

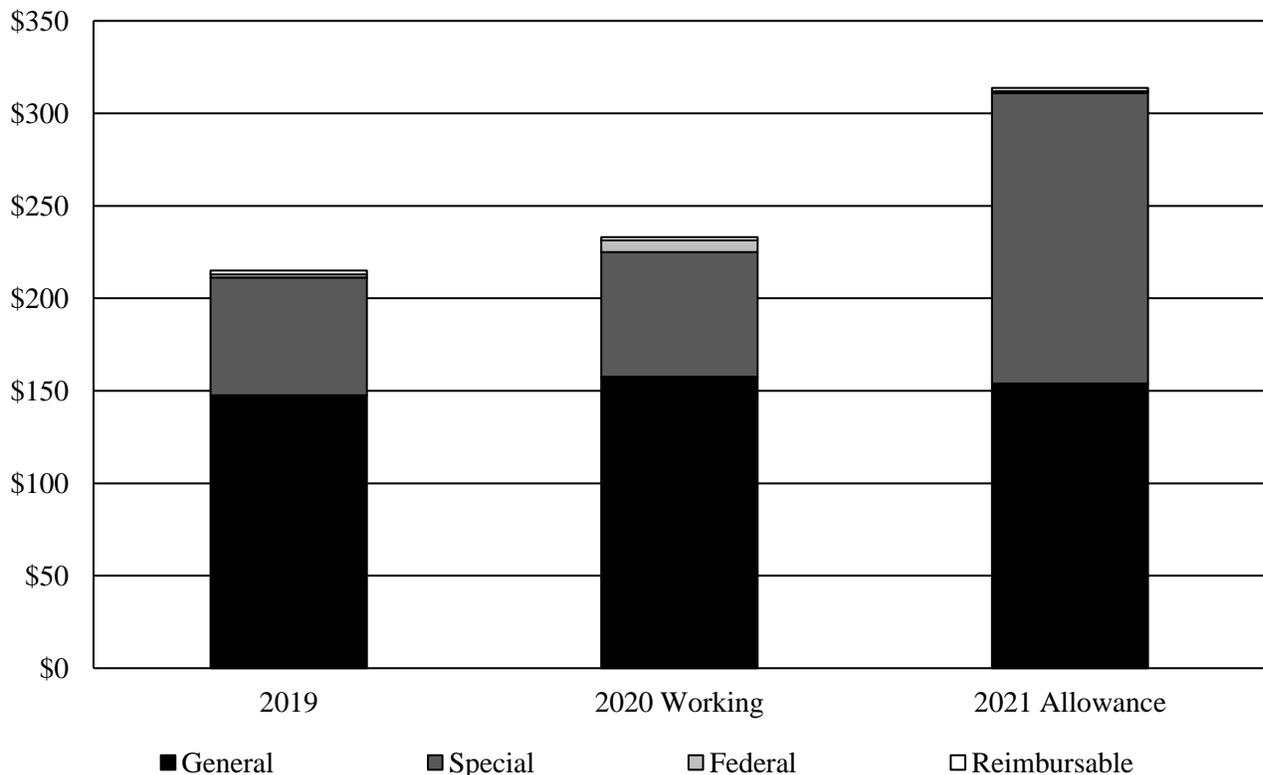
Q00A
Administration and Offices
Department of Public Safety and Correctional Services

Executive Summary

The Department of Public Safety and Correctional Services (DPSCS) Administration and Offices provide key policy and administrative oversight for the department. These include executive direction, information technology (IT) functions, security and intelligence gathering, capital program support, State 9-1-1 functions, and program coordination. This analysis includes the Inmate Grievance Office and Maryland Commission on Correctional Standards that were analyzed separately in previous fiscal years.

Operating Budget Summary

Fiscal 2021 Budget Increases by \$80.7 Million or 34.6% to \$313.6 Million
(\$ in Millions)



Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

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- 9-1-1 grant funds increase 157% due to Carl Henn’s Law (Chapter 309 of 2019).
- Federal and special funds for Major IT Development Projects (MITDP) decrease by \$3.7 million in the fiscal 2021 allowance.
- Turnover expectancy increases to match vacancies, removing \$7.0 million.

Key Observations

- ***Drugs Continue to Enter Prisons at High Rates:*** Total contraband finds are stable from 2018 to 2019, but controlled dangerous substance finds are up.
- ***Inmate Grievances:*** Administrative dismissals of inmate grievances outnumber those scheduled for hearings by nearly 40 to 1.
- ***Vacancies Remain at 30%:*** Vacancies in key areas such as IT, fiscal services, and human resources leave the department struggling to implement MITDP, maintain fiscal compliance, and process applications for new hires.
- ***Inmate Banking Issues Continue:*** Repeat audit findings regarding completing banking reconciliations have plagued DPSCS since calendar 2002.
- ***MITDP Delayed:*** The Maryland Automated Fingerprint Identification System replacement project continues to be delayed. Estimated completion date is now October 2020.

Operating Budget Recommended Actions

1. Adopt committee narrative requesting a report on the Justice Reinvestment Act and associated cost savings due December 1, 2020.
2. Adopt committee narrative requesting a report on position abolishments and reclassifications due September 1, 2020.
3. Adopt committee narrative requesting a report on trends in contraband finds and associated personnel due October 15, 2020.

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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 of Operations. The Secretary and related administrative units provide overall policy and operational direction for the department by establishing policy, priorities, support, and oversight for the corrections, community supervision, and pretrial detention units.

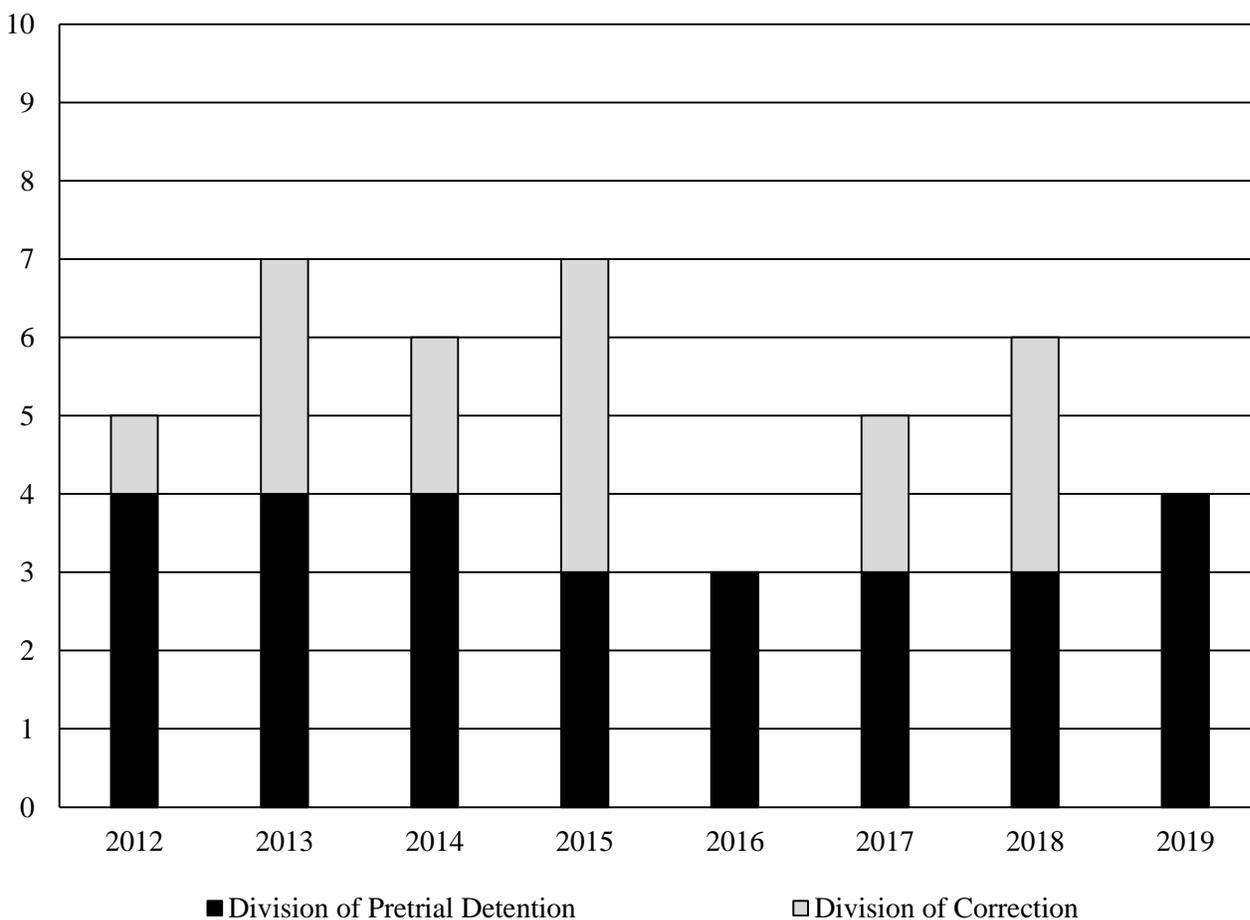
In addition, this unit contains the Emergency Number Systems Board (ENSB), the Maryland Commission on Correctional Standards, the Inmate Grievance Office (IGO) as well as the Canine, Central Transportation, Central Home Detention, and Security Operations units. DPSCS Administration is also responsible for administering the capital program and the Criminal Justice Information System (CJIS), which is relied upon by all levels of law enforcement for accurate and timely information.

