

**WA.00**  
**Department of State Police**

***Operating Budget Data***

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(\$ in Thousands)

	<b>FY 00</b>	<b>FY 01</b>	<b>FY 02</b>		<b>% Change</b>
	<b><u>Actual</u></b>	<b><u>Working</u></b>	<b><u>Allowance</u></b>	<b><u>Change</u></b>	<b><u>Prior Year</u></b>
General Fund	\$203,967	\$216,522	\$225,609	\$9,088	4.2%
Special Fund	50,560	53,897	56,374	2,477	4.6%
Federal Fund	891	742	710	(32)	(4.3%)
Reimbursable Fund	<u>639</u>	<u>643</u>	<u>669</u>	<u>26</u>	<u>4.1%</u>
<b>Total Funds</b>	<b>\$256,057</b>	<b>\$271,804</b>	<b>\$283,363</b>	<b>\$11,559</b>	<b>4.3%</b>

- \$2.7 million fiscal 2001 deficiency is due primarily to the Responsible Gun Safety Act of 2000 (\$1.4 million) and the rise in gasoline prices (\$900,000).
- \$240,000 increase to fund the Responsible Gun Safety Act of 2000 shell casing database.
- \$300,000 inflation adjustment increase for the Amoss Fire, Rescue, and Ambulance Fund.

***Personnel Data***

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	<b>FY 00</b>	<b>FY 01</b>	<b>FY 02</b>	
	<b><u>Actual</u></b>	<b><u>Working</u></b>	<b><u>Allowance</u></b>	<b><u>Change</u></b>
Regular Positions	2,515.50	2,555.50	2,588.50	33.00
Contractual FTEs	<u>29.10</u>	<u>33.38</u>	<u>32.85</u>	<u>(0.53)</u>
<b>Total Personnel</b>	<b>2,544.60</b>	<b>2,588.88</b>	<b>2,621.35</b>	<b>32.47</b>

***Vacancy Data: Regular***

Budgeted Turnover: FY 02	101.99	3.94%
Positions Vacant as of 12/31/00	176.00	6.90%

- Responsible Gun Safety Act of 2000 accounts for 12 new positions, totaling \$460,451.
- Opening of the Princess Anne Barrack accounts for 9 new positions, totaling \$151,846.
- Office of the State Fire Marshal receives 5 Fire Code Inspectors, totaling \$147,335.

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

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## Analysis in Brief

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### Issues

**Firearms Enforcement:** The Department of State Police (DSP) has completed creation of a shell casing database to store a "ballistic fingerprint" of every firearm sold in the State as mandated by the Responsible Gun Safety Act of 2000; firearms application review now includes recommended quality assurance controls.

**Improvements in Ex Parte/Civil Protective Order Enforcement Are Underway -- Quarterly Audits Reveal Mixed Results:** Quarterly audits of local law enforcement agencies' protective order data entries reveal declines in critical error rates for every audited agency; error rates overall, however, remain high. Overhaul of the Maryland Interagency Law Enforcement System is necessary before improvements can be completed.

**Fiscal 2002 ITPR Is Not Reflected in the Fiscal 2002 Allowance:** Information technology projects listed in DSP's fiscal 2002 Information Technology Project Request (ITPR) are not funded in the fiscal 2002 allowance; information technology projects funded in the fiscal 2002 allowance are not listed in fiscal 2002 ITPR.

### Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Delete funding for the Department of Public Safety and Correctional Services Data Center operations.	\$ 1,290,587	
2. Delete four Maryland State Police long-term vacant positions.	136,216	4.0
3. Delete seven long-term vacant positions in the office of the Fire Marshal.	318,189	7.0
4. Reduce special fund appropriation for the Amoss Fire, Rescue, and Ambulance Fund	2,800,000	
5. Adopt committee narrative requiring a report on the Strategy, Technology, Officers, and Prosecutors Gun Violence grants awards.		
6. Adopt committee narrative requiring a report on the status of improvements in processing ex parte and civil protective orders.		
7. Delete deficiency funding to fill 15 vacancies.	364,920	

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8.	Reduce general fund deficiency appropriation for installation of Integrated Ballistic Identification System.	1,000,000	
	<b>Total Reductions to Fiscal 2001 Deficiency Appropriation</b>	<b>\$ 1,364,920</b>	
	<b>Total Reductions to Allowance</b>	<b>\$ 4,544,992</b>	<b>11.0</b>

**Updates**

*Fiscal Impact of Post-conviction DNA Testing Uncertain:* It is too early to estimate the potential impact of two Senate bills, SB 84 and SB 15, which would mandate court-ordered DNA testing for convicted felons under specified circumstances.

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***Operating Budget Analysis***

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**Program Description**

**Department of State Police**

Article 88B established the Department of State Police (DSP) to safeguard persons within the State, protect property, and assist in providing all persons equal protection under the law. The State Aid for Police Protection Fund and various other grants (primarily for Baltimore City and Prince George's County) are included as separate programs in the department's budget. The department's operating structure is composed of the following programs:

- ***Office of the Superintendent*** provides overall administration of the agency including legal counsel, public affairs, and fiscal planning.
- ***Field Operations Bureau*** is comprised of four divisions. The Field Force manages the 23 police barracks and the resident trooper division in addition to patrolling the John F. Kennedy Memorial Highway. The Automotive Safety Enforcement Division's (ASED) functions include licensing vehicle inspection stations and processing repair orders. The Commercial Vehicle Enforcement Division (CVED) administers the Motor Carrier Safety program and enforces commercial vehicle regulations.
- ***Support Services Bureau*** manages the Crime Laboratory, Criminal Investigations Division, the Criminal Intelligence Division and the Executive Protection Division. Other functions include the Licensing Division and the Aviation Division, which manages the Med-Evac program.
- ***Administrative Services Bureau*** provides a variety of services including personnel, communications and equipment purchases, and fleet management. The bureau also administers the National Crime Information Center for the State and the Maryland Interagency Law Enforcement System (MILES).

