

AFSCME_FAV_SB698

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Patrick Moran - President

Testimony
SB 698 – Division of Parole and Probation – Central Home Detention Unit - Powers
Judicial Proceedings
March 10, 2020
Support

AFSCME supports SB 698. This bill allows the Director of the Division of Parole and Probation to authorize employees from the Central Home Detention Unit (CHDU) to have police powers.

The Department of Public Safety and Correctional Services (DPSCS) established the Central Home Detention Unit to supervise individuals who are awaiting adjudication of their charges. An offender in this program is monitored by electronic devices as well as direct contact with HDU employees. Currently, there are 36 enforcement officers in this program that are responsible for monitoring 154 inmates and 16 pretrial release detainees.

Employees in the Central Home Detention Unit must qualify under training standards prescribed by the Maryland Police and Correctional Training Commission in order to obtain a Special Police Officers Certification (a mandatory requirement of their employment).

Employees in the HDU do much of their work in the community visiting individuals in and near their home. While they perform many important functions, their action is limited because they do not have full police powers. If given powers of policing authority, they would be far more effective in doing their job and serving their communities. As an example, if an employee is visiting someone at their home and observes illegal activities taking place, all they can do is call for the police to come. By that time, the activities will no longer be taking place.

There are some items in the fiscal note that are questionable. For example, there is nothing in the bill that mandates that employees must get new vehicles as a result of this bill.

This bill makes the CHDU more effective and more efficient. We urge you to provide a favorable report.

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An employee has the right to a union representative if requested by the employee.
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FAQs: HB 1137/SB 698

Division of Parole and Probation - Central Home Detention Unit - Powers

Sponsored by Delegate Keith Haynes & Senator Jeff Waldstreicher

Summary

The Home Detention Unit (HDU) of the Department of Public Safety and Correctional Services is the Unit who supervises offenders who are detained in a private home. Offenders in home detention are either pretrial, on probation or parolees, and are living in our communities. This bill grants employees of the HDU unit full police powers instead of being correctional officers that are certified as special police officers.

While HDU employees are classified as Correctional Officers, they are required to complete and successfully graduate from the entry-level police academy. They are uniformed and armed. This bill would simply give them full police powers, including arrest powers.

In 2011, the Maryland General Assembly passed a similar bill that provided the employees from the Warrant Apprehension Unit with police powers. This bill follows that model.

If HDU employees become full police officers, they will be subject to the Law Enforcement Officers' Bill of Rights (LEOBR) instead of the Correctional Officers' Bill of Rights (COBR).

The bill is important because the inability to stop a crime in the course of their duties hampers employees of the HDU in their ability to fully do their job. Currently, if they see a crime in progress, they don't have authority to stop it, or protect themselves or members of the public as they would with full police powers. Also, currently, the Correctional Officer Bill of Rights Policy does not fully safeguard the HDU officers from civil, criminal, and administrative law suits in the community. Unlike Correctional Officers, HDU officer work primarily in the community where a police officer title is more appropriate.

Will this bill be expensive?

This bill will require that the officers become part of the Law Enforcement Pension System (LEOPS) and be in the Law Enforcement Officers pay plan. There is no need for HDU officers to be outfitted with a brand-new fleet of patrol cars. They currently operate with a fleet of 12 operational vehicles (including 1 van and 2 AWD SUVs). This unit would be able to continue to carry out their duties with the current vehicle fleet they now operate.

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Even though the Fiscal Note states that DPSCS estimates the cost of a law enforcement vehicle at \$39,500; and total cost for those vehicles is \$1,422,000, that expenditure is **unnecessary**.

Caseloads

The catchment area these officers serve is very large (various zip codes, multiple jurisdictions, several counties) and the HDU and the department is severely understaffed. Unless there is a specific reason for additional help, home visits are done alone. For example, if there is a reported threat of ongoing domestic violence or hostility in an offender's residence, the HDU officer will typically call another officer from the unit to come to support as backup, this officer will wait for their teammate to arrive before entering the home as a precautionary measure.

