

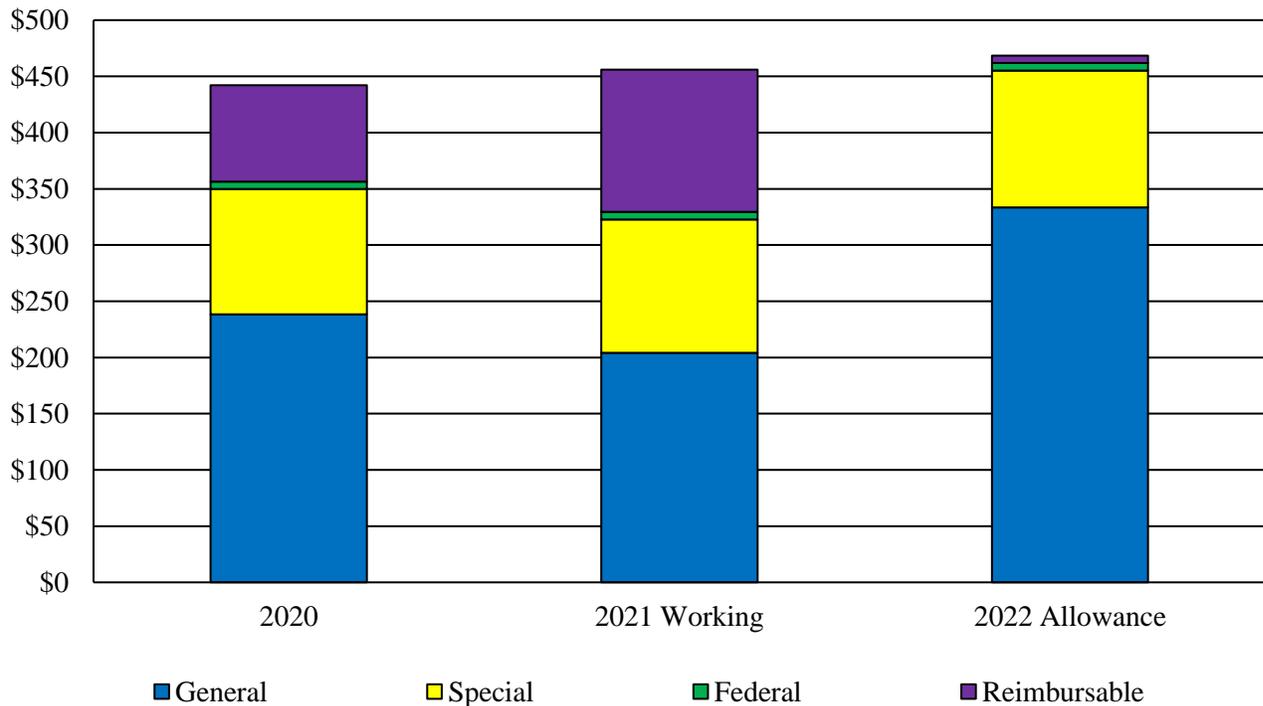
W00A
Department of State Police

Executive Summary

The Department of State Police (DSP) is a full-service law enforcement agency serving the entire State with a primary directive of reducing crime and highway tragedies through statewide patrol and enforcement of criminal and traffic laws. The department also includes the Vehicle Theft Prevention Council, the Fire Prevention Commission, and the Office of the State Fire Marshal.

Operating Budget Summary

**Fiscal 2022 Budget Increases \$12.3 Million, or 2.7%, to \$468.3 Million
(\$ in Millions)**



Note: Fiscal 2021 includes deficiency appropriations, planned reversions, and general salary increases. Fiscal 2022 includes contingent reductions, annual salary review adjustments, and annualization of general salary increases.

- Reimbursable funds offset general fund expenditures in fiscal 2020 and 2021. This is federal Coronavirus Aid, Relief, and Economic Security Act money provided to cover expenses for public safety salaries and protective equipment.

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Key Observations

- ***Licensing Division Receives 21 New Positions:*** The number of firearms license applications to DSP’s Licensing Division has nearly tripled over the past three years. Overtime expenditures have likewise grown. A fiscal 2021 deficiency appropriation provides funding for overtime and to modify available office space to accommodate additional personnel. The fiscal 2022 allowance provides 8 sworn and 13 civilian positions to screen applications and perform background checks.
- ***Maryland State Police Aviation Command (MSPAC):*** MSPAC has made progress filling pilot vacancies at its Western Maryland and Eastern Shore bases, restoring them to 24/7 operations. Funding to MSPAC has also been restored following fiscal 2021 cost containment actions by the Board of Public Works to close one base. The decision against closing one base came after the completion of a basing realignment study, which instead suggested that MSPAC renegotiate the maintenance contracts of its fleet.
- ***Uniform Crime Report (UCR) Submitted On Time:*** DSP is the designated agency responsible for the compiling of crime data and submitting Maryland’s UCR to the Federal Bureau of Investigation; the 2019 UCR was submitted on time for the first time in several years. DSP is also leading the transition to the National Incident Based Reporting System.

Operating Budget Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Delete new civilian positions to the Licensing Division to account for current vacancies.	\$ 333,976	8.0
2. Increase turnover expectancy to 25% for new positions in the Licensing Division.	256,101	
3. Adopt committee narrative requesting a one-year update on the implementation of the National Incident Based Reporting System.		
4. Add language to restrict funds pending the submission of the 2020 Uniform Crime Report.		
Total Reductions	\$ 590,077	8.0

Updates

- Facility, equipment, and personnel limitations have resulted in a backlog at DSP’s Toxicology Unit. DSP is currently working with the Administration to address these limitations with the goal of expanding the unit’s operations to its Hagerstown and Berlin barracks.

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Operating Budget Analysis

Program Description

The Department of State Police (DSP) exists to safeguard persons within the State, protect property, and assist in providing all persons equal protection under the law. The department's operating structure is composed of the following programs:

- the Office of the Superintendent;
- the Field Operations Bureau;
- the Criminal Investigation Bureau; and
- the Support Services Bureau.

Within these functions, the department recruits and hires employees; addresses retention issues; provides services in procurement and distribution of supplies and equipment; works to improve the critical error rate of law enforcement agencies that enter civil protective orders into the Maryland Interagency Law Enforcement Agency and National Crime Information Center systems; serves as a catalyst for the interagency exchange of criminal justice, homeland security, and intelligence information at the federal, State, and local levels; and provides timely and efficient access to public information and records. The department also includes the Vehicle Theft Prevention Council, the Fire Prevention Commission, and the Office of the State Fire Marshal (OSFM), which are charged with safeguarding life and property from the hazards of fire and explosion.

