



190 West Ostend St., #201
Baltimore, MD 21230
Phone: 410.547.1515
Fax: 410.837.5436

Patrick Moran - President

FAQs: HB 1137/SB 698

Division of Parole and Probation - Central Home Detention Unit - Powers

Sponsored by Delegate Keith Haynes & Senator Jeff Waldstreicher

Summary

The Home Detention Unit (HDU) of the Department of Public Safety and Correctional Services is the Unit who supervises offenders who are detained in a private home. Offenders in home detention are either pretrial, on probation or parolees, and are living in our communities. This bill grants employees of the HDU unit full police powers instead of being correctional officers that are certified as special police officers.

While HDU employees are classified as Correctional Officers, they are required to complete and successfully graduate from the entry-level police academy. They are uniformed and armed. This bill would simply give them full police powers, including arrest powers.

In 2011, the Maryland General Assembly passed a similar bill that provided the employees from the Warrant Apprehension Unit with police powers. This bill follows that model.

If HDU employees become full police officers, they will be subject to the Law Enforcement Officers' Bill of Rights (LEOBR) instead of the Correctional Officers' Bill of Rights (COBR).

The bill is important because the inability to stop a crime in the course of their duties hampers employees of the HDU in their ability to fully do their job. Currently, if they see a crime in progress, they don't have authority to stop it, or protect themselves or members of the public as they would with full police powers. Also, currently, the Correctional Officer Bill of Rights Policy does not fully safeguard the HDU officers from civil, criminal, and administrative law suits in the community. Unlike Correctional Officers, HDU officer work primarily in the community where a police officer title is more appropriate.

Will this bill be expensive?

This bill will require that the officers become part of the Law Enforcement Pension System (LEOPS) and be in the Law Enforcement Officers pay plan. There is no need for HDU officers to be outfitted with a brand-new fleet of patrol cars. They currently operate with a fleet of 12 operational vehicles (including 1 van and 2 AWD SUVs). This unit would be able to continue to carry out their duties with the current vehicle fleet they now operate.

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Even though the Fiscal Note states that DPSCS estimates the cost of a law enforcement vehicle at \$39,500; and total cost for those vehicles is \$1,422,000, that expenditure is **unnecessary**.

Caseloads

The catchment area these officers serve is very large (various zip codes, multiple jurisdictions, several counties) and the HDU and the department is severely understaffed. Unless there is a specific reason for additional help, home visits are done alone. For example, if there is a reported threat of ongoing domestic violence or hostility in an offender's residence, the HDU officer will typically call another officer from the unit to come to support as backup, this officer will wait for their teammate to arrive before entering the home as a precautionary measure.

Safety

Employees in HDU do not have any GPS or tracking device to locate them if they are missing. However, these officers do have a dispatcher – a police communications operator – to report their locations when routinely making visits in the field.

Officers carry firearms, wear Kevlar, have batons, and are outfitted very similarly to SWAT except that they do not carry taser or stun-guns.

Risk Assessments

Case data and offender information is not readily available to the officer who is assigned to the individual on any given day. Officers may see different offenders each day, so they do not know specifics, including the nature of the offender, what type of crime they committed, personality/behavioral traits, etc.

This bill is simple: it would allow employees within the home detention unit to perform the duties of their job more effectively and efficiently and would help them better serve and protect our communities.