

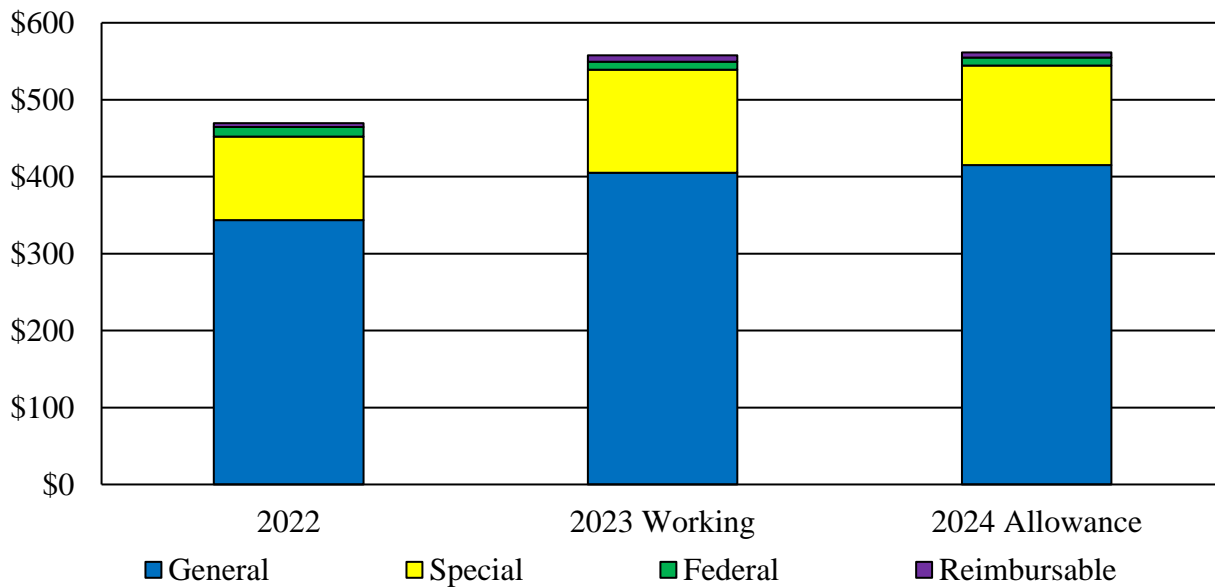
W00A
Department of State Police

Executive Summary

The Department of State Police (DSP) is a full-service law enforcement agency serving the entire State with a primary directive of reducing crime and highway tragedies through statewide patrol and enforcement of criminal and traffic laws. The department also includes the Vehicle Theft Prevention Council, the Fire Prevention Commission, and the Office of the State Fire Marshal (OSFM).

Operating Budget Summary

**Fiscal 2024 Budget Increases \$3.8 Million, or 0.7%, to \$561.5 Million
(\$ in Millions)**



Note: The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

- Though growth is modest between the working appropriation and fiscal 2024 allowance, between fiscal 2022 and 2023, the department’s budget increased 18.7%. DSP’s general fund and special fund amounts grew by \$61.5 million (17.9%) and \$25.5 million (23.5%), respectively. These changes are largely attributable to salary enhancements and the addition of positions provided through deficiency appropriations.

For further information contact: Madelyn C. Miller

Madelyn.Miller@mlis.state.md.us

Key Observations

- ***Traffic Fatalities Decreased, but the Number of Impairment-related Fatal Collisions Increased:*** Traffic fatalities decreased as total vehicle miles traveled (VMT) increased in connection with recovery from the COVID-19 pandemic. This suggests that travel is becoming safer. However, the rate of impairment-related fatal collisions per 100 million VMT continued to grow in 2021, which suggests that drivers are continuing to engage in riskier behaviors than prior to the pandemic.
- ***Uniform Crime Report (UCR) Not Yet Submitted; 62 of 129 Contributors Are Not National Incident Based Reporting System (NIBRS) Compliant:*** Nearly half of the data contributors in Maryland are not yet compliant with the Federal Bureau of Investigation’s (FBI) current crime reporting system. To collect information from noncompliant contributors, DSP developed a dashboard tool for contributors to manually input their records. DSP reports that the 2021 UCR, expected in mid-March, will be published in two sections – one using the previous reporting methodology and the other using NIBRS. This will allow published data to be comparable to previous years as well as to the new national datasets.
- ***Civilian Vacancies Rise While Sworn Vacancies Fall:*** Between fiscal 2017 and 2022, the department operated with an average of 10.4% of its sworn and civilian positions vacant. While the vacancy rate for sworn positions decreased to 9.2% in fiscal 2022 and is estimated to fall to 8.8% in fiscal 2023, vacancies among civilian positions continue to rise, reaching 16.5% in fiscal 2022 and 20.0% in fiscal 2023. The department’s diversity indicators suggest that the civilian employee population is more diverse than the sworn employee population.
- ***Licensing Division Caseloads Rise:*** Over 85,000 applications were received in calendar 2022 for handgun permits, a 600% increase compared with 2021. The increase is attributable to a recent Supreme Court decision. The division receives 22 positions in a fiscal 2023 deficiency to handle the increased caseload and reduce the division’s overtime usage. The division has not been able to fill all its vacancies in fiscal 2023.

Operating Budget Recommended Actions

1. Adopt committee narrative requesting an update on implementation of the Workforce Diversity Action Plan.
2. Add a section restricting funds pending the submission of the 2022 Uniform Crime Report.

W00A
Department of State Police

Operating Budget Analysis

Program Description

DSP exists to safeguard persons within the State, protect property, and assist in providing all persons equal protection under the law. The department’s operating structure is composed of the following programs:

- the Office of the Superintendent;
- the Field Operations Bureau;
- the Criminal Investigation Bureau; and
- the Support Services Bureau.

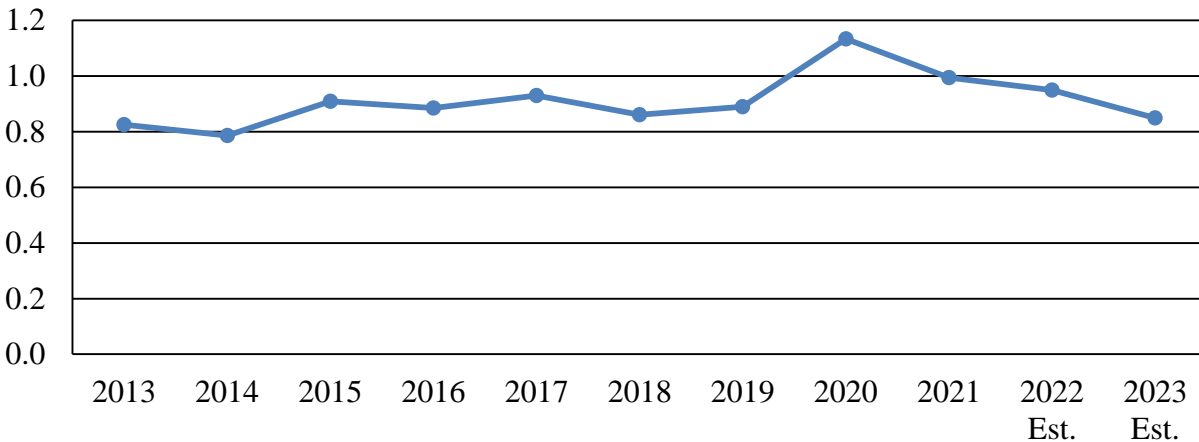
Within these functions, the department recruits and hires employees; addresses retention issues; provides services in procurement and distribution of supplies and equipment; works to improve the critical error rate of law enforcement agencies that enter civil protective orders into the Maryland Interagency Law Enforcement Agency and National Crime Information Center systems; serves as a catalyst for the interagency exchange of criminal justice, homeland security, and intelligence information at the federal, State, and local levels; and provides timely and efficient access to public information and records. The department also includes the Vehicle Theft Prevention Council and the Fire Prevention Commission and OSFM, which are charged with safeguarding life and property from the hazards of fire and explosion.

Performance Analysis: Managing for Results

1. Traffic Fatalities Fall Slightly from Pandemic Peak, More Fatalities from Impairment-related Collisions

As a full-service law enforcement agency, traffic enforcement remains a chief responsibility of DSP. Between calendar 2015 and 2019, traffic fatalities ranged between 0.86 and 0.93 fatalities per 100 million VMT. Though travel decreased during calendar 2020 due to the pandemic, the number of fatalities did not. Between calendar 2019 and 2020, the number of annual VMT fell 15.9%, from 60.1 billion to 50.6 billion, while traffic fatalities rose 7.1%, from 535 to 573. As shown in **Exhibit 1**, accordingly, the traffic fatality rate per 100 million VMT rose 27.4% to 1.13 fatalities. In 2021, VMT rose 11.9% to 56.6 billion, and fatalities fell 1.7%, though neither returned to their prepandemic levels.

Exhibit 1
Traffic Fatalities Per 100 Million Vehicle Miles Traveled
Calendar 2013-2023 Est.



Note: This exhibit assumes the number of fatalities to be 550 in 2022 in accordance with published data by the Maryland Department of Transportation (data is subject to change), not the 506 fatalities reported in the Department of State Police Managing for Results data.