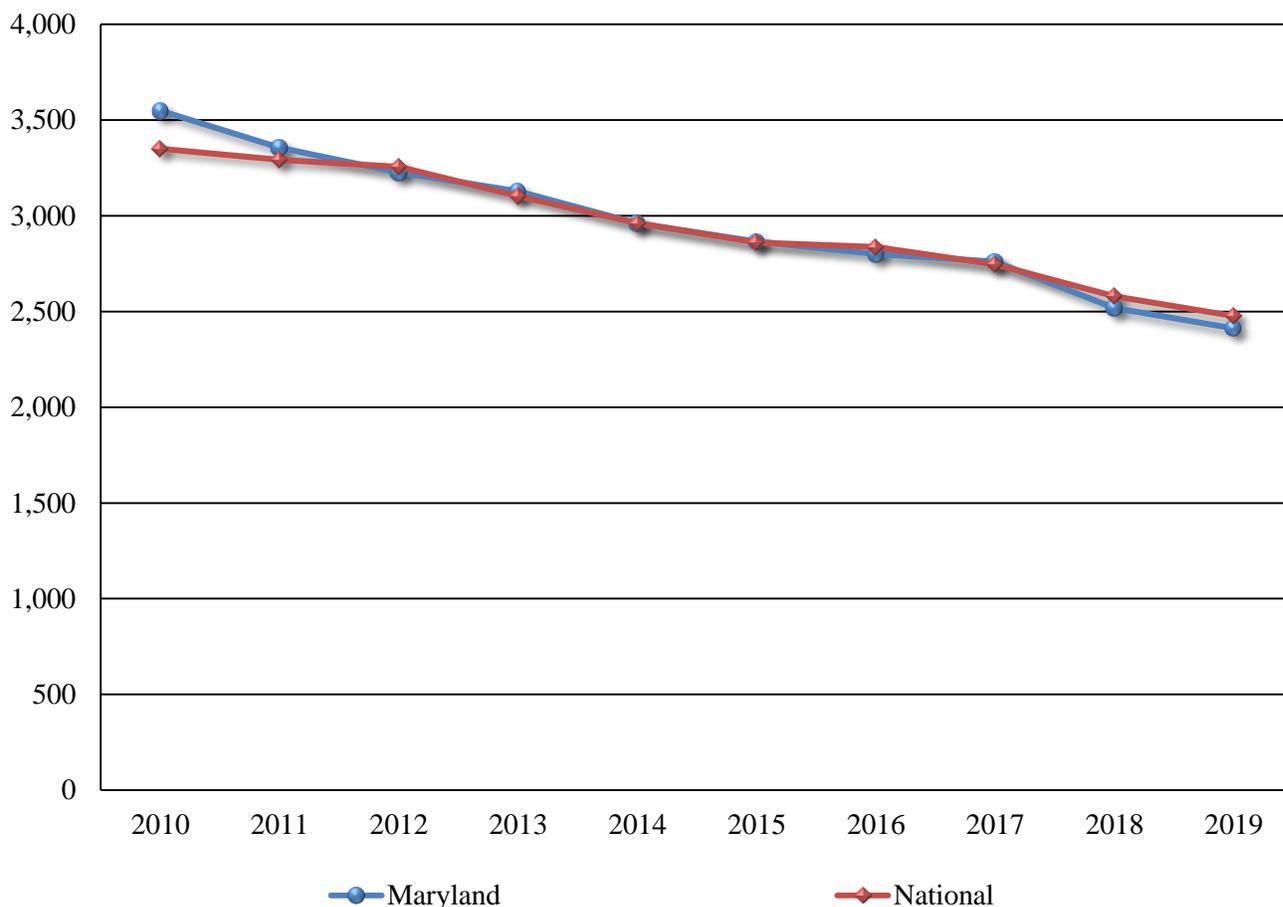
Performance Analysis: Managing for Results

1. Maryland Crime Rates Fall Below Nation; Murder Rates Remain Elevated

DSP is responsible for collecting crime data from local law enforcement agencies and compiling the information into Maryland's *Uniform Crime Report* (UCR); this data is submitted to the Federal Bureau of Investigation (FBI) and is published annually in the *Crime in Maryland: Uniform Crime Report*. The most recent publication of this report is the 2019 volume.

Once well above the national crime rate, the number of offenses per 100,000 people in Maryland has dropped significantly over the past decade, as shown in **Exhibit 1**. While the statewide and nationwide crime rates have fallen in tandem since 2012, the Maryland crime rate is now slightly lower than that of the nation. The national rate in 2019 was 2,477 offenses per 100,000, while the Maryland rate was 2,411 per 100,000.

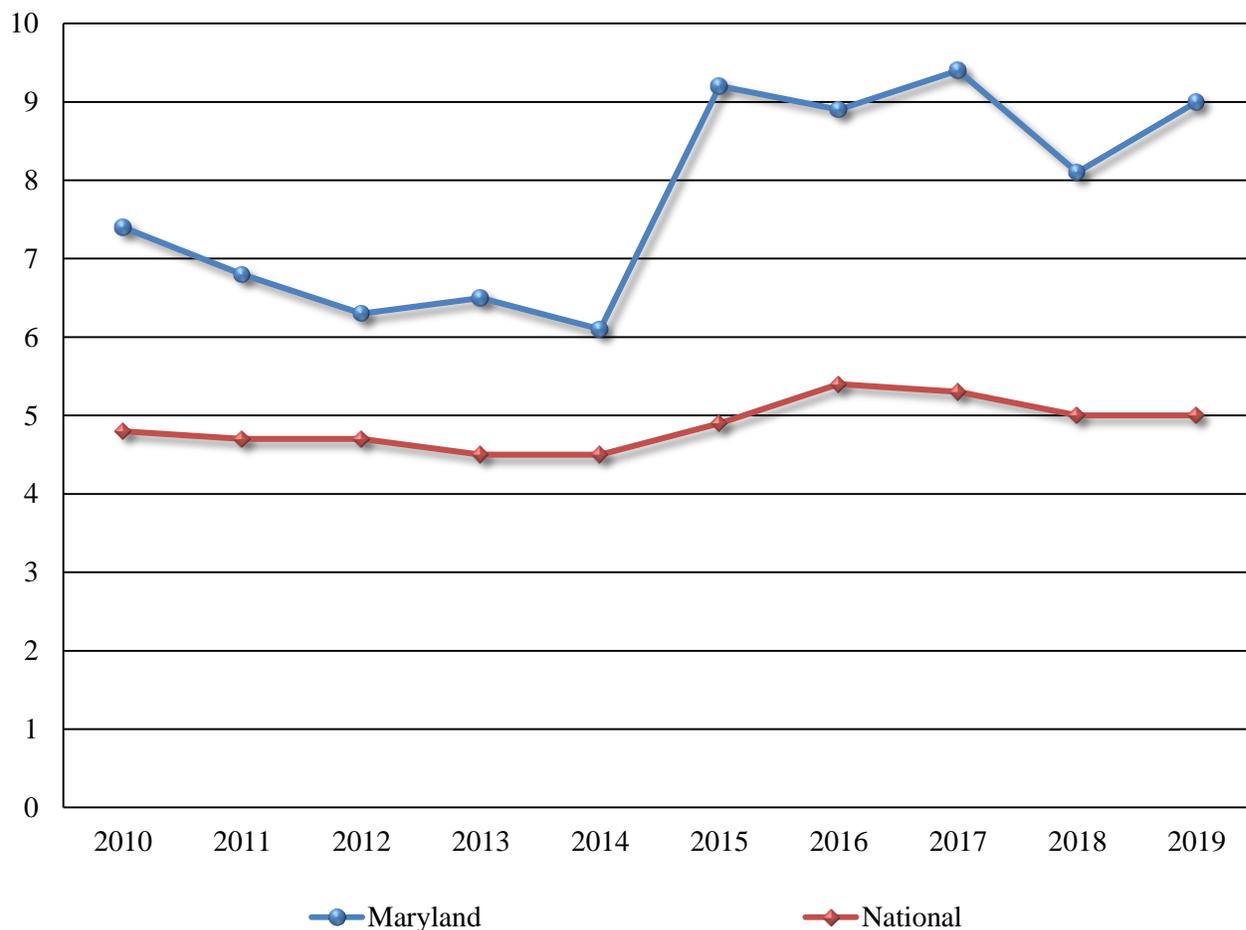
Exhibit 1
Crime Rates Per 100,000 in Maryland and the United States
Calendar 2010-2019



Source: 2019 Uniform Crime Report; Federal Bureau of Investigations

Still, as shown in **Exhibit 2**, Maryland’s murder rate remains well above the national rate, as it has since a spike in calendar 2015. There were 9.0 murders per 100,000 in Maryland in calendar 2019, a 9.9% increase from calendar 2018. At the same time, the national murder rate remained level at 5.0 murders per 100,000.

Exhibit 2
Murder Rate Per 100,000 in Maryland and the United States
Calendar 2010-2019

