



Department of Public Safety and Correctional Services

Office of the Secretary Office of Government and Legislative Affairs

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BILL: HOUSE BILL 502

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill will require the Department adopt a policy of proactive disclosure of public records that are available for inspection under General Provisions Article, include publication of public records on the website or publication of prior responses to requests for inspection, and publish an annual report with regards to the number and description of requests. In addition, the bill expands the membership of the Public Information Act Compliance Board.

COMMENTS:

The Department of Public Safety and Correctional Services (DPSCS) is committed to being open, transparent, and collaborative with the public and the communities we serve. The Public Information Act (PIA) allows for the public to request and inspect documents which is a crucial element of the public's trust in our government institutions. DPSCS is committed to safeguarding, archiving, and maintaining public records as well as individual personally identifiable information in accordance with all laws and regulations. DPSCS works in good faith to provide timely and cost-efficient responses, while also balancing the legal and ethical obligations to protect personal and proprietary information.

- Given the span of the agency's responsibilities, and significant number of offenders under its care, custody, and control, the Department receives hundreds of Public Information Act (PIA) requests annually.
- The Department's Division of Correction (DOC) operates approximately 17 State correctional facilities which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Jail, under the Division of Pretrial, Detention, and Services (DPDS), which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less. Between the DOC and DPDS, the Department is responsible for an average daily population of approximately 21,000 incarcerated offenders.
- As of the end fiscal year 2019, the Division of Parole and Probation supervised 39,191 active criminal cases.

- All public records are covered by the PIA. The term “public record” is defined in General Provisions § 4-101(j) and includes not only written material but also photographs, photostats, films, microfilms, recordings, tapes, computerized records, maps, drawings, and any copy of a public record.
- This bill enhances the responsibilities of the Custodian and, as such, the Custodian will be required to act more quickly on PIA requests. Additional staff, including legal personnel will be required in order to comply with the provision of the bill.
- In addition, HB 502 requires the Department track specific information for annual reporting. The current tracking system does not have the capability to capture the data required under the bill. Significant enhancements to the tracking system would be required at a substantial cost to the Department.
- HB 502 is overly burdensome and the Department is not staffed to meet the requirements.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 502.