

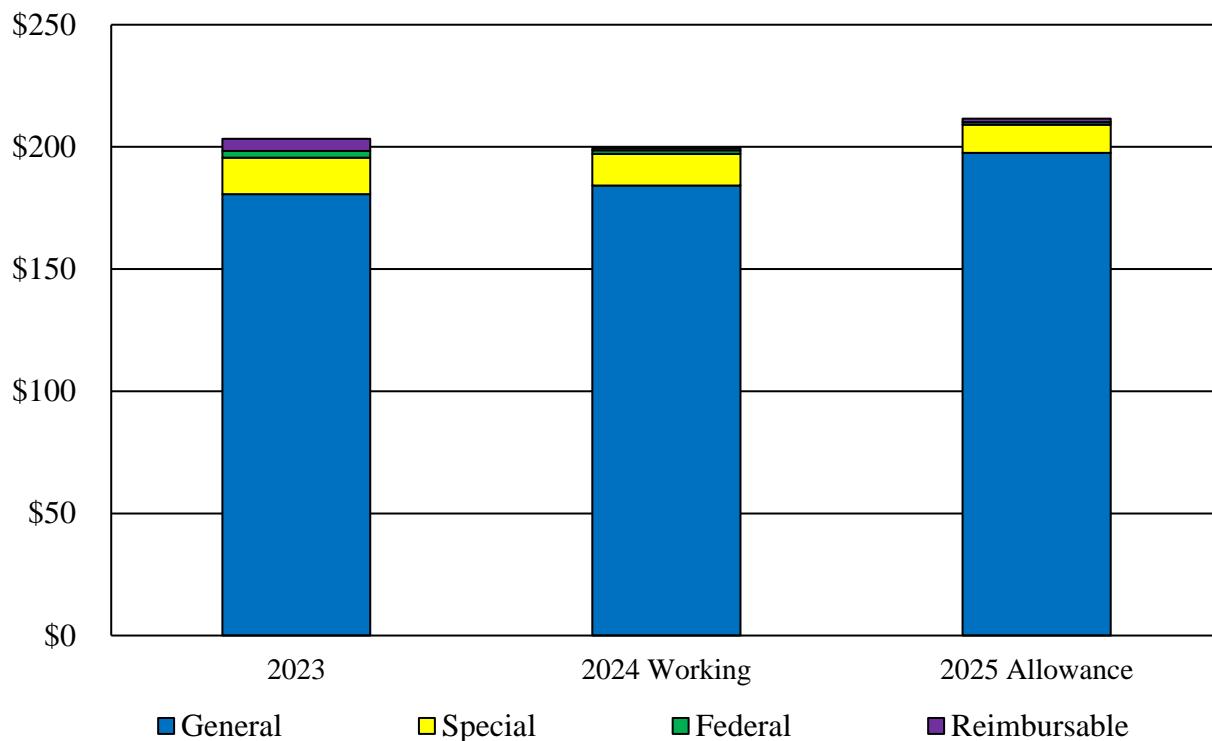
Q00A
Administration and Offices
Department of Public Safety and Correctional Services

Executive Summary

The Department of Public Safety and Correctional Services (DPSCS) Administration and Offices provide key policy and administrative oversight for the department. Functional units include executive direction, information technology (IT), security, intelligence gathering, capital program support, human resources, budget development, and program coordination. This analysis includes the Inmate Grievance Office (IGO) and the Maryland Commission on Correctional Standards (MCCS).

Operating Budget Summary

Fiscal 2025 Budget Increases \$11.9 Million, or 6%, to \$211.5 Million
(\$ in Millions)



Note: Numbers may not sum to total due to rounding. The fiscal 2024 working appropriation includes deficiencies. The fiscal 2024 impacts of statewide salary adjustments appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency's budget. The fiscal 2025 impacts of the fiscal 2024 statewide salary adjustments appear in this agency's budget. The fiscal 2025 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency's budget.

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Key Observations

- ***Administrative Hiring Improves:*** DPSCS successfully lowered the vacancy rates of various administrative positions, particularly for administrative aides, officers, and specialists, as well as office staff.
- ***Three Major IT Projects Remaining:*** DPSCS completed the transition to the new statewide fingerprinting identification system and the implementation of a drone detection and response system for securing correctional facility grounds. Three projects remain: the Computerized Criminal History (CCH); Electronic Patient Health Record (EPHR); and Learning Management System Replacement (LMSR). Provisions in the *Duvall v. Hogan* consent decree required DPSCS to fix deficiencies related to EPHR, but DPSCS did not comply in time, potentially opening the agency up to future legal judgements.
- ***DPSCS Closed Out Three Major IT Projects:*** DPSCS successfully closed out the Maryland Automated Fingerprint Information System (MAFIS) replacement for the Criminal Justice Information Systems (CJIS), the Enterprise Resource Planning (ERP) tool for Maryland Correctional Enterprises, and the new Drone Detection System (DRONE). All three projects were previously delayed by at least one year, and all but DRONE required reworking of procurement plans.
- ***DPSCS Found to Have Violated Public Information Law Six Times:*** DPSCS was ruled against by the Maryland Public Information Act (PIA) Compliance Board for six cases in which DPSCS improperly denied access to public records or failed to respond to requests.

Operating Budget Recommended Actions

1. Add language restricting funds pending a written plan to comply with the Public Information Act.
2. Adopt narrative requesting a report on the Justice Reinvestment Act.
3. Adopt narrative requesting a report on recidivism.
4. Adopt narrative requesting a report on correctional program participation measures.
5. Adopt narrative requesting notification upon awarding new medical contracts.

Q00A
Administration and Offices
Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

DPCS Administration and Offices includes two main units and two semi-independent commissions. These units together provide key policy and administrative oversight for the department.

- ***Executive Office of the Secretary:*** 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. This unit includes the Office of the Secretary, the Information Technology and Communications Division (ITCD), the Intelligence and Investigative Division (IID), Major Information Technology Development Projects (MITDP), and the Office of Administrative Services. In fiscal 2023, the Warrant Apprehension Unit (WAU) was transferred to IID's reporting structure from the Division of Parole and Probation (DPP). The Office of the Secretary directs the following operational programs:
 - ***Clinical Services:*** Inmate Health Care Administration; Nursing Services; Social Work Services; Commitment Services; Mental Health Services; and Substance Abuse Treatment Services.
 - ***Inmate Services:*** Inmate Education and Transition Services.
- ***Office of the Deputy Secretary for Operations (DSO):*** Operational units are responsible for providing executive direction to various programs, services, and operations. In addition to the Central Home Detention Unit (CHDU) and the Division of Capital Construction and Facilities Maintenance (DCCFM), DSO directs the following operational programs:
 - ***Inmate Services:*** Inmate Education; Work Release; Victim Services; Case Management; Commitment Services; Intake, Housing, and Transportation; Religious and Volunteer Services; and Transition Services.
 - ***Security Operations:*** Crisis Management; Intelligence Coordination; Security Audit Review; and the Canine Unit.
- ***MCCS:*** Commission staff audit correctional facilities and private home detention monitoring agencies to determine levels of compliance, develop audit reports, and provide technical assistance to correct areas of noncompliance. Trained volunteers are used extensively to accomplish the inspection process. Final audit reports of correctional

facilities are reviewed by commission members, who are appointed by the Governor for a term of three years.

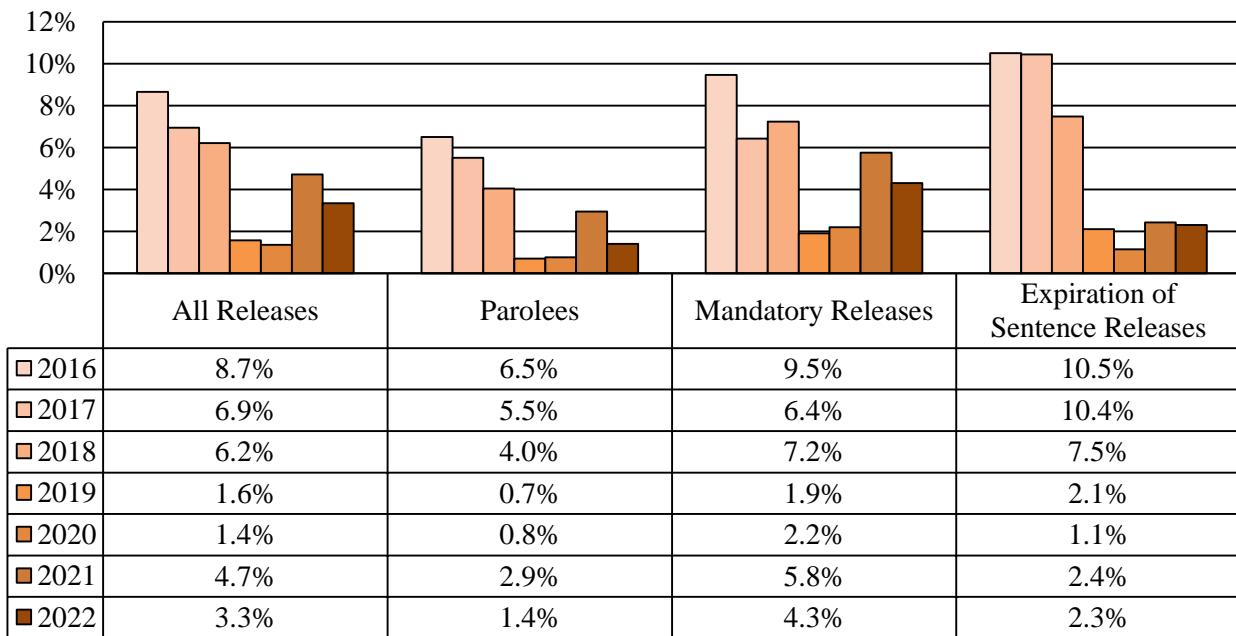
- **IGO:** Administrators hear grievances against any official or employee of the Division of Correction (DOC) or the Patuxent Institution brought by any person confined to one of those facilities. A grievance or complaint that merits further consideration is referred to the Office of Administrative Hearings.