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 a result, 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 Administration's Commitment Unit. **Exhibit 1** shows the number of incorrectly released offenders since fiscal 2012. Fiscal 2019 saw four erroneous releases, all from pretrial facilities. Commitment records specialist positions are currently 28% vacant.

**Exhibit 1
Erroneous Releases
Fiscal 2012-2019**

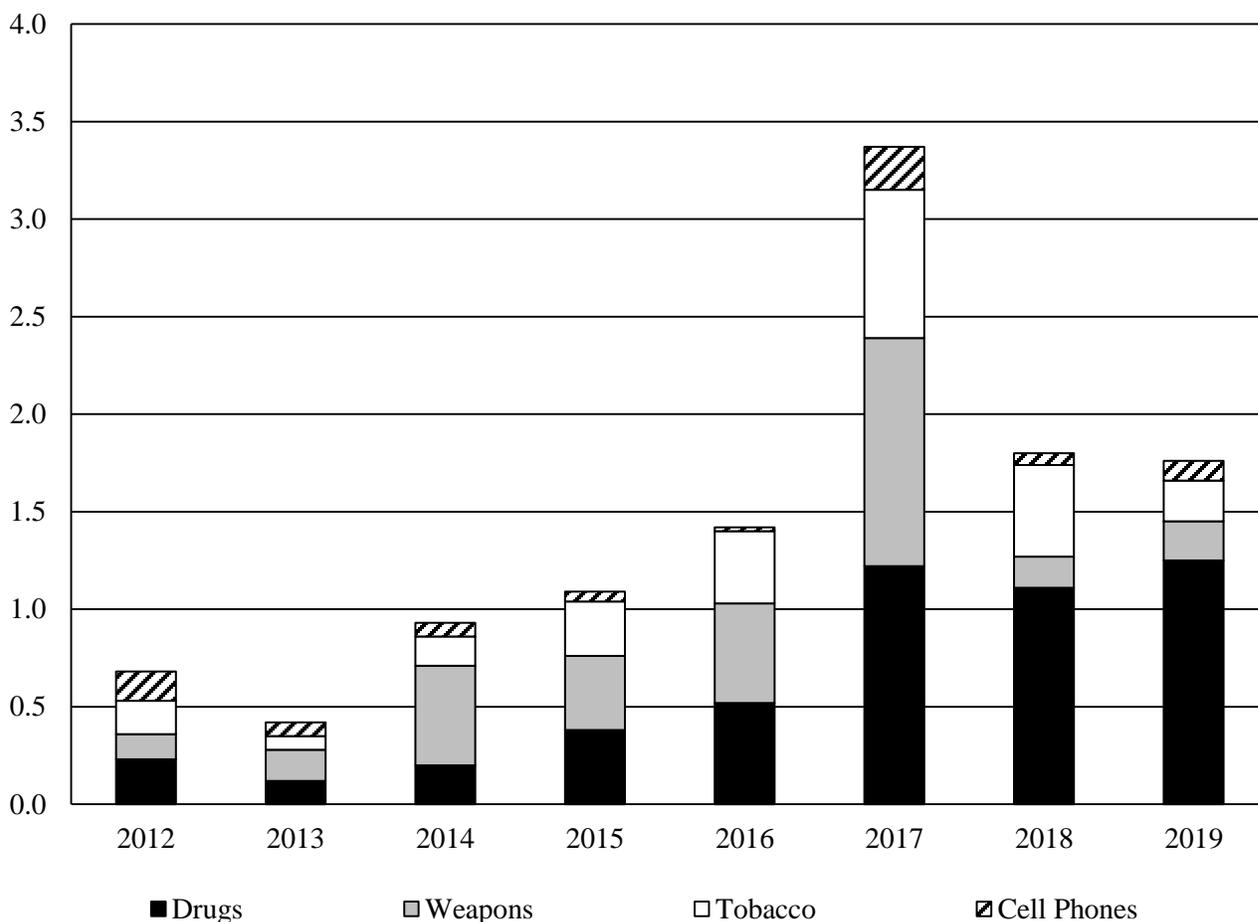


Source: Managing for Results, Department of Public Safety and Correctional Services

2. Contraband Finds

Exhibit 2 shows the number of contraband items found in DPSCS facilities per every 100 scans by the department’s Canine Unit. The steep rise in fiscal 2017 was related to an increase in targeted searches and canines. The rate of finds has dropped in fiscal 2018 and 2019 to more moderate levels. Findings of controlled dangerous substances, however, remain elevated despite large drops in other types of contraband.

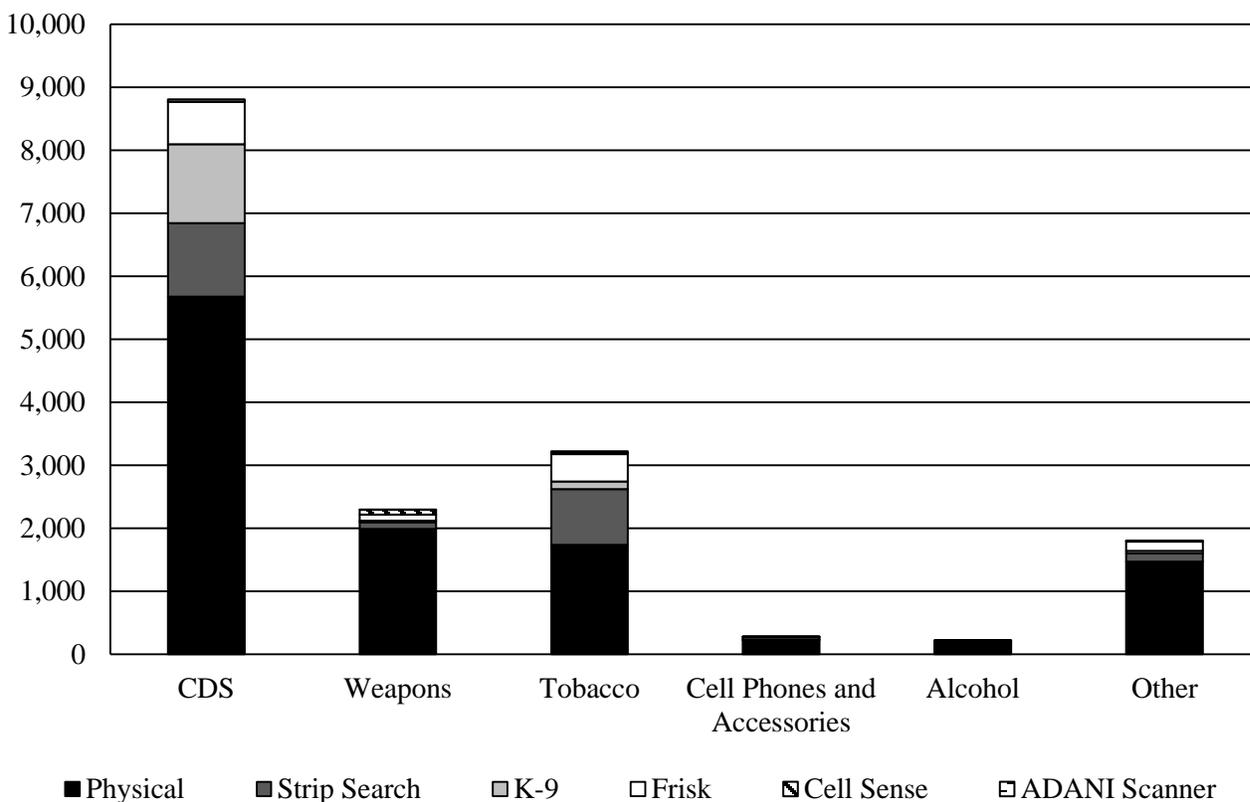
**Exhibit 2
Canine Unit Contraband Finds
Fiscal 2012-2019**



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

It should be noted that physical searches produce two times the contraband finds as all other methods added together. **Exhibit 3** breaks out contraband finds for fiscal 2019 between the various methods of search and the resulting type of contraband found. Controlled dangerous substances accounted for the largest proportion of contraband found in fiscal 2019, outnumbering all other finds by 1,000.

