

Chapter 08 Investigations

A. Purpose.

The purpose of this chapter is to identify the types of investigations the Division conducts, to require retention of a request to conduct an investigation and to prescribe the form and essential content of investigative reports.

B. Scope.

The contents of this chapter do not apply to an investigation required or permitted under Chapter 09 of this manual ("Interstate Compact for Adult Offender Supervision").

C. Definitions.

(1) In this chapter, the following terms have the meanings indicated.

(2) Terms defined.

(a) "Full-screen position" means an agent, monitor, supervisor, manager, administrator, or a position or classification that is designated a full-screen position by the Division's Human Resources Management Office.

(b) "Subject" means the individual who is the focus of an investigative report.

D. Types of Investigations.

The Division conducts the following types of investigations:

- (1) Pre-trial;
- (2) Pre-Sentence;
- (3) Post-sentence;
- (4) Pre-Parole;
- (5) Pre-Parole--Life Sentence;
- (6) Special Court;
- (7) Special Divisional;
- (8) Home and Employment;
- (9) Executive Clemency;
- (10) Applicant Employment; and

(11) Certificate of Rehabilitation requests.

E. Retention of Investigation Request.

(1) An agent may not conduct an investigation listed in section D of this chapter unless a request to conduct an investigation is received from:

- (a) A court;
- (b) The Parole Commission; or
- (c) The Director or the Director's designee.

(2) Except as provided in section S(4) of this chapter, an investigative unit supervisor shall ensure that a copy of each request to conduct an investigation that is received at the supervisor's unit is retained with the investigative file for five years.

F. Investigative Report Form and Format.

(1) An agent assigned to conduct an investigation listed in section D of this chapter shall reduce to writing the results of the investigation using:

- (a) Form DPP-INV-3 or template, as applicable, as the report cover sheet; and
- (b) As many additional sheets of paper as are necessary to complete the report.

(2) An agent shall ensure that each additional sheet used to complete a report:

- (a) Is numbered; and
- (b) Contains, in this order, in the top left corner, the:
 - (i) Title of the investigation, as listed in section D of this chapter; and
 - (ii) Subject's full name, race, gender, and date of birth.

(3) An agent shall begin each section of a report by placing the section title:

- (a) Flush with the left margin; and
- (b) In underlined, uppercase letters.

G. Investigative File.

(1) An agent shall maintain an investigative file for each investigation assigned to the agent.

(2) An agent shall include in each investigative file a complete record of an investigation, including:

- (a) A copy of the investigation request;
 - (b) Notes of interviews;
 - (c) Correspondence, including paper copies of electronic mail, that are related to the investigation;
 - (d) Documents, including releases of information and dissemination logs that are obtained in the course of conducting the investigation; and
 - (e) A copy of the completed investigation report.
- (3) **Time limitations.** An agent shall retain an investigative file for ninety days after the pertinent investigative report is submitted to the requester.
- (4) An agent's supervisor shall ensure that an investigative file is:
- (a) Retained for five years; and
 - (b) After five years, forwarded to the Hall of Records.

H. Inter-Regional Assistance.

(1) An agent who is assigned to conduct an investigation may request, through the agent's immediate supervisor, the assistance of another region to conduct an investigation or an element of an investigation, including:

- (a) Obtaining a document; and
- (b) Conducting an interview.

(2) An agent who requests assistance, as permitted under subsection (1) of this section, shall submit the request in writing as a Special Divisional, specifying the:

- (a) Basis for the request;
- (b) Information sought; and
- (c) Date by which the information is needed.

I. Pre-Trial Investigation Report.

(1) **Assignment date.** The assignment date of a pre-trial investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** Except as provided in subsections (3) and (4) of this section, the due date for a pre-trial investigation shall be thirty-five workdays following the assignment date.

Example: For the purpose of calculating the thirty-five day period, if the assignment date of a pre-trial investigation is Friday, July 1, count Tuesday, July 5, as day one and count each workday thereafter until the thirty-fifth working day is reached.

(3) If a pre-trial investigation is assigned with a scheduled trial date, the due date shall be five workdays prior to the scheduled trial date.

(4) If a court specifies a due date for a pre-trial investigation to be submitted to the court, the due date shall be the date specified by the court.

(5) **Content.** An agent shall tailor the content of a pre-trial investigation report to fit a court's purpose in requesting the report.

(6) If a court does not identify a specific purpose for requesting a report, such as asking only for the subject's criminal and institutional history, an agent shall include in the report all of the items listed in subsections (7) and (8) of this section.

(7) An agent shall include in the body of a pre-trial investigation report the following sections, in this order:

- (a) Section I, titled "Description of Present Offense";
- (b) Section II, titled "Criminal History" with subsections titled "Adult" and "Juvenile";
- (c) Section III, titled "Motor Vehicle Record";
- (d) Section IV, titled "Personal History";
- (e) Section V, titled "Education";
- (f) Section VI, titled "Employment";
- (g) Section VII, titled "Health";
- (h) Section VIII, titled "Financial";
- (i) Section IX, titled "Other Significant Factors";
- (j) Section X, titled "Evaluation";
- (k) Section XI, titled "Attachments"; and
- (l) Signature and date lines for the agent and the agent's supervisor.

(8) **Attachments.** An agent shall attach to a pre-trial investigation report documents listed in Section XI of the report.

J. Pre-Sentence Investigation Report.

(1) **Assignment date.** The assignment date of a pre-sentence investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** Except as provided in subsections (3) and (4) of this section, the due date for a pre-sentence investigation report shall be thirty-five workdays following the assignment date.

(3) If a pre-sentence investigation is assigned with a scheduled sentencing date, the due date shall be five workdays prior to the scheduled sentencing date.

(4) If a court specifies the date that a pre-sentence investigation report is to be submitted to the court, the due date shall be the date specified by the court.

(5) **Content.** Except as provided in subsection (7) of this section, an agent shall include in a pre-sentence investigation report the following sections, in this order:

- (a) Section I, titled “Description of Present Offense”;
- (b) Section II, titled “Statement of Defendant”;
- (c) Section III, titled “Criminal History” with subsections titled “Adult” and “Juvenile”;
- (d) Section IV, titled “Motor Vehicle Record”;
- (e) Section V, titled “Personal History”;
- (f) Section VI, titled “Education”;
- (g) Section VII, titled “Employment”;
- (h) Section VIII, titled “Health”;
- (i) Section IX, titled “Financial”;
- (j) Section X, titled “Other Significant Factors”;
- (k) Section XI, titled “Evaluation”;
- (l) Section XII, titled “Recommendation”;
- (m) Section XIII, titled “Attachments”; and
- (n) Signature and date lines for the agent and the agent’s supervisor.