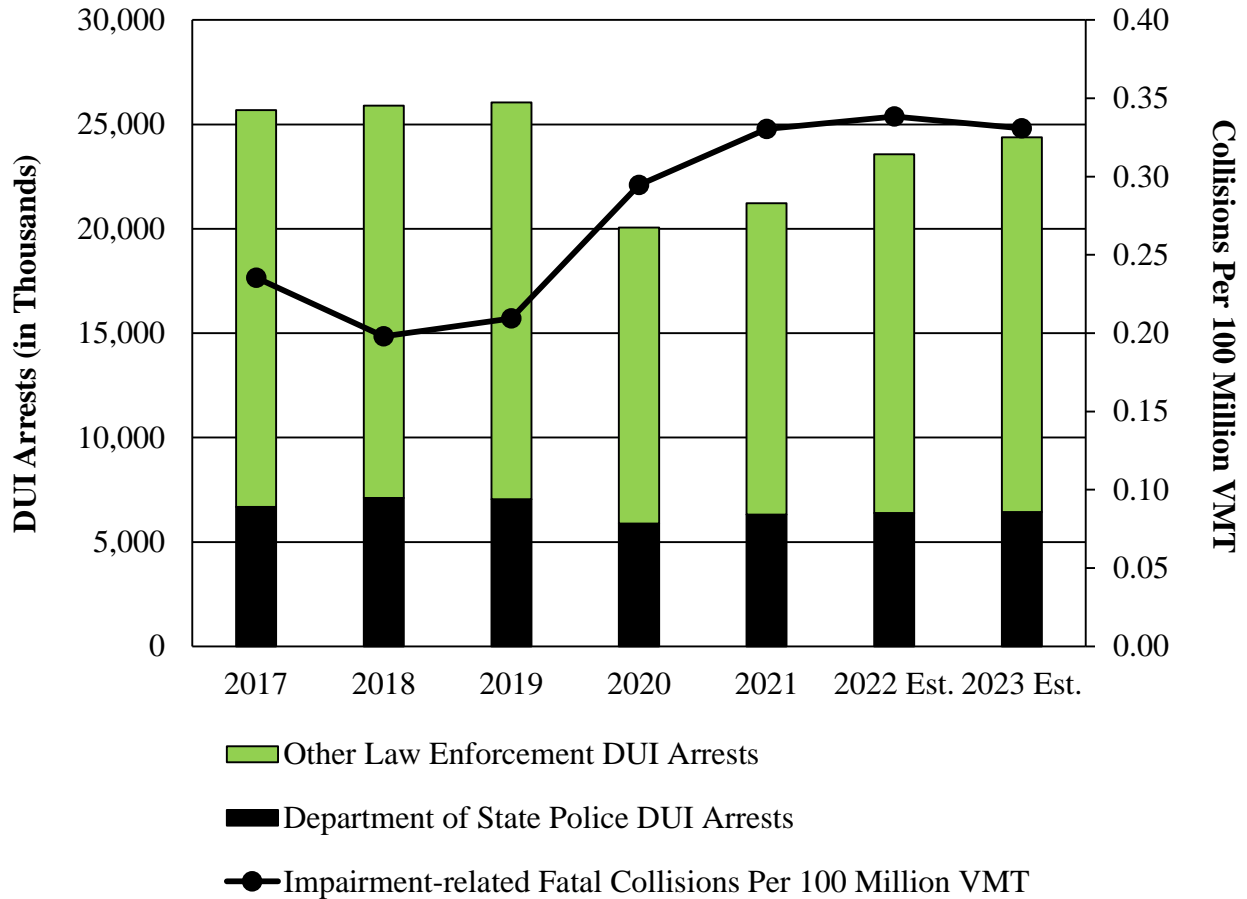
Source: Fiscal 2024 Managing for Results; Maryland Department of Transportation

In calendar 2022, the number of traffic fatalities per 100 million VMT is expected to decrease to below its calendar 2019 level, at 0.87 fatalities per 100 million VMT and 506 fatalities overall. This figure likely underrepresents the number of traffic fatalities in calendar 2022. Resources published online by the Maryland Department of Transportation estimate that the number of traffic fatalities in calendar 2022 was 550 (data are subject to change). If the estimated annual VMT that the DSP Managing for Results (MFR) data reports is correct for calendar 2022, the actual fatality rate will be 0.95 in calendar 2022, rather than 0.87.

Impairment-related Fatal Collisions and Driving Under the Influence Arrests Increase

Enforcement of driving under the influence (DUI) laws is shared among several law enforcement agencies, though DSP reports total arrests and fatalities in the MFR submissions. **Exhibit 2** details the number of arrests by DSP and other law enforcement agencies, along with the number of impairment-related fatal collisions per 100 million VMT since 2017. The rate of impairment-related fatal collisions per 100 million VMT continued to grow in 2021 to 0.33 and is expected to rise to 0.34 in 2022 before returning to 0.33 in 2023. This suggests that there are more impairment-related fatal collisions than there were prior to the pandemic, even as overall VMT recovers.

Exhibit 2
DUI Arrests and Impairment-related Fatal Collisions
Department of State Police
Fiscal 2017-2023 Est.



DUI: driving under the influence
 VMT: vehicle miles traveled

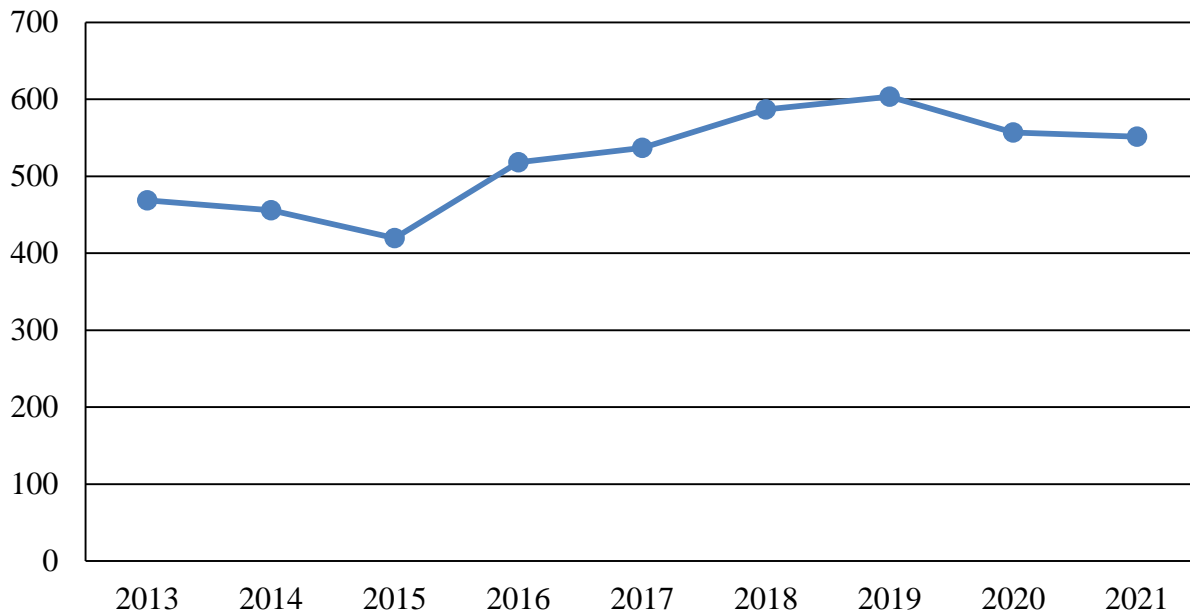
Source: Fiscal 2024 Managing for Results

The total number of DUI arrests across all Maryland police agencies was relatively stable between calendar 2017 and 2019. The figure reached a low point in calendar 2020, decreasing by 5,985 arrests, or 23.0%, between calendar 2019 and 2020. In calendar 2021, DUI arrests rose 5.8% as DUI arrests by DSP and other law enforcement agencies grew 7.3% and 5.1%, respectively. Enforcement may have risen due to increased VMT. The MFR data estimates that DUI arrests continued to increase in calendar 2022, and impairment-related fatal collisions increased as well.

2. Reported Domestically Related Crimes Fell During the Pandemic

Due to changes in the definition of domestically related crimes over time and the State not having a distinct crime of domestic violence, the annual MFR submission includes data on domestically related crimes. The rate of domestically related crimes per 100,000 people in Maryland is shown in **Exhibit 3**. These are reports that involve any crime committed by a suspect against a victim who is a person eligible for relief, as defined in § 4-501 of the Family Law Article, or who had a sexual relationship with the suspect within 12 months before the commission of the crime. A “person eligible for relief” includes the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage, or adoption; a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before the filing of the petition; a vulnerable adult; and an individual who has a child in common with the respondent.

Exhibit 3
Domestically Related Crime Rate Per 100,000 People
Calendar 2013-2021



Note: Calendar 2013 is the first year that data is available.

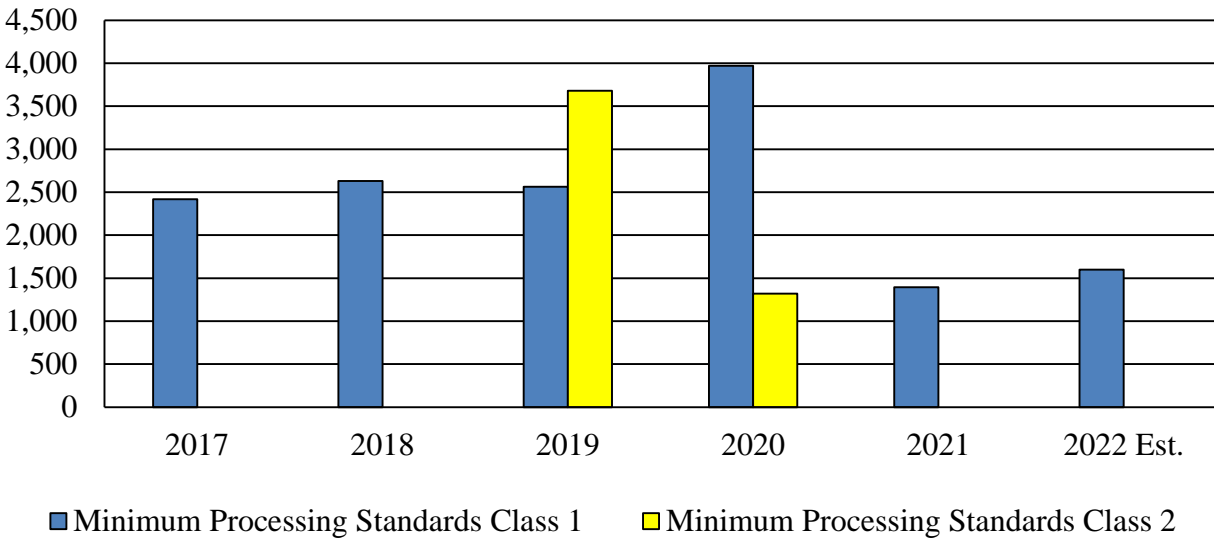
Source: Fiscal 2024 Managing for Results

Though the rate of reports rose each year from calendar 2015 to 2019 and increased 43.7% over that time period, data for calendar 2020 and 2021 suggests that reports fell during the pandemic. Between calendar 2019 and 2020, the number of reports decreased from 36,484 to 34,412, and the rate per 100,000 fell 7.7%. In calendar 2021, the rate fell 0.99%, and the number of reports decreased to 34,007. This data might suggest that crimes against people eligible for relief fell during the pandemic, but it is possible that additional crimes may have been committed and that fewer were reported than would have otherwise been, due to the pandemic response. It is not possible for DSP to capture this information using reported crime data, and available survey data is also inadequate. The National Crime Victimization Survey, which complements the data reported to FBI via NIBRS, is not able to report State-specific results and would not be able to apply State definitions to the survey findings.

