



Department of Public Safety and Correctional Services

Office of the Secretary

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October 7, 2022

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
3 West Miller State Building
11 Bladen Street
Annapolis, Maryland 21401

The Honorable Ben Barnes
Chair, House Appropriations Committee
121 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: Joint Chairmen's Report – Q00C – Report on Supervisee Victimization

Dear Chair Guzzone and Chair Barnes:

Pursuant to the 2022 Joint Chairmen's Report, the Department of Public Safety and Correctional Services is required to submit the Report on Supervisee Victimization. The reporting requirement, which can be found on page 161 of the 2022 Joint Chairmen's Report, states:

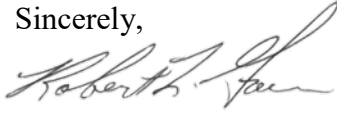
The budget committees request that the DPSCS is required to submit a report on offender victimization while on supervision. The report shall provide information on the following:

- activities taken by DPSCS to reduce the number of murders involving offenders who are supervised by the Division of Parole and Probation (DPP);
- actions taken by DPSCS to examine and review murders involving offenders who are supervised by DPP;
- the policies and programs recommended to prevent such murders; and
- the number of offenders supervised by DPP that were shooting victims, homicide victims, or charged with or identified as suspects in a homicide, nonfatal shooting, robbery, rape, police-involved shooting or any crime involving the offender's use of a firearm.

Attached is the Department's submission in satisfaction of the reporting requirement.

I hope this letter and the attachments meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or Chief of Staff, Rachel Sessa, at rachel.sessa@maryland.gov.

Sincerely,



Robert L. Green
Secretary

Attachment

cc: Members of the Senate Budget and Taxation Committee
 Members of the House Appropriations Committee
 Ms. Sarah Albert, Department of Legislative Services
 Mr. Andrew Cassilly, Senior Advisor, Office of the Governor
 Mr. Kenneth Weaver, Policy Analyst, House Appropriations Committee
 Ms. Cathy Kramer, Department of Legislative Services
 Ms. Cristina Jorge-Tuñón, Budget Analyst, Department of Budget and
 Management
 Mr. Jacob Cash, Policy Analyst, Department of Legislative Services



**DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES**

October 2022

Governor Lawrence J. Hogan
Lt. Governor Boyd K. Rutherford
Secretary Robert L. Green

INTRODUCTION

The Budget Committees requested the Department of Public Safety and Correctional Services submit a report on offender victimization while on supervision. The report shall provide information on the following:

- activities taken by DPSCS to reduce the number of murders involving offenders who are supervised by the Division of Parole and Probation (DPP);
- actions taken by DPSCS to examine and review murders involving offenders who are supervised by DPP;
- the policies and programs recommended to prevent such murders; and
- the number of offenders supervised by DPP that were shooting victims, homicide victims, or charged with or identified as suspects in a homicide, nonfatal shooting (NFS), robbery, rape, police-involved shooting or any crime involving the offender's use of a firearm.

Additionally, pursuant to Correctional Services Article § 6-122, SB 763/Ch. 141, 2022, DPP Offender Oversight Report, the Department of Public Safety and Correctional Services is required to submit a report on supervisee victimization. The statute specifically states:

On or before December 1, 2022, and each December 1 thereafter, the Division [of Parole and Probation] shall report, in accordance with § 2-1257 of the State Government Article, to the Senate Judicial Proceedings Committee and the House Judiciary Committee on:

(1) measures it will take to improve oversight of offenders under the supervision of the division who are involved in homicides; and

(2) the number of offenders supervised by the division that were shooting victims, homicide victims, or charged with homicide, nonfatal shooting, rape, police-involved shooting, or any crime involving the offender's use of a firearm.

This report is being submitted in satisfaction of both reporting requirements.

OVERVIEW

The Division of Parole and Probation (DPP) supervises probationers and parolees under conditional release in the community. Currently there are approximately 43,000 individuals under community supervision. This includes criminal and serious traffic offenses (Driving While Intoxicated, Driving Under the Influence and Driving While

Suspended). The majority of these individuals have been released to the community by the courts on probation supervision, by the Maryland Parole Commission under parole supervision, or by the Division of Correction under mandatory release supervision. DPP additionally monitors approximately 10,100 offenders who have been placed in the Drinking Driver Monitor Program due to alcohol-related motor vehicle violations. These offenders are supervised and monitored by DPP employees located in 36 offices throughout the State.