(6) **Attachments.** An agent shall attach to a pre-sentence investigation report the documents listed in Section XIII of the report, including, as applicable, a:

- (a) Victim Impact Statement; and

(b) Sentencing Guidelines Worksheet.

(7) If a court provides instructions regarding what information a pre-sentence investigation report is to include or exclude, an agent shall tailor the pre-sentence investigation and report to meet the court's instructions.

(8) **Risk screening.** An agent shall ensure that each subject of a pre-sentence investigation be:

(a) Assessed for risk through application of the Department's risk instrument;

(b) Screened for Violence Prevention Initiative through application of the Violence Prevention Initiative automated screener; and

(c) If the subject is a sexual offender, assessed for risk through application of the Static-99R.

(9) **Violence Prevention Initiative screening outcome.** If the outcome of a Violence Prevention Initiative screening is that an offender qualifies for Violence Prevention Initiative supervision, an agent's sentencing recommendation shall include incarceration of the offender.

(10) **Sexual offender screening outcome.** An agent shall include in a sentencing recommendation to a court:

(a) The sexual offender's risk level outcome in the recommendation section of the pre-sentence investigation report; and

(b) Factor the offender's Static-99R risk level in a sentencing recommendation to a court.

(11) With the prior approval of an agent's supervisor, an agent may update a previously completed pre-sentence investigation for submission to a court.

(12) **Domestic violence determination.** An agent shall determine whether the crime committed by the subject of a pre-sentence investigation involved domestic violence. In order to make this determination, the agent shall:

(a) Review police records regarding the crime, including the offense report and statement of charges;

(b) Interview the victim, as required under section S(49)(c) of this chapter;

(c) Determine whether, at the time of the crime, the subject and victim were:

(i) Married to one another;

(ii) Living or previously living with one another as if married; or

(iii) Involved in an intimate relationship whether or not a child was born to them.

Note: For purposes of determining whether the victim and offender were living with one another as if married, gender is not a factor.

(d) Consult court records to learn whether the subject is named in a peace or protective order; and

(e) As applicable, learn from the victim, the subject's criminal history records, and other resources whether the:

(i) Subject threatened suicide;

(ii) Subject threatened homicide against the victim or the victim's children;

(iii) Subject threatened the victim with a weapon or used a weapon against the victim;

(iv) Victim is in fear of his or her life from the offender;

(v) Subject has access to a firearm;

(vi) Subject choked or strangled the victim or attempted to choke or to strangle the victim;

(vii) Subject is violently or constantly jealous of the victim or seeks to control the victim;

(viii) Victim moved or separated from the subject during their marriage or intimate relationship;

(ix) Subject is unemployed;

(x) Victim has a child by the offender and the subject is aware that the child is not his;

(xi) Subject follows the victim or leaves threatening messages for the victim; or

(xii) Subject has harmed or threatened to harm the victim's pet or animal.

(13) Crimes frequently associated with domestic violence. The following crimes are frequently associated with domestic violence:

(a) Assault;

(b) Attempted murder;

(c) Malicious destruction of property;

(d) Trespass;

- (e) Stalking;
- (f) Harassment; and
- (g) Arson.

(14) **Victim referral.** An agent shall provide each victim of domestic violence with the name, telephone number, and address of the manager of the Division's Office of Victim Services.

(15) **Special condition recommendation.** An agent who determines that the subject of a pre-sentence investigation is a domestic violence offender shall recommend to the court that, if the court's sentence includes community supervision, appropriate special conditions be imposed, including, as applicable:

- (a) Domestic violence counseling;
- (b) Anger management counseling;
- (c) A prohibition against possessing or owning a firearm;
- (d) No contact or attempted with the victim; and
- (e) Substance abuse treatment.

K. Post-Sentence Investigation Report.

(1) **Assignment date.** The assignment date of a post-sentence investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** Except as provided in subsections (3) and (4) of this section, the due date for a post-sentence investigation report shall be thirty-five workdays following the assignment date.

(3) If a post-sentence investigation is assigned with a scheduled hearing date, the due date shall be five workdays prior to the scheduled hearing date.

(4) If a court specifies the date that a post-sentence investigation report is to be submitted to the court, the due date shall be the date specified by the court.

(5) **Content.** Except as provided in subsections (6) and (7) of this section, an agent shall include in a post sentence investigation report the following sections and subsections, in this order:

- (a) Section I, titled "Introduction";
- (b) Section II, titled "Description of Present Offense";
- (c) Section III, titled "Criminal History" with subsections titled "Adult" and "Juvenile";

- (d) Section IV, titled “Current Incarceration”;
- (e) Section V, titled “Motor Vehicle Record”;
- (f) Section VI, titled “Personal History”;
- (g) Section VII, titled “Education”;
- (h) Section VIII, titled “Employment”;
- (i) Section IX, titled “Health”;
- (j) Section X, titled “Financial”;
- (k) Section XI, titled “Proposed Home and Employment”;
- (l) Section XII, titled “Other Significant Factors”;
- (m) Section XIII, titled “Evaluation”;
- (n) Section XIV, titled “Attachments”; and
- (o) Signature and date lines for the agent and the agent’s supervisor.

(6) If a pre-sentence investigation report was submitted regarding the offense and subject that are the focus of a post-sentence investigation, an agent shall include in the post-sentence investigation report:

- (a) An update to information that was included in the pre-sentence investigation report; and
- (b) Sections identified in subsection (5)(a), (d) and (k) of this section; and

(7) If a court provides instructions regarding what information the post-sentence report is to include or exclude, the agent shall tailor the post-sentence investigation and report to meet the court’s instructions.

L. Pre-Parole Investigation.

(1) **Assignment and assignment date.** The receipt of a commitment order constitutes a request for an investigation. The assignment date of a pre-parole investigation shall be the date that the commitment order is received by the local jurisdiction that will conduct the investigation.

(2) **Due date.** The due date for a pre-parole investigation report shall be 10 workdays following the assignment date.

(3) **Content.** An agent shall include in a pre-parole investigation report the following sections and subsections, in this order:

- (a) Section I, titled “Description of Present Offense”;
- (b) Section VI, titled “Current Institutional Adjustment”;
- (c) Section VII, titled “Additional Information”;
- (d) Section VIII, titled “Recommendation”;
- (e) Section IX, titled “Attachments”;
- (f) Section X, titled “Victim Notification”;
- (g) The agent’s and supervisor’s typed names; and
- (h) The date.

(4) **Section X: Victim Notification.** An agent shall clearly state in a pre-parole investigation report whether or not the victim requested victim notification. If the agent determines that the victim requested notification but the agent cannot obtain a copy of the request, the agent shall state in the pre-parole investigation report that a copy of the request is unavailable. If a copy of the victim notification request is available, the agent shall include it as an attachment to the report.