**Exhibit 3
Contraband Finds by Type
Fiscal 2019**



CDS: controlled dangerous substance

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

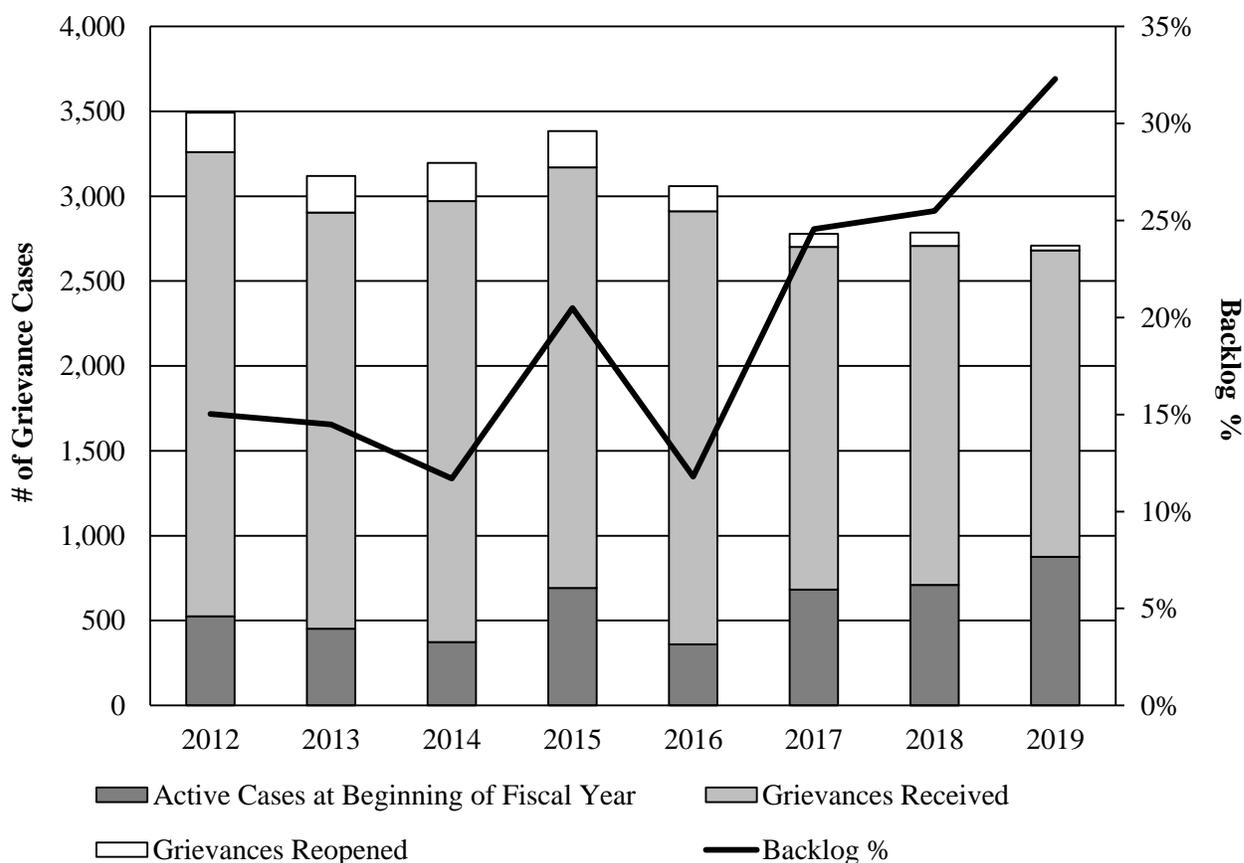
The department and other local correctional units have expressed concern over the increasing prevalence of Suboxone film as a contraband item. Suboxone is a partial opioid agonist, meaning it can relieve symptoms of opioid dependency without causing the high associated with full opioid agonists like heroin or other narcotics. It is easily transferred within prison confines due to its foldability and lack of detectable elements. Specifically, the visitation area in many DPSCS facilities is a common way for Suboxone and other items to be transferred from visitor to inmate. **Considering the high level of controlled dangerous substances found in DPSCS facilities, the department should discuss trends in contraband finds and any plans to modify visitation space and procedures during this budget cycle. DPSCS should also comment on the 17 vacant out of 32 authorized Correctional Officer (CO) sergeant positions within the Canine Unit and the effect of these vacancies on carrying out contraband searches.**

3. Inmate Grievance Caseloads

IGO reviews grievances against officials and employees of the Division of Correction (DOC), the Division of Pretrial Detention, and the Patuxent Institution filed by inmates incarcerated in those institutions. Inmates may appeal to the office after they have exhausted all relevant institutional procedures. The office’s executive director, without a hearing, may dismiss grievances without merit. Grievances that are not dismissed by the executive director are scheduled for hearings with the Office of Administrative Hearings. IGO is funded by inmate welfare funds.

While fewer cases are being opened and reopened each year, **Exhibit 4** shows that the backlog of cases at the start of each fiscal year has grown for three consecutive years.

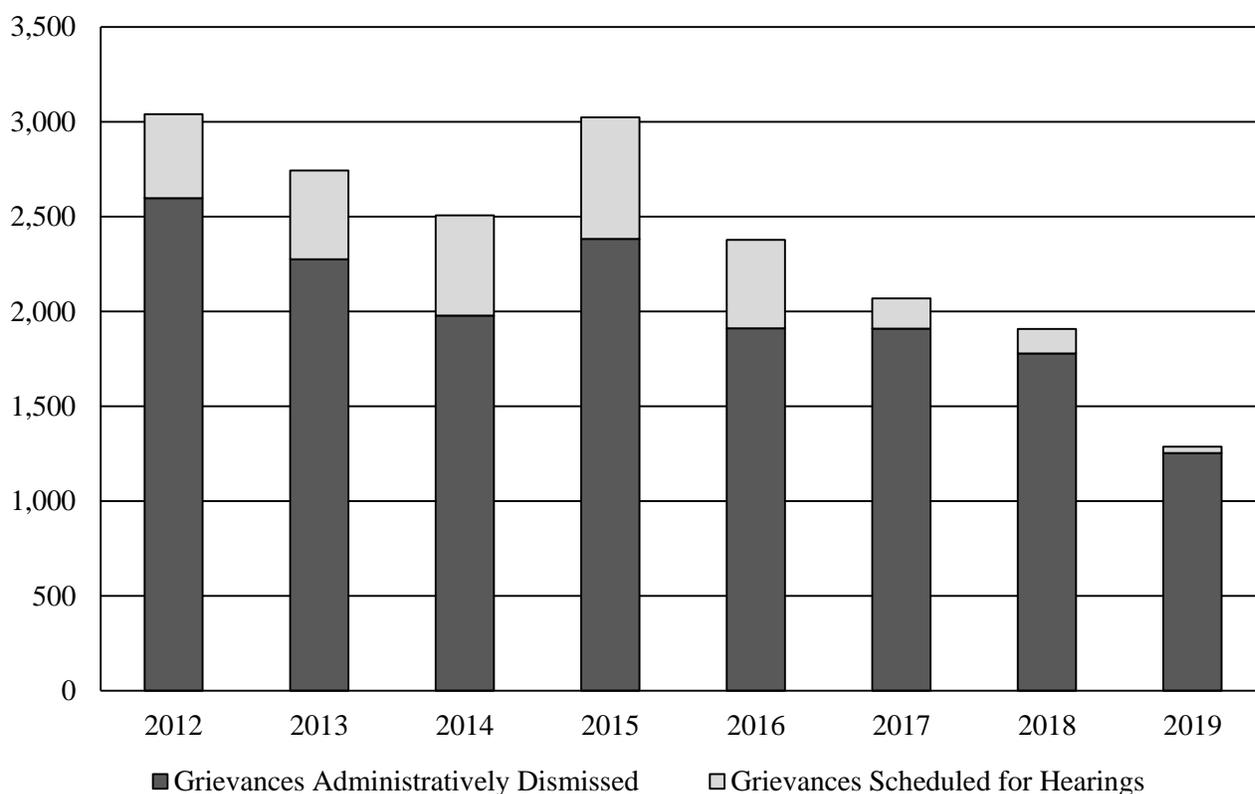
Exhibit 4
Inmate Grievance Caseloads
Fiscal 2012-2019



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

This trend has occurred while fewer cases are being scheduled for hearings, as can be seen in **Exhibit 5**. As recently as fiscal 2015, 642 grievances received hearings, or 19% of cases. In fiscal 2019, only 32 inmate grievances were scheduled for hearings, or 1% of total cases. This represents a significant decline in the processing of inmate grievances for a department with a federal civil rights settlement and ongoing litigation levying claims of violence and mistreatment of offenders. The ratio of cases administratively dismissed to cases scheduled for a hearing rose from 4 to 1 in fiscal 2015 to 39 to 1 in fiscal 2019.

