in police encounters has never been acknowledged by public officials in Maryland.

Shockingly, there is no centralized state or federal reporting requirement when people die in police encounters. There are more than 140 state and local law enforcement agencies in Maryland, but no official tracking of how frequently or under what circumstances they are involved in the loss of civilian lives. Not counting who dies in police encounters sends the message that these lives do not matter. Equally importantly, not tracking these cases means that no one is synthesizing and analyzing the information that would show patterns and opportunities to prevent tragedy from repeating itself.

In an effort to help shed more light on this issue, we compiled information from public sources about civilian deaths in police encounters. This document summarizes our findings.

KEY FINDINGS

- 1) **At least 109 people died in police encounters in Maryland between 2010-2014. These deaths were dispersed throughout the state in 17 counties and Baltimore City.**
- 2) **Sixty-nine percent of those who died in a police encounter (75 people) were Black. Blacks make up 29 percent of Maryland's population.**
- 3) **Five Black people died for every White person who died, when the size of the Black and White populations were taken into account. Put another way, the rate at which Blacks died by a police encounter (deaths per population size) was five times that of Whites.**
- 4) **Forty-one percent of those who died (45 people) were not armed with a weapon of any kind.**
- 5) **The number of unarmed Blacks who died (36 people) exceeded the total number of *all* Whites who died (30 people), armed or not.**

- 6) **Ten unarmed Black people died for every unarmed White person who died, when the size of the Black and White populations were taken into account. Put another way, the rate at which unarmed Blacks died by a police encounter (deaths per population size) was ten times that of Whites.**
- 7) **Thirty-eight percent of those who died (41 people) presented in a way that suggested a possible medical or mental health issue, disability, substance use or similar issue.**
- 8) **Seventy-nine percent of those who died (86 people) were killed by police gunfire.**
- 9) **Twenty-one percent of those who died (23 people) were not shot; in most of these cases police used handcuffs or other restraints, pepper spray, and/or a taser. Several individuals were killed in the course of a vehicle pursuit.**
- 10) **Police officers were criminally charged in less than two percent (2 cases) of the 109 incidents.**

OFFICIAL REPORTING OF DEATHS IN POLICE ENCOUNTERS

No state or federal law has ever required police in Maryland to report civilian deaths that occur in police encounters. There have been a few national voluntary-reporting systems that are widely acknowledged to undercount such deaths, including the FBI's tallying of "justifiable homicides" and the federal Death in Custody Reporting Act of 2000, which expired in 2006. That law encouraged states to voluntarily report police in-custody deaths to the federal Bureau of Justice Statistics (BJS).

HOW MARYLAND COMPARES TO OTHER STATES

Little official data is available about the circumstances in which people die in police encounters in the United States. The ACLU's attempts to find comparison data from other states reinforced that the lack of reporting is a national problem. The data that is available, however, suggests that Maryland has a very high number of police-involved civilian deaths relative to other states. The FBI's 2012 data on "justifiable homicides" by law enforcement (which does not include all deaths by police) lists Maryland as having the 6th highest number of homicides by police out of 39 states reporting.¹ Another analysis of

¹ The five states with more "justifiable homicides" by law enforcement are: California, Texas, Pennsylvania, Alabama, and Georgia. In 2012, Maryland had a population of 5.89 million and reported 19 "justifiable homicides". In comparison, Illinois had a population of 12.87 million and reported 9 "justifiable homicides". Illinois has more than twice the population with less than half the police-involved homicides. Ohio also has more than double our population (11.55 million) and reported only three "justifiable homicides". Rani Molla, "Why the Data on Justifiable Homicide Just Won't Do," *The Wall Street Journal*, Sept. 2, 2014, <http://blogs.wsj.com/numbers/why-the-data-on-justifiable-homicide-just-wont-do-1725/>.

police shootings in the United States in 2011 found that Maryland was one of the “most deadly states” with respect to police shootings (fatal and not).²

METHODOLOGY

SOURCES

Beginning in early 2014, ACLU staff and volunteers combed through news sources to identify reported deaths in police encounters and compile sources about each incident.³ The ACLU also submitted a public information act request to the Governor’s Office of Crime Control and Prevention for deaths reported to the Bureau of Justice Statistics for the three years that Maryland participated in their voluntary data-collection program.⁴ Population data came from the 2010 census.

LIMITATIONS

We have made our best effort to be consistent and systematic, but because nothing is reported in a systematic way, we have been forced to make certain judgment calls even about basic facts. Sometimes, there are a dozen sources and the account of what happened is hotly disputed. Sometimes, the only source is the police department press release, which is often reprinted nearly verbatim as a news story.