3. Applicants Who Meet Minimum Processing Standards

One of the department's objectives in achieving an efficient and effective workforce that allows it to meet the other strategic goals is to recruit trooper applicants capable and willing to complete the high-intensity, entry-level training program, thus filling all available academy positions. Some years, the department holds multiple training academies. This was the case in calendar 2019 through 2022. DSP reports the number of applicants who meet minimum processing standards in its annual MFR submission as well as the size of eventual classes. Between calendar 2017 and 2019, the average number of applicants who met the minimum processing standards in each class was 2,824. As seen in **Exhibit 4**, the department has experienced a significant decrease in the number of qualified applicants since calendar 2020, when 3,970 applicants met the basic standards for the first of two classes offered that year. In calendar 2021, the number of applicants declined 64.9% compared with the first class of calendar 2020, though it was 5.8% higher than the number of applicants for the second class of 2020. Estimated data for 2022 shows some further recovery, though the number of applicants, 1,600, is 43.3% below the prepandemic average.

Exhibit 4
Applicants Who Meet Minimum Processing Standards
Calendar 2017-2022 Est.



Source: Fiscal 2024 Managing for Results

Applicants must meet additional qualifications, and eventual class sizes are much lower than the total number of applications. The average starting class size for the eight application rounds described earlier is 42.

Fiscal 2022

In the fiscal 2022 closeout, the department reverted or canceled \$20.6 million across all fund types, including \$3.9 million in general funds, \$10.7 million in special funds, \$3.4 million in federal funds, and \$2.6 million in reimbursable funds. The department reports that the reversion of general funds is primarily due to vacancies. Of the canceled special funds, approximately \$7.0 million is due to vacancies. The remaining \$3.7 million was canceled due to insufficient funds within the Speed Monitoring Systems Fund. General funds were used to support vehicle fleet costs instead. The \$3.4 million in canceled federal funds was caused by the federal government not releasing grant announcements for law enforcement pandemic relief as expected and due to continued delays with the manufacturing and delivery of specialized equipment. Of the reimbursable funds, \$1.6 million was for the Automated Licensing and Registration Tracking System project. These funds appear in fiscal 2023 instead and are discussed further in **Appendix 2**. The remaining reimbursable funds were canceled due to delays acquiring services and equipment.

Fiscal 2023

Legislative Priorities from Supplemental Budget No. 5 of 2022

The department received two grants from the Dedicated Purpose Account (DPA) in fiscal 2023 for specific legislative priorities, including \$3.4 million for the Maryland State Police Gun Center as established by Chapter 142 of 2022 and \$5.0 million to provide grants to police departments to acquire license plate readers (LPR). The department reports that it has approved plans to award \$4.7 million for mobile LPR systems, flexible-use systems, and fixed-site systems, and \$0.3 million in funding remains available. This grant is not continued in fiscal 2024. The Gun Center is discussed further in the Issues section of this analysis.

Proposed Deficiencies

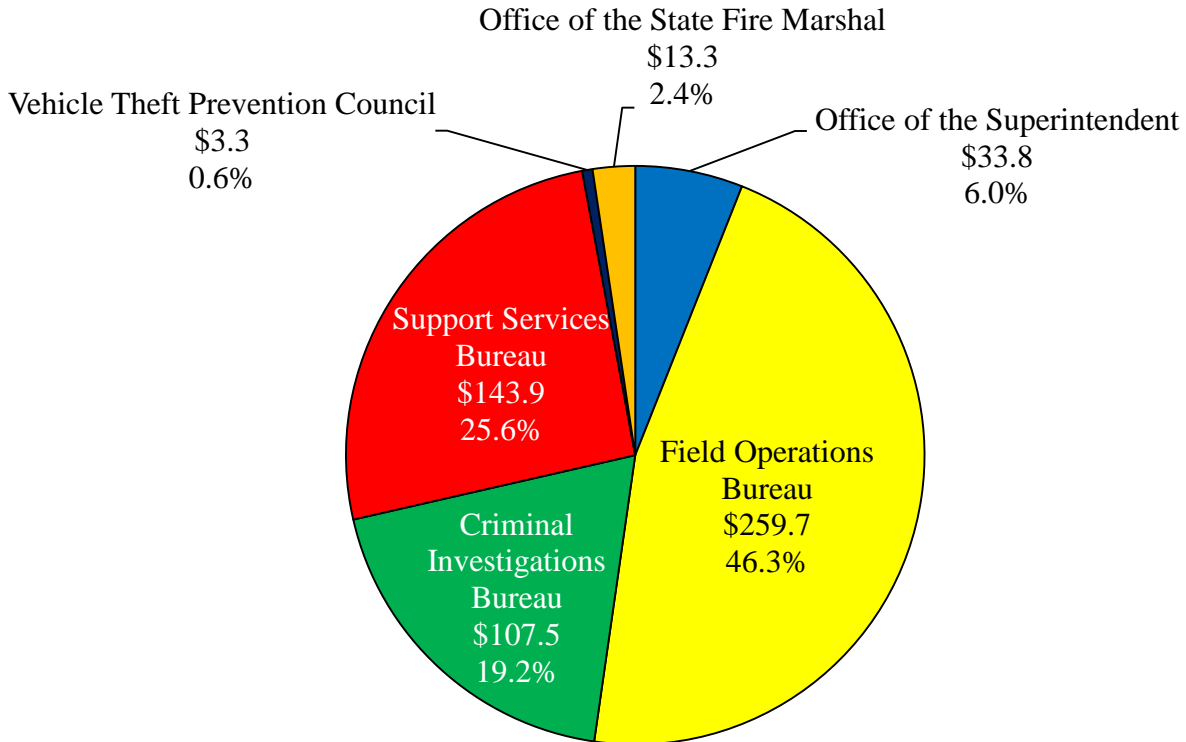
The fiscal 2024 allowance includes four proposed deficiency appropriations for the department in fiscal 2023. It includes a fund swap, an authorization of additional positions that the department had already received funding for, and additional funds and positions to support the Licensing Division. The deficiencies are as follows:

- \$3,809,172 in special fund expenditure is removed from the Field Operations Bureau due to insufficient funds within the Speed Monitoring Systems Fund, and \$3,809,172 in general fund expenditure is added to the Support Services Bureau to support the purchase of replacement vehicles (\$2.3 million), equipment (\$17,000), and in-car radios (\$1.5 million);
- \$3,400,000 in special funds from the DPA are redistributed to the appropriate spending category, and 19 positions are added to support the Gun Center; and
- \$5,380,331 in general funds are added to provide 22 positions for the Licensing Division to handle increased caseloads as well as increased responsibilities established by Chapter 55 of 2022. This is discussed further in the Issues section of this analysis.

Fiscal 2024 Overview of Agency Spending

DSP's fiscal 2024 allowance totals \$561.5 million and **Exhibit 5** shows this allowance categorized by program. Personnel costs represent 82.9% of expenditures throughout the department.

Exhibit 5
Overview of Agency Spending
Fiscal 2024 Allowance
(\$ in Millions)



Source: Governor’s Fiscal 2024 Allowance

The Office of the Superintendent establishes departmental policy and provides direction for the Maryland State Police. The fiscal 2024 allowance provides \$33.8 million, or 6.0%, for this program.

The Field Operations Bureau receives 46.3% of the allowance, or \$259.7 million. The bureau oversees 23 police barracks throughout the State and works to maintain public safety and deter criminal activity. Several divisions operate within the Field Operations Bureau, including the Automotive Safety Enforcement Division, the Commercial Vehicle Enforcement Division, and patrol operations along the John F. Kennedy Memorial Highway. The Field Operations Bureau also accounts for the largest share of DSP’s personnel, with about 1,286 regular and contractual positions (51.1% of the department).

The Criminal Investigations Bureau directs the investigative and forensic operations of the department. Totalling \$107.5 million, this represents 19.2% of DSP’s fiscal 2024 allowance. The

W00A – Department of State Police

divisions within this bureau include the Investigation Command, the Criminal Enforcement Division, the Forensic Sciences Division, and the Licensing Division.

The Support Services Bureau receives \$143.9 million in fiscal 2024, accounting for about 25.6% of the department’s overall allowance. The bureau is comprised of four distinct commands: Personnel; Technology Information Management; Logistics; and Maryland State Police Aviation. Operations of the bureau include the Training Division and the Information Technology Division.

The Vehicle Theft Prevention Council (VTPC) assists in the prevention of vehicle theft and other vehicle-related crimes. The council develops statewide programs and strategies to promote community policing and awareness of vehicular crimes. The council allocates a total of \$3.3 million from the Vehicle Theft Prevention Fund for such programs in fiscal 2024. This accounts for 0.6% of the total allowance.

OSFM conducts arson-related investigations and ensures compliance with State Fire Prevention Code. OSFM accounts for \$13.3 million (2.4%) of the total allowance.

Proposed Budget Change

The fiscal 2024 allowance increases by \$3.8 million, or 0.7% above the current year’s working appropriation, after accounting for \$12.6 million in fiscal 2023 deficiency appropriations. **Exhibit 6** details the main drivers of this growth.