Exhibit 5
Inmate Grievance Outcomes
Fiscal 2012-2019



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

Because the inmate grievance process is a vital tool in maintaining correctional standards and identifying deficiencies, IGO should comment on the ongoing decline in inmate grievance hearings and provide data showing the level of administrative dismissals to be appropriate.

Fiscal 2019

Office of Administrative Services

A fiscal 2019 budget amendment created the Administrative Services Program within the Administration function of DPSCS. This action consolidated several functions within DPSCS headquarters and regional offices, including human resources, procurement, finance, budget, regulation and policy coordination, and grants and statistical analysis. On net, this added \$11.4 million to the Administration budget from other divisions.

Fiscal 2020

Proposed Deficiency

The fiscal 2020 working appropriation includes a deficiency of \$974,000 to fund a study that will determine the cost of bringing all DPSCS facilities in line with the Americans with Disabilities Act. The working appropriation also includes funds, currently budgeted in the Department of Budget and Management, for a CO retention incentive bonus totaling \$5.8 million. Approximately 4%, or \$250,000 of this amount, correlates to the CO complement in the Administration budget, primarily in the Security Operations Unit.

Assumed Reversions

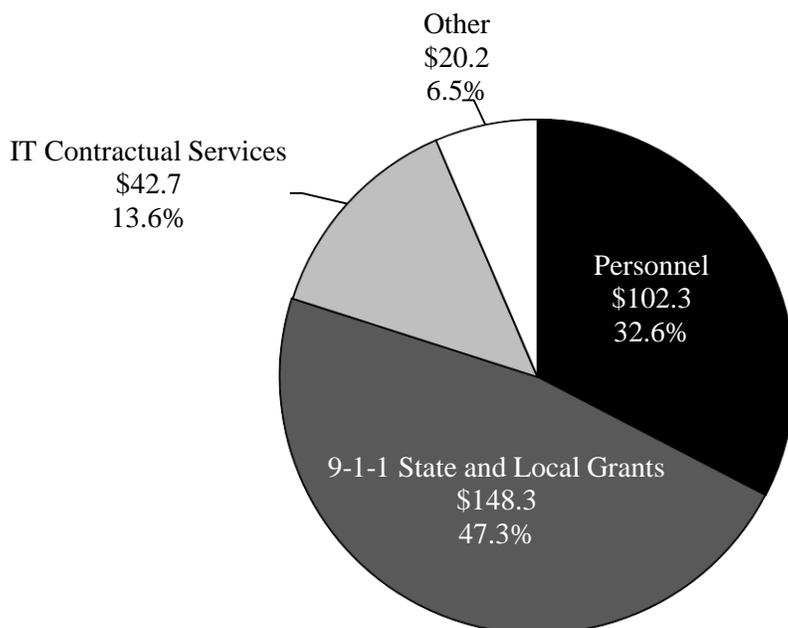
The fiscal 2020 legislative appropriation restricted \$500,000 in general expenses to fund a comprehensive staffing study of the administrative, corrections, and detention functions within the department. The Governor's budget plan assumes that these funds will not be released and will instead revert to the General Fund.

Fiscal 2021

Overview of Agency Spending

In fiscal 2021, DPSCS Administration and Offices receives a total of \$313.6 million. Personnel receives \$102.3 million, inclusive of funding adjustments for various employee compensation enhancements in fiscal 2020 and 2021. These expenses only make up 33% of this budget, a smaller proportion than other functional units in the department due to the large amount of contractual services and grant funding administered by the agency. State and local 9-1-1 grants now make up the largest share of the DPSCS Administration budget, by category, at 47%, compared to just 25% in the previous fiscal year. **Exhibit 6** shows agency spending by major category.

Exhibit 6
Overview of Agency Spending
Fiscal 2021 Allowance
(\$ in Millions)



IT: information technology

Source: Governor's Proposed Budget

Proposed Budget Change

As shown in **Exhibit 7**, DPSCS receives \$80.7 million in additional funding in fiscal 2021 than in fiscal 2020. The difference is almost entirely due to Chapter 301 of 2019 that doubled the fees supporting local 9-1-1 operations and statewide improvements to the 9-1-1 system.

Exhibit 7
Proposed Budget
DPSCS Administration and Offices
(\$ in Thousands)

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2019 Actual	\$147,600	\$63,580	\$1,724	\$2,098	\$215,002
Fiscal 2020 Working Appropriation	157,519	67,458	6,432	1,576	232,986
Fiscal 2021 Allowance	<u>153,902</u>	<u>157,073</u>	<u>950</u>	<u>1,719</u>	<u>313,644</u>
Fiscal 2020-2021 Amount Change	-\$3,616	\$89,615	-\$5,482	\$142	\$80,659
Fiscal 2020-2021 Percent Change	-2.3%	132.8%	-85.2%	9.0%	34.6%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$1,709
Position transfers and reclassifications					1,341
Fiscal 2021 2% salary increase					742
Retirement contributions.....					613
Fiscal 2021 SLEOLA 4% salary increase and increments.....					289
Employee bonus programs.....					150
Net annualization of fiscal 2020 1% salary increase					108
Social Security, overtime earnings, and other fringe benefit adjustments					-120
Workers' compensation premium assessment					-228
Regular earnings					-630
Turnover adjustments.....					-7,042
Information Technology					
Criminal Justice Information Systems equipment and software purchases					2,950
MPTSCF funding for new PCTC Learning Management System Replacement MITDP					1,000
Special funding for MCE Enterprise Resource Planning Implementation Project MITDP					750
ITCD software, equipment, and maintenance contracts					-131
Federal funding for Computerized Criminal History MITDP					-1,450
Federal funding for MAFIS replacement project MITDP					-4,000
Operational Expenses					
9-1-1 funds for local operations.....					45,066
9-1-1 funds for Statewide Next Generation 9-1-1 transition					43,643
Advertisements for new hires					475
Other					196

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Where It Goes:	<u>Change</u>
Contractual full-time equivalents.....	-251
Inmate payments	-276
One-time ADA compliance study and other management studies	-453
Expenses allocated by DBM for shared services	-792
One-time critical maintenance funding for facilities	-3,000
Total	80,659

ADA: Americans with Disabilities Act
DBM: Department of Budget and Management
DPSCS: Department of Public Safety and Correctional Services
ITCD: Information Technology and Communications Division
MAFIS: Maryland Automated Fingerprint Identification System
MCE: Maryland Correctional Enterprises
MITDP: Major Information Technology Development Project
MPTSCF: Maryland Police Training and Standards Commission Fund
PCTC: Police and Correctional Training Commissions
SLEOLA: State Law Enforcement Officers Labor Alliance

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

Major changes to the budget include the removal of a \$3 million grant for critical maintenance in fiscal 2020 and a negative adjustment to turnover of \$7.0 million. Operational and information technology (IT) expenses do not change much overall, though funding shifts from Major IT Development Projects to CJIS support. If revenue increases from 9-1-1 fees are removed from the budget, there is a decrease of \$8 million, mostly explained by the turnover adjustment.

Funds for Local 9-1-1 Operations Double

The State 9-1-1 system is supported by a State and a local fee. The local 9-1-1 fee provides funding for recurring costs of operating Public Safety Answering Points (PSAP) and is remitted to the localities through ENSB, a grant agency within DPSCS. Under the previous structure, fees were fixed, and expenses grew faster than revenues, burdening localities. Total 9-1-1 expenses for counties were \$113.2 million in fiscal 2017 compared to revenues of \$40.7 million. Chapter 309 of 2019, Carl Henn’s Law, doubled the State 9-1-1 fee, allowed counties to double their 9-1-1 fees, and required the fee to be assessed on each phone line on a customer account as opposed to being assessed once per account. These changes increased overall 9-1-1 revenues by 157% from the working appropriation to the allowance and account for 91% of the overall budgetary change for DPSCS Administration and Offices.

The fiscal 2021 allowance includes \$87 million for localities, more than doubling their financial support (an increase of \$45.1 million, as seen in Exhibit 7). Although this leaves approximately \$26 million in local operational expenses that will not be covered by the fee in fiscal 2021, this does fall within the revenue goals of the Commission to Advance NG911 Across Maryland. The commission’s

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two-year report, submitted in December 2019, noted that 9-1-1 revenues increased by 83% for July and August 2019, the first two months of the fee change, compared to the year prior.

