



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

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**BILL: SENATE BILL 882**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill would allow the Department of Public Safety and Correctional Services (Department) to determine when a polygraph examination is to be administered to a candidate for a correctional officer position and it would require the Department to adopt regulations related to the authorized use of the polygraph examination.

#### **Comments:**

- The Department's Division of Correction (DOC) operates 13 State correctional facilities which house offenders sentenced to incarceration for 18 months and longer. The Department also oversees the Division of Pretrial Detention and Services which operates the Baltimore City Pretrial Complex.
- In 2015, the Maryland General Assembly passed legislation stipulating that all correctional officer candidates "shall" pass a pre-employment polygraph examination. Prior to this bill, the statute stated that the Secretary of the Department "may" require a correctional officer candidate to pass a pre-employment polygraph as a condition of their hire.
- This bill was passed in response to corruption cases stemming from the Baltimore City Detention Center, which has since been demolished.
- Over the past six years, the Department has found that the passage of a pre-employment polygraph is not necessarily indicative as to whether a correctional officer could be prone to undue influences that lead to corruption. There have been instances of correctional officers who have been hired after clearing a polygraph examination that have later been convicted of corruption.
- Since 2015, the Department has taken significant strides not only to improve upon the hiring process but to also bolster its ability to prevent and combat corruption.

- **The Department has made significant improvements to the hiring process to ensure it is hiring qualified and suitable candidates.** Besides the polygraph examination, the Department uses multiple screening tools, including a:
  - psychological examination,
  - background investigation,
  - interviews,
  - physical examination, and
  - drug test to determine suitability for employment as a correctional officer.
  
- The psychological examination results are carefully evaluated by the Department's licensed psychologist, who makes the final determination on suitability for hire. The evaluation process may require the correctional officer candidate to participate in an in-person or virtual meeting with the psychologist for further assessment.
  
- In accordance with statutory requirements of COMAR 12.10.01.15, correctional officer candidates must undergo an in-depth background investigation, which involves investigators reviewing and corroborating information about immediate relatives, personal references, residential history, education, employment history, military experience, financial background, illegal drug use, gang affiliation, and criminal history.
  
- If Senate Bill 882 were to pass, the Department could utilize a pre-employment polygraph to assist in clearing candidates who may have had issues come up during the psychological examination or the background check. The polygraph test screens for six (6) relevant areas; theft; ganginvolvement; domesticviolence; illegal drugs; sexual crimes; and, serious crimes. When warranted, a pre-employment polygraph test can be administered - focusing on the specific area of concern.
  
- **Since 2016, the Department has significantly bolstered its corruption reduction efforts.** In May 2016 the Department established the Intelligence Investigative Division (IID) - Special Investigations Unit. This Unit is composed of law enforcement officers with experience working on major complex drug, corruption, and homicide investigations. Their investigative experience includes wiretaps, financial transactions, and money laundering money. Since that time the IID Special Investigations Squad has partnered with the FBI, DEA, US Attorney's Office, The Maryland Attorneys General Office, and the Maryland Special Prosecutor.

- The Department has also established an analytics unit, tasked with utilizing certain systems to identify potential employee and inmate fraternization.
- The Department has also ramped up utilization of its Contraband Interdiction Team (CIT), which is a team of correctional staff, highly trained in the area of contraband concealment and recovery, refocused their efforts on targeted and intelligence based searches throughout all correctional facilities. These searches increased from a weekly to a daily basis. With the assistance of the Intelligence Unit, the K9 Unit, and the Special Operations Group (SOG), the CIT has had tremendous success in reducing the contraband within correctional facilities.
- **Requiring all correctional officer candidates pass a pre-employment polygraph has an impact on the length of time it takes to hire a correctional officer.** Mandating the polygraph for all correctional officer applicants limits the eligible pool and deters potential hires by delaying the hiring process.
  - On average, the polygraph adds 21 days to the hiring process from time of conditional offer to hire date.
  - A polygraph may disqualify an otherwise qualified candidate who is nervous or misinterprets a question.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee to consider these reasons when discussing Senate Bill 882.