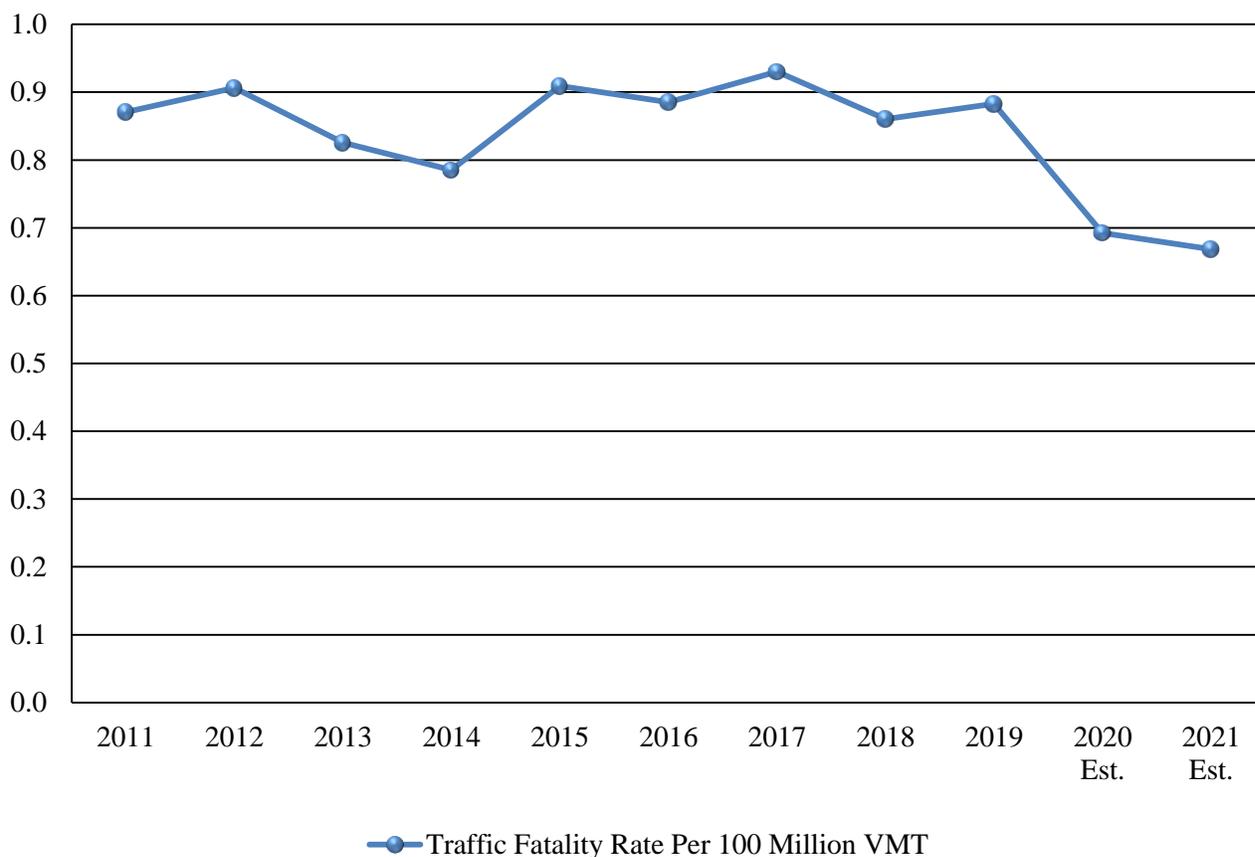


Source: 2019 Uniform Crime Report; Federal Bureau of Investigations

2. Traffic Fatalities Drop due to COVID-19 Pandemic

As a full-service law enforcement agency, traffic enforcement remains a chief responsibility of DSP. Since 2015, traffic fatalities per 100 million vehicle miles traveled (VMT) ranged between 0.85 and 0.95 fatalities per 100 million VMT. In 2020, however, the number is estimated to drop significantly to 0.69 fatalities per 100 million VMT, as shown in **Exhibit 3**. This is likely due to the substantial decline in travel during the pandemic.

Exhibit 3
Traffic Fatalities Per 100 Million Vehicle Miles Traveled
Calendar 2011-2021 Est.



VMT: vehicle miles traveled

Source: Fiscal 2022 Managing for Results

Fiscal 2020

The Office of Legislative Audits (OLA) released the *Statewide Review of Budget Closeout Transactions for Fiscal Year 2020* report in January 2021. OLA found that, at the end of fiscal 2020, DSP had a special fund deficit totaling \$509,000 in the Salvage Vehicle Inspection Program. This is an increase from the \$485,000 deficit recorded in OLA’s fiscal 2019 closeout review. This deficit has persisted since OLA’s 2015 fiscal compliance audit. While annual progress has been made in reducing this deficit, DSP reported that expenditures exceeded revenues during fiscal 2020 due to the COVID-19 pandemic.

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During fiscal 2020, DSP reverted \$77.3 million in general funds. This is largely driven by general fund savings realized by utilizing available federal funds in its place for salaries. DSP received \$74.5 million in Coronavirus Relief Funds (CRF) via budget amendment for this purpose. Additional discussion of this funding can be found in the Proposed Budget discussion of this analysis.

Fiscal 2021

Cost Containment

At its July 1, 2020 meeting, the Board of Public Works (BPW) approved \$413.0 million in cost containment actions in response to the COVID-19 pandemic. This resulted in approximately \$7.0 million in reductions to DSP's appropriation and included the following:

- closing one Maryland State Police Aviation Command (MSPAC) base and reducing the associated aviation insurance, maintenance, and overtime expenditures. While initially approved by BPW, a MSPAC basing study determined that the closure of one base would adversely impact response times, and the reduction was subsequently reversed by Governor Lawrence J. Hogan, Jr. This action would have yielded \$1.3 million in savings, though this funding was later restored;
- additional savings were realized by reducing \$490,000 in MSPAC fuel and maintenance costs;
- reducing facility maintenance, contractual services, and information technology (IT) purchases yielded \$2.2 million in savings;
- collocating the Baltimore Regional Intelligence Center with the Maryland Coordination and Analysis Center yielded \$1.0 million in savings. This will be discussed further in the fiscal 2022 DSP capital analysis;
- reducing \$1.0 million in fuel expenditures;
- reducing the buildout costs for a new Criminal Enforcement Division lease yielded \$300,000 in savings; and
- reducing vehicle replacement funding by \$150,000 for OSFM.

Proposed Deficiency

The fiscal 2022 budget provides DSP with \$5.8 million in fiscal 2021 deficiency funding, \$5.4 million of which is general funds. This includes the following:

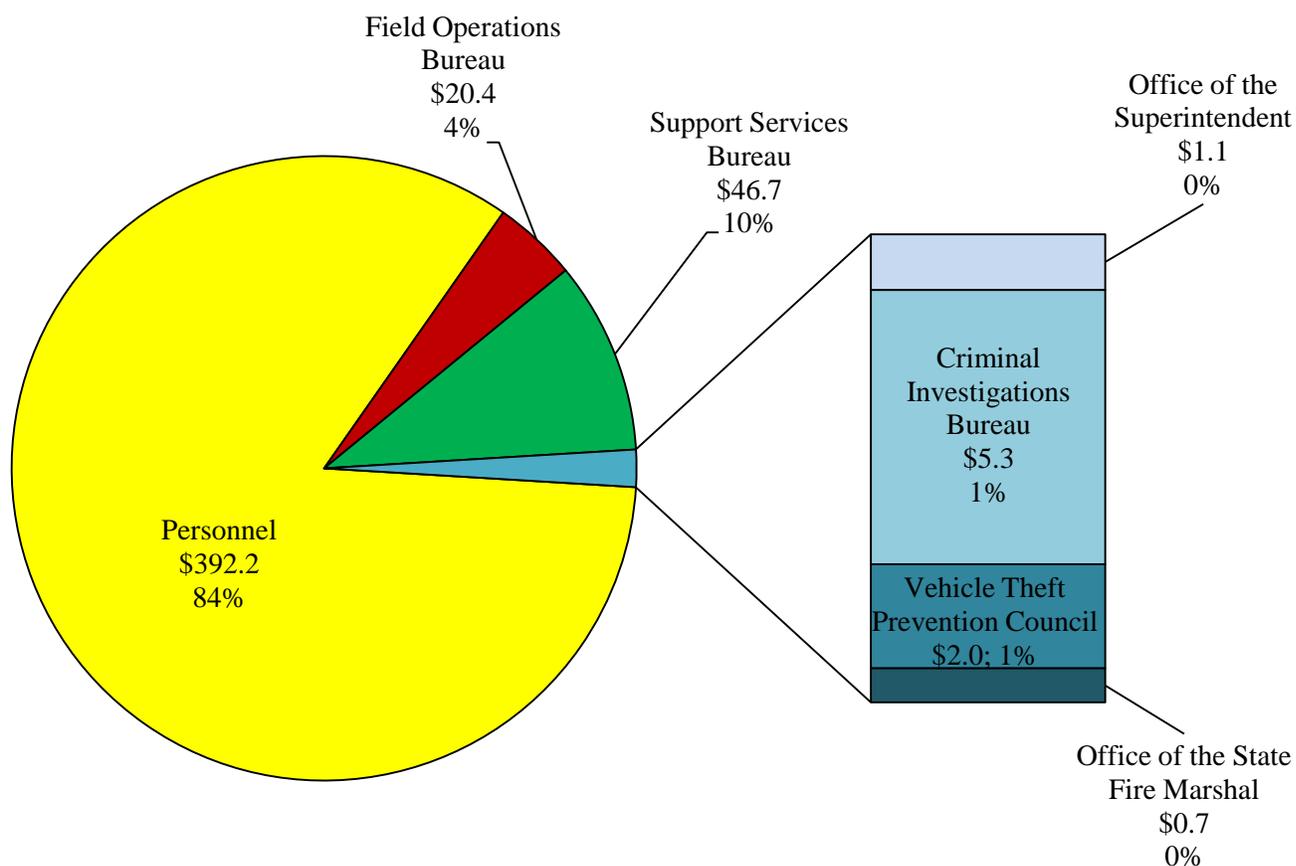
- \$1.4 million to fund contractual personnel, overtime expenditures, and facility modifications needed to address a significant increase in firearms applications received by the Licensing Division. This will be discussed further in the Proposed Budget discussion of this analysis;
- \$0.4 million to fund rent increases for the Criminal Enforcement Division’s new facility;
- \$1.6 million to fund software system maintenance. This includes maintenance on evidence tracking systems, records management systems, Computer-Aided Dispatch, and traffic data systems. A portion of this funding is reimbursable funds from the Motor Vehicle Administration, the Maryland Transit Administration, and the Maryland Transportation Authority as these agencies share use of these computer systems;
- \$0.5 million to fund new and replacement bulletproof vests and uniforms;
- \$0.8 million to fund vehicle gasoline; and
- \$1.1 million to fund building maintenance and to replace aging HVAC systems and boilers at various DSP facilities.

