Department of Public Safety and Correctional Services

Office of the Secretary
6852 4th Street, Sykesville, Maryland 21784
(410) 339-5000 – TOLL FREE 877-379-8636 • www.dpscs.maryland.gov

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November 1, 2021

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
3 West Miller Senate Office Building
Annapolis, Maryland 21401-1911

The Honorable Maggie McIntosh
Chair, House Appropriations Committee
House Office Building, Room 121
Annapolis, Maryland 21401-1911

RE: Joint Chairmen's Report – Q00C Murder-Involved Supervisees
        Report

Dear Chair Guzzone and Chair McIntosh:

The 2021 Joint Chairmen's Report requires the Department of Public Safety
and Correctional Services to submit a report on Murder-Involved
supervisees. Specifically, page 152 of the 2021 Joint Chairmen's Report
states:

> *Further provided that $250,000 of this appropriation may not be
> expended until the Division of Parole and Probation (DPP) in
> collaboration with the Governor's Office of Crime Prevention, Youth,
> and Victim Services submits the Murder-Involved Supervisees
> Report. The report shall include the number of DPP supervisees
> involved in a murder or shooting either as a victim or suspect in
> fiscal 2019, 2020, and 2021. DPP shall also detail the after action
> review (AAR) process and summarize the findings for these years. It
> is the intent of the General Assembly that DPP promulgates
> regulations requiring fatality reviews and AARs to be completed in
> all instances of a supervisee being involved in a murder or shooting.
> The Murder-Involved Supervisees Report shall use offender
> information, compliance data, fatality reviews, and AARs to identify
> risk factors that contributed to involvement in the murder or
> shooting. In the report, DPP shall also evaluate the feasibility of
> modifying the existing risk assessment tool to assess the likelihood of
> involvement in a murder or shooting. The report shall be submitted to
> the budget committees no later than November 1, 2021. The budget
> committees shall have 45 days from the date of receipt of the report
> to review and comment. Funds restricted pending the receipt of a*

report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

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

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 the Director of Government and Legislative Affairs, Jennifer Beskid at jennifer.beskid@maryland.gov

Sincerely,
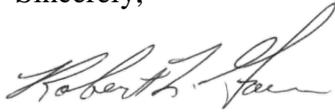
Robert L. Green
Secretary

cc: Members of the Senate Budget and Taxation Committee
        Members of the House Appropriations Committee
        Ms. Sarah Albert, Department of Legislative Services
        Ms. Cathy Kramer, Department of Legislative Services
        Mr. Matthew Bennett, Counsel, Senate Budget and Taxation Committee
        Ms. Amelia Chassé Alcivar, Chief of Staff, Governor's Office
        Mr. Keiffer Mitchell, Jr., Senior Counsel and Chief Legislative Officer, Governor's Office
        Ms. Erin Chase, Deputy Legislative Officer, Governor's Office
        Mr. Kenneth Weaver, Policy Analyst, House Appropriations Committee
        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

Division of Parole and Probation
Murder-Involved Supervisees Report

November 1, 2021

Governor Larry Hogan
Lt. Governor Boyd K. Rutherford
Secretary Robert L. Green

INTRODUCTION

The Budget Committees requested the Department of Public Safety and Correctional Services, Division of Parole and Probation, submit a Murder-Involved Supervisees Report, in coordination with the Governor's Office of Crime Prevention, Youth, and Victim Services. Pages 152 and 153 of the Report on the Fiscal 2022 State Operating Budget (HB 588) And the State Capital Budget (HB 590) And Related Recommendations outline the specific reporting requirement. Pursuant with that language, the report must include the number of DPP supervisees involved in a murder or shooting as either a victim or suspect in fiscal 2019, 2020, and 2021. The report must detail the After Action Review (AAR) process and summarize the findings for these years.

Additionally, the language expresses the intent of the Maryland General Assembly that DPP promulgates regulations requiring fatality reviews and AARs to be completed in all instances of a supervisee being involved in a murder or shooting.

The language also requires DPP to use offender information, compliance data, fatality reviews, and AARs to identify risk factors that contributed to involvement in the murder or shooting. DPP is also required to evaluate the feasibility of modifying the existing risk assessment tool to assess the likelihood of involvement in a murder or shooting.

