# Q00A
# Administration
### Department of Public Safety and Correctional Services

## *Operating Budget Data*

**($ in Thousands)**

| | FY 16 Actual | FY 17 Working | FY 18 Allowance | FY 17-18 Change | % Change Prior Year |
|---|---|---|---|---|---|
| General Fund | $128,486 | $134,606 | $134,254 | -$352 | -0.3% |
| Adjustments | 0 | 500 | -315 | -815 | |
| **Adjusted General Fund** | **$128,486** | **$135,106** | **$133,939** | **-$1,167** | **-0.9%** |
| | | | | | |
| Special Fund | 63,769 | 64,370 | 64,186 | -184 | -0.3% |
| Adjustments | 0 | 0 | -2 | -2 | |
| **Adjusted Special Fund** | **$63,769** | **$64,370** | **$64,184** | **-$185** | **-0.3%** |
| | | | | | |
| Federal Fund | 368 | 4,600 | 1,300 | -3,300 | -71.7% |
| **Adjusted Federal Fund** | **$368** | **$4,600** | **$1,300** | **-$3,300** | **-71.7%** |
| | | | | | |
| Reimbursable Fund | 1,339 | 1,713 | 1,867 | 153 | 8.9% |
| **Adjusted Reimbursable Fund** | **$1,339** | **$1,713** | **$1,867** | **$153** | **8.9%** |
| | | | | | |
| **Adjusted Grand Total** | **$193,961** | **$205,789** | **$201,290** | **-$4,499** | **-2.2%** |

Note:  Includes targeted reversions, deficiencies, and contingent reductions.

- The Information Technology and Communications Division (ITCD) has one fiscal 2017 general fund deficiency appropriation: $500,000 will provide funds to enhance the agency's case management system in accordance with the Justice Reinvestment Act.

- When accounting for the fiscal 2017 deficiencies and the fiscal 2018 across-the-board reduction for the State pension fund, the Department of Public Safety and Correctional Services (DPSCS) Administration's fiscal 2018 general fund allowance decreases by $1.2 million, or 0.9%, less than the working appropriation.  This amount is primarily due to a decrease in General Administration and Security Operations funds.

Note:  Numbers may not sum to total due to rounding.

- Special funds decrease by $185,000, or 0.3%, largely due to a $500,000 reduction in data processing equipment purchases.

- Federal funds decrease by $3.3 million, primarily due to the removal of a one-time grant from the U.S. Department of Justice for the Computerized Criminal History project.

## *Personnel Data*

|  | FY 16 Actual | FY 17 Working | FY 18 Allowance | FY 17-18 Change |
|---|---|---|---|---|
| Regular Positions | 1,054.50 | 1,040.00 | 1,040.00 | 0.00 |
| Contractual FTEs | 66.37 | 91.40 | 88.19 | -3.21 |
| **Total Personnel** | **1,120.87** | **1,131.40** | **1,128.19** | **-3.21** |

*Vacancy Data: Regular Positions*

|  |  |  |
|---|---|---|
| Turnover and Necessary Vacancies, Excluding New Positions | 70.62 | 6.79% |
| Positions and Percentage Vacant as of 12/31/16 | 169.00 | 16.25% |

- The agency's fiscal 2018 personnel allowance remained the same in terms of regular positions from the fiscal 2017 working appropriation.

- At the end of calendar 2016, there were 169 positions vacant. This number is more than double what is needed, on average, to meet budgeted turnover. The largest number of vacancies (69) are in Security Operations. This unit provides canine interdiction, intelligence, and other special operations for high-risk transports, courtroom security, and disturbance responses. The next largest number of vacancies are 31 in General Administration and 29 in ITCD. All other units had a combined 40 vacancies.

- Between fiscal 2016 and the 2017 working appropriation, the agency gained approximately 25 contractual full-time equivalents (FTE). Most of the FTE increases were General Administration positions in the Office of the Secretary, followed by System Support positions in ITCD.

## *Analysis in Brief*

## Major Trends

*Commitment Unit*:  The number of incorrectly released offenders decreased to zero in fiscal 2016 – the lowest number in six years.  To achieve this, the department improved security by conducting additional reviews of offender commitment data and adding enhanced alerts to the Offender Case Management System (OCMS).

*Canine Contraband Finds:*  The rate of contraband finds by the Canine Unit increased for the fourth straight year.  In fiscal 2016, the rate was 1.43 finds per 100 canine scans, a 30% increase from the previous fiscal year.  During the last four years, from fiscal 2013 to 2016, the rate of contraband finds increased over 240%.  In addition, canine cell phone finds continue to decrease.  While cell phone finds accounted for 22% of all finds in fiscal 2012, they account for only 1% of all finds in fiscal 2016.

## Issues

*Next Generation 9-1-1:*  The Emergency Number Systems Board (ENSB) coordinates installation and enhancement of county 9-1-1 emergency telephone number services systems.  Chapter 425 of 2012 specified that the board's responsibilities include establishing planning guidelines for Next Generation 9-1-1 (NG 9-1-1) services (which allows for texting, emailing, and sending various data files, such as digital photographs and video, to 9-1-1) and deployment.  Although the board has already shifted to funding only Internet protocol-enabled phone system hardware that can be transitioned to NG 9-1-1 services, the one-time capital costs and ongoing maintenance costs of implementing Next Generation statewide remain a significant impediment.  The department is working with a consultant and will make a formal request for funding to ENSB.  **DPSCS should report on projected costs, potential funding sources, and the timeline of transitioning to NG 9-1-1 by December 1, 2017.**

*Medicaid Enrollment:*  The Affordable Care Act's Medicaid expansion intended to deliver insurance to single adults who were previously excluded from coverage.  This group largely overlaps with the inmate population released from prisons and jails.  However, since the expansion took effect in January 2014, Maryland's enrollment of inmates prior to release has lagged.  DPSCS has issued a Request for Proposals and will retain a contractor to assist with inmate Medicaid enrollment starting July 2017.  **DPSCS should report on the number of former inmates enrolled in Medicaid and the contractor's efforts to facilitate enrollment by December 1, 2017.**

*Facial Recognition:*  The department is responsible for implementation and maintenance of the Maryland Image Repository System, facial recognition software that allows law enforcement officers to compare images of unidentified individuals to images from motor vehicle records and mug shots.  Maryland's use of the software has drawn criticism over privacy and accuracy concerns.  **The agency should provide a report on the facial recognition system and steps taken to protect citizen privacy by December 1, 2017.**

## Recommended Actions

1. Adopt narrative requesting a report on the Next Generation 9-1-1 project, funding sources, estimated costs, and a projected timeline.

2. Adopt narrative requesting a report on the department's efforts to facilitate inmate Medicaid enrollment and the number of former inmates enrolled, and any other pertinent cost data.

3. Adopt narrative requesting a report on the facial recognition system, policies, audit process, and steps taken to protect citizen privacy.