**Fire Prevention Commission and Fire Marshal**

The Fire Prevention Commission and Fire Marshal are charged with safeguarding life and property from the hazards of fire and explosion. The agency evaluates buildings and facilities to determine compliance with statutes and regulations relating to fire safety. Suspicious fires are investigated, and a bomb squad is maintained. Fire prevention education programs are developed. The sale of certain fire-safety devices and hazardous materials is also regulated. State aid for fire, rescue, and ambulance services is budgeted in this program.

**Proposed Deficiency**

The allowance includes a \$2.72 million general fund deficiency appropriation allocated as displayed in **Exhibit 1**. Approximately \$1.4 million of the proposed fiscal 2001 deficiency is to fund the Integrated Ballistics Identification System (IBIS) -- development of, training for and operation of the "ballistics fingerprint" database mandated by the Responsible Gun Safety Act of 2000, Chapter 2, Acts of 2000. This legislation requires DSP to maintain a database of fired shell casings for every firearm sold in the State after October 1, 2000. The implementation of this program is discussed in more detail as the first issue of this analysis.

**The Department of Legislative Services (DLS) recommends reducing the fiscal 2001 deficiency appropriation by \$1.37 million.** DSP has \$1 million in unencumbered fiscal 2001 general funds for the Strategy, Technology, Officers, and Prosecutors (S.T.O.P.) Gun Violence grant program, which can be applied to the cost of establishing IBIS. The Cease Fire Council, created by Chapter 2, Acts of 2000 and charged with awarding these funds as grants to local law enforcement agencies, has yet to be appointed. It is unlikely that these grants will be awarded during fiscal 2001. The fiscal 2002 allowance also includes \$1 million for S.T.O.P. Gun Violence grants. Furthermore, funds for the January 2001 recruit class should be available in fiscal 2001. DSP reports that it held 15 positions in the January 2001 recruit class open to meet its budgeted turnover rate. However, DSP's fiscal 2001 budgeted turnover rate is 3.59%, while its actual vacancy rate averages 6.22% for fiscal 2001. Ample fiscal 2001 funds should be available to fill the January 2001 recruit class.

**Exhibit 1**

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<b>2001 Deficiency Appropriation Department of State Police (\$ in Thousands)</b>	
<u><b>Program</b></u>	<u><b>Amount General Funds</b></u>
<b>Field Operations Bureau</b>	\$365
Salaries and fringe benefits for January 2001 recruit class	
<b>Responsible Gun Safety Act of 2000</b>	\$1,444
Personnel -- \$140,922	
IBIS Database Design and Installation -- \$1,209,700	
Operating Costs -- \$93,683	
<b>Administrative Services Bureau</b>	\$900
Rise in gasoline prices	
<b>State Aid for Police Protection Fund</b>	\$16
Technical adjustment	
<b>Total Fiscal 2001 Deficiency</b>	<b>\$2,725</b>

Source: Fiscal 2002 Allowance

**Governor's Proposed Budget**

The fiscal 2002 allowance is \$283.3 million. This represents an increase of \$11.6 million, or 4.3% over the fiscal 2001 working appropriation. **Exhibit 2** illustrates the increase in the allowance by fund and outlines the fiscal 2002 expenditures comprising the increase. The general fund allowance is \$225.6 million, an increase of \$9.1 million, or 4.2% over the fiscal 2001 working appropriation. General funds comprise 80% of the fiscal 2002 allowance and account for 79% of the increase in the department's budget; this funding balance is unchanged from fiscal 2001. Special funds comprise 20% of the allowance and account for 21% of the increase.

**Exhibit 2**

**Governor's Proposed Budget  
Department of State Police  
(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Federal Fund</b>	<b>Reimbursable Fund</b>	<b>Total</b>
2001 Working Appropriation	\$216,522	\$53,897	\$742	\$643	\$271,804
2002 Governor's Allowance	225,609	56,374	710	669	283,363
Amount Change	\$9,088	\$2,477	(\$32)	\$26	\$11,559
Percent Change	4.2%	4.6%	(4.3%)	4.1%	4.3%

**Where It Goes:**

**Personnel Expenses**

New positions .....	\$999
Fiscal 2002 general salary increase .....	2,783
Increments, fiscal 2001 increase phase-in and other .....	5,969
Employee and retiree health insurance rate change .....	2,020
Retirement contribution rate change .....	(2,406)
Workers' compensation premium assessment .....	699
Turnover adjustments .....	(290)
Other fringe benefit adjustments .....	(519)

**Other Operating Expenditures**

**Maryland State Police**

DPSCS Data Center billing adjustment reimburses DPSCS .....	1,291
DPSCS Data Center billing adjustment decreases MSP charges .....	(888)
Decrease in aviation maintenance costs .....	(1,566)
Rise in gasoline prices .....	813

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**Where It Goes:**

Commercial Vehicle Enforcement (scale house repairs -- \$180,000; facilities maintenance -- \$464,000; and software, equipment, and supplies -- \$114,000) . .	758
"Ballistic fingerprinting" costs include maintenance contract, three new cars, and miscellaneous equipment and supplies . . . . .	249
New Princess Anne Barrack opening . . . . .	289
New Frederick Barrack equipment . . . . .	122
800 MHz equipment-existing lease increase . . . . .	128
Criminal enforcement equipment . . . . .	115
Automotive safety enforcement, supplies, and equipment . . . . .	57
State aid for police protection population adjustment . . . . .	622
Decrease in crime lab and other equipment costs . . . . .	(135)
 <b>Office of the Fire Marshal</b>	
Amoss Fund "inflation adjustment" . . . . .	300
Career firefighter physical ability testing program equipment grant to firefighter associations . . . . .	150
<b>Total</b>	<b>\$11,559</b>

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

**Personnel**

Personnel expenses increase by \$9.26 million, accounting for 80% of the increase in DSP's fiscal 2002 allowance. The addition of 33 regular positions in the allowance account for 11% of the increase in personnel expenses and 8.6% of the increase overall. A list of these new positions appears in **Exhibit 3**.

