

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 882

(Chair, Joint Committee on Fair Practices and State  
Personnel Oversight)

Judicial Proceedings

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Correctional Services - Correctional Officers - Polygraph Testing

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This bill *authorizes*, rather than *requires*, the Secretary of Public Safety and Correctional Services to require that an applicant for a position as a State correctional officer be subject to a polygraph examination before being appointed to the position.

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Fiscal Summary

**State Effect:** None. The bill does not directly affect State finances. However, the bill may assist the Department of Public Safety and Correctional Services (DPSCS) in its efforts to increase the pool of applicants for State correctional officer positions.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The Secretary of Public Safety and Correctional Services *must* require correctional officer applicants to pass a polygraph examination prior to being appointed to serve as a correctional officer in a correctional facility. However, generally, an employer in the State may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test. Along with an individual who is an employee of or applies for assignment to the Intelligence Investigative Division of DPSCS, specified exceptions from this prohibition include an individual who applies for employment or is employed as:

- a law enforcement officer or an employee of a law enforcement agency;

- a correctional officer at a State or local correctional facility;
- an employee of a State correctional facility involved in direct personal contact with inmates;
- a communications officer in the Calvert County Control Center;
- a correctional officer at a local detention facility in Baltimore, Cecil, Charles, Frederick, Harford, or St. Mary's counties; and
- a correctional officer or any other positions involved in direct personal contact with inmates at a local detention facility in Calvert, Carroll, or Washington counties.

An applicant for employment with the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections involved in direct contact with inmates and an applicant for employment with the Washington County Emergency Communications Center are also exempt.

An employer who violates this law is guilty of a misdemeanor and subject to a maximum fine of \$100.

**Background:** DPSCS advises that it has faced challenges hiring correctional officers in recent years and that one reason may be that the polygraph could be viewed as a deterrent to potential applicants. The polygraph requirement adds time to the hiring process and some applicants accept other employment before the hiring process is complete. **Exhibit 1** shows the total number of correctional officer applicants, completed and cleared polygraphs, and hires for DPSCS from calendar 2017 through 2021.

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**Exhibit 1**  
**DPSCS Correctional Officer Applicants, Polygraphs, and Hires**  
**Calendar 2017-2021**

<u>Calendar Years</u>	<u>Number of Applicants</u>	<u>Completed Polygraph</u>	<u>Cleared Polygraph</u>	<u>Number Hired</u>
2017	5,688	407	146	102
2018	4,286	504	286	160
2019	4,571	778	524	267
2020	3,818	1,215	853	491
2021*	2,666	835	653	463

DPSCS: Department of Public Safety and Correctional Services

\* 2021 numbers include entry and experienced level applicants and hires.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

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As shown in Exhibit 1, while the number of applicants in calendar 2021 continued to decrease, the hiring rate increased over prior years. DPSCS advises that it has made great strides in streamlining the correctional officer hiring process, adjusting those process flows in the reorganization that were unsuccessful, prioritizing recruitment, and offering hiring and retention bonuses. Even so, due to the rate of attrition and the high percentage of currently employed correctional officers who are eligible for retirement, DPSCS advises that it needs to continue increasing the pool of correctional officer applicants and the number of correctional officers hired.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services;  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2022  
km/lgc

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510