



Department of Public Safety and Correctional Services

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STATE OF MARYLAND

BILL: SENATE BILL 234

LAWRENCE J. HOGAN, JR.
GOVERNOR

POSITION: OPPOSITION

BOYD K. RUTHERFORD
LT. GOVERNOR

EXPLANATION: This bill requires the denial of inspection of certain parts of public records by a federal agency unless they have a valid State or federal warrant. The bill would also require the development of an annual report to be submitted to the General Assembly beginning June 1, 2023. Finally, the bill proposes to limit access to any database operated by State, local, and private vendors for law enforcement agencies to individuals acting on behalf of law enforcement agencies. **Limiting access to any database operated by State, local, and private vendors to law enforcement agencies removes the ability of Correctional Case Managers, Division of Parole and Probation (DPP) Agents, and other criminal justice professionals from being able to perform essential job functions.**

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- The Department of Public Safety and Correctional Services (DPSCS) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Parole and Probation, and the Baltimore City Pretrial Complex.
- The Department is tasked with overseeing the Division of Parole and Probation (DPP). DPP agents supervise individuals within the community who are awaiting trial, have been placed on supervised probation, have been paroled by the Maryland Parole Commission, or have been placed on Mandatory Supervision upon release under the authority of the Maryland Parole Commission. DPP also supervises Marylanders who have been court-ordered into the Drinking Driver Monitor Program.
- Case Managers within the DOC, and DPDS are tasked with the development and monitoring of individual case plans to support inmates' rehabilitative efforts. The development of a multidisciplinary program plan is based on available assessment information, and includes education, occupational training, substance abuse/mental health treatment, cognitive behavior programming, and assignment to work release. As such, it is imperative that case managers have access to vital criminal justice databases.

- The Department houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily or regulatory authorized entities.
- Section 3–523 of SB 234 proposes new language stipulating that an agency operating a law enforcement database must limit access to law enforcement officers or individuals acting on behalf of a law enforcement agency. **This would have a significantly detrimental effect on Case Managers, Parole and Probation Agents, and many other Departmental non law enforcement personnel, but who rely on access to this information in order to carry out their duties.**
- Databases utilized by DPP Agents and Correctional Case Managers include:
 - Criminal Justice Information System;
 - Department of Juvenile Services Assist;
 - DPSCS Reporting system;
 - Judicial Information Systems and the Maryland Odyssey File and Serve Site;
 - Judiciary Portal (JPortal);
 - Maryland Record of Arrest and Prosecution (RAP) Sheet;
 - Maryland Sex Offender Registry/Offender Watch;
 - Maryland Telecommunications Enforcement Resource System (METERS)
 - Motor Vehicle Administration;
 - National Crime Information Center (NCIC); and
 - Vinelink;
- Law enforcement agency is defined in Public Safety Article § 3-201(d) and the definition does not include DPP or DOC. Restricting access to law enforcement agencies or their representatives excludes DPP and DOC personnel.
- DPP Agents use CJIS on a regular basis to ascertain court information and charges on individuals. Every charge that could violate a person's supervision does not come from an arrest. There are jailable traffic offenses that often come out of a traffic citation. Charges like Driving While Suspended would no longer be able to be accessed by an Agent if they do not have access to this database, which would lead to individuals not being held accountable for violating the terms of supervision by obeying all laws.

- Correctional case managers utilize the databases to identify active warrants or open charges ensuring the appropriate court, or agency of record is notified of the inmate's whereabouts.
- This would be the same for the Judiciary and other like criminal justice agencies that access DPSCS systems in order to perform their criminal justice responsibilities that parallel law enforcement responsibilities. **One cannot operate without the other.**
- **The passage of SB 234 would result in all criminal justice personnel (internal and external to DPSCS) access being restricted.**

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully urges an **UNFAVORABLE** report from the Committee on Senate Bill 234.