Funds for Next Generation 9-1-1 Quadruple

The State 9-1-1 fee provides funding for capital improvements to the overall State 9-1-1 system. Currently, the State 9-1-1 Trust Fund, which is made up of revenues from the State fee, is being used to transition the overall system to Next Generation 9-1-1, or NG911. NG911 allows a caller to send texts, emails, and other data files, such as digital photographs and videos, to local PSAPs.

The State 9-1-1 allowance for NG911 increases \$43.6 million over the working appropriation. This covers about 40% of the costs for overall NG911 transition that are estimated to be \$105 million over three to five years. It should also be noted that each of the local PSAPs have completed the “Text to 9-1-1” transition as of fiscal 2020, which totaled about \$1 million for the State.

Personnel Data

	FY 19 <u>Actual</u>	FY 20 <u>Working</u>	FY 21 <u>Allowance</u>	FY 20-21 <u>Change</u>
Regular Positions	1,192.00	1,182.00	1,204.00	22.00
Contractual FTEs	<u>66.06</u>	<u>121.26</u>	<u>121.26</u>	<u>0.00</u>
Total Personnel	1,258.06	1,303.26	1,325.26	22.00

Vacancy Data: Regular Positions

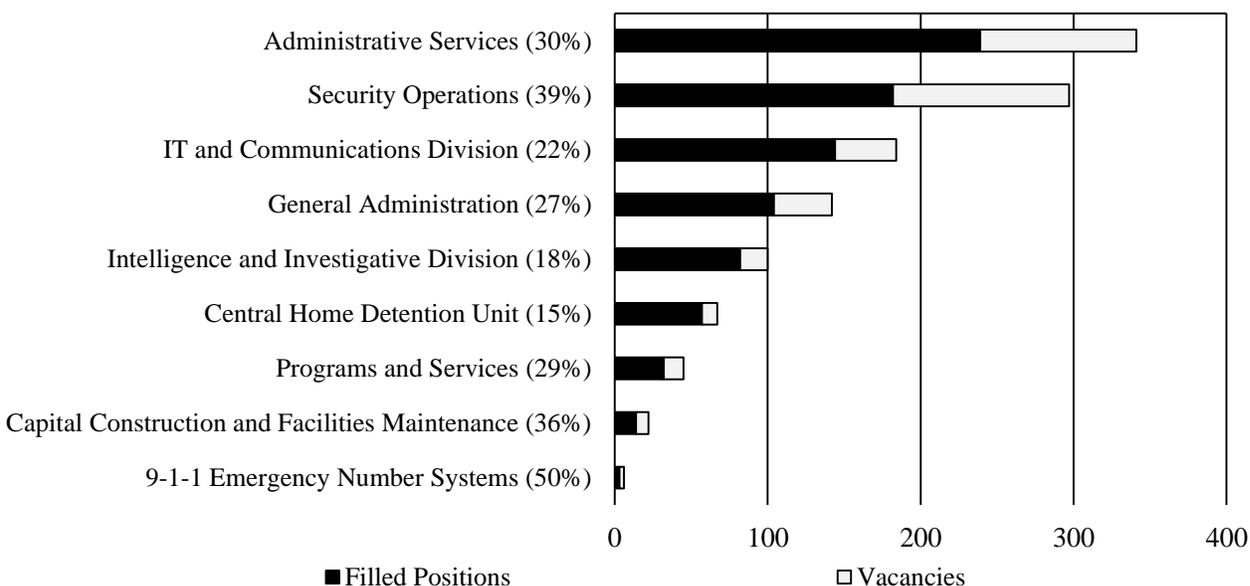
Turnover and Necessary Vacancies, Excluding New Positions	207.93	17.27%
Positions and Percentage Vacant as of 12/31/19	347.00	29.36%
Vacancies Above Turnover	139.07	

- The agency’s fiscal 2021 allowance for personnel increases by 22 regular positions transferred from other agencies within the department, including 6 cadet positions, 6 special detectives, and 4 administrators. Contractual positions increase from fiscal 2019 to the fiscal 2020 working appropriation by about 55, mostly for administrators and program managers, finance officers, security professionals, and IT specialists – categories with high regular position vacancies.
- The turnover expectancy increases substantially from the fiscal 2020 legislative and working appropriation that were set at 8% and 9%, respectively. The fiscal 2021 allowance expects turnover of 17%, removing \$7.5 million from the budget as shown in Exhibit 7. Even with the higher budgeted turnover rate, the agency is operating with 139 excess vacant positions.

Vacancies

Positions within Administration units are 29% vacant as of January 2020. Vacancies are highest within the CO series responsible for transporting inmates, operating the canine unit, and providing security for facilities and offices. This Security Operations Unit is allowed 290 CO positions, but 112 are currently vacant. **Exhibit 8** lists the programs with the highest vacancies in the agency with their respective vacancy rate. The Administrative Services Program and Security Operations Program have 102 and 115 vacancies, respectively.

Exhibit 8
Administration Vacancies by Program
Fiscal 2021 Allowance



IT: information technology

Source: Department of Budget and Management; Department of Legislative Services

While budgeted turnover in the fiscal 2021 allowance is reasonable given current vacancies, the fiscal 2020 working appropriation likely overprovides for salaries considering the actual turnover rate for fiscal 2020. In fiscal 2019, salaries and fringe benefits for DPSCS Administration were overbudgeted by \$9.3 million and transferred for other purposes. This situation is not unique to the DPSCS Administration function and will be further addressed in the DOC analysis.

Issues

1. Inmate Banking Issues Found in 2019 Audit Report

Since calendar 2002, the Office of Legislative Audits (OLA) has made repeat findings regarding DPSCS’s management of inmate bank accounts. These nonbudgeted funds are initially deposited with the State Treasurer’s Office (STO) and recorded in the inmate’s personal account in the Modified Offender Banking System (MOBS). Inmate earnings from DPSCS or the Maryland Correctional Enterprises are deposited into these accounts, as are money orders from family and friends. Inmate funds can be saved, provided directly to inmates in certain circumstances such as upon their release, or inmates can direct the institutions to disburse these funds to third parties.

Working accounts maintained at the central and regional fiscal offices are replenished as needed through STO, and a record of overall collections and disbursements are maintained by the Comptroller. In line with standard accounting practice, the DPSCS Financial Operations Manual provides that inmate fund balances on MOBS-II should be reconciled with the related balances on the Comptroller’s records on a monthly basis. However, in a report released September 2019, OLA found major discrepancies between DPSCS records and Comptroller records of inmate banking accounts. OLA found that regional fiscal offices for the department did not reconcile inmate fund records sufficiently or on a regular basis. This is a repeat finding that dates back to at least 1998 for some offices. **Exhibit 9** shows a summary of these related findings.

Exhibit 9 Audit Findings Related to Untimely Inmate Banking Reconciliations Calendar 2002-2019

<u>Year</u>	<u>Audit</u>	<u>Period</u>	<u>Unreconciled Balance</u>
2002	Eastern Shore Fiscal Office	1998-2002	\$451,272
2002	Patuxent and Women’s Facilities	1998-2002	34,390
2002	Baltimore Region Fiscal Office	1998-2002	124,000
2006	Eastern Shore Fiscal Office	2002-2005	257,043
2006	Patuxent and Women’s Facilities	2002-2005	101,789
2006	Baltimore Region Fiscal Office	2002-2006	429,574
2008	Eastern Shore Fiscal Office	2005-2008	119,411
2010	Baltimore Region Fiscal Office	2006-2009	226,749
2010	Jessup Region Fiscal Office	2006-2010	140,000
2012	Eastern Shore Fiscal Office	2008-2011	74,000
2012	Central Region Finance Office	2010-2011	309,000
2015	Central Region Finance Office	2012-2014	11,236
2015	South Region Finance Office	2011-2014	182,000
2015	North Region Finance Office	2011-2015	9,620
2019	Regional Operations	2015-2018	n/a

Source: Office of Legislative Audits

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Reconciliation in accounting is the process of ensuring that account balances are correct between two accounts at the end of an accounting period. Differences are identified and, if possible, resolved. Past findings by OLA have identified an unreconciled balance of about \$150,000 for several years. Two actions by the General Assembly in 2014 and 2015 used \$300,000 in general funds to reduce the unreconciled balance to only about \$50,000. An unreconciled balance remains to this day and the Jessup regional fiscal office remains a year behind in terms of completing monthly reconciliations.