- ***The Responsible Gun Safety Act of 2000 Requires 12 New Positions:*** 12 new positions will implement the Responsible Gun Safety Act of 2000. New personnel will operate the new database of shell casings for every firearm sold in the State. Additional troopers will audit firearms applications and firearms dealers to insure compliance with the new law. The affect of this initiative on the fiscal 2002 DSP budget is discussed further in the Issues section of this analysis.
- ***Office of the Fire Marshal Receives Five New Civilian Fire Code Inspectors:*** Chapter 336, Acts of 2000 authorizes civilian inspectors to conduct fire code compliance inspections. Currently, the number of buildings requiring inspections exceeds the Fire Marshal's capacity. The 2000 legislation was passed to address the resulting backlog. Accordingly, the Fire Marshal's fiscal 2002 allowance provides five new civilian fire code inspectors. These new positions are the first of ten total positions to be added over two fiscal years. Because the Fire Marshal charges for building inspections, it expects the positions to pay for themselves after the first year. These new positions should allow the Fire Marshal to complete an additional 3,000 inspections in fiscal 2002 and an additional 5,000 inspections per year thereafter.

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**Exhibit 3**

**Department of State Police  
New Positions in Fiscal 2002 Allowance**

<u>Title</u>	<u>Salary</u>	<u>Fringes</u>	<u>Turnover</u>	<u>Total Costs</u>
<b>Office of the Superintendent</b>				
Computer Info Services Spec I	\$30,074	\$10,834	(\$1,637)	\$39,271
<b>Staffing the New Princess Anne Barrack</b>				
5 Police Communications Oper I's @ \$23,265	116,325	50,035	(83,215)	83,145
Police Comm Systems Technician	28,196	10,606	(19,410)	19,392
Office Secy II	21,831	9,834	(15,839)	15,826
Automotive Services Specialist	26,439	10,393	(18,424)	18,408
Maintenance Mechanic	20,492	9,670	(15,087)	15,075
<b>Automotive Safety Enforcement</b>				
3 Transportation Inspector I's @ \$23,265	69,795	30,021	(24,966)	74,850
<b>Firearms Enforcement</b>				
<b>Firearms Application Processing</b>				
MSP Trooper	35,731	9,784	(1,821)	43,694
<b>Gun Responsibility Act of 2000</b>				
<b>Crime Lab-IBIS</b>				
3 Firearms Toolmark Exam Experts @ \$39,001	117,003	35,754	(6,114)	146,643
3 Lab Tech I's @ \$20,492	61,476	29,010	(3,621)	86,865
Accountant Auditor IV	32,088	11,079	(1,727)	41,440
Inventory Control Specialist	28,196	10,606	(1,553)	37,249
<b>Cease Fire Unit</b>				
2 MSP Troopers @ \$35,731	71,462	19,568	(3,642)	87,388
2 Office Clerk II's* @ \$21,865	43,730	19,674	(2,530)	60,866
<b>Administrative Services Bureau</b>				
Office Clerk II*	21,865	9,837	(1,269)	30,433
Management Development Spec	40,933	12,152	(2,124)	50,961
<b>State Fire Marshal</b>				
5 Fire Code Inspectors @ \$29,323	146,615	49,860	(49,140)	147,335
<b>Total</b>	<b>\$912,251</b>	<b>\$338,717</b>	<b>(\$252,127)</b>	<b>\$998,841</b>

\*Indicates contractual conversion.

Source: Fiscal 2002 Allowance

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The Fire Marshal currently has two long-standing inspector vacancies. One position has been vacant for 32 months and one position has been vacant for 42 months. DLS recommended eliminating these positions last year. **The Fire Marshal should discuss the need for positions which have been vacant for three and more years in light of the new civilian inspectors it receives in the fiscal 2002 allowance. The Fire Marshal should discuss any efforts to fill these vacancies and whether it expects to confront similar obstacles in hiring the new civilian inspectors.**

### **Operating Expenses**

#### **General Funds**

The general fund fiscal 2002 allowance is most affected by the significant increase in gasoline prices since fiscal 2000. It is also affected by a change in the Department of Public Safety and Correctional Services' (DPSCS) billing system for access to criminal justice information stored in its Data Center. DPSCS customarily bills agencies for access to the Data Center by the amount of time spent on-line accessing the Data Center. Based upon the recommendations of a business consultant, DPSCS will begin billing agencies a "subscription fee" based upon the number of users each agency subscribes, effective fiscal 2002. Under the new billing scheme, DSP charges decrease in fiscal 2002 by approximately \$888,000. Obscuring the decrease, however, is a \$1.3 million increase in the allowance. This amount will pass through DSP to DPSCS to fund an expected deficiency in DPSCS for Data Center operating expenses caused by the application of the new billing scheme after the completion of the budget request cycle. As a result of this time lag, smaller agencies do not have funds included in their fiscal 2002 allowance for the new billing method. The reason for including these funds in the DSP allowance rather than directly in the DPSCS fiscal 2002 allowance is unclear. **DLS recommends that these funds be included in the DPSCS fiscal 2002 budget rather than in the DSP budget. Accordingly, DLS recommends deleting these funds from DSP allowance; they should be reallocated to DPSCS in a supplemental budget.**

#### **Special Funds**

The fiscal 2002 special fund allowance is \$56.3 million, an increase of \$2.5 million, or 4.5% over the fiscal 2001 appropriation. Special fund sources include: the Transportation Trust Fund; the Maryland Transportation Authority; local governments; the Maryland Emergency Medical Services Operations Fund (MEMSOF); the Vehicle Theft Prevention Fund; and the Amoss Fire, Rescue, and Ambulance Fund.