OVERVIEW

The Department of Public Safety and Correctional Services (Department) is tasked with overseeing the Division of Parole and Probation (DPP), which supervises individuals within the community who are either awaiting trial, placed on supervised probation, have been paroled by the Maryland Parole Commission, or were placed on Mandatory Supervision upon release under the authority of the Maryland Parole Commission. DPP also supervises those individuals who have been court-ordered into the Drinking Driver Monitor Program.

The Governor's Office of Crime Prevention, Youth, and Victims Services (GOCPYVS) mission is to serve as a coordinating office that advises the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims.

I. THE NUMBER OF DPP SUPERVISEES INVOLVED IN A MURDER OR SHOOTING AS EITHER A VICTIM OR SUSPECT IN FISCAL YEAR 2019, 2020 AND 2021

For the purposes of comparing incidents to existing law enforcement reports, the involvement of suspects under DPP supervision is displayed below according to calendar year to date. On average, the vast majority (91.47%) of homicide and non-fatal shooting incidents do not include suspects identified as DPP supervisees.

DPP Involvement in Statewide Homicide and NFS
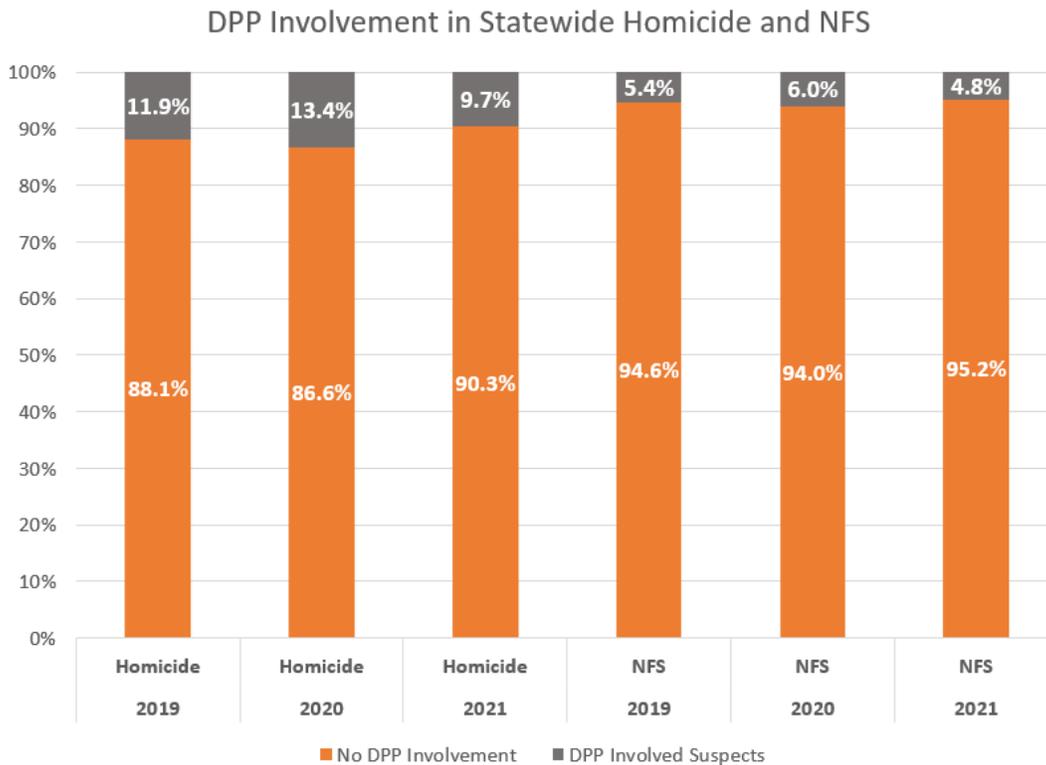
The Department has presented information in the table on the following page for (1) homicide victims and non-fatal shooting (NFS) victims, and; (2) suspects in homicides or NFS over the past three fiscal years. Distinguishing between victims and suspects is essential to this report - supervision is not a risk-factor for being the victim of a homicide or NFS. To do so would be engaging in the practice of victim-blaming.

