



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

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**BILL: SENATE BILL 277**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill requires the Division of Correction (DOC), within the Department of Public Safety and Correctional Services (Department), to exchange correctional services data information with the Maryland Longitudinal Data System Center (Center) and establish the duration of data retention. The bill also allows for correctional services data to be collected by the Center, for the Center to conduct certain research, and adds the Secretary of DPSCS as a member of the Center's governing board.

#### **COMMENTS:**

- The Department's Division of Correction (DOC) operates 13 State correctional facilities that house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex which houses pretrial detainees and inmates
- Section 3-608 (2) of the bill that seeks to require DPSCS to track and share data related to incarceration and recidivism outcomes is misplaced as it has nothing to do with the sharing of information with other agencies. Nor are the terms "incarceration and recidivism outcomes defined.
- The proposed definition of "correctional services data" under § 24-701(d) is broad and refers to "arrest and incarceration data" which includes criminal history record information that DPSCS is prohibited from sharing under Criminal Procedure Article § 10-219. Further, the DOC does not maintain arrest data.
- SB 277 includes the definition of "correctional services data" under student data and provides the data will serve as a central repository of student data.
  - Correctional services data is NOT student or workforce data.
  - The Federal Bureau of Investigation (FBI) does not allow the creation of mini-repositories of criminal history record information.
- The Department utilizes an Offender Case Management System (OCMS), an integrated case management information system that compiles

information about an incarcerated individual. On an annual basis, the Department can generate a report containing a breakdown of the individuals released from the DOC within a certain timeframe to share with the Center that includes:

- Age
- Gender
- Race
- Type of offense
- Length of sentence
- Type of release

- In addition, it should be noted that the Department of Labor (Labor) provides educational services for individuals participating in GED programs; therefore, educational data should be provided to the Center by Labor and the Maryland State Department of Education from existing data sources.

- SB 277 adds the Secretary (or designee) as a member of the Center's governing board which would assist in providing additional oversight and analysis of the data that is shared and how it can be used.

- The Department understands the Center's mission of providing accurate student performance and workforce development data that can be used to improve the State's educational system, and will work with the Center to provide data on incarcerated individuals that can be shared in a usable manner. **This could be accomplished by simply entering into a data user agreement without legislation.**

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information and amendments as it deliberates Senate Bill 277.