Performance Analysis: Managing for Results

1. Recidivism Ticks Downward

Overall, and in each category, the number of inmates returned to correctional or community supervision within one year of release due to a new offense decreased for the fiscal 2022 cohort compared to the fiscal 2021 cohort. Recidivism rates for single-year returns to custody is lower than prepandemic trends. During the pandemic, there was a trough in recidivism due to the closure of courts and backlogs delaying adjudication. The fiscal 2021 release cohort was the first to increase post pandemic, but that trend has already reversed. **Exhibit 1** shows single-year recidivism rates for all release cohorts since fiscal 2016, which averages to 4.7%.

Exhibit 1
Returns to Correctional Custody within One Year of Release
Fiscal 2016-2022



Source: Governor's Fiscal 2025 Budget Books

For the fiscal 2022 release cohort, 56 individuals were returned for a new offense within one year of release, less than half the number in the fiscal 2021 cohort and the lowest amount on record. Only 7 parolees and 2 expiration-of-sentence releasees were returned to custody due to a new offense, while 47 mandatory releasees were returned.

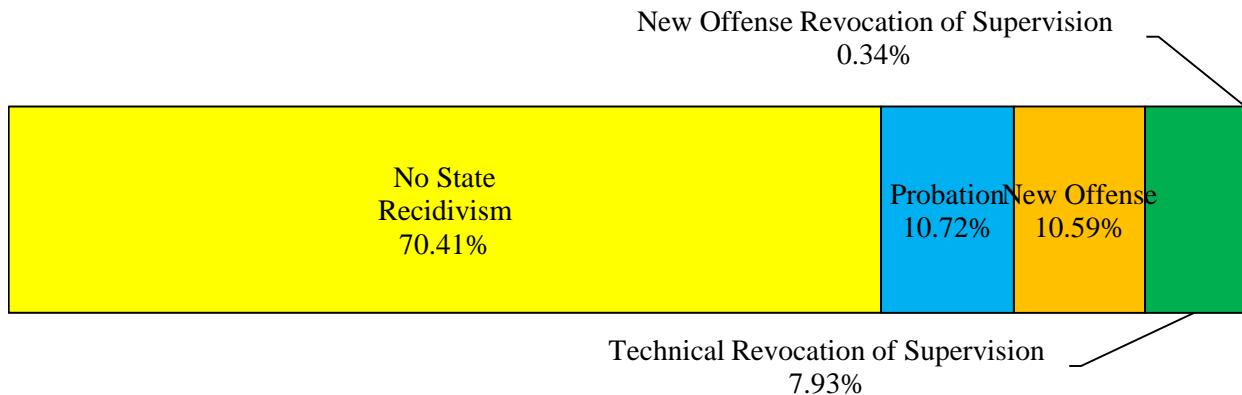
Due to the fiscal 2015 transition to a new Offender Case Management System (OCMS), DPSCS lost the ability to track recidivism for several cohorts of inmates released from correctional facilities. In fiscal 2019, DPSCS regained this ability and provided single-year recidivism rates beginning with the fiscal 2016 release cohort. It is important to note that Exhibit 1 shows an incomplete picture, because it does not count those returned to probation supervision or those who were returned to custody for a technical violation of probation.

Three-year Recidivism Data

The recidivism rates provided in response to the 2023 *Joint Chairman's Report* (JCR) represent the proportion of releases who are returned to either DOC or the Division of Pretrial Detention and Services (DPDS) following sentencing for a new criminal offense or return to custody from parole or mandatory supervision due to violation of the conditions of release. Recidivism rates in the JCR are more comprehensive than the Managing for Results (MFR) measures because they are (1) captured after a three-year period, which allows for adjudication of charges that are attributed to their appropriate recidivism year based on offense date and (2) the MFR definition is limited to returns to DOC custody due to its impact on DOC workload. The MFR does not include sentences to community supervision within its scope. Arrests are not included in recidivism nor is incarceration within local or out-of-state facilities. It is necessary to exclude those categories because they do not meet the threshold for recidivism to State custody, and that data is held by local correctional authorities. However, it may lead to an undercount of true recidivism even with the improvements over the MFR data.

Recidivism has been impacted by the COVID-19 pandemic, as court closures delayed prosecutions and convictions. The fiscal 2017 cohort recidivism rate of 37.15% acts as the baseline for the current data, as the transition to the new OCMS was complete, the Justice Reinvestment Act was in effect, and COVID-19 had no impact on court cases. The fiscal 2019 cohort, the first cohort entirely in the COVID-19 pandemic, had a three year recidivism rate of 32.55%. The drop was partially attributable to reduced court activities. Recidivism events were not prosecuted as timely as in the past, and it is possible that using three-year recidivism rates for cohorts during the pandemic does not capture total recidivism. That said, the trend of decline continued for the fiscal 2020 cohort that was only partially impacted by the pandemic. **Exhibit 2** breaks down recidivism for the fiscal 2020 cohort, which was 29.59% and mirrored the decline in other states.

Exhibit 2
Three-year State Recidivism by Reason
Fiscal 2020 Release Cohort



Source: Department of Public Safety and Correctional Services

Not all recidivators were returned to sentenced custody, as 10.72% of fiscal 2020 releases were placed on probation. A total of 10.59% of the releasees from fiscal 2020 committed a new offense severe enough to warrant incarceration, a reduction compared to the fiscal 2019 cohort rate of 11.42%. Technical violations of supervision account for 7.93% of the recidivating population compared to 9.39% for the fiscal 2019 cohort. This is the main cause for the drop in recidivism and is partially related to the increase in the proportion of expiration-of-sentence releases. Incarcerated individuals who wait until their sentence expires are not subject to conditions of release or technical violations of supervision and so cannot recidivate through those means.

2. Contraband Levels Decline for Drugs, Increase for Weapons

Safety in DPSCS facilities is partially maintained through routine, random, and targeted searches for contraband. While weapons pose the most grave and immediate threat, controlled dangerous substances (CDS) are much more common and pose several threats to safety and security within the confines of State and local correctional facilities. The Canine Unit falls under the purview of the Security Operations program within DSO and is responsible for carrying out many of these searches, though physical searches by correctional officers produce more contraband due to their familiarity and regular proximity to inmates. It is important to note that not all contraband is eventually found. The data provided on contraband will always lack completeness because there is no comprehensive means to identifying and tracking all contraband.

Intelligence and Investigative Division Cracks Down on Contraband Networks

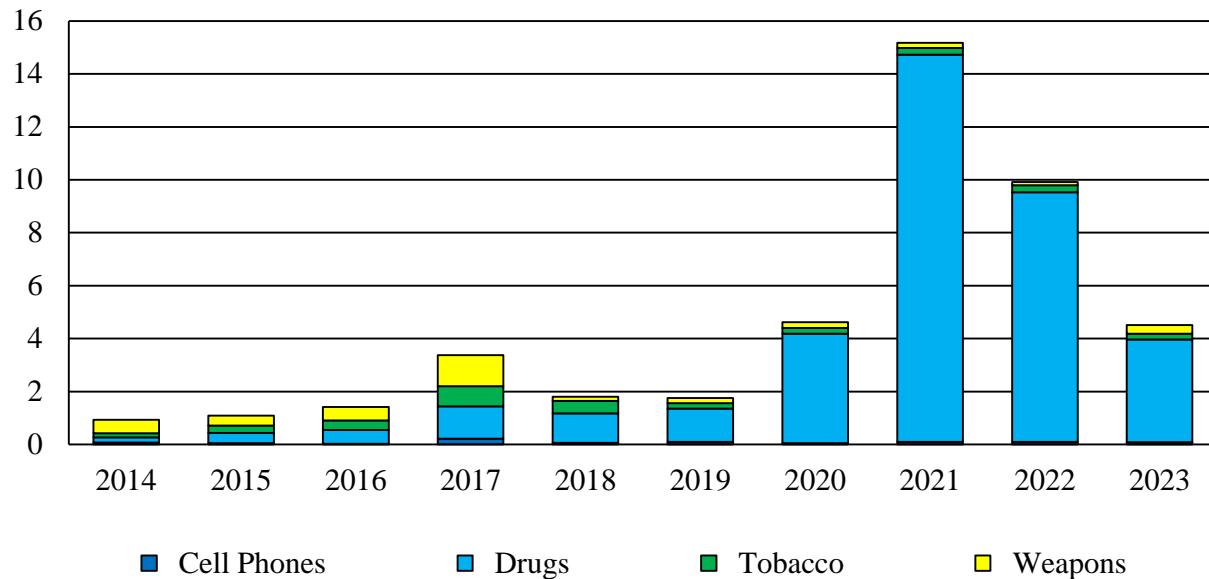
On April 12, 2023, Maryland Attorney General Anthony G. Brown announced that 12 individuals were indicted for a prison contraband conspiracy operating at Jessup Correctional Institution. The indictment was made possible through IID investigations dating back to April 2021. On May 25, 2023, the Attorney General announced that 15 individuals were indicted in a separate contraband conspiracy operating at Roxbury Correctional Institution. The indictments were made possible through IID investigations dating back to April 2022.

In the first set of indictments, a nurse contractor was identified as the individual bringing in contraband. The remaining individuals were incarcerated individuals and members of the public. The contraband in question included suboxone, cannabis, tobacco, and SIM cards. In the second set of indictments, an incarcerated individual was identified as paying outside facilitators to drop contraband onto facility grounds via drone technology. The recovered packages attached to the drones included drugs, tools, cell phones, phone chargers, SIM cards, headphones, and thumb drives. A correctional dietary officer was also identified as bringing in contraband suboxone.

