



Senate Bill 44

Seat Belts – Operation of Motor Vehicle While Inmate or Person in Custody Unrestrained – Prohibition

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: March 1, 2016

To: Judicial Proceedings Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 44 **WITH AMENDMENTS**. Counties support the safe transport of individuals under custody of law enforcement and correctional officers. In pursuit of that goal, county governments seek reasonable amendments to ensure practical and safe restraint during transport.

SB 44 would require that local law enforcement and correctional officers ensure that any person in custody is restrained by a seat belt before the officer is able to transport the individual in the motor vehicle. The bill also imposes a \$10,000 civil penalty if an officer's failure to comply results in serious physical harm or death of the individual being transported.

Many local law enforcement agencies and correctional departments have vehicles that are equipped with seat belts or safety restraining devices and have policies for their use. However, not all vehicles are equipped with or designed for seatbelts, and there may be situations where the use of seatbelts is not feasible for the safety of the officer or passenger.

The bill should be amended to require an officer to restrain an individual in accordance with local transport policy and should allow for exceptions in situations where seatbelt restraint is inhibited due to medical conditions or safety concerns, or alternative restraints are available.

Alternative Restraints

Transport vans and buses are not always equipped with traditional seatbelts. They may be designed with bars or alternative restraints, or like school buses, may lack seatbelts entirely but be designed with other safety features for safe transport. As the bill is currently written, a van that has alternative safety restraints and features, but no seatbelts, would be in violation of this bill.

Medical Concerns

A law enforcement officer may need to transport a woman who is pregnant or a man who is clinically obese. Both scenarios present situations where medical conditions would make it difficult or impossible to restrain the individual. This may also be the case in situations when an individual is handicapped or disabled. Improperly forcing restraint may cause more damage than harm.

Safety Concerns

There are also safety concerns for the officer. An individual in transport may be combative to the point that it is difficult to place them in seatbelt restraint without exposing the officer to harm. It is also possible that an officer can be overwhelmed by prisoners during a large group transport while individually strapping people in within the tight confines of some of the transport vehicles.

Penalties

Officers should be required to restrain individuals in accordance with their agency policies. Rather than imposing a civil penalty for failure to comply, officers who fail to properly secure individuals should be professionally disciplined, up to and including termination of employment. The additional civil penalty is unnecessary as there is nothing precluding an officer for being sued for injuries during transport under current law. Exceptions should also be allowed for situations in which the officer properly restrains the individual, but the individual removes the seatbelt or restraint while in transport.

MACo raises these concerns and hopes the bill can be amended to balance the safety of individuals in transport with the practical realities of an officer who would be required to impose the restraint. For these reasons, MACo urges a **FAVORABLE WITH AMENDMENTS** report on SB 44.