

W00A - Department of State Police
FY 19 Budget Response
March 2, 2018

Major Trends

DSP should explain why drug interdiction investigations and arrests have declined in recent years.

Agency Response: Drug interdiction investigations have fluctuated over the years from a high of approximately 2,800 CDS investigations in 2013 to a steady case load of approximately 2,300 in 2016 and 2017. The Parcel Interdiction Unit investigations have declined from 673 investigations in 2013 to 264 investigations in 2016. In 2017, the number of investigations increased to 362. The focus of the Parcel Interdiction Unit is to scan packages that are mailed through shipping fulfillment centers. In 2015, one of the Department's federal partners converted to "e-interdiction" and when doing so restricted the Department's access to their packages. In addition, the Western Maryland Major Trafficking Initiative performs a dual role and is tasked not only with parcel interdiction, but also conducts all DSP opioid overdose investigations and provides traditional narcotics investigative support in the region.

Issues

2016 UCR - DSP should comment on when the 2016 UCR is anticipated to be available and at what point the SAPP funding penalty should be applied.

Agency Response: It's anticipated that the 2016 UCR Crime Book in Maryland will be available for review at the end of April, 2018. On February 12, 2018, the Department of State Police received the final submission of 2016 crime data from the last remaining data contributor, Prince George's County Police Department. The Prince George's County Police Department confirmed they were unable to resolve errors/missing data in the domestically related crime category for three fields: injury codes, household status and circumstance fields. Currently, 2016 UCR excel workbooks (data) are currently with the Department of Public Safety and Correctional Services where they are undergoing mainframe auditing and editing. During this process any discrepancies will be reconciled before final publication.

DSP would consider applying the penalty to withhold SAPP funding from a police agency only when the DSP is convinced that the agency is willfully or intentionally shirking its reporting responsibility in violation of Maryland law. The Department would not support the withholding of critical funding from any police agency that makes a bona fide effort toward reporting compliance or that is working to overcome technological glitches or process failures.

State Police Staffing - DSP should comment on the findings of its Trooper Strength Assessment and how it is functioning with over 430 fewer employees than what is needed to adequately fulfill its mission. In addition, the department should update the committees on the status of implementing improvements to the hiring process, particularly for civilian employees.

Agency Response: The Joint Chairmen's Report directed the Maryland State Police "to evaluate the adequacy of Maryland's current authorized trooper workforce." Upon receiving that direction, the Department began an exhaustive, 18-month Staffing Study.

The process included an extensive review of law enforcement agencies. The study looked at Maryland to determine the changes in the number of municipal agencies in the last decade. It also included review of state law enforcement agencies to determine their similarities and differences to the Maryland State Police. There was also an analysis of how law enforcement technology has impacted the Maryland State Police and other Maryland law enforcement agencies.

The study concluded that with the addition of 98 trooper positions, current back logs could be reduced, more troopers would be on patrol for pro-active law enforcement initiatives and community outreach, support to allied law enforcement partners would increase and response times to citizen requests for service would improve. While the Maryland State Police strongly believes the addition of 98 new troopers would help to better position the Department to fulfill its public safety mission, we also recognize that we must first focus on filling existing sworn vacancies before more sworn positions are added.

Overall, the Maryland State Police investigates approximately 2.5% of all Part I Crimes in Maryland. However, the Maryland State Police does not patrol Baltimore City, and when Baltimore City data is not included, that number changes to 9.25%.

In many counties, the Maryland State Police conducts the majority of the traffic enforcement. While state troopers make up only 14% of the law enforcement officers in Maryland's counties, they conduct almost 40% of the traffic stops. Troopers also focus on removing impaired drivers from the State's roadways. Whether it is a barrack trooper or a trooper who is assigned to the Maryland State Police Impaired Driving Reduction Effort (SPIDRE) Team, impaired driving is always a priority. As demonstrated in the staffing study, troopers are responsible for an average of almost half of the impaired driving arrests in every county. In some counties, troopers arrest over 80% of the impaired drivers.

The Maryland State Police has served the citizens of Maryland since 1921. Our role has changed as county and municipal law enforcement agencies have grown. We remain a vital partner in Maryland law enforcement. Troopers will continue to provide the highest level of service throughout the State. The Department believes that with the addition of the positions discussed in this study we will be better situated to succeed in our mission to make Maryland a safe place to live, work and visit.

Traditionally, the average vacancy rate for the Department is 10%. The Department civilian vacancy rate began to increase in 2014, when a statewide hiring freeze was implemented,

permitting the filling of only a select few positions. Compounding these staffing deficiencies, in 2015 and 2016, the Department experienced higher than normal separations. In both years, the Department's attrition outpaced hiring. As of February 2018, the Department has 73 sworn vacancies for which 70 conditional offers of employment have been extended. Similarly, of the 120 civilian vacancies, 52% or 62 positions are actively in the hiring process.