Contraband Trends

Contraband finds made by the Canine Unit per 100 average daily population (ADP) peaked in fiscal 2021, as shown in **Exhibit 3**. The Canine Unit contraband find rate increased 763% from fiscal 2019 to 2021, an increase nowhere near trends in the previous decade due to an influx of pieces of suboxone film, which can be concealed in high numbers and are highly divisible. Contraband levels in fiscal 2023 have dropped to levels last seen in fiscal 2020. While CDS, cell phones, and tobacco finds decreased, the driver of the decrease was suboxone film. Mailroom renovations have been funded in fiscal 2024 to systematically prevent suboxone from entering through mail. New regulations were promulgated by DPSCS to establish procedures for handling, processing, and distribution of incarcerated individuals' mail.

Exhibit 3
Total Canine Unit Contraband Finds by Type
Per 100 Average Daily Population
Fiscal 2014-2023



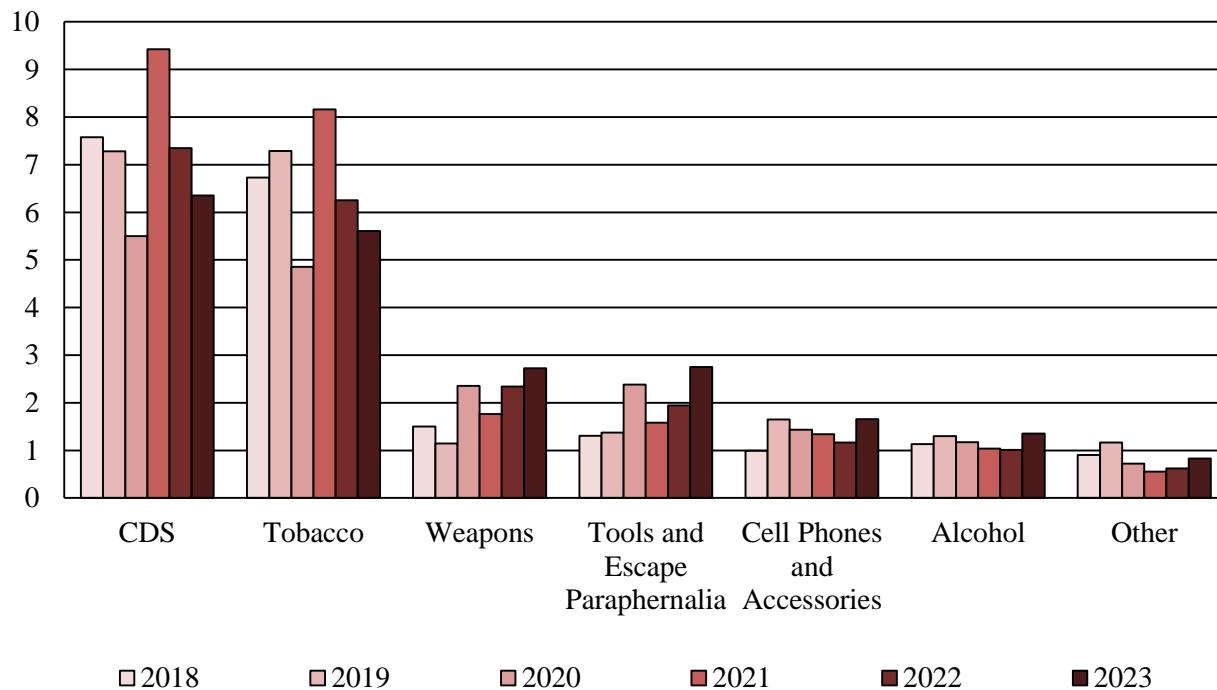
Source: Governor's Fiscal 2016-2025 Budget Books

CDS made up the largest share of Canine Unit finds at 43% while also showing the largest year-to-year decrease of 33% from fiscal 2022 to 2023. Exhibit 3 shows only finds from the Canine Unit. However, the Canine Unit does not find all of the contraband that is found in DPSCS facilities. DPSCS has existing policies and procedures regarding inmate searches. Staff are instructed at both entry-level and annual in-service training on how to conduct searches and retrieve items that would be viewed as contraband, such as CDS, weapons, and cellular communication devices. Additional awareness training also occurs on a continual basis during shift operations. Policy states that these searches are to be done in a manner that promotes professionalism and integrity while making an effort to respect the privacy and property of those incarcerated individuals being subjected to search.

Exhibit 4 shows all contraband find occurrences regardless of search method for fiscal 2018 to 2023 grouped by type of contraband and normalized by rate of finds per 100 ADP. According to this data, CDS contraband comprised the most common type at 30% of all find occurrences. The number of find occurrences per 100 ADP decreased 14% from fiscal 2022 to 2023 for CDS. Decreases were also seen for tobacco, but increases were seen for all other types, including weapons, escape tools, cell phones, alcohol, and other unallowed items. For contraband as a whole, the rate of find occurrences increased by 3%. The rate of total finds (individual pieces

of contraband) per 100 ADP, however, declined by 20%. Excluding CDS, the rate of total finds per 100 ADP decreased by 3%, as the majority of the decrease was driven by CDS.

Exhibit 4
Contraband Find Occurrences per 100 ADP by Type
Fiscal 2018-2023



ADP: average daily population

CDS: controlled dangerous substances

Note: Contraband find occurrences per 100 ADP were calculated using data provided by the Department of Public Safety and Correctional Services in annual Managing for Results submissions. “Other” contraband includes ammunition, media, money, tattoo paraphernalia, stolen property, and flammable liquids.

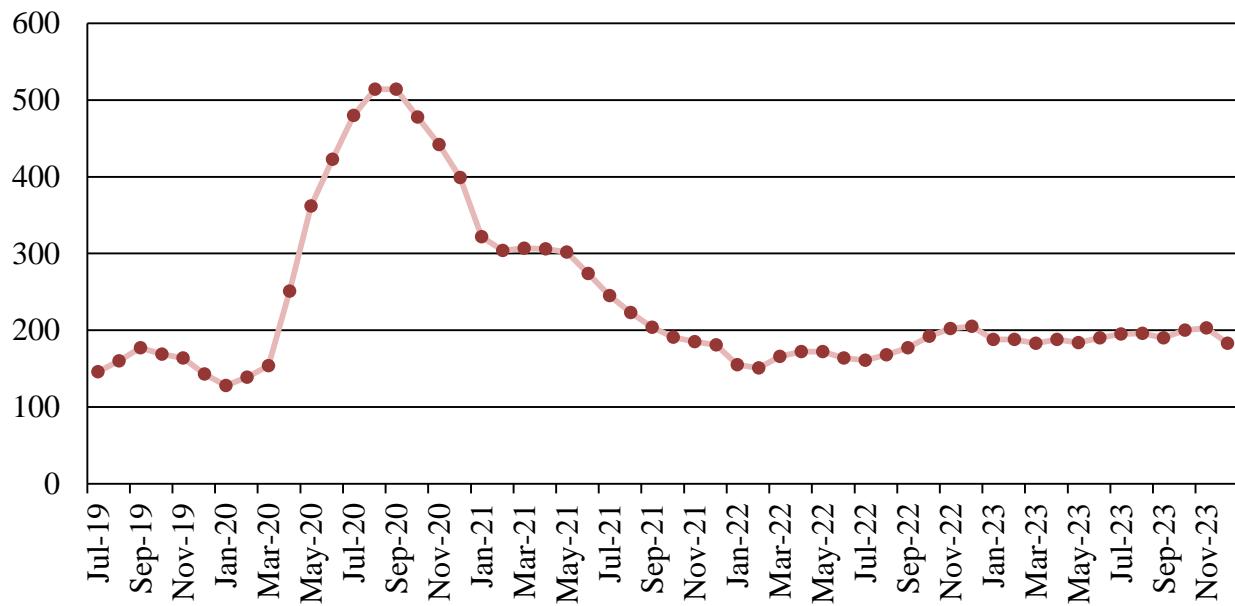
Source: Governor’s Fiscal 2020-2025 Budget Books

2. Home Detention Population Remains Stable

The COVID-19 pandemic greatly increased placements to CHDU, which falls under DSO. **Exhibit 5** shows the ADP of CHDU over the past several years. CHDU’s population rose 302% from the low of 128 in January 2020 to the peak of 514 offenders in August 2020. The ADP has

reduced since then and is now closer to prepandemic levels. In calendar 2023, the monthly average of 191 is slightly higher than the prepandemic average of 153 and calendar 2022 average of 174.

Exhibit 5
Central Home Detention Unit Average Daily Population
July 2019 to December 2023



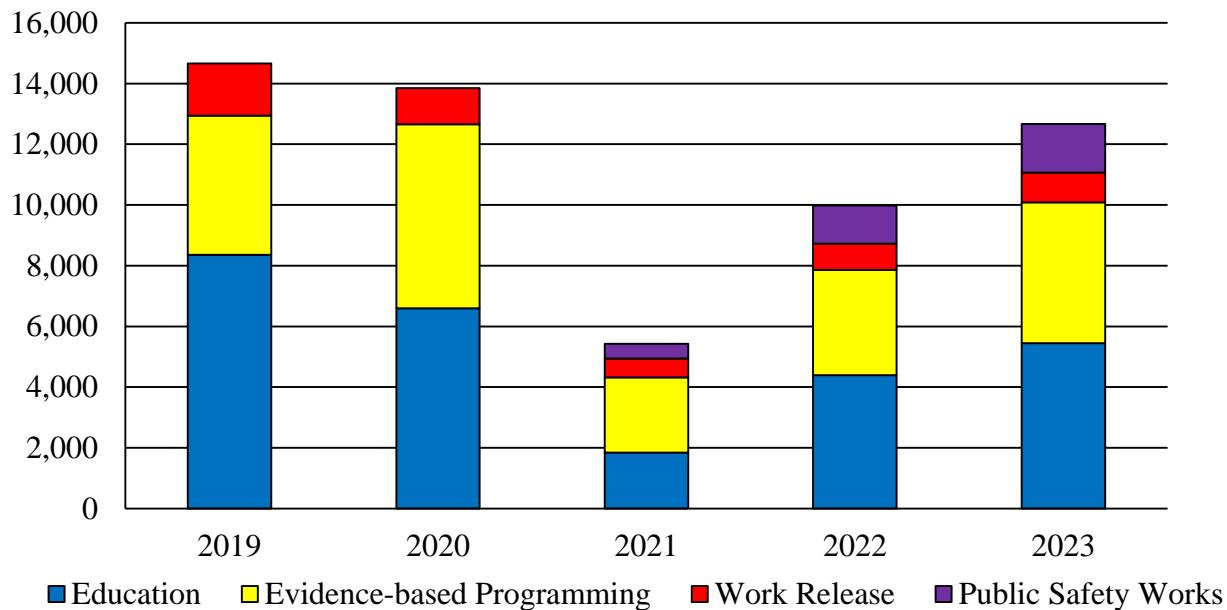
Source: Department of Public Safety and Correctional Services

Walk-offs from CHDU were elevated in fiscal 2021, indicating a possible issue in keeping up with detainees. Walk-offs decreased from the high of 30 in fiscal 2021 to 6 in fiscal 2022 but increased to 9 in fiscal 2023.

