

CLARENCE K. LAM, M.D., M.P.H.  
*Legislative District 12*  
Baltimore and Howard Counties

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Miller Senate Office Building  
11 Bladen Street, Room 420  
Annapolis, Maryland 21401  
410-841-3653 · 301-858-3653  
800-492-7122 Ext. 3653  
Clarence.Lam@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Support SB 882 - Correctional Services – Correctional Officers – Polygraph Testing**

**Background:**

- There are 18 state correctional facilities operated by the Department of Public Safety and Correctional Services (DPSCS).
- Correctional officers are responsible for the care, custody, and management of the incarcerated population within these facilities.
- One of the application requirements to become a correctional officer, in addition to a comprehensive background investigation, is the successful passage of a polygraph test.
- The pre-employment polygraph test requirement was instituted following the indictment of 24 correctional officers from the Baltimore City Detention Center on corruption charges in 2015. Prior to 2015, utilization of a pre-employment polygraph was optional.
- DPSCS operationalized an Intelligence and Investigative Division in 2016, including a Special Investigations Unit. The Unit, comprised of investigators with extensive experience in complex criminal investigations allowed for the expansion of background investigations to be conducted on applicants and correctional officers.
- No other state surrounding Maryland requires that their correctional officers undergo a polygraph test (PA, WV, DE, DC, and VA).
- Five states have outlawed the use of polygraph testing to screen applicants or state employees (MA, MI, MN, NJ, OR).

**The Issue:**

- Correctional facilities are struggling to fill correctional officer vacancies across the state, despite offering numerous employment incentives over the preceding years.<sup>1</sup>

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<sup>1</sup> [Baltimore Sun \(2022\)](#)

- DPSCS is facing staffing shortages, despite having raised salaries more than 22% since 2018 and offering hiring bonuses based on previous employment and the geographic location of the facility.
- The pre-employment polygraph test requirement elongates the interview process and is a deterrent to applicants who may seek similar correctional employment in jurisdictions at the county level or in neighboring states that do not have this requirement.
- Courts have accepted polygraph testing as an unreliable metric to objectively measure deception because numerous factors can contribute to an individual's autonomic arousal response such as increased heart rate, blood pressure, and skin conductivity that is not related to the truthfulness of one's statement and may create inadmissible evidence in court proceedings.
- DPSCS is forced to collapse posts and utilize voluntary and mandatory overtime to maintain safety and security throughout its facilities when a high number of staff are unavailable to work. This results in staff burnout and high overtime costs. In the fiscal year 2021 alone, DPSCS spent over \$140 on overtime.

**What SB 882 Does:**

- SB 882 alters the language in Correctional Services article §3-215 to state that DPSCS may require a pre-employment polygraph test in the correctional officer hiring process rather than shall require a pre-employment polygraph test.
- SB 882 authorizes the Secretary of DPSCS to adopt regulations for the use of polygraph testing as a complement to the existing rigorous background investigation procedure.
- SB 882 retains the Department's ability to utilize a pre-employment polygraph test in the hiring of correctional officers.

**What SB 882 Accomplishes:**

- SB 882 will provide DPSCS with another tool to assist them in filling vacant positions in our correctional facilities by making the polygraph test optional in the hiring process as it is an unneeded and scientifically disproven barrier to qualified applicants who wish to serve as correctional officers.
- Reductions in staffing shortages will benefit the well-being of our existing correctional officer labor force, their families, and the incarcerated populations they serve.