

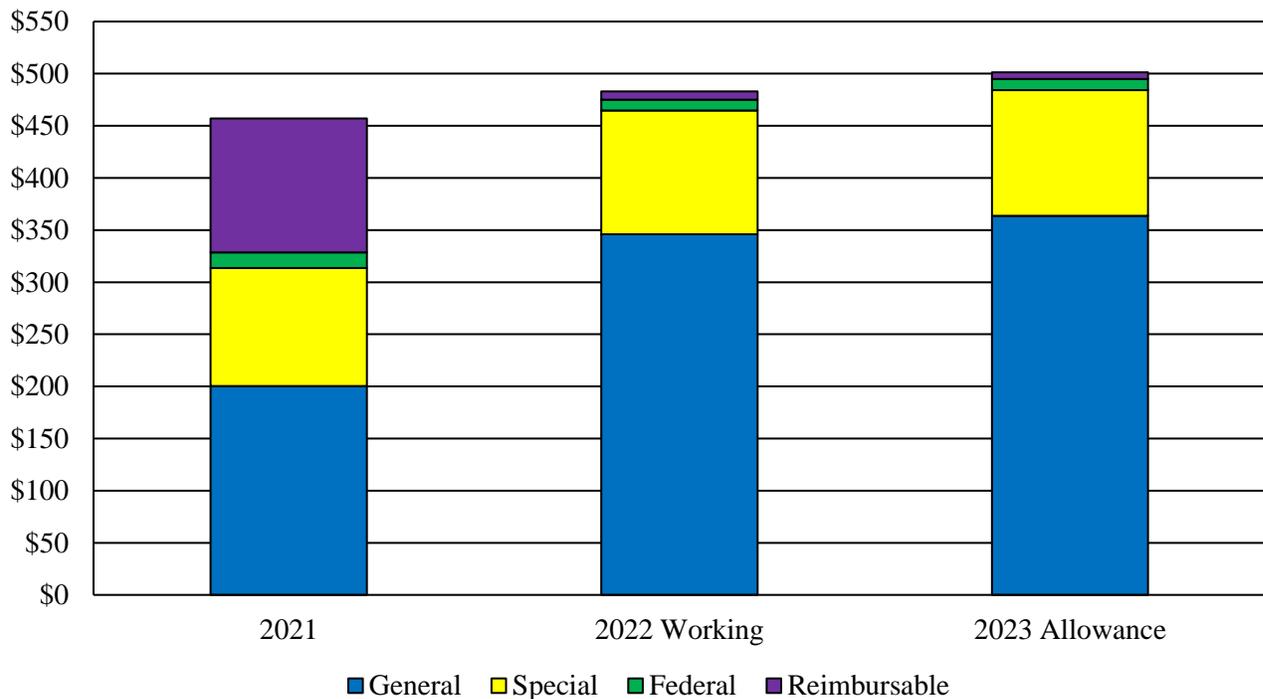
W00A
Department of State Police

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 2023 Budget Increases \$18.2 Million, or 3.8%, to \$501.3 Million
(\$ in Millions)**



Note: The fiscal 2022 working appropriation includes deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

- Reimbursable funds offset general fund expenditures in fiscal 2021. This is federal Coronavirus Aid, Relief, and Economic Security (CARES) Act money provided to cover expenses for public safety salaries and protective equipment.

Key Observations

- ***Crime Rates Fell during Calendar 2020:*** Maryland’s crime rate for Part I and Part II offenses per 100,000 people continues to be lower than the national rate. The murder rate increased in calendar 2020 for both Maryland and the United States, with Maryland experiencing 9.5 murders per 100,000 people and the country experiencing a rate of 6.5. Both have experienced an increase in the murder rate since calendar 2018.
- ***Traffic Fatalities Increased as Fewer Vehicle Miles Were Traveled:*** Though traffic fatalities were expected to decrease as total vehicle miles traveled (VMT) decreased in connection to the COVID-19 pandemic, the number of traffic fatalities rose in calendar 2020. The total number of driving under the influence (DUI) arrests across all Maryland police agencies decreased 23.0% between calendar 2019 and 2020, while the number of annual VMT fell 15.9%.
- ***Workforce Diversity Action Plan:*** 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.
- ***Uniform Crime Report (UCR) Submitted On Time; 21 of 128 Agencies Are National Incident Based Reporting System (NIBRS)-compliant:*** DSP is the designated agency responsible for the compiling of crime data and submitting Maryland’s UCR to the Federal Bureau of Investigation (FBI); the 2020 UCR was submitted on time for the second time in as many years. DSP led the transition to the NIBRS in the State and reports that 21 of Maryland’s 128 UCR contributing agencies were compliant with NIBRS as of January 1, 2021.

Operating Budget Recommended Actions

1. Adopt committee narrative requesting an update on implementation of the Workforce Diversity Action Plan and development of diversity performance measures for Managing for Results.
2. Add language restricting funds pending the submission of the 2021 Uniform Crime Report.

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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, the Fire Prevention Commission, and OSFM, which are charged with safeguarding life and property from the hazards of fire and explosion.

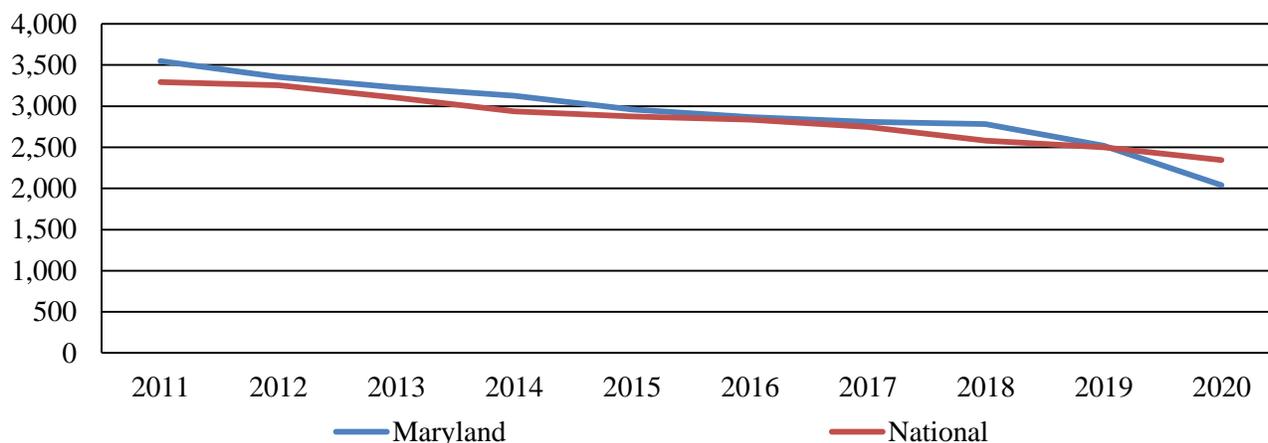
Performance Analysis: Managing for Results

1. Maryland Crime Rates Below Nation; Murder Rates Rise for Both

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 the Federal Bureau of Investigation (FBI) and published annually in the *Crime in Maryland: Uniform Crime Report*. The most recent publication of this report is the 2020 volume.