## Updates

*Offender Case Management System:* OCMS serves several key purposes including case planning, booking, community supervision, corrections, and pretrial and detention services. A variety of issues regarding the accuracy, reliability, and ease of use for OCMS have been documented in the Office of Legislative Audits reports as well as a Division of Parole and Probation Agent Workload Study conducted by the Schaefer Center for Public Policy. This update will discuss improvements and modifications made to the system, as well as steps taken to ensure the system complies with the requirements of the Justice Reinvestment Act.

# *Operating Budget Analysis*

## Program Description

The Department of Public Safety and Correctional Services (DPSCS) Administration includes the functions within the Office of the Secretary and the Office of the Deputy Secretary for Operations. The Office of the Secretary provides overall policy and operational direction and coordination for the activities of the operating units of the department. It establishes policy, sets priorities, and provides central support services and oversight for the constituent agencies. The office administers the State's emergency numbers program and plans, and develops and implements the capital program for the department's custody facilities. In addition, it is responsible for maintaining the Criminal Justice Information System (CJIS) that State, local, and federal law enforcement rely on for accurate and timely information.

The Deputy Secretary for Operations is responsible for the oversight of the three main functions: corrections, parole and probation, and pretrial detention. This unit is responsible for the coordination of all departmental programs and services, including the operations of the Canine, Central Transportation, and Central Home Detention units.

## Performance Analysis:  Managing for Results

### 1.    Commitment Unit

Maintaining security regarding offenders under the department's supervision is an integral part of the DPSCS mission. As such, DPSCS tries to ensure that no sentenced inmate or pretrial detainee within a DPSCS facility is incorrectly released. The responsibility for meeting this goal falls within the Commitment Unit. **Exhibit 1** shows that the number of incorrectly released offenders more than doubled between fiscal 2011 and 2013 and peaked at seven in fiscal 2013 and 2015. In fiscal 2016, this number has decreased to zero – the lowest number in six years.

To achieve the reduction, the department improved security by retraining staff, conducting additional reviews of offender commitment records, and enhancing alerts in the Offender Case Management System (OCMS) that made the detainer review process more effective. Overall, these steps helped prevent any erroneous closures of orders to detain an offender. Despite this record number, the system is still vulnerable to human error. Earlier this month, an offender was mistakenly released from the Baltimore Central Booking and Intake Center but was recaptured hours later.

**Exhibit 1**
**Erroneous Releases**
**Fiscal 2011-2016**



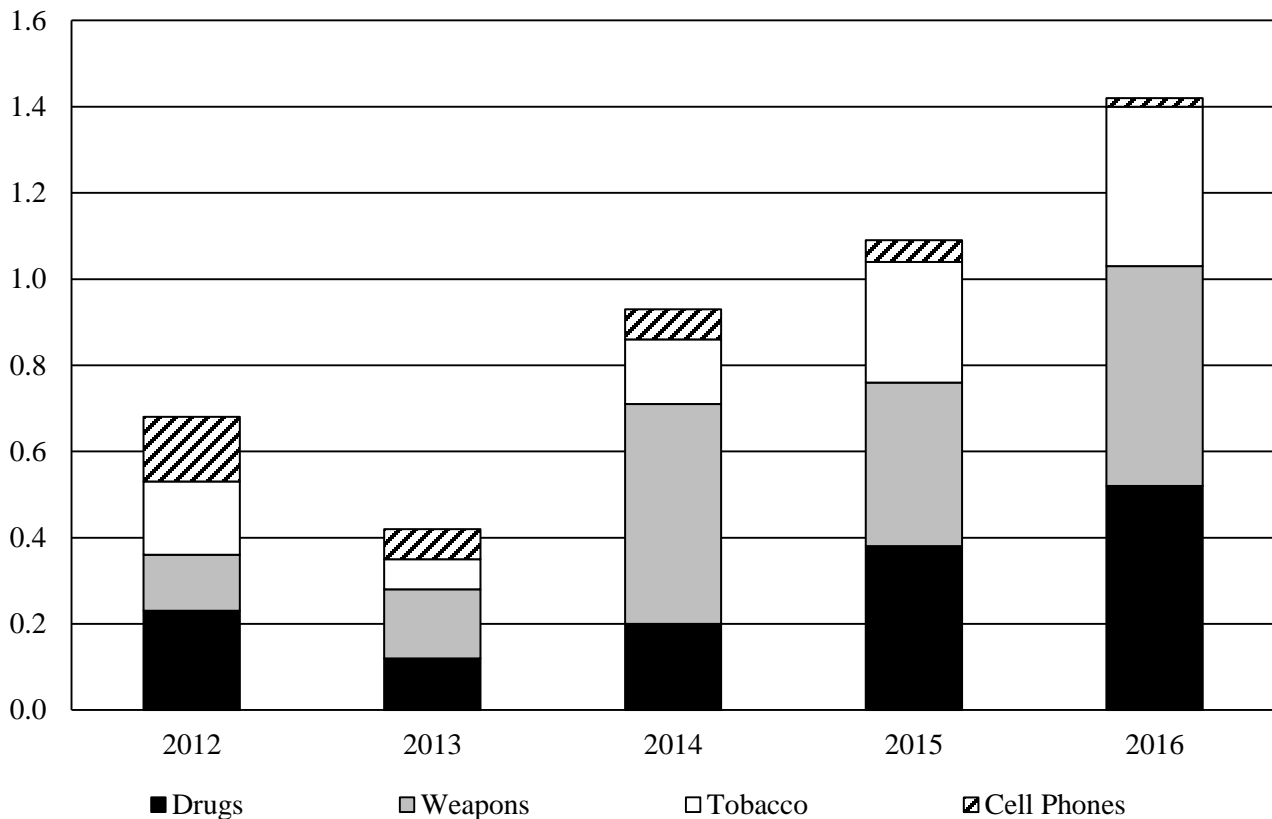■ Division of Pretrial Detention          ☐ Division of Correction
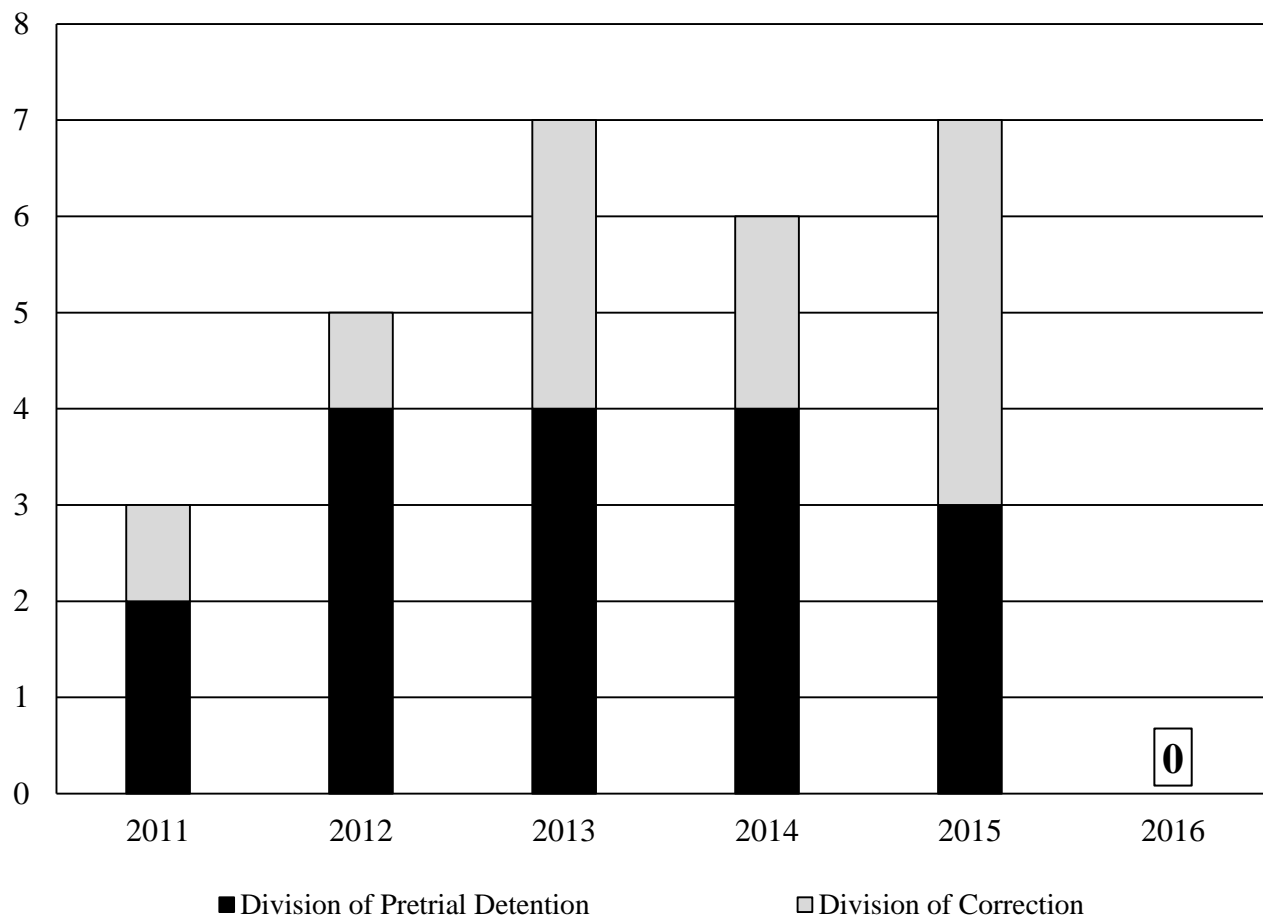
Source: Managing for Results, Department of Public Safety and Correctional Services

