

**W00A - Department of State Police  
FY 20 Budget Response  
February 13, 2019**

Personnel Data

Public Safety and Violence Prevention Act of 2018

**The Department should discuss its role in implementing the Public Safety and Violence Prevention Act of 2018 and how it anticipates spending the mandated funding.**

*Agency Response:* The Maryland Department of State Police (MDSP) has identified several priorities for the use of mandated funding provided in the Public Safety and Violence Prevention Act of 2018. Each funding priority is being sought to strengthen the investigative and analytical components of the MDSP Firearms Enforcement Section to provide increased capabilities in the identification and investigation of firearms trafficking, straw purchases, the movement of illegal firearms, and other related firearms offenses.

FY 2020 through FY2023 funding for the Firearms Enforcement Section would be used to support infrastructure, full-time contractual analysts, contractual employees, overtime for criminal investigations and technical, tactical, and investigative equipment.

UCR vs. NIBRS

**MDSP should comment on its current ability to comply with NIBRS and what the Department is doing to plan for the transition, including the assistance and guidance being offered to other State and local law enforcement agencies.**

**The Department of Legislative Services (DLS) recommends that the Department submit a study of what is required for the State to successfully transition to NIBRS by 2021, including the potential costs and any statutory changes that might be necessary.**

*Agency response* – The Department agrees with the recommendation. The Department was awarded a National Incident Based Reporting System (NIBRS) grant on Oct 1, 2018. This grant is funded through September 30, 2021. The goal of this project is to develop the ability to collect and submit crime data compliant with the standard for reporting to the FBI's Uniform Crime Reporting National Incident Based Reporting System (NIBRS).

Prior to application for, and subsequent award of the grant for implementation of NIBRS in Maryland, the MDSP performed an analysis of current technologies available for NIBRS reporting, met with other state programs that have already made the transition from summary reporting to incident reporting, and began developing a plan for Maryland to move forward. There are several county jurisdictions who currently report to the State in summary format, but whose systems have NIBRS capability, and still others who are applying / have applied for federal funds to assist with the transition. The State program intends to form a NIBRS User's Group to involve local law enforcement agencies, and to publish regular updates on progress via an electronic newsletter.

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2017 UCR Not Yet Received

**MDSP should comment on when it anticipates submitting the 2017 UCR to the General Assembly and whether any ongoing or additional data issues have been encountered in putting the report together.**

**DLS recommends annual budget language restricting funds pending the receipt of the 2018 UCR.**

*Agency Response:* The Department does not concur with the recommendation to restrict funds pending receipt of the 2018 UCR. MDSP would consider supporting the restriction if the language included an exception, as provided in Section 42 of the Budget Bill from 2018, for release of the funds if the MDSP submits a report detailing the Department's due diligence to collect the data, including proof of competent oversight of the data contributors.

MDSP would consider applying the penalty to withhold SAPP funding from a police agency only when the MDSP is convinced that the agency is willfully or intentionally shirking its reporting responsibility in violation of Maryland law. The Department does not support the withholding of critical funding from any police agency that makes a bona fide effort toward reporting compliance or that is working to overcome technological glitches or process failures.

The 2017 UCR Crime Book in Maryland is complete and undergoing final review and edit. It will be available to review March 1, 2019. MDSP continues to experience delays with the current manual data entry and mainframe entry process. MDSP is currently working on an internal process that it hopes will replace and improve the review and entry of contributor's data. It is expected that the new process will improve the timeliness of crime data availability. MDSP has received the vast majority of contributor's 2018 data/workbooks. Outstanding data is limited to end of year data and in some cases is the result of personnel change within a contributor's agency. Given that the 2017 UCR Crime Book is now under review, MCE and DPSCS are able to begin 2018 data entry processes. The MDSP also expects that the development of the new data entry process will be complete by summer, continuing process efficiency.

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**CIVILIANIZATION EFFORTS CONTINUE**

**MDSP should comment on its efforts to civilianize its workforce, including the status of placing troopers currently performing administrative functions back into the field.**

**DLS recommends language requiring DSP to continue pursuing civilianization with more expediency than previously shown.**

*Agency Response:* The Department disagrees with the recommendation that restrictive budgetary language is needed to require the continued pursuit of civilianization. In its report entitled, Maryland Department of State Police Workforce Civilianization Plan, submitted on August 15, 2017, the Department agreed that civilianization is in its best interest and stated its commitment to civilianization wherever appropriate to do so, as long as daily operations were not compromised. While the Department fully supports the concept of civilianization of appropriate positions, it cannot come at the expense of eliminating trooper positions. The Department stated in its 2017 report, and believes even more firmly today given its focus on civilianization, that civilianization should take place over multiple years prioritizing the most obvious classifications for civilianization.