Once well above the national crime rate, the number of offenses per 100,000 people in Maryland has dropped significantly over the past decade, as shown in **Exhibit 1**. While the statewide and nationwide crime rates fell in tandem between 2012 and 2017, the Maryland crime rate is now lower than that of the nation. The national rate in 2020 was 2,346 offenses per 100,000, while the Maryland rate was 2,038 per 100,000.

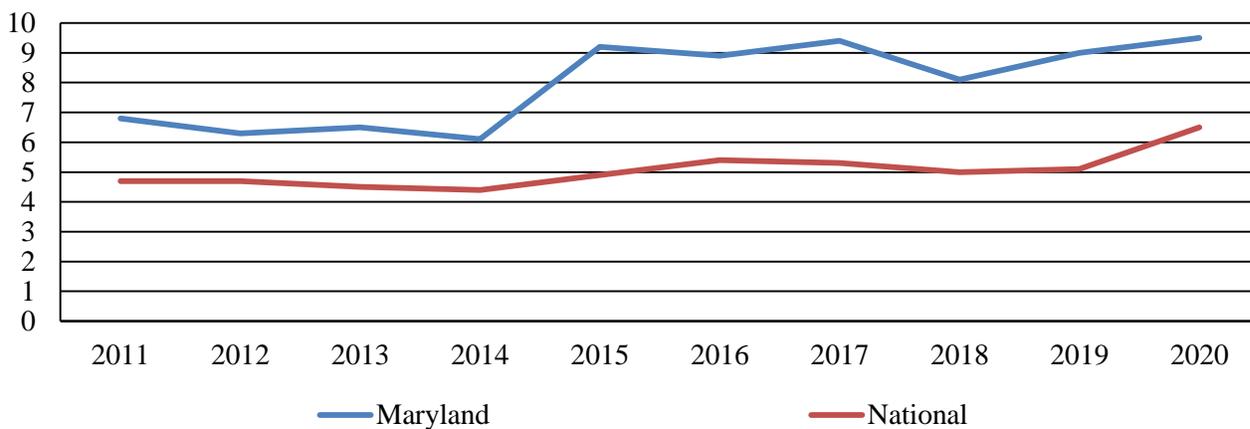
Exhibit 1
Overall Crime Rate Per 100,000 in Maryland and the United States
Calendar 2011-2020



Source: 2020 Uniform Crime Report; Federal Bureau of Investigation

Still, as shown in **Exhibit 2**, Maryland’s murder rate remains well above the national rate, as it has since a spike in calendar 2015. There were 9.5 murders per 100,000 in Maryland in calendar 2020, a 5.6% increase from calendar 2019. At the same time, the national murder rate increased 27.5% from 5.1 murders per 100,000 in calendar 2019 to 6.5 murders per 100,000 in calendar 2020.

Exhibit 2
Murder Rate Per 100,000 in Maryland and the United States
Calendar 2011-2020

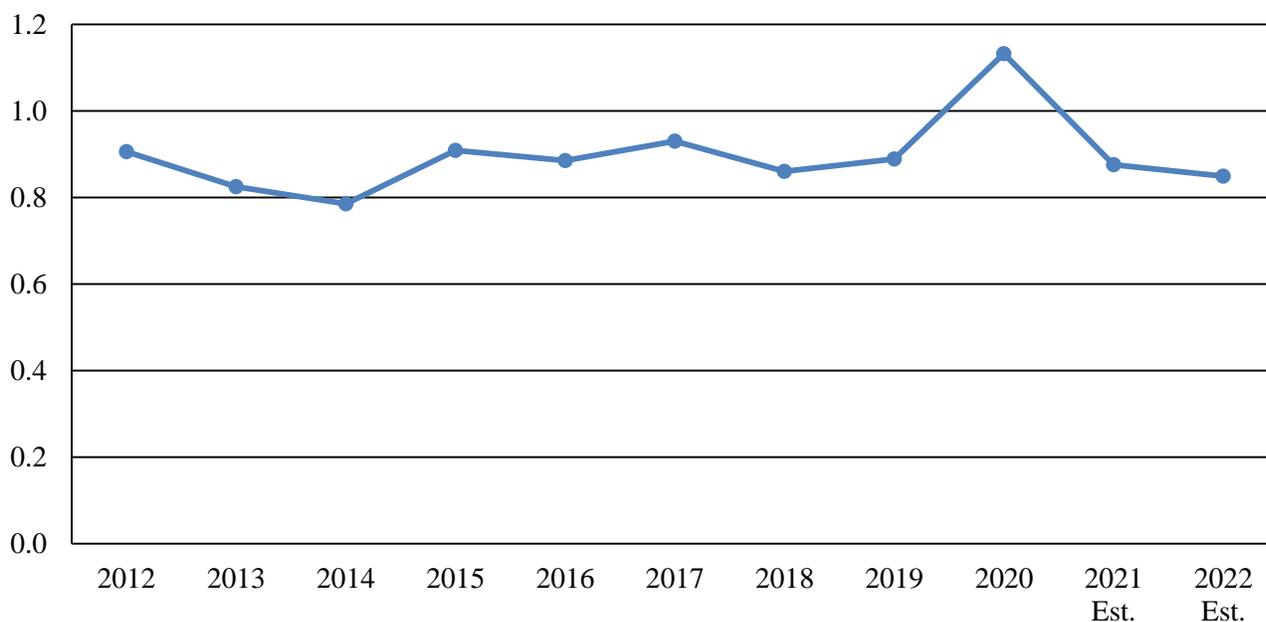


Source: 2020 Uniform Crime Report; Federal Bureau of Investigation

2. Traffic Fatalities Rose at the Beginning of the COVID-19 Pandemic

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. Fiscal 2022 Managing for Results (MFR) data estimated that the figure would drop to 0.69 fatalities per 100 million VMT in calendar 2020 due to the decline in travel during the pandemic. Though travel did decrease, 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. Accordingly, the traffic fatality rate per 100 million VMT rose 27.4% to 1.13 fatalities, as shown in **Exhibit 3**. This suggests that while there was less travel in calendar 2020, the roads were not as safe.