## 2.    Canine Contraband Finds

**Exhibit 2** provides data measuring the presence of contraband in DPSCS facilities found by the Canine Unit since fiscal 2012. The department reports this measure as the rate of items found per 100 scans conducted by the Canine Unit. Between fiscal 2012 and 2016, the overall rate of contraband decreased to a low of 0.42 in 2013, but has since increased to 1.43 items per 100 scans. During the past several years, the department has enhanced search techniques and increased its use of intelligence and phone monitoring, allowing the Canine Unit to conduct fewer scans while continuing to increase recoveries.

**Exhibit 2**
**Rate of Contraband Finds Per 100 Scans in Departmental Facilities**
**Fiscal 2012-2016**



Source:  Managing for Results, Department of Public Safety and Correctional Services

In addition, the composition of total contraband finds has changed.  Weapon and drug finds have increased, and those two categories were 72% of all finds in fiscal 2016.  In fiscal 2012, weapons and drugs together were approximately 52% of total finds – while cell phones alone accounted for 22% of all finds.  In fiscal 2016, cell phones were 1% of all contraband finds.  The department is currently working to expand the use of technology to detect and confiscate cell phones.

## Cell Phone Interdiction

In terms of cell phone interdiction, the department plans to use approximately $4.7 million over a three-year period to purchase security detection equipment to detect and prevent contraband.  Items include full body scanners, advanced metal detectors, additional security cameras, and CellSense portable detectors that can detect the smallest cell phones – regardless of the phone's battery or power

status including mini-key fob phones, Bluetooth phones, and watch phones. **DPSCS should comment on what has driven the decrease in cell phones as a percent of total contraband finds.**

# Fiscal 2017 Actions

## Proposed Deficiency

The fiscal 2018 allowance includes one fiscal 2017 general fund deficiency appropriation totaling $500,000 for DPSCS – Administration. These funds have been allocated to the Information Technology and Communications Division (ITCD) to enhance the agency's OCMS in accordance with the Justice Reinvestment Act (JRA). The enhancements are a one-time cost, and the funding does not carry forward in the fiscal 2018 allowance.

## Section 20 Position Abolitions

Section 20 of the fiscal 2017 budget bill required the Governor to abolish 657 vacant full-time equivalent (FTE) positions and reduce the fiscal 2017 budget by $25.0 million. The impact to DPSCS was the loss of $7.8 million in general funds, $100,000 in special funds, and 58 regular positions. DPSCS – Administration had 22 of the 58 abolished positions with salary and fringe benefit savings of $1.6 million.

# Proposed Budget

As depicted in **Exhibit 3,** the Governor's fiscal 2018 allowance for DPSCS – Administration decreases by $4.5 million, or approximately 2.2%. This decrease takes into account both the previously mentioned fiscal 2017 deficiency appropriation, as well as the fiscal 2018 across-the-board contingent reduction for supplemental pension payments.

**Exhibit 3**
**Proposed Budget**
**DPSCS – Administration**
**($ in Thousands)**

| How Much It Grows: | General Fund | Special Fund | Federal Fund | Reimb. Fund | Total |
|---|---|---|---|---|---|
| Fiscal 2016 Actual | $128,486 | $63,769 | $368 | $1,339 | $193,961 |
| Fiscal 2017 Working Appropriation | 135,106 | 64,370 | 4,600 | 1,713 | 205,789 |
| Fiscal 2018 Allowance | 133,939 | 64,184 | 1,300 | 1,867 | 201,290 |
| Fiscal 2017-2018 Amount Change | -$1,167 | -$185 | -$3,300 | $153 | -$4,499 |
| Fiscal 2017-2018 Percent Change | -0.9% | -0.3% | -71.7% | 8.9% | -2.2% |

**Where It Goes:**

**Personnel Expenses**

| | |
|---|---|
| Overtime................................................................................................................................ | $284 |
| Workers' compensation premium assessment........................................................................ | 80 |
| Accrued leave payouts.......................................................................................................... | 67 |
| Other fringe benefit adjustments ......................................................................................... | 40 |
| Employee and retiree health insurance................................................................................. | -91 |
| Turnover ............................................................................................................................... | -109 |
| Employee retirement system ................................................................................................ | -928 |

**Other Changes**

| | |
|---|---|
| Vehicle replacements and maintenance.................................................................................. | 292 |
| Telephones and communications equipment.......................................................................... | 376 |
| Justice Reinvestment Act Case Management System ........................................................... | -500 |
| Data processing equipment.................................................................................................... | -500 |
| Other contractual services .................................................................................................... | -798 |
| Major information technology (IT) projects.......................................................................... | -1,298 |
| IT contracts........................................................................................................................... | -1,766 |
| Other ..................................................................................................................................... | 352 |
| **Total** | **-$4,499** |

DPSCS:  Department of Public Safety and Correctional Services

Note:  Numbers may not sum to total due to rounding.