	FY 2019	FY 2020	FY 2021
Homicide Suspect	56	88	70
Homicide Victim	117[1]	117[2]	122[3]
NFS Suspect	73	78	68
NFS Victim	249	268[4]	249[5]
Total Suspects/Victims	496	562	509
DPP Total Supervised	49,743	47,157	39,506
Percent Involvement	0.99%	1.17%	1.29%

- Over the past three fiscal years, an average of 1.1% of all supervisees were involved in incidents of homicide or NFS.

- Out of twenty-four jurisdictions (23 counties and Baltimore City). A significant majority of DPP supervised individuals involved in either a homicide or non-fatal shooting, as either a victim or suspect, were in Baltimore City (64%), followed by Prince George's County (16%), and Baltimore County (6.5%). The remainder of the State combined represented 12% involvement in the time period analyzed.

- The supervised population involved in these incidents were overwhelmingly male (98%) compared to females (2%).

- The population involved in homicides and NFS significantly skewed younger. Overall, 34% of involved individuals were under the age of 30, with 41% being 16-25 years old.

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[1] One victim was shot and killed during an interaction with the police.

[2] Two victims were shot and killed during interactions with the police.

[3] One victim was shot and killed during an interaction with the police.

[4] Three NFS victims were the result of self-inflicted gunshot wounds.

[5] One individual was a suspect and a victim in the same event.

- FY 2020, DPP supervisees involved in homicides were the highest among the three fiscal years analyzed. This increase is not unique to Maryland and coincides with the overall increase in violence nationwide. According to the Federal Bureau of Investigation (FBI), killings soared nearly 30% in 2020, with an increase in gun violence.[6]

II. AFTER ACTION REVIEW (AAR) PROCESS AND SUMMARY OF FINDINGS FOR THESE YEARS

Since 2009, the Division of Parole and Probation (DPP) has utilized the Critical Incident Analysis (CIA) as an after action review. The CIA is conducted every time a DPP supervised individual is involved in a violent incident, including:

- 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 process involves a thorough review of the supervision of any case involving the aforementioned events, including homicides and non-fatal shootings. The Department's Intelligence and Investigative Division (IID) Liaison learns of a supervised individual's involvement in any violent incident via daily bulletins from the Maryland Coordination and Analysis Center (MCAC), where information is tracked for homicides and NFS throughout the State. Upon being notified of a supervisee being involved in a homicide or NFS, as either a suspect or a victim, the CIA must be completed by the Agent, Monitor, and Supervisors within one business day.

As part of CIA processes, case staffing is conducted at the unit level between the agent, other agents, 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.

When a supervisee is determined to be the victim of an NFS, the analysis consists of determining if the supervisee needs additional services. Should a determination be made that the supervisee would benefit from additional services, referrals are made.

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[6] Lucas, Ryan. "FBI Data Shows An Unprecedented Spike In Murders Nationwide In 2020." Last updatedSeptember 27, 2021. https://www.npr.org/2021/09/27/1040904770/fbi-data-murder-increase-2020.

The analysis considers:

1. Whether the individual was in compliance with supervision and, if not, the analysis results determine and impose appropriate sanctions for non-compliance.
2. 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.
3. If there were any behaviors that should have been addressed through supervision.
4. Once an individual is determined to be a suspect in a homicide, attempted murder, or NFS, the DPP agent immediately requests a warrant.

In reviewing the FY 2021 trends for supervisees that were either a homicide suspect or an NFS suspect:
- An even smaller (0.35%) percentage of individuals supervised by DPP were involved as suspects in 2021.
- 37.8% of homicide suspects who were under supervision had existing unenforced warrants at the time of the incident
- 43.9% of DPP-involved homicide suspects were compliant with supervision at the time of the reporting incident.
- 56.1% were non-compliant, and 35% of those individuals had pending supervision violations at the time of the reported incident, 7.6% had a violation hearing prior to the incident, and 23.8% had an existing warrant or summons that had not been acted upon.
- 42.5% of the NFS suspects were compliant with supervision at the time of the reporting incident.
- 57.5% were non-compliant; and 85% of those individuals had pending supervision violations at the time of the reported incident.
- As illustrated below, timely enforcement of pending court actions could reduce the number of DPP involved individuals even further.