Safety

Employees in HDU do not have any GPS or tracking device to locate them if they are missing. However, these officers do have a dispatcher – a police communications operator – to report their locations when routinely making visits in the field.

Officers carry firearms, wear Kevlar, have batons, and are outfitted very similarly to SWAT except that they do not carry taser or stun-guns.

Risk Assessments

Case data and offender information is not readily available to the officer who is assigned to the individual on any given day. Officers may see different offenders each day, so they do not know specifics, including the nature of the offender, what type of crime they committed, personality/behavioral traits, etc.

This bill is simple: it would allow employees within the home detention unit to perform the duties of their job more effectively and efficiently and would help them better serve and protect our communities.

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Tyler Wright

GOOD AFTERNOON,

MY NAME IS TYLER WRIGHT AND I AM A SERGEANT ASSIGNED TO THE HOME DETENTION ENFORCEMENT UNIT. I HAVE BEEN WITH THE DEPARTMENT FOR 9 YEARS. I AM HERE TODAY TO HIGHLIGHT SOME OF THE ISSUES THAT OUR UNIT IS FACING, AND WHY IT IS IMPORTANT FOR OUR UNIT TO BE CLASSIFIED AS LAW ENFORCEMENT.

WORKING IN THE COMMUNITY: WHEN AN OFFENDER IN OUR PROGRAM VIOLATES THE PROGRAM'S RULES THE INDIVIDUAL IS REMOVED. THIS REMOVAL IS CALLED A "**LOCK-UP**". A LOCK-UP REQUIRES THE SAME TACTICS, AND EXECUTION, AS DOES AN ARREST WARRANT PERFORMED BY ALL POLICE.

RECENTLY I WAS A PART OF A THREE OFFICER TEAM TO EXECUTE A LOCK-UP IN WEST BALTIMORE. WE HAVE TO ENTER THE HOME AND ARREST THE OFFENDER, AND THEN TRANSPORT HIM/HER BACK TO HQ. BUT THE DANGERS THAT ARE INVOLVED WITH THIS ARE IMMENSE AS WITH ANY ARREST WARRANT. WE HAVE NO KNOWLEDGE OF WEAPONS IN THE HOME (FIREARMS) ETC, THE AMOUNT OF PEOPLE INSIDE, AND WHAT ACTIVITIES MAY BE GOING ON INSIDE AS WELL. THIS PARTICULAR ARREST/LOCK-UP I'M REFERENCING, THE RESIDENTS IN THE HOME WERE VERBALLY COMBATIVE, AND THE OFFENDER REFUSED TO COMPLY WITH OUR ORDERS TO COME OUT OF HIS ROOM, INSTEAD JUMPING OUT THE SECOND STORY WINDOW TRYING TO ESCAPE. WE PURSUED THE OFFENDER OUTSIDE, AT NIGHT, TO DETAIN AND PREVENT THE POSSIBILITY OF THE OFFENDER HARMING THE PUBLIC. DURING THE PURSUIT THE OFFENDER BROKE INTO A NEAR-BY APARTMENT, WHICH WE DISCOVERED BY HEARING THE GLASS BREAKING WHEN HE MADE ENTRY THROUGH A WINDOW. THE OFFENDER WAS DOING HIS VERY BEST TO FLEE AND ESCAPE. WE DIDN'T KNOW IF HE NOW HAD A WEAPON IN HIS POSSESSION OBTAINED IN THE APARTMENT HE NOW BURGLARIZED, OR IF ANYONE WAS INSIDE THE HOME, AND NOW A POTENTIAL HOSTAGE OR BARRICADE SITUATION NOW EXISTED; BUT IT WAS CERTAINLY OBVIOUS HIS INTENTIONS WERE NOT GOING BACK PRISON. OUR UNIT WAS FORCED TO RELY ON OUTSIDE AGENCY ASSISTANCE TO CAPTURE THE OFFENDER (BECAUSE OF OUR LACK OF POLICE AUTHORITY). THIS DELAY IN ACTION COULD HAVE BEEN DETRIMENTAL TO OUR SAFETY AND THE PUBLIC'S SAFETY. THE SAD PART OF ALL OF THIS IS THE FACT THAT OUR UNIT IS ALREADY POLICE OFFICER TRAINED, WE ATTEND A FULL POLICE ACADEMY (29-WEEKS @ MPCTC), CORRECTIONS TRAINING, AND MUCH MORE. THIS IS JUST ONE EXAMPLE OF MANY LAW ENFORCEMENT TASKS WE ARE ALREADY ASSIGNED, AS CORRECTIONAL OFFICERS, WORKING ALL OVER THE STATE PERFORMING POLICE LIKE DUTIES WHEN WORKING IN THE COMMUNITY. OUR ONLY GOAL IS TO BE SAFE AND MAKE IT HOME TO OUR FAMILIES, THE PROPER SUPPORT AND LAW ENFORCEMENT RECOGNITION FOR HOME DETENTION WILL HELP US ACHIEVE THIS GOAL.