(5) **Response to pre-parole investigation request.** A response to a pre-parole investigation shall:

- (a) Be made electronically to the Parole Commission;
- (b) Identify the investigation and the relevant county in the subject line (e.g., “Pre-Parole Investigation: Prince Georges County”);
- (c) Include a proposed home plan; and
- (d) Include, as applicable, a:
 - (i) Completed investigation;
 - (ii) Waiver, including required attachments; or
 - (iii) Statement of ineligibility.

(6) Each regional administrator or designee shall:

- (a) Arrange with the region's local detention center or jail a method for identifying the inmates in the local detention center or jail who are eligible for parole; and
- (b) Ensure that a pre-parole investigation is conducted for each parole-eligible inmate.

(7) Unless the Parole Commission specially requests that an agent investigate the proposed employment of an inmate who is incarcerated in a jail or local detention center, an agent may exclude the home and employment elements, from the agent's investigation report.

M. Pre-Parole--Life Sentence Investigation.

(1) **Assignment date.** The assignment date of a pre-parole--life investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** The due date for a pre-parole--life sentence investigation report shall be thirty workdays following the assignment date.

(3) **Content.** Except as set forth in subsection (4) of this section, an agent shall include in a pre-parole--life sentence investigation report the following sections and subsections, in this order:

- (a) Section I, titled "Record Check";
- (b) Section II, titled "Proposed Home and Employment";
- (c) Section III, titled "Family and Marital History";
- (d) Section IV, titled "Work Release Status";
- (e) Section V, titled "Community Contact";
- (f) Section VI, titled "Inquiries";
- (g) Section VII, titled "Attachments"; and
- (h) Signature and date lines for the agent and the agent's supervisor.

(4) If the Parole Commission provides instructions regarding what information the pre-parole--life sentence investigation report is to include or exclude, the agent shall tailor the pre-parole (life sentence) investigation and report to meet the Parole Commission's instructions.

Note: For information regarding home and employment investigation requests, see section P of this chapter.

N. Special Court Investigation Report.

(1) **Assignment date.** The assignment date of a special court investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** Except as provided in subsections (3) and (4) of this section, the due date for a special court investigation report shall be thirty workdays following the assignment date.

(3) If a special court investigation is assigned with a scheduled hearing date, the due date shall be five workdays prior to the scheduled hearing date.

(4) If a court specifies the date that a special court investigation report is to be submitted to the court, the due date shall be 5 workdays prior to the date specified by the court.

(5) **Content.** The content of a special court investigation report shall include:

(a) Section I, titled “Introduction”;

(b) As many sections identified in section K(5)(a) through (m) of this chapter as are necessary to respond to a court’s request; and

(c) Signature and date lines for the agent and the agent’s supervisor.

O. Special Divisional Investigation Report.

(1) Except as the Director or the Director’s designee may otherwise require, a request to conduct a special divisional investigation shall be routed through the chain of command to the agent who is to conduct the investigation.

(2) **Assignment date.** The assignment date of a special divisional investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(3) **Due date.** Except as set forth in the next subsection, unless an earlier due date for a special divisional investigation report is specified by a requester or the investigating agent’s supervisor, the due date for a special divisional investigation report shall be ten workdays following the assignment date.

(4) When the purpose of a special divisional investigation is to transfer an investigation from one office to another, the due date shall be 2 working days.

(5) **Content.** An agent shall tailor the content of a special divisional investigation report to meet the purpose of the investigation that is specified in the request for the investigation.

P. Home and Employment Investigation Report.

(1) **Assignment date.** The assignment date of a home and employment investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

(2) **Due date.** The due date for a home and employment investigation report shall be five workdays following the assignment date.

(3) **Report.** In order to complete a home and employment investigation report, an agent shall:

(a) Access OBSCIS I, Function 10 screen (“Maintain Home and Employment Data”);

- (b) Complete the screen; and
 - (c) Include a recommendation denying or approving the proposed home and employment plan.
- (4) If the Parole Commission wants the Division to conduct a home and employment investigation regarding an inmate incarcerated in a local detention center or jail, the Parole Commission will send its request by electronic mail to the generic electronic mailbox of the office which serves the inmate's proposed residence.
- (5) Upon receipt of the request described in subsection (4) of this section, the assigned agent shall, not later than five workdays after the request is received:
- (a) Complete the home and employment investigation; and
 - (b) By electronic mail, send the investigation report to the Parole Commission.
- (6) If the office which receives the request described in subsection (4) of this section does not serve the jurisdiction where the inmate will reside upon release, the agent shall:
- (a) Inform the agent's immediate supervisor of that fact; and
 - (b) With the prior approval of the agent's immediate supervisor, promptly forward the request to the appropriate office for investigation of the inmate's proposed home and employment.

Q. Executive Clemency Investigation Report.

- (1) **Assignment date.** The assignment date of an executive clemency investigation shall be the date the supervisor of an agent assigns the investigation to the agent.
- (2) **Due date.** Except as provided in subsection (3) of this section, the due date for an executive clemency investigation report shall be:
- (a) Forty workdays following the assignment date for an investigation assigned prior to May 22, 2012; and
 - (b) Sixty workdays following the assignment date for an investigation assigned after May 21, 2012.
- (3) If a request for an executive clemency investigation specifies the date by which an executive clemency investigation report is to be submitted to the Parole Commission, the due date shall be the date specified in the request.
- (4) **Eligibility of subject.** Before an agent conducts an executive clemency investigation, the agent shall determine whether the subject is eligible for executive clemency, in accordance with the Parole Commission's eligibility guidelines.

(5) The eligibility guidelines referred to in the preceding subsection are available online through the “FAQs” link at, <http://www.dpscs.state.md.us/mpc>.

(6) If an agent determines that the subject of an executive clemency investigation is ineligible for executive clemency, the agent shall submit a written explanation of the subject’s ineligibility to the agent’s immediate supervisor.

(7) If the supervisor who receives the explanation described in subsection (6) of this section agrees that the subject is ineligible for clemency, the supervisor shall send a memorandum of explanation to the executive deputy director, in accordance with the next subsection.

(8) A supervisor:

(a) Shall send the required memorandum to the executive deputy director through the chain of command; and

(b) May not directly or indirectly notify the Parole Commission of an offender’s apparent ineligibility for clemency unless directed or permitted to do so by the executive deputy director.