FY 2021 DPP Supervision of Involved Suspects
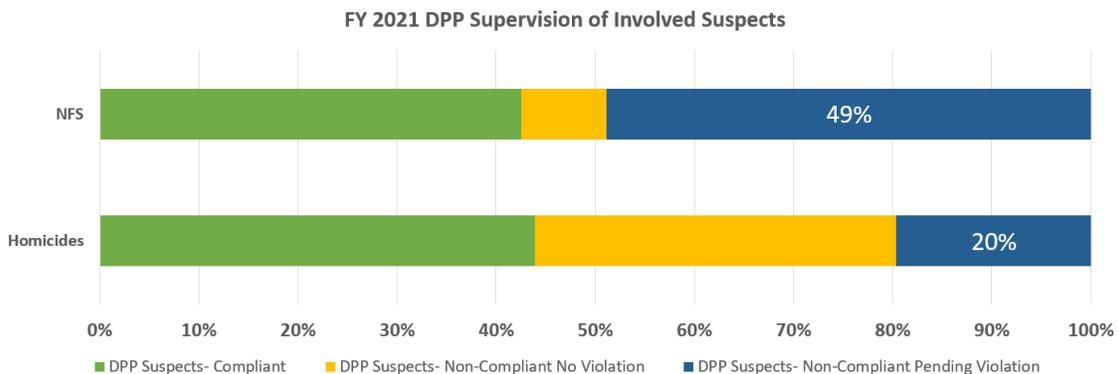
In addition to the analysis, case staffings are conducted with the supervising agent. These staffings consider how the case was managed by the agent. Case staffing discussions review what worked well in the overall supervision of the case and what could have been done differently. When a lapse in supervision is identified, such as a missed contact with a supervised individual, failure to make a referral to treatment and/or treatment verification, or failure to address a new arrest, corrective action is taken. Corrective action may include having the agent participate in additional case reviews, additional training, or other corrective action.

DPP has also incorporated the case staffing process at the monthly Field Operations meetings, which includes all senior leadership (Director, Executive Deputy Director, Deputy Director, Regional Administrators, and Program Managers). During these staffing reviews, all aspects of supervision are examined in order to assess strengths and challenges in supervision in an effort to evaluate supervision practices.

Once DPP becomes aware of a supervisee being involved in a homicide or NFS, as a victim or a suspect, the Director reviews the supervision of each case. All summaries of homicide and NFS suspects are also reviewed by the Secretary.

Case Examples

It is important to understand DPP engages in a process to assess individuals placed on probation in the State. This process includes the individual reporting to an office for an assessment. The assessment includes a risk-assessment that considers criminogenic risk-factors such as employment, education, a stable home, family support, etc. Upon completion of the assessment and consideration of the overall circumstances of the individual being placed on probation, a level of supervision is assigned. Each level of supervision results in conditions of probation including reporting to the agent, being available for community-based contacts, engaging in treatment services, gaining/maintaining employment, etc. When an individual is non-compliant with supervision, graduated sanctions are imposed. If the non-compliance is based on a need such as missed appointments due to a lack of child-care, the agent may refer the individual to services for assistance. Continued non-compliance may result in the supervisee being placed on a higher-level of supervision or having their probation revoked. For individuals who are identified as suspects in NFS or homicides, the agents request warrants.

Examples of murder-involved supervisee cases from around the State and a description of the supervision efforts are provided beginning on the following page.

i.   *Attempted Murder Suspect*

<u>Case Summary</u>: On April 13, 2018, the individual was placed on supervised probation for three years in Baltimore City Circuit Court for committing the offense of Assault Second Degree.

On November 17, 2018, while under supervision, the supervisee was arrested in Baltimore City for the following new charges: Child Abuse 2nd Degree, Custody Child Abuse, 2nd Degree House Assault, First Degree Assault, 2nd Degree Assault, and Dangerous Weapon Intent to Injure. The court and the Maryland Parole Commission (MPC) were notified of the arrest by DPP.
- A "no bail" violation of probation warrant was requested by DPP and then issued by the Baltimore City Circuit Court;
- No additional action was taken by MPC due to the supervisee being held on "no bail" status.

On March 29, 2019, the charges were placed on the Stet Docket in Baltimore City Circuit Court.