The net increase in the allowance includes a \$1.1 million decrease in maintenance costs for the Aviation Division; the division's helicopter maintenance schedule and the considerable cost of helicopter maintenance cause large annual swings in the DSP's special fund expenditures. Personnel expenses supported by special funds increase by approximately \$1.9 million. The Commercial Vehicle Enforcement Division (CVED) is maintained entirely with special funds, which increase by \$816,000 in fiscal 2002. This increase supports the overhaul, repair, and replacement of scale houses and scales.

The \$10.3 million allowance for the Amoss Fire, Rescue, and Ambulance Fund includes an additional \$300,000 as an adjustment for inflation. The budget bill makes \$2.8 million of this appropriation

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contingent upon the passage of legislation to increase the surcharge on the registration fee on motor vehicles. The Amoss Fund is funded from MEMSOF, which in turn is generated by revenues collected from motor vehicle registration fees. Currently, MEMSOF is expected to have a nearly \$7.2 million deficit by the end of fiscal 2002. The Amoss Fund appropriation has never included an adjustment for inflation. Last year, the General Assembly rejected a similar inflation adjustment increase.

**DLS recommends against the increase to the Amoss Fund included in the fiscal 2002 allowance to adjust for inflation. If legislation enacted during the 2001 session generates sufficient revenues for MEMSOF, the General Assembly can reconsider an Amoss Fund increase in fiscal 2003.**

**DLS also recommends a \$2.8 million reduction in the Amoss Fund appropriation with budget bill language authorizing the appropriation of \$2.5 million through budget amendment if legislation is enacted which generates sufficient revenues for MEMSOF.**

### **Federal and Reimbursable Funds**

The allowance for federal funds derives primarily from federal asset seizure funds and remains essentially unchanged from the fiscal 2001 working appropriation. The allowance for reimbursable funds increases by \$26,000 over the fiscal 2001 working appropriation.

### **Grants**

DSP is responsible for administering and distributing various grant programs which provide aid to local law enforcement agencies. A table of these programs and the fiscal 2002 allowance associated with them appears in **Appendix 4**.

## **Performance Analysis: Managing for Results**

### **First Year for Strategies**

This year is the first year DSP has submitted strategies for its Managing for Results (MFR) goals and objectives. An agency's strategies are supposed to provide the link between the agency's broad goals and objectives, the agency's budget, and the agency's performance measures. The strategies should identify specific tasks to be undertaken in the fiscal year to fulfill the agency's objectives and should correspond to the activities funded in the agency's budget. For the most part, the strategies developed by DSP fail to provide the required link to the DSP fiscal 2002 allowance. Each program within DSP has developed its own goals, objectives, strategies, and performance measures. Most of the strategies in most of the programs are restatements of the program's goals or activities. For instance, in the Field Operations Bureau, there are strategies which state that DSP will aggressively enforce motor vehicle laws. However, the strategies should instead state what specific measures will be undertaken to aggressively enforce motor vehicle laws; examples might include increased personnel, new training, new equipment, targeting high violation areas, etc. The Support Services Bureau strategy to acquire ballistics fingerprinting equipment, hire ballistics personnel, and train them is an example of a meaningful strategy which describes a specific

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fiscal 2002 task and corresponds to funds provided in the fiscal 2002 allowance. **With its fiscal 2003 budget request, DSP should submit revised strategies which correspond to its fiscal 2003 budget and which describe specific, funded activities.**

### **1999 Performance Measures Are Different from Previously Reported 1999 Performance Measures**

The 1999 performance measures reported in DSP's fiscal 2002 MFR submission do not correspond to the data reported for 1999 in the fiscal 2001 MFR submission. Discrepancies appear for numerous performance measures. In some cases, DSP reports that the data measurement has changed from a fiscal year to a calendar year; in other cases, DSP has no explanation for the difference. A change from fiscal year to calendar year reporting should not cause a drastic difference between data, as either measure spans a year's activity. **DSP should not retroactively change performance measurement data for past years. Changes in measurement methods should be applied only prospectively and accompanied by an explanation for the change and its relation to apparent increases or decreases in data.**

### **Performance Analysis -- Maryland State Police**

**Exhibit 4** shows performance measurement data for selected performance measures. The MFR submission includes extensive performance measurement data related to all of its activities.

Significant drops appear in several performance areas. The number of persons trained in field sobriety testing decreases from almost 1,400 in 1999 to 161 in 2000. DSP reports that it no longer trains all law enforcement officers in field sobriety testing because it has trained instructors for most law enforcement agencies; from 2000 onward, DSP provides field sobriety training primarily to DSP officers. Declines in measures for roadside commercial vehicle enforcement reflect a change in enforcement strategy; DSP has started to target aggressive truck driving and drug smuggling in commercial vehicles. These efforts are partially reflected in the decline in the commercial vehicle fatality rate. The decline in Med-Evac EMS flights is only apparent, resulting from a decline in demonstration flights; the number of patients transported has increased.

Recent changes in gun laws which expand the category of persons prohibited from purchasing or possessing firearms are reflected in increases in firearms applications and disapproved firearms applications. These changes are also reflected in the DSP fiscal 2002 allowance with new positions and equipment to improve firearms application processing and implement the "ballistic fingerprinting" mandate of the Responsible Gun Safety Act of 2000. The status of these efforts is discussed in the Issues section of this analysis.