Exhibit 3
Traffic Fatalities Per 100 Million Vehicle Miles Traveled
Calendar 2012-2022 Est.



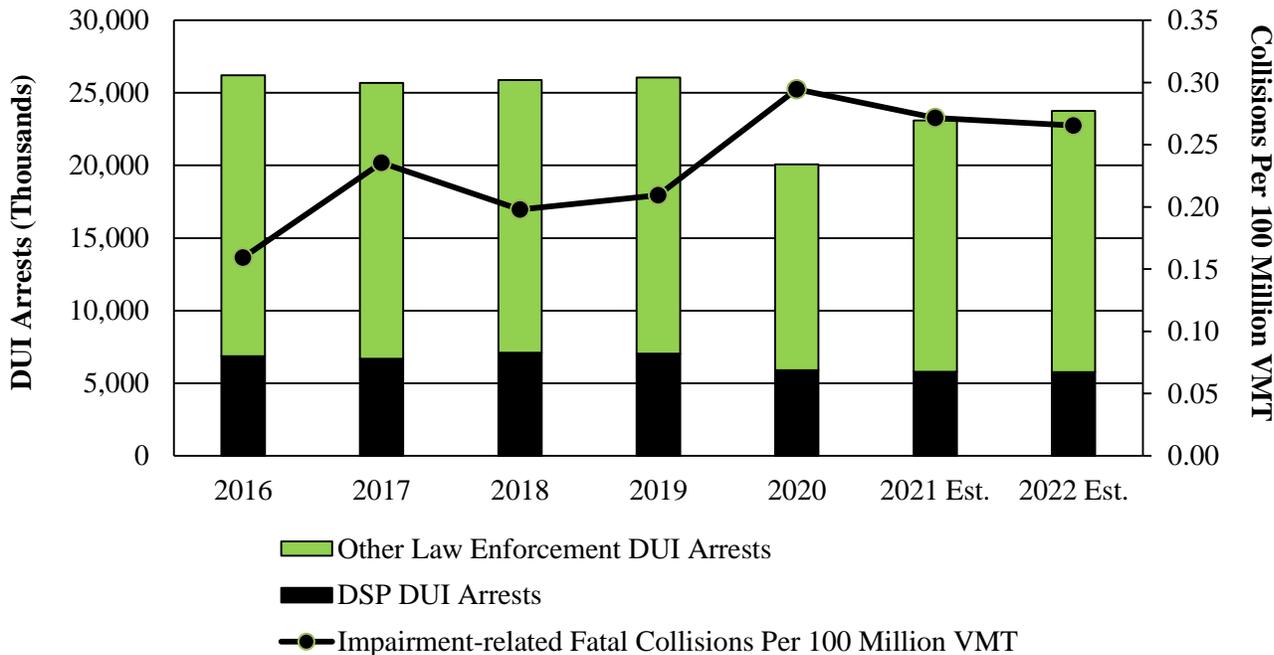
Source: Fiscal 2023 Managing for Results

In calendar 2021, the number of traffic fatalities per 100 million VMT is expected to decrease to below its calendar 2019 level, at 0.88 fatalities per 100 million VMT and 481 fatalities overall. This figure likely underrepresents the number of traffic fatalities that there were in calendar 2021. Resources published online by the Maryland Department of Transportation estimate that the number of traffic fatalities in calendar 2021 was 553 (data are subject to change). If the estimated annual VMT that DSP

MFR data reports is correct for calendar 2021, the actual fatality rate will be 1.01 in calendar 2021, rather than 0.88.

Enforcement of DUI laws is shared among several law enforcement agencies, though DSP reports total arrests and fatalities in the MFR submissions. **Exhibit 4** 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 2016. The rate of fatal collisions per 100 million VMT reached a peak in 2020 at 0.29 and is expected to fall to 0.27 in 2021 and 2022.

Exhibit 4
Department of State Police – DUI Arrests and
Impairment-related Fatal Collisions
Calendar 2016-2022



DSP: Department of State Police
 DUI: driving under the influence
 VMT: vehicle miles traveled

Source: Fiscal 2023 Managing for Results

The total number of DUI arrests across all Maryland police agencies was relatively stable between calendar 2016 and 2019. The figure reached a low point in 2020, decreasing by 5,985 arrests, or 23.0%, between calendar 2019 and 2020. Most of this change was driven by a decrease in DUI arrests by other law enforcement agencies, but the number of DSP DUI arrests also fell by 16.4% from

7,041 to 5,888. Enforcement may have fallen as a factor of there being fewer VMT. Total arrests decreased by 23.0%, while the number of annual VMT fell by 15.9%.

DSP should comment on the decline in DUI arrests and address how its approach to enforcement has adapted to current traffic patterns.

Fiscal 2021

DSP received \$120.4 million in federal CARES Act funds, reflected as reimbursable funds from the Maryland Department of Health, through a fiscal 2021 budget amendment. These funds were used instead of general funds to cover expenses for public safety salaries and protective equipment between July 1, 2020, and December 31, 2020.

During fiscal 2021, DSP reverted \$11.9 million in general funds. General funds were reverted because DSP received \$6.9 million from the federal American Rescue Plan Act, almost all of which was used for personnel expenditures. General funds were also reverted due to vacancies and last-minute encumbrance cancellations. DSP also canceled \$6.9 million in special funds, \$1.2 million in federal funds, and \$0.1 million in reimbursable funds.

Fiscal 2022

Proposed Deficiency

The fiscal 2023 budget provides DSP with \$5.9 million in fiscal 2022 deficiency funding, all of which is general funds. This includes \$5.7 million to fund personnel, contractual services, and equipment replacement to purchase and provide maintenance for body-worn cameras for DSP, Natural Resources Police, and the Maryland Capitol Police and \$0.3 million to fund contractual services related to the NIBRS program.