## Across-the-board Reductions

The fiscal 2018 budget bill includes a $54.5 million (all funds) across-the-board contingent reduction for a supplemental pension payment. Annual payments are mandated for fiscal 2017 through 2020 if the Unassigned General Fund balance exceeds a certain amount at the close of the fiscal year. DPSCS – Administration's share of these reductions is $315,324 in general funds and $1,635 in special funds. This action is tied to a provision in the Budget Reconciliation and Financing Act of 2017.

## Personnel and FTEs

Personnel expenses decrease by a total of $658,140, once adjusted for fiscal 2017 deficiencies and the fiscal 2018 across-the-board pension contingent reduction. Decreases of $928,000 for the employee retirement system, $109,000 for turnover adjustments, and $91,000 for employee and retiree health insurance are offset by increases of $284,000 in overtime, $80,000 for the workers' compensation premium assessment, and $67,000 in accrued leave payouts.

In terms of the $284,000 overtime increase, the largest user of overtime within DPSCS – Administration is Security Operations, with $2.6 million budgeted for overtime in the allowance. This unit includes the Canine Unit and Central Transportation Unit. Similar to the previous fiscal year, the next largest overtime user is the Central Home Detention Unit, with $225,000 in the allowance. With regard to workers' compensation, the Security Operations unit accounts for over 86% of all claims. **DPSCS should comment on the high number of vacancies and how they impact the need for overtime.**

## Other Changes

Funding for vehicle replacements and purchases increases by $292,000 in the allowance. In addition, the department receives $500,000 in fiscal 2017 for enhancements related to its OCMS to ensure compliance with the JRA that does not carry forward into fiscal 2018. Overall, there was a decrease in technology-related projects and services, primarily due to a decrease in one-time funding for the Computerized Criminal History project, and decreases in information technology (IT)-related and other contractual services, including OCMS maintenance.

A total of $2.6 million is provided in fiscal 2018 for the following two Major IT Projects – the Computerized Criminal History Project and the Maryland Correctional Enterprises (MCE) Enterprise Resource Planning Implementation Project. Compared to fiscal 2017, this represents a decrease of $1.3 million.

## Computerized Criminal History Project

In fiscal 2017, the Governor's allowance included $2.3 million in one-time federal grant funding to begin planning the new Computerized Criminal History (CCH) project. The project objective is to improve offender management by providing a central data repository that is standardized across all State law enforcement agencies, reducing data entry time, and eliminating the need for paper searches.

Overall, one of the main goals of the new system's technology is to quickly identify offenders and current warrants.

In terms of funding, the department will need general fund appropriations over the next four years, totaling $6.6 million from fiscal 2018 to 2021. The fiscal 2018 allowance provides $1.6 million in the Major IT Project Development Fund for this project. Overall, the CCH project will provide support and data for several agencies within DPSCS, as well as local and federal law enforcement, State's Attorneys, and prosecutors. Currently, the CCH project is in Phase II. The five phases of the project are:

- *Phase I:* Drafting of current State requirements and business documentation;

- *Phase II:* Seeking competitive bids from possible vendors. Contract will be awarded to the one selected;

- *Phase III:* Designing and planning;

- *Phase IV:* Implementing and testing; and

- *Phase V:* Producing stabilization and optimization.

The source of the initial fiscal 2017 funding was a grant from the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP), which is administered by the U.S. Department of Justice, Bureau of Justice Statistics. NARIP grants are intended to improve records available to NICS by helping states improve completeness, automation, and transmission of records to state and federal systems. The department's estimated project cost for the development of the project is outlined in **Exhibit 4**. Further information on this project can be found in **Appendix 1**.

## Exhibit 4
## Summary of Estimated Project Spending
### Computerized Criminal History Major IT Project
### Fiscal 2017-2021
### ($ in Thousands)

**Project Funding**

| Fund Type | Appropriation 2017 | Allowance 2018 | Projected 2019 | Projected 2020 | Projected 2021 | Total |
|---|---|---|---|---|---|---|
| General | $136,000 | $1,638,000 | $1,638,000 | $1,638,000 | $1,638,000 | $6,688,000 |
| Federal | 2,300,000 | 0 | 0 | 0 | 0 | 2,300,000 |
| **Total** | **$2,436,000** | **$1,638,000** | **$1,638,000** | **$1,638,000** | **$1,638,000** | **$8,988,000** |

IT: information technology

Source: Information Technology Project Request, January 2017

## Maryland Correctional Enterprises Enterprise Resource Planning Implementation Project

The MCE Enterprise Resource Planning project is ongoing, allowing MCE to revise and update its aging backend IT infrastructure, reducing reliance on the current paper-driven process, and helping the agency manage its large volume of sales and information. In calendar 2017, milestones and deliverables for this project include system plans such as user manuals and training plans; software development documents and maintenance manuals; and final testing measures such as system test data and analyses, integration test plans, and (IT) systems certifications and accreditation. The project is in its final year and is funded by $1 million in special funds from MCE.

Currently, the project is in the implementation phase, and a Request for Proposals (RFP) to procure assistance with implementation was released in the first quarter of fiscal 2017. The bid was extended twice, due to no responses, with a new due date in the second quarter of fiscal 2017. Further information is available in **Appendix 2**. **DPSCS should comment on the lack of responses to the RFP and what steps it has taken to improve the receipt of responsive bids.**

# *Issues*

## 1. Next Generation 9-1-1

The Emergency Number Systems Board (ENSB) coordinates the installation and enhancement of county 9-1-1 emergency telephone number services systems. Chapter 425 of 2012 specified that the board's responsibilities include establishing planning guidelines for Next Generation 9-1-1 (NG 9-1-1) services. NG 9-1-1 allows a caller to send texts, emails, and other data files, such as digital photographs and videos to 9-1-1. Although the board has already shifted to funding only Internet protocol (IP)-enabled phone system hardware that can be transitioned to NG 9-1-1, the one-time capital costs and ongoing maintenance costs of implementing NG 9-1-1 statewide remain a significant impediment.

### Features

NG 9-1-1 has a wide range of features. It allows callers to stream live video of an incident to first responders, the transmission of data-heavy files such as building floor plans, and the ability to alert 9-1-1 in situations where a caller is hiding or unable to speak. It can also help those people with disabilities such as people who are deaf or hard of hearing, and allows for a greater level of connectivity between emergency call centers. In addition, cost savings can be achieved by consolidating these call centers into statewide or regional networks.