**Exhibit 6
Proposed Budget
Department of State Police
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2022 Actual	\$343,440	\$108,601	\$12,376	\$5,311	\$469,727
Fiscal 2023 Working Appropriation	404,940	134,095	10,490	8,202	557,727
Fiscal 2024 Allowance	<u>414,951</u>	<u>129,505</u>	<u>10,511</u>	<u>6,541</u>	<u>561,508</u>
Fiscal 2023-2024 Amount Change	\$10,011	-\$4,590	\$22	-\$1,661	\$3,782
Fiscal 2023-2024 Percent Change	2.5%	-3.4%	0.2%	-20.2%	0.7%

Where It Goes:	Change
Personnel Expenses	
Annualization of November 2022 4.5% cost-of-living adjustment (COLA)	\$5,014
Employee and retiree health insurance	3,321
State police retirement system contributions	1,445
Reclassification	793

W00A – Department of State Police

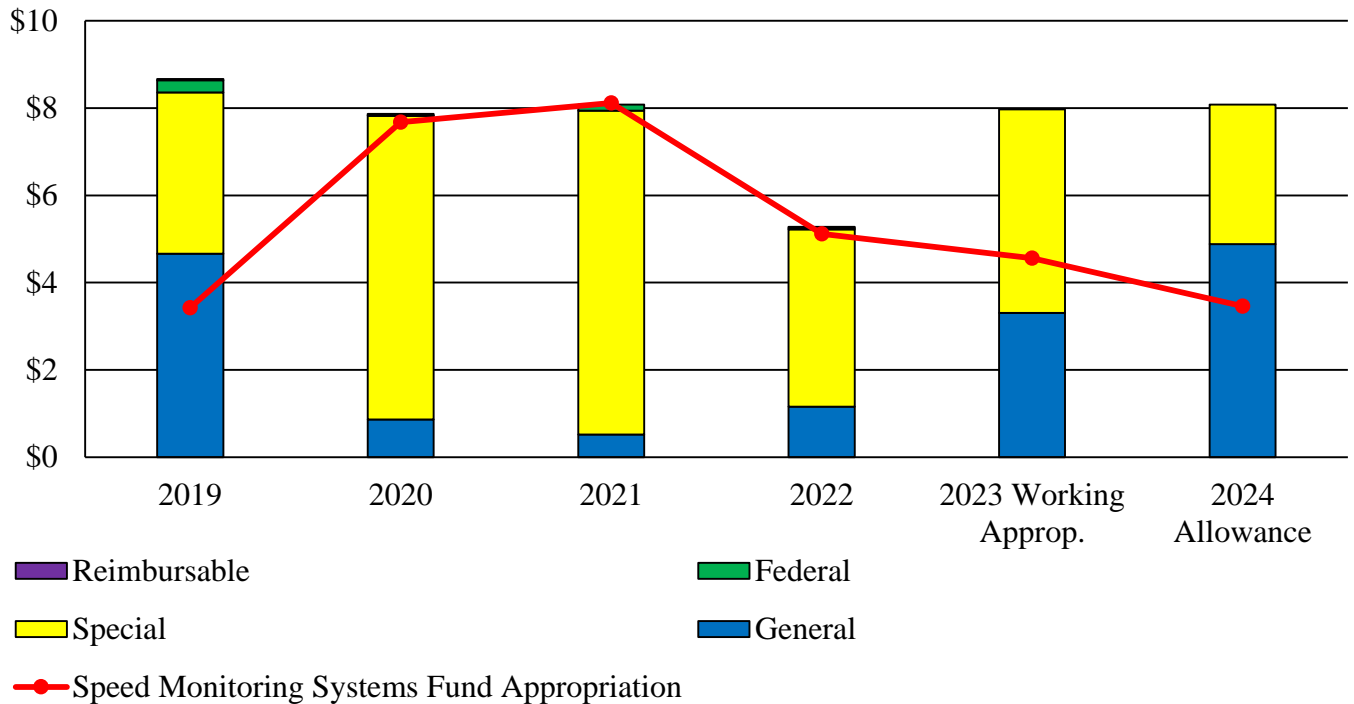
Where It Goes:	<u>Change</u>
Employees’ retirement system.....	655
5.0 new positions in the Office of the State Fire Marshal (OSFM).....	367
Miscellaneous and other fringe benefits adjustments.....	280
Law enforcement officer pension system.....	50
Overtime earnings.....	-277
Workers’ compensation premium assessment.....	-960
Turnover adjustments.....	-1,557
Regular earnings.....	-3,757
Other Changes	
Gas and oil.....	2,500
In-car radios, previously purchased by the Department of Information Technology.....	1,419
Additional Vehicle Theft Prevention Council grants.....	1,250
Body-worn cameras and data processing equipment.....	1,142
Utilities: electricity and fuel.....	594
Ballistic IQ System for the Forensic Science Division.....	390
Out-of-state travel.....	215
Other.....	180
Telecommunications.....	145
Vehicle purchases, including five new vehicles for OSFM positions.....	112
Contractual position changes, including the annualization of the 4.5% COLA.....	107
Purchase, implementation, and maintenance of a laboratory information maintenance system for crime laboratory data management.....	-412
Other information technology (IT) costs.....	-567
Contractual services for additional phases of the Automated Licensing and Registration Tracking System major IT project, delayed from fiscal 2022 to 2023.....	-1,667
Offsite data storage for the Criminal Intelligence Center at the Maryland Coordination and Analysis Center.....	-2,000
Removal of license plate reader funds, provided in Supplemental Budget No. 5 of 2022.....	-5,000
Total	\$3,782

Note: Numbers may not sum to total due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

Vehicle Expenses and the Speed Monitoring Systems Fund

Under the automated speed camera program, DSP receives speed camera special fund revenues to support the program’s operations and to fund the acquisition of replacement vehicles for its fleet. These funds appear in the agency’s budget as expenditures supported through the Speed Monitoring Systems Fund. This special fund appropriation can also be used for costs related to maintaining the department’s vehicle fleet. Of the 161 vehicles that the department will purchase in the allowance, 5 are provided for the new positions within OSFM, and the remaining are replacements. DSP’s fiscal 2024 allowance provides \$8.1 million in total funds to purchase vehicles, including \$3.2 million in special funds from the Speed Monitoring Systems Fund, as shown in **Exhibit 7**.

Exhibit 7
Vehicle Purchase Costs and Speed Monitoring Systems Fund Appropriations
Fiscal 2019-2024 Allowance
(\$ in Millions)



Note: Special fund expenditure for vehicle purchases is not equal to the Speed Monitoring Systems Fund appropriation as the fund is used for additional fleet maintenance costs. The presented data includes two deficiency appropriations that replace special funds with general funds.

Source: Department of Legislative Services

W00A – Department of State Police

Compared with fiscal 2023, vehicle purchase costs will increase approximately 1.4% in the allowance. Though vehicle costs to the department are similar, its funding changes more dramatically. In fiscal 2023, \$3.3 million in general funds are provided compared with \$4.7 million in special funds. This amount includes \$2.3 million in general funds provided via a fiscal 2023 deficiency. In fiscal 2024, \$4.9 million in general funds is provided compared with \$3.2 million in special funds. Since 2021, the share of general funds required to purchase vehicles has risen from 6.5% to 60.5%, and the Speed Monitoring Systems Fund is no longer able to support all the vehicle purchase costs. Additional general fund support may be required in future years if revenues from the automated speed camera program do not increase.

Maryland State Police Gun Center

Chapter 142 established the Gun Center and necessitates the addition of 19.0 positions, including 4 sworn positions. Though there was an existing Gun Center in the department that was initiated on January 1, 2013, it was a voluntary resource that handled approximately 9,900 calls for service in calendar 2021. Now, law enforcement agencies must report information to the center, the center must coordinate with DSP and law enforcement agencies to screen and vet all firearm crimes, and the center must assist with enforcement and violation reduction efforts. Calls for service are expected to more than double in fiscal 2023 compared with fiscal 2021.

Supplemental Budget No. 5 of 2022 provided \$3.4 million in fiscal 2023 to establish the Gun Center under the new legislation. The deficiency appropriation provided in the fiscal 2024 budget submission realigns those funds to the appropriate areas of expenditure and provides the department with the 19 positions necessary to implement Chapter 142. The department reports that, while it is not yet able to begin hiring for the new positions, it will begin doing so upon receipt of the positions in the budget.

Vehicle Theft Prevention Council

Funding for this grant program increases in the allowance, from \$1.9 million in fiscal 2023 to \$3.1 million in fiscal 2024. Most grants are provided to jurisdictions and State agencies. The statutes that govern VTPC and the fund can be found in Public Safety Article §§ 2-701 through 703 and Transportation Article § 17-106. Typically, the allowance only includes the statutorily mandated \$2.0 million for the program, including grant funds, a contractual position, and operational costs. Overall, the program receives \$3.3 million in the allowance. The department reports that with the additional funds, VTPC will begin new programs to combat carjackings in addition to car thefts. To the extent possible, the council must allocate grants among the subdivisions of the State on a *pro rata* basis determined by the total number of vehicles registered in each subdivision divided by the total number of vehicles registered in the State. The department reports that the additional grant funding received will be awarded under the current process for making awards, and there are several criteria considered when making awards. A 2021 program evaluation of VTPC by the Department of Legislative Services (DLS) found that Maryland jurisdictions receiving the bulk of direct VTPC funding have experienced a greater decrease in the vehicle theft rate than jurisdictions that did not receive direct funding (and a greater decrease than the United States and surrounding states). **Appendix 3** provides a summary of recent grant awards from VTPC by jurisdiction.

DSP should comment on how VTTC uses crime statistics in order to target funds to areas experiencing high rates of car thefts and carjackings.