Since the December 2016 analysis by the Office of Legislative Audits, the Department has reprioritized 10 existing civilian vacancies and reclassified them to address the most pressing needs identified by the OLA report. The chart below reflects the current status of the 10 existing vacancies.

<b>PIN Number</b>	<b>Current Classification</b>	<b>New Classification</b>	<b>Status</b>	<b>Comment</b>
050350	Fiscal Accounts Clerk II	Admin Officer II	Qualified individual successfully hired	Sworn member will be transferred to other law enforcement functions once civilian is trained and capable of functioning with the full range of required duties
088667	Office Services Clerk	Admin Officer II	Qualified individual successfully hired	Sworn member will be transferred to other law enforcement functions once civilian is trained and capable of functioning with the full range of required duties

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<b>PIN Number</b>	<b>Current Classification</b>	<b>New Classification</b>	<b>Status</b>	<b>Comment</b>
062480	Pub Affairs Officer I	Public Affairs Officer II	In process – Polygraph Phase	Sworn member will be transferred to other law enforcement functions once civilian is trained and capable of functioning with the full range of required duties
037124	Electrician	MSP Digital Forensic Examiner	In process-Interview phase	Sworn member will be transferred to other law enforcement functions once civilian is recruited, hired, trained and capable of functioning with the full range of required duties
072495	Administrator I	Polygraph Examiner Provisional	Qualified individual successfully hired	Sworn member reassigned to law enforcement duties
066147	Administrative Officer I	Program Manager I	Classification completed	Requested DBM revisit classification
081224	Office Services Clerk	Admin Officer II	Qualified individual successfully hired	Sworn member will be transferred to other law enforcement functions once civilian is trained and capable of functioning with the full range of required duties
088672	Office Services Clerk	Admin Officer II	Qualified individual successfully hired	Sworn member will be transferred to other law enforcement functions once civilian is trained and capable of functioning with the full range of required duties
087273	Office Secretary III	Polygraph Examiner Provisional	Qualified individual successfully hired	Sworn member reassigned to law enforcement duties

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<b>PIN Number</b>	<b>Current Classification</b>	<b>New Classification</b>	<b>Status</b>	<b>Comment</b>
089400	Criminal Intel Analyst Sup.	MSP Digital Forensics Examiner	In process- Interview Phase	Sworn member will be transferred to other law enforcement functions once civilian is recruited, hired, trained and capable of functioning with the full range of required duties

In addition, the Department reclassified five new PINs provided by the Department of Budget and Management in order to reassign troopers currently performing administrative functions to law enforcement duties. The status of those efforts are noted below.

<b>New Classification</b>	<b>Class Code</b>	<b>Working Title</b>	<b>Status</b>
Administrator I	2586	Decentralized Line Inspection Coordinator	Trooper PIN reassigned to law enforcement duties
Polygraph Examiner Provisional	1451	Polygraph Examiner Provisional	Trooper PIN reassigned to law enforcement duties
Administrative Program Manager III	5474	Director Motor Vehicle Division	Trooper PIN will be reassigned to law enforcement duties upon successful training and transition
Administrative Program Manager I	5472	Deputy Director Motor Vehicle Division	Trooper PIN will be reassigned to law enforcement duties upon successful training and transition
Administrative Program Manager I	5472	Deputy Director Quartermaster Division	Trooper PIN reassigned to law enforcement duties

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**FLEET MANAGEMENT**

**MDSP should comment on whether receiving \$7.2 million in speed camera revenues for vehicle purchases is realistic and how the department will fulfill its fleet management plan if the special fund attainment is lower than budgeted.**

*Agency Response:* The Speed Camera fund is managed by the State Highway Administration. Based on DBM's projection, the fund will earn enough revenue and that a \$7.2 million distribution is realistic. In the event that there are not enough funds, MDSP will work with DBM to cover the shortfall.

