



Department of Public Safety and Correctional Services

Office of Government and Legislative Affairs

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BILL: SENATE BILL 587

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill would require the Division of Parole and Probation (DPP) to examine and review murders involving offenders who are under the supervision of the Division. The bill also stipulates reporting requirements DPP is required to submit including the activities and actions taken regarding the number of offenders who were engaged in specified activities.

Comments:

- The Division of Parole and Probation (DPP) supervises individuals who have been placed on supervised probation, have been paroled by the Maryland Parole Commission, or placed on Mandatory Supervision upon release from a correctional facility. The primary goal of DPP is to ensure supervisees comply with the terms of their supervision as stipulated by the courts and Maryland Parole Commission.
- SB 587 asserts several factors in the preamble language that are factually inaccurate and conflict with the data provided by the Department's Office of Data Development and is provided in an Joint Chairmen's Report resulting from the 2021 Session of the Maryland General Assembly. The preamble language and the Department's responses are included.
- WHEREAS, The State of Maryland has been facing an ongoing crisis in which the Department of Public Safety and Correctional Services' Division of Parole and Probation plays a pivotal role; and
 - *The Division of Parole and Probation supervises less than 43,000 individuals in the State of Maryland with an estimated population of 6.2 million, which is .7% of the population. Maryland and Baltimore City both outpaced the nation in decreasing crime from calendar 2019 to 2020. While these standardized data provided through the UCR are not yet available for calendar year 2021, preliminary UCR data for Baltimore City show that certain violent crimes did increase slightly from 333 homicides in 2020 to 336 in 2021 and from 720 nonfatal shootings in 2020 to 729 in 2021. However, violent crime and property crime totals decreased by*

3%. Baltimore City has seen over 300 homicides each year since 2015, or over 50 homicides per 100,000 residents.

- *The Division of Parole and Probation is one many agencies who participate in the Criminal Justice System made up of hard working dedicated public safety professionals.*
- *As stated previously, DPP supervises individuals within the community who have been placed on supervised probation, have been paroled by the Maryland Parole Commission, or placed on Mandatory Supervision upon release under the authority of the Parole Commission. If an individual violates the terms of their release, the DPP agent will attend hearings for individuals who are alleged to have violated. DPP also supervises individuals who are court-order to be placed in the Drinking Driver Monitor Program. DPP also completes a number of investigations that aim to collect information for consideration by the Judiciary and Maryland Parole Commission.*
- WHEREAS, There is an alarming correlation between homicides in Maryland and supervised offenders as a vast number of murder and nonfatal shooting victims are individuals under the purview of the Division of Parole and Probation; and
 - *The vast majority of homicide and non-fatal shooting (NFS) suspects do NOT involve individuals under supervision with DPP.*
 - *Unfortunately, there are a higher number of homicide and non-fatal shooting victims under supervision. Distinguishing between victims and suspects is essential - supervision is NOT a risk-factor for being the victim of a homicide or NFS. To do so would be engaging in the practice of victim-blaming.*
- WHEREAS, In Maryland, from 2019 to 2021, the State has encountered a consistent average of 118.7 murders of persons who are under the supervision of the Division of Parole and Probation. In the same time period there has been an average of 255.3 nonfatal shootings of supervisees; and
 - *DPP submitted the “Murder-Involved Supervisee” Joint Chairman’s report that stemmed from the 2021 legislative session.*

*This report determined that **0.3% of supervisees were involved in a homicide or nonfatal shooting as a suspect from July 2018 to July 2021, for an average of 144 each year.***

- *The report also determined that Baltimore City (64%) had the highest share of those involved as either a suspect or victim followed by Prince George's County (16%), Baltimore County (6.5%), and the remainder of the State combined (12%). According to the analysis of the FY 2023 Maryland Executive Budget, 2022, "Active DPP supervisees made up 8.5% of all individuals involved in homicides and nonfatal shootings as either a suspect or victim in those years."*
- WHEREAS, There has been an increase in violent crime across the State of Maryland of supervised individuals involved in a homicide or nonfatal shooting; and
 - *Maryland and Baltimore City both outpaced the nation in decreasing crime from calendar 2019 to 2020. While the standardized data provided through the UCR are not yet available for calendar year 2021, preliminary UCR data for Baltimore City show that certain violent crimes did increase slightly from 333 homicides in 2020 to 336 in 2021 and from 720 nonfatal shootings in 2020 to 729 in 2021. However, violent crime and property crime totals decreased by 3%. Baltimore City has seen over 300 homicides each year since 2015, or over 50 homicides per 100,000 residents.*