Recently, the Maryland Association of Counties advocated for a single statewide provider of NG 9-1-1 services and support. According to the National Emergency Number Association, Indiana, Iowa, Maine, and Vermont have moved to NG 9-1-1 while seven other states, including Virginia, are in the process. In December 2016, Virginia announced that it had contracted with a single statewide provider to assist with the rollout of NG 9-1-1 products, services, and support.

### Upcoming Contract and Implementation

The ENSB Technology Committee has developed a series of requirements for NG 9-1-1, specifically for an emergency services IP 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 manage the project. As per the board's request, DPSCS will hire a consultant for $650,000, which will be funded from the 9-1-1 Trust Fund. This consultant will (1) manage all aspects of the project; and (2) locate a contractor who will perform the physical NG 9-1-1 rollout. The planning consultant produced a scope of work and pricing for the board to take the following steps:

- review the RFP requirements and make recommendations;

- determine the best method to procure and implement an emergency IP network; network options would be statewide, regional, or county-by-county;

- gather data from the county emergency call centers for the RFP;

- perform a review of county geographic data for NG 9-1-1 readiness;

- manage the RFP process;

- provide technical expertise during the RFP response review process;

- manage the rollout of NG 9-1-1; and

- provide grant writing assistance, if needed, for an NG 9-1-1 grant to be released by the National Telecommunications Information Administration, the National Highway Traffic Safety Administration, and the National 9-1-1 Program, which was created by Congress. (Grant applications are set to open in fall 2017.)

For expediency, Frederick County will be the contract manager and will make a formal funding request to the board for the $650,000 to pay the planning consultant. DPSCS – Administration expects the contract to be approved by ENSB in early 2017. According to the National 9-1-1 Program, which is housed within the U.S. Department of Transportation, while estimated costs for NG 9-1-1 rollout could range from $5 million to $7 million for a major metropolitan area, overall costs vary greatly and are difficult to generalize across states and within jurisdictions. **The Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting that the department submit a report to the budget committees on the overall project, estimated costs, and projected timeline by December 1, 2017. This should also specifically identify sources of funding to pay for NG 9-1-1, including but not limited to the 9-1-1 fee, debt financing, lease purchase options,** *etc*.

## 2.    Medicaid Enrollment

The Affordable Care Act's Medicaid expansion intended to deliver insurance to single adults who were previously excluded from coverage. This group includes former inmates released from prisons and jails. Many former inmates have a high rate of chronic health conditions as well as a high incidence of substance use and mental health disorders. Easing Medicaid enrollment has the potential to improve health care outcomes for this population, reduce recidivism, and could lower State health care costs by reducing the number of former inmates who would otherwise receive expensive, emergency health care.

However, since the Medicaid expansion took effect in January 2014, Maryland's enrollment of inmates prior to release has lagged. The percentage of Medicaid-eligible ex-inmates enrolled by the State was 14% in 2015 but has since increased to 24%. While the U.S. Government Accountability Office estimates that approximately 80% of inmates are eligible for Medicaid, many states, including Maryland have had enrollment rates near 20%.

While the Department of Health and Mental Hygiene recently received a waiver that will authorize the State to pursue presumptive, 60-day Medicaid eligibility for individuals leaving jail or prison, those former inmates will still need to be fully enrolled to receive long-term benefits. DLS

estimates that the program will cost the State $3.0 million ($1.5 million in general funds and $1.5 million in federal funds).

**Exhibit 5** depicts the number of former inmates enrolled in Medicaid versus the estimated total number of Medicaid-eligible inmates released during the same year.

**Exhibit 5**
**Inmate Medicaid Enrollment**
**Fiscal 2014-2016**
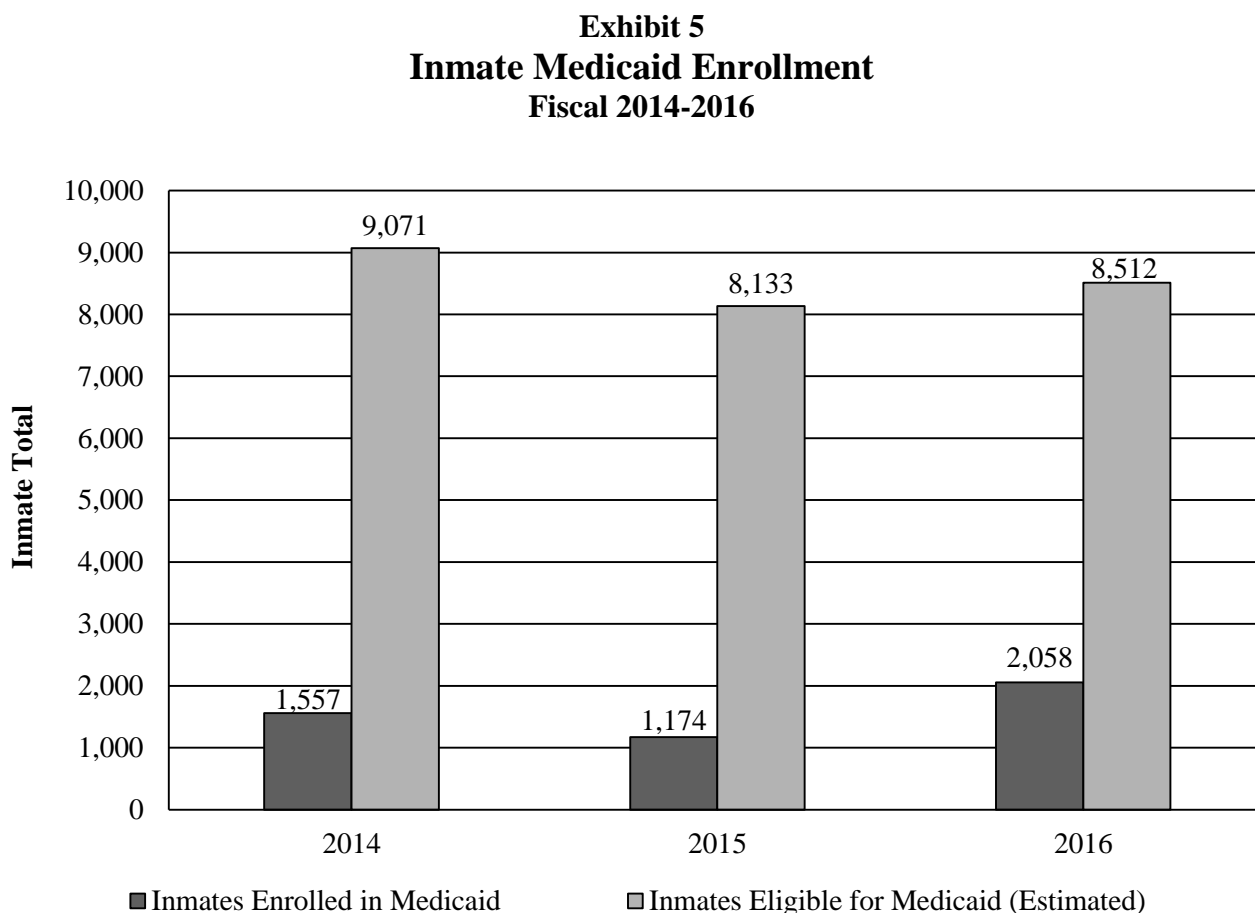


Source: Department of Public Safety and Correctional Services

## New Contract

To increase enrollment, the department submitted an RFP and will retain a contractor due to start on July 1, 2017.  For inmates who are housed more than 30 days, the contractor will perform the following services:

● use a Maryland Health Connection-approved organization as a connector or navigator;

● enroll eligible inmates in the appropriate Medicaid program;

- submit all Medicaid applications and secure a Medicaid number for each offender; and

- provide wraparound services that include first appointment completion, substance abuse enrollment, mental health services, and other health-related re-entry services.