**OFFICE OF THE STATE FIRE MARSHAL**

**OSFM should discuss how the new salary for fire safety inspectors compares to surrounding jurisdictions and how impediments to hiring and retaining agency personnel are being addressed. The agency should also comment on what would be fiscally and operationally required to automate the inspection process.**

*Agency Response:* The Office of the State Fire Marshal (OSFM) is currently responsible for Fire Code Enforcement in 15 out of the 23 counties within the State of Maryland. Fire Code enforcement by the OSFM is primarily accomplished by nine full-time civilian Fire Safety Inspectors and five contractual Fire Safety Inspectors who conduct field inspections of both new and existing properties. It should be noted that the responsibilities of the contractual Fire Safety Inspectors are limited to inspections of those occupancies directly related to child care, i.e. Day Care Centers, Family Day Care Homes, and Foster Care Homes. In addition to the work performed by the OSFM Inspection Staff, a limited number of fire safety inspections are also performed by OSFM Fire Protection Engineers and sworn Deputy State Fire Marshals.

Recently, several OSFM Fire Safety Inspectors have left employment with the State of Maryland to accept employment within local jurisdictions, or have resigned due to medical or other personal reasons. Although an increase in the hourly rate for the contractual Fire Safety Inspectors, as well as a three grade increase in salaries for the full time civilian Fire Safety Inspectors received in FY19 has served to retain several of the current OSFM Fire Safety Inspectors and has brought an increase in applications for the vacant positions, the current starting salary of the OSFM Fire Safety Inspectors is still 24.5% to 72.5% lower than the starting salaries for these positions in the other counties and municipalities within the state.

Inspections for new occupancies have been assigned a higher priority and are being completed as best as possible. The larger issues are with the inspections of existing occupancies which are required to be inspected by State law. Having additional inspectors on staff would greatly enhance the ability of the OSFM to inspect all existing properties as required, as well as satisfying the demand for new occupancy inspections. Having inspection personnel available to

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complete this work would also allow the sworn Deputy State Fire Marshals to focus solely on fire and criminal investigations.

The OSFM has been conducting a search for a vendor to automate the plan review, inspection, and billing procedures, which are all related functions of the overall fire code enforcement process. Representatives from this Office have made field visits to review systems in State Fire Marshal offices in Tennessee, Louisiana, and California; as well as in other local jurisdictions in Maryland. Each of these searches has revealed systems that could be implemented by the OSFM; however, the high cost of each of these systems has prevented further consideration and implementation by this Office.

For each of these automated systems, a set up cost and an annual maintenance fee with possible upgrades and program modifications are needed to effectively operate the system. As an example, the latest cost quote for this type of system was for over \$600,000 with an annual fee over \$100,000. Operationally, a new custom software suite would require new workflows and significantly impact the responsibilities of our administrative staff. Information received from other code enforcement jurisdictions who have implemented such systems has indicated that electronic plan review, inspection, and billing procedures have streamlined their productivity and enhanced their customer service. To date, the OSFM has not been able to identify a funding source to support automation of the inspection process.

**AUTOMATED LICENSING AND REGISTRATION TRACKING SYSTEM**

**MDSP should provide a status update on the implementation of the different phases of the ALRTS project and the outstanding issue with STO. The Department should comment on whether the December 2020 projected completion date remains accurate, assuming a March 2019 resolution of the financing issue, and whether additional funding will be needed beyond fiscal 2021.**

*Agency Response:* In April 2013, MDSP requested classification of the Automated Licensing and Registration Tracking System (ALRTS) as one of Maryland's Major IT Development Programs (MITDP), and under that umbrella, developed and deployed the HQL system in September, 2013. Phase 1 of the project began shortly after, involving development of a web-accessible, scalable system designed to automate and streamline the process by which an individual requests approval to purchase a regulated firearm. This project involves automating the entire firearm application process, including but not limited to: dealers applying to MDSP to sell firearms in the State, deployment of a Licensing Portal to facilitate online application forms submitted electronically to the agency, electronic processing of the applications, automated billing and reconciliation of fees, and providing real time or near real time reporting metrics. Phase 1, the electronic application form/process (the 77R) to purchase a regulated firearm, went live on January 1, 2017.

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Phase 2, the electronic form/process for the Handgun Permit application, also known as “wear/carry,” began in June 2017 and development was completed on time; however, deployment was put on hold in May 2018 due to issues identified by the State Treasurer’s Office (STO) with the Department of Information Technology’s (DoIT) statewide master contract for merchant services. As MDSP understands it, STO took issue with the collection of service fees by the vendor and the subsequent accounting of those service fees in the State’s financial system. As such, existing services provided by the vendor could continue, but no new engagements/work orders would be approved for any state agency. A solicitation for a new merchant services contract was released in August 2018 and is being managed by the STO and DoIT. MDSP has limited visibility into the procurement activities, but receives periodic updates on progress from DoIT. To date, the situation has not been resolved, but DoIT recently indicated its goal of having a solution in place by the end of March 2019.