Source: Federal Bureau of Investigation Uniform Crime Report
- WHEREAS, The lack of supervision is directly related to the lack of supervisors who oversee, manage, contact, frequently follow up, and provide support to offenders. As of November 2021, the Community Supervision Division has 129 agent and monitor vacancies that need to be filled urgently; and
 - *The Division of Parole and Probation has demonstrated that there is NOT a lack of supervision of the supervisees who are under supervision. The satisfactory case closures demonstrate that utilizing evidence based practices as required by the Justice Reinvestment Act, has been effective.*

- *The Department has been consistently hiring agents, and promoting Field Supervisor I's and Field Supervisor II positions as opportunities occur.*
- *The Department is currently in the process of filling all DPP vacancies. In regard to the matter of short-staffing and recruitment efforts, once again, the true story is not being told by critics. As of January 19, 2022, Parole and Probation had 95 Agent I vacancies for the entire state of Maryland—covering 36 field offices. The Department has worked tirelessly to recruit, hire and train these unsung public safety heroes, all of whom have college degrees—many with master's degrees.*
- *During calendar year (CY) 2021, there were 50 new entry level Parole and Probation Agents, and 7 new Drinking Driving Monitor I's hired. For CY2022, the Department has already hired 10 additional Parole and Probation Agents and 2 more people for the position of Drinking Driver Monitor I. An additional 19 agents are waiting for their start date and 61 are in the background process. Similarly, 11 candidates for Drinking Driver Monitor I are completing the background process.*
- *The Department is making a similarly strong effort to recruit and hire for administrative and support positions. So far this calendar year, there have been 29 active recruitments for administrative positions, 12 new positions filled, 8 candidates waiting for their start date, and 55 completing their background process.*
- *The Department is confident that the announced salary increases for all State employees, opportunities for teleworking, and the elimination of the hiring freeze process will yield a larger pool of qualified candidates, but also allow us to retain our current employees. In addition, the Department recognizes the need to expand focused recruitment and advertisement efforts for all positions.*
- **WHEREAS, To prevent the reprise of homicides and nonfatal shootings involving Division of Parole and Probation supervisees, it is crucial that the State devise a vigorous approach to address its lack thereof; now, therefore,**
 - *The Division of Parole and Probation has had in place since 2009 an after action review for all homicide and non-fatal shootings involving individuals under supervision.*

- SB 587 would require DPP and the Secretary to examine and review murders involving supervisees who are either suspected of committing new murders or are murder victims. This is already being done with DPP agents notifying the appropriate supervisory personnel and the information being escalated to the Secretary typically with 24-hours of the information becoming available.
- In 2021, only 9% of the identified suspects in Baltimore City's 338 homicides were under DPP supervision at the time of their alleged crimes. Further, only 5% of identified suspects in the city's 729 non-fatal shootings were under DPP supervision at the time of their alleged crimes. **In sum, Baltimore City had 1,067 homicides and non-fatal shootings in 2021, and only 71 identified suspects in those cases were under Parole and Probation supervision at the time of the crime.**
- SB 587 fails to consider that supervision is a component of the criminal justice system and the role of DPP in this system. DPP agents supervise individuals who are authorized by the courts or the parole commission to be in the community. In other words, parolees and probationers are legally allowed to be "free" and move about in the community. Agents have no legal authority to monitor their movements and actions 24/7.
- SB 587 would require DPP agents to predict the actions of the individuals they supervise before the individual has engaged in the action(s) - ultimately it is impossible to predict and control human behavior.
- There are reporting requirements in SB 587 for which DPP currently has mechanisms in place for tracking homicide and non-fatal shooting victims and suspects who are supervised by the agency. These reports include input from the Maryland State Police and designated intelligence units across the State, including the WAR Room and Maryland Coordination and Analysis Center (MCAC).
- The mechanisms currently in place to track homicides and non-fatal shooting victims are not automated and require a manual review of multiple reports including (1) the arrest report, (2) a daily report detailing supervisees who are charged with new crimes, and (3) the notes field in the Offender Case Management System (OCMS). To ensure the data is collected, analyzed, and reported in accordance with the requirements of SB 587 will result in the need for additional personnel.
- Currently, a supervisee who receives a new charge triggers a process that may result in the individual being violated before they even begin the hearing process for the new charge. The agent would be required to track the case as it progresses through the criminal justice system despite action already being taken for the violation.

- SB 587 extends an existing agent's duties to data collection and audit duties. The data collection would include the activities and actions taken by agents regarding offenders who engaged in homicide, nonfatal shooting, robbery, rape, police-involved shooting, or any crime involving the offender's use of a firearm.
- As such, DPP projects the need for additional positions through the State and has proposed in the fiscal note response the creation of a specialized team dedicated to this tracking. As the reporting requirements extend beyond what is already being reported, The projected cost to implement this team would be approximately \$500,000 annually.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information and as it deliberates Senate Bill 587.