The regional operations audit report also found issues with the way records of inmate fund balances were calculated and maintained. Specifically, the February 2018 combined DPSCS inmate fund balance for all five fiscal offices exceeded the Comptroller's fund balance by \$45 million. The department maintains that the difference in fund balances is due to MOBS reporting the cumulative balance of cash since inception in 2014. The major remaining discrepancy is explained by commissary and inmate phone system payments. However, OLA also found issues with the accounting controls over inmate fund collections and disbursements, finding that the Jessup and Hagerstown fiscal offices did not perform proper deposit verifications for 13 out of 15 tested deposits. OLA found that "there was a lack of assurance that all funds received at these regional fiscal offices were subsequently deposited."

While there was no indication of fraud or abuse, these findings are concerning and should be addressed by the department. DPSCS has experienced significant vacancies within the various fiscal offices that include many of the senior accountant positions. These are particularly necessary given the complexity and detail required to reconcile and stay current on these financial transactions and reports. Fiscal accounts positions within the Administrative Services Program are currently 30% vacant.

Given the high vacancy rates and historical turnover in its fiscal offices, the Department of Legislative Services is concerned with the department's ability to ensure long-term compliance with corrective action plans. Furthermore, the department's contract for inmate banking and commissary, which established the current MOBS-II system, is in the process of resolicitation. The current contract runs out at the end of fiscal 2020. **Considering the department has remained out of fiscal compliance for two decades, DPSCS should comment on efforts to slow turnover among fiscal accounts professionals and ensure fidelity to the DPSCS Financial Operations Manual moving forward. DPSCS should also discuss how the new procurement will address these audit findings.**

2. Maryland Automated Fingerprint Identification System Replacement Delayed

The Information Technology and Communications Division (ITCD) within the Office of the Secretary administers the Major Information Technology Development Project (MITDP) program for DPSCS as well as CJIS and the Maryland Automated Fingerprint Identification System (MAFIS). ITCD currently administers six major IT projects as listed in **Exhibit 10**.

Exhibit 10
Major Information Technology Development Projects
Fiscal 2020

<u>Acronym</u>	<u>Project Name</u>	<u>Client Agency</u>	<u>Completion Year</u>
CCH	Computerized Criminal History (Phase II)	DPSCS, law enforcement	2021
EPHR	Electronic Patient Health Record	DPSCS	2022
MAFIS	Maryland Automated Fingerprint Identification System Replacement	DPSCS, law enforcement	2022
LMSR	Learning Management System Replacement	PCTC	2023
ERPIP	Enterprise Resource Planning Implementation Project	MCE	2022
DRONE	Drone Detection and Response System	DPSCS, law enforcement	2021

DPSCS: Department of Public Safety and Correctional Services

MCE: Maryland Correctional Enterprises

PCTC: Police and Correctional Training Commissions

Source: Department of Information Technology; Department of Public Safety and Correctional Services

MAFIS is used to perform fingerprint searches on individuals taken into custody by law enforcement and charged with an arrestable offense, but it is used by other agencies as well. Searches are completed via MAFIS for applicants requiring background checks for noncriminal justice purposes and also for latent prints collected at crime scenes. The current mainframe and system was installed in 2009 per the previous MITDP. Planning for the replacement began in fiscal 2017 due to new technology and the high level of strain on the system due to its function as the State’s database for fingerprint identification.

Contractor Missed Critical Deadlines

The current MAFIS system is inefficient and requires troublesome work-arounds to maintain operational functionality. The IT vendor supporting MAFIS operations identified June 30, 2019, as the final date MAFIS would be supported. The replacement was initially scheduled to coincide with this date. While 41 workstations were delivered and desktop support image creation commenced, DPSCS developed several concerns related to work quality and contractual compliance. Key planning documents were rejected by DPSCS that threatened the quality of work planned and undertaken.

DPSCS made numerous attempts to address deficiencies with the contractor, but their concerns remained. As a result, a Notice of Default was sent to the contractor for missed data migration milestones related to the Automated Fingerprint Identification System, the Fingerprint Archive System, and the Transaction Controller System. DPSCS’ notice of default lays out stipulations that offer the

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contractor the opportunity to cure contract deficiencies in return for extended operational support for the current MAFIS system and reduced overall costs. The contractor must ensure the MAFIS legacy application will deploy by February 2020 using the new MAFI-II hardware and the final go-live date for the project will be October 1, 2020. If the stipulations are not met by the contractor, DPSCS will render the contractor in default, terminate the contract, and begin the solicitation process for a new contract.

Through fiscal 2019, the MAFIS replacement MITDP spent \$278,000 out of \$5.8 million appropriated through general funds and federal funds. Fiscal 2020 costs are estimated to be \$6.3 million. Total appropriations through fiscal 2020 are \$6.6 million.

DPSCS should update the committees on current MAFIS operations, the timeline for completing the replacement, and options that can be taken if the contractor misses additional milestones or otherwise fails to cure deficiencies.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Justice Reinvestment Act (JRA) Report: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by December 1, 2020, on the following items:

- annual updates on the number of offenders petitioning and approved for new JRA provisions including, but not limited to, administrative release, medical/geriatric parole, certificates of rehabilitation, and graduated sanctions;
- the number of offenders affected by new diminution and earned compliance credit rules; and
- annual JRA cost savings updates along with any efforts/initiatives to increase savings.

Information Request	Author	Due Date
JRA report	DPSCS	December 1, 2020

2. Adopt the following narrative:

Position Abolishments and Reclassifications Report: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by September 1, 2020, on the following items:

- all fiscal 2020 and 2021 abolishments, reclassifications, and transfers including the position titles, what facility or division they came from, and what agency or division they are being transferred or reclassified into, along with the effect these position changes are having on operations; and
- a briefing on the impact of the fiscal 2019 and 2020 changes in correctional officers (CO) compensation and the department’s expectations regarding those changes on CO retention and recruitment.

Information Request	Author	Due Date
Position abolishments and reclassifications report	DPSCS	September 1, 2020

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3. Adopt the following narrative:

Report on Contraband: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by October 15, 2020, on overall trends in contraband finds, including:

- an analysis of trends in contraband finds using data from at least three fiscal years;
- a review of departmental rules and procedures regarding contraband detection;
- a review of recent changes to contraband detection, including a discussion of Suboxone film as both contraband and as medication used in the department’s Medication Assisted Treatment pilot program; and
- an analysis of personnel in the Canine Unit, including the impact of high vacancies on the ability to carry out tactical contraband searches.

Information Request	Author	Due Date
Contraband report	DPSCS	October 15, 2020

Appendix 1
2019 Joint Chairmen’s Report Responses from Agency

The 2019 *Joint Chairmen’s Report* (JCR) requested that the Department of Public Safety and Correctional Services – Office of the Secretary prepare one report. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Report on the Definition of Disabilities in a Correctional Setting:*** An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits a “major life activity.” These individuals are protected from discrimination if they meet the essential eligibility requirements for the services or activities in question with or without reasonable accommodations. Individuals with a history of acute or serious psychiatric illness or developmental disabilities are identified during the medical intake evaluation.

Appendix 2
Regional Operations Audit Findings

Audit Period for Last Audit:	July 1, 2014 – March 31, 2018
Issue Date:	September 2019
Number of Findings:	4
Number of Repeat Findings:	1
% of Repeat Findings:	25%

Finding 1: **Monthly reconciliations between the Modified Offender Banking System II and the Comptroller’s records were not always sufficiently comprehensive, timely, and supported.**

Finding 2: The Department of Public Safety and Correctional Services (DPSCS) did not have adequate controls over inmate fund collections and disbursements at the two regional fiscal offices reviewed.

Finding 3: Access to the biometric timekeeping system was not periodically reviewed and adequately restricted, resulting in numerous employees with the ability to edit and approve their own time and leave records. In addition, DPSCS did not ensure that the time and leave recorded in the timekeeping system were accurately transferred to the Statewide Personnel System for biweekly payroll processing.

Finding 4: Overtime for employees at certain facilities whose payroll was processed by the Jessup fiscal office was not pre-approved, and employee overtime was not restricted to a maximum of 80 hours per pay period, as required by DPSCS policy.

*Bold denotes item repeated in full or part from preceding audit report.

Appendix 3
Central Operations Audit Findings

Audit Period for Last Audit:	July 1, 2014 – March 31, 2018
Issue Date:	November 2019
Number of Findings:	6
Number of Repeat Findings:	1
% of Repeat Findings:	16.7%

Finding 1: Adequate controls had not been established to ensure the propriety of payroll, including adjustments to employee pay.

Finding 2: The Department of Public Safety and Correctional Services (DPSCS) did not conduct a documented review of consumer price index adjustments for the inmate medical and mental health contracts. The Office of Legislative Audits (OLA) noted errors resulting in overpayments totaling \$1 million. *Note: The contractor has rejected efforts to recover the overpayments. DPSCS is without legal recourse due to the agreed-upon nature of the payments and considers this matter closed.*

Finding 3: **DPSCS made repeated purchases of fresh produce and maintenance services without consolidating and appropriately soliciting competitive bids and executing written contracts.**

Finding 4: DPSCS did not always publish contract awards, as required by State procurement regulations, and artificially split certain purchases made with purchasing cards to avoid soliciting vendor bids.