Personnel Data

	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23-24</u> <u>Change</u>
Regular Positions	2,504.50	2,538.50	2,543.50	5.00
Contractual FTEs	<u>52.36</u>	<u>57.95</u>	<u>56.95</u>	<u>-1.00</u>
Total Personnel	2,556.86	2,596.45	2,600.45	4.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	179.07	7.15%
Positions and Percentage Vacant as of 1/31/23	283.00	11.15%
Vacancies Above Turnover	103.93	

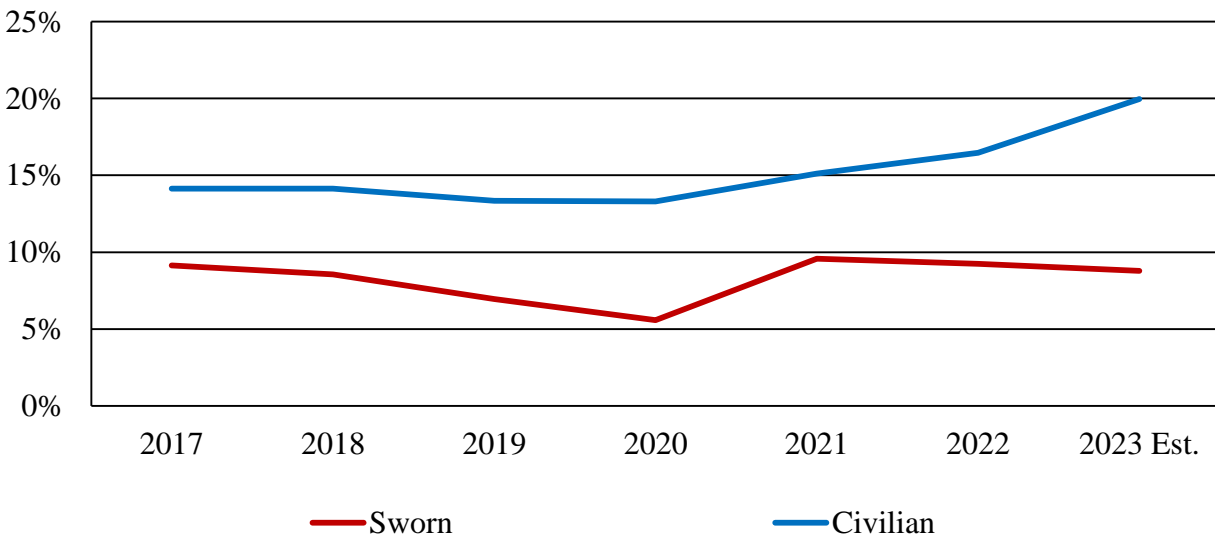
- The data shows a net increase in regular positions between fiscal 2022 and the working appropriation, reflective of the addition of the 41 positions added via deficiency appropriations to support the Gun Center and the Licensing Division and the abolishment of 8 positions. The turnover and necessary vacancies calculation excludes these positions that the department is not yet able to hire. While 8 positions were abolished, the department maintained the funding and realigned it to support overtime costs; this represents \$475,264 in fiscal 2023 and \$441,857 in fiscal 2024.
- Of the 19 positions added to support the Gun Center, 4 are sworn troopers, and 15 are civilian. The civilian positions include 13 administrator I positions, 1 computer network specialist II position, and 1 information technology systems technical specialist.
- All 22 of the positions added to support the Licensing Division will be civilian roles. These roles include 12 administrative officer II positions, 3 administrative specialist I positions, 5 administrator I positions, and 2 administrative officer I positions. Of the added positions, 20 were added so that DSP can accommodate surging caseloads, and 2 auditor positions were added to meet the requirements set by Chapter 55. Licensing Division positions are discussed further in the Issues section of this analysis.

- The fiscal 2024 allowance includes the addition of 5 fire safety inspector I positions in OFSM. The department reports that these positions are required to keep pace with the increasing demand for inspecting fire exits and reasonable safety standards for places of public assembly.

Vacancies

Between fiscal 2017 and 2022, the department operated with an average of 10.4% of its sworn and civilian positions vacant. The changes in the vacancy rates for sworn and civilian personnel are shown in **Exhibit 8**. Though the vacancy rate for both position types fell in fiscal 2018 through 2020, vacancies throughout the department grew in fiscal 2021 to 9.6% of sworn positions and 15.1% of civilian positions. While the vacancy rate for sworn positions decreased to 9.2% in fiscal 2022 and is estimated to fall to 8.8% in fiscal 2023, vacancies among civilian positions continues to rise, reaching 16.5% in fiscal 2022 and 20.0% in fiscal 2023. Data submitted to the budget committees in the department’s Workforce Diversity Action Plan update indicates that the civilian population is more diverse than the sworn population. The department reports that the allowance includes the reclassification of 7 vacant positions to the Human Resources Division to provide additional personnel staff support.

Exhibit 8
Sworn and Civilian Position Vacancy Rates
Fiscal 2017-2023 Est.



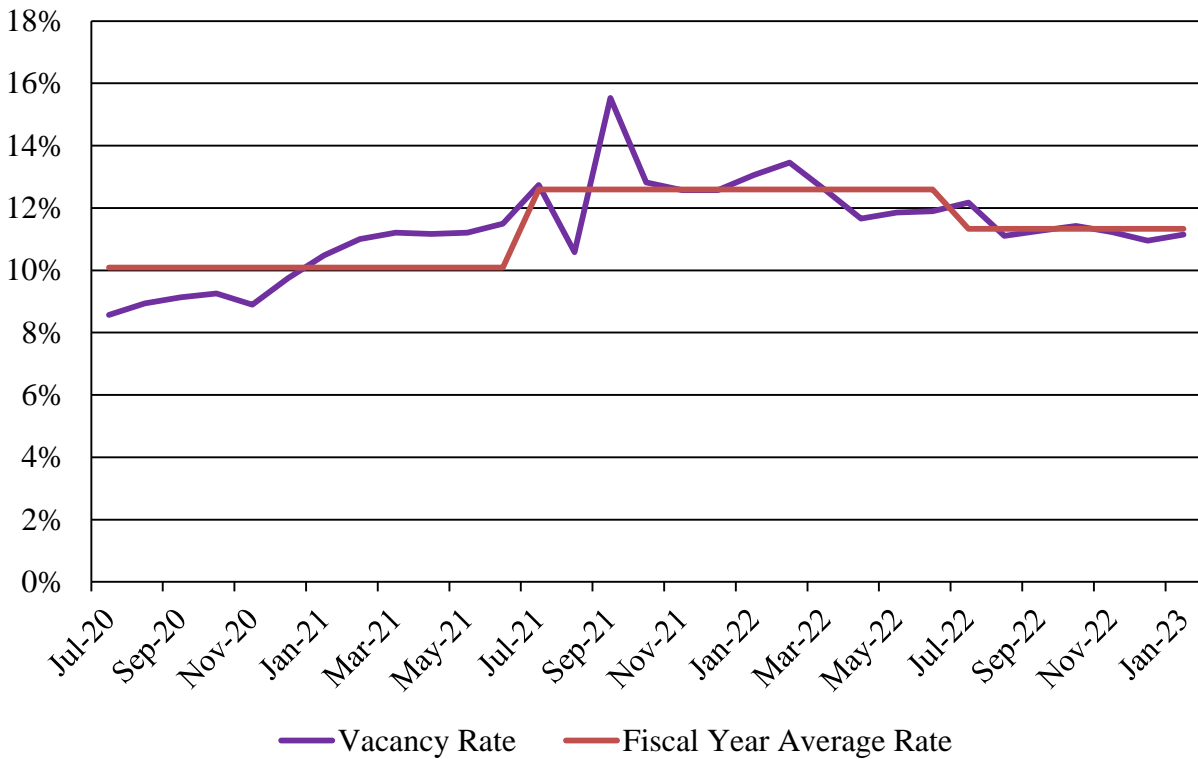
Source: Fiscal 2024 Managing for Results

The department should comment on the efforts being taken to retain and recruit for its civilian positions.

W00A – Department of State Police

Overall vacancies in fiscal 2021 through 2023 year to date are shown in **Exhibit 9**. As of January 2023, DSP had 283.0 vacant positions, which represents approximately 11.1% of the total regular positions and is 58.0% more than the budgeted turnover rate. This reflects a decrease from a year ago when the vacancy rate was approximately 13.1%. Of the 283.0 vacancies, 86.0, or 30.4%, have been vacant for over a year.

Exhibit 9
Departmental Vacancy Rate
Fiscal 2021-2023 Year to Date



Source: Department of Legislative Services

The department’s turnover rate is currently budgeted at a lower level than the vacancy rate. This means that even though the department expects that funding all regular positions for the full year in fiscal 2023 would cost \$482.5 million, the working appropriation only contains \$457.4 million. Given that vacancies have so far only decreased modestly in fiscal 2023, the \$457.4 million figure is likely more than the agency will need. Assuming DSP can maintain an average monthly vacancy rate of 11.3%, DLS estimates that DSP would need approximately \$463.7 million for its regular positions; the working appropriation would still be overbudgeted by approximately \$18.9 million.

Issues

1. Crime Rates and NIBRS Adoption

2021 UCR Publication Delayed

DSP is responsible for collecting crime data from local law enforcement agencies and compiling the information into Maryland’s UCR; this data is submitted to FBI and published annually in the *Crime in Maryland: Uniform Crime Report*. The most recent publication of this report is the 2020 volume. Publication of the 2021 volume has been delayed until mid-March 2023 because of numerous reporting agencies being noncompliant with the new federal reporting standard.

DLS recommends adding annual budget language restricting funds pending the receipt of the 2022 UCR. The budget committees may wish to continue adopting this annual language until the department can consistently submit the UCR in a timely manner.