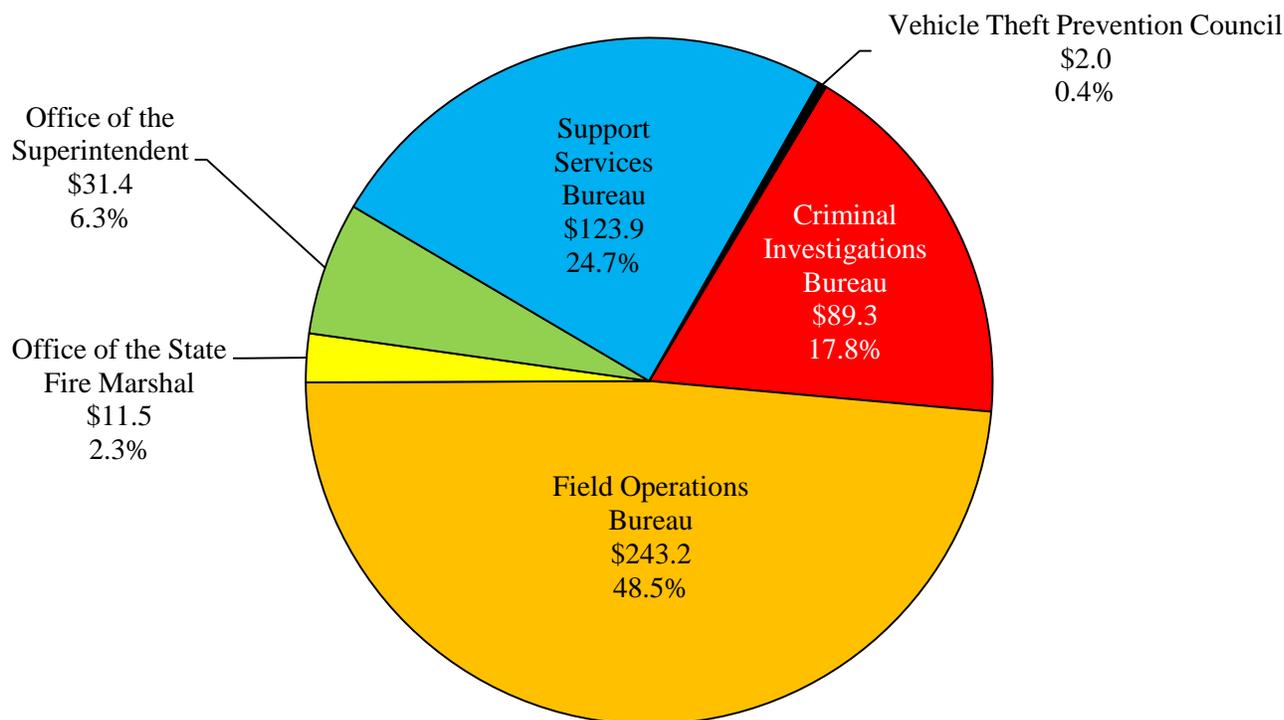
Supplemental Budget 1

The supplemental budget introduced on February 22, 2022, includes \$3,367,558 for helicopter maintenance expenses in general funds to replace special funds previously provided by the Maryland Emergency Medical System Operation Fund in fiscal 2022. The supplemental budget includes this fund swap in the allowance. The supplemental budget also includes fund swaps for certain salary enhancements in fiscal 2022 and fiscal 2023. Those changes are currently budgeted in the Department of Management and Budget.

Fiscal 2023 Overview of Agency Spending

DSP's fiscal 2023 allowance totals \$501.3 million; **Exhibit 5** shows this allowance categorized by program. Personnel costs represent 81.8% of expenditures throughout the department.

Exhibit 5
Overview of Agency Spending
Fiscal 2023 Allowance
(\$ in Millions)



Source: Governor’s Fiscal 2023 Allowance

The Office of the Superintendent establishes departmental policy and provides direction for the Maryland State Police. The fiscal 2023 allowance provides \$31.4 million, or 6.3%, for this program.

The Field Operations Bureau receives 48.5% of the allowance, or \$243.2 million. The bureau oversees 23 police barracks throughout the State and works to maintain public safety and deter criminal activity. Several divisions operate with 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 1,307 authorized positions (51.0% of the department).

The Criminal Investigations Bureau directs the investigative and forensic operations of the department. Totalling \$89.3 million, this represents 17.8% of DSP’s fiscal 2023 allowance. The divisions within this bureau include the Investigation Command, the Criminal Enforcement Division, the Forensic Sciences Division, and the Licensing Division.

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The Support Services Bureau receives \$123.9 million in fiscal 2023, accounting for about 24.7% 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 (IT) Division.

The Vehicle Theft Prevention Council 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 \$2.0 million from the Vehicle Theft Prevention Fund (VTPF) for such programs. This accounts for 0.4% of the total allowance.

OSFM conducts arson-related investigations and ensures compliance with State Fire Prevention Code. OSFM accounts for \$11.5 million (2.3%) of the total allowance.

Proposed Budget Change

The fiscal 2023 allowance increases by \$18.2 million, or 3.8% above the current year’s working appropriation. **Exhibit 6** details the main drivers of this growth.

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

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2021 Actual	\$200,467	\$113,044	\$15,176	\$128,477	\$457,163
Fiscal 2022 Working Appropriation	346,071	118,570	10,501	7,941	483,082
Fiscal 2023 Allowance	<u>363,551</u>	<u>120,726</u>	<u>10,484</u>	<u>6,524</u>	<u>501,285</u>
Fiscal 2022-2023 Amount Change	\$17,481	\$2,157	-\$17	-\$1,417	\$18,204
Fiscal 2022-2023 Percent Change	5.1%	1.8%	-0.2%	-17.8%	3.8%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$5,593
State Police Retirement System contributions					4,221
Turnover adjustments.....					1,940
Regular earnings					1,608
Workers’ compensation premium assessment					1,367

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Where It Goes:	<u>Change</u>
Reclassification	349
New positions.....	330
Law Enforcement Officers’ Pension System	246
Other fringe benefits, net of 2022 deficiencies	98
Employee retirement system.....	-255
Net Impact of Fiscal 2022 Deficiencies	
Funding the NIBRS program	-281
Purchase of and maintenance for approximately 965 body-worn cameras for DSP.....	-3,026
Other Changes	
Offsite data storage for the Criminal Intelligence Center at the Maryland Coordination and Analysis Center	2,000
Vehicle fleet purchases, maintenance, and repair	1,500
Statewide cost allocations	1,380
Purchase, implementation, and maintenance of a laboratory information maintenance system for crime laboratory data management	1,000
Contractual personnel	947
Miscellaneous adjustments	447
General fund grant for the Maryland Sheriffs’ Association, part of the Administration’s Re-Fund the Police Initiative	333
Laboratory equipment maintenance.....	250
Laboratory services for DNA testing	100
Out-of-state travel	100
Capital program operating impact.....	91
Changes to food services provided to trooper candidates living at the Sykesville training facility	-108
Utilities.....	-360
Contractual services for additional phases of the ALRTS major IT project, funded with fiscal 2017 carryover funds for the Major IT Development Fund.....	-1,667
Total	\$18,204