A significant portion of BPW’s cost containment actions appear to have been restored either through proposed deficiencies or the utilization of available fund balances. Of the \$7.0 million reduction in fiscal 2021, \$0.8 million is restored for gasoline expenses, \$1.6 million is restored for IT expenses, and \$1.0 million in available funds from the 2020 supplemental budget was used to backfill MSPAC expenses. In all, the deficiencies suggest that \$3.4 million of the \$7.0 million BPW reduction has been restored. To that end, DSP ultimately accounts for less than 1.0% of all cost containment actions.

Fiscal 2022 Overview of Agency Spending

DSP’s fiscal 2022 allowance totals \$468.3 million; **Exhibit 4** shows this allowance categorized by program. Personnel costs represent 84% of expenditures throughout the department. The remaining program expenditures are shown, net of personnel costs.

**Exhibit 4
Overview of Agency Spending
Fiscal 2022 Allowance
(\$ in Millions)**



Source: Governor’s Fiscal 2022 Allowance

The Office of the Superintendent establishes departmental policy and provides direction for the Maryland State Police. The fiscal 2022 allowance provides \$1.1 million, or 0.2%, for this program net of personnel costs.

The Field Operations Bureau receives 4.3%, or \$20.4 million. The bureau oversees 23 police barracks throughout the State and works to maintain public safety and deter criminal activity. Several divisions operate within the Field Operations Bureau, including the Automotive Safety Enforcement Division, the Commercial Vehicle Enforcement Division, and patrol operations along the John F. Kennedy Memorial Highway. The Field Operations Bureau also accounts for the largest share of DSP’s personnel, with 1,306 authorized positions (51.9% of the department).

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The Criminal Investigations Bureau directs the investigative and forensic operations of the department. Totalling \$5.3 million, this bureau represents 1.1% of DSP’s fiscal 2022 allowance. The divisions within this bureau include the Investigation Command, the Criminal Enforcement Division, the Forensic Sciences Division, and the Licensing Division.

The Support Services Bureau receives \$46.7 million in fiscal 2022, accounting for about 10% of the department’s overall allowance. The bureau is comprised of four distinct commands: the Personnel Command; the Technology Information Management Command; the Logistics Command; and MSPAC. Operations of this bureau include the Training Division and the IT Division.

The Vehicle Theft Prevention Council assists in the prevention of vehicle theft and other vehicle-related crimes. The council develops statewide programs and strategies to promote community policing and awareness of vehicular crimes. The council allocates a total of \$2.0 million from the Vehicle Theft Prevention Fund for such programs. This accounts for 0.4% of the total allowance.

OSFM conducts arson-related investigations and ensures compliance with State Fire Prevention Code. OSFM accounts for \$0.7 million (0.1%) of the total allowance.

Proposed Budget Change

The fiscal 2022 allowance increases by \$12.3 million, or 2.7%, above the current year’s working appropriation. **Exhibit 5** details the main drivers of this growth.

Exhibit 5
Proposed Budget
Department of State Police
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2020 Actual	\$238,408	\$111,396	\$6,476	\$85,721	\$442,001
Fiscal 2021 Working Appropriation	204,065	118,497	6,925	126,537	456,023
Fiscal 2022 Allowance	<u>333,507</u>	<u>121,503</u>	<u>6,999</u>	<u>6,275</u>	<u>468,284</u>
Fiscal 2021-2022 Amount Change	\$129,442	\$3,007	\$74	-\$120,262	\$12,261
Fiscal 2021-2022 Percent Change	63.4%	2.5%	1.1%	-95.0%	2.7%

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Where It Goes:

Personnel Expenses

Fiscal 2022 4% SLEOLA salary increase	\$8,947
Fiscal 2022 SLEOLA increment	5,069
New positions.....	1,357
Employee and retiree health insurance	1,089
Other fringe benefit and technical adjustments.....	915
Net impact of annualized 2% COLA	281
Overtime earnings	200
Fiscal 2022 annual salary review	190
Turnover adjustments.....	-655
Fiscal 2021 deficiency for Licensing Division overtime not carried forward	-750
Regular earnings	-872
Retirement system contributions.....	-2,702

Net Impact of Fiscal 2021 Deficiencies

Vehicle gasoline expenditures.....	558
Replacements for aging bullet proof vests and other departmental uniforms	250
Rent increase for a Criminal Enforcement Division facility	191
Maintenance on various computer systems, including Computer-Aided Dispatch and evidence tracking systems.....	-423
Fiscal 2021 deficiencies for contractual expenditures to address surge in firearms applications	-677

Other Changes

Restoration of MSPAC funding net of personnel adjustments and available funding in the 2020 supplemental budget	1,131
Miscellaneous adjustments.....	198
Licensing Division funding for Administrative Hearings to accommodate increased hearings on applications not acted upon within 90 days	138
Data processing equipment	76
Retirement administrative fees.....	-11
Statewide Personnel System allocation.....	-54
700 MHz radio system operating costs	-153
Vehicle maintenance and repair	-359
One-time expenditures to buildout Licensing Division facilities to accommodate new employees	-1,675

Total **\$12,261**

COLA: cost-of-living adjustment

MHz: megahertz

MSPAC: Maryland State Police Aviation Command

SLEOLA: State Law Enforcement Officers Labor Alliance

Note: Fiscal 2021 includes deficiency appropriations, planned reversions, and general salary increases. Fiscal 2022 includes contingent reductions, annual salary review adjustments, and annualization of general salary increases.

Sworn Personnel Salary Enhancements Drive Budget Growth

Personnel salary enhancements account for a net increase of \$13.1 million in fiscal 2022 and reflect the addition of 21 new positions, various changes to fringe benefits, as well as compensation enhancements for members of the State Law Enforcement Officers Labor Alliance (SLEOLA). Taken separately, non-SLEOLA adjustments reflect a net decrease of approximately \$946,000 from the current year working appropriation. SLEOLA adjustments total \$14.0 million. This includes \$8.9 million for a 4% general salary increase and \$5.1 million for a merit increase. The magnitude of the SLEOLA adjustments are worth noting, considering that the rest of the department's budget decreases by roughly \$2.0 million.

The fiscal 2022 allowance also includes funding for an annual salary review. Approximately \$190,000 is provided to the Office of the Superintendent's Office of Strategic Planning for salary enhancements to civilian positions with fiscal and accounting duties.

MSPAC Funding Restored Following BPW Cuts

While funding had been cut in BPW cost containment, Governor Hogan subsequently announced that no MSPAC base would be closed as a result of the findings of a commissioned basing realignment study. For the current year working appropriation, the Department of Budget and Management (DBM) advised that excess funding provided in the 2020 supplemental budget to support vehicle purchases would be used to backfill the BPW cuts; this funding was not needed due to the attainment of projected speed camera revenues in fiscal 2021. The funding was also restored in the fiscal 2022 allowance, reflected in the \$1.1 million increase for MSPAC in Exhibit 5. This increase is net of personnel adjustments as well as the funding provided in the 2020 supplemental budget.