3. Programming Data Reporting

In the fiscal 2024 budget analysis Q00* – DPSCS Overview, the Department of Legislative Services (DLS) recommended that DPSCS submit program participation data for institutional programs and services. The data provided is discussed below. **Exhibit 6** shows the annual number of individuals participating in various programming categories since fiscal 2019. DPSCS is not able to provide data further back due to incongruity of recordkeeping. Furthermore, Public Safety Works is a relatively new initiative that includes highway work crews, landscaping crews, and other ad-hoc jobs requested by government agencies, community groups, and nonprofits in need of assistance.

Exhibit 6
Individuals Who Participated in Programming
Fiscal 2019-2023



Source: Governor's Fiscal 2025 Budget Books

In fiscal 2019 and 2020, the effect of the pandemic had not yet been seen on participation. Fiscal 2021, however, reveals the impact of limitations on participation levels. Movement, face-to-face interaction, and outside volunteerism was extremely limited due to safety concerns until July 2021. Fiscal 2022 participation thusly increased, but ADP remained lower than prepandemic levels, so the level of participation appeared low. In fiscal 2023, ADP increased along with the number of participants. These trends remained largely unchanged when controlling for the annual ADP in DPSCS custody, though these figures show that participation is at or above fiscal 2019 and 2020 levels.

The 2024 JCR requested a report on correctional program participation measures and the possibility of including them in annual reports or data submissions. These results were discussed in the fiscal 2025 budget analysis Q00* –DPSCS Overview. Data provided in that report expanded on the data found in the MFR and showed facility-level breakdowns of each programming category. For administrative reasons, the DLS recommendation to provide this programming data on an annual basis has been included in this analysis.

DLS recommends the adoption of committee narrative requesting that DPSCS report annual data on programming participants and nonparticipants in its annual MFR submission to the Department of Budget and Management (DBM) and DLS.

Fiscal 2023

Salary enhancements originally budgeted in the Statewide Personnel account in DBM added approximately \$7.7 million to the fiscal 2023 legislative appropriation for DPSCS Administration and Offices. The transfer of WAU, per Chapter 127 of 2021, added the entire \$5.6 million appropriation and all 33 positions for the unit to DPSCS Administration and Offices from DPSCS DPP. Finally, \$4.4 million was added by supplemental budget for pay-as-you-go capital projects. However, those funds were not used, and \$4 million was transferred to other purposes within the department, primarily personnel and contractual services costs. The remaining funds for that purpose were reverted to the general fund.

Fiscal 2024

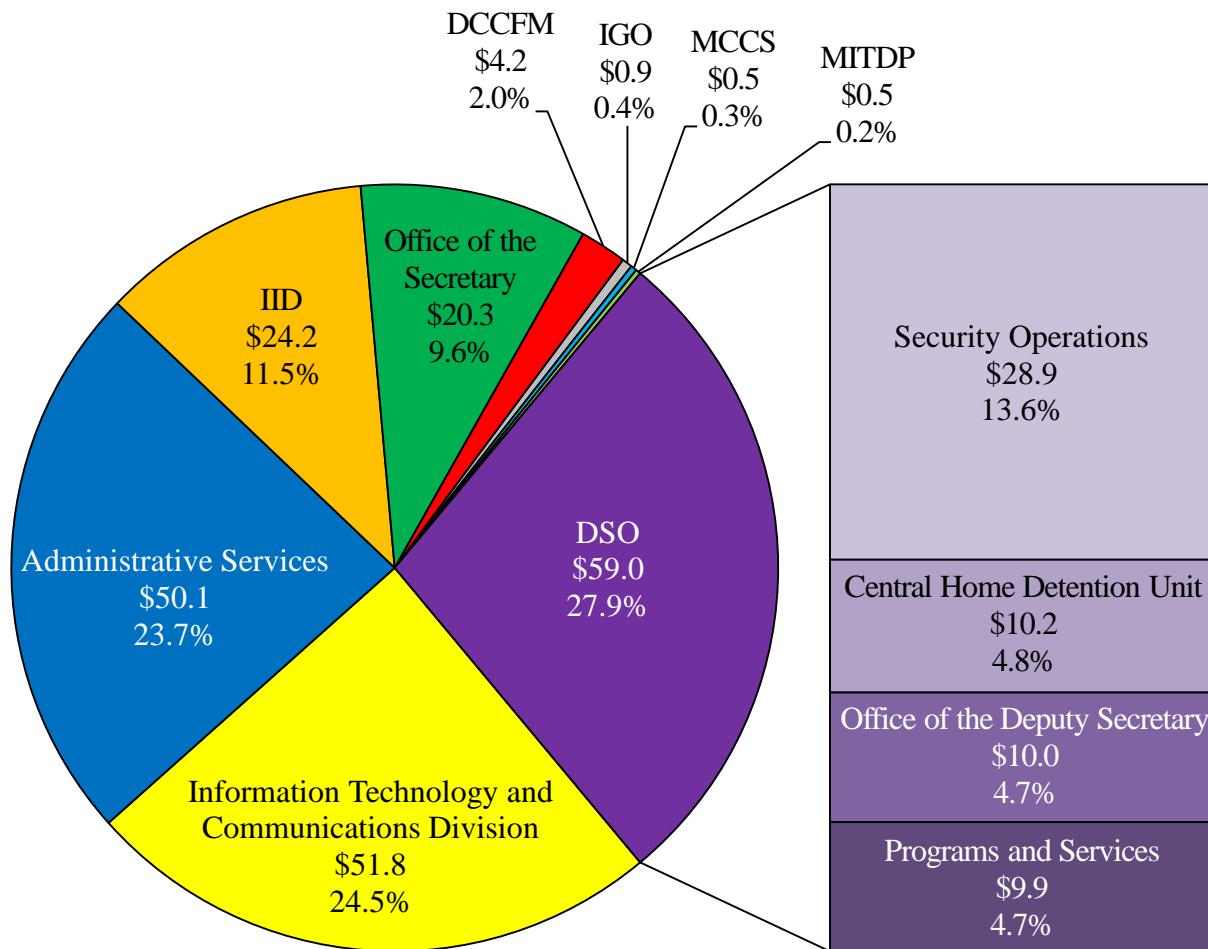
Proposed Deficiency

A general fund deficiency appropriation of \$256,746 was added to CHDU for the cost of extending the medical contract until the end of the fiscal year.

Fiscal 2025 Overview of Agency Spending

DPSCS Administration and Offices receives a total fiscal 2025 allowance of \$211.5 million. Most of the funds fall within the Executive Office of the Secretary. Of that unit, ITCD and Administrative Services make up the largest programs as the backbone of the department's support services. DSO is the other primary unit, receiving 28% of funds. IGO and MCCS are small, semi-independent offices receiving less than 1% of resources. **Exhibit 7** shows agency spending by program.

Exhibit 7
Overview of Agency Spending by Program
Fiscal 2025 Allowance
(*\$* in Millions)



DCCFM: Division of Capital Construction and Facilities Maintenance

DSO: Deputy Security for Operations

IGO: Inmate Grievance Office

IID: Intelligence and Investigative Division

MCCS: Maryland Commission on Correctional Standards

MITDP: Major Information Technology Development Projects

Source: Governor's Fiscal 2025 Budget Books

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

Proposed Budget Change

As shown in **Exhibit 8**, DPSCS Administration and Offices receives nearly \$12 million more in the fiscal 2025 allowance than in the fiscal 2024 working appropriation. General funds increase the most due to the cost of shared services and increased personnel costs due to more hiring. Special funds decrease due to a fund swap in fiscal 2024 utilizing funds available from the Fiscal Responsibility Fund to cover costs for the November 2022 4.5% salary increase that would have otherwise required general fund support.