Parole and Probation Agents are responsible for the supervision of individuals in the community who have been adjudicated for criminal offenses. Drinking Driver Monitors are responsible for the supervision of individuals in the community who have been adjudicated for serious traffic offenses.

DPP's field operations consists of the four regions listed below:

- West Region: Garrett, Allegany, Washington, Frederick, Carroll, Howard and Anne Arundel Counties.
- Baltimore Metro Region: Baltimore County and Baltimore City.
- Capital Region: Montgomery, Prince George's, Charles, Calvert and St. Mary's Counties.
- East Region: Cecil Harford, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester Counties.

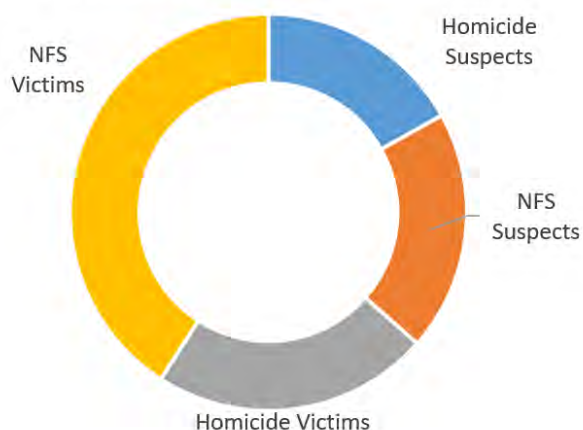
SUPERVISEES IDENTIFIED AS SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH OR IDENTIFIED AS SUSPECTS IN A HOMICIDE, NON-FATAL SHOOTING [NFS], ROBBERY, RAPE, POLICE INVOLVED SHOOTING OR ANY CRIME INVOLVING THE OFFENDERS USE OF A FIREARM

Over the course of fiscal year (FY) 2022, there were 49,930 individuals under supervision. During that time period there were 361 individuals who had any known involvement in a homicide or shooting while under active supervision. This represents 0.72% of the total supervision population who were involved in a shooting or homicide. In other words, in FY22, 99.3% of the total supervision population were not involved in a shooting or homicide, as either a victim or a suspect.

Of the 0.72% of the FY22 supervision population involved in a shooting or homicide, more individuals were involved as victims than as suspects, and more were involved in non-fatal shootings (NFS) than homicides. A breakdown of DPP involved individuals in FY22 can be found on the following page.

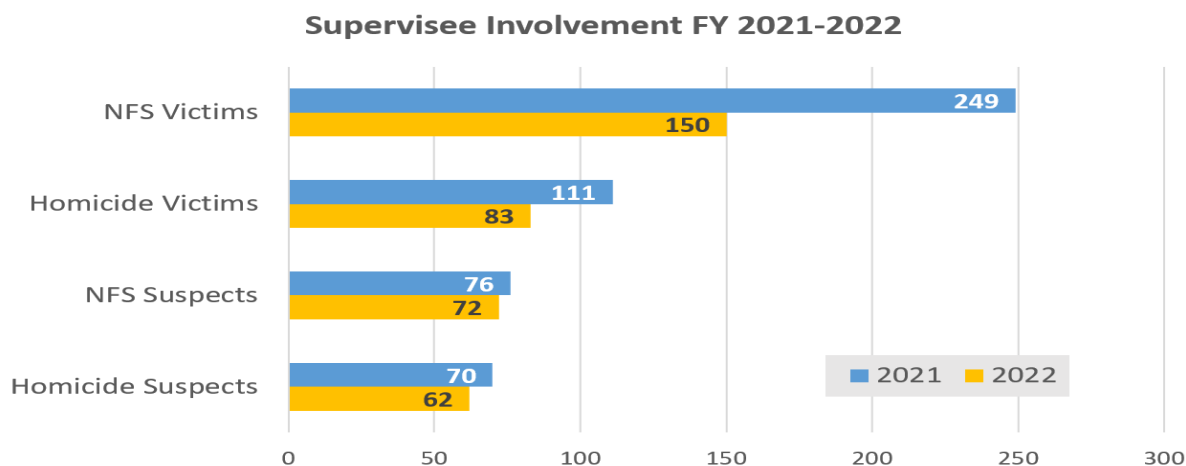
- 361 DPP supervisees either involved in a homicide or shooting
 - 150 were NFS victims
 - 83 were homicide victims¹
 - 72 were NFS suspects
 - 62 were homicide suspects
- None were rape suspects
- 39 new arrests on firearm related offenses²
- Eight new arrests on robbery related offenses

FY 2022 Supervisee Involvement



Compared to FY21, there was overall decreased involvement in these incidents, with a large reduction specifically in the number of individuals involved as victims of NFS.