For further discussion of the basing realignment study, refer to the Issues section of this analysis.

Proposed Use of CRF in Fiscal 2021

As previously discussed, the Administration applied \$74.5 million in available CRF money in fiscal 2020 to DSP salaries to produce general fund savings. In Section 19 of the fiscal 2022 Budget Bill (HB 588 and SB 491), the Administration proposes a similar arrangement for public safety agencies in fiscal 2021. Under this provision, a total of \$173.4 million in general fund savings will be realized, contingent on the recognition of a federal fund deficiency appropriation to the Maryland Department of Health's (MDH) Office of Preparedness and Response. This money would then be distributed as reimbursable funds to offset general fund expenditures related to public safety salaries in the following agencies: Department of General Services (\$4.4 million); Department of Natural Resources (\$21.6 million); MDH (\$27.0 million); and DSP (\$120.4 million).

Personnel Data

	<u>FY 20 Actual</u>	<u>FY 21 Working</u>	<u>FY 22 Allowance</u>	<u>FY 21-22 Change</u>
Regular Positions	2,462.50	2,458.50	2,479.50	21.00
Contractual FTEs	<u>59.59</u>	<u>37.00</u>	<u>34.80</u>	<u>-2.20</u>
Total Personnel	2,522.09	2,495.50	2,514.30	18.80

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	176.77	7.19%
Positions and Percentage Vacant as of 12/31/20	258.00	10.49%
Vacancies Above Turnover	81.23	

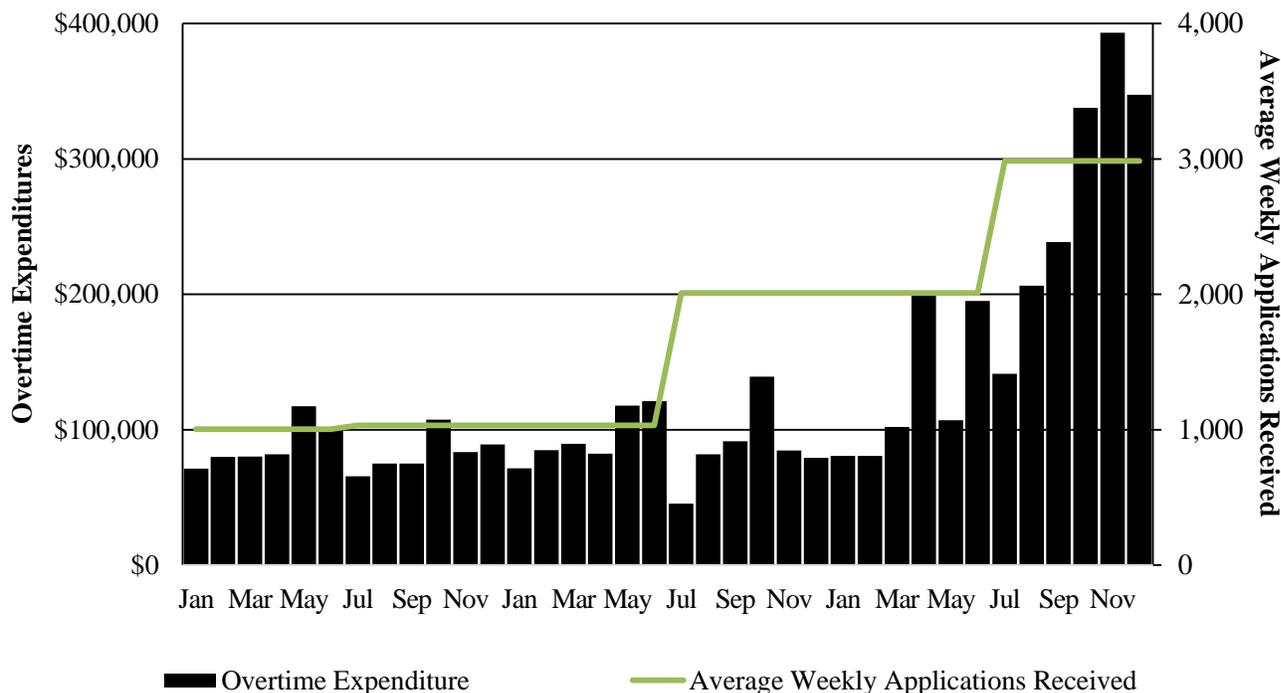
DSP Receives New Positions for Elevated Licensing Division Caseloads

DSP receives 21 new positions in the fiscal 2022 allowance to address the high number of firearm license requests in recent months. This includes 13 civilian positions to perform the first round review of applications and 8 sworn officers to perform background checks on applicants. The department has explained that sworn officers are necessary to perform the background checks and required investigative work. A fiscal 2021 deficiency appropriation provides funding to modify available office space to accommodate the additional personnel. As of January 31, 2021, there are 8 civilian vacancies in the Licensing Division. It is therefore not clear as to why 13 additional civilian positions are needed beyond the vacancies.

It is worth further noting that funding for the 21 new positions does not account for turnover – that is, new positions typically remain vacant for approximately three months during the recruitment process and necessary background checks. As such, a 25% turnover adjustment should be reflected in the fiscal 2022 allowance for these positions.

Exhibit 6 compares the average number of license applications received by the Licensing Division each week to the average weekly overtime expenditures between 2018 and 2020. Whereas weekly overtime expenditures in January 2018 totaled \$71,282, weekly overtime expenditures in December 2020 totaled \$347,356. This reflects a 388% increase.

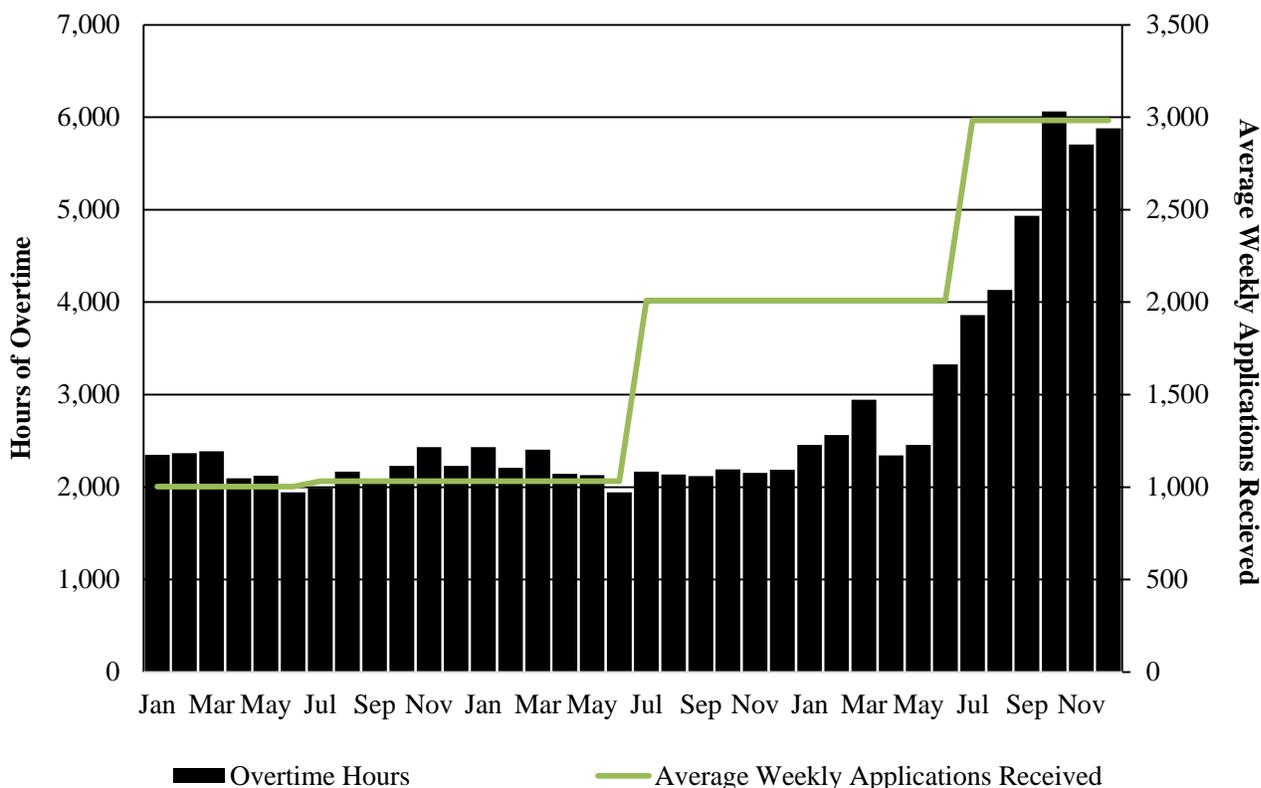
Exhibit 6
Department of State Police Licensing Division
Average Weekly Firearm License Applications vs. Weekly Overtime Spending
Calendar 2018-2020



Source: Department of State Police

Exhibit 7 provides a similar comparison using the average hours of overtime worked each week. In January 2018, the division recorded 2,351 hours in overtime. In December 2020, that number grew to 5,882 – an increase of 150%. Both overtime hours and expenditures increased sharply in spring 2020. DSP attributes this to a substantial increase in firearm sales due to public concerns regarding the various protests occurring across the country as well as the presidential election.