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**Exhibit 4**

**Program Measurement Data  
Department of State Police  
Fiscal Years**

	<u>Actual 1997</u>	<u>Actual 1998</u>	<u>Actual 1999</u>	<u>Actual 2000</u>	<u>Est. 2001</u>	<u>Est. 2002</u>	<u>Ann. Chg. 98-00</u>
<b>Department of State Police</b>							
Arrests, Part I and II*	19,896	21,650	20,751	n/a	23,000	n/a	n/a%
Part I investigations*	n/a	19,688	20,450	n/a	21,000	n/a	n/a
Motor vehicle citation issued	391,374	412,165	458,942	295,776	300,000	300,000	5.5%
Alcohol-related fatality rate per 100 m vehicle miles traveled	n/a	n/a	34.3%	39.1%	32.8%	31.9%	n/a
Number of persons trained in field sobriety*	n/a	1,192	1,365	161	200	200	-63.2%
Commercial vehicle fatality rate per 100 m vehicle miles traveled	n/a	n/a	15.5%	13.0%	14.6%	13.8%	n/a
Commercial vehicles weighed	1,462,264	1,309,131	1,130,952	1,244,617	1,200,000	1,200,000	-2.5%
Commercial vehicle roadside inspection	75,377	105,370	117,857	65,603	119,000	119,000	-21.1%
Commercial vehicle citations issued	39,335	39,884	44,180	43,290	43,000	43,000	4.2%
Domestic violence investigations**	n/a	n/a	669	1,405	1,500	1,500	n/a
Med-Evac EMS flights	5,231	5,846	5,849	5,679	5,735	5,735	-1.4%
Law enforcement flights	1,981	1,996	1,715	813	1,664	1,284	-36.2%
Gun applications received	30,317	30,161	27,667	33,038	30,000	37,000	4.7%
Gun applications disapproved	266	275	249	592	600	600	46.7%
Firearm dealer license issued	362	363	362	325	310	310	-5.4%
<b>Office of Fire Marshal</b>							
Inspections and reinspections	15,038	14,663	13,605	13,491	13,761	14,036	-4.1%

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	<b>Actual 1997</b>	<b>Actual 1998</b>	<b>Actual 1999</b>	<b>Actual 2000</b>	<b>Est. 2001</b>	<b>Est. 2002</b>	<b>Ann. Chg. 98-00</b>
Construction plan reviews	2,416	2,296	2,347	2,352	2,399	2,447	1.2%
Deactivation of explosives	481	375	391	420	428	437	5.8%
Fire investigations	1,308	1,139	1,181	1,087	1,109	1,131	-2.3%
EMS - Emergency Medical Services							

\*1999 Uniform Crime Report has not yet been released.

\*\*Indicates a new program measurement data.

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

Source: Department of State Police

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### **Performance Analysis -- Office of Fire Marshal**

As illustrated in Exhibit 3, the number of inspections completed by the Fire Marshal has been declining since 1997, while remaining workload indicators remain relatively steady. Two long-standing inspector vacancies may be contributing to this decline. As discussed above, the allowance includes five new civilian inspector positions. After their first year, the Fire Marshal expects these new inspectors to complete 5,000 inspections per year. Next year, the Fire Marshal expects to add another five civilian inspectors, increasing annual inspection capacity by another 5,000 inspections. By fiscal 2003, performance data should start showing an increase in annual fire inspections.

## Issues

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### 1. Firearms Enforcement

#### Responsible Gun Safety Act of 2000

- **Shell Casing Database Will Cost an Estimated \$750,000 Annually:** Chapter 2, Acts of 2000 requires DSP to maintain shell casings and a database of shell casings, “ballistic fingerprints,” for every firearm sold in Maryland. DSP contracted with an outside vendor to design and install the shell casing database, known as IBIS, “Integrated Ballistic Identification System.”

The law requires fired shell casings be submitted to DSP. The characteristics of this shell casing are entered by DSP personnel into IBIS, which will be used to trace the origin of shell casings found at crime scenes. DSP has conducted an education program in consultation with the Office of the Attorney General to inform dealers of their obligations under the new law. Because the shell casing requirement only recently became effective, it is too early to evaluate dealer compliance or the legislation’s impact on tracing firearms used in crimes.

In fiscal 2001 and 2002 combined, 17 people will be hired to examine shell casings, operate the database, and audit firearms dealers. This results in ongoing annual personnel costs of approximately \$643,000; annual operating costs are expected to be approximately \$112,000. Thus, annual operating costs for the shell casing component of the 2000 legislation will be approximately \$750,000.

- **Cease Fire Council Not Yet Appointed -- No Local Aid Grants Awarded:** In addition to funding for IBIS, the fiscal 2002 allowance includes \$1 million in general funds to be awarded to local law enforcement agencies to promote efforts to reduce gun-related violence. These S.T.O.P. Gun Violence grants are to be awarded by the Cease Fire Council created by the 2000 gun safety legislation in accordance with statutorily-identified criteria. The fiscal 2001 budget for DSP also includes \$1 million to fund these grants. In committee narrative appearing in the 2000 *Joint Chairmen's Report*, the budget committees requested a report from DSP by January 1, 2001, on initiatives funded by the grants, which shows that grants are being awarded to jurisdictions with a demonstrated gun violence problem. This report has not been submitted because no grants have been awarded. No grants have been awarded because the Governor has only just appointed the members of the Cease Fire Council who are to select grant recipients. DLS has recommended a \$1 million reduction in DSP's fiscal 2001 deficiency appropriation, recommending that the unexpended \$1 million for this grant program be reallocated to provide the necessary funding for the IBIS database.

**DLS recommends repeating the committee narrative appearing in the 2000 *Joint Chairmen's Report* to ensure funds are distributed to jurisdictions with the most pressing gun violence problems.**

**DLS recommends the following committee narrative:**

**Strategy, Technology, Officers, and Prosecutors (S.T.O.P.) Gun Violence Grant Report:** The budget committees wish to ensure that S.T.O.P. Violence grants be distributed to those local law enforcement agencies who have identified the manner in which grant funds will be used and who have identified a specific problem with gun violence in their jurisdiction. To this end, the Department of State Police should submit a report by January 1, 2002, which includes a list of grant recipients, award amounts, a description of each funded project's goals, objectives and expected impact on gun-related violence, and a summary of the expenses grant funds will support. The committees urge the rejection of grant applications which fail to provide detailed goals and objectives for reducing gun violence.