ALRTS: Automated Licensing and Registration Tracking System
DNA: deoxyribonucleic acid
DSP: Department of State Police
IT: information technology
NIBRS: National Incident Based Reporting System

Note: The fiscal 2022 working appropriation includes deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Body-worn Cameras

Chapter 60 of 2021 dictates that DSP require the use of a body-worn camera by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the officer’s official duties by July 1, 2023. Funding for body-worn cameras is provided to DSP in the fiscal 2023 budget and through a fiscal 2022 deficiency appropriation. The deficiency appropriation includes \$5.7 million to fund 4.0 regular positions, contractual services, and the purchase and maintenance costs for approximately 965 body-worn cameras for DSP, Natural Resources Police, and the Maryland Capitol Police. Purchase and maintenance costs for the cameras are specific to DSP; DSP is purchasing 965 body-worn cameras for itself. The department reports that the cost associated with the physical cameras and licenses is \$3.0 million of the deficiency. The allowance includes an additional \$2.6 million for these purposes.

DSP should update the budget committees on its progress toward identifying a vendor for body-worn cameras, software, licenses, and storage for footage.

Personnel Expenses

Personnel expenses increase by \$15.5 million, accounting for over 85% of the total growth in the fiscal 2023 allowance. Approximately 36% of the increase in personnel funding is attributable to employee and retiree health insurance costs, and another 27.2% is for State Police retirement system contributions. This does not reflect funding for salary enhancements currently budgeted in the Department of Budget and Management and expected to be transferred to DSP via budget amendment. Of the new spending in fiscal 2023 for DSP salary enhancements across all fund sources, approximately \$34.8 million is associated with the administration’s “Re-Fund the Police Initiative.”

Administration’s Re-Fund the Police Initiative

The Administration’s Re-Fund the Police Initiative seeks to increase funding for law enforcement and for crime control and victim protection services by \$500.0 million, primarily across three fiscal years. One of the initiative’s aims is to increase state compensation for law enforcement officers and police scholarship programs by \$220.0 million across three years. That figure includes salary enhancements – including a 7% cost-of-living adjustment and increments – for members of the State Law Enforcement Officers Labor Alliance that have already been bargained.

The estimated impact of the initiative to the operating and capital budgets for state police agencies between fiscal 2023 and 2025 is approximately \$243.8 million, as shown in **Exhibit 7**. Costs are primarily for salary enhancements, accounting for a total of \$191.4 million (79%) of cumulative new spending in the initiative. Another cost associated with the initiative is a \$333,000 general fund grant for the Maryland Sheriffs’ Association that is expected to be used to expand operational training and support.

Exhibit 7
Administration’s Re-Fund the Police Initiative
Department of State Police
Fiscal 2023-2025
(\$ in Millions)

	<u>2023</u>	<u>2024</u>	<u>2025</u>
Salary Enhancements for State Police Agencies	\$34.884	\$63.188	\$93.357
Sheriffs’ Association Grants	0.333	0.333	0.333
Law Enforcement Capital (General Obligation Bond Funding)	20.510	18.271	12.572
Total	\$55.727	\$81.789	\$106.259

Note: Salary enhancements include spending for the Department of State Police, the Maryland Capitol Police, Maryland Natural Resources Police, Maryland Transit Administration Police, and Maryland Transportation Authority Police.

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

For additional information about the Re-Fund the Police Initiative in the fiscal 2023 budget, please see the 2022 session *Fiscal Briefing* and the Governor’s Office of Crime Prevention, Youth, and Victim Services – D21 analysis.

Personnel Data

	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22-23</u> <u>Change</u>
Regular Positions	2,462.50	2,501.50	2,505.50	4.00
Contractual FTEs	50.74	34.80	57.95	23.15
Total Personnel	2,513.24	2,536.30	2,563.45	27.15

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	174.60	6.98%
Positions and Percentage Vacant as of 12/31/21	327.00	13.07%
Vacancies Above Turnover	153.6	

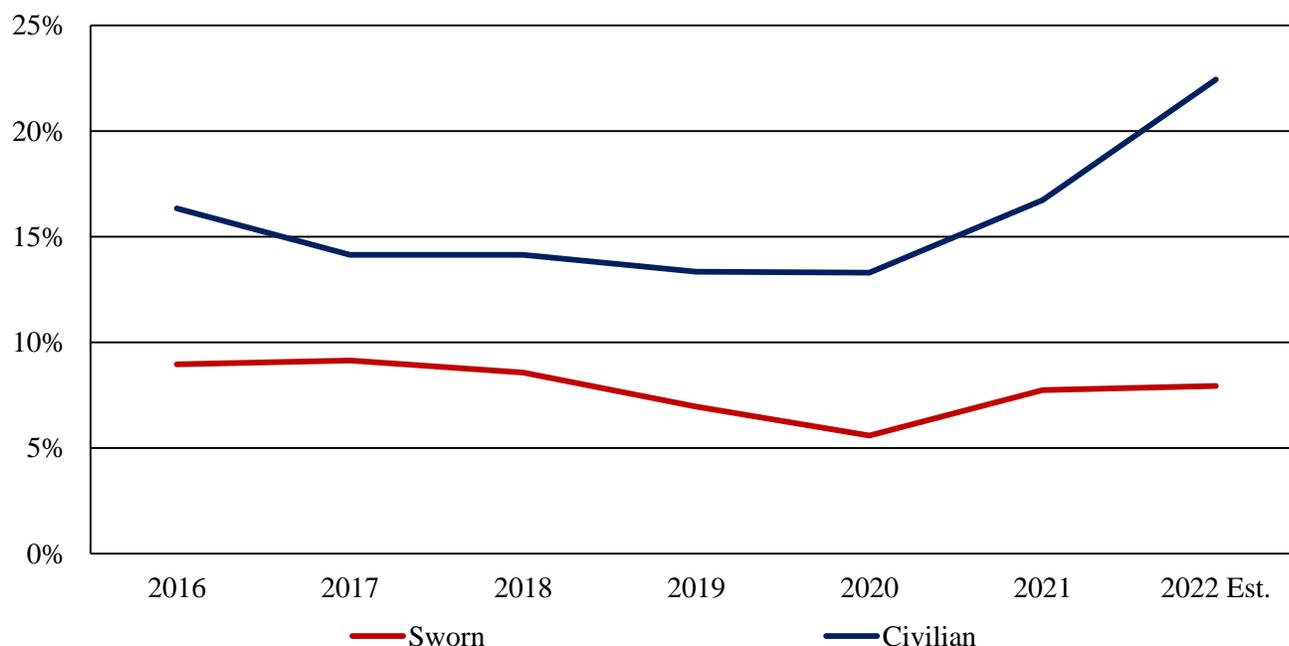
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- The data shows a net increase in regular positions between the working appropriation and the allowance, reflective of 3 positions added through a deficiency. In fiscal 2022, DSP will receive 3 additional positions to support the department’s implementation of Chapter 60 and implementation of body-worn camera policies. These positions are also funded in the allowance. In fiscal 2023, DSP also receives 1 new chief toxicologist position.
- DSP receives funding for 23.15 new contractual full-time equivalents in fiscal 2023, including 15.0 positions within the Licensing Division.