Exhibit 8
Proposed Budget
DPSCS – Administration and Offices
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2023 Actual	\$180,692	\$14,867	\$2,806	\$5,004	\$203,369
Fiscal 2024 Working Appropriation	184,247	12,881	1,448	1,002	199,578
Fiscal 2025 Allowance	<u>197,536</u>	<u>11,586</u>	<u>978</u>	<u>1,432</u>	<u>211,532</u>
Fiscal 2024-2025 Amount Change	\$13,290	-\$1,295	-\$470	\$430	\$11,954
Fiscal 2024-2025 Percent Change	7.2%	-10.1%	-32.5%	42.9%	6.0%

Where It Goes:

Personnel Expenses

Salary increases and associated fringe benefits including fiscal 2024 cost-of-living allocations and increments.....	\$7,447
21 positions of various classifications transferred from other agencies or units of DPSCS.....	1,898
Overtime earnings	1,849
Accrued leave payout and shift differential	-42
Workers' compensation insurance	-462
3 case managers transferred to the Division of Correction, 1 supply officer transferred to the DPP, and 2 project managers transferred to the new Governor's Office for Children.....	-486
Turnover expectancy increases from 10.6% to 11.5%	-1,127

Other Changes

Consulting and technical support contract to provide key resources for DPSCS Information Technology and Communications Division staffing.....	1,860
Shared statewide services allocations and interagency agreements	1,287
Postage, cell phones, and communications	652

Where It Goes:

	<u>Change</u>
Annual contract renewal for software maintenance, technical support, and customizations for the Electronic Patient Heath Records system.....	570
Administration and Offices' share of inmate medical, pharmacy, and drug treatment services	201
Insurance premiums paid to the State Treasurer's Office and other fixed charges.....	391
Annual maintenance and technical support for the Offender Case Management System	322
Contractual employee turnover reduced to allow for more hiring	218
Provide ADA modifications to inmate housing at the Maryland Reception, Diagnostic and Classification Center	68
Interactive online records management system for the Internal Investigative Unit.....	49
Aid to local jails for holding State-sentenced offenders	47
Payments granted to releases for transitional costs	25
Reduction of 75% to contract with Community Mediation Maryland to provide mediation, reunification, and dispute resolution services as part of the release and transition process.....	-38
Fuel and utilities	-53
Motor vehicle and travel costs.....	-87
Other contractual services and miscellaneous software expenses.....	-96
Reduction in start-up costs for the Learning Management System Replacement project.....	-120
Supplies and materials.....	-145
End of fiscal 2024 violence reduction orientation for all new DPP supervisors....	-225
Reduction in equipment costs mostly due to less new security equipment needed	-548
Reduction in network and storage system purchases for Criminal Justice Information Systems related to one-time increase in fiscal 2024	-1,500
Total	\$11,954

ADA: Americans with Disabilities Act

DPP: Division of Parole and Probation

DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum to total due to rounding. The fiscal 2024 working appropriation includes deficiencies. The fiscal 2024 impacts of statewide salary adjustments appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency's budget. The fiscal 2025 impacts of the fiscal 2024 statewide salary adjustments appear in this agency's budget. The fiscal 2025 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency's budget.

Information Technology Service Costs Increase; Equipment Purchases Decrease

Key staffing contracts to support CJIS operations increased in fiscal 2025 to align with actual fiscal 2023 spending levels and allow a contract extension. These contracts with Gantech and Conduent were extended in November 2023 by the Board of Public Works (BPW) to allow time to solicit a new statewide contract and allow transition time to the new contract. The fiscal 2023 actual spending amount was higher than typical because ITCD used restricted personnel funds to employ staff through these contracts.

Other IT costs increase for shared services and interagency agreements to provide consultation. These budgeted values are based on the Department of Information Technology (DoIT) services used by agencies and are adjusted annually by DBM to meet the overall needs of DoIT. Additionally, more funding was needed for the EPHR system as the MITDP replacing the system has faced delays and vendor deficiencies. This is a central component of care for those in DPSCS custody, and the increase is necessary to ensure it is adequately supported.

Fiscal 2024 IT equipment purchases were elevated in order to address a cumulative deficit in investment and equip a new collaborative law enforcement initiative. Network storage and security for CJIS was reduced by \$1.5 million, while other security equipment was reduced by \$550,000 to outfit new special detectives for the Governor's Law Enforcement Task Force with the Office of the Attorney General. Fiscal 2025 funding levels return to more typical levels.

Personnel Costs Increase

The turnover rate is adjusted in fiscal 2025 to better align with actual vacancies, reducing costs by \$1.1 million. This adjustment is offset by increases to regular salary earnings and the fiscal 2024 cost-of-living adjustment and increments. Additionally, 21 positions were transferred to this unit of the department from other units, contributing to the increase in personnel costs despite the transfer of 6 positions to other agencies, including the new Governor's Office for Children (GOC).

Personnel Data

	FY 23 <u>Actual</u>	FY 24 <u>Working</u>	FY 25 <u>Allowance</u>	FY 24-25 <u>Change</u>
Regular Positions	1,137.00	1,157.00	1,172.00	15.00
Contractual FTEs	<u>82.55</u>	<u>142.36</u>	<u>143.88</u>	<u>1.52</u>
Total Personnel	1,219.55	1,299.36	1,315.88	16.52

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	135.25	11.54%
Positions and Percentage Vacant as of 12/1/23	148.00	12.79%
Vacancies Above Turnover	12.75	

- Focused job posting and hiring for administrative positions substantially reduced the vacancy count within DPSCS Administration and Offices by 40%. In January 2023, there were 245 vacancies in this unit, or 21.6% of authorized positions. In December 2023, there were 148 vacancies, or 12.8% of authorized positions.
- Vacancies improved the most for the three categories highlighted during the 2023 session for having high vacancies across all units of the department: office staff; administrative staff; and administrators. In those three categories, DPSCS added a total of 115.6 filled positions and lowered vacancy rates from 29% to 10%.
- Vacancies decreased in 13 of 18 subprograms. **Exhibit 9** lists the programs in this division with their corresponding vacancy rates. While DPSCS improved overall hiring, particularly for ITCD, high vacancies remain within DCCFM. Vacancies did decrease by 3 for DCCFM, but that subprogram still lags behind the rest of the units with regard to filling vacancies. The vacancy rate for the Substance Abuse Services subprogram increased from 25% to 40% because 1 vacancy was transferred into the program and has not yet been filled. Vacancies across DSO as a whole were stable from January to December 2023. DSO vacancies are longer-standing than Office of the Secretary vacancies, with 51% being vacant for over one year.

Exhibit 9
Administrative Unit Vacancies by Length of Vacancies in Months
December 2023

	<u>0-3</u>	<u>4-6</u>	<u>6-9</u>	<u>9-12</u>	<u>12+</u>	<u>Total</u>	Vacancy Rate
Office of the Secretary							
General Administration	10	1			9	20	20%
ITCD Technical and Administrative Support	1					1	6%
ITCD Criminal Justice Information Systems	5	1	1	1	3	11	7%
Intelligence and Investigative Division	4	1				5	7%
Investigation and Administration	2	2		1	2	7	16%
Warrant Apprehension Unit					1	1	3%
Capital Construction					9	9	45%
Administrative Services	14	9		1	7	31	9%
Total Office of the Secretary	36	14	1	3	31	85	11%
Deputy Secretary of Operations							
Administrative Services		1				1	7%
Medical						0	0%
Administration	2	1			5	8	20%
Substance Abuse Services	1				1	2	40%
Security Operations	1				3	4	15%
Canine Unit			1	3	3	7	18%
Central Transportation Unit	1	1	10	4	12	28	21%
Central Home Detention Unit		1	2	2	8	13	22%
Total Deputy Secretary of Operations	5	4	13	9	32	63	18%

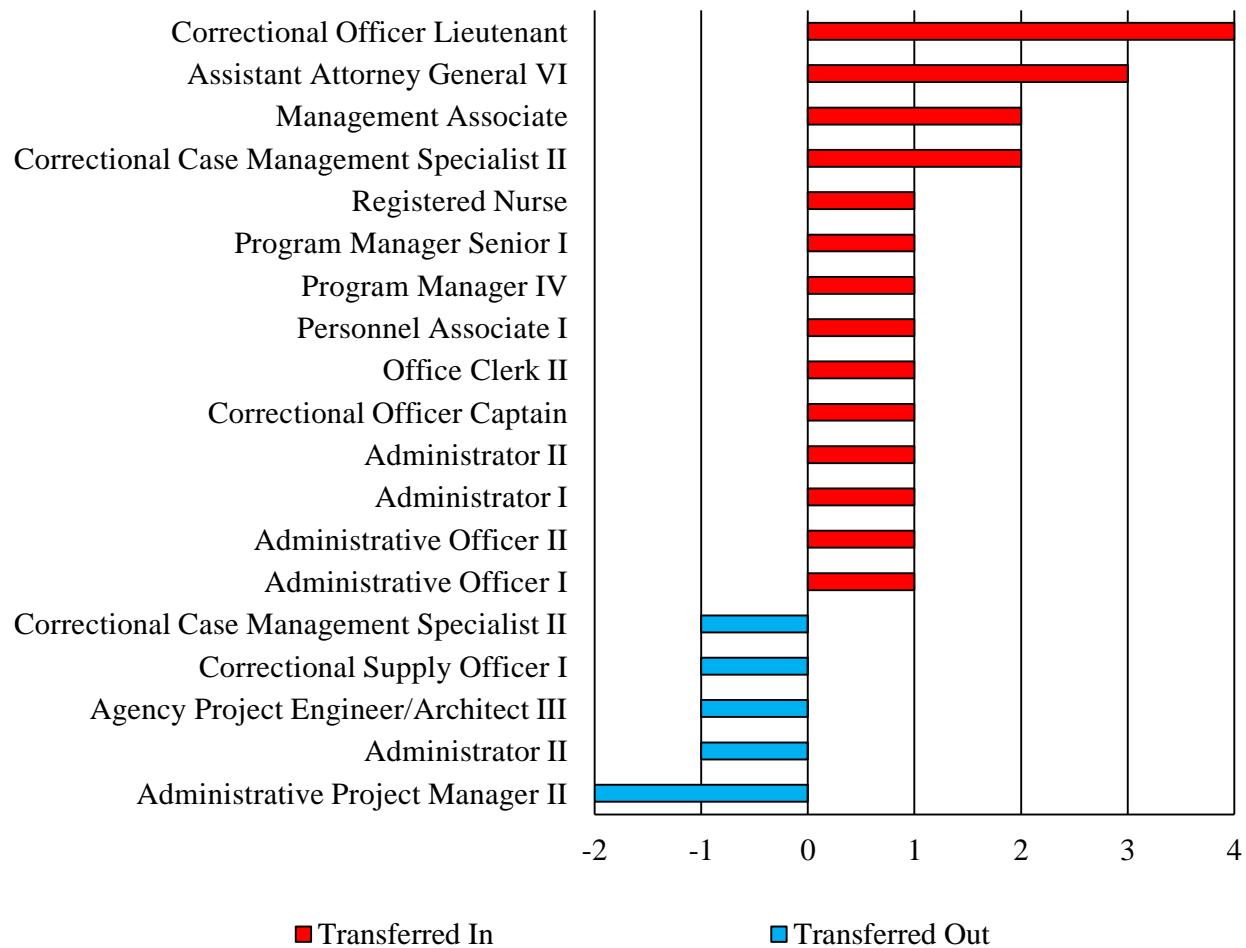
ITCD: Information Technology and Communications Division

Source: Department of Legislative Services

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- DPSCS Administration and Offices has a lower vacancy rate currently than the custodial functions of DOC and DPDS. However, administrative vacancies are higher within those custodial functions than custodial vacancies. As such, the administrative staff that support facilities, especially correctional supply, dietary, and maintenance officers, are still in need of hiring attention.