(9) **Content.** An agent shall include in an executive clemency investigation report the following sections, in this order:

(a) Section I, titled “Introduction ”;

(b) Section II, titled “Description of Offense”;

(c) Section III, titled “Statement of Petitioner”;

(d) Section IV, titled “Criminal History” with subsections titled “Adult” and “Juvenile”;

(e) Section VI, titled “Motor Vehicle Record”;

(f) Section VII, titled “Continued Criminal Involvement”;

(g) Section V, titled “Firearms History”;

(h) Section VIII, titled “Personal History”;

(i) Section IX, titled “Education”;

(j) Section X, titled “Employment”;

(k) Section XI, titled “Health”;

(l) Section XII, titled “Financial”;

(m) Section XIII, titled “Other Significant Factors”;

- (n) Section XIV, titled “Evaluation”;
- (o) Section XV, titled “Recommendation”;
- (p) Section XVI, titled “Attachments”; and
- (q) Signature and date lines for the agent and the agent’s supervisor.

(10) Subject found to have outstanding criminal charge. If, during the course of conducting an executive clemency investigation, an agent finds that the subject of the investigation has an outstanding criminal charge, the agent shall:

- (a) Suspend the investigation pending disposition of the charge; and
- (b) When the charge is disposed, respond as set forth in subsection (11) of this section.

(11) Response to disposition of criminal charge. An agent shall:

- (a) Terminate a suspended executive clemency investigation if a guilty finding results; and
- (b) Resume a suspended executive clemency investigation if other than a guilty finding results.

R. Certificate of Rehabilitation Investigation Report.

(1) Certificate request. Anyone who has completed agency supervision may request a certificate of rehabilitation. See Chapter 07.12 (Certificates of Rehabilitation and Completion) for additional information. There is no time limitation for a request.

(2) Received request and assignment for investigation. A request for a certificate of rehabilitation received by the Division shall be routed for investigation by an investigator assigned to the investigations office within the region in which the requesting individual’s probation, parole, or mandatory release supervision was closed.

(3) Assignment date. The assignment date of a certificate of rehabilitation investigation shall be the date a supervisor assigns the investigation to an agent.

(4) Due date. Except as provided in paragraph (5) of this subsection, the due date for a certificate of rehabilitation investigation report shall be 45 workdays following the assignment date.

(5) Initial eligibility screening. An agent who is assigned a certificate of rehabilitation investigation shall first determine whether the individual meets the threshold eligibility requirements for issuance of a certificate. The threshold eligibility requirements are set forth in Chapter 07.12D(2) of this manual.

(6) If, pursuant to paragraph (5) of this subsection, an agent determines that the subject of a certificate of rehabilitation is ineligible to be issued a certificate, the agent shall provide to the agent's immediate supervisor the reason and supporting documentation for ineligibility.

(7) Upon receipt of the information set forth in paragraph (6) of this subsection, an immediate supervisor shall:

(a) Review the information provided; and

(b) If the immediate supervisor concurs that the individual is ineligible, notify, in writing, the intermediate supervisor of that conclusion.

(8) If, pursuant to paragraph (7) of this subsection, an intermediate supervisor concurs that the individual who requested a certificate of rehabilitation is ineligible to be issued one, the intermediate supervisor shall, in writing, forward that that conclusion and supporting information to the regional administrator.

(9) A regional administrator who receives the items set forth in the immediately preceding paragraph shall:

(a) Review the information; and

(b) If the regional administrator concurs, and the regional administrator has been designated to do so by the Director, send a denial letter to the individual who requested the certificate.

Note: If the Director designates someone other than a regional administrator to notify an applicant of the applicant's ineligibility to be issued a certificate of rehabilitation, the designee shall meet the notification requirement set forth in paragraph (9) immediately above.

(10) **Denial letter.** A denial letter shall contain the specific reason for the denial and provide notice of appeal rights which are set forth in Chapter 07.12D(16) of this manual.

(11) **Content of report.** An agent shall include in a certificate of rehabilitation investigation report the following sections, in this order:

(a) Section I, titled "Introduction";

(b) Section II, titled "History of Supervision";

(c) Section IV, titled "Additional Information";

(d) Section V, titled "Evaluation";

(e) Section VI, titled "Attachments"; and

(f) Signature and date lines for the agent and the agent's supervisor.

(12) **Notification to State's Attorney and Victim.** By law, the office of the prosecutor which last prosecuted the individual requesting a certificate of rehabilitation and the victim or victims, if any, shall be notified of the request and given the opportunity to object to the issuance of a certificate. Accordingly, during the course of an investigation, the investigator shall provide written notification to the appropriate prosecutor's office and victim or victims, if any. See Chapter 07.12D(10)-(14) for more information regarding objection notice, response routing, and time limitations for responses.

(13) **Pending criminal charge.** If, during the course of conducting an investigation, an agent learns that a criminal charge is pending against the individual who requested a certificate of rehabilitation, the agent shall include this information in the agent's abbreviated report and terminate the investigation.

(14) **Notice to individual.** An agent who terminates an investigation pursuant to paragraph (13) of this subsection shall send written notice to the subject of the report and provide:

(a) The reason the investigation was terminated;

(b) And invite the individual to submit a new request for a certificate of rehabilitation should a not guilty verdict result or the prosecutor subsequently elects not to prosecute.

S. Applicant Employment Investigation and Investigation Report.

(1) **Assignment date.** The assignment date of an applicant employment investigation shall be the date the supervisor of an agent assigns the investigation to the agent.

Note: An applicant employment investigation will usually be assigned to the investigative unit located nearest to the applicant's residence. However, a regional administrator may assign the investigation to any investigative unit within the region.

(2) **Due date.** Except as provided in subsection (3) of this section, an investigation shall be submitted to ensure receipt by the Human Resources Management Office not later than 20 days after the assignment date.

(3) When a request for an applicant employment investigation specifies a due date for submission of the report, an agent shall submit the report by the specified due date.

(4) **Investigation request.** A supervisor shall ensure that a copy of a request to conduct an applicant employment investigation is attached to the investigation report when the signed report is forwarded to the Division's Human Resources Management Office.

(5) An agent assigned to conduct an applicant employment investigation shall reduce to writing the results of the investigation using:

(a) Standard, white bond paper; and

(b) The section format set forth in F(3) of this chapter.

(6) **Preliminary record checks.** An agent who is assigned to conduct preliminary record checks shall complete the following record checks not later than three business days after the assignment is received:

(a) Federal Bureau of Investigation;

(b) Maryland State Police;

(c) District Court of Maryland; and

(d) Motor Vehicle Administration.

(7) **Review of record check results.** An agent shall review the preliminary record check results to determine whether the applicant's criminal history appears to disqualify the applicant from employment with the Division.

(8) **Recommendation regarding interview.** If an agent determines that an applicant's criminal history appears:

(a) To disqualify the applicant from employment with the Division, the agent shall recommend that the applicant not be interviewed; and

(b) Not to disqualify the applicant from employment with the Division, the agent shall recommend that the applicant be interviewed.