Since completing its report on improving hiring in June of 2017, the Department has made significant progress on each of its recommendations. The development of automated personnel identification number (PIN) tracking programs, or dashboards, which monitor and report on the initiation and progress of sworn and civilian hiring has been implemented and shared with hiring managers across the State. While still in the piloting phases, the system has proven to ensure timely processing and accountability as it relates to required selection tasks, such as interviews and employment screening requirements. In addition, the Department has reclassified a position to concentrate on the recruitment and selection of specialized civilian vacancies such as Police Communication Officers and those positions required within the Aviation Division, Forensic Sciences Division and the Office of the State Fire Marshal. The new hire is currently in training and will be assigned to conduct joint recruiting exercises and take advantage of recruitment opportunities and resource sharing. This position will also be assigned the task of drafting the Department's Civilian Recruitment Plan of Action that will be used to better focus efforts and resources in filling vacant positions.

Fentanyl Impact - DSP should comment on how the increasing presence of fentanyl is impacting departmental operations, the role of DSP in combating the opioid crisis, and what, if any, improvements need to be made within the FSD laboratories to better account for the presence of fentanyl.

Agency Response: Fentanyl is an extremely powerful drug that can cause a fatal reaction to even the smallest of exposures. In response, the Department has implemented several changes to its operational procedures. In order to protect the safety of the troopers working in the field and on investigations, the Department initiated a policy which eliminated the practice of field testing unknown controlled dangerous substances (CDS). By doing so, the Forensic Sciences Division has to quickly shift resources and processes to provide CDS analysis essential for the immediate furtherance of criminal investigations when necessary. Some of these submissions, based on the case, are requested to be expedited. By increasing the number of cases and expediting crucial cases, the lab has increased its overall testing time for all submissions. The Department has also developed a program which initially provided all Field Operations Bureau troopers with a dose of Naloxone, the opioid overdose reversal drug. The program proved successful in saving the lives of overdose victims. To expand the presence of Naloxone, and be available to protect troopers from potential exposure, the program later included the troopers in the Criminal Enforcement Division who are investigating drug cases. The program was expanded to our K9 Unit, in which all handlers were provided two doses of Naloxone in case the dog and/ or handler were exposed. Additionally, DSP ensured all troopers were provided personal protective equipment to include; masks, gloves and other protective gear when handling unknown CDS. The Department also created a Heroin Task Force which focuses on the trafficking of opioids into and throughout the State.

The Forensic Sciences Division has experienced obstacles in the testing of Fentanyl. Even minute amounts of Fentanyl can prove to be deadly, but the ability to test such small amounts included in a larger sample is difficult. However, the biggest contributing factor causing a decrease in cases completed and an increase in turnaround time is the complexity of synthetic drugs, primarily fentanyl and carfentanil. Due to the rapidly changing chemical makeup of these drugs the Forensic Sciences Division has had to purchase over 50 new opioid drug standards in 2017, and our current technology, GC/MS, has limitations in analyzing some of these complicated mixtures of drugs. The fentanyl samples can sometimes be in very low concentrations, which are below our current limit of detection for the GC/MS instrument.

The Department is pursuing a DART-TOF/MS as a reliable and efficient screening tool. The samples can be screened more quickly, and the chemist can then perform a targeted confirmation to minimize instrument run time. This instrument can also be used to quickly screen samples for rush analysis to give troopers and allied officers preliminary information as to whether or not the sample contains an opioid or other CDS. The DART-TOF/MS has a cost of approximately \$215,000 each, and the Department is looking to put one in each of its three CDS labs located throughout the State. The Department is looking into the possibility of grant or other external funding to purchase the new equipment.

Work Zone Safety - The Department of Legislative Services (DLS) recommends altering the penalty structure for citations issued by ASE systems through the Budget Reconciliation and Financing Act of 2018. A fee scale should be established through regulation by SHA; however, at a minimum, fines should be doubled for any driver receiving more than two citations per year from an ASE system.

Agency Response: The Primary function of the ASE system is to provide safety in work zones. If the General Assembly believes, as a matter of policy, that the fines should be increased for repeat offenders that is a decision for the legislature. DSP does not have a position on the recommendation for an increase in penalties.

School Safety Center - DLS recommends revising the statute and the fiscal 2019 allowance pertaining to MCSS to combine the funding and operations of MCSS with the newly created School Safety Program under the authority of GOCCP.

Agency Response: The Department does not concur with the recommendation to combine operations of the Maryland Center for School Safety (Center) and GOCCP. Maryland is the only state in the country which houses its Center for School Safety in the State's law enforcement fusion center (MCAC). Although the Center is not focused on law enforcement operations, the Center for School Safety does provide training, information sharing, guidance in best practices for school safety, reviews and approves school safety plans, and coordinates weekly intelligence briefings for the school superintendents in cooperation with the MCAC.

DSP supports the Administration's plan to expand the responsibilities of the Center for School Safety as an independent unit within state government. The expansion will enable the Center to hire analysts and assist schools with conducting mandated safety assessments among other responsibilities. The Department supports the continued housing of the Center at the State's law

enforcement fusion center. The Governing Board for the Maryland Center for School Safety provides general oversight and direction to the Center. The superintendent of the DSP or his designee sits on the Governing Board.