**Exhibit 7
Department of State Police Licensing Division
Average Weekly Firearm License Applications vs. Weekly Hours of Overtime
Calendar 2018-2020**



Source: Department of State Police

In both exhibits, the number of applications for firearms licenses has nearly tripled over the past three years. The average number of weekly applications remained level between 2018 and 2019, at slightly above 1,000 applications. Beginning in 2020, however, the average number grew 94.5% to 2,009 applications. This trend appears to have continued into 2021 as the average number of applications reached 2,984, a 48.5% increase.

The Public Safety Article establishes various requirements related to how quickly the division must turn around an application. The Firearms Registration Unit must review an application within seven days of its submission, as required by Sections 5-123 and 5-124. DSP notes that this requirement has traditionally been a strain on the division’s operations, which has been further exacerbated by the elevated volume of applications.

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The increased workload, as indicated in Exhibits 6 and 7, seems to warrant the need for additional staff within the division; however, with 8 existing civilian vacancies, it is not clear why an additional 13 civilian positions are needed. **The Department of Legislative Services (DLS) recommends encouraging fulfillment of existing vacancies and deleting 8 of the new positions provided to the Licensing Division in order to provide a net increase of 13 assigned civilian staff to reduce the workload resulting from the increase in license applications.**

DLS further recommends that additional funding be deleted from the fiscal 2022 allowance to reflect the necessary turnover adjustments for the remaining new civilian and sworn positions.

Issues

1. MSPAC Operations

The MSPAC fleet consists of 10 helicopters housed on seven bases throughout the State. MSPAC's current workforce consists of 77 sworn and 97 civilian personnel. Special funds from the Maryland Emergency Medical Services Operating Fund (MEMSOF) support the medically oriented mission of MSPAC. General funds support law enforcement and homeland security functions. The funding split for MSPAC has remained at 80% in special funds and 20% in general funds since fiscal 2003 and is based on the ratio of medically oriented to nonmedical functions.

MSPAC Restores Full Service to All Bases

During the 2020 session, members of the General Assembly expressed concern that personnel limitations resulted in the shutdown of nightshift operations at MSPAC bases. MSPAC reported difficulties in recruiting and retaining pilots stationed in Western Maryland and on the Eastern Shore, forcing it to pare back its 24/7 operations at the Trooper 5 Cumberland Aviation Section and Trooper 6 Easton Aviation Section.

MSPAC reports that, since June 2020, the command has returned to 24/7 operational coverage at all seven bases. This was achieved by promoting pilots from within the command and hiring additional pilots. At the Cumberland Section, there are 8 pilots assigned to the base – 1 instructor pilot, 4 pilots in command, and 3 second-in-command pilots. At the Easton Section, there is 1 instructor pilot, 7 pilots in command, assigned to the base for a total of 8 pilots. DSP has further explained that the department is involved in discussions with DBM and the American Federation of State, County, and Municipal Employees representatives surrounding the prospect of incentivizing pilots to relocate to more remote areas of the State.

MSPAC Base Realignment Study

As previously discussed, BPW approved a package of cost containment actions in response to the COVID-19 pandemic. Among the adopted actions was to close one MSPAC base and reduce funding associated with the planned sale of one Augusta-Westland 139 (AW-139) aircraft. At the time, the Administration held off on the determination of which base to close, pending the submission of *The Maryland State Police Aviation Command Helicopter Basing Study* by Arkenstone Technologies. The basing study provided the following recommendations.

- Renegotiate the command's maintenance contracts to reduce the time that each aircraft is out of service. Maintenance of the fleet is performed by MSPAC maintenance personnel and by an outside vendor, as needed, under master services contracts approved by BPW in January 2018. As of the end of fiscal 2018, the entire fleet is no longer under their original warranties.

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- Forgo the closure of a base. The closure of any base would adversely impact MSPAC’s response time and increase the number of flight-hours on each aircraft. Currently, MSPAC has a response rate of 95%, in which it responds to calls within 25 minutes; this is a standard set by the Maryland Institute for Emergency Medical Services Systems. The closure of one base would bring this response rate to 83%.
- Evaluate the decision to sell one AW-139 aircraft contingent upon the renegotiation of the command’s maintenance contracts.
- Rotating aircraft seasonally among bases to meet seasonal demand.
- Consider basing multiple helicopters at the same base to meet peak service demand.

In light of these findings, Governor Hogan announced that the Administration would not pursue the closure of a base or the sale of an aircraft. Instead, DSP realigned funding to continue operating seven bases. With additional growth in fiscal 2022 of \$1.1 million before adjustment for additional salary enhancements, concerns surrounding the considerable cost of maintaining the fleet persist. The fiscal 2022 MEMSOF analysis finds that, due to continued growth in expenditures, the fund that supports 80% of MSPAC operating costs will likely face insolvency in fiscal 2025. The annual growth in MSPAC expenditures – approximately 7.5% based on the 10 prior years – is a major driver in MEMSOF’s expenditure growth.

Given the significant costs associated with maintaining the fleet and its impact on MEMSOF’s solvency, DSP should comment on the findings of the basing study. Specifically, it should comment on its plans to renegotiate its maintenance contracts and its plans to implement other recommendations included in the study.

2. UCR and Transition to National Incident Based Reporting System

2019 UCR Submitted On Time

DSP is the designated agency responsible for the compiling of crime data and submitting Maryland’s UCR to FBI. While the department is currently leading the transition to the National Incident Based Reporting System (NIBRS) for submitting crime data, the department has historically struggled to submit the standard UCR on time. While the 2018 UCR was submitted several months after the November 2019 deadline, DSP submitted the 2019 UCR on time in October 2020. This represents the first time in many years in which DSP has submitted the UCR on schedule. The department attributes this to a new IT system that allowed for the electronic collection of data from local law enforcement agencies. This, in turn, streamlined the data verification and compilation process.

DLS recommends adding annual budget language restricting funds pending the receipt of the 2020 UCR. The budget committees may wish to continue adopting this annual language until the department demonstrates that it is able to continually submit the UCR in a timely manner.

Transition to NIBRS

The transition to NIBRS is a nationwide effort led by FBI, changing how law enforcement agencies report crime data. Currently, crime incidents involving multiple offenses only report the most severe offense (*e.g.*, a homicide that occurs during a burglary is reported as a homicide); this is referred to as “Summary” data. NIBRS data allows for up to 10 offenses to be reported per incident, producing far more accurate and robust data. As the author of the Maryland UCR, DSP is designated as the State’s coordinating agency for the transition. FBI established January 1, 2021, as the deadline for agencies to achieve compliance. Failure to meet this deadline restricts a noncompliant agency’s eligibility for certain federal funding opportunities, such as Justice Assistance Grants and the Federal Surplus Personal Property Program.

In summer 2020, DSP surveyed the 125 agencies that contribute annually to the UCR, asking about the status of each agency’s adoption of NIBRS. **Exhibit 8** summarizes the results of this survey. The survey showed that 47 data reporting agencies (37.6%) were on track to be NIBRS compliant by the end of calendar 2020; that number was expected to rise to 90.4% by the end of calendar 2021. Still, this suggested that a significant portion of law enforcement agencies within the State were poised to fail to meet the FBI deadline for compliance. It should be noted that while DSP is the coordinating agency, only the delinquent agencies would be deemed ineligible for federal grants.