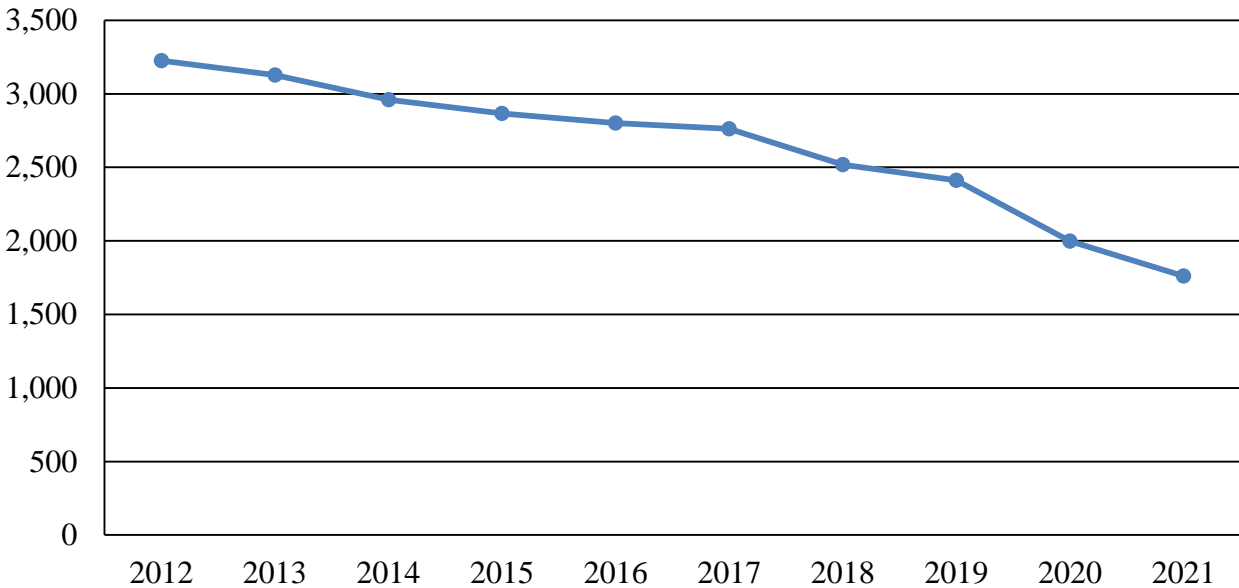
NIBRS Transition

The transition to NIBRS is a nationwide effort led by FBI to change how law enforcement agencies report crime data. Under the previous methodology, crime incidents involving multiple offenses only report the most severe offense (*e.g.*, a homicide that occurs during a burglary is reported as a homicide); this is referred to as “Summary” data. NIBRS data allows for up to 10 offenses to be reported per incident, producing far more accurate and robust data; this is also referred to as “Certified” data. The State’s program was declared in compliance as of January 1, 2021; however, approximately 48.1% of data contributors in Maryland are not yet compliant with the federal system. To collect information from noncompliant contributors, DSP developed a dashboard tool for contributors to manually input their records. This data collection process is slow, however, and means that the 2021 federal estimates of crime in the United States used data from Maryland agencies that represent less than half of the State’s total population.

Comparison of Maryland and National Crime Rates

Because the 2021 UCR is not yet complete, most crime statistics data are not yet available, and what does exist is not currently comparable to the published estimates at the national level. To overcome this challenge, DSP reports that the 2021 UCR will be published in two sections – one using the previous methodology of crime reporting and the other using NIBRS. This will allow calendar 2021 data to be comparable with the 2020 version of the report and with the national figures in 2021. Until publication of that document, only what is reported in the department’s MFR is available for 2021. As shown in **Exhibit 10**, the rate of Part I offenses in Maryland has decreased 45.4% over the last decade, from 3,226 in 2012 to 1,762 in 2021.

Exhibit 10
Part I Offenses Per 100,000 People in Maryland
Calendar 2012-2021



Note: Part I offenses include murder, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft, and arson.

Source: Fiscal 2024 Managing for Results

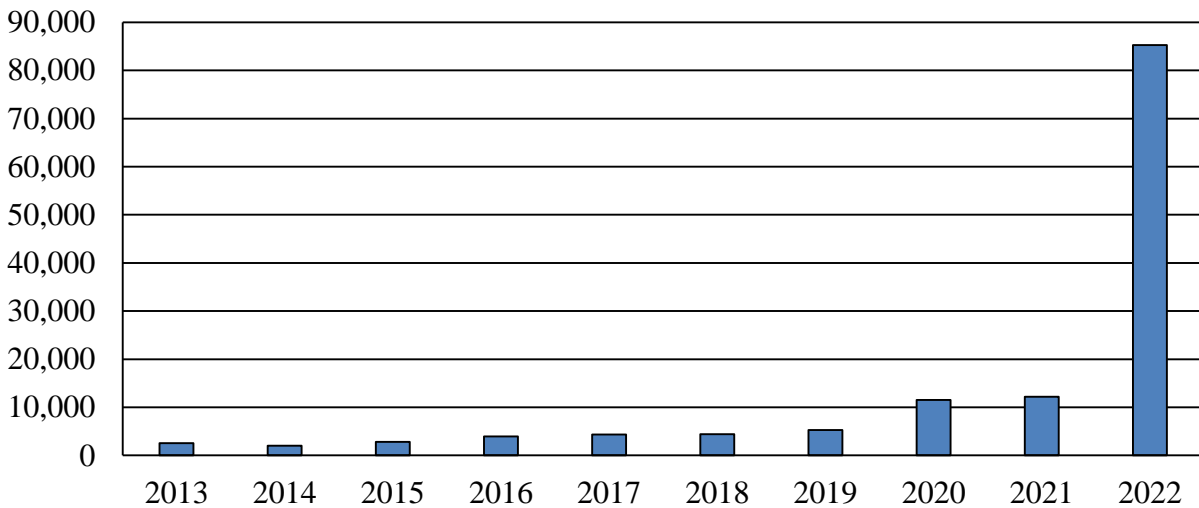
DSP should comment on the operational difficulties that it faces due to the delay in the 2021 UCR publication and what actions, if any, it can take to prevent the 2022 UCR publication from being similarly delayed.

2. Increased Caseloads for the Licensing Division Necessitates Additional Positions

The Licensing Division within DSP administers provisions of State law and regulations related to the licensing and registration of firearms, handgun permits, security guards, and other licensing functions. In June 2022, the Supreme Court issued a ruling for *New York State Rifle & Pistol Association v. Bruen*, which has had a substantial impact on the Licensing Division’s caseloads. On July 5, 2022, pursuant to the Supreme Court decision, Governor Lawrence J. Hogan, Jr. directed DSP to suspend the State’s ‘good and substantial reason’ standard for possessing a Handgun Wear and Carry Permit. Though this did not change any other aspect of the review process, the number of applications for handgun permits increased dramatically in 2022, as shown

in **Exhibit 11**. Over 85,000 applications were received in 2022, a 600% increase compared with 2021. Firearm sales had increased prior to and during the pandemic, but it was not as substantial. The department received 21 new positions in the fiscal 2022 allowance in order to handle the elevated caseloads.

Exhibit 11
New Handgun Permit Applications Received
Calendar 2013-2022



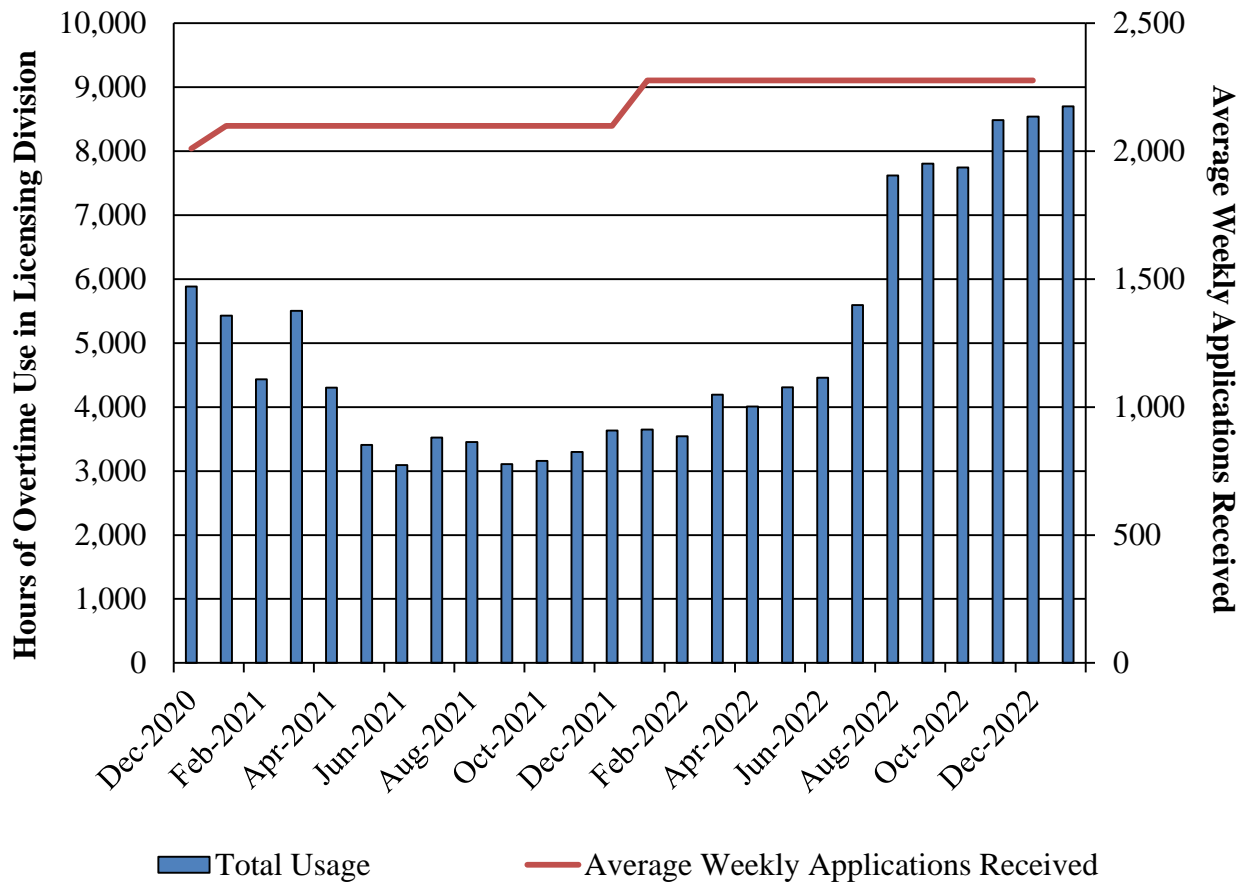
Source: Department of State Police

Though the Licensing Division experienced exceptional growth in applications, the Public Safety Article establishes various requirements related to how quickly the division must turn around an application. The Firearms Registration Unit, for example, must review an application within 7 days of its submission. Determinations are also required to be made within 90 days. The applications are reviewed by DSP civilian and sworn employees, with civilian positions performing the first round of review on applications. Sworn positions perform background checks and investigative work.