The department's medical vendor, Wexford, currently facilitates inmate post-incarceration Medicaid enrollment by assisting applicants in applying for benefits while incarcerated and during pre-release planning. In recent years, total annual Medicaid enrollment was 1,557 in 2014, 1,174 in 2015, and 2,058 in 2016. **Exhibit 6** depicts monthly inmate Medicaid data categorized by enrollment type from July to November 2016.

**Exhibit 6**
**Inmate Medicaid Enrollment by Type**
**July 2016 – November 2016**

| Month | July | August | September | October | November |
|---|---|---|---|---|---|
| Hospital inpatient enrollment | 69 | 63 | 49 | 43 | 44 |
| Re-entry services enrollment | 54 | 72 | 83 | 86 | 55 |
| Already enrolled in Medicaid | 39 | 26 | 28 | 29 | 24 |
| Enrolled but need recertification | 2 | 4 | 4 | 3 | 5 |
| Medicare | 0 | 0 | 0 | 0 | 0 |
| TeleHealth virtual enrollment | 0 | 2 | 0 | 0 | 6 |
| Enrolled by DPSCS social workers | 30 | 24 | 30 | 16 | 24 |
| *Subtotal* | *194* | *191* | *194* | *177* | *158* |
| **Total** | | | | | **914** |

DPSCS:  Department of Public Safety and Correctional Services

Source:  Department of Public Safety and Correctional Services

**DLS recommends the adoption of committee narrative requesting that the department submit a report to the budget committees on the contractor's efforts to facilitate inmate Medicaid enrollment and the number of former inmates enrolled and any other pertinent cost data and performance measures by December 1, 2017.**

## 3.    Facial Recognition

The Maryland Image Repository System is facial recognition software that allows law enforcement officers to compare images of unidentified individuals to images from State motor vehicle records and mugshots.  The department's ITCD has been responsible for the maintenance and implementation of this system and database since 2011.  Maryland's use of the software has drawn criticism over privacy and accuracy concerns.  The National Conference of State Legislatures reports that 47 states including Maryland have laws that apply to personal data, which potentially includes information gathered by facial recognition technology.

### Current Use

State and local law enforcement use the facial recognition software to determine if a suspect's image matches the image of individuals who are already on file in the CJIS criminal database.  In addition, the Division of Parole and Probation frequently uses this system when an offender returns to the State and had their features altered in some way.

The user must upload a digital image to conduct a search.  When a probe image is uploaded to the facial recognition system, the image is converted to a minutiae template; the face becomes a series of numbers.  Facial recognition systems measure nodal points on faces and these measurements, via algorithm, become a minutiae template.  The system will search the templates of known individuals for numbers that are close to those on the probe template.  The facial recognition system does not provide "hits" or "matches" to the probe image, it provides a probability list of candidates, ranked by the highest number.  Overall, DPSCS states that investigators use this information as they would use any other image comparison to develop a positive identification of a suspect.

According to a 2016 Government Accountability Office (GAO) report, there are concerns about the accuracy of facial recognition software and the possibility of the system producing a false positive.  However, there are no false positives with the Maryland system because the end product gives a probable list of potential suspects to be followed up on by law enforcement.  There are also issues regarding the audit process and the policy change process.  Currently, local law enforcement agencies in Maryland make policy changes regarding the use of this software and decide when, where, and how it is used.  It is not clear how often Maryland law enforcement uses the software, who reviews changes made to policy regarding this software, or what kinds of audits take place.

DPSCS states that only Maryland law enforcement agencies have access to this system.  In terms of protections against abuse, the agency is able to see who logs on to the system and states that regular audits are conducted.  The agency also notes that it has never had any challenge from groups concerned about privacy or civil liberties, and no images are ever saved or stored in the system.  DPSCS also states that people in public places are never scanned by this system.

While the use of this type of software, and the use of motor vehicle agency data are legally proper under the law, GAO recommends that federal and state law enforcement agencies increase transparency, audit and review procedures for this software and ensure adherence to privacy laws.  **DLS recommends the adoption of committee narrative requesting that the department provide a report on the facial**

**recognition system, policies, audit process, and steps taken to protect citizen privacy by December 1, 2017.**

# *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 9-1-1 (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.

    | Information Request | Author | Due Date |
    | --- | --- | --- |
    | Next Generation 9-1-1 | DPSCS | December 1, 2017 |

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.

    | Information Request | Author | Due Date |
    | --- | --- | --- |
    | Medicaid enrollment | Department of Public Safety and Correctional Services | December 1, 2017 |

3.  Adopt the following narrative:

    **Facial Recognition:**  The Maryland Image Repository System is facial recognition software that allows law enforcement officers to compare images of 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 system and 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;

- 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.

| **Information Request** | **Author** | **Due Date** |
|---|---|---|
| Facial recognition | Department of Public Safety and Correctional Services | December 1, 2017 |

# *Updates*

## 1.    **Offender Case Management System**

OCMS supports several key functions including case planning, booking, community supervision, corrections, and pretrial and detention services.  OCMS takes the place of multiple independent systems, and the increased information flow is intended to allow the department to build case plans and update them throughout an offender's incarceration period through his or her community supervision, providing case managers and supervision agents with a comprehensive history as the offender reenters society.

OCMS is a commercial off-the-shelf solution with significant configuration and customization to support Maryland's process and statutes.  After continued delays, the production phase of the project began at the end of 2012, and implementation was completed in August 2014.  The total project cost was approximately $16 million.

### **Accuracy, Reliability, and Use Issues**

Recently, a range of issues regarding the accuracy, reliability, and ease of use for OCMS have been documented in the Office of Legislative Audits reports as well as a Parole and Probation Agent Workload Study conducted by the Schaefer Center for Public Policy.  The issues that have been raised include the following:

- inadequate training and outdated operations manuals;

- lack of interface between OCMS and other existing systems, such as the Offender-based State Correctional Information System (OBSCIS) II (an older case management system); necessitating additional data entry to complete tasks, as well as leading to errors from data entry;

- insufficient procedures and controls over user access;

- improperly transferred data from OBSCIS I to OCMS, resulting in discrepancies with inmate release dates;

- inability to generate key information and alerts for supervision cases; and

- difficulty generating regular annual and quarterly population reports.

