DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2020 ADMINISTRATION

Performance Analysis: Managing For Results

Issue: DPSCS should comment on whether the 34% vacancy rate among commitment records specialists or the 86% vacancy rate among entry-level commitment unit positions is having an effect on operations, particularly regarding erroneous releases.

Response: The Department recognizes the number of administrative vacancies across several units, including those within the Commitment Unit. Currently, there are 14 vacant entry-level commitment positions across the Department. The Department conducted interviews for these positions in November of 2018. Selected applicants have been moved along the process which requires the successful completion of a background check prior to being offered the position. The Department is hopeful that these positions will be filled by early February.

The Department also strives to ensure accurate, timely and appropriate releases of incarcerated offenders under its care, custody and control. Given the complexity of release planning, there are many factors that can be the catalyst for an erroneous release, including delays in receiving paperwork from the Judiciary and delays in receiving outstanding warrants. Although the number of erroneous releases did increase in 2018 over figures in 2017, the number of erroneous releases is still below 2015 and 2013 levels.

Vacancy Rates

Issue: DPSCS should comment on administrative vacancies, its work with the Governor's office to streamline hiring, and why these positions continue to remain unfilled even though similar office positions at many State agencies are filled and feature the same level of pay. In addition, the Department of Legislative Services (DLS) recommends that funding be restricted to fund an outside consultant to study the department's staffing needs.

Response: The Department considers administrative positions to be all positions, excluding those within the correctional series and agents within the Division of Probation. These primarily constitute the Department's finance; human resources; information technology; and, procurement functions. The Department acknowledges the importance of hiring qualified candidates to reduce its administrative vacancy level. There are several factors impacting the Department's administrative vacancy rate, including the prioritization of hiring at the behest of the legislature, the requirement of a criminal background check,

and the vacancy rate of the Department's Human Resource Services Division (HRSD). However, the Department has deployed a number of tactics to improve hiring and address administrative vacancies, including utilizing transfer and eligibility lists; partnering with the Department of Budget and Management (DBM) and the Governor's Office of Performance Improvement (GOPI); holding a vast number of recruitment events statewide; and, reorganizing HRSD.

Over the past several years, the Department has been highly criticized for its correctional officer vacancies and recruitment efforts. In fact, prior analyses from the Department of Legislative Services recommended the Department prioritize the hiring of correctional officers. As a result, the Department realigned staff to specifically focus on hiring correctional officers which resulted in an increase of the number of correctional officers hired in calendar year (CY) 2018 over CY 2017. Specifically, the number of correctional officers hired in CY 18 represents a 57% increase over CY 2017 figures. Since the Department prioritized the recruitment and hiring of correctional officers, other recruitment efforts inevitably became secondary. This resulted in an increase in the length of time it takes to successfully recruit and fill vacant positions in the administrative series.

Additionally, candidates applying for administrative positions at the Department are required to undergo a criminal background check, which is not a prerequisite at most other State agencies. The Department is able to process these background checks relatively quickly, but the prerequisite deters applicants who can apply to other State agencies who do not require the passage of a background check.

As previously mentioned, administrative vacancies encompass positions within HRSD. Similarly to other units with administrative vacancies, HRSD has faced challenges filling vacancies given increased workload demands. Currently, the Department's HRSD has a 43% vacancy rate for those positions that handle non-CO recruitments, which also impedes the Department's ability to recruit for vacant administrative positions.

Despite these challenges, the Department has taken a number of steps in order to address this issue. In an effort to expedite the hiring process for administrative vacancies, the Department has encouraged hiring managers to use existing transfer and eligibility lists that are maintained by DBM. Upon request, the agency obtains a candidate list, conducts interviews or other rating criteria, and makes a hiring selection in accordance with all State and Departmental regulations. Candidates who are not selected remain on the eligible list until the determined expiration date. The Department's HRSD utilizes this list in an attempt to alleviate the need to create a new position vacancy announcement and establish a list of qualified candidates.

The Department recently partnered with the Governor's Office of Performance Improvement (GOPI) and the Department of Budget and Management (DBM) to identify ways in which the Department can further improve its recruitment and hiring process. As a result, the Department is working with GOPI and DBM on several new initiatives, including the development of an internal dashboard that will enable more accurate tracking of the recruitment process; the expansion of methods by which positions are advertised; and, the development of strategic plans to recruit and hire for positions that have previously proven challenging to fill.

In November 2018 HRSD reorganized its reporting structure by reassigning duties and redistributing personnel resources. Prior to this reorganization, several steps in the recruitment process were handled by multiple units. Now, the entire recruitment process – from hiring transactions through orientation – is handled by HRSD's Recruitment Unit. During the reorganization, three additional personnel were assigned to the Recruitment Unit to further bolster their efforts. HRSD believes this reorganization will help to balance the workload and improve continuity of the hiring process.