On April 4, 2019, the court reconsidered the bail status, and released the supervisee on his own recognizance. The violation of probation hearing was postponed until November 5, 2019, pending adjudication of the new charges.

On October 11, 2019, in accordance with the original terms and conditions of probation, the agent met with the supervisee in the office. Records indicate the supervisee was in compliance with supervision.

On October 15, 2019, the subject was arrested for a road rage incident that occurred on October 12, 2019 and involved the shooting of a two year old child. There were no indicators foreshadowing this incident during the October 11, 2019 meeting with the agent.

ii.   *Homicide Suspect*

<u>Case Summary</u>:   On August 28, 2019, the individual pleaded guilty in Wicomico County Circuit Court for committing the offense of Regulated Firearm - Illegal Possession. He was sentenced to five years all but one year suspended, credit for time served and three years probation upon release. The individual was released on November 12, 2019.

The individual was supervised at the highest level of supervision - Violence Prevention Initiative (VPI). This consisted of a minimum of two face-to-face contacts on a monthly basis, monthly verification of any court ordered special conditions, and monthly home visits. In jurisdictions, where DPP has established partnerships with law enforcement, VPI clients report to their

Agents at police districts and are subject to police assisted home visits where an Agent partners with a police officer to conduct the visit. VPI Supervision entails very close supervision and quick response to non-compliance regarding technical violations. All technical violations in VPI require the Agent to impose the appropriate graduated response along with a notification to the sentencing authority in regard to the sanction imposed. New criminal charges, absent minor traffic offenses, incurred by a supervised individual assigned to VPI automatically result in their cases being referred back to the sentencing authority for violation proceedings.

The supervisee reported to his supervision agent on April 20, 2020 in accordance with the terms and conditions of his supervision.

Unbeknownst to the agent, the supervisee would be charged with the following new offenses stemming from an incident on April 17, 2020: First Degree Murder, Second Degree Murder, Attempted First Degree Murder, Attempted Second Degree Murder, Assault First Degree (2 counts), and Assault Second Degree (2 counts). The supervisee had not been identified as a suspect at the time of the April 20, 2020 contact with the agent. He was arrested on April 24, 2020.

iii. Homicide Suspect

Case Summary: On July 31, 2013, the subject was sentenced in Charles County Circuit Court to 10 years for the offense of Second Degree Assault and one year for Fourth Degree Sex Offense consecutive with all but eight years suspended, credit for 211 days, and five years probation upon release.

The individual was mandatorily released on December 4, 2017, with an expiration date of January 1, 2021, and probation began on December 4, 2017, with an expiration of December 4, 2022.

This individual, who was on both mandatory supervision and probation, never fully complied with his supervision and numerous reports were submitted to the MPC and the court.
- On July 31, 2019, warrants were requested.
- On August 2, 2019 a Mandatory Release warrant was issued and served on August 16, 2019.
- On August 14, 2019, the court issued a warrant, that warrant was served on October 31, 2019. The individual was released on his own recognizance on November 15, 2019.
- On October 23, 2019 he was continued on supervision at a revocation hearing.
- The violation of probation hearing was initially set for June 25, 2020.
- Another probation warrant was issued on June 9, 2020, as the supervisee failed to attend sex offender treatment.

- The warrant was issued on June 17, 2020 and served on September 8, 2020. The supervisee was released to a detainer to the Division of Correction as Mandatory Release warrants were issued at the same time as the probation case warrant. He was found guilty at a Mandatory Release Revocation Hearing and continued on supervision.
- Another violation of probation warrant was issued on April 21, 2021 and served on June 29, 2021, the same day as his arrest for a homicide charge.
- The supervisee was charged with Homicide, Assault, and Firearm charges for an incident that occurred on June 20, 2021. The Mandatory Release Case is closed. The court case has a pending violation of probation hearing.

iv.   *Homicide Suspect*

<u>Case Summary</u>: On May 28, 2019, the subject was placed on three years supervised probation in Baltimore City Circuit Court for the offense of Handgun on Person. The probation supervision has an expiration date of May 28, 2022.

Since being placed on probation, numerous violation reports have been submitted to the court.