The number of supervisees that were either a homicide suspect or an NFS suspect during FY21 - FY22 are provided in the graph below:



DPP uses an evidence-based, race neutral screening tool to determine the appropriate level of supervision for individuals entering community supervision. This tool, the Levels of Service Inventory-Revised (LSI-R) assists agents in placing individuals under the appropriate level of supervision for their risk of recidivism, based on dynamic factors

¹ An additional victim was shot and killed by police

² One offense related to possession of a BB gun

and their criminal history. The majority (54.2%) of individuals involved as suspects in NFS or homicides in FY22 were under Low or Low Moderate supervision based on a combination of their assessment and their prior behavior under supervision. This means that given their prior behavior and the aid of a nationally used predictive screening tool, their noncompliance was not predictable given their risks and behavior. DPP does not utilize any tools to predict crime victimization as it is not a factor in case compliance, and is unaware of validated tools to predict violent crime within the general public.

ACTIONS TAKEN TO EXAMINE AND REVIEW MURDERS INVOLVING OFFENDERS WHO ARE SUPERVISED BY DPP

DPP has processes in place that allows the Department to receive notification that a supervisee has been involved in criminal activity and to take swift action in response.

DPP has Intelligence Liaisons embedded in law enforcement agencies. These Liaisons learn of a supervised individual's involvement in any violent incident via daily bulletins from the Maryland Coordination and Analysis Center (MCAC). The Liaisons inform the appropriate DPP agent and leadership if/when a supervisee is allegedly involved in certain criminal activity.

Within one business day of receiving information that a supervisee was involved in certain criminal activity, DPP initiates a Critical Incident Analysis (CIA) whenever an individual under supervision is allegedly involved in one or more of the following incidents.

- Shooting Victim or Suspect
- Homicide Victim or Suspect
- Robbery suspect
- Rape suspect
- Any crime involving the offender's use of a firearm
- Involvement with a police-involved shooting (when an officer discharges his/her firearm while performing their lawful duties)

The CIA involves a multi-level staff review of the individual's supervision history including the supervising agent, the immediate supervisor (Field Supervisor I), and the intermediate level supervisor (Field Supervisor II). The Regional Supervisor is included in this analysis as deemed necessary. Additionally, all cases in which a supervisee was involved in an NFS or homicide are reviewed by the Director of DPP and the Secretary.

The analysis considers:

- Whether the individual was in compliance with supervision and, if not, the analysis results determine and impose appropriate sanctions for non-compliance.
- Whether the case plan is current and accurate based on the risk and needs of the individual; and if not, a new case plan is developed.
- If there were any behaviors that should have been addressed through supervision.
- Once an individual is determined to be a suspect in a homicide, attempted murder, or NFS, the DPP agent immediately requests a warrant.
- Once an individual is determined to be a victim and not a suspect, a determination is made whether the supervisee should be referred to additional services.

A review of FY22 findings for supervisees involved in NFS or homicides determined the following:

- A significant majority of DPP supervised individuals involved in either a homicide or NFS and as either a victim or suspect were in more densely populated metropolitan areas. The most were in Baltimore City (74%), followed by Baltimore County (11%), Prince George's County (3%), and the rest of the state combined to represent 7% involvement in FY22.
- The supervised population involved in these incidents continued to be overwhelmingly men (98%) compared to women (2%).
- The majority (64%) of the supervised individuals involved in these incidents continued to be victims, whereas only 36% were either a homicide or an NFS suspect.
- The supervised individuals involved in incidents of homicide or shootings represented a very small number of all supervised individuals statewide, 0.72% of DPP supervisees in FY22. An even smaller percentage, 0.26% of all supervised individuals, were suspects in these types of cases.

POLICIES AND PROGRAMS RECOMMENDED TO PREVENT SUCH MURDERS

DPP recognizes the importance of responding to escalating behaviors that may be identified through new arrests while under supervision, intelligence reports from law enforcement, and reports from family members or significant others. DPP routinely reassesses the risk and needs of a supervisee which can result in an adjustment to their supervision level, increased referrals to service providers to address specific needs, and, when necessary, seeks action from the sentencing authority in relation to their supervision.

DPP also partners with programs that work with high risk individuals to provide avenues away from violence. One example of this type of partnership is the DPP partnership with ROCA, Inc. Baltimore. ROCA, Inc. serves the highest risk young men ages 16 to 24 years old³ who are not ready, willing, or able to participate in job, education, or other programs.

