

**Testimony for SB 587 (002).pdf**

Uploaded by: Cory McCray

Position: FAV

CORY V. McCRAY  
Legislative District 45  
Baltimore City

DEPUTY MAJORITY WHIP

Budget and Taxation Committee

*Subcommittees*

Vice Chair, Capital Budget

Pensions

Chair, Public Safety, Transportation,  
and Environment



James Senate Office Building  
11 Bladen Street, Room 221  
Annapolis, Maryland 21401  
410-841-3165 · 301-858-3165  
800-492-7122 Ext. 3165  
Cory.Mccray@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of Senate Bill 587**

**Division of Parole and Probation - Duties - Offenders Under Supervision (Parole and Probation Performance Act)**

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

I write to urge you to **support** Senate Bill 587. It is crucial that our public safety agencies evaluate and examine the consistent rate of murders involving Maryland's supervised offenders under their purview. In efforts to increase accountability and decrease crime, I propose the Parole and Probation Performance Act.

Under Senate Bill 587, the Division of Parole and Probation (DPP), which is within the Department of Public Safety and Correctional Services (DPSCS), will be required to assess, review, and provide the Secretary of DPSCS with an analysis of murders involving offenders under DPP supervision. In turn, the Secretary is directed to utilize this information to implement the policies and programs necessary to combat future murders. This effort is necessary to reduce the number of homicides involving offenders under DPP's watch, as the bill puts forth measures that will increase awareness of and accountability for current parole and probation populations.

Requiring a comprehensive assessment of supervised offenders and the related range of violent crimes involving them will provide DPSCS with critical information that will aid supervision efforts, as well as navigating to abate further crime. In directing DPP to review and analyze this information, we are ensuring that our key agencies are equipped to make better informed decisions and implement data-driven initiatives, improving our public safety systems.

If enacted, Senate Bill 587 will take effect on October 1, 2022, and will require the adoption of new practices in accordance with the change in law.

For the aforementioned reasons, I respectfully request a favorable report of Senate Bill 587.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cory V. McCray".

Cory V. McCray

State Senator, 45<sup>th</sup> District

**SB0587 - 02.24.22 -- Division of Parole and Probation**

Uploaded by: Donald Fry

Position: FAV



**TESTIMONY PRESENTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**SENATE BILL 587 – DIVISION OF PAROLE AND PROBATION - DUTIES - OFFENDERS UNDER SUPERVISION (PAROLE AND PROBATION PERFORMANCE ACT)**

**Sponsor – Senator McCray, et al**

**February 24, 2022**

**DONALD C. FRY  
PRESIDENT & CEO  
GREATER BALTIMORE COMMITTEE**

**Position: Support**

Senate Bill 587 requires the Division of Parole and Probation (DPP) to examine and review homicides involving offenders who are supervised by the division and to advise the Secretary on policies and programs to prevent such heinous acts. It also requires the Division to submit a report to the Senate Judicial Proceedings Committee and House Judiciary Committee on (1) DPP activities that are intended to reduce the number of murders involving supervised offenders; (2) actions taken to examine and review murders, including policy and program recommendations made to the Secretary; and (3) the number of supervised offenders who were shooting victims, homicide victims, or charged with or identified as suspects in specified crimes.

The level of violence in the state, and in particular Baltimore City, is unacceptable and substantive changes are required to improve public safety, protect our citizens, and ensure economic vitality and competitiveness. For these reasons, improving public safety has been identified by the Greater Baltimore Committee (GBC) as a key economic development and public safety issue that needs to be urgently addressed. The GBC has recommended a two-pronged approach to reduce violent crime. The first prong addresses crime control through programs in areas of improved policing, better technology, and other enhanced public safety initiatives.

The GBC strongly advocates that a second prong – crime prevention – be instituted simultaneously with crime control efforts. It is critically important to address the root societal causes of crime with programs that address poverty, lack of employment, need for workforce and job training programs, an increase in after-school programs etc. The GBC maintains that these types of initiatives must be initiated with the same weight afforded crime control strategies.

Public safety is an essential component to a thriving economy. By requiring the Division to evaluate the data related to murders and to develop strategies to reduce these deadly acts, we are creating another avenue to address violent crime and to limit its occurrence. The additional examination and review of supervised offenders involved in homicides by the Division of Parole and Probation is an excellent way to reduce violent criminal activity.