- DPSCS Administration and Offices added 21 positions from various State programs and transferred 6 positions to other State programs, as shown in **Exhibit 10**. Of the 6 external transfers, 4 were transferred to other units of DPSCS, while 2 were transferred out of the department to the new GOC. The associated funding changes are highlighted in the Governor's proposed budget change section.

Exhibit 10
Change in Position Allowance by Classification
Fiscal 2024-2025



Source: Governor's Fiscal 2025 Budget Books

Issues

1. Electronic Patient Health Record and Computerized Criminal History Projects are Behind Schedule

For several years, ITCD within the Office of the Secretary has administered six major IT projects. Each project is key to enhancing the overall work of the department and meeting legal and audit requirements. Each project experienced delays, but ITCD has successfully closed out three projects: MAFIS, ERP, and DRONE. Of the three projects remaining, the LMSR project is moving forward with a contract approved by the BPW on October 4, 2023. The two remaining projects, CCH and EPHR, remain behind schedule in the procurement phase and should be prioritized to avoid legal judgements against the State and improve the experience of staff, incarcerated individuals, and external users.

Electronic Patient Health Record Status

Since calendar 2005, the department has relied on this proprietary electronic health records system to track and document critical medical information for managing the health care provided to offenders in the department's correctional facilities. The current system has inefficiencies and issues with connections to external information systems. The health record is partly subject of the *Duvall* consent decree to improve conditions at the pretrial facilities in Baltimore City. The consent decree expired in December 2023, meaning DPSCS is open to new liabilities.

A contract to replace the EPHR system was previously approved for Fusion, LLC in October 2020, but the vendor failed to meet several contractual obligations, and the contract was terminated in May 2022.

The department is still working to finalize and release the solicitation for the system replacement. However, since there are legal requirements set out in *Duvall*, DPSCS is actively working with NextGen Healthcare, Inc. to enhance the legacy application to implement process and system improvements, training, and enhanced reporting. This two-year contract extension was approved at the existing expense rate in June 2022 for \$2.7 million. The department expects to release the revised contract solicitation by June 30, 2024. DPSCS will require additional funding for the MITDP but will not know the amount until procurement is underway. An additional year of contract support may need to be secured for fiscal 2025. Funding for EPHR legacy system maintenance continues in fiscal 2025 at current spending rates.

Computerized Criminal History Status

CCH was previously solicited as an on-premises solution. During the procurement process for the criminal history system, DPSCS amended the solicitation to a cloud-based solution. This caused two vendors to be disqualified, while another withdrew its application. The sole remaining vendor was awarded the contract and was placed on the BPW agenda for approval in November 2021. However, the department withdrew the contract prior to it being approved. The

department decided that it was in the best interest of the State to restart the procurement process so that vendor participation could increase. The new solicitation was released in the first quarter of fiscal 2023 following a review by DoIT. DPSCS provided testimony in the 2023 session that a package would be ready for BPW approval by June 30, 2023. However, this date was not met, and no contract has been awarded as of the time of writing this analysis.

Estimation of Need

Both projects are pressing needs for the department. DPSCS's ability to track, analyze, and report on patient data is hindered by the interaction of physical paper-based recordkeeping processes and electronic systems. The current systems lack efficiency of input, speed of output, consistency of information, and retroactive accessibility. Not only are DPSCS employees facing these issues, but the currently and formerly incarcerated individuals that require access to their medical records and criminal histories are faced with long, drawn-out processes to obtain their information. Furthermore, connections between DPSCS systems and external systems are very limited but would be improved upon the implementation of the EPHR and CCH projects. The ability to quickly access patient and criminal history information would cut down on the amount of employee time spent searching through current records.

Health record inadequacies are still one of the subjects of the *Duvall* settlement agreement that expired on December 22, 2023, without DPSCS reaching substantial compliance. Health-related provisions were added to this consent decree by at least calendar 1994, and the current consent decree requires compliance with the several health record provisions. DPSCS is still noncompliant with several health record provisions and health-related provisions in general. DPSCS has reached partial and substantial compliance with some provisions related to health records. However, compliance for several provisions was downgraded, including for logs documenting approval request dates, utilization management action dates, outcome details, and referral purposes. This downgrading of compliance brings concerns that the solutions used were not sustainable for long-term compliance.

Future Information Technology Development

EPHR seeks to improve the ability of the department to reach compliance in each category and maintain compliance so long as there is proper training and oversight of staff. It may also have downstream improvements on other health-related provisions, such as timely appointments, follow-up, and treatment planning. Additionally, the funded legacy system improvements underway should begin to bridge the gap by implementing new templates and workflows, providing remedial education to eliminate discrepancies in patient care and ensure adherence to the proper protocols. The legacy improvements are also expected to increase intersystem operability with the Offender Case Management System and incorporate additional data points into reporting capabilities. Finally, the legacy improvements will develop an Electronic Medication Administration Records system to overhaul the current system that is noncompliant with *Duvall*.

2. DPSCS Found to Have Violated Public Information Law Six Times

The General Assembly approved additional powers for the Maryland PIA Compliance Board beginning in July 2022 to rule on whether an agency has unlawfully denied inspection of a public record or failed to respond to a request within established time limits. Since these new powers were established, a total of six complaints have been made against DPSCS: three complaints of improper denial of records; and three complaints of failure to respond in the required timeframe. These results are compiled in **Exhibit 11**.

Exhibit 11
PIA Compliance Board Complaints Against DPSCS
Fiscal 2023-2024

<u>Date Filed</u>	<u>Issue</u>	<u>Data Requested</u>	<u>Decision Date</u>	<u>Processing Fee</u>
6/28/2023	Denial	Results of ADA audits for JCI	10/6/2023	Upeld
10/6/2023	Failure to Respond	Deidentified database of deaths by suicide	11/15/2023	Waived
4/12/2023	Denial	Various media documenting contraband recoveries	6/30/2023	Upeld
4/12/2023	Denial	Procedures related to employee affiliation with gangs, white supremacy, and domestic extremism	6/30/2023	Upeld
5/24/2023	Failure to Respond	A copy of MCCS correctional standards	6/30/2023	Waived
8/2/2023	Failure to Respond	County of destination for DPSCS releasees by county of offense	9/6/2023	Waived

ADA: Americans with Disabilities Act

DPSCS: Department of Public Safety and Correctional Services

JCI: Jessup Correctional Institution

MCCS: Maryland Commission on Correctional Standards

PIA: Public Information Act

Source: Maryland Public Information Act Compliance Board, Office of the Attorney General

The six complaints were for six unique situations filed by five individuals. Of the six complaints, only one complainant received their requested information. All other complaints resulted in a ruling by the compliance board that DPSCS must provide the requested materials except for one, in which not enough information was available to make the determination that the data should be released. In three of the rulings, DPSCS was required to waive any fees associated

with responding to the request. The marginal cost of performing a PIA request on an agency can range from zero to a few thousand dollars depending on the amount of staff time required.

DPSCS Is the Most Complained-against State Agency

In other complaints heard since July 2022, the Maryland PIA Compliance Board found that the Office of the Chief Medical Examiner did not violate the PIA, the Maryland Institute for Emergency Medical Services Systems did not violate the PIA, and a complaint made against the Maryland 529 Program was moot.

The only State agency that the compliance board found had violated the PIA other than DPSCS was the Maryland Department of the Environment. Two other complaints are currently pending against State agencies: the Maryland Department of Human Services; and the University of Maryland, College Park.

DPSCS Was Nonresponsive to Five Complaints

Furthermore, DPSCS failed to respond to the compliance board as well as to the complainants. In fact, communication was so lacking that the compliance board requested acknowledgement be provided via email that DPSCS received board communications on three separate occasions for one case. DPSCS did not provide those acknowledgement emails.

It is concerning that DPSCS is the sole State agency to have multiple complaints heard by the Maryland PIA Compliance Board since additional powers were established. It is more concerning, however, that DPSCS was found to have violated the PIA in each of these cases. Members of the public should not have to file official complaints against DPSCS so often when seeking information, particularly when no effort is made to respond to the request.

DPSCS should provide information to the committees on efforts to increase transparency, train records custodians to correctly identify PIA exemptions, and avoid complaints being brought to the Maryland PIA Compliance Board.

DLS recommends adding budget bill language restricting \$100,000 in general funds pending a written plan to comply with the PIA.

3. Private Home Detention Monitoring Agencies May Be Underregulated

In response to language restricting funds in the fiscal 2024 budget, DPSCS submitted a report on August 10, 2023, regarding Private Home Detention Monitoring Agencies' (PHDMA) regulations. Upon review, DLS determined that the report was in compliance with the budget language and therefore recommended the \$100,000 in withheld general funds be released. The budget committees subsequently agreed to release the funds. The report indicates that new legislation may be appropriate for this policy area with consideration for the best regulatory agency, regulatory incentive structure, and general oversight.

Background

Currently, there are six PHDMAs located in Baltimore City and Baltimore, Frederick, Howard, and Prince George's counties that offer supervision services to defendants. These private companies provide electronic monitoring services for individuals under pretrial release who are tracked with ankle monitors. MCCS is charged with licensing PHDMAs under § 20-401 of the Business Occupations and Professions Article. MCCS established the associated regulatory framework in the Code of Maryland Regulations 12.11.10 that governs the licensing of PHDMAs.