Vacancies

Between fiscal 2016 and 2021, the department operated with an average of 10.3% 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 rate for both position types fell in fiscal 2018 through 2020, vacancies throughout the department grew in fiscal 2021 to 7.7% of sworn positions and 16.7% of civilian positions. As of January 2022, DSP had 327.0 vacant positions, which represent approximately 13.1% of the total regular positions and close to double the budgeted turnover rate. Of the 327.0 vacancies, 116.0 or 35.5% have been vacant for over 12 months.

Exhibit 8
Department of State Police – Sworn and Civilian Position Vacancy Rates
Fiscal 2016-2022 Est.



Source: Fiscal 2023 Managing for Results

Issues

1. 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. The 2021 *Joint Chairmen’s Report (JCR)* withheld \$250,000 in general funds within the Office of the Superintendent to establish a diversity study group to develop an action plan to address these concerns and submit the findings by August 1, 2021. Budget language required that the submitted action plan should, at a minimum, identify how DSP plans to improve diversity within its civilian and sworn workforces, including specific goals for achieving diversity, metrics detailing the current degree of diversity in the department, as well as the department’s plans for promoting diversity through recruitment and retention efforts. In any instance where demographic data was requested, the department was instructed to include data categorized by both race and gender.

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. Most statistics are provided for the period of calendar 2018 through 2020, though information about disciplinary actions is given for calendar 2019 through 2021.

Reported Data

Exhibit 9 provides diversity data for the DSP workforce, as presented in the 2021 report. According to the U.S. Census Bureau, Maryland’s total population of 6.2 million people in 2021 consists of 50.0% White alone and not Hispanic or Latino, 31.1% Black or African American alone, 10.6% Hispanic or Latino, 6.7% Asian alone, 2.9% two or more races, 0.6% American Indian and Alaska Native alone, and 0.1% Native Hawaiian and Other Pacific Islander alone. (Note that these numbers sum to over 100%.) The current DSP workforce does not align with the demographics of Maryland’s population, particularly among sworn employees. Sworn employees saw an increase in the number of female employees, but a decrease in the percentage of employees who are Black or African American, and Hispanic or Latino. Of the 467 troopers hired from the 10 trooper classes held since 2015, 33% of the graduates have been minorities. The department reports that it “has remained committed to seating an academy class only when each under-represented workforce category has been exceeded by at least 1% of current workforce representation.” More racial and gender diversity exists within the civilian workforce.

**Exhibit 9
Workforce Diversity
Calendar 2018-2020**

	Sworn			Civilian			Combined		
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
White	82.9%	82.8%	83.0%	74.3%	73.8%	73.0%	80.0%	79.9%	79.7%
Black or African American	12.1%	12.0%	11.8%	20.3%	20.5%	20.2%	14.8%	14.8%	14.6%
Hispanic or Latino	2.5%	2.5%	2.4%	1.0%	1.0%	0.6%	2.0%	2.0%	1.8%
Asian	1.4%	1.4%	1.4%	2.0%	2.4%	2.2%	1.6%	1.7%	1.7%
Other	1.1%	1.4%	1.5%	1.7%	2.3%	3.2%	1.3%	1.7%	2.0%
Female	7.1%	7.3%	7.4%	49.4%	49.1%	47.6%	21.1%	21.0%	20.7%
Other, or Declined to State Gender and Race	0.0%	0.0%	0.0%	0.7%	0.0%	0.7%	0.2%	0.0%	0.2%

Source: Department of State Police

Data specific to the department’s managerial and leadership positions in the same period, presented in **Exhibit 10**, is further removed from the current State population. Racial diversity among the department’s leadership grew in calendar 2020 compared with calendar 2018, though the proportion of female employees in leadership roles decreased. Though this makes the sworn employees less comparable with statewide demographics, female leadership among civilian employees is more representative of statewide numbers.

**Exhibit 10
Managerial and Leadership Diversity
Calendar 2018-2020**

	Sworn			Civilian		
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
White	85.8%	85.8%	85.8%	74.8%	73.6%	73.1%
Black or African American	10.7%	10.7%	10.9%	21.1%	21.4%	20.7%
Hispanic or Latino	2.0%	1.9%	1.6%	0.0%	0.6%	0.6%
Asian	0.7%	0.7%	0.7%	2.1%	1.3%	1.9%
Other	0.8%	0.9%	1.3%	2.0%	3.1%	3.7%
Female	6.8%	6.6%	6.5%	59.9%	58.5%	55.0%

Source: Department of State Police

Recommendations

The diversity study group made four recommendations to be taken before DSP develops additional specific and measurable goals. The study group first suggested that DSP should consider abandoning its current definition of diversity and associated performance metrics in favor of policies that would measure progress toward inclusion. The report did not identify who would be responsible for this decision or when it might be made. The department now reports that this goal has been completed with the assistance of public and private diversity, equity, and inclusion subject matter experts.

The next recommendation was that DSP should convene an internal focus group of recently hired and probationary employees to provide feedback on existing recruitment, retention, and inclusion strategies before the department develops specific and measurable goals for an inclusive workforce. The report did not provide a date for when the focus group would be convened. DSP now reports the following progress toward this goal:

- a focus group framework, methodology, and facilitation training has been completed, working with internal and external subject matter experts;
- internal messaging has encouraged focus group participation and support of project implementation; and
- DSP has received a quote, in response to its request for proposals, seeking a research and analysis firm to assist the department with conducting moderated in-person focus groups of both internal sworn and civilian employees and of community members.