THANK YOU.

10-11-80

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ENFORCEMENT WILL HAVE BEEN WITH THE DEFINITION FOR 8 YEARS. LAW WERE TODAY TO
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Timika Williams

Good Afternoon,
Chair, Madam vice chair, and committee members

As my co-worker have already mentioned we are Correctional Officers with Police certifications. Our job functions are very similar to Police Officers. We are not assigned a case load like a Case Manager or a Parole Agent. We are in the communities daily patrolling and responding to calls such as domestic violence, offender's escapes, and offenders being victimized. The Correctional Officer Bill of Rights Policy does not fully safeguards these officers from civil, criminal, and administrative lawsuits. These officers perform their duties daily primarily in the city where the murder rate is #1 compared to cities with twice the population. The state of Maryland is sitting on a gold mine and don't even realize it.

Our presence in the community is not only to patrol areas for offenders but to be visible and helpful to citizens as well. However, we can only assist as a civilian not as a law enforcement officer. In November 2019 a Sergeant witness a pregnant female assaulted by her boyfriend. The Sergeant intervene to prevent any further harm with the assistance from the Baltimore City School Police. The police officer thanked the Sergeant but management accused him of kidnapping and discipline him.

Today, we no longer want to sit on the sideline and watch our state be destroyed by crime and the public be paralyzed with fear. We are raising our hands and saying put me in the game coach. We have the training, knowledge, and experience but no protection in the performance of our job duties. By passing this bill we will be able to effectively do our jobs and be a great asset to the Department Public Safety and Correctional Services and the State of Maryland. With the knowledge and experience of our officers in dealing with the known repeat offenders and the relationships that we have with allied agencies, our communities will gain that extra piece of mind.