While Phase 2 is on hold, Phase 3 development has begun. This final phase includes an electronic form/process for security guards, security companies, special police, railroad police, machine gun registration, and Maryland firearm dealer registration. The forms and processing of the application types included in Phase 3 are similar enough to the handgun permit process that the MDSP expects to complete all of them, assuming a March 2019 resolution to the merchant services issue, by the second quarter of fiscal 2020. The MITDP program allows for a year of Operations & Maintenance (O&M) funding after project completion. This funding is accounted for in MDSP’s required submission of the FY21 IT Project Request form to DoIT which was submitted in September 2018.

**FISCAL 2018 STATEWIDE CLOSEOUT AUDIT**

**MDSP should discuss the findings of the fiscal 2018 closeout audit and the plan to revert \$994,000 at the close of fiscal 2019.**

*Agency Response:* Since last year, MDSP has been working to eliminate these residual balances predating FY15. MDSP has been and continues to work with the General Accounting Division and Department of Budget and Management to clear the balances by FY19 closeout.



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**OPERATING BUDGET RECOMMENDED ACTIONS**

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

provided that \$500,000 of this appropriation made for the purpose of funding personnel expenses may not be expended until the Department of State Police (DSP) submits a report to the budget committees demonstrating that the 15 positions identified for civilianization in the department's December 1, 2018 report to the budget committees have resulted in 15 troopers being placed back into direct law enforcement activities by November 1, 2019.

*Agency response:* MDSP does not concur with this recommendation. The Department has reclassified 10 civilian positions in accordance with the budget committee's recommendation. MDSP has noted in our correspondence with DLS we did not have any additional pins to reclassify. As such, the MDSP worked with DBM to provide an additional five pins necessary for MDSP to meet the legislative mandate. MDSP received the pins in December, 2018.

The latest five civilian pins have been reclassified and are in the process. Although we stated in our correspondence with DLS, "Conservatively we would expect all 15 sworn PINS to be reassigned by the end of CY2019. This estimate is provided with some reservation since many of the new recruitments will require individuals with specific skill sets and the number of qualified applicants may not be large." We are confident that the original ten trooper pins will be assigned law enforcement duties by December 31, 2019. The five civilian pins received in December, 2018 are going to take time to hire and once successfully recruited, trained and capable of functioning with the full range of required duties for the new classification, sworn members will be transferred to other law enforcement functions. We understand DLS' concern, but as noted elsewhere MDSP has over 87 on going active recruitments and are working to meet these goals.

Further provided that the restricted funds may be not expended until DSP confirms that 5 additional positions currently filled by troopers have been reclassified as civilian positions by November 1, 2019. The report shall be submitted to the budget committees by December 1, 2019, and the budget committees shall have 45 days to review and comment. To the extent that positions are not successfully reclassified or the report is not submitted by the requested date, the restricted funds shall revert to the General Fund.

*Agency Response:* MDSP does not concur with this recommendation. MDSP has been very clear in its communication with OLA and the General Assembly that any civilianization effort could not occur at the expense of sworn positions. As has been pointed out many times, MDSP has lost 135 civilian positions through mandated budget cuts and ordered separations since 2003. (See MDSP Staffing Study - pg.16).

MDSP does not understand after all the communications between the committees and the department why reclassifying pins is the only acceptable solution. As properly stated in the letter from DLS to the Budget Committee chairs releasing restricted funds, dated January 7, 2019,

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“The department is not supportive of reclassifying sworn positions for the purpose of civilianization. In addition, although there are currently 122 vacant civilian positions, DSP provided a detailed explanation as to why they were not eligible for reprioritizing for the purpose of civilianization.” Further, the correspondence reiterates “The department estimates that receiving 75 new positions would allow it to fulfill the civilianization recommendations laid out in the 2016 OLA report.” This is why MDSP continues to state, absent additional pins provided to the Department, we cannot comply with the DLS recommendation to reclassify additional positions.

2. Add language restricting funds pending receipt of a report on the transition to the national Incident Based Reporting System for reporting Uniform Crime Report data.

*Agency Response:* MDSP agrees with the recommendation.

3. Add budget bill language restricting \$1,000,000 of the general fund appropriation until the Department of State Police submits the 2018 Uniform Crime report.

*Agency Response:* MDSP does not agree with the recommendation. MDSP would consider supporting the restriction if the language included an exception, as provided in Section 42 of the Budget Bill from 2018, for release of the funds if the MDSP submits a report detailing the Department’s due diligence to collect the data, including proof of competent oversight of the data contributors.