Third, DSP should develop qualitative goals regarding inclusivity rather than quantitative ones. Such goals would be measured by employee feedback. The report did not specify who would set these qualitative goals, but DSP now reports that the focus group findings may be used to make adjustments to policies, procedures, and operational practices.

Lastly, the study group recommended that DSP invest resources into educating, informing, and training community members and leaders about its hiring and retention policies to create a community-driven recruiting strategy. The report specified that this should be done after receiving recommendations relating to goals and objectives from the focus group. The department reports progress toward this goal is pending, but it has identified training and eligible software programs to track and perform gap analysis in its leadership and performance. It has also identified three training approaches that will improve the curriculum that the Education and Training Division provides.

The Department of Legislative Services (DLS) requests that DSP provide additional information to the budget committees in its testimony on the implementation of its action plan and any goals that have since been identified, including a timeline for establishing measurable goals as requested in the JCR.

DLS also recommends the addition of committee narrative to require DSP to continue reporting on the progress that it makes toward achieving its diversity action plan and setting measurable goals. DSP should further develop workforce diversity objectives and outcome measures for the MFR section of the fiscal 2024 Budget Books and for subsequent fiscal years.

With its *Workforce Diversity Action Plan*, DSP provided most of the information requested in the budget language, and DLS recommends the release of withheld funds. However, DSP should further comment on the resources used in the working appropriation and resources that will be used in fiscal 2023 to further implement the study group’s recommendations.

2. UCR and Transition to NIBRS

2020 UCR Submitted on Time

DSP is the designated agency responsible for the compiling of crime data and submitting the Maryland UCR to the FBI. While the department led the transition to NIBRS for submitting crime data, the department has historically struggled to submit the standard UCR on time. The 2018 UCR was submitted several months after the November 2019 deadline, but the 2019 UCR was submitted on schedule. The department attributed this change to a new IT system that allowed for the electronic collection of data from local law enforcement agencies. This, in turn, streamlined the data verification and compilation process. The 2020 UCR was also submitted on schedule.

DLS recommends adding annual budget language restricting funds pending the receipt of the 2021 UCR. While the UCR has been submitted on time for the last two years, the budget committees may wish to continue adopting this annual language until the department demonstrates that it is able to consistently submit the UCR in a timely manner.

NIBRS Transition

The transition to NIBRS is a nationwide effort led by the FBI, changing 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. As the author of the Maryland UCR, DSP was designated as the State’s coordinating agency for the transition. The State’s program was declared in compliance as of January 1, 2021. The FBI established that date as the deadline for agencies to achieve compliance. Failure to meet this deadline restricts a noncompliant agency’s eligibility for certain federal funding opportunities, such as Justice Assistance Grants and the Federal Surplus Personal Property Program.

Within Maryland, there are 155 data contributors to the Maryland UCR. However, 27 of those contributors represent multiple locations for various agencies. Therefore, in its JCR response on the one-year update on NIBRS implementation, DSP identifies the compliance status of a total of 128 agencies. Delinquent agencies may be deemed ineligible for federal grants based on their

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noncompliance. Of the 128 agencies subject to the FBI deadline for compliance, 21 of Maryland’s UCR contributors are NIBRS certified and in compliance. The remaining 107 agencies are noncompliant, and DSP reports that there is currently no projected date for their compliance. The noncompliant agencies can be broken into four categories:

- 14 contributors that are certified by the State UCR program but are currently submitting test data files to the Maryland NIBRS test system;
- 8 contributors that are not certified by the State UCR program and are currently submitting production data files to the Maryland NIBRS Certification System;
- 62 contributors that have not begun testing and are still in the process of implementing their NIBRS-compliant system; and
- 23 contributors that remain noncompliant, and/or those who do not share progress updates with DSP.

The department reports that if these agencies do not implement a NIBRS-compliant system, they will need to complete manual input into the NIBRS Dashboard for Maryland UCR reporting purposes.

DSP should update the committees on any ongoing actions that it is taking to aid in the NIBRS transition among local law enforcement agencies.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Implementation of the 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 Department of State Police (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. In continuing to monitor the department’s progress in addressing this issue, the budget committees request an update on the further development and implementation 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;
- specific and measurable goals for achieving diversity among civilian and sworn employees based on the feedback that the department receives from its internal focus groups and external focus groups with community partners, including a date or dates by which the department hopes to achieve these goals;
- a demographic breakdown of the department’s civilian and sworn employees for the previous year;
- 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 three years; and
- a demographic breakdown of the disciplinary actions for civilian and sworn personnel over the previous year.

Additionally, to create a greater understanding of the Workforce Diversity Action Plan’s impact on departmental diversity, equity, and inclusion, the budget committees request that specific

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outcome performance measures be developed for the Managing for Results (MFR) section of the Governor’s Fiscal 2024 Budget Books and for subsequent fiscal years.

The first report on the implementation of the action plan is to be submitted to the budget committees on September 1, 2022, with the draft of the department’s diversity performance measures to be submitted not later than October 31, 2022.

Information Request	Author	Due Date
Update on the implementation of the Workforce Diversity Action Plan	DSP	September 1, 2022
Draft diversity performance measures		October 31, 2022
Diversity MFR		With submission of the fiscal 2024 allowance

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, 2021 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. 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, 2022, 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 (GOCPYVS). 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 2023 upon receipt of notification from DSP. GOCPYVS 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 GOCPYVS shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received by November 1, 2022, 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 UCR and 2020 UCR were the first reports submitted on time in several years.

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This language withholds a portion of the general fund appropriation until the budget committees receive the 2021 UCR. The language also specifies that GOCPYVS, 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 GOCPYVS must submit a report to the budget committees that includes information on any jurisdiction that did not report crime data by November 1, 2022, and the amount of SAPP funding that is withheld from each jurisdiction.