The Department remains committed to filling its vacancies – whether they be correctional officer positions or administrative positions – and respectfully rejects DLS's recommendation as discussed below.

Maryland Correctional Enterprises (MCE) Enterprise Resource Planning Implementation Project

Issue: DPSCS should comment on the need for this project, why the procurement continues to be unsuccessful, and whether the $500,000 allocated in the current fiscal year is adequate to complete the project.

Response: MCE's current enterprise resource planning (ERP) system is approaching twenty (20) years old. This system is outdated, inefficient, and is becoming increasingly unreliable.   MCE routinely experiences glitches in communications between MCE manufacturing plants and distribution centers; malfunctioning computer hardware; hard disk failures; and, issues with data disaster recovery services. Given the age of the system, it is becoming increasingly difficult to find staff with the specific knowledge needed to manage and operate the system properly. MCE's infrastructure continues to evolve, creating a growing need for functions that would allow for immediate sales and fiscal information, additional memory, and improved customer relationship management.

MCE continues to work with the Department of Information and Technology (DoIT) on the procurement of a new ERP. The initial request for proposals (RFP)

effort received zero (0) bids. Prospective bidders expressed concerns that the RFP was too detailed as the bid document was in excess of 200 pages. The second RFP received one (1) bid which was rejected due to the inability to meet minority business enterprise requirements.

On January 2, the BPW voted unanimously to approve a two year extension for the current contract with Infor (see page 43 of the agenda which you can access by clicking here). The Department is in the process of on boarding a procurement project manager through the DoIT master contract to oversee the RFP development to hopefully have a better result than the previous two attempts.

The $500,000 allocated for FY 20 will largely be for payments to a project manager to develop a new streamlined RFP that will provide for greater vendor participation. As this ERP initiative is projected to take a minimum of two (2) years to procure and implement, the majority of the funding to complete this project will be needed in FY 21 and beyond (hardware, software, training).

Computerized Criminal History Project

Issue: DPSCS should comment on the status of this project and whether it expects to meet the fiscal 2021 completion date.

Response: Requests for Proposals (RFP) for the computerized criminal history project were released in December of 2018. The Department anticipates a contract will be awarded later this year, allowing the Department to meet the fiscal year 2021 completion date.

Text to 9-1-1 Statewide Initiative

Issue: DPSCS should comment whether this project will meet its expected completion date, as well as any integration this project will have with the NG911 initiative set to go online in six counties in fall 2019.

Response: Maryland's current 911 network is based on decades old technology and – while it has proven to be highly reliable and resilient through the cooperative efforts of the ENSB – the county Public Safety Answer Points (PSAPs) needs to be modernized. States across the nation are also in the process of seeking modernization of their 911 systems, and this nationwide effort is referred to as Next Generation 911, or NG911. NG911 is defined in the Public Safety Article (§1–301(k)(1-6)) as an Internet Protocol (IP)–based system, comprised of hardware, software, data, and operational policies and procedures, that:

- provides standardized interfaces from emergency call and message services to support emergency communications;
- processes all types of emergency calls, including voice, text, data, and multimedia information;
- acquires and integrates additional emergency call data useful to call routing and handling;
- delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
- supports data or video communications needs for coordinated incident response and management; and
- provides broadband service to public safety answering points or other first responder entities.

Recognizing the scale and complexity of the transition to NG911, the Department procured a statewide contract for text to 911 that each county can opt into. The text to 911 contract is a short-term solution to bridge the gap in services until counties have implemented NG911. ENSB anticipates that all counties will be system live with text to 911 this year and that all 24 counties will include text to 911 as part of its NG911 service.

The analysis notes that there are six counties set to go-live with their NG911 service in fall of 2019 which are: (1) Montgomery; (2) Saint Mary's; (3) Calvert; (4) Charles; (5) Prince George's; and, (6) Frederick. Montgomery, St. Mary's, Calvert, and Charles Counties have had their implementation costs funded through the ENSB. These counties will not be operational with their NG911 provider until later this year. Until these counties have fully implemented NG911, ENSB anticipates that they will utilize the text to 911 contract for text to 911 services. At this time the ENSB is reviewing Prince George's County's request for funding NG911 services, which is approximately 300 pages long. Frederick County has not yet submitted an application to the ENSB for funding implementation of NG911.

Drinking Driving Monitor Program

Issue: DPSCS IT staff is working on this issue, and the department should comment on the status of its efforts.

Response: The required data points needed to collect this information do not currently exist in the Offender Case Management System (OCMS). Change notes to rectify this issue have been drafted and approved. Work on the modification to OCMS will begin this month with an anticipated implementation date by the end of May 2019.

Workday Personnel System

Issue: DPSCS should comment on how it keeps track of CO drafted overtime hours and whether the current system is effective.