Exhibit 8
National Incident Based Reporting System
Law Enforcement Agency Compliance
As of October 2020

<u>Target Compliance Date</u>	<u>State</u>	<u>County</u>	<u>Local/Municipal</u>	<u>Total</u>
December 2020	6	10	31	47
December 2021	1	14	51	66
Beyond 2021	0	4	1	5
No Response	0	0	7	7
Total	7	28	90	125

Source: Department of State Police

As stated, some data reporting agencies were NIBRS compliant by year’s end and others were not. This raises the question as to how this will impact the production of the UCR. DSP advises that it will submit only NIBRS data to the FBI but will accept both Summary and NIBRS data to complete and publish the annual *Crime in Maryland Uniform Crime Report*. DSP is developing a

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NIBRS-to-Summary crosswalk to convert NIBRS data to Summary for the purposes of the Crime in Maryland publication. This process will continue until all Maryland agencies have converted to NIBRS.

DSP should update the committees on the status of the NIBRS transition among local law enforcement agencies. DLS recommends adopting narrative requesting that DSP submit a final report to the budget committees detailing the transition to NIBRS and compliance among local law enforcement agencies.

Operating Budget Recommended Actions

	<u>Amount Reduction</u>	<u>Position Reduction</u>
1. Delete new civilian positions to the Licensing Division to account for current vacancies.	\$ 333,976	GF 8.0
2. Increase turnover expectancy to 25% for new positions in the Licensing Division.	256,101	GF
3. Adopt the following narrative:		

National Incident Based Reporting System (NIBRS): The Federal Bureau of Investigation required that all State Uniform Crime Report (UCR) data be reported consistent with NIBRS by January 1, 2021. The Department of State Police (DSP), as the author of the Maryland UCR, has been tasked with leading the State’s effort to achieve compliance. The budget committees request that DSP report the following information:

- a list of all State and local agencies that are NIBRS compliant, specifically noting those who were compliant by the January 1, 2021 deadline;
- a list of all State and local agencies that remain noncompliant; and
- an update on the implementation of NIBRS in Maryland and how its implementation will impact the production of the UCR.

Information Request	Author	Due Date
One-year update on NIBRS implementation	DSP	January 1, 2022

4. Add the following section:

SECTION XX. AND BE IT FURTHER ENACTED, That \$1,000,000 of the general fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2020 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, if DSP encounters difficulty obtaining, or validating the accuracy of, the necessary crime data by November 1, 2021, from local jurisdictions who provide the data for

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inclusion in the UCR, DSP shall notify the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). From each jurisdiction’s third quarterly State Aid for Police Protection (SAPP) disbursement, the office shall withhold a portion, totaling at least 15% but no more than 50%, of that jurisdiction’s SAPP grant for fiscal 2022 upon receipt of notification from DSP. GOCPYVS shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP, and DSP verifies the accuracy of that data. DSP and GOCPYVS shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received by November 1, 2021, and the amount of SAPP funding withheld from each jurisdiction.

Explanation: The annual language was originally added because DSP had not been submitting its annual crime report in a timely manner due to issues related to receiving crime data from the local jurisdictions. The 2017 UCR was not submitted until March 2019, and the 2018 UCR was not submitted until March 2020. The 2019 UCR was the first report submitted on time in several years.

This language withholds a portion of the general fund appropriation until the budget committees receive the 2020 UCR. The language also specifies that GOCPYVS, upon receipt of notification from DSP, must withhold a portion of a delinquent jurisdiction’s SAPP grant until certain crime data is received by DSP. Finally, DSP and GOCPYVS must submit a report to the budget committees that includes information on any jurisdiction that did not report crime data by November 1, 2021, and the amount of SAPP funding that was withheld from each jurisdiction.

Information Request	Authors	Due Date	
2020 UCR data verification	DSP	November 1, 2021	
2020 UCR	DSP	45 days prior to expenditure of funds	
Total General Fund Reductions		\$ 590,077	8.0

Updates

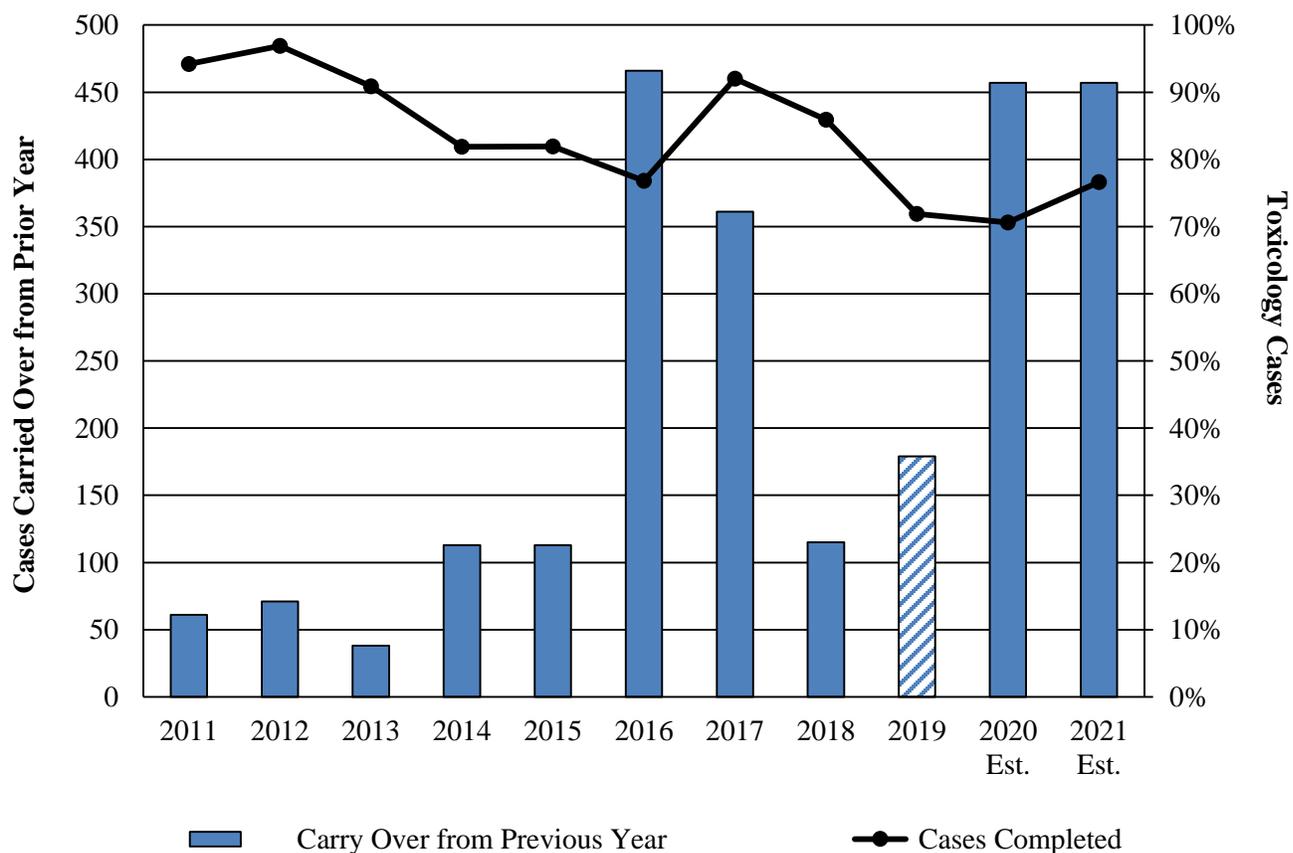
1. Toxicology Unit Backlog

DSP's Toxicology Unit is responsible for performing tests to detect the presence of drugs and other illegal substances in the blood of impaired drivers. These test results may be used as evidence in cases involving driving under the influence of drugs but, due to the current test backlog, the process takes approximately 10 months to yield results. DSP attributes the backlog to limited facility space, outdated equipment, and difficulties recruiting lab technicians.

DSP has indicated that it is working with DBM to implement a plan to address the unit's retention problems and equipment limitations. This includes using available funding and positions to hire toxicologists and acquire equipment. By fiscal 2024, DSP plans to have expanded its toxicology operations to its Hagerstown and Berlin barracks to service Western Maryland and the Eastern Shore, respectively.

Exhibit 9 illustrates the backlog, highlighting the cases carried over from a prior year and the percent of cases completed. In its Managing for Results submission, the department estimates that 457 cases will be carried over from 2020, with the unit having a 70% completion rate. This is the lowest completion rate since at least 2012.