**Firearms Applications Processing -- Quality Assurance Improved**

DSP has confronted two problems related to firearms applications: review of applications exceeded the statutory, seven-day period, and protective order prohibitions were not properly identified. Measures to improve protective order processing are discussed as a separate issue below. In addition, DSP has revised management, software, and hardware systems in the firearms audit unit. The unit has hired additional review and audit personnel. As a result of these actions, the applications backlog has been eliminated. Out of 32,215 applications processed in calendar 2000, only 812 were held beyond the seven-day period; these holds are permitted by statute when investigation reveals a possible prohibition which requires further research. The unit currently assigns a detective to all disapproved firearms applications to investigate and refer for prosecution all potentially illegal attempted firearms purchases. DSP notifies local law enforcement agencies of all disapproved applicants in their jurisdictions. Auditors also randomly review 20% of all approved firearms applications.

**2. Improvements in Ex Parte/Civil Protective Order Enforcement Are Underway -- Quarterly Audits Reveal Mixed Results**

In 1999 serious problems permeating the protective order process permitted a protective-order respondent to purchase a gun illegally, which he used to kill his children. In response to these tragic events, DSP pledged a series of reforms, most of which have been instituted in 2000. DSP has filled vacant quality control positions, conducted regional database entry training, and staffed a 24-hour, data-entry assistance "hotline" for local enforcement. DSP also participates in several multi-agency task forces and workgroups, including the Lt. Governor's Public Safety Technology Task Force, to promote coordinated system improvements.

Most importantly, DSP in April 2000, began conducting quarterly audits of all 33 law enforcement agencies entering protective order information into MILES. Auditors check for both critical and non-critical errors. Critical errors are errors which would allow a protective order respondent illegally to purchase a firearm. Other errors are non-critical errors. All audited agencies improved their critical error rates from the first to the second audit. Seven counties reduced their critical error to zero. Nonetheless, error rates remain high. Four of the 33 agencies had critical errors above 10% in their second audits (one

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of those agencies will no longer be entering protective order information). There were 26 agencies (86%) with total error rates above 50%; 3 had error rates above 95%.

DSP has not been able to compare the number of court orders issued to the number of court orders entered into the database because the District Court's tracking system cannot provide comparable data without reprogramming. DSP also has not been systematically monitoring timeliness -- how quickly court orders are entered into the system. DSP states that there are no national standards governing timely protective order entry. DSP uses an unofficial deadline of four days to allow for weekends and holidays. Timeliness, however, currently is not included in the audit reports.

DSP has not yet released its status report on implementing the protective order improvements to which it committed in its December 21, 1999, *Report of the Task Force on Law Enforcement and Courts Maintenance of Ex Parte and Protective Orders*.

**DSP should discuss whether and when it will include timeliness of entry as a component of its quarterly protective order audits. DSP should discuss the results of the most current, December 2000 audits, if available. DSP also should brief the committees on the current status of long-term and short-term efforts to improve MILES and the protective order process, including its efforts on behalf of the Public Safety Technology Task Force.**

**DLS recommends the following committee narrative:**

**Ex Parte and Protective Orders Progress Report:** The committees support continued improvements in the processing of ex parte and civil protective orders. Accordingly, by July 1, 2001, DSP should submit a report to the budget committees on the status of progress toward the short-term and long-term goals established in its December 21, 1999, *Report of the Task Force on Law Enforcement and Courts Maintenance of Ex Parte and Protective Orders*.

### **3. Fiscal 2002 ITPR Is Not Reflected in the Fiscal 2002 Allowance**

In accordance with the Department of Budget and Management requirements, DSP submitted a fiscal 2002 Information Technology Project Request (ITPR). The ITPR should provide supporting detail for projects the agency expects to undertake each fiscal year. However, none of the projects appearing in DSP's fiscal 2002 ITPR are funded in the fiscal 2002 allowance. Conversely, the Information Technology (I/T) projects funded in fiscal 2002 are not discussed in DSP's fiscal 2002 ITPR. Consequently, there is no I/T documentation supporting I/T expenditures in fiscal 2002. Lack of supporting information makes it impossible to evaluate proposed I/T expenditures.

**Future ITPRs should document both proposed I/T projects and I/T projects which will actually be funded in each fiscal year, including I/T expenditures supporting maintenance and ongoing operations. Future I/T Master Plans should document I/T projects completed in the past fiscal year and the status of continuing I/T projects as well as describing the projects in the associated ITPR.**

***Recommended Actions***

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	<b><u>Amount Reduction</u></b>		<b><u>Position Reduction</u></b>
1. Delete general funds for the Department of Public Safety and Correctional Services (DPSCS) Data Center operations; these funds should be reallocated to the DPSCS appropriation.	\$ 1,290,587	GF	
2. Delete four Maryland State Police long-term vacant positions which have been vacant from 17 to 57 months. As currently classified, these positions are unnecessary; they would have to be reclassified to be filled. Instead, the Department of State Police should request new, properly classified positions as appropriate.	\$ 136,216	SF	4.0
3. Delete seven long-term positions in the office of the Fire Marshal that have been vacant for up to 4.5 years. Despite a recommendation to delete all but one of these vacant positions last year, the vacancies have not been filled.	\$ 318,189	GF	7.0
4. Reduce special fund appropriation for the Amoss Fire, Rescue and Ambulance Fund and amend the following budget bill language attached to this appropriation, appearing at line 31, page 132 of the budget bill:	\$ 2,800,000	SF	

Further provided that authorization is hereby granted to increase this appropriation by up to \$2,800,000 \$2,500,000 by approved budget amendment of the appropriation shall be contingent upon the passage enactment of legislation to increase the surcharge on the registration fee on motor vehicles which generates sufficient revenues to support the increase.