Standards range from timely reporting of noncompliance instances to provisions for emergency situations such as power outages or equipment malfunctions. While MCCS monitors the agencies' reported activities, they do not directly oversee operations and only perform audits every two years. There have been multiple instances noted by DPSCS and the Judiciary of PHDMAs failing to notify the sentencing authority of absconding or violations of conditions of release in a timely manner. However, in those instances, there are limited options for recourse short of revoking the PHDMA license.

Comparison to Federal Regulations

In the federal system, electronic location monitoring can be used as a supervision tool but is not performed by private companies unless in a Residential Reentry Center (RRC), also known as a halfway house. Federal agents directly monitor the court's terms of supervision and are notified when an individual moves into or out of approved or prohibited areas, or if the device is tampered with or removed. In Maryland, DPSCS agents are not assigned to these supervisees and are not notified when a PHDMA supervisee violates conditions of release. RRCs are monitored by the Federal Bureau of Prisons (BOP) in a similar manner to the way PHDMAs are monitored in Maryland. However, there are more frequent audits, and the licensing framework was not established by BOP but is outlined in the Federal Acquisition Regulations. Importantly, RRCs are funded by the federal government despite being contractually operated. This provides a strong monetary tool to encourage compliance with the required standards. In Maryland, PHDMAs are funded by the fees that they are authorized to collect from supervisees. Therefore, there is little leverage to encourage compliance short of license revocation.

Future Steps

DPSCS recommended in their report that changes be considered to the existing framework to improve oversight. They pointed out that there may be a conflict of interest in having the same agency set standards, audit them, and determine penalties. DPSCS suggested the Maryland Insurance Administration (MIA) as a possible regulator, although it is not clear if the agency is better equipped than MCCS to regulate PHDMAs.

Oversight could be improved by establishing a system of graduated sanctions in the cases where PHDMAs fail to meet their obligations. In the state of Washington, for instance, a private monitoring agency that fails to comply with any legal requirements may be subject to a \$1,000 civil

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penalty per instance in addition to contractual penalties. This type of system may encourage oversight by progressively allowing for graduated and more targeted responses to noncompliance. Finally, it should be noted that the Workgroup on Home Detention Monitoring was established by statute in the 2021 session, but the workgroup was never fully appointed and did not hold any meetings. Legislation introduced to reconstitute the workgroup failed to pass during the 2023 session.

Operating Budget Recommended Actions

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

, provided that \$100,000 of this appropriation made for the purpose of general administration may not be expended until the Department of Public Safety and Correctional Services submits a written plan to comply with the Public Information Act (PIA). The written plan shall include a recent history of actions taken to resolve cases brought before the Maryland PIA Compliance Board. The written plan shall include detailed descriptions of objectives that will bring the department into compliance with the PIA. The written plan shall include objectives that address training and education of staff, systemic sources of nonresponding to requests or wrongful denial of records, regulatory changes needed, ways that the department can proactively share information with the public to preempt the need for a PIA request, and other challenges to complying with the law. The written plan shall be submitted to the budget committees no later than July 1, 2024. The budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: The PIA allows citizens to access public records that pose no public interest to withhold. The Maryland PIA Compliance Board was first established in calendar 2015 to decide on unreasonable fees but was expanded effective July 1, 2022, to now resolve and review complaints that a custodian wrongfully denied inspection of public records; a custodian charged an unreasonable fee higher than \$350 for public records; a custodian failed to respond to a request for public records; and/or a PIA applicant's request is "frivolous, vexatious, or in bad faith." This board only hears cases that were first mediated through the Public Access Ombudsman process but remained unresolved. The Department of Public Safety and Correctional Services (DPSCS) is the only State agency to have multiple cases of nonresponding to requests and wrongful denial of records. Since the expansion of the board, DPSCS has been ruled against in all six cases decided so far with rulings in three cases to waive fees. The budget committees are concerned with the lack of transparency and that citizens must go to such great lengths to obtain information that belongs to the public. This action requires a written plan to comply with the PIA, including plans to train and educate staff with regard to the law, plans to prevent future cases from being brought before the Maryland PIA Compliance Board, and plans to ensure appropriate records are reviewable.

Information Request	Author	Due Date
Written plan for PIA compliance	DPSCS	July 1, 2024

2. Adopt the following narrative:

Justice Reinvestment Act (JRA) Report: The committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by December 1, 2024, on the following items:

- annual updates on the number of offenders petitioning and approved for the JRA provisions including, but not limited to, administrative release, medical/geriatric parole, certificates of rehabilitation, and graduated sanctions;
- the number of offenders affected by the JRA 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, 2024

3. Adopt the following narrative:

Report on Recidivism: The committees are interested in the impact of incarceration on the future outcomes of returning offenders. The committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by November 15, 2024, on the following:

- three-year recidivism numbers for the fiscal 2016 through 2021 release cohorts; and
- an analysis of recent recidivism trends, including a comparison to past years and a comparison to other states.

Information Request	Author	Due Date
Recidivism report	DPSCS	November 15, 2024

4. Adopt the following narrative:

Correctional Program Participation Measures: The budget committees are concerned that there is little information available to track the participation of offenders in the various programs, services, and opportunities available to them. The availability of programs and services was reduced during the COVID-19 pandemic, and there was little opportunity for the budget committees to review the effect this had on offender rehabilitative efforts. The

budget committees request that the Department of Public Safety and Correctional Services (DPSCS) add data tables to the department's annual Managing for Results submission starting with the fiscal 2026 allowance that provide annual counts of programming participants by primary assignment and facility; counts of participants by secondary, tertiary, or subsequent programming assignments by facility; and annual counts of nonparticipants by facility.

Information Request	Author	Due Date
Correctional program participation measures	DPSCS	With the submission of the fiscal 2026 allowance and annually thereafter

5. Adopt the following narrative:

Medical Contract Award Notification: The budget committees are concerned about the ongoing efforts to procure new medical and mental health care contracts for the separate incarcerated and pretrial populations in Department of Public Safety and Correctional Services (DPSCS) custody. The incumbent medical contract has had several issues before, during, and following the COVID-19 emergency period. The budget committees request that DPSCS submit a report notifying the budget committees at least 14 days prior to presenting a contract to the Board of Public Works (BPW) for correctional or pretrial medical and mental health services.

Information Request	Author	Due Date
Correctional medical and mental health care contract award notification	DPSCS	14 days prior to BPW presentation of the correctional medical contract.
Pretrial medical and mental health care contract award notification	DPSCS	14 days prior to BPW presentation of the pretrial medical contract.

Appendix 1 **2023 Joint Chairmen's Report Responses from Agency**

The 2023 JCR requested that DPSCS Administration and Offices prepare six reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- **PHDMA Regulations:** DPSCS recommended in their report that changes be considered to the existing framework to improve oversight. It is unclear whether MIA is better equipped than MCCS to be the regulatory body for PHDMAs in Maryland, although DPSCS suggested that may be the case. The department pointed out that there may be a conflict of interest in having the same agency set standards, audit them, and determine penalties. For more information, see Issue 3 of this analysis.
- **Recidivism:** As of the time of writing this analysis, DPSCS had not submitted the report. An extension of one month was requested and granted in November. The December deadline was not met, and DPSCS did not request another extension.
- **Contraband:** Suboxone is still the highest source of contraband and grew each year from fiscal 2021 to 2023. Mailroom system renovations were funded in fiscal 2024 to open, scan, print, sort, and deliver incoming mail so that the physical copies could not be used to bring in suboxone. These renovations have not yet rolled out, as DPSCS is developing the new regulations to allow it to happen and reported that they are working with advocates. Knife weapons finds decreased but are still higher than fiscal 2018 levels. Other forms of contraband are not quite as high as fiscal 2018 levels, although tobacco is growing as a concern. DPSCS increased the hours of the IID Watch Center, which monitors incidents involving DPSCS employees, offenders, or physical assets, to 24/7. The Watch Center now also supports the new drone detection system. DPSCS also expressed intention of resubmitting (with changes) a departmental bill to prevent drones from flying over their facilities. This is not in direct response to but is illustrated by the recent indictment and guilty pleading of 15 individuals in a criminal conspiracy that involved drones dropping contraband on to facility grounds.
- **MITDP:** DPSCS provided updates on the six projects in process of completion. The department successfully closed out three projects, the MAFIS replacement, the ERP project, and DRONE. A fourth project, LMSR, was awarded a contract for development and implementation. Of the remaining projects, CCH and EPHR are critical data infrastructure replacement projects that have seen several years of delays, issues, and replanning. For more information, see Issue 1 of this analysis.
- **Medication Assisted Treatment:** As required by Chapter 532 of 2019, DPSCS has established a pilot program for DPDS in Baltimore City. The department offers continuation services for each major opioid use disorder treatment medication. However, only methadone is initiated for new patients. A new medical contract for DPDS is being solicited and will require expansion of the program into the remaining DPDS facilities. Additionally, the do-not-exceed limit on the pharmacy contract for these medications may soon require extension.

Appendix 2
Computerized Criminal History
Major Information Technology Development Project
Department of Public Safety and Correctional Services

See Issue 1 of this analysis for more information.