Finding 5: DPSCS did not verify that 9-1-1 Trust Fund fees were properly collected and remitted to the State. OLA identified one carrier that appeared to be improperly collecting excessive fees from subscribers.

Finding 6: The annual report of 9-1-1 Trust Fund activities was not submitted as required by law.

*Bold denotes item repeated in full or part from preceding audit report.

Appendix 4
Major Information Technology Project
Department of Public Safety and Correctional Services
Computerized Criminal History

New/Ongoing: Ongoing								
Start Date: 7/31/2018					Est. Completion Date: 3/30/2023			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
GF	\$3.3		\$1.8					\$5.1
FF	2.3							\$2.3
Total	\$5.6		\$1.8					\$7.4

- Project Summary:** The Department of Public Safety and Correctional Services (DPSCS) is in the process of replacing the obsolete Computerized Criminal History mainframe system and replacing it with a state-of-the-art relational database and Internet interface. The legacy system, which includes the indent/index and Arrest Disposition Reporting mainframe systems will be replaced with an enhanced solution that allows for the provisioning of timely, updated offender information to local law enforcement, community supervision programs, and other DPSCS constituents. The new system will provide effective monitoring, rehabilitation, and case management of offenders within these programs, providing a time-saving process that eliminates manual processes while providing consolidated information within a single data system.
- Need:** The current system was implemented in 1978 and is obsolete. The existing mainframe cannot handle demand requiring inefficient temporary fixes to continue operational use.
- Observations and Milestones:** The pre-planning and increment planning stages of the project have been completed. A Request for Proposals was released in fiscal 2019, and an award is expected by mid-year 2020. Deliverables regarding the project charter and solutions roadmap as well as functional requirements have been submitted.
- Changes:** The expected vendor award date was delayed from the first quarter fiscal 2019 to the second quarter fiscal 2020.
- Concerns:** The current system has multiple interdependencies and replacement may result in temporary impacts to existing procedures and processes that may not fully be identified at this point.

Appendix 5
Major Information Technology Project
Department of Public Safety and Correctional Services
Electronic Patient Health Record

New/Ongoing: Ongoing								
Start Date: 7/31/2018					Est. Completion Date: 6/30/2022			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
GF	\$9.8	\$1.5	\$0.1	\$3.2				\$14.5
Total	\$9.8	\$1.5	\$0.1	\$3.2				\$14.5

- Project Summary:** The Department of Public Safety and Correctional Services (DPSCS) is in the process of replacing the outdated Electronic Patient Health Record (EPHR) with a new and more robust system to address the needs of the department. DPSCS intends to acquire and deploy a commercial off-the-shelf ambulatory EPHR that provides the facility for an automated Electronic Medication Administration Records system with a scheduling system that interfaces with internal systems and external vendors. The new system will comply with legal requirements, as outlined in the *Duvall v. O’Malley* case, and provide DPSCS a comprehensive, primary, secondary, and specialty health services EPHR, as well as providing inpatient services, utilization management, and social work mental health services that provide generally accepted standards of care.
- Need:** The current system is outdated, and some major components are not available to the users because they were not included in the software version in use. This has been problematic in ensuring a standard of care that meets federal guidelines. The system will satisfy judgement against DPSCS for issues outlined in the Revised Consolidated Decree, *Duvall v. O’Malley*, U.S. District Court for the State of Maryland, preventing further monetary judgement against the agency. A comprehensive EPHR will allow for interconnection and information sharing for referrals and/or transitional assistance to community medical resources upon an inmate’s release. The new system will also satisfy the needs and standard operating procedures of external stakeholders by exchanging real-time updates to connected systems.
- Observations and Milestones:** The original project solicitation closed in August 2018. However, this project was canceled due to requirements shifting to a cloud-based solution. This delayed the project timeline by at least two years. The pre-planning phase for the new solicitation was completed in January 2019. The current Request for Proposal is live and closes March 6, 2020. Phase 1 vendor kick-off will commence once a vendor has been selected.
- Changes:** The previous solicitation was canceled due to project requirements shifting to a cloud-based solution. This delayed the overall project timeline by two years.
- Concerns:** The new EPHR will present challenges to training, use, and technical support, which cross over different divisions within the agency.

Appendix 6
Major Information Technology Project
Department of Public Safety and Correctional Services
Maryland Automated Fingerprint Identification System Replacement

For more information regarding the Maryland Automated Fingerprint Identification System (MAFIS) replacement Major Information Technology Development Projects, see the Issues section of this analysis.

New/Ongoing: Ongoing								
Start Date: 3/30/2018					Est. Completion Date: 10/1/2020			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
GF	\$1.0	\$1.2	\$0.8	\$1.4	\$0.8			\$5.2
FF	3.6							\$3.6
Total	\$4.6	\$1.2	\$0.8	\$1.4	\$0.8			\$8.8

- Project Summary:** MAFIS is used to perform fingerprint searches on individuals taken into custody by law enforcement and charged with an arrestable offense, but it is used by other agencies as well. The new system is expected to have enhanced requirements for the processing capabilities, record storage, and management capacity of the system to support the continued growth of the identification databases and identification processing workload.
- Need:** Support for the current system was scheduled to be permanently unavailable after June 30, 2019, requiring prompt replacement of the system. The immediate needs are (1) refresh the system technology to enhance maintainability and ensure continued availability of the system services; (2) enhance requirements for the processing capabilities, record storage, and management capacity of the system; and (3) support the continued growth of the identification databases and identification-processing workload.
- Observations and Milestones:** The incumbent contractor was selected for award following an open competitive process with work initiated in the second quarter fiscal 2019. While 41 workstations were delivered to the Department of Public Safety and Correctional Services’ (DPSCS) warehouse and desktop support image creation has commenced, DPSCS has developed several concerns related to work quality and contractual compliance. Key planning documents have been rejected by DPSCS, threatening the quality of work planned and undertaken. DPSCS has made numerous attempts to address deficiencies with the contractor, but their concerns remain. As a result, a Notice of Default was sent to the contractor for missed data migration milestones related to the Automated Fingerprint Identification System, the Fingerprint Archive System, and the Transaction Controller System. DPSCS provided the opportunity to the contractor to cure deficiencies, which requires the contractor to formally acknowledge and agree to new proposed contract terms.

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- **Changes:** Given the contractual issues encountered during the fourth quarter fiscal 2019, DPSCS has proposed a contract modification with strict stipulations that would delay production go-live until October 1, 2020. If the stipulations are not formally agreed to and met by the contractor, DPSCS will render the contractor in default, terminate the contract, and begin the solicitation process for a new contract. DPSCS' notice of default lays out stipulations that offer the contractor the opportunity to cure contract deficiencies. Acceptance of these stipulations will result in decreased implementation costs and other compensatory cost adjustments resulting in an amended contract.
- **Concerns:** The primary risk is due to scheduling delays. The contractor has provided DPSCS with a verbal agreement for a no-cost extension of the legacy application, but this means that the current inefficient system will remain in use for an additional year.

Appendix 7
Major Information Technology Project
Police and Correctional Training Commissions
Learning Management System Replacement Project (LMSR)

New/Ongoing: New								
Start Date: Fiscal 2021					Est. Completion Date: Fiscal 2023			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
SF			\$1.0	\$0.5	\$0.5			\$2.0
Total			\$1.0	\$0.5	\$0.5			\$2.0

- Project Summary:** The Department of Public Safety and Correctional Services’ (DPSCS), Police and Correctional Training Commissions (PCTC) is in the process of implementing a new learning management system. The department provides regulatory oversight of entry-level training, ongoing in-service training, and certification of the sworn public safety professionals in the State. The new system will track public safety professional’s certification throughout their careers as well as original certification or recertification, separation of employment, changes in officer status, promotion/demotion, name change, instructor certification, and transfers. In addition to tracking a public safety professional’s training and certification history, the system will also be used to respond to public disclosure requests, create custom and standard reports, track course/class information history, scheduling and student attendance (academy and in-service classes) history, firearms qualification records, law enforcement agency information, agency contact information, and instructor certification and training area expertise information.
- Need:** The new system will replace the legacy system that has serviced public safety professionals for the last 20 years. The current system lacks the ability to track relevant data points of interest and produce essential reports.
- Milestones:** PCTC is actively developing a Request for Proposals to acquire a commercial-off-the-shelf software solution that meets the needs of the agency. In parallel, DPSCS is evaluating alternative procurement vehicles and cooperative purchasing contracts with the goal of identifying the most efficient procurement strategy. In fiscal 2021, \$1 million from the Maryland Police Training and Standards Commission Fund will be used to support project development costs, while \$50,000 is included in the Department of Information Technology budget allowance for oversight.
- Concerns:** The legacy system has multiple interdependencies requiring integration with DPSCS’ core infrastructure. Integration of newer components may impact the functionality of existing stored procedures, Internet service calls, and other legacy system integration processes not yet identified. There remains a possibility that issues with the new system may arise after implementation as was seen with the Offender Case Management System replacement in fiscal 2015 that inadvertently reduced the ability of the department to track essential information and produce essential reports.