5. Adopt the following narrative:

**The Strategy, Technology, Officers, and Prosecutors (S.T.O.P.) Gun Violence Grant Report:** The committees wish to ensure that S.T.O.P. Gun Violence grants be distributed to those local law enforcement agencies who have identified the manner in which grant funds will be used and who have identified a specific problem with gun violence in their jurisdictions. To this end, the Department of State Police should submit a report by January 1, 2002, which includes a list of grant recipients, award amounts, a description of each funded project's goals, objectives and expected impact on gun-related violence, and a summary of the expenses grant

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funds will support. The committees urge the rejection of grant applications which fail to provide detailed goals and objectives for reducing gun violence.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Report on S.T.O.P. Gun Violence grant awards	DSP	January 1, 2002

6. Adopt the following narrative:

**Ex Parte and Protective Orders Progress Report:** The committees support continued improvements in the processing of ex parte and civil protective orders. Accordingly, by July 1, 2001, the Department of State Police shall submit a report to the committees on the status of progress toward the short-term and long-term goals established in its December 21, 1999, *Report of the Task Force on Law Enforcement and Courts Maintenance of Ex Parte and Protective Orders*.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Status report on protective order processing improvements	DSP	July 1, 2001

	<b><u>Amount Reduction</u></b>	<b><u>Position Reduction</u></b>
7. Delete deficiency funding to fill 15 vacancies; the Department of State Police's actual fiscal 2001 vacancy rate of 6.22% substantially exceeds its budgeted turnover rate of 3.59%, providing ample funds in its fiscal 2001 appropriation to fill its January 2001 recruit class.	\$ 364,920	GF
8. Reduce general fund deficiency appropriation for installation of Integrated Ballistic Identification System (IBIS). \$1 million in fiscal 2001 unexpended grant funds should be reallocated to fund the installation of IBIS.	\$ 1,000,000	GF
<b>Total Reductions to Fiscal 2001 Deficiency</b>	<b>\$ 1,364,920</b>	
<b>Total Reductions to Allowance</b>	<b>\$ 4,544,992</b>	<b>11.0</b>
<b>Total General Fund Reductions to Allowance</b>	<b>\$ 1,608,776</b>	
<b>Total Special Fund Reductions to Allowance</b>	<b>\$ 2,936,216</b>	

## *Updates*

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### **1. Fiscal Impact of Post-Conviction DNA Testing Uncertain**

Two Senate bills, SB 84 and SB 15, would mandate court-ordered DNA testing for convicted felons under specified circumstances. Both bills provide for the State to pay for the tests for indigents in specified circumstances. Maryland currently mandates the collection of DNA samples from specified convicted violent felons, including sexual offenders. DSP collects these samples, provides for their analysis by an outside vendor, and enters the results into a State-federal database which is used to match the DNA of known offenders to DNA evidence collected from the scenes of unsolved crimes. Legislation mandating State-funded DNA testing or mandating preservation of DNA evidence as potential exculpatory evidence may require additional funding for the DSP crime lab. The impact on DSP's operating budget would depend upon interpretation of any enacted legislation and the way it is enforced.

## ***Current and Prior Year Budgets***

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### **Current and Prior Year Budgets Department of State Police (\$ in Thousands)**

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2000</b>					
Legislative Appropriation	\$198,949	\$49,606	\$742	\$632	\$249,929
Deficiency Appropriation	4,311	200	0	0	4,511
Budget Amendments	711	1,808	427	26	2,972
Reversions and Cancellations	(4)	(1,053)	(278)	(20)	(1,355)
<b>Actual Expenditures</b>	<b>\$203,967</b>	<b>\$50,561</b>	<b>\$891</b>	<b>\$638</b>	<b>\$256,057</b>
<b>Fiscal 2001</b>					
Legislative Appropriation	\$215,820	\$53,897	\$742	\$643	\$271,102
Budget Amendments	701	0	0	0	701
<b>Working Appropriation</b>	<b>\$216,521</b>	<b>\$53,897</b>	<b>\$742</b>	<b>\$643</b>	<b>\$271,803</b>

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

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**Fiscal 2000 Deficiency**

DSP received a \$4.3 million fiscal 2000 general fund deficiency to provide salaries and fringe benefits for 90 troopers in its July 1999 and January 2000 recruit classes. The department routinely holds positions in its recruit classes vacant in order to meet its budgeted turnover.

**Fiscal 2000 Special Fund Cancellations**

<u>Program</u>	<u>Reason Funds Cancelled</u>	<u>Amount</u>
Office of Superintendent	Licensing division did not pay FBI background check fees from special fund; this accounting process has been changed.	\$166,285
Admin. Services Bureau	Cafeteria revenue overestimated.	8,733
Foreign Tag Enforcement	Grant funds not disbursed in fiscal 2000.	531,214
Vehicle Theft Prevention	Grant recipients spent less than awarded.	344,695
Office of the Fire Marshal	Arson hotline.	1,946
Field Operations Bureau		302
<b>Total fiscal 2000 special fund cancellations</b>		<b>\$1,503,175</b>