Depending on one’s perspective, our tally may be regarded as either under- or over-inclusive. Because our sources were based on what was reported in newspapers, we suspect that there are cases that we have missed. Indeed, we understand that community

² According to *The Washington Post*, the most detailed analysis of police shootings to date was conducted by Jim Fisher, a former FBI agent and criminal justice professor who now authors true crime books. Wesley Lowery, “How Many Police Shootings a Year? No One Knows,” *The Washington Post*, Sept. 8, 2014, <http://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>. Fisher focused his research on police shootings in the United States in 2011. He found that Maryland was one of the “most deadly states” when looking at police shootings (fatal and not.) His numbers reveal that police in Maryland shoot approximately the same number of people as police in states with more than twice the population of Maryland, including New York, Pennsylvania, and Ohio. Jim Fisher, “Police Involved Shooting Statistics: A National One-Year Summary,” Dec. 25, 2013, <http://jimfishertruecrime.blogspot.com/2012/01/police-involved-shootings-2011-annual.html>

³ Staff Attorney Sonia Kumar supervised this project, with significant support, guidance and assistance from Chris Brown, Amy Cruice, Meredith Curtis, Cori Dulmage, Gina Elleby, David Fetter, Chip Gibbons, Toni Holness, Deborah Jeon Nadya Kronis, Christine Kumar, Sara Love, David Rocah, Nils Senkbeil, and Enidris Siurano-Rodriguez. Special acknowledgment is due to family members and advocates of those who have died; they created the sense of urgency that prompted this effort and have generously shared invaluable insights based on their own experiences.

⁴ Between 2010 and 2013, Maryland participated in this program. During that time, researchers at the Governor’s Office of Crime Control and Prevention searched news sites for information, compiled it, and passed it along to the BJS. Maryland stopped reporting at the request of BJS.

groups that monitor these deaths have found the numbers to be higher than what we report here.

GENERAL PARAMETERS FOR INCLUSION

We included any death in the course of a police encounter, as well as any death following an injury or illness that arose during a police encounter (e.g., someone who was shot and died several days later or went into cardiac arrest while being restrained but died at a hospital).⁵ We included those who died while being pursued by police, on foot or by car, but not incidents reported as routine car accidents. We did not include deaths that occurred in facilities unless, as noted above, there was an injury or illness that arose during the initial police encounter.⁶

THE FORMAT OF OUR ANALYSIS

We have refrained from attempting to tell the stories of individual cases for several reasons. First, the “story” here is the one that is almost never told: the cumulative toll of deaths in police encounters in Maryland. The purpose of our inquiry was not to detail the facts of individual cases, but rather to provide some sense of the overall scope of this problem in the aggregate and to convey the gravity and extent of its reach. This purpose, combined with our concerns about including names or identifying information without the express permission of surviving family members, led us to conclude that the most appropriate approach for this publication would be to share information in a way that did not identify specific cases.⁷

⁵ We did not include cases reported as suicides that occurred during a police encounter (e.g., a death resulting from a self-inflicted gunshot wound in the course of a traffic stop).

⁶ We think that the deaths of individuals in state and local facilities present equally compelling questions and deserve far more attention than they typically receive. Although we see them as related to the overall question of deaths in state custody, they often present different circumstances and warrant separate study, and are also far less likely to be reported in the sources relied upon for this undertaking. In our view, a meaningful effort to document facility deaths would require a somewhat different approach than that taken here.

⁷ Although the information we collected was compiled from public sources, we could not ignore that republication would create an invitation for renewed media or other public attention surrounding deeply controversial and painful experiences for family members, and that some families would not welcome this attention. After some internal debate we concluded that we were not comfortable including names or identifying information without the express permission of next of kin, and that locating and communicating with every family was not feasible (as well as the fact that some families might be conflicted internally about renewed attention).

FINDINGS

- 1) **At least 109 people died in police encounters in Maryland between 2010-2014. These deaths were dispersed throughout the state in 17 counties and Baltimore City.**

County	Deaths
Allegany	1
Anne Arundel	4
Baltimore City	31
Baltimore County	13
Carroll	2
Cecil	3
Charles	2
Frederick	4
Harford	3
Howard	4
Montgomery	10
Prince George's	21
Queen Anne's	2
Somerset	2
St. Mary's	2
Washington County	1
Wicomico	3
Worcester	1
Total	109

Nearly one-third of those who died were age 25 or younger. The ages of those who died ranged from 15-78; their average age was 35.

Five of those who died were women; three of these women were Black.