The supervisee failed to report to his agent on October 9, 2019, and December 11, 2019 and for all subsequent dates. He also moved without permission and did not provide an updated address, would not attend treatment, and was never available when home visits were conducted either by the agent or by the agent and law enforcement. The subject would fail to appear in court for the violation of probation hearings, resulting in warrants being issued for failure to appear.

- On November 21, 2019, the supervisee failed to report for a court hearing and a warrant was issued. This hearing was related to new charges for a citation he received in August (2019) for Driving Without a License and Driving an Uninsured Vehicle in Baltimore City.
- On November 25, 2019, a supplemental report was submitted to the court.
- On December 11, 2019, the supervisee failed to attend substance abuse treatment.
- On December 16, 2019, the supervisee failed to appear for a status hearing and the Court issued a bench warrant. The failure to attend substance abuse treatment would have been addressed at this hearing had the supervisee appeared for court.
- On February 6, 2020, a warrant was issued for the supervisee charging him with Murder First Degree, Murder Second Degree, Assault First Degree and some lesser charges.

The warrant was served on February 8, 2020. A violation hearing is scheduled on November 24, 2021.

v.   Homicide Suspect

<u>Case Summary</u>: On May 18, 2018, the individual was placed on five years probation in Charles County Circuit Court for the offenses of Assault Second Degree and Theft less than $1,000.

There was constant communication between the agent and the court wherein numerous warrants were requested and issued. Between May 2018 and December 2019, the following occurred:
- Missed report dates: July 5, 2018 and October 25, 2018 – Warrant requested on October 31, 2018, and issued on November 7, 2018.
- The supervisee missed a January 3, 2019 report date and tested positive for marijuana on January 24, 2019.
- The supervisee missed a February 14, 2019 report date.
- March 26, 2019 a Violation of Probation hearing was held and the supervisee was found in violation with a sentencing hearing scheduled for April 26, 2019. The supervisee tested positive for marijuana on March 28, 2019.
- April 26, 2019 the supervisee failed to appear for the sentencing hearing and a warrant was issued.
- June 4, 2019 the supervisee missed a report date.
- A warrant was requested on June 19, 2019 for absconding, failing to report, failing to appear in court, changing his home address without permission, failure to attend substance abuse counseling, failure to work, and failure to pay costs.
- August 2, 2019 the warrants were served.
- September 1, 2019 the supervisee is arrested for Assault and Trespassing in Charles County. A trial date was scheduled for October 23, 2019.
- October 16, 2019, a warrant was issued and served on October 21, 2019. The supervisee failed to report to his agent following the bond hearing.
- October 28, 2019 another warrant request was submitted to the Court for the failure to report on October 21, 2019.
- November 12, 2019 the warrant was issued and was served on November 13, 2019.
- December 11, 2019, a request for a warrant was submitted to the Court for: failing to report after being released on bond, failing to report after the bond hearing, and incurring the following new arrests:
  - November 24, 2019 – Burglary 4th Degree and Malicious Destruction of Property;

- o December 3, 2019 – Burglary 4th Degree and two counts Malicious Destruction of Property;
- o December 4, 2019 - Burglary 4th Degree, Malicious Destruction of Property; and Trespassing.
- The warrants were issued on December 20, 2019 and served September 9, 2020.
- August 25, 2020, a supplemental to the request for a warrant was submitted as the supervisee failed to report and left the State without permission.
- October 1, 2020, the supervisee was identified as the suspect who robbed a convenience store in Charles County.
- October 7, 2020, a warrant was issued for Murder Second Degree, Assault First Degree, Armed Robbery, Firearm Use/Felony Violent Crime, Robbery, Assault Second Degree, Theft $100 to under $1,500, Loaded Handgun on Person, Handgun on Person and Theft.
- October 19, 2020, the supervisee was arrested in Georgia. A Violation of Probation hearing is scheduled for December 16, 2021.

All of these cases demonstrate the manner in which supervisees responded during supervision as well as the actions taken by the DPP Agent. In the earliest examples, the supervisees were reporting and demonstrating compliance with supervision. In the final example, the supervisee demonstrated non-compliance very early on in his supervision and the Agent continued to utilize the Courts to mandate compliance.

Communication with the Courts

As available, DPP utilizes the Maryland Electronic Courts Case Management System (MDEC) for communicating to the Courts regarding supervision. It is important to note that not all jurisdictions are on the MDEC System. The two jurisdictions that are not online are Baltimore City and Prince George's County. Montgomery County became part of MDEC on October 25, 2021.