(9) **Interview determination: Human Resources Management Office.** The Human Resources Management Office shall render the final determination as to whether an applicant will be offered an interview for employment with the Division.

(10) **Notice of interview.** If the final determination of the Human Resources Management Office is to schedule an applicant for an employment interview, the manager of the Human Resources Management Office will ensure that notice of interview, along with notice requesting additional information to be furnished by the applicant, is sent to the applicant by first-class mail.

(11) **Applicant-furnished documents.** An applicant shall be responsible for furnishing to the Human Resources Management Office all required documents, supplemental information, and references. These documents may include a:

(a) Birth certificate;

(b) Certificate of naturalization; and

(c) Sealed college transcript.

(12) Human Resources Management Office and applicants for agent position.

When a position to be filled is an agent position, the manager of the Human Resources Management Office will ensure that, as applicable, the following documents are obtained and reviewed for each applicant:

- (a) Verification of United States citizenship (i.e., birth certificate or certificate of naturalization);
- (b) Verification of degree earned (i.e., sealed college transcript);
- (c) Physical and mental health examinations;
- (d) Fingerprint-based criminal history records;
- (e) Drug usage screening report; and
- (f) Credit report.

Note: If the Human Resources Management Office informs an investigator that item (a), (b), (d) or (f) is missing from an applicant's file, the investigator shall ensure that the missing item is obtained and forwarded to the Human Resources Management Office.

(13) Applicant employment investigation report sections. An agent shall include in an applicant employment investigation report the following sections, in this order:

- (a) Section I, titled "Applicant Information";
- (b) Section II, titled "Adult Criminal History";
- (c) Section III, titled "Motor Vehicle Record";
- (d) Section IV, titled "Education";
- (e) Section V, titled "Employment";
- (f) Section VI, titled; "Military Service";
- (g) Section VII, "Personal History"
- (h) Section VIII, "Information provided by references";
- (i) Section IX, titled "Information Provided by Neighbors";
- (j) Section X, titled "Information Provided by Co-workers";
- (k) Section XI, titled "Additional Remarks"; and
- (l) Section XII, "Signature and date line for the agent and the agent's supervisor".

(15) **Applicant employment investigation report section content.** An agent shall include in each section of an applicant employment investigation report the content corresponding to it, as set forth in subsections (16) through (30) of this subsection.

(16) **Section I: Applicant information.** The content of this section shall be as follows:

(a) The full name of the applicant, including any legal name changes and aliases;

(b) The applicant's address of residence and, if the applicant has a mailing address that is different from the address of residence, the mailing address (Address information includes, as applicable, post office box number, street name and number, apartment, city, state, and zip code.);

(c) Home phone number;

(d) Race;

(e) Sex;

(f) Height;

(g) Weight;

(h) Date of birth;

(i) Age;

(j) Method used to verify age;

(k) Place of birth;

(l) Social security number;

(m) Driver's license number and state of issuance;

(n) Driver's license status;

(o) Date of applicant's interview; and

(p) Additional contact information, including, as applicable, the:

(i) Applicant's electronic mail address;

(ii) Applicant's cell telephone number;

(iii) Applicant's work telephone number; and

(iv) Name and telephone number of the applicant's nearest relative.

(17) Section II: Adult Criminal History. In order to complete this section, an agent shall obtain the applicant's adult criminal history records in accordance with the procedures established for obtaining them when conducting a pre-sentence investigation. Once the records are obtained, the agent shall review the records and:

(a) If the result of an adult criminal history record check is that the applicant has no criminal history, include this statement in the report: "A check with the Federal Bureau of Investigation, the Department of the Maryland State Police, other states, and the District Court of Maryland reveals no arrest record for the applicant."; and

(b) If the result of an adult criminal history record check is that the applicant has a criminal history, include:

(i) All listed arrests, from earliest to latest occurring, regardless of disposition;

(ii) The complete sentence (e.g., fine, incarceration, community supervision) for each conviction and probation before judgment, if any;

(c) If an arrest record is found but no disposition information accompanies it, seek the disposition by searching District and Circuit court records, parole and probation supervision and investigation records, and asking the applicant the disposition;

(d) If an applicant admits to criminal history that cannot be corroborated by independent records, clearly state that the applicant is the sole source of the information and that records cannot confirm or contradict the information; and

(e) For each conviction or probation before judgment listed in an applicant employment investigation report, include the official version and the applicant's version of the crime immediately below each listing.

Note: To meet the requirements of (17)(e), obtain the official version from the police or court records of the jurisdiction where the crime occurred or was prosecuted. If this information cannot be obtained, state that the official version of the crime is "Not available" and include what efforts were made to obtain the information.

(18) Section III: Motor Vehicle Record. An agent shall:

(a) Obtain the applicant's motor vehicle driving record from, as applicable:

(i) Maryland; and

(ii) If the applicant has resided in another state within the previous five years, each state in which the applicant has resided;

(b) Summarize the applicant's motor vehicle driving record;

(c) If the applicant's motor vehicle driving record includes a revocation, suspension, or more than five points, provide detailed information regarding the

infractions and the corrective action mandated (e.g., Driver improvement program); and

(e) If the applicant's motor vehicle driving record includes a conviction or a probation before judgment driving under the influence or while intoxicated, fleeing and eluding, driving on a revoked, suspended license, report these as a criminal event under section II of the investigation report.

(19) Section IV: Education. An agent shall include in this section the applicant's reported educational history, including the:

- (a) Names and addresses of schools attended;
- (b) Dates the schools were attended; and
- (c) Dates and type of diploma or degree received, if any.

Note: The Human Resources Management Office will make the determination regarding whether an applicant meets the minimum educational requirements.

(20) Section V: Employment. An agent shall:

- (a) Report all prior employment and verify an applicant's latest five years of employment;
- (b) If the applicant is a current State employee or was a state employee during the past five years:
 - (i) Obtain from the applicant the applicant's most recent job-performance evaluation;
 - (ii) Review the applicant's personnel file;
- (d) Beginning with the applicant's most current employment, list the applicant's employment history from current or most recent, as applicable, to oldest;
- (e) In a brief narrative following the employment history listing, summarize the applicant's work performance, reliability and eligibility for rehire.
- (f) Periods of unemployment exceeding three months. If an applicant's work history includes a period of unemployment exceeding three months, an agent shall include the:**
 - (i) Dates the applicant was unemployed;
 - (ii) Reason for the unemployment; and
 - (iii) Applicant's means of support during the period of unemployment.

(21) **Section VI: Military service.** An agent shall ask the applicant whether the applicant is a United States military veteran, an active United States military reservist, or a member of the National Guard, and include the response in this section. If the applicant claims:

(a) Veteran status, instruct the applicant to submit a copy of the applicant's discharge from military service (DD-214); and

(b) Active reservist status or National Guard membership, instruct the applicant to provide a photocopy of the applicant's military identification card and any information regarding military obligations (e.g., drill schedule).