³ <https://rocainc.org/who-we-are/overview/>

The target population may or may not have a high school diploma or GED, does not have consistent work history and has been unwilling to engage in or complete traditional programming services. ROCA's mission is to disrupt the cycle of incarceration and poverty by transforming lives through intensive relationships, cognitive behavioral therapy, and programming services.

DPP also partners with the Baltimore City Mayor's Office of Neighborhood Safety and Engagement on their Gun Violence Reduction Strategy. Representatives from DPP, the Baltimore Police Department (BPD), Department of Juvenile Services, US Attorney's Office for Maryland, and the States Attorney's Office of Baltimore City conduct weekly reviews of incidents of violence and share information. Using a group violence intervention strategy, individuals who are engaged in violence or possess risk factors that increase their potential to become victims of violence are targeted for intervention.

ACTIVITIES TAKEN TO REDUCE MURDERS OF SUPERVISEES/MEASURES TAKEN TO IMPROVE THE OVERSIGHT OF OFFENDERS UNDER THE SUPERVISION OF THE DIVISION WHO ARE INVOLVED IN HOMICIDES

DPP continues to make every effort to engage supervisees in proactive measures to reduce recidivism and encourage prosocial behaviors. Despite this, there are some supervisees who continue to engage in at-risk behaviors. DPP agents provide as many services as possible while also utilizing available resources to monitor those individuals who are noncompliant with supervision. DPP efforts geared toward encouraging compliance with supervision include an increased focus on utilization of intelligence; prioritization of violent repeat offenders; revalidation of risk tools; enhanced warrant service; partnerships with law enforcement; an increased focus on gun related charges; participation in the Maryland Criminal Intelligence Network; and, the establishment of Gun Violence Orientations.

Continued Use of Intelligence Focusing on Problematic Offenders

DPP already has a strong and robust intelligence/information sharing capacity with local law enforcement and the Department's Intelligence and Investigative Division. As previously stated, DPP has intelligence analysts embedded in law enforcement agencies throughout the State. The Department has analysts assigned to MCAC, the Prince George's County Police Department, a part-time analyst on the Eastern Shore, and two assigned to BPD (Watch Center and warrant apprehension task force). The analysts provide information to law enforcement, agents, and monitors regarding victims and suspects. The analysts also provide public safety alerts regarding individuals under supervision while requesting that agents and monitors make immediate warrant requests. In addition to the Watch Center, DPP currently has agents attending district-level

intelligence meetings conducted by the BPD as part of its strategy to quickly identify those offenders whose behaviors may indicate higher risk of involvement in a homicide.

Once DPP obtains information relative to potential criminal involvement a CIA is conducted as mentioned above. If non-compliance is found, the appropriate actions, as determined by this review, guide the responses. Responses can range from sanctions/interventions for singular minor infractions to requests for warrants/summons for more serious infractions or continuous infractions. Problematic offenders, who are not compliant with the terms of their supervision, are then subject to increased supervision and referrals for services. DPP neither has the authority to issue warrants nor determine actions regarding initiating violation of supervision proceedings. DPP agents have the authority to request warrants for supervision violations, however, the ultimate decision lies in the hands of the sentencing authority to issue the requested action.

Prioritization of Violent Repeat Offenders (VRO)

The State's Attorneys utilize specific criteria to identify individuals who are determined to be violent repeat offenders (VROs). If/when they make the determination that an individual is a VRO and they are under DPP supervision, they will notify DPP of said determination. As a result, DPP increases the level of supervision, provided the individual is not already being supervised in the highest level of supervision - the Violence Prevention Initiative (VPI) program. The increased supervision allows DPP agents to enhance service delivery to address any underlying behaviors through increased contact.

Revalidation of Risk Tools

Pursuant to statute, DPP must revalidate its risk/needs assessment tools every three years. DPP has recently conducted and completed its revalidation of the current risk assessment tools for general supervision populations and is currently in the process of revalidating its VPI assessment tool. The goal of revalidation is to evaluate the performance of the current tool in regard to accurately measuring risk and needs, as well as making any necessary operational adjustments based on the revalidation results.

