DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2018 ADMINISTRATION

Contraband:

Issue: DPSCS should comment on what has driven the decrease in cellphones as a percent of total contraband finds.

The decrease in cellphones as a percent of total contraband finds is primarily attributable to two things: (1) the Department has bolstered its efforts to recover contraband cellphones; and, (2) the installation of the managed access system at two facilities in Baltimore City.

The Department is enforcing policies allowing inmates to only order packages from approved catalogs resulting in the elimination of third-party packages. The Department has increased the presence of the Canine Unit to patrol along the exterior perimeters of the facilities and service and access roads as well as during visitation hours.

As previously mentioned, the decrease in the number of cellphones recovered is also attributable to the installation of the managed access system at the Metropolitan Transition Center (MTC) and Baltimore Pretrial Complex (BPC). Specifically in FY12, MTC had a total of 266 cell phone confiscations and the former Baltimore City Detention Center (BCDC) had 328 cell phone confiscations. The implementation of this technology resulted in a 97.6% decrease in cell phone confiscations through FY15.[1]

The Department will continue expanding its contraband interdiction efforts. In fact, the Administration's budget provides additional funding to allow the Department to purchase additional security equipment such as full body scanners; cell-sense detection equipment, advanced x-ray scanners; and additional security camera equipment. The cell-sense detection equipment is of particular note in terms of cellphone interdiction efforts. The equipment, which is designed to detect cell phones, weapons and other illicit materials, is portable. It can be used internally in hallways and other areas for inmate movement. Additionally, mattresses and other items can be run through the detectors to see if a cell phone is hidden somewhere internally. These technological advances will increase the Department's efforts to combat contraband and ensure the safety and security of both our employees and offenders.

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[1] FY16 data was not compared due to the closures of the Men's and Women's Detention Centers.

Personnel

Issue: DPSCS should comment on the high number of vacancies and how they impact the need for overtime.

Response: The response focuses on the two areas addressed in the analysis, which are the Department's Canine and Central Transportation units.

With respect to the Canine unit, the increase in overtime is attributable to the Department's increased security efforts to reduce contraband. Specifically, in the Central Region, canine is routinely conducting patrols along the perimeters of the facility. This is required to combat "fishing" from inside the facilities to those on the outside in an attempt to smuggle in contraband. The Department has also increased canine and perimeter patrols along service and access roads entering the facilities across the other regions of the State which has also resulted in increased overtime.

Overtime for the Central Transportation Unit has increased as a result of vacant positions. The Department is required to utilize overtime to ensure that these functions continue to be carried out to ensure that inmates are transported to hospitals for specialized medical care, to court appearances, as well as between the Department's facilities. A small portion of the overtime increase is attributable to detainee movement within Baltimore City and the population being housed across different facilities as a result of the Men's and Women's Detention center closures. It's also important to note that the Department's Transportation Unit requires that the workers be weapons qualified in order to transport offenders which narrows the number of employees available to assist when vacancies occur.

Maryland Correctional Enterprises

Issue: DPSCS should comment on the lack of responses to the RFP and what steps it has taken to improve the receipt of responsive bids.

Response: Maryland Correctional Enterprises (MCE) has been working collaboratively with the Department of Information Technology (DoIT) on this procurement. The decision was made to issue a full Request for Proposal (RFP), which allows multiple vendors to submit bids. The RFP was posted on August 1, 2016 and was extended twice to allow potential bidders more time to submit proposals. The RFP closed on October 9, 2016. MCE received one qualified bid; however, the bid was disqualified due to non-compliance with established Minority Business Enterprise (MBE) requirements.

Vendors were surveyed to determine the reasoning behind a lack of submissions. The results indicated that vendors did not bid because either the requirements outlined in the RFP were too complex or the bidding process was too cumbersome. Based on this feedback, MCE and DoIT are contacting vendors on the statewide master contract list who have experience in prison industries and are requesting demonstrations of these vendors' products in hopes of identifying a solution that would best fit MCE's need. The results of these demonstrations will determine the best course of action for MCE moving forward.

Recommended Actions

1. Adopt the following narrative:

    Next Generation 9-1-1: The Emergency Number Systems Board (ENSB) Technology Committee has developed a series of requirements for Next Generation 911 (NG 9-1-1), specifically for an emergency services Internet-protocol network and call routing. ENSB reviewed those requirements and decided that it was in the State's best interest to contract with a consultant to assist with the Request for Proposal (RFP) process. The RFP will locate an organization to conduct the NG 9-1-1 rollout. Once this process is complete, the contractor and the Department of Public Safety and Correctional Services (DPSCS) will determine what services are needed and the associated costs. The department should provide an update to the budget committees on the status of the contractor, the progress made, as well as associated costs, a timeline, and funding sources and options by December 1, 2017.