The proposed budget includes a \$5.4 million general fund deficiency and 20 positions for the division to handle these increased caseloads. An additional 2 positions were also required for the division to handle its increased responsibilities as established by Chapter 55. This law requires DSP to suspend or revoke a certain dealer’s license if the dealer is found in violation of certain offenses. As described in the fiscal note for Chapter 55, the department needed 2 auditor positions to perform an annual audit of all State-licensed firearms dealers to ensure that each dealer meets the security measures required by the bill.

In order to meet the requirements of the application process, the Licensing Division has had to increase its overtime usage. Overtime usage in hours is shown in **Exhibit 12** as well as the number of average weekly applications received. The number of average weekly applications received rose from 2,099 in calendar 2021 to 2,276 in 2022. Overtime expenses for the Licensing Division increased from \$2.4 million in fiscal 2022 to \$4.1 million in fiscal 2023.

Exhibit 12
Average Weekly Firearm License Applications vs. Weekly Hours of Overtime
December 2020 to November 2022

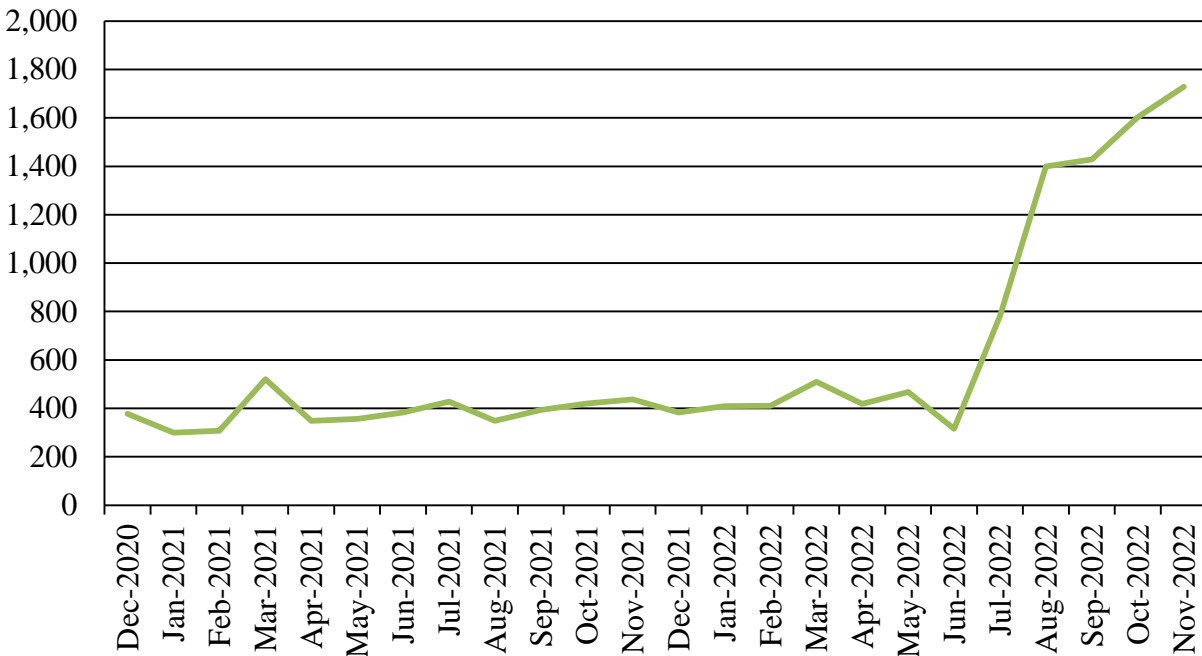


Note: Average weekly applications received is not a measure yet available for calendar 2023.

Source: Department of State Police

Overtime usage for processing handgun permit applications in the same period is shown in **Exhibit 13**. Though the rate of increase in overtime hours for this permit have slowed down compared to summer 2022, it continues to climb. While only 316 hours of overtime were needed in June 2022, 1,399 were needed in August, and 1,729 were needed in November. From June to November 2022, the monthly figure increased 447.2%.

Exhibit 13
Weekly Hours of Overtime for Handgun Permits
December 2020 to November 2022



Source: Department of State Police

The increased workload, as indicated in Exhibit 11, Exhibit 12, and Exhibit 13, seems to warrant the need for additional staff within the division. Since the start of fiscal 2023, the Licensing Division has averaged approximately 9 vacant regular positions each month (including sworn and civilian positions), and data provided by the department indicates that there were 24 contractual vacancies assigned to the division at the end of December 2022.

The department should comment on the efforts taken by the division to ensure compliance with mandated application review and determination timeframes, including the use of contractual positions. DSP should further comment on how the addition of 22 positions in the working appropriation will help the division to manage its caseloads and the ability to fill those positions given the existing difficulties with hiring civilian positions.

3. Workforce Diversity Action Plan

During the 2021 session, the General Assembly expressed concern with the allegations of racial insensitivity and lack of diversity among the DSP workforce. DSP was directed to convene a diversity study group to develop an action plan to address these concerns containing specific and measurable goals and to submit the action plan to the General Assembly, along with metrics detailing the current degree of diversity in the department. The diversity study group met on June 28, 2021, and DSP submitted the Workforce Diversity Action Plan on July 30, 2021. The report contained information about existing departmental policies, identified some preexisting short- and long-term goals related to diversity, and provided “information pertaining to the creation of” specific and measurable goals based on the suggestions of the diversity study group. Additionally, DSP provided data on the department’s demographics among sworn and civilian employees, attrition rates, managerial and leadership positions, academy classes, and disciplinary actions for sworn and civilian personnel over the past three years. In continuing to monitor the department’s progress in addressing this issue, the committees requested an update on the further development and implementation of the Workforce Diversity Action Plan in the 2022 *Joint Chairmen’s Report* (JCR).

On January 1, 2022, DSP created the Office of Equity and Inclusion (OEI) and has hired both a director and deputy director. Among other responsibilities, this office has program oversight of an interagency agreement – the Diversity, Equity, and Inclusion (DEI) Focus Group and Workforce Assessment project – between DSP and Morgan State University. The interagency agreement began on June 1, 2022. DSP has additionally begun including a workforce diversity percentage that includes sworn and civilian positions in its MFR submission as well as the number of annual site visits conducted by OEI to ensure equal employment opportunity compliance and to share information about resources provided through OEI. As indicated in **Exhibit 14**, the department’s civilian workforce is more racial and gender diverse than the sworn workforce.

Exhibit 14
Workforce Diversity
Calendar 2019-2021

	Sworn			Civilian			Combined		
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
White	82.8%	83.0%	83.2%	73.8%	73.0%	73.8%	79.9%	79.7%	80.2%
Black or African American	12.0%	11.8%	12.0%	20.5%	20.2%	20.4%	14.8%	14.6%	14.7%
Hispanic or Latino	2.5%	2.4%	2.3%	1.0%	0.6%	0.9%	2.0%	1.8%	1.8%
Asian	1.4%	1.4%	1.2%	2.4%	2.2%	2.5%	1.7%	1.7%	1.6%
Other	1.4%	1.5%	1.3%	2.3%	3.2%	2.5%	1.7%	2.0%	1.7%
Female	7.3%	7.4%	7.5%	49.1%	47.6%	49.0%	21.0%	20.7%	20.8%

Source: Department of State Police

DLS recommends the addition of committee narrative to require DSP to continue reporting on the progress that it makes toward achieving its diversity action plan.

Though DSP has reported progress made on its action plan, in July 2022, the U.S. Department of Justice (DOJ) announced that it would be investigating the department in order to determine if DSP’s hiring and promotional practices had violated Title VII of the Civil Rights Act of 1964. This is considered a civil “pattern-or-practice” investigation. Additionally, a class action lawsuit was filed against the department by current and former employees in October 2022 that alleges racial discrimination in promoting and disciplinary practices.

If possible, DSP should comment on its cooperation with the DOJ investigation and on the class-action lawsuit.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Update on the Workforce Diversity Action Plan Continuation: During the 2021 and 2022 sessions, the General Assembly expressed concern with the allegations of racial insensitivity and lack of diversity among the Department of State Police (DSP) workforce. In 2021, DSP was directed to convene a diversity study group to develop an action plan to address these concerns containing specific and measurable goals and to submit the action plan to the General Assembly, along with metrics detailing the current degree of diversity in the department. In continuing to monitor the department’s progress in addressing this issue, the committees request an update on the continuation of the Workforce Diversity Action Plan, providing the following information:

- progress that has been made related to implementing the four recommendations of the diversity study group that met in 2021;
- progress that has been made related to its specific and measurable goals for achieving diversity among civilian and sworn employees;
- a demographic breakdown of the department’s civilian and sworn employees for the previous year for each division;
- a demographic breakdown of the department’s attrition rate for the previous year;
- a demographic breakdown of the department’s managerial and leadership positions for the previous year;
- a demographic breakdown of the Maryland State Police Academy classes for the previous year;
- the number of reported incidents of racially insensitive behavior among departmental personnel for the previous year; and
- a demographic breakdown of the disciplinary actions for civilian and sworn personnel over the previous year.

In any instance where “demographic” data is requested, this should include data categorized by both race and gender. In addition to the official report, data shall be provided in an electronic format subject to the concurrence of the Department of Legislative Services. The report updating the committees on the implementation of the action plan is to be submitted to the committees on September 1, 2023.

W00A – Department of State Police

Information Request	Author	Due Date
Update on the continuation of the Workforce Diversity Action Plan	DSP	September 1, 2023

2. Add the following section:

SECTION XX. AND BE IT FURTHER ENACTED, That \$250,000 of the general fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2022 Uniform Crime Report (UCR) to the budget committees. 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 the 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.