(22) **Section VII: Personal History.** An agent shall conduct a face-to-face interview with an applicant to obtain the information to be included in this section. That information shall include:

(a) The applicant's current living situation;

(b) Whether the applicant anticipates changing residence or the applicant's current living situation.

Note: An agent shall instruct an applicant to report a change of address to the agent if the applicant changes residence during the application process.

(c) An agent shall ask each applicant the following questions and note the applicant's answers:

(i) Do you drink alcohol?;

(ii) Have you ever illegally sold, manufactured or distributed controlled dangerous substances?;

(iii) Have you ever used drugs illegally?; and

(iv) If the answer to item (iii) is yes, have you illegally used any drug within the past three years?

(d) If an applicant indicates illegal usage of drugs, an agent shall ask the applicant the following questions and for each yes answer, an agent shall ask the applicant how many times the applicant used the illegal drug:

(i) Have you illegally used amphetamines?;

(i) Have you illegally used barbiturates?;

(iii) Have you illegally used an opiate?;

(iv) Have you illegally used cannabis?;

(v) Have you illegally used cocaine?;

(vi) Have you illegally used benzodiazepine?;

(vii) Have you illegally used an inhalant?;

(viii) Have you ever used an hallucinogenic drug or its derivative, such as phencyclidine (PCP/angel dust), lysergic acid diethylamide (LSD), or mescaline?;

(e) Automatic disqualification from prospective employment. An applicant who meets or exceeds the following number of occurrences for lifetime illegal use of the drug specified shall be automatically disqualified from prospective employment:

(i) Amphetamines - four times;

(ii) Barbiturates - two times;

(iii) Opiates - two times;

(iv) Cannabis or cannabinoids - twenty times;

(v) Cocaine or cocaine metabolite - four times;

(vi) Benzodiazepines - four times;

(vii) Inhalants (e.g., solvents, glue, paint, aerosols, and amyl nitrates) - four times; and

(viii) Any hallucinogen - no usage allowance (i.e., a single instance of illegal use is disqualifying).

(f) If an applicant's reference, neighbor, co-worker, current employer or former employer reports illegal drug by the applicant that was not reported by the applicant, an agent shall:

(i) Inform the applicant of the information learned, ask the applicant to respond to the information, and include the applicant's response in the report; and

(ii) If the applicant previously denied illegally using drugs and now concedes at least one prior instance of illegal use of drugs, ask the applicant each of the questions set forth in subsection (e) of this section.

(23) Section VIII: Information provided by references. An Agent shall include in this section the:

(a) Names and contact information of three references, provided by the applicant, who are not members of the applicant's family or current or former employers of the applicant; and

(b) Date and essential content of the interview as required under the next subsection.

(24) **Reference interview.** An agent shall interview at least one of the applicant's references and ascertain from the reference:

- (a) How long the reference has known the applicant;
- (b) The reference's assessment of the applicant's character; and
- (c) Whether the reference has known the applicant to use drugs illegally.

Note: An agent may not omit the reference information from a report. If none of the applicant's references can be reached, the agent shall require the applicant to submit additional references.

(25) **Section IX: Information Provided by Neighbors.** An agent shall include in this section the:

- (a) Name and contact information of at least one neighbor of the applicant; and
- (b) Date and essential content of the interview as required under the next subsection.

(26) **Interview of neighbor.** An agent shall interview at least one of the applicant's neighbors and ascertain from the neighbor:

- (a) How long the neighbor has known the applicant;
- (b) Whether the neighbor has known the applicant to use drugs illegally; and
- (c) Any information which bears on the applicant's fitness to perform the duties of the position.

Note: If an applicant is new to the applicant's current residence or is not known by the applicant's current neighbors, an agent shall attempt to contact former neighbors of the applicant if the applicant has lived elsewhere within the past five years.

(27) **Section X: Information provided by co-workers.** An agent shall interview at least one of the applicant's co-workers. If the applicant is unemployed, the agent shall interview an applicant's former co-worker, provided their employment relationship occurred within the past five years.

(28) An agent shall include in this section:

- (a) The name and address of the interviewed co-worker;
- (b) The date the agent interviewed the co-worker;
- (c) The information received from the co-worker, provided the information is regarded by the agent as reliable and bears on the applicant's fitness to perform the duties of the position.

(d) The co-worker's response to the question, "Have you ever known [name of applicant] to illegally use drugs?"

(29) Section XI: Additional Remarks. An agent shall include in this section:

(a) Information not contained in any other section of the investigation report that is relevant to the purpose of the report;

(b) A statement as to whether the applicant appears to meet the minimum qualifications for the position; and

(c) If it appears that the does not meet the minimum qualifications for the position, the basis for that conclusion.

(30) Signature lines. An agent who conducts an applicant investigation shall sign and date the report and submit it to the agent's supervisor for review and approval. A supervisor who receives an investigation report shall:

(a) Sign and date the report when it is approved; and

(b) Submit a copy of the approved report to the regional administrator and forward the original to the Division's Human Resources Management Office.

T. Section Content of Investigation Reports.

(1) If a component section of an investigation report is inapplicable to a particular investigation, an agent shall:

(a) Include the component section in the investigation report; and

(b) Indicate the section's inapplicability.

Example: Section XI ("Attachments") is a component section of the pre-trial investigation report. If there are no documents to attach to a pre-trial investigation report, the agent will enter "None" or "There are no attachments to this report."

(2) An agent shall include the information in the designated section of an investigation report, as indicated in the subsections below.

(3) Additional information. An agent shall include in this section information that is:

(a) Pertinent to the purpose of the investigation; and

(b) Not included elsewhere in the investigation report.

(4) Attachments. An agent shall list in this section each document that is attached to the investigation report, in the order in which it is attached.

(5) Citizenship status. An agent shall include the following information in this section:

(a) Whether the subject is a citizen of the United States; and

(b) If the subject is not a citizen of the United States, whether the subject has a work permit.

(6) Community contact. If the Parole Commission or a court requests particular information regarding a specified person, an agent shall include the requested information in this section of the report.

(7) Credit record. When a credit record is needed as part of the applicant employment process, the applicant will be instructed by the Human Relations Management Office to obtain a credit record and forward it to that office. If an agent is asked by the Human Relations Management Office to obtain or to direct the subject to obtain a credit record, the agent shall include this section what action the agent took in response to that request.

