

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 821 (Senator DeGrange)  
Judicial Proceedings

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**Public Safety - Internal Investigative Unit - Transferred**

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This bill transfers the Internal Investigative Unit (IIU) from the Department of Public Safety and Correctional Services (DPSCS) to the Department of State Police (DSP).

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**Fiscal Summary**

**State Effect:** Overall State general fund expenditures for IIU would remain relatively unchanged. \$1.47 million of the FY 2007 budget allowance would transfer from DPSCS to DSP, beginning October 1, 2006. Oversight, administration, and management of the unit would be handled for the remainder of FY 2007, and in future years, with the existing budgeted resources of DSP.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 393 of 1999 established IIU as a separate agency within DPSCS. IIU's investigators were provided with the same authority, including arrest powers, as police officers on departmental property and, under certain circumstances, off-site. Chapter 393 also included investigators of IIU with other law enforcement officers under provisions relating to the transmission of contagious diseases or viruses. The Act granted all civil immunities to an IIU investigator as would apply to a State Police officer. IIU must make specified advanced notifications to other law enforcement agencies when conducting authorized investigations or enforcement actions in other agencies' jurisdictions.

Chapter 479 of 2005 requires the State Police to investigate the death of an inmate suspected to be a homicide that occurs while the inmate is in the custody of the Division of Correction (DOC) whether inside or outside of a correctional facility. A State trooper is authorized to act within the limits of a municipal corporation that maintains a police force when conducting such an investigation.

**Background:** In July 1985, an investigative unit was formed within DPSCS and was comprised of the Maryland State Police, then a part of DPSCS, and correctional officers of DOC. Investigators in this unit conducted criminal and misconduct investigations. Correctional officers in the unit were sent to entrance level police academies and certified as police officers. When the Maryland State Police became a separate State department in July 1996, the unit consisted of only DOC investigators. Chapter 393 of 1999 established IIU within DPSCS as a new law enforcement agency in the State.

The IIU currently consists of 20 full-time positions: 1 supervisor (holding the rank of Major), 1 Captain, 1 Lieutenant, 14 investigators, 2 office secretaries, and 1 fiscal clerk. In addition, the unit has 8.93 full-time equivalent (FTE) contractual positions.

**State Fiscal Effect:** This bill does not specifically provide for the transfer of personnel, records, files, furniture, fixtures, assets, liabilities, obligations (including pension costs), unexpended appropriations, or any other duties and responsibilities. It is assumed that all IIU personnel would remain in the Correctional Officers' Retirement System. IIU would remain in its current location.

Under this bill, assuming that all personnel, equipment, and materials would transfer from DPSCS to DSP, overall general fund expenditures would remain unchanged. All costs, including all permanent personnel, contractual personnel, fringe benefits, and other ongoing operating expenses would transfer from DPSCS to DSP. The fiscal 2007 budget allowance for this unit in DPSCS is \$1,965,452. Taking into account the bill's October 1, 2006 effective date, this bill would transfer \$1,474,089 in general funds from DPSCS to DSP and is detailed as follows:

Salaries and Fringe Benefits – Permanent	\$951,499
Salaries and Fringe Benefits – Contractual	214,323
Motor Vehicle Operations	129,008
Fixed Charges (including rent)	101,459
Other Operating Expenses	<u>77,800</u>
<b>FY 2007 State General Fund Expenditures Transferring from DPSCS to DSP</b>	<b>\$1,474,089</b>

Future year expenditures would reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover, and full salaries with 4.6% annual increases and 6.8% employee turnover for any continuing contractual employees; and (2) 1% annual increases in ongoing operating expenses. Vehicle replacement costs can occur every three to four years.

DPSCS notes that this transfer would mean that some unidentified equipment expenditures totaling \$30,502 would not be made in fiscal 2007.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1542 (Delegate Cadden) – Rules and Executive Nominations.

**Information Source(s):** Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2006  
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