Information Request	Author	Due Date
2021 UCR data verification	DSP	November 1, 2022
2021 UCR	DSP	45 days prior to expenditure of funds

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 JCR requested that DSP prepare five reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- **Action Plan to Improve Diversity:** The diversity study workgroup was tasked with submitting an action plan to address concerns about allegations of racial insensitivity and lack of diversity among the DSP workforce. The workgroup met on June 28, 2021. Further discussion can be found in the Issues section of this analysis.
- **DSP Operations in Baltimore City:** DSP reports that due to a number of factors, including departmental vacancies, the Baltimore Enhanced Visibility Patrol ceased operations on December 1, 2020. Following the publication of the report, the department reports that a memorandum of understanding among state law enforcement agencies and the Baltimore Police Department had been signed as part of the implementation of Chapter 20 of 2020.
- **One-year Update on NIBRS Implementation:** The FBI considers Maryland to be NIBRS-certified as of January 1, 2021. Of the 128 agencies included in the report, 21 are compliant and NIBRS-certified. The remaining contributors to Maryland’s UCR, 107 agencies, are noncompliant. Further discussion can be found in the Issues section of this analysis.
- **Report on VTPF Grants and Performance Metrics:** The Vehicle Theft Prevention Council oversees the VTPF. During the fiscal 2021 funding cycle, 20 entities received VTPF funds. The council and DSP grouped grant recipients together by county for the purpose of the report, as funding typically supports programs that support or complement each other. Though the report identifies additional performance measures that the council uses to monitor awardees, the report provides the following performance metric data for each awardee between fiscal 2018 and 2021: the total amount awarded; the percent of grant monies awarded to each county; the percent of total vehicle thefts occurring in each county; and the percent of total registered vehicles per county. Baltimore City and Baltimore County had the greatest reduction in vehicle theft over the last three years. This region and these jurisdictions also received the most grant awards.
- **2020 UCR:** Annual budget bill language required DSP to work with local law enforcement agencies to compile the 2020 UCR. The department was able to submit this report on schedule for the second year in a row. Further discussion can be found in the Issues section of this analysis.

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

New/Ongoing: Ongoing								
Start Date: April 2013					Est. Completion Date: Est. December 2023			
Implementation Strategy: Waterfall								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$8.040	\$0.025	\$0.915	\$0.000	\$0.000	\$0.000	\$0.000	\$8.980
FF	0.400	0.000	0.000	0.000	0.000	0.000	0.000	0.400
Total	\$8.440	\$0.025	\$0.915	\$0.000	\$0.000	\$0.000	\$0.000	\$9.380

- 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.
- 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 that is expected to be delivered by the end of fiscal 2022.
- Changes:** Contract disputes in May 2018 delayed the project by several months. The projected completion date was pushed back 10 months as a result; 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 (PLU) portal. The department reports that this is a “no cost” change to the project. Development of the PLU will begin following the deployment of the Firearm Dealer Registration. Automated Licensing and Registration Tracking System project completion is now expected by the end of calendar 2023. The fiscal 2023 allowance includes \$50,000 for oversight.

Appendix 3
Object/Fund Difference Report
Department of State Police

<u>Object/Fund</u>	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u> <u>Appropriation</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22 - FY 23</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	2,462.50	2,501.50	2,505.50	4.00	0.2%
02 Contractual	50.74	34.80	57.95	23.15	66.5%
Total Positions	2,513.24	2,536.30	2,563.45	27.15	1.1%
Objects					
01 Salaries and Wages	\$ 378,822,254	\$ 394,372,477	\$ 409,923,088	\$ 15,550,611	3.9%
02 Technical and Special Fees	2,759,683	1,276,131	2,222,906	946,775	74.2%
03 Communication	5,109,368	4,995,277	5,051,640	56,363	1.1%
04 Travel	310,560	494,110	594,110	100,000	20.2%
06 Fuel and Utilities	2,365,861	2,681,188	2,805,888	124,700	4.7%
07 Motor Vehicles	23,788,691	24,300,676	25,736,829	1,436,153	5.9%
08 Contractual Services	18,081,216	19,396,002	24,491,377	5,095,375	26.3%
09 Supplies and Materials	3,054,752	4,378,340	4,378,340	0	0%
10 Equipment – Replacement	6,523,096	4,177,462	4,187,462	10,000	0.2%
12 Grants, Subsidies, and Contributions	11,639,545	18,309,148	18,892,148	583,000	3.2%
13 Fixed Charges	2,856,709	2,769,042	3,001,609	232,567	8.4%
14 Land and Structures	1,851,505	0	0	0	0.0%
Total Objects	\$ 457,163,240	\$ 477,149,853	\$ 501,285,397	\$ 24,135,544	5.1%
Funds					
01 General Fund	\$ 200,466,647	\$ 336,771,377	\$ 360,183,861	\$ 23,412,484	7.0%
03 Special Fund	113,043,596	121,937,326	124,093,985	2,156,659	1.8%
05 Federal Fund	15,176,436	10,500,584	10,483,885	-16,699	-0.2%
09 Reimbursable Fund	128,476,561	7,940,566	6,523,666	-1,416,900	-17.8%
Total Funds	\$ 457,163,240	\$ 477,149,853	\$ 501,285,397	\$ 24,135,544	5.1%

Note: The fiscal 2022 appropriation does not include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

**Appendix 4
Fiscal Summary
Department of State Police**

<u>Program/Unit</u>	<u>FY 21 Actual</u>	<u>FY 22 Wrk Approp</u>	<u>FY 23 Allowance</u>	<u>Change</u>	<u>FY 22 - FY 23 % Change</u>
01 Office of the Superintendent	\$ 26,426,120	\$ 27,938,458	\$ 31,390,613	\$ 3,452,155	12.4%
02 Field Operations Bureau	227,422,924	234,907,702	243,172,384	8,264,682	3.5%
03 Criminal Investigation Bureau	79,918,322	81,765,105	89,304,671	7,539,566	9.2%
04 Support Services Bureau	111,099,531	118,216,083	123,941,489	5,725,406	4.8%
08 Vehicle Theft Prevention Council	1,798,447	2,000,000	2,000,000	0	0%
12 Information Technology Communications Bureau	315,000	1,666,900	0	-1,666,900	-100.0%
01 Fire Prevention Services	10,182,896	10,655,605	11,476,240	820,635	7.7%
Total Expenditures	\$ 457,163,240	\$ 477,149,853	\$ 501,285,397	\$ 24,135,544	5.1%
General Fund	\$ 200,466,647	\$ 336,771,377	\$ 360,183,861	\$ 23,412,484	7.0%
Special Fund	113,043,596	121,937,326	124,093,985	2,156,659	1.8%
Federal Fund	15,176,436	10,500,584	10,483,885	-16,699	-0.2%
Total Appropriations	\$ 328,686,679	\$ 469,209,287	\$ 494,761,731	\$ 25,552,444	5.4%
Reimbursable Fund	\$ 128,476,561	\$ 7,940,566	\$ 6,523,666	-\$ 1,416,900	-17.8%
Total Funds	\$ 457,163,240	\$ 477,149,853	\$ 501,285,397	\$ 24,135,544	5.1%

Note: The fiscal 2022 appropriation does not include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.