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		Object/Fund Difference Report Department of State Police						
Object/Fund	FY00 Actual	FY01		FY02 Allowance	FY01 - FY02 Amount Change	Percent Change		
		Working Appropriation						
<b>Positions</b>								
01 Regular	2515.50	2555.50	2588.50	33.00	1.3%			
02 Contractual	29.10	33.38	32.85	(0.53)	(1.6%)			
<b>Total Positions</b>	<b>2544.60</b>	<b>2588.88</b>	<b>2621.35</b>	<b>32.47</b>	<b>1.3%</b>			
<b>Objects</b>								
01 Salaries and Wages	\$ 138,600,086	\$ 151,222,785	\$ 160,478,215	\$ 9,255,430	6.1%			
02 Technical & Spec Fees	983,232	1,033,408	1,019,069	(14,339)	(1.4%)			
03 Communication	1,760,000	1,699,003	1,792,883	93,880	5.5%			
04 Travel	551,982	554,812	530,557	(24,255)	(4.4%)			
06 Fuel & Utilities	1,229,145	1,685,434	1,729,732	44,298	2.6%			
07 Motor Vehicles	21,207,533	20,493,101	19,279,721	(1,213,380)	(5.9%)			
08 Contractual Services	5,209,412	4,206,237	5,806,954	1,600,717	38.1%			
09 Supplies & Materials	1,675,616	2,975,771	3,213,122	237,351	8.0%			
10 Equipment - Replacement	254,409	693,901	699,450	5,549	0.8%			
11 Equipment - Additional	1,068,652	1,193,164	1,566,611	373,447	31.3%			
12 Grants, Subsidies, Contracts	82,629,785	85,044,794	86,276,651	1,231,857	1.4%			
13 Fixed Charges	887,304	1,001,107	969,620	(31,487)	(3.1%)			
<b>Total Objects</b>	<b>\$ 256,057,156</b>	<b>\$ 271,803,517</b>	<b>\$ 283,362,585</b>	<b>\$ 11,559,068</b>	<b>4.3%</b>			
<b>Funds</b>								
01 General Fund	\$ 203,966,685	\$ 216,521,510	\$ 225,609,346	\$ 9,087,836	4.2%			
03 Special Fund	50,560,056	53,897,163	56,373,954	2,476,791	4.6%			
05 Federal Fund	891,310	741,605	709,884	(31,721)	(4.3%)			
09 Reimbursable Fund	639,105	643,239	669,401	26,162	4.1%			
<b>Total Funds</b>	<b>\$ 256,057,156</b>	<b>\$ 271,803,517</b>	<b>\$ 283,362,585</b>	<b>\$ 11,559,068</b>	<b>4.3%</b>			

Note: Full-time and contractual positions and salaries are reflected for operating budget programs only.

Fiscal Summary  
Department of State Police

<u>Unit/Program</u>	FY00	FY01	FY01	FY00 - FY01	FY02	FY01 - FY02
	<u>Actual</u>	<u>Legislative Appropriation</u>	<u>Working Appropriation</u>	<u>% Change</u>	<u>Allowance</u>	<u>% Change</u>
01 Office of the Superintendent	\$ 6,615,500	\$ 6,399,246	\$ 7,717,850	16.7%	\$ 8,184,306	6.0%
02 Field Operations Bureau	88,908,440	95,627,036	95,008,999	6.9%	100,644,641	5.9%
03 Support Services Bureau	45,208,925	48,870,437	48,870,437	8.1%	50,195,422	2.7%
04 Administrative Services Bureau	28,490,301	30,560,548	30,560,548	7.3%	32,780,154	7.3%
05 State Aid for Police Protection Fund	58,949,349	59,732,294	59,732,294	1.3%	60,354,151	1.0%
07 Local Aid - Law Enforcement Grants	11,380,635	12,712,500	12,712,500	11.7%	12,912,500	1.6%
08 Vehicle Theft Prevention Council	2,444,333	2,750,088	2,750,088	12.5%	2,794,311	1.6%
01 Fire Prevention Services	4,059,673	4,450,801	4,450,801	9.6%	5,197,100	16.8%
02 Sen. William H. Amoss Fire, Rescue, and Ambulan	10,000,000	10,000,000	10,000,000	0%	10,300,000	3.0%
<b>Total Expenditures</b>	<b>\$</b>	<b>\$ 271,102,950</b>	<b>\$ 271,803,517</b>	<b>6.1%</b>	<b>\$ 283,362,585</b>	<b>4.3%</b>
General Fund	\$	\$ 215,820,943	\$ 216,521,510	6.2%	\$ 225,609,346	4.2%
Special Fund	50,560,056	53,897,163	53,897,163	6.6%	56,373,954	4.6%
24 Federal Fund	891,310	741,605	741,605	(16.8%)	709,884	(4.3%)
<b>Total Appropriations</b>	<b>\$</b>	<b>\$ 270,459,711</b>	<b>\$ 271,160,278</b>	<b>6.2%</b>	<b>\$ 282,693,184</b>	<b>4.3%</b>
Reimbursable Fund	\$ 639,105	\$ 643,239	\$ 643,239	0.6%	\$ 669,401	4.1%
<b>Total Funds</b>	<b>\$</b>	<b>\$ 271,102,950</b>	<b>\$ 271,803,517</b>	<b>6.1%</b>	<b>\$ 283,362,585</b>	<b>4.3%</b>

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**Aid to Local Law Enforcement  
Grants Administered by Department of State Police  
Distribution of General and Special Funds  
Fiscal 2001 and 2002**

<u>Program Title</u>	<u>FY 2001 Appropriation</u>	<u>FY 2002 Appropriation</u>
Local Aid to Law Enforcement Grants		
General Funds		
Violent Crime Grants		
Baltimore City	\$2,500,000	\$2,500,000
Prince George's County	2,500,000	2,500,000
Foot Patrol -- Baltimore City	2,800,000	2,800,000
Body Armor	50,000	50,000
Baltimore City Community Policing	2,000,000	2,000,000
Prince George's County Drug Grant	1,662,500	1,662,500
S.T.O.P Gun Violence (Cease Fire Council)	1,000,000	1,000,000
Domestic Violence	200,000	0
Special Funds		
Foreign Tag Bill	0	360,000
Vehicle Theft Prevention Council	2,750,088	2,794,311
Amoss Fire, Rescue, and Ambulance Fund	10,000,000	10,300,000