Baltimore City District Court supervision reports are mailed, Baltimore City Circuit Court supervision reports are mailed and emailed with the process being dependent on the judge. DPP delivers supervision reports to Prince George's County District Courts. Supervision reports are emailed to Prince George's County Circuit Court.

Supervision reports for all other jurisdictions are electronically filed with MDEC.

Ten jurisdictions have Criminal Justice Coordinating Councils - DPP participates in all of them. In addition DPP participates in Problem Solving Courts and works closely with law enforcement and in some jurisdictions (Anne Arundel County, Baltimore City, Baltimore County, Calvert County,

Cecil, Montgomery County and St. Mary's County) conduct joint home visits. In Baltimore City, Parole and Probation Agents see their high risk clients at police districts and attend intel meetings.

III. REGULATIONS REQUIRING FATALITY REVIEWS, ASSESSMENT OF RISK FACTORS CONTRIBUTING TO THE INVOLVEMENT IN A HOMICIDE OR SHOOTING AND THE FEASIBILITY OF MODIFYING CURRENT RISK ASSESSMENT TOOL TO ASSESS THE LIKELIHOOD OF INVOLVEMENT

The Critical Incident Analysis (CIA) process utilized provides a thorough review of the supervision of all cases involving homicides and non-fatal shootings, therefore regulations are not necessary. Supervisors are required to hold formal case staffing when these incidents occur. As previously mentioned, case staffing examines the supervision of a case to find out strengths and weaknesses in supervision, and it occurs at each level within DPP. DPP has also recently instituted the staffing process at the monthly operations meetings, which includes all senior leadership within DPP. The DPP monthly Field Operations meetings, under the direction of the Executive Deputy Director, includes all senior leadership within DPP.

At the present time, it is difficult to use compliance data for analysis, reporting, or management because it is captured and stored in the Offender Case Management System (OCMS) primarily as a narrative case note. Agents capture reasons for failing to report in narrative form, as there are many reasons that an individual may fail to report for supervision that are not indicators of future involvement in violence. An individual may have failed to report because of lack of childcare arrangements, lack of transportation, conflict with work schedule or illness; again, none of these are indicators or predictors of future involvement in violence.

Agents routinely follow-up after a supervisee fails to report in order to ascertain the reasons why. Those reasons are contained in the narrative case note entries made by the Agent during the supervision of their cases. Making broad inferences without accounting for the individual's circumstances could give a false impression that all non-compliance is an indicator of risk to themselves and the community. While there are certainly other areas of non-compliant behavior that may indicate potential problematic behavior, there should be room for nuance and the proper accounting of the totality of circumstances before drawing any causal conclusions.

Additionally, there are limitations involved that could offer better insight into the circumstances in which a homicide or non-fatal shooting occurred. DPP simply cannot extrapolate any findings, in a causal manner, that indicate being under supervision was one of the causes a person was either a victim or a suspect in a homicide or an NFS. Often the circumstances regarding the

homicide or shooting are unknown until a suspect has been arrested. Any interpretation of the data without full knowledge of the circumstances of the crime would be speculative, at best, and simply inappropriate. Because these cases often involve open investigations, the circumstances (besides what is publicly known) are largely unknown to anyone outside of the investigator involved.

DPP does not have information to provide on the causality of victimization within its supervision population and does not consider the case closures by death to be a mark of non-compliance, as that would assign criminal culpability to victims for a perpetrator's behavior. To single out victims who are under community supervision and to attribute their victimization more to their behavior compared to other victims of violent crimes is inappropriate.

Existing Assessment Tool

DPP currently utilizes the Level of Service Inventory- Revised (LSI-R) as the risk/needs assessment tool to determine the appropriate level of supervision and develop an appropriate supervision plan for an individual. The LSI-R is a widely used validated assessment tool used to determine the risk an individual poses to society through recidivism, committing another crime, and the level of need for the individual.

Flores, Lowenkamp, Smith, and Latessa (2006)[7] in their review of the validity of the LSI-R determined:

> The literature provided on the validity of the LSI-R has established the tool as a valid predictor of correctional outcome across offender types and settings. The information obtained from the LSI-R can increase the accuracy of important corrections-related decisions (i.e., classification, risk level, criminogenic needs, service provision, intensity of interventions, and program effectiveness) (p. 69).