(8) Criminal history. An agent shall include in this section a summary of the subject's:

(a) If the defendant was not older than 23 when the instant offense occurred, juvenile petitioners, delinquencies, adjudicatory hearings, detentions and supervision periods (Note: For information about these terms and the juvenile court process in Maryland, see <http://www.courts.state.md.us/juvenile.pdf>); and

(b) If the defendant was older than 23 when the instant offense occurred, only adult arrests, criminal appearances as a defendant, trial outcomes, and supervision periods.

(9) If an agent determines that a subject has no juvenile or adult criminal history, the agent shall include in the "Criminal History" section a statement to that effect.

(10) Criminal record. When a criminal record is needed as part of the applicant employment process, the applicant will be instructed by the Human Relations Management Office to obtain the record and forward it to that office. If an agent is asked by the Human Relations Management Office to obtain or to direct the subject to obtain a criminal record, the agent shall include this section what action the agent took in response to that request.

(11) Current institutional adjustment. An agent shall include the following information in this section of a report:

(a) Whether a detainer for the subject is lodged where the subject is incarcerated;

(b) Whether the subject has committed institutional infractions;

(c) If self-help group meetings and education classes are available to the subject, what, if any, meetings or classes the subject attends; and

(d) How the institution characterizes the subject's adjustment.

(12) Unless an agent first meets the requirement set forth in subsection (13) or (14) of this section, as applicable, an agent may not include a reference to an attachment in a "Description of Offense" or "Description of Present Offense" section.

(13) **Description of offense.** An agent shall include in this section a thorough and accurate description of the subject's offense. The information may be gleaned only from the official records of a local, state or federal:

(a) Court; or

(b) Criminal justice system agency.

(14) **Description of present offense.** An agent shall include in this section a thorough and accurate description of the subject's offense. The description may be gleaned only from the official records of a:

(a) Court; or

(b) Local, state or federal criminal justice system agency.

(15) **Education.** An agent shall include in this section a subject's verified academic and trade school record, including the:

(a) Name and location of each high school and college attended by the subject;

(b) Date and type of diploma, degree, or certificate received, if any;

(c) If the subject attended a college or university, the:

(i) Number of credit hours completed by the subject; and

(ii) Subject's major course of study.

(16) If the subject's academic or trade school record cannot be obtained, the agent shall state the reason why it could not be obtained. (e.g., The institution or records no longer exist or the subject left school after 8th grade.)

(17) For an applicant employment investigation, an agent shall verify that the applicant possesses the minimum education requirements for the position sought by obtaining, as applicable:

(a) An official transcript from the registrar of the university or college that conferred the subject's degree; or

(b) Proof that the subject was awarded a high school or equivalency diploma.

(18) **Employment.** Except as provided in subsection (19) of this section, an agent shall include in this section verified information regarding the subject's employment, including the:

(a) Employer's name, address, and telephone number;

(b) Subject's job title, salary or hourly wage, and work schedule;

(c) Date the subject's employment began; and

(d) Name and title of the individual who provided or confirmed the information required in (a) through (c) of this subsection.

(19) An agent shall include in the "Employment" section:

(a) For executive clemency investigation and applicant employment investigations,

(i) Periods of unemployment if such periods exceeded thirty consecutive days; and

(ii) The subject's means of support during those periods of unemployment; and

(b) For a pre-sentence investigation:

(i) Periods of unemployment over the past three years if such periods exceeded thirty consecutive days; and

(ii) The subject's means of support during those periods of unemployment.

(20) When an agent is completing an "Employment" section for inclusion in an applicant employment investigation report, the agent shall include in this section:

(a) If the position for which the subject has applied is a full-screen position:

(i) A verified, complete history of the subject's employment; and

(ii) Job-performance assessments from each person who has employed the subject during the past five years;

(b) If the position for which the subject has applied is not a full-screen position:

(i) A verified history of the subject's employment during the past five years;

(ii) If the subject is employed, a job-performance assessment from the subject's employer; and

(iii) If the subject is unemployed, a job-performance assessment from the subject's most recent employer; and

(c) If the subject is a State employee or was separated from State service within the past three years:

(i) A summary of the subject's two most recent performance ratings, noting any rating that is above or below "meets standards";

(ii) If applicable, the reason for the subject's separation from State service; and

(iii) A summary of the subject's disciplinary history, including the dates and types of disciplinary actions incurred.

(21) **Evaluation.** An agent shall include in this section a full assessment of the relevant factual information that appears elsewhere in an investigation report. An agent may not present new information in this section.

(22) **Family and marital history.** An agent shall include in this section the subject's complete family and marital history, from the subject's birth to present.

(23) **Financial.** An agent shall include in this section a summary of the subject's assets, liabilities, and sources of income.

(24) **Firearms history.** An agent shall include in this section information regarding the subject's history of firearms:

(a) Use, both legal and illegal;

(b) Possession, both legal and illegal; and

(c) Licensure.

(25) An agent shall include in a "Firearms history" an unsuccessful attempt by the subject to obtain a firearms license of any kind.

(26) **Health.** Unless the medical information to be included in this section is obtained pursuant to a validly executed release of information, an agent may not include in this section medical information that was obtained from a person other than the subject. An agent shall include in this section information regarding the subject's physical and mental health, including the subject's history of:

(a) Use of alcohol and other drugs; and

(b) Substance abuse treatment.

(27) **Home.** An agent shall include in this section the:

(a) Subject's verified home address, as set forth in subsection (28) of this section, and telephone number;

(b) Identity of the person who owns, rents, or leases the property where the subject lives;

(c) Method by which the agent verified the subject's home address;

(d) Name and relation to the subject of each individual who lives with the subject;
and

(e) Name and position of any Departmental employee who lives with the subject.

(28) Home verification. An agent shall verify a subject's home either by meeting with the subject at the subject's home or by meeting two of the following:

(a) Meeting with an adult cohabitant of the subject at their home;

(b) Viewing:

(i) Recent utility bills or other bills that contain the subject's name and address;

(ii) A lease or title that identifies the subject as the lessee or title holder of the subject's home; or

(iii) Cancelled checks or money order receipts for rental payments of the subject's home.

(29) Inquiries. If the Parole Commission requests that an agent provide information regarding an inquiry received by the Parole Commission, the agent shall include the requested information in this section of the report.

(30) Introduction. An agent shall include in this section the:

(a) Identity of the person who requested the investigation; and

(b) Purpose of the investigation report.

(31) Within an executive clemency investigation report, an agent shall include in the "Introduction" the subject's:

(a) Reason for requesting clemency; and

(b) Request for relief from firearms restrictions, if the subject's clemency petition contains that specific request.

Sample "Introduction":

In a letter to the Governor dated May 4, 2010, the petitioner's attorney, John Jones, requested that the petitioner be pardoned for the following convictions:

1) Docket number 5 AR 72350; Tracking number 1C0020221; Baltimore City District Court-Southern District; The Honorable Judge Joan Jones; Consuming Alcohol: Plea of Guilty; Sentence date: December 3, 1991; Sentence: \$50 fine.