    1. **Response:** The Department concurs in part; however, the reporting deadline is not feasible due to the following.

        The Board has funded a statewide contract managed by Frederick County to perform an inventory of the 23 counties and Baltimore City public-safety answering points (PSAPs). The inventory will assess the PSAPs' premises equipment (phone systems, recorders, etc), broadband connectivity for call delivery and GIS data. Based on that assessment, the consultant will provide recommendations for the best method to procure an Emergency Services IP Network (ESInet). It may be a state owned system, a state managed system, regionally managed systems, or a county by county system.

Most likely, the procurement strategy will be to obtain a managed service that each county will contract. This is not dissimilar with the county to Verizon relationship that exists today.

The Board has funded broadband fiber through Verizon for connectivity from local serving wire centers to the PSAPs. This fiber is anticipated to be used for "last mile" connectivity for an ESInet.

A request for proposals (RFP) will be issued using the procurement strategy that best meets the needs of the state and PSAPs. The Board has produced a set of requirements for the RFP that the consultant will scrub. The consultant will help manage the RFP process.

Based on the timeline of the RFP process, it is unlikely that a true projection of the cost or the actual deployment timeline will be available by December 1st. Those costs and timeline may be better understood by July 1, 2018 once the RFP process is complete. This follows the timeline that the Board has seen with the same procurement in the National Capitol Region.

2.   Adopt the following narrative:

Medicaid Enrollment: The Affordable Care Act's Medicaid expansion enables states to enroll former inmates into the program. To assist with the enrollment efforts, the department submitted a Request for Proposals and will retain a contractor due to start on July 1, 2017. The department should submit a progress report to the budget committees on how the Medicaid enrollment efforts have improved, the number of former inmates enrolled, and any other pertinent cost data and performance measures. The report is due to the budget committees by December 1, 2017.

Response: The Department concurs.

3.   Adopt the following narrative:

Facial Recognition: The Maryland Image Repository System is facial recognition software that allows law enforcement officers to compare images to unidentified individuals to images from State motor vehicle records and mugshots. The software has drawn criticism over privacy concerns. The department should report on the following items by December 1, 2017:

- The facial recognition process;
- Cost of maintaining the system;
- Number of facial inquiries per year since fiscal year 2015;
- Number of users authorized to access the system;
- How user access is determined;
- The error rate of the system;
- Full policies and regulations related to the system, and if Administrative, Executive, and Legislative Review is involved in this process;
- The audit and review process for the software, its use, and user involvement; and
- Steps taken to protect citizen privacy.

Response: The Department concurs in part; however, the Department will not be able to provide information on all of the requested information. Simply put, MIRS is just a digitized mug shot book. MIRS contains photos from MVA and DPSCS intake and booking. The sharing and use of those photos for law enforcement is provided for by law. No uploaded images are saved and any images uploaded are only to determine the highest probability that the uploaded image may relate to an MVA and/or DPSCS image within MIRS. This information is then used by law enforcement for investigatory purposes that ITCD cannot and should not regulate. Therefore, the Department will not be able to provide information on the following requests.

- Number of facial inquiries per year since fiscal year 2015

This is NOT information that ITCD captures; therefore, the Department cannot provide this information

- The error rate of the system

The system does not "match", so there are no errors. ITCD cannot provide this information.

- Full policies and regulations related to the system, and if Administrative, Executive, and Legislative Review is involved in this process;

There is a disclaimer statement as users log into the system; however, ITCD does not provide policies and regulations for the facial recognition system as it does not fall under the Department's purview. ITCD services law enforcement and as such took an investigatory system that already existed (mug shot books)

and digitized it to make it a more efficient process for the law enforcement community. Again, the Department could not legally dictate to law enforcement how they utilize the system.

- The audit and review process for the software, its use, and user involvement; and

ITCD is unclear as what is meant by an "audit and review process for the software"- what aspect of the software is to be audited and reviewed?

- Steps taken to protect citizen privacy.

Photos are stored within the secured on the Department's network and access to these photos is only given to authorized law enforcement users. Therefore, steps taken to protect citizen privacy would be the responsibility of the law enforcement user.

It is also important note that pursuant to Md. Code Ann., State Gov't., Section 4-230 (f)(1), MVA records (which can include the driver's license photo) can be made available to law enforcement for law enforcement purposes.

Pursuant to Md. Code Ann., Corrs. Servs. Section 306-01 and 3-602, contents of a case record (which include a photograph) may be disclosed to law enforcement.

According to the 2007 Atty. General's Opinion, mug shots are not considered criminal history and therefore subject to public inspection.