## Status of Modifications and Enhancements

The OCMS maintenance and modifications contract totals $7.0 million between December 2013 and November 2018. The contract includes annual system maintenance costs of $650,000, another $320,000 for enterprise software licenses, and $420,000 for option programming services for system modifications. The department also has 1 contractual program manager assigned to OCMS. Annual appropriations for OCMS maintenance and modifications total just over $1.5 million in the working appropriation and the allowance. DPSCS has been reviewing user change requests overseeing implementation efforts. The results are as follows:

- ***Improperly Transferred Data from OBSCIS I to OCMS:*** Commitment staff will continue to investigate discrepancies noted between the release dates recorded in OBSCIS I and OCMS and take corrective action to resolve the differences. Originally, all cases were scheduled to be addressed by June 1, 2016.

  The project was interrupted late January 2016 due to the roof collapse at the Sudbrook site and the relocation of the unit to a temporary location with limited access to files. The unit permanently relocated to a new site in May 2016 with full access to files. The project is still in progress.

- ***Efforts to Improve the System:*** There are currently 32 change notes in the OCMS development queue. Of these, 6 are currently under development by the vendor, while the remaining 26 have been drafted but not approved yet for development. ITCD meets monthly with all divisions (Booking, Pre-trial Detention, Correction, Parole and Probation, and the Parole Commission) to discuss any issues regarding OCMS.

- ***Justice Reinvestment Act:*** To comply with the statutory requirements of the JRA, $500,000 is allocated as a fiscal 2017 deficiency appropriation to enhance case management and make technical adjustments including the development of an administrative parole process and other system changes in OCMS. Specifically, adjustments need to be added for the following:

  - Division of Correction case management for good conduct credit;

  - enhancements for the Maryland Parole Commission pertaining to special releases and juvenile lifer alerts; and

  - the addition of a violation matrix for offenders on parole.

The department currently has a contract in place for OCMS, and these upgrades will be prioritized due to the deficiency funding to expend and/or encumber funding by June 30, 2017. No funding will be required in fiscal 2018 as this is a one-time adjustment.

# Major Information Technology Projects
## Department of Public Safety and Correctional Services
### Computerized Criminal History Project

| | | | |
|---|---|---|---|
| **Project Status** | Planning. | **New/Ongoing Project:** | Ongoing. |
| **Project Description:** | The Department of Public Safety and Correctional Services (DPSCS) is currently looking to replace the obsolete Computerized Criminal History (CCH) mainframe system. The new system will allow for the provision of timely, updated offender information to local law enforcement, Community Supervision Programs, and other DPSCS constituents for the purposes of effective monitoring, rehabilitation, and case management of those offenders. It will also save time by eliminating the need for paper searches and by consolidating information in a single location. | | |
| **Project Business Goals:** | This initiative supports the following DPSCS goals: (1) Good Management: Ensure the department operates efficiently. Meet and/or exceed the technology business needs of the department, Criminal Justice guidelines, policies and standards, for the use and implementation of existing and emerging technologies; and (2) Safe Communities: Help to keep Maryland communities safe. Provide technology that quickly identifies offenders. Provide a comprehensive and efficient method to identify warrants issued throughout the State. Better warrant tracking processes allow law enforcement to serve warrants and remove dangerous individuals from Maryland's streets. | | |
| **Estimated Total Project Cost:** | $8,988,000 | **Estimated Planning Project Cost:** | $1,638,000 |
| **Project Start Date:** | October 2015 | **Projected Completion Date:** | December 2021 |
| **Schedule Status:** | Phase II: Competitive bid will go out to possible CCH vendors and the contract will be awarded to the one selected. | | |
| **Cost Status:** | The Governor's fiscal 2018 allowance includes $1.6 million in general funds for this project. General funds are projected to pay approximately $1.6 million per fiscal year through fiscal 2021. | | |
| **Scope Status:** | No reported changes in the project scope. | | |
| **Project Management Oversight Status:** | The Governor's fiscal 2018 allowance includes $78,000 for oversight. | | |
| **Identifiable Risks:** | Currently, the greatest identifiable risk for this project is the funding source and is rated at "medium" risk. Although the department obtained one-time federal grant funding to begin the project in fiscal 2017, the department indicated in its December 2015 information technology (IT) project request form that the remaining $5.1 million needed to complete the project will need to be funded from the Major IT Development Project Fund. In the current January 2017 IT project request form, the department indicates that funding will now be drawn from general funds. The funds will require the Department of Information Technology and the Board of Public Works' review and approval. | | |
| **Additional Comments:** | None. | | |

| Fiscal Year Funding ($ in Thousands) | Prior Years | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | Balance to Complete | Total |
|---|---|---|---|---|---|---|---|---|
| Personnel Services | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 |
| Professional and Outside Services | 2,436.0 | 1,638.0 | 1,638.0 | 1,638.0 | 1,638.0 | 0.0 | 0.0 | 8,988.0 |
| Other Expenditures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| **Total Funding** | **$2,436.0** | **$1,638.0** | **$1,638.0** | **$1,638.0** | **$1,638.0** | **$0.0** | **$0.0** | **$8,988.0** |

# Major Information Technology Projects
## Department of Public Safety and Correctional Services
## Enterprise Resource Planning Implementation Project (MCE-ERPIP)

| Project Status | Implementation. | New/Ongoing Project: | Ongoing. |
|---|---|---|---|
| **Project Description:** | This initiative will provide the ability for the Maryland Correctional Enterprises (MCE) to revise and update its backend processes and aging financial and manufacturing information technology infrastructure to better meet the needs of Maryland's correctional industries program. This project will allow more efficient management of the agency's program that currently generates over $60 million per year in sales and service and employs over 2,000 inmates in Maryland's correctional facilities. The current paper-driven process and computing platform is not efficient and has become less effective as MCE grows its business. | | |
| **Project Business Goals:** | This initiative supports the MCE goal, which is to find a solution whose basic core capabilities address, at a minimum, the needs for all the following functions: (1) Enterprise Resource Planning; (2) Customer Relationship Management; and (3) Integrates with other State of Maryland systems, primarily the Financial Management Information System. | | |
| **Estimated Total Project Cost:** | $4,240,384 | **Estimated Planning Project Cost:** | $1,000,000 |
| **Project Start Date:** | September 2010 | **Projected Completion Date:** | April 2018 |
| **Schedule Status:** | Changes to the project schedule are expected as the bid's due date was extended to fiscal 2017, mid-second quarter. | | |
| **Cost Status:** | The Governor's fiscal 2018 allowance includes $1 million in special funds for this project. | | |
| **Scope Status:** | No known or anticipated scope changes at this time. | | |
| **Project Management Oversight Status:** | The Governor's fiscal 2018 allowance includes $50,000 for oversight. | | |
| **Identifiable Risks:** | The Request for Proposals was released in fiscal 2017, first quarter. The bid was extended twice, due to no responses, with a new due date of mid-second quarter, fiscal 2017. One bid was provided and was deemed nonresponsive due to not meeting the Minority Business Enterprise requirements. Due to the departure of a critical resource, MCE must work to fill this gap as quickly as possible to reduce any further project risks. | | |
| **Additional Comments:** | None. | | |