Further provided that, if DSP encounters difficulty obtaining, or validating the accuracy of, the necessary crime data by November 1, 2023, from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCOPYVS). From each jurisdiction’s third quarterly State Aid for Police Protection (SAPP) disbursement, the office shall withhold a portion, totaling at least 15% but no more than 50%, of that jurisdiction’s SAPP grant for fiscal 2024 upon receipt of notification from DSP. GOCOPYVS shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP and DSP verifies the accuracy of the data. DSP and GOCOPYVS shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received by November 1, 2023, and the amount of SAPP funding from each jurisdiction.

Explanation: The annual language was originally added because DSP had not been submitting its annual crime report in a timely manner due to issues related to receiving crime data from the local jurisdictions. The 2017 UCR was not submitted until March 2019, and the 2018 UCR was not submitted until March 2020. The 2019 and 2020 UCRs were submitted on time, as was the 2021 UCR data verification letter. Though data contributors were able to provide the department with 2021 crime data, there have been delays in compiling the 2021 UCR due to the inability for all contributors to submit it in compliance with the new federal reporting system. The 2021 UCR is not expected to be published until mid-March 2023.

This language withholds a portion of the general fund appropriation until the budget committees receive the 2021 UCR. The language also specifies that GOCOPYVS, upon receipt of notification from DSP, must withhold a portion of a delinquent jurisdiction’s SAPP grant until certain crime data is received by DSP. Finally, DSP and GOCOPYVS must submit a report to the budget committees that includes information on any jurisdiction that did not report crime data by November 1, 2023, and the amount of SAPP funding that is withheld from each jurisdiction.

W00A – Department of State Police

Information Request	Author	Due Date
2022 UCR data verification	DSP	November 1, 2023
2022 UCR	DSP	45 days prior to expenditure of funds

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

The 2022 JCR requested that DSP prepare two reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Implementation of the Workforce Diversity Action Plan:*** On January 1, 2022, DSP created OEI and has hired both a director and deputy director. Among other responsibilities, this office has program oversight of an interagency agreement – the DEI Focus Group and Workforce Assessment project – between DSP and Morgan State University. The interagency agreement began on June 1, 2022. Further discussion can be found in the Issues section of this analysis.
- ***2021 UCR:*** Annual budget bill language required DSP to work with local law enforcement agencies to compile the 2021 UCR. The department was able to submit the data verification on time and no State Aid for Police Protection funds were required to be withheld from the jurisdictions by the Governor’s Office of Crime Prevention, Youth, and Victim Services. However, the UCR will likely not be published until mid-March, due to the failure of local law enforcement agencies to become compliant with the new reporting standards. Further discussion can be found in the Issues section of this analysis.

Appendix 2
Automated Licensing and Registration Tracking System
Major Information Technology Project
Department of State Police

New/Ongoing: Ongoing								
Start Date: April 2013					Est. Completion Date: Est. March 2025			
Implementation Strategy: Waterfall								
(\$ in Millions)	Prior Year	2023	2024	2025	2026	2027	Remainder	Total
GF	\$7.500	\$0.915	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$8.415
FF	0.584	0.000	0.000	0.000	0.000	0.000	0.000	0.584
Total	\$8.084	\$0.915	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$8.999

- Project Summary:** DSP has been charged with automating and streamlining the process by which a citizen of Maryland requests approval to purchase a firearm. This involves automating the entire firearm application process from dealers applying to DSP to sell firearms in the State to a web-accessible form submitted electronically to the agency. This also includes processing of the application, billing, reconciliation of fees, and providing real-time or near real-time reporting metrics. This project will greatly reduce the time that it takes for an applicant to apply, provide efficiencies to Maryland firearm dealers and handgun instructors, and streamline processes within the department.
- Need:** The Firearm Safety Act of 2013 added to existing firearm laws the requirement that individuals wishing to purchase a firearm in Maryland request and receive a Handgun Qualifications License, requiring background checks and firearm safety training. In June 2022, a Supreme Court decision required a start-to-finish review of the Handgun Permit Portal to determine necessary changes. Handgun permits submitted to the Licensing Division also increased substantially.
- Observations and Milestones:** The Professional Licensing Portal was implemented in June 2021, automating 10 additional application and permit types. The project team then started developing an automated Firearm Dealer Registration Portal (DLR) and its eight application types. DSP reports the DLR will be ready before annual registration opens for regulated dealers in May 2023. Development will then begin on a public-facing Professional Licensing Portal.
- Changes:** Contract disputes in May 2018 delayed the project by several months and total project funding increased by \$25,000 for project oversight due to the delay in the estimated completion date. The scope of the project was amended in August 2021 to include the development of a Public-Facing Professional Licensing portal. Project completion is now expected by the end of the third quarter of fiscal 2024. Task orders were not awarded until June 2022 and could not be approved by the Office of State Procurement before the end of the fiscal year. The fiscal 2024 allowance includes no allocation for oversight.

Appendix 3
Vehicle Theft Prevention Council Grants
Fiscal 2019-2022

<u>County</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Allegany	\$0	\$0	\$0	\$0
Anne Arundel	81,000	81,000	82,000	82,000
Baltimore City ¹	111,000	111,000	111,000	113,000
Baltimore County ²	470,000	500,000	505,000	530,000
Calvert	0	0	0	0
Caroline	0	0	0	0
Carroll	0	0	0	0
Cecil	0	0	0	0
Charles	30,000	30,000	30,000	30,000
Dorchester	0	0	0	0
Frederick	0	0	0	0
Garrett	0	0	0	0
Harford	29,000	20,000	20,000	20,000
Howard	105,000	65,000	68,000	70,000
Kent	0	0	0	0
Montgomery	170,000	160,000	160,000	116,000
Prince George’s	465,000	495,000	533,000	571,000
Queen Anne’s	0	0	0	0
St. Mary’s	0	0	0	0
Somerset	0	0	0	0
Talbot	0	0	0	0
Washington	0	0	0	0
Wicomico	0	0	0	0
Worcester	0	0	0	0
State Agencies	302,000	307,000	262,000	242,000
Other	106,000	100,000	100,000	95,000
Total	\$1,869,000	\$1,869,000	\$1,869,000	\$1,869,000

Note: Figures may not sum due to rounding.

¹ The portion of this funding that goes to the Northwest Citizens Patrol Group includes grant monies awarded to community vehicle theft prevention programs in Baltimore City.

² The portion of this funding that goes to the Baltimore County Police Department includes grant monies to support the Baltimore City and Baltimore County combined Regional Auto Theft Team.

Source: 2021 Annual Report, Vehicle Theft Prevention Council

**Appendix 4
Object/Fund Difference Report
Department of State Police**

<u>Object/Fund</u>	<u>FY 22 Actual</u>	<u>FY 23 Working Appropriation</u>	<u>FY 24 Allowance</u>	<u>FY 23 - FY 24 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	2,504.50	2,505.50	2,545.50	40.00	1.6%
02 Contractual	52.36	57.95	56.95	-1.00	-1.7%
Total Positions	2,556.86	2,563.45	2,602.45	39.00	1.5%
Objects					
01 Salaries and Wages	\$ 389,551,568	\$ 440,641,199	\$ 462,766,071	\$ 22,124,872	5.0%
02 Technical and Spec. Fees	2,327,964	2,410,635	2,517,176	106,541	4.4%
03 Communication	4,719,893	5,051,640	5,263,145	211,505	4.2%
04 Travel	515,408	594,110	814,110	220,000	37.0%
06 Fuel and Utilities	2,613,855	2,805,888	3,399,544	593,656	21.2%
07 Motor Vehicles	24,335,256	25,736,829	27,202,174	1,465,345	5.7%
08 Contractual Services	20,977,243	26,158,277	23,295,808	-2,862,469	-10.9%
09 Supplies and Materials	4,017,672	4,378,340	4,424,225	45,885	1.0%
10 Equipment – Replacement	6,556,109	4,187,462	8,583,540	4,396,078	105.0%
12 Grants, Subsidies, and Contributions	11,256,648	27,292,148	20,142,148	-7,150,000	-26.2%
13 Fixed Charges	2,727,503	3,001,609	3,100,332	98,723	3.3%
14 Land and Structures	128,215	0	0	0	0.0%
Total Objects	\$ 469,727,334	\$ 542,258,137	\$ 561,508,273	\$ 19,250,136	3.5%
Funds					
01 General Fund	\$ 343,439,758	\$ 387,753,427	\$ 414,950,945	\$ 27,197,518	7.0%
03 Special Fund	108,601,200	135,815,079	129,505,084	-6,309,995	-4.6%
05 Federal Fund	12,375,832	10,487,967	10,511,306	23,339	0.2%
09 Reimbursable Fund	5,310,544	8,201,664	6,540,938	-1,660,726	-20.2%
Total Funds	\$ 469,727,334	\$ 542,258,137	\$ 561,508,273	\$ 19,250,136	3.5%

Note: The fiscal 2023 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.

**Appendix 5
Fiscal Summary
Department of State Police**

<u>Program/Unit</u>	<u>FY 22 Actual</u>	<u>FY 23 Wrk Approp</u>	<u>FY 24 Allowance</u>	<u>Change</u>	<u>FY 23 - FY 24 % Change</u>
01 Maryland State Police	\$ 459,013,465	\$ 530,076,592	\$ 548,245,745	\$ 18,169,153	3.4%
02 Fire Prevention Commission and Fire Marshal	10,713,869	12,181,545	13,262,528	1,080,983	8.9%
Total Expenditures	\$ 469,727,334	\$ 542,258,137	\$ 561,508,273	\$ 19,250,136	3.5%
General Fund	\$ 343,439,758	\$ 387,753,427	\$ 414,950,945	\$ 27,197,518	7.0%
Special Fund	108,601,200	135,815,079	129,505,084	-6,309,995	-4.6%
Federal Fund	12,375,832	10,487,967	10,511,306	23,339	0.2%
Total Appropriations	\$ 464,416,790	\$ 534,056,473	\$ 554,967,335	\$ 20,910,862	3.9%
Reimbursable Fund	\$ 5,310,544	\$ 8,201,664	\$ 6,540,938	-\$ 1,660,726	-20.2%
Total Funds	\$ 469,727,334	\$ 542,258,137	\$ 561,508,273	\$ 19,250,136	3.5%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.