New/Ongoing: Ongoing								
Start Date: July 31, 2018				Est. Completion Date: 01/31/2028				
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2024	2025	2026	2027	2028	Remainder	Total
GF	\$9.101	\$5.000	\$0.672	\$3.142	\$1.530	\$0.000	\$0.000	\$19.445
FF	0.562	0.000	0.000	0.000	0.000	0.000	0.000	0.562
Total	\$9.664	\$5.000	\$0.672	\$3.142	\$1.530	\$0.000	\$0.000	\$20.007

- **Project Summary:** DPSCS is in the process of replacing the obsolete CCH 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. Currently, staff are forced to perform many manual work-around procedures, because the mainframe cannot handle the existing demand. These inefficient temporary fixes ultimately cause delays in communication with external databases. This project will include the improvement of current, automated applications, and conversion of manual processes over to automated systems. The enhancements will result in better tools for DPSCS to aid in information-sharing, identification of offenders, and elimination of manual/ duplication processes, and shorter turn-around times.
- **Need:** The current system was implemented in calendar 1978 and is obsolete. The existing mainframe cannot handle demand requiring inefficient temporary fixes to continue operational use.
- **Milestones:** The preplanning and increment planning stages of the project have been completed. Deliverables regarding the project charter and solutions roadmap as well as functional requirements have been submitted. A request for proposals (RFP) was released

in fiscal 2019, but several vendors withdrew or were disqualified when the project was amended to be a cloud-based solution. The award recommendation was rescinded, and the revised RFP designed to increase vendor participation was released in the first quarter of fiscal 2023 with an anticipated award in the third quarter of fiscal 2023. Project delays led to the lapsing and replacement with general funds of \$2.3 million in federal grants.

- ***Changes:*** The anticipated award date is no longer in fiscal 2023, but in the third quarter of fiscal 2024. The estimated completion date for final implementation has been extended by two years.
- ***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 3
Electronic Patient Health Record
Major Information Technology Development Project
Department of Public Safety and Correctional Services

See Issue 1 of this analysis for more information.

New/Ongoing: Ongoing								
Start Date: 07/31/2018			Est. Completion Date: 06/30/2027					
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2024	2025	2026	2027	2028	Remainder	Total
GF	\$18.744	\$0.000	\$0.050	\$0.000	\$2.825	\$0.000	\$0.000	\$21.619
Total	\$18.744	\$0.000	\$0.050	\$0.000	\$2.825	\$0.000	\$0.000	\$21.619

- **Project Summary:** DPSCS is in the process of replacing the outdated EPHR with a new and more robust system to address the needs of the department. DPSCS seeks commercial off-the-shelf ambulatory EPHR that provides the facility for an automated system with a scheduling system that interfaces with internal systems and external vendors. The new cloud-based system must comply with legal requirements, as outlined in the *Duvall* 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*, 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 preplanning phase for the new solicitation was completed in January 2019. The RFP closed on March 6, 2020. The COVID-19 pandemic caused the project to experience limited access to the State hospitals thus leading to delays in some remaining infrastructure upgrades. An award was made on November 1, 2020, in the amount of \$31.2 million over seven years to Fusion Capital Management, LLC. However, the vendor failed to meet several contractual obligations during its work, and a notice of default was submitted, terminating the contract on May 24, 2022. The department plans to resolicit the project in the fourth quarter of fiscal 2024 as it works on other MITDPs. A program manager is assigned to the project.

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- **Changes:** The project has been rebaselined. While the completion date was intended to be January 2023 prior to uncovering the contract deficiencies, now, the project is scheduled for completion of final implementation in June 2027.
- **Concerns:** The project risks not completing deliverables related to functional requirements on time. This is due to process complexity and clarity around intra-agency workflows, both of which could impact development and/or configuration activities. The previous vendor failed to meet contractual obligations, resulting in a four-year delay.

Appendix 4
Learning Management System Replacement Project
Major Information Technology Development Project
Project Police and Correctional Training Commissions

New/Ongoing: Ongoing								
Start Date: 01/01/2020				Est. Completion Date: 11/30/2025				
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2024	2025	2026	2027	2028	Remainder	Total
SF	\$2.000	\$0.050	\$0.450	\$0.211	\$0.000	\$0.000	\$0.000	\$2.711
Total	\$2.000	\$0.050	\$0.450	\$0.211	\$0.000	\$0.000	\$0.000	\$2.711

- **Project Summary:** Police and Correctional Training Commissions 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 professionals' 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 professionals' 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 25 years. The current system lacks the ability to track relevant data points of interest and produce essential reports.
- **Observations and Milestones:** Solution preplanning was completed in October 2020, and roadmap planning began in February 2021. The project developed and subsequently issued an RFP to acquire a Learning Management System solution in the third quarter of fiscal 2021. The evaluation team completed the oral presentation of the bids received in the fourth quarter of fiscal 2021 but failed to make an award recommendation due to a vendor protest lodged with the Board of Contract Appeals. The solicitation was canceled, and a new RFP is planned for release in the third quarter of fiscal 2023.
- **Changes:** BPW approved a contract on October 4, 2023. The project totals \$5.8 million over 10 years, with Benchmark Solutions, LLC, a company with nearly 30 years of experience. The Maryland Police Training and Standards Commission Fund has substantial balance to support these costs. The final implementation deadline estimate was extended by one year.

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- ***Other Comments:*** The estimated costs provided by DBM in the Appendix N of the Governor’s Fiscal 2025 Budget Books does not match the amount needed according to the BPW agenda item approved on October 4, 2023. The contract is more costly than shown in the budget books and should be corrected to reflect actual project expenses.

Appendix 5
Object/Fund Difference Report
DPSCS – Administration and Offices

<u>Object/Fund</u>	<u>FY 23 Actual</u>	<u>FY 24 Working Appropriation</u>	<u>FY 25 Allowance</u>	<u>FY 24 - FY 25 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,137.00	1,157.00	1,172.00	15.00	1.3%
02 Contractual	82.55	142.36	143.88	1.52	1.1%
Total Positions	1,219.55	1,299.36	1,315.88	16.52	1.3%
Objects					
01 Salaries and Wages	\$ 121,857,597	\$ 128,585,953	\$ 137,662,636	\$ 9,076,683	7.1%
02 Technical and Special Fees	5,065,529	5,815,798	6,034,115	218,317	3.8%
03 Communication	2,827,095	2,179,513	2,831,578	652,065	29.9%
04 Travel	223,376	246,833	225,394	-21,439	-8.7%
06 Fuel and Utilities	254,715	307,508	254,430	-53,078	-17.3%
07 Motor Vehicles	3,327,199	2,332,861	2,266,934	-65,927	-2.8%
08 Contractual Services	43,464,049	47,197,300	49,832,084	2,634,784	5.6%
09 Supplies and Materials	2,213,413	1,659,550	1,514,845	-144,705	-8.7%
10 Equipment – Replacement	4,508,753	4,036,476	4,255,386	218,910	5.4%
11 Equipment – Additional	4,193,312	985,063	217,940	-767,123	-77.9%
12 Grants, Subsidies, and Contributions	11,436,253	2,700,500	2,772,009	71,509	2.6%
13 Fixed Charges	3,150,142	3,274,091	3,664,721	390,630	11.9%
14 Land and Structures	847,349	0	0	0	0.0%
Total Objects	\$ 203,368,782	\$ 199,321,446	\$ 211,532,072	\$ 12,210,626	6.1%
Funds					
01 General Fund	\$ 180,691,730	\$ 183,990,099	\$ 197,536,448	\$ 13,546,349	7.4%
03 Special Fund	14,867,089	12,881,346	11,586,478	-1,294,868	-10.1%
05 Federal Fund	2,806,283	1,448,016	977,618	-470,398	-32.5%
09 Reimbursable Fund	5,003,680	1,001,985	1,431,528	429,543	42.9%
Total Funds	\$ 203,368,782	\$ 199,321,446	\$ 211,532,072	\$ 12,210,626	6.1%

Note: The fiscal 2024 appropriation does not include deficiencies. The fiscal 2025 allowance does not include statewide salary adjustments budgeted within the Department of Budget and Management.

Appendix 6
Fiscal Summary
DPSCS – Administration and Offices

<u>Program/Unit</u>	<u>FY 23 Actual</u>	<u>FY 24 Wrk Approp</u>	<u>FY 25 Allowance</u>	<u>Change</u>	<u>FY 24-FY 25 % Change</u>
01 General Administration	\$ 24,880,080	\$ 18,952,670	\$ 20,307,075	\$ 1,354,405	7.1%
02 Information Technology and Communications	50,370,393	49,424,244	51,765,001	2,340,757	4.7%
03 Intelligence and Investigative Division	22,869,477	23,826,269	24,240,715	414,446	1.7%
06 Div. of Cap. Construction and Facilities Maint.	5,243,859	4,392,056	4,181,816	-210,240	-4.8%
07 Major Information Technology Development	3,881,930	619,750	450,000	-169,750	-27.4%
10 Administrative Services	38,265,692	46,208,452	50,141,430	3,932,978	8.5%
01 General Administration	9,209,680	8,931,193	9,967,637	1,036,444	11.6%
03 Programs and Services	6,634,220	9,512,999	9,931,122	418,123	4.4%
04 Security Operations	31,025,783	26,961,834	28,870,483	1,908,649	7.1%
05 Central Home Detention Unit	9,692,663	9,113,463	10,222,576	1,109,113	12.2%
01 General Administration	858,012	874,281	916,878	42,597	4.9%
01 General Administration	436,993	504,235	537,339	33,104	6.6%
Total Expenditures	\$ 203,368,782	\$ 199,321,446	\$ 211,532,072	\$ 12,210,626	6.1%
General Fund	\$ 180,691,730	\$ 183,990,099	\$ 197,536,448	\$ 13,546,349	7.4%
Special Fund	14,867,089	12,881,346	11,586,478	-1,294,868	-10.1%
Federal Fund	2,806,283	1,448,016	977,618	-470,398	-32.5%
Total Appropriations	\$ 198,365,102	\$ 198,319,461	\$ 210,100,544	\$ 11,781,083	5.9%
Reimbursable Fund	\$ 5,003,680	\$ 1,001,985	\$ 1,431,528	\$ 429,543	42.9%
Total Funds	\$ 203,368,782	\$ 199,321,446	\$ 211,532,072	\$ 12,210,626	6.1%

Note: The fiscal 2024 appropriation does not include deficiencies. The fiscal 2025 allowance does not include statewide salary adjustments budgeted within the Department of Budget and Management.