| Fiscal Year Funding ($ in Thousands) | Prior to FY 2016 | Actual FY 2016 | Appropriation FY 2017 | Allowance FY 2018 | Projected FY 2019 | Projected FY 2020 | Balance to Complete | Total |
|---|---|---|---|---|---|---|---|---|
| Personnel Services | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 |
| Professional and Outside Services | 990.3 | 750.0 | 1,500.0 | 1,000.0 | 0.0 | 0.0 | 0.0 | 4,240.4 |
| Other Expenditures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| **Total Funding** | **$990.3** | **$750.0** | **$1,500.0** | **$1,000.0** | **$0.0** | **$0.0** | **$0.0** | **$4,240.4** |

| Object/Fund | FY 16 Actual | FY 17 Working Appropriation | FY 18 Allowance | FY 17 - FY 18 Amount Change | Percent Change |
|---|---|---|---|---|---|
| **Positions** | | | | | |
| 01   Regular | 1,054.50 | 1,040.00 | 1,040.00 | 0.00 | 0% |
| 02   Contractual | 66.37 | 91.40 | 88.19 | -3.21 | -3.5% |
| **Total Positions** | **1,120.87** | **1,131.40** | **1,128.19** | **-3.21** | **-0.3%** |
| | | | | | |
| **Objects** | | | | | |
| 01   Salaries and Wages | $ 86,529,036 | $ 92,909,977 | $ 92,568,796 | -$ 341,181 | -0.4% |
| 02   Technical and Spec. Fees | 3,149,642 | 3,931,261 | 3,868,072 | -63,189 | -1.6% |
| 03   Communication | 3,610,599 | 2,703,931 | 3,089,018 | 385,087 | 14.2% |
| 04   Travel | 182,784 | 186,500 | 211,500 | 25,000 | 13.4% |
| 06   Fuel and Utilities | 338,176 | 318,150 | 356,008 | 37,858 | 11.9% |
| 07   Motor Vehicles | 1,547,673 | 1,564,874 | 1,665,413 | 100,539 | 6.4% |
| 08   Contractual Services | 30,777,405 | 34,401,193 | 29,916,463 | -4,484,730 | -13.0% |
| 09   Supplies and Materials | 816,728 | 1,137,300 | 1,165,456 | 28,156 | 2.5% |
| 10   Equipment – Replacement | 3,599,509 | 5,014,258 | 3,675,412 | -1,338,846 | -26.7% |
| 11   Equipment – Additional | 1,048,498 | 425,000 | 2,197,200 | 1,772,200 | 417.0% |
| 12   Grants, Subsidies, and Contributions | 59,513,135 | 59,418,500 | 59,665,500 | 247,000 | 0.4% |
| 13   Fixed Charges | 2,847,945 | 3,278,166 | 3,227,895 | -50,271 | -1.5% |
| **Total Objects** | **$ 193,961,130** | **$ 205,289,110** | **$ 201,606,733** | **-$ 3,682,377** | **-1.8%** |
| | | | | | |
| **Funds** | | | | | |
| 01   General Fund | $ 128,485,542 | $ 134,605,950 | $ 134,254,087 | -$ 351,863 | -0.3% |
| 03   Special Fund | 63,768,975 | 64,369,932 | 64,186,133 | -183,799 | -0.3% |
| 05   Federal Fund | 367,750 | 4,600,000 | 1,300,000 | -3,300,000 | -71.7% |
| 09   Reimbursable Fund | 1,338,863 | 1,713,228 | 1,866,513 | 153,285 | 8.9% |
| **Total Funds** | **$ 193,961,130** | **$ 205,289,110** | **$ 201,606,733** | **-$ 3,682,377** | **-1.8%** |

DPSCS:  Department of Public Safety and Correctional Services

Note:  Does not include targeted reversions, deficiencies, and contingent reductions.

| Program/Unit | FY 16 Actual | FY 17 Wrk Approp | FY 18 Allowance | Change | FY 17 - FY 18 % Change |
|---|---|---|---|---|---|
| 01 General Administration | $ 35,075,200 | $ 38,262,659 | $ 35,996,554 | -$ 2,266,105 | -5.9% |
| 02 Information Technology and Communications Division | 36,335,642 | 36,877,184 | 35,801,883 | -1,075,301 | -2.9% |
| 03 Intelligence and Investigative Division | 7,472,993 | 8,701,642 | 9,559,852 | 858,210 | 9.9% |
| 04 9-1-1 Emergency Number Systems | 56,743,017 | 56,872,410 | 56,896,133 | 23,723 | 0% |
| 06 Div. of Capital Construction and Facilities Maintenance | 3,565,219 | 3,950,223 | 4,375,412 | 425,189 | 10.8% |
| 07 Major Information Technology Development Projects | 39,787 | 3,800,000 | 1,000,000 | -2,800,000 | -73.7% |
| 01 General Administration | 9,528,559 | 8,262,122 | 10,048,974 | 1,786,852 | 21.6% |
| 03 Programs and Services | 5,107,719 | 4,812,612 | 5,209,409 | 396,797 | 8.2% |
| 04 Security Operations | 32,837,159 | 35,729,346 | 34,778,523 | -950,823 | -2.7% |
| 05 Central Home Detention Unit | 7,255,835 | 8,020,912 | 7,939,993 | -80,919 | -1.0% |
| **Total Expenditures** | **$ 193,961,130** | **$ 205,289,110** | **$ 201,606,733** | **-$ 3,682,377** | **-1.8%** |
| | | | | | |
| General Fund | $ 128,485,542 | $ 134,605,950 | $ 134,254,087 | -$ 351,863 | -0.3% |
| Special Fund | 63,768,975 | 64,369,932 | 64,186,133 | -183,799 | -0.3% |
| Federal Fund | 367,750 | 4,600,000 | 1,300,000 | -3,300,000 | -71.7% |
| **Total Appropriations** | **$ 192,622,267** | **$ 203,575,882** | **$ 199,740,220** | **-$ 3,835,662** | **-1.9%** |
| | | | | | |
| Reimbursable Fund | $ 1,338,863 | $ 1,713,228 | $ 1,866,513 | $ 153,285 | 8.9% |
| **Total Funds** | **$ 193,961,130** | **$ 205,289,110** | **$ 201,606,733** | **-$ 3,682,377** | **-1.8%** |

DPSCS: Department of Public Safety and Correctional Services

Note: Does not include targeted reversions, deficiencies, and contingent reductions.