**Exhibit 9
Toxicology Unit Backlog
Cases Carried Over from Prior Years and Percent of Cases Completed
Calendar 2012-2020 Est.**



Source: Fiscal 2022 Managing for Results

Appendix 1
2020 Joint Chairmen’s Report Responses from Agency

The 2020 *Joint Chairmen’s Report* (JCR) requested that the Department of State Police (DSP) prepare seven reports. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Update on the Civilianization of Positions:*** To date, DSP has civilianized 20 positions. The civilianization of additional positions was halted by the hiring freeze put in place in response to the COVID-19 pandemic.
- ***Report on the Baltimore Enhanced Visibility Patrol:*** DSP, in coordination with the Maryland Transportation Authority Police and Baltimore Police Department, operate the Baltimore Enhanced Visibility Patrol. A total of 162 officers from across these departments have participated in the initiative, which operates in seven of Baltimore City’s nine districts.
- ***Report on the Toxicology Unit:*** Facility, equipment, and personnel limitations have resulted a 10-month backlog at DSP’s Toxicology Unit. DSP is currently working with the Administration to address these limitations to address the current backlog. Further discussion of this data can be found in the Updates section of this analysis.
- ***Update on the Transition to the National Incident Based Reporting System (NIBRS):*** Significant progress has been made by DSP in transitioning to NIBRS and in ensuring compliance by data reporting agencies. Further discussion of this data can be found in the Issues section of this analysis.
- ***Report on Recruitment Efforts in the Maryland State Police Aviation Command (MSPAC):*** The budget committees had been concerned that hiring difficulties forced MSPAC to cease full service at the Section 5 base in Cumberland. DSP advises that recruitment efforts have successfully filled pilot vacancies and restored Section 5 to full service. Further discussion can be found in the Issues section of this analysis.
- ***2019 Uniform Crime Report (UCR):*** Annual budget bill language required DSP to work with local law enforcement agencies to compile the 2019 UCR. As in past years, the department struggled to submit this report in a timely manner. Further discussion can be found in the Issues section of this analysis.
- ***Report on the Baltimore City Crime Prevention Initiative (BCCPI):*** The COVID-19 pandemic and subsequent budget impact resulted in unexpected changes to BCCPI and limits to its success. Several investigators had potentially been exposed to the virus, forcing personnel to self-isolate. The shutdown of the judicial system also limited the DSP Strike Force 7’s ability to secure indictments and warrants.

Appendix 2
Automated Licensing and Registration Tracking System
Major Information Technology Project
Department of State Police

New/Ongoing: Ongoing								
Start Date: April 2013					Est. Completion Date: April 2022			
Implementation Strategy: Waterfall								
(\$ in Millions)	Prior Year	2021	2022	2023	2024	2025	Remainder	Total
GF	\$7.725	\$0.315	\$0.025	\$0.000	\$0.000	\$0.000	\$0.000	\$8.065
FF	0.584	0.000	0.000	0.000	0.000	0.000	0.000	0.584
Total	\$8.309	\$0.315	\$0.025	\$0.000	\$0.000	\$0.000	\$0.000	\$8.649

- Project Summary:** The Department of State Police (DSP) has been charged with automating and streamlining the process by which a citizen of Maryland requests approval to purchase a firearm. This involves automating the entire firearm application process from dealers applying to DSP to sell firearms in the State to a web-accessible form submitted electronically to the agency. This also includes processing of the application, billing, reconciliation of fees, and providing real-time or near real-time reporting metrics. This project will greatly reduce the time it takes for an applicant to apply, provide efficiencies to Maryland firearm dealers and handgun instructors, and streamline processes within the department.
- Need:** The Firearm Safety Act of 2013 added to existing firearm laws the requirement that individuals wishing to purchase a firearm in Maryland request and receive a Handgun Qualifications License, requiring background checks and firearm safety training.
- Observations and Milestones:** Phase 3 development efforts are underway. The machine gun registration systems entered development in September 2020.
- Changes:** Contract disputes in May 2018 delayed the project several by months. The projected completion date has been pushed back from June 2021 to April 2022. Total project funding increased by \$25,000 for project oversight due to the delay in the estimated completion date.
- Other Comments:** Despite the aforementioned changes to the timeline, the scope of the project remains unchanged.

**Appendix 3
Object/Fund Difference Report
Department of State Police**

<u>Object/Fund</u>	<u>FY 20 Actual</u>	<u>FY 21 Working Appropriation</u>	<u>FY 22 Allowance</u>	<u>FY 21 - FY 22 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	2,462.50	2,458.50	2,479.50	21.00	0.9%
02 Contractual	59.59	37.00	34.80	-2.20	-5.9%
Total Positions	2,522.09	2,495.50	2,514.30	18.80	0.8%
Objects					
01 Salaries and Wages	\$ 362,971,613	\$ 377,447,276	\$ 376,780,286	-\$ 666,990	-0.2%
02 Technical and Spec. Fees	2,770,367	1,412,173	1,276,131	-136,042	-9.6%
03 Communication	4,848,579	5,150,468	4,995,277	-155,191	-3.0%
04 Travel	633,636	378,610	494,110	115,500	30.5%
06 Fuel and Utilities	2,962,048	2,973,864	2,681,188	-292,676	-9.8%
07 Motor Vehicles	25,799,794	23,453,662	24,300,676	847,014	3.6%
08 Contractual Services	18,276,744	13,971,887	17,729,102	3,757,215	26.9%
09 Supplies and Materials	6,609,820	3,412,840	4,152,840	740,000	21.7%
10 Equipment – Replacement	5,326,091	2,444,449	2,852,462	408,013	16.7%
11 Equipment – Additional	0	5,000	0	-5,000	-100.0%
12 Grants, Subsidies, and Contributions	9,570,175	14,809,148	14,809,148	0	0%
13 Fixed Charges	2,160,980	2,167,504	2,769,042	601,538	27.8%
14 Land and Structures	71,098	1,674,710	0	-1,674,710	-100.0%
Total Objects	\$ 442,000,945	\$ 449,301,591	\$ 452,840,262	\$ 3,538,671	0.8%
Funds					
01 General Fund	\$ 238,408,124	\$ 318,368,994	\$ 321,208,804	\$ 2,839,810	0.9%
03 Special Fund	111,396,112	118,280,308	118,358,376	78,068	0.1%
05 Federal Fund	6,475,903	6,925,000	6,999,416	74,416	1.1%
09 Reimbursable Fund	85,720,806	5,727,289	6,273,666	546,377	9.5%
Total Funds	\$ 442,000,945	\$ 449,301,591	\$ 452,840,262	\$ 3,538,671	0.8%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.

**Appendix 4
Fiscal Summary
Department of State Police**

<u>Program/Unit</u>	<u>FY 20 Actual</u>	<u>FY 21 Wrk Approp</u>	<u>FY 22 Allowance</u>	<u>Change</u>	<u>FY 21 - FY 22 % Change</u>
01 Office of the Superintendent	\$ 25,507,832	\$ 27,469,820	\$ 26,811,589	-\$ 658,231	-2.4%
02 Field Operations Bureau	220,725,873	228,447,808	224,808,508	-3,639,300	-1.6%
03 Criminal Investigation Bureau	73,609,694	75,242,609	76,617,930	1,375,321	1.8%
04 Support Services Bureau	110,354,564	105,869,889	112,485,534	6,615,645	6.2%
08 Vehicle Theft Prevention Council	1,802,050	1,999,682	2,000,000	318	0%
12 Information Technology Communications	500,000	0	0	0	0%
01 Fire Prevention Services	9,500,932	10,271,783	10,116,701	-155,082	-1.5%
Total Expenditures	\$ 442,000,945	\$ 449,301,591	\$ 452,840,262	\$ 3,538,671	0.8%
General Fund	\$ 238,408,124	\$ 318,368,994	\$ 321,208,804	\$ 2,839,810	0.9%
Special Fund	111,396,112	118,280,308	118,358,376	78,068	0.1%
Federal Fund	6,475,903	6,925,000	6,999,416	74,416	1.1%
Total Appropriations	\$ 356,280,139	\$ 443,574,302	\$ 446,566,596	\$ 2,992,294	0.7%
Reimbursable Fund	\$ 85,720,806	\$ 5,727,289	\$ 6,273,666	\$ 546,377	9.5%
Total Funds	\$ 442,000,945	\$ 449,301,591	\$ 452,840,262	\$ 3,538,671	0.8%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.