**For these reasons, the Greater Baltimore Committee urges a favorable report on House Bill 587.**

*The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 67-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.*

**GREATER BALTIMORE COMMITTEE**

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • [www.gbc.org](http://www.gbc.org)

**SB0587-JPR-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 587**

February 24, 2022

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Natasha Mehu, Director, Office of Government Relations

**RE:** Senate Bill 587 - Division of Parole and Probation – Duties – Offenders Under Supervision (Parole and Probation Performance Act)

**POSITION: Support**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill 587.

Senate Bill 587 requires the Division of Parole and Probation (DPP) to review incidents involving the murder of an individual under community supervision and murders committed by individuals under supervision, as well as share data and recommendations with the Senate Judicial Proceedings Committee and the House Judiciary Committee.

Probation and parole play an important role in the criminal justice system by providing structure to a person who has come in contact with the courts and connecting them with training, jobs, education, housing, and more. Several high-profile tragedies committed by individuals recently released from prison or under community supervision devastated Baltimore last year. These senseless killings have once again highlighted the need to strengthen community supervision, improve inter-agency coordination, and increase oversight and transparency.

Over the past three fiscal years, an average of 1.1% of all supervisees statewide were involved in incidents of homicide or non-fatal shootings according to a Nov. 1, 2021 report by DPSCS Secretary Robert Green. We must focus on this relatively small group of individuals who generate the bulk of serious violence and face high victimization risks. This will require the careful collection of both quantitative and qualitative data as well as a problem analysis to make policy recommendations.

Under Mayor Scott's leadership, Baltimore City has increased the use of shooting and fatality reviews to problem-solve around violent crime. In preparation for the launch of the Group

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785  
Baltimore – phone: 410.396.3497 • fax: 410.396.5136  
<https://mogr.baltimorecity.gov/>*

Violence Reduction Strategy (GVRS), researchers at the University of Pennsylvania conducted a systematic analysis of homicides and shootings in the Western District. Among the relevant findings was a recognition that a very small number of extremely high-risk people are involved in gun violence and the people at the center of gun violence are mostly well known to the criminal justice system. In addition to weekly GVRS shooting reviews, Baltimore City is making policy changes based on a recent Child Fatality Review Report and re-launching the Domestic Violence Fatality Review Team.

This bill seeks to address the disproportionately high rates of Baltimore City residents under supervision who are involved in homicides or nonfatal shootings. According to a 2020 scoping evaluation of DPP, 45% of Baltimore City murder victims were under DPP supervision when they were murdered. Data in this evaluation by the Department of Legislative Services “suggests that individuals under DPP supervision in Baltimore City are an identifiable vulnerable population, susceptible to falling victim to murder at a disproportionate rate compared to individuals not under DPP supervision.”

Of all DPP supervised individuals involved in either homicide or non-fatal shooting over the past three years, as either a victim or suspect, were in Baltimore City (64%), followed by Prince George’s County (16%), and Baltimore County (6.5%). Men comprised 98% of the individuals involved in these incidents according to a 2021 DPSCS report.

As of January 1, 2020, there were 143 DPP agents who oversaw approximately 9,345 cases. This means that approximately 1.6% of Baltimore City’s population is under DPP supervision. Between 2000 and 2018, probation lengths increased by 7% in Maryland according to Pew Research Center, with no measurable gains to public safety. We must use this opportunity to analyze the current problem and adopt best practices around probation and parole rather than continue to increase penalties for all.

Research indicates that individuals are most at risk to re-offend within the first 10-18 months and that the initial months of supervision are most crucial for making stability-building connections to services and supports. Technical violations mostly occur in the first several months of probation, with the most common violation in Baltimore City being failure to report or failing a drug test. This has prompted leading research and policy groups from across the political spectrum to recommend shorter supervision terms, in order to focus scarce resources on the period of time most relevant for public safety. This legislation will help inform these necessary discussions around reducing the number of supervised individuals involved in homicides.

We respectfully request a **favorable** report on Senate Bill 587.

**SB587.DPSCS.LOI.pdf**

Uploaded by: Catherine Kahl

Position: INFO





## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

45 Calvert Street, Suite 7A-C, Annapolis MD 21401  
410-260-6070 • www.dpssc.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

ROBERT L. GREEN  
SECRETARY

RACHEL SESSA  
CHIEF OF STAFF

SASHA VAZQUEZ-GONZALEZ  
ACTING DEPUTY SECRETARY  
ADMINISTRATION

WAYNE HILL  
DEPUTY SECRETARY  
OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY McLHINNEY  
ASSISTANT SECRETARY

JENNIFER A. BESKID  
DIRECTOR

**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.