2) Case number 8806; Tracking number 0A000411; Circuit Court for Anne Arundel County; The Honorable Judge Jeremiah Jones; Burglary; Plea of not guilty; Jury

trial; Verdict: On July 1, 1995, guilty of burglary; Sentence: On August 11, 1995, committed for one (1) year to the Maryland Division of Correction.

The petitioner states that he desires this pardon and relief from firearms restrictions in order to be bonded by his employer, to remove the stigma and embarrassment the convictions carry for his spouse and their children and to possess a firearm for purposes of hunting with his family.

(32) **Military service.** An investigator shall ask each employment applicant:

- (a) Whether the applicant is presently serving in the military or is a military veteran; and
- (b) Who reports prior military service to provide a copy of the applicant's DD-214.

(33) **Motor vehicle record.** An agent shall base the information presented in this section upon driving records obtained by the agent from the Motor Vehicle Administration of this State and any other state, as applicable. In this section, an agent shall include:

- (a) A statement as to whether the subject possesses a valid driver's license;
- (b) If the subject's record includes one or more traffic violations for which the subject's appearance in court was legally required, a listing of each:
 - (i) Violation;
 - (ii) Date of occurrence; and
 - (iii) Outcome; and
- (c) If the subject's record includes only minor violations, such as citations for speeding or failing to stop at a stop sign or red light, summary statement characterizing the record.

(34) **Other significant factors.** An agent shall include in this section information that is:

- (a) Relevant to the purpose of the investigation report; and
- (b) Not contained elsewhere in the investigation report.

(35) **Personal history.** An agent shall include in this section information:

- (a) Relevant to the purpose of the investigation report; and
- (b) Not contained elsewhere in the investigation report.

(36) The type of information that may be contained within a "Personal history" section includes the:

- (a) Date the agent visited the subject's residence to verify living arrangements;
- (b) Date or dates the agent spoke with at least one member of the subject's family;
- (c) Subject's family life;
- (d) Subject's marital history and status;
- (e) Frequency of and reasons for the subject's relocating residence; and
- (f) Subject's use of alcohol or other drugs. To complete this section for an applicant employment investigation, an agent shall include the information required under COMAR 12.10.01.19 ("Prior Substance Abuse by Applicants for Certification.") which may be accessed through <http://www.dsd.state.md.us/comar/> . (Note: If the investigation report contains a "Health" section, include the subject's use of alcohol or other drugs in that section.)

(37) Proposed home and employment. An agent shall include in this section of an investigation report:

- (a) The dates and outcome of the agent's on-site appearances at the subject's:
 - (i) Home; and
 - (ii) Place of employment; and
- (b) Information regarding the subject's proposed home and employment that may help or hinder the subject's successful adjustment.

(38) Recommendation. An agent shall include in this section of an investigation report a recommendation that is fully supported by:

- (a) The facts presented elsewhere in the report; and
- (b) Community safety considerations.

(39) If an agent determines that a victim is due restitution, the agent shall include this information in the agent's recommendation.

(40) If a petitioner's request for executive clemency includes a request for relief from a firearms restriction, the agent shall, based upon the facts included in the body of the investigation report:

- (a) Include specific justification for the request for relief from a firearms restriction; and
- (b) Recommend for or against granting the relief requested.

(41) If, pursuant to the preceding subsection, an agent recommends that a petitioner's request for relief from a firearms restriction be granted, the agent shall include the following statement in the recommendation:

"It is respectfully recommended that [Name of petitioner] be granted relief from firearms restrictions to the extent permitted by federal and State law."

(42) **Record check.** An agent shall include in this section a summary of the subject's:

(a) Juvenile detentions, adjudications, and supervision periods; and

(b) Adult arrests, criminal appearances as a defendant, trial outcomes, and supervision periods.

(43) If the subject is serving a life sentence, an agent shall underline any arrest, criminal charge, or new conviction incurred by the subject after the sentence of life was imposed.

(44) **Personal references.** An agent shall:

(a) Refer to COMAR 12.10.01.05A ("Background Investigation."), accessible through <http://www.dsd.state.md.us/comar/>, to complete this section;

(b) Identify an employment applicant's references by name and address; and

(c) If a reference's comments were not supplied in writing, summarize the reference's comments about the applicant; and

(d) If the reference's comments were submitted in writing, attach the writing to the investigation report.

(45) **Sentencing guidelines worksheet.** Detailed information and instructions for completing a sentencing guidelines worksheet is available at the Maryland State Commission on Criminal Sentencing Policy website, at <http://www.msccsp.org/>.

(46) **Statement of defendant.** An agent shall include in this section:

(a) The subject's version of events regarding the crime, including:

(i) What happened;

(ii) Who was involved;

(iii) Why the subject committed the crime;

(iv) The role of the subject if more than one individual was involved in the crime;

(v) Whether the subject was under the influence of or undergoing withdrawal from alcohol or other drugs; and

- (vi) The use or threatened use of a weapon during the commission of the crime;
- (b) Significant differences between the subject's version and the State's version of the crime; and
- (c) The subject's refusal to answer the agent's questions regarding the crime.

(47) **Victim impact statement.** An agent shall include a victim impact statement in a presentence investigation report if the defendant caused:

- (a) Physical, psychological, or economic injury to the victim in committing a felony; or
- (b) Serious physical injury or death to the victim in committing a misdemeanor .

(48) Except as set forth in subsection (49) of this section, an agent shall obtain the information necessary to complete a victim impact statement by:

- (a) Personally interviewing the victim, the victim's representative, or the victim's next of kin; or
- (b) Sending the victim or victim's representative form DPP-INV-7.

(49) An agent shall personally interview:

- (a) A victim, victim's representative, or victim's next of kin who requests to speak with the agent;
- (b) In a death penalty case, a victim's next of kin or victim's representative, as applicable.
- (c) In a domestic violence case, a victim's next of kin or victim's representative, as applicable.

(50) An agent shall:

- (a) Contact the local victim-witness assistance unit to obtain previously reported victim information, if appropriate; and
- (b) Use form DPP-INV-8 to report victim impact information to the court.

(51) If a victim elects not to respond to the agent or declines to furnish victim impact information, the agent shall include this information in the investigation report.

(52) **Work release status.** An agent shall include in this section information regarding the subject's work release and home detention status, including, if the subject is working, the:

- (a) Nature of the subject's work;
- (b) Name, address, and telephone number where the subject works;
- (c) Subject's work schedule, including the total number of hours worked weekly;
and
- (d) Employer's assessment of the subject's job performance.