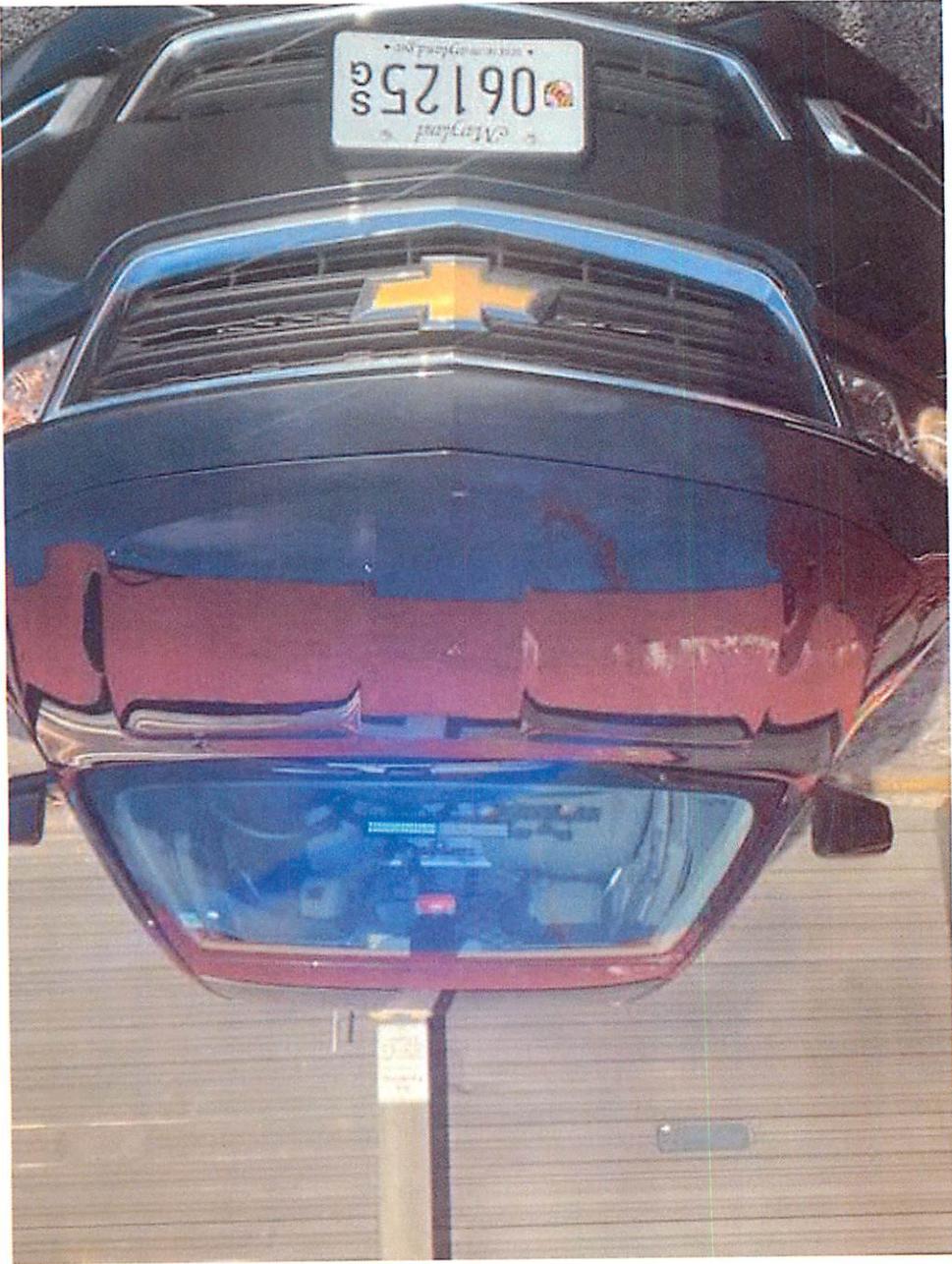
In closing, If you were being victimized and a Home Detention Unit Officer who gives the illusion of law enforcement is readily available but cannot assist you; How would feel?