Appendix 8
Major Information Technology Project
Department of Public Safety and Correctional Services
Enterprise Resource Planning Implementation Project (ERPIP)

New/Ongoing: Ongoing								
Start Date: Fiscal 2020					Est. Completion Date: Fiscal 2021			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
SF	\$4.2	\$0.5	\$1.3					\$6.0
Total	\$4.2	\$0.5	\$1.3					\$6.0

- Project Summary:** The Maryland Correctional Enterprises (MCE) intends to replace its legacy application with a new Enterprise Resource Planning solution. The new solution will modernize and automate manual processes that result in delays in accounts payables, accounts receivables, inventory management, along with delays in other financial workstreams. The new application will provide a centralized system to address the current limitations of decoupled processes and systems and will replace manual and inefficient business processes.
- Need:** Currently, many of the processes within MCE are paper driven, causing long delays in accounts payables, accounts receivables, and generating financials. Auditors have found issues with the accounting of inventory related to the current system. Analysis of sales data history can take several weeks, as data mining is difficult with the current system. The current system has surpassed its end of life causing difficulty in acquiring replacement parts and service as well as longer than average downtime. Prior updates for the system have not been purchased or installed, as it would require a complete replacement of the backend hardware.
- Observations and Milestones:** A project manager has been procured and a Request for Proposals (RFP) is expected to go live in the first quarter fiscal 2021.
- Changes:** This project has undergone significant changes since inception in 2008 with the previous solicitation canceled in lieu of a new cloud-based solution. Procurement issues continued after the project was modified, so a project manager and team was procured (contract approved November 20, 2019) to reissue the RFP and make an expeditious award.
- Concerns:** As the new system may integrate with other legacy applications, the department will be required to provide subject matter experts knowledgeable in legacy applications, business processes, and workflows.

Appendix 9
Major Information Technology Project
Department of Public Safety and Correctional Services
Pilot Drone Detection Program

New/Ongoing: Ongoing								
Start Date: Fiscal 2020					Est. Completion Date: Fiscal 2021			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2020	2021	2022	2023	2024	Remainder	Total
GF	\$2.8							\$2.8
Total	\$2.8							\$2.8

- Project Summary:** The Department of Public Safety and Correctional Services (DPSCS) is looking to implement a Drone Detection and Response System to warrant against unlawful entry of contraband into the State prison system. The project is a two-phase approach. Phase 1 is for a sole source contract to develop the requirements for a Request for Proposals (RFP). The second phase will procure a contractor to deliver and implement the system.
- Need:** Currently, DPSCS lacks the ability to deter unmanned drones from flying overhead and releasing contraband items onto prison property.
- Observations and Milestones:** Funding was appropriated in previous years to support exploratory procurement.
- Changes:** This project has undergone significant changes since inception in 2008 with the previous solicitation canceled in lieu of a new cloud-based solution. Procurement issues continued after the project was modified, so a project manager and team was procured (contract approved November 20, 2019) to re-issue the RFP and make an expeditious award.
- Concerns:** As the new system may integrate with other legacy applications, the department will be required to provide subject matter experts knowledgeable in legacy applications, business processes, and workflows.

Appendix 10
Object/Fund Difference Report
DPSCS Administration and Offices

<u>Object/Fund</u>	<u>FY 19</u> <u>Actual</u>	<u>FY 20</u> <u>Working</u> <u>Appropriation</u>	<u>FY 21</u> <u>Allowance</u>	<u>FY 20 - FY 21</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	1,192.00	1,182.00	1,204.00	22.00	1.9%
02 Contractual	66.06	121.26	121.26	0.00	0%
Total Positions	1,258.06	1,303.26	1,325.26	22.00	1.7%
Objects					
01 Salaries and Wages	\$ 95,898,446	\$ 105,281,613	\$ 101,074,272	-\$ 4,207,341	-4.0%
02 Technical and Spec. Fees	3,406,129	4,819,366	4,568,836	-250,530	-5.2%
03 Communication	3,394,983	1,826,330	1,898,077	71,747	3.9%
04 Travel	245,597	206,136	238,889	32,753	15.9%
06 Fuel and Utilities	302,380	304,006	312,145	8,139	2.7%
07 Motor Vehicles	1,963,269	1,838,935	1,911,165	72,230	3.9%
08 Contractual Services	32,789,103	42,948,880	40,834,301	-2,114,579	-4.9%
09 Supplies and Materials	2,461,340	2,061,690	2,166,255	104,565	5.1%
10 Equipment – Replacement	9,546,134	5,894,350	6,654,174	759,824	12.9%
11 Equipment – Additional	2,016,880	528,500	526,750	-1,750	-0.3%
12 Grants, Subsidies, and Contributions	59,017,772	59,956,600	148,346,356	88,389,756	147.4%
13 Fixed Charges	3,714,802	3,737,066	3,866,253	129,187	3.5%
14 Land and Structures	244,968	3,000,000	0	-3,000,000	-100.0%
Total Objects	\$ 215,001,803	\$ 232,403,472	\$ 312,397,473	\$ 79,994,001	34.4%
Funds					
01 General Fund	\$ 147,600,209	\$ 156,938,528	\$ 152,668,239	-\$ 4,270,289	-2.7%
03 Special Fund	63,580,179	67,456,394	157,060,533	89,604,139	132.8%
05 Federal Fund	1,723,753	6,432,315	950,024	-5,482,291	-85.2%
09 Reimbursable Fund	2,097,662	1,576,235	1,718,677	142,442	9.0%
Total Funds	\$ 215,001,803	\$ 232,403,472	\$ 312,397,473	\$ 79,994,001	34.4%

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.

**Appendix 11
Fiscal Summary
DPSCS Administration and Offices**

<u>Program/Unit</u>	<u>FY 19 Actual</u>	<u>FY 20 Wrk Approp</u>	<u>FY 21 Allowance</u>	<u>Change</u>	<u>FY 20 - FY 21 % Change</u>
01 General Administration	\$ 16,057,227	\$ 16,548,996	\$ 15,068,503	-\$ 1,480,493	-8.9%
02 Information Technology and Communications	45,291,927	44,519,095	46,580,268	2,061,173	4.6%
03 Intelligence and Investigative Division	9,881,601	10,438,811	11,015,954	577,143	5.5%
04 9-1-1 Emergency Number Systems	55,221,318	56,957,230	145,686,977	88,729,747	155.8%
06 Division. of Capital Construction and Facilities Maintenance	4,606,435	4,868,174	4,258,069	-610,105	-12.5%
07 Major Information Technology Development	1,371,468	5,950,000	2,250,000	-3,700,000	-62.2%
10 Administrative Services	31,616,047	32,299,580	33,130,019	830,439	2.6%
01 General Administration	7,995,667	11,371,697	8,460,755	-2,910,942	-25.6%
03 Programs and Services	5,778,283	5,780,626	5,890,381	109,755	1.9%
04 Security Operations	27,530,510	33,707,695	30,362,339	-3,345,356	-9.9%
05 Central Home Detention Unit	8,394,897	8,497,102	8,291,713	-205,389	-2.4%
01 General Administration	705,850	853,881	788,556	-65,325	-7.7%
01 General Administration	550,573	610,585	613,939	3,354	0.5%
Total Expenditures	\$ 215,001,803	\$ 232,403,472	\$ 312,397,473	\$ 79,994,001	34.4%
General Fund	\$ 147,600,209	\$ 156,938,528	\$ 152,668,239	-\$ 4,270,289	-2.7%
Special Fund	63,580,179	67,456,394	157,060,533	89,604,139	132.8%
Federal Fund	1,723,753	6,432,315	950,024	-5,482,291	-85.2%
Total Appropriations	\$ 212,904,141	\$ 230,827,237	\$ 310,678,796	\$ 79,851,559	34.6%
Reimbursable Fund	\$ 2,097,662	\$ 1,576,235	\$ 1,718,677	\$ 142,442	9.0%
Total Funds	\$ 215,001,803	\$ 232,403,472	\$ 312,397,473	\$ 79,994,001	34.4%

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.