Enhanced Warrant Service

While the Department's Warrant Apprehension Unit (WAU) is responsible for executing warrants issued by the Maryland Parole Commission and not the Judiciary, in January 2022 WAU began an enhanced warrant initiative which expanded their focus. Specifically, the WAU began serving violation of probation warrants involving VPI offenders, sex offenders, handgun offenders, and any high risk individual with an open warrant in Baltimore City. This enhanced focus is intended to close the lag time between the issuance of VOP

warrants and warrant service in an effort to quickly hold individuals accountable as well as interrupting escalating behavior in the community through arrest.

Law Enforcement Partnered Home Visits and Reporting Centers

DPP currently has a direct relationship with law enforcement in Baltimore City, Anne Arundel County, Howard County, and Hagerstown where DPP agents and officers perform joint home visits with clients under our supervision. Typically, the joint home visits are conducted on the highest risk populations which include VPI and supervised sex offenders. In Baltimore City, DPP has partnered with BPD to conduct District Reporting in each of the nine districts. In FY22, 9,864 DPP clients reported to DPP agents at the police districts.

Offenders on VPI supervision are prioritized for District reporting along with offenders who have been threatening towards staff members, recently incurred technical violations, or have been identified as engaging in problematic behavior. District reporting also allows DPP to quickly apprehend those reporting with open warrants. In FY22, BPD apprehended 203 DPP offenders at the district offices.

Increased Focus on Gun Offenders/Gun Offenses

DPP has enhanced policies in place for supervisees who have gun-related offenses. Gun offenders, by the nature of their offense, are screened for VPI supervision at Intake. Eligible gun offenders are placed into an enhanced supervision model. Additionally, DPP agents request a warrant for anyone under supervision who is arrested for a subsequent handgun offense. It is important to note that while the DPP can request a warrant, it does not have the statutory authority to issue a warrant. In instances where an offender is arrested for a new gun offense and a VOP warrant is not issued by the sentencing authority, the supervision is automatically upgraded to VPI.

Maryland Criminal Intelligence Network (MCIN)

DPP participates in the Maryland Criminal Intelligence Network (MCIN) which aims to enhance coordination among public safety partner agencies to ensure that tactics, resources, and intelligence are integrated for the purposes of targeting criminal networks and gangs. This integration includes enforcement, prevention, intervention, and reentry strategies. MCIN aligns state resources to provide for a streamlined and coordinated operational plan which currently includes the following 13 coalitions: Annapolis, Anne Arundel County, Baltimore City, Carroll County, Cecil County, Cumberland, Dorchester County, Frederick, Hagerstown, Hyattsville, Montgomery County, Prince George's County and Salisbury. DPP has a Program Manager who oversees the collaboration of DPP and MCIN sites. The Program Manager participates in a rotation of monthly coalition meetings

of the MCIN Advisory Board along with agents. During these meetings, information about high incidents of crime are shared by representatives of law enforcement and community organizations that participate in the monthly meetings. The Program Manager communicates with agents from each site to share best practices and to discuss any concerns from the team meetings. It is a key element of Maryland's public safety strategy and provides the basis for data-driven decision making both operationally and for policy development. MCIN's goals focus on identifying, disrupting, and dismantling criminal networks through collaboration and comprehensive data sharing.

Gun Violence Orientations

Beginning in May 2022, DPP began holding gun violence orientations in the Baltimore Metro Region which focuses on a message of hope, service delivery, and how gun violence affects not only the individuals involved as either victims or suspects, but family members and significant others as well. The sessions are interactive and engaging, listening to valuable feedback from attendees in addition to giving valuable information about the importance of staying away from gun violence and avoiding potentially harmful situations that could lead to gun violence. DPP prioritizes new clients placed on probation/parole, VPI clients, gun offenders, and those who are marginally compliant to non-compliant with supervision for participation in these events. To date, 140 DPP offenders have reported to these sessions.

CONCLUSION

DPP recognizes the serious impact crimes of violence have upon the community. The goal of DPP is to supervise individuals convicted of criminal acts in accordance with terms issued by the sentencing authority in a manner that enables the individual to lead productive lives. Only a small fraction of DPP offenders engage in risky behavior that places them at risk for re-offending or victimization. This is consistent with all available criminal justice research which indicates that a small number of individuals are the drivers of a large amount of violent crime. The efforts of DPP along with its collaborative efforts with service providers in the community and law enforcement partners can be a driving force in reducing DPP supervisee involvement in these events. DPP is just one part of a larger social services system operating to assist individuals under supervision to be productive citizens while holding accountable those who are engaging in continued criminal activity and risky behavior. DPP along with the efforts of the community, other government entities, and fellow criminal justice partners can play a collaborative role in ultimately reducing the number of homicide victims and suspects under DPP's purview.