Thank you so much for your time

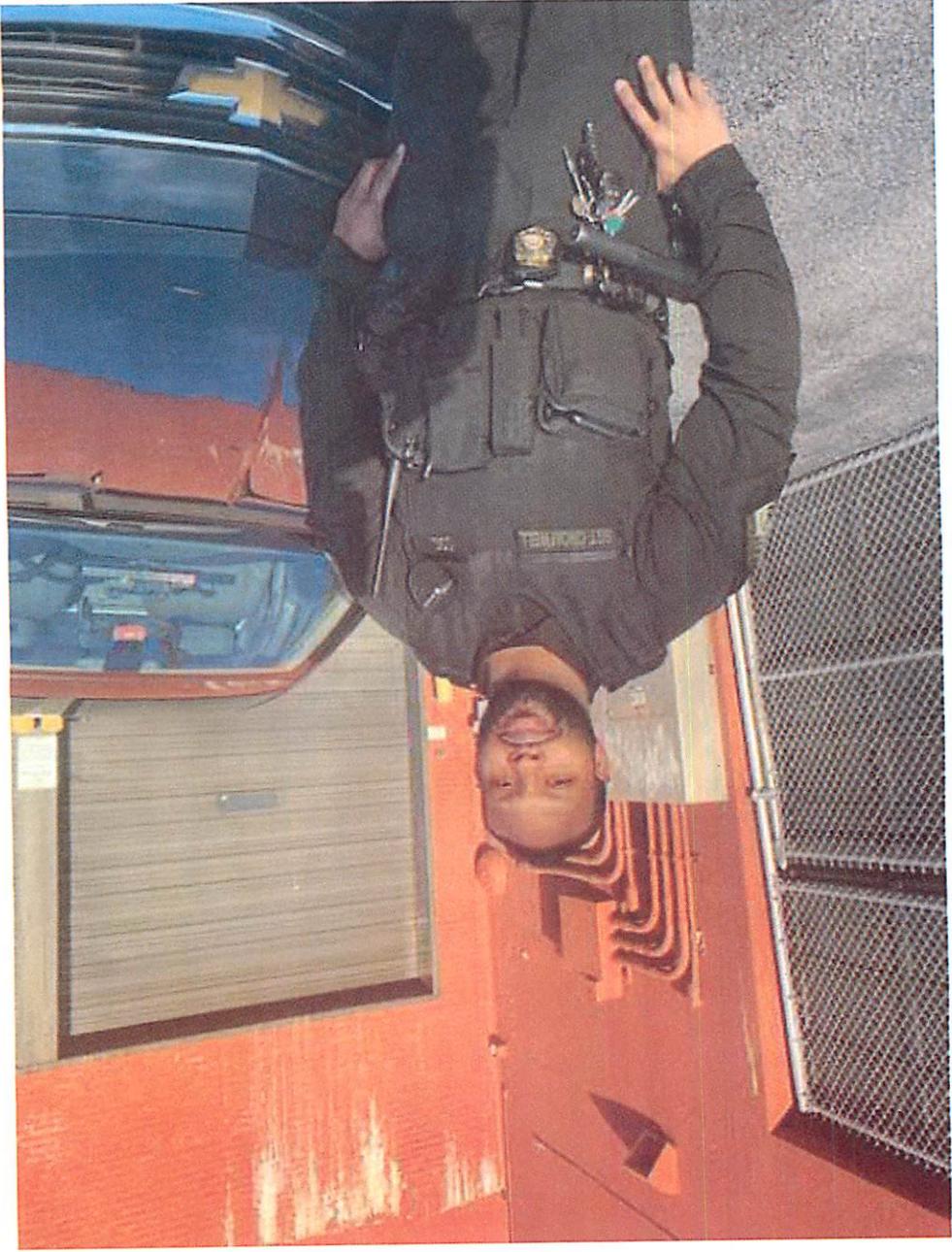
Monique Reed

Good Morning,

I am Sergeant Monique Reed, a six and a half year employee of one of the largest departments in Maryland, that being the Department of Public Safety and Correctional Services. Spending the last two and a half years in a smaller, specialized unit called Home Detention. Although I am classified as a Correctional Officer Sergeant, I recently graduated from an accredited 32 week entry level Police academy in Sykesville, MD receiving a full police certification, needed to hold this position. While the department has a primary objective which is to protect the public, its employees, detainees and offenders under its supervision we here in this unit are tasked with that daily. Whether it's a warrant retake transport, a sponsor rejection where we must remove the offender out of the current situation for all parties' safety or taking a pretrial offender to court. Survival although its blunt is the ultimate goal. Point being myself and other sergeants go into multiple bordering counties, neighborhoods and houses of offenders blindly to do wellness checks, resident searches and to maintain the equipment to keep it functioning properly. At any time while in the offenders' home we as sergeants are vulnerable to the variables surrounding. A few months ago, two other sergeants a lieutenant and I were conducting a residential search on a offender who had a third positive for cocaine, there was nothing routine about this encounter. Based on our training, knowledge and experience the residence was searched and the offender was detained without incident. But its what has happened to other sergeants in similar cases, the "variable" I spoke of prior, when they go into the home and there are other occupants smoking weed and partaking in other unlawful acts they had no jurisdiction over them. Training and knowledge obtained from the academy would allow them to act in accordance of the law, instead they leave the residence in a sense turning a blind eye. With the passing of this bill we hope to continue keeping offenders, and communities safe. Thank you.



Home Detention Unit Vehicle



Enforcement Sergeant Uniform