Response: The Department's current method for tracking this information is manual and is included as part of the Overtime Monitoring Reports, which are prepared every pay period. Facilities are required to report the number of officers that are drafted each shift and each day, but they are unable to manually track the number of hours associated with each draft.

Recommended Actions

1.   Add the following language to the general fund appropriation:

, provided that $500,000 of this appropriation made for the purpose of general operating expenses may be expended only for the purpose of hiring an outside vendor to conduct a comprehensive staffing study of the department's administrative, corrections, and detention functions. The staffing study should include (1) the number and type of correctional officer positions needed to fully staff each of the department's correctional and detention facilities; (2) the number and type of appropriate positions needed to fully staff the administrative function; (3) recommendations for a staffing model that is adequate for the department's needs; and (4) an examination of the department's personnel software and data collection abilities in order to accurately track and isolate key data by employee and facility, including regular and mandatory drafted overtime, sick leave, and leave without pay. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Response: The Department disagrees for the following reasons.

(1) the number and type of correctional officer positions needed to fully staff each of the department's correctional and detention facilities;

This report is already mandated under statute. During the 2017 Legislative Session, the legislature passed House Bill 232 - Correctional Services – Commissioner's Duties – Staffing Report – requiring the Department to conduct and submit a biennial staffing study to include:

(1) a post-by-post analysis that identifies the actual number of positions needed to safely and securely staff each institution;

(2) the amount of overtime being used to meet minimum standards;

(3) an accounting of all institution activities that have been impacted by staffing levels;

(4) an assessment of expected future turnover in personnel; and,

(5) an analysis of the need for additional staff.

The bill, which became effective October 1, 2017, stipulated that the first report was due to the legislature on October 31, 2017 leaving the Department less than one month to fulfill its reporting obligation. Understanding the tight time constraints, the Department acted immediately after the bill was enacted under Article II, Section 17(c) of the Maryland Constitution on May 27, 2017 by reaching out to the National Institute of Corrections (NIC) for technical assistance.

Unfortunately, the NIC indicated that they would be unable to assist until the spring of 2018. Over the course of several months, the Department met and consulted with the union as it conducted a post-by-post staffing study based on the prior two fiscal years. The Department compiled this information, as well as the other data points mandated by the bill, and submitted a report to the legislature in a timely fashion.

Since the spring of 2018, the federal government cut approximately 50 percent of the NIC's budget so they have indicated that they are unable to provide assistance with the staffing study. As such, the Department is in the process of securing a contract with a national expert to assist with the staffing study in order to adhere and comply with the mandated reporting deadline of October 1, 2019.

(2) the number and type of appropriate positions needed to fully staff the administrative function;

The Department does not need an outside vendor in order to discern the number of administrative positions in order to fully staff the administrative function. The Department can easily distinguish the number of filled administrative positions from the number of vacant administration and has provided the legislature with reports containing this information. Unlike analyzing administrative vacancies and positions, analyzing the number of correctional officers needed to staff correctional facilities is very complex. In analyzing the number of correctional officers, the Department and its expert need to take into consideration factors including, the impact of increased programming; facility sightlines; the relief factor for running facilities 24 hours a day; and, the decrease in the inmate population. This is not necessary for administrative positions. The Department simply needs to continue filling its administrative vacancies.

(3) recommendations for a staffing model that is adequate for the department's needs; and,

See above, the response under question 2.

(4) an examination of the department's personnel software and data collection abilities in order to accurately track and isolate key data by employee and facility, including regular and mandatory drafted overtime, sick leave, and leave without pay.

The software and data collection program in reference is managed entirely by the DBM. As such, the Department is unable to examine this system and discern its collection abilities.

2. **Technology and Data Initiatives Report:** Next Generation 9-1-1 County Implementation: The budget committees request that the Emergency Numbers Systems Board (ENSB) submit a report by January 1, 2020, on Next Generation 9-1-1 (NG911) and initial costs and issues with the first six counties as service is initiated. In addition, ENSB should provide information on how it plans to assist counties, training groups, and any other organizations as NG911 is implemented.

Response: The Department disagrees with the recommended action. In 2018 the legislature passed SB 285 – *the Commission to Advance Next Generation 9-1-1 Across Maryland* – which established a Commission of various subject matter experts to study and make recommendations regarding specified issues related to next generation 9-1-1 emergency communication services. These issues include: (1) the implementation, management, operation, and ongoing development of a next generation system; (2) the costs required to plan, test, implement, manage, and operate a next generation system; and (3) best practices, policies, and procedures for public safety tele-communicators.

As required by legislation the Commission submitted a preliminary report in December 2018 and is required to submit a final report by December 1, 2019. These reports will address the recommended actions and therefore this recommendation is not needed.