During the same time period, four officers died in civilian encounters. Two of them died in vehicle pursuits and

two were shot. One was shot in a raid and the other was shot when off-duty and working as a security guard.⁸

- 2) **Sixty-nine percent of those who died in a police encounter (75 people) were Black. Blacks make up 29 percent of Maryland's population.**

The remaining breakdown is as follows: 30 Whites, three individuals identified as Hispanic or Latino, and one person of Middle Eastern descent.

⁸ Crime in Maryland Uniform Crime Reports by Central Records (MSP) and Officer Down Memorial Page (<http://www.odmp.org>). An additional 11 officers died on duty during this same time period: eight in car accidents; two due to illnesses (heart attack and duty-related illness) and one was accidentally shot by other police.

- 3) Five Black people died for every White person who died, when the size of the Black and White populations were taken into account. Put another way, the rate at which Blacks died by a police encounter (deaths per population size) was five times that of Whites.**

To determine whether these racial disparities were driven by the state's two majority-Black jurisdictions (Baltimore City and Prince George's County), the findings were also analyzed with those jurisdictions excluded. The racial disparities persisted: In these remaining jurisdictions, Blacks were still five times as likely as Whites to die by a police encounter.⁹

- 4) Forty-one percent of those who died (45 people) were not armed with a weapon of any kind.**

Among those who were armed, 38 had a gun; 11 had knives; eight had an air gun (bb gun) or fake gun; and seven had some other kind of object police identified as a weapon. In one case, a pen was labeled a weapon.

- 5) The number of unarmed Blacks who died (36 people) exceeded the total number of *all* Whites who died (30 people), armed or not.**

Seven unarmed Whites died in police encounters.

- 6) Ten unarmed Black people died for every unarmed White person who died, when the size of the Black and White populations were taken into account. Put another way, the rate at which unarmed Blacks died by a police encounter (deaths per population size) was ten times that of Whites.**

Again, the findings were also analyzed with Maryland's two majority-Black jurisdictions excluded. The disparity in unarmed individuals who died in police encounters was even *greater*: More than 18 times as many unarmed Blacks died, as compared to unarmed Whites.

- 7) Thirty-eight percent of those who died (41 people) presented in a way that suggested a possible medical or mental health issue, disability, substance use or similar issue.**

These cases were instances in which a person's behavior or demeanor was characterized by witnesses or police as "erratic," "bizarre," or in some other way that

⁹ For this calculation, the two jurisdictions were similarly excluded from the population count.

suggested there might be an underlying issue such as a cognitive disability, psychosis, acute depression or substance use.¹⁰

In many of these instances, family members had called police seeking help for their loved one, who then died in the resulting police encounter.

8) Seventy-nine percent of those who died (86 people) were killed by police gunfire.

86 people were killed by police gunfire. Twenty-two of them (26%) had no weapon of any kind.

9) Twenty-one percent of those who died (23 people) were not shot; in most of these cases police used handcuffs or other restraints, pepper spray, and/or a taser. Several individuals were killed in the course of a vehicle pursuit.

Only one of the individuals who died under these other circumstances was armed with a weapon of any kind. None of them had guns.

10) Police officers were criminally charged in less than two percent (2 cases) of the 109 incidents.

Because law enforcement agencies in Maryland withhold records about police discipline, little is known about what departments did internally after these incidents, such as whether officers were disciplined, terminated, or required to undergo additional training. In fact, in 22 cases, the involved officers' names were either withheld or could not be identified from news searches.

Based on available information, out of the 109 incidents, there were only two cases in which a law enforcement officer was criminally charged in the death of a civilian, one in Baltimore City and one in Baltimore County. In both instances, the officer was off-duty. Of the two who were charged, one officer was convicted. The other officer, charged in the choking death of a teenage boy, was acquitted.

¹⁰ The Police Executive Research Forum, an organization made up of police executives, has estimated that approximately two-thirds of officer-involved shootings involve people with mental illness. "Review of Use of Force in the Albuquerque Police Department," Police Executive Research Forum, June 23, 2011, at 4, <http://alibi.com/media/docs/Police%20Executive%20Research%20Forum's%20review%20of%20APD%20shootings.pdf>

CONCLUSION

There are lessons to be learned among the tragic cases of the 109 people who died in police encounters in Maryland over the last five years. But it should not fall to communities and advocates to try to count the people who have died in police encounters and to identify the lessons to be learned to prevent such tragedies from recurring.

The above findings demonstrate that deaths in police encounters are not isolated incidents. Sadly, they occur regularly. But that does not mean these deaths are inevitable. They are not divorced from concerns about the militarization of police, the extraordinary racial disparities of the criminal justice system, or the lack of trust between police and the communities they serve.

In Maryland and across the country, police and public officials are looking for ways to rebuild broken trust with communities. Acknowledging those who have died in police encounters and refusing to accept that their deaths were inevitable is a necessary first step.