The LSI-R measures 54 risk factors as they relate to 10 areas of criminogenic needs including:

- criminal history,
- education/employment,
- financial situation,
- family/marital relationships,
- accommodation,
- leisure and recreation,
- companions,

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[7] Flores, A.W., Lowenkamp, C.T., Smith, P., & Latessa, E.J. (2006). Validating the Level of Service Inventory— Revised on a sample of federal probationers. *Federal Probation, 70*(2), 62-73. Retrieved from https://www.uscourts.gov/file/22969/download

- alcohol or drug use,
- emotional/mental health, and
- attitudes and orientations

In addition to the national recognition and validation of the LSI-R, this tool has been validated using Maryland's DPP supervision population. Knowledge of an individual's criminogenic needs is essential for determining levels of supervision and resources for supervisees who are under supervision.

It should be noted that the Level of Service Inventory-Revised (LSI-R), Violence Prevention Initiative and Initial Risk Screeners are in the process of a re-validation study to comply with the Justice Reinvestment Act. On July 6, 2021, the risk screener re-validation study project plan was received by DPP. Currently, the evaluator is in the Inter-Rater Reliability (IRR) analysis phases of the study. The IRR activity began on September 14, 2021 and continued through September 28, 2021. The draft report is due to the DPP on November 30, 2021. The final report is due on May 31, 2022.

The Department does not see a benefit to exploring victim-specific screening resources that have been designed for use by service providers. The LSI-R has been an effective instrument contributing to the overarching process utilized to assign a level of supervision to a supervisee and the Department is confident the recent re-validation will only improve the classification process as the re-validation builds upon what is already known.

SUMMARY

DPP is interdependent on other State and local agencies as well as community partners to ascertain resources in response to supervisees' needs such as job training and employment, educational resources, family planning and parenting skills, treatment needs, financial planning, housing, and other services.

DPP utilizes graduated sanctions as they are an effective resource for supervision. Utilizing graduated sanctions ensures that supervision is not revoked for technical violations that do not create a public safety risk. In addition, they improve supervision outcomes with satisfactory closures.

DPP recognizes the value of enhanced supervision and collaboration between agents and relevant public safety agencies with respect to individuals convicted or charged with violent crimes. DPP Agents do not have law enforcement powers to affect arrest or warrant issuance and rely on partnerships with the two primary law enforcement entities (the police and the state's attorney).

When individuals are not compliant, agents are able to request warrants; however, they are reliant on the courts and the Parole Commission for warrants to be issued and served. It is of the utmost importance that

supervisees remain in compliance with all conditions imposed. DPP attempts to implement best practices to improve compliance and tries to ensure the efficacy of reporting technical violations. Through collaboration with the law enforcement and the state's attorney offices, DPP agents are able to assist in identifying suspects under supervision for serious violent offenses, and positively affect requests for warrants for high risk individuals who are involved in violent crime.

In regard to requiring fatality assessments on homicide and NFS victims, DPP does not have any information to provide on the causality of such victimization, within or outside of its supervision population, as that would assign culpability to victims for a perpetrator's behavior. To single out victims who are under community supervision and to attribute their victimization to their behavior as compared to other victims of violent crimes is inappropriate and takes responsibility away from the suspects.

The processes currently in place, the use of a validated screening instrument as a component of determining supervision levels, and the CIA and case staffing processes have proven effective for the supervision of individuals in the community. DPP agents utilize the resources available to them to effectively supervise individuals who have been placed on probation having the flexibility to increase or decrease levels of supervision based on overall compliance.

The Department is confident in the processes DPP has in place to assess an individual who has been placed on probation. As described in this report, these processes include a comprehensive intake that assigns a level of supervision, the ability to make referrals for additional services for those supervisees who experience technical violations, the imposition of graduated sanctions for those supervisees who are non-compliant, adjusting levels of supervision, requesting warrants, as well as engaging in CIA and case staffing. DPP is currently engaged in the process of re-validating the LSI-R using data from Maryland supervisees and looks forward to modifying processes based on the results of this re-validation.