It is imperative that Maryland continue to be aggressive with our school safety initiatives.

Proposed Budget

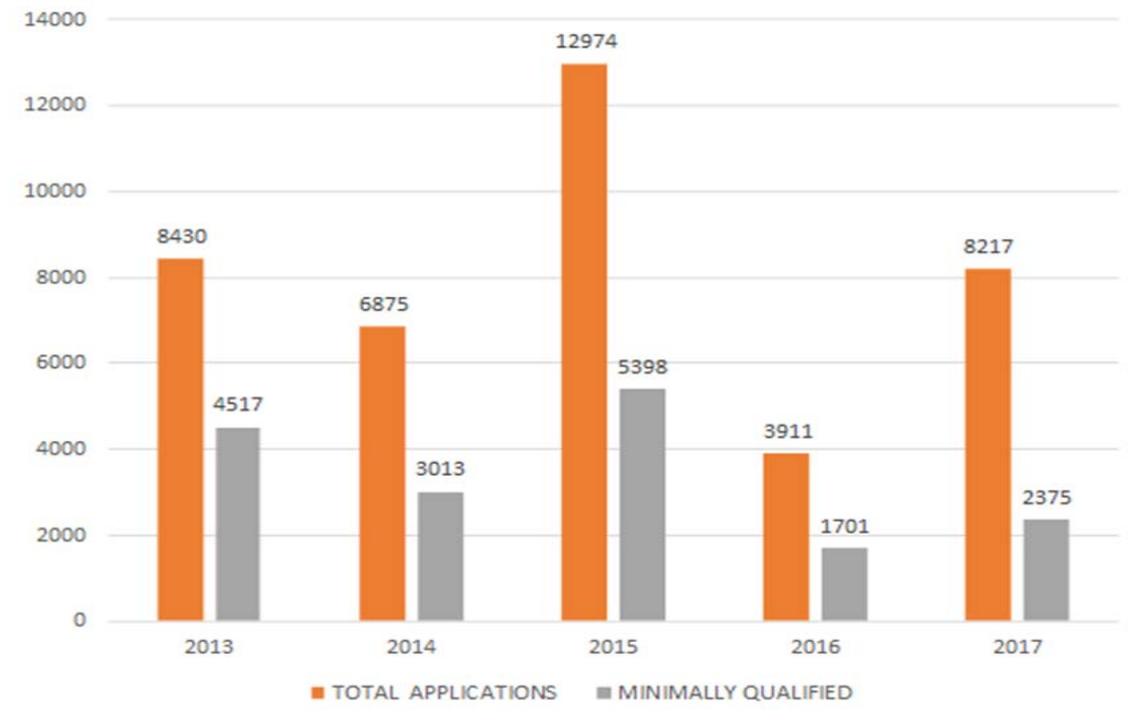
Personnel Vacancies - DSP should comment on its efforts to recruit and retain sworn personnel, along with what is driving the increase in sworn vacancies and the decrease in qualified trooper applicants.

Agency Response: In 2017, DSP had 65 sworn employees separate from the Department, which represents the lowest number of separations since 2013. 37 (57%) of those separations were the result of retirement. 27 (42%) were resignations and one (1%) was terminated. Trends are indicating that fewer sworn personnel are separating from the DSP for reasons other than normal service retirements.

Sworn Personnel	2013	2014	2015	2016	2017
Total Separations	103	86	105	88	65
Resignations	36	22	33	40	27
Retirements	64	57	63	45	37
Terminations	3	7	9	3	1

On page 12 of the Analysis, Exhibit 4 “Department of State Police Applicants Who Meet Minimum Process Standards” reflects the Total Number of Applicants that were considered for a given academy class. The chart below, accurately reflects the total number of applicants who meet minimum processing standards. For the Department of State Police, two separate vetting processes take place once an applicant submits an application expressing interest in becoming a trooper. The first step is to ask a series of questions to determine if the applicant is at least 21 years old or older (or will be upon graduation), is a U.S. citizen, possesses a high school diploma or general education certificate and has a valid driver’s license. Should these criteria be met, the next step is to have the applicant complete a drug history questionnaire and attest that he/she is eligible to possess and use a handgun under Maryland law. It is only after careful consideration of an applicant’s responses can he/she be determined as able to “meet minimum processing standards”.

**NUMBER OF APPLICANTS VS TOTAL APPLICANTS
MEETING MINIMUM PROCESSING STANDARDS**



The chart below demonstrates, by calendar year, the preliminary vetting of each applicant pool considered for a given academy class. It should be noted that in CY 2014 and CY 2016 only a single class was seated, in all other years' two hiring processes are represented.

DATE	CLASS	TOTAL APPS	INCOMPLETE/NOT		NOT QUALIFIED		MINIMUM QUALIFIED
			QUALIFIED PART A	SUBTOTAL	PART B		
2013	140	4522	1804	2718	653	2065	
	141	3908	790	3118	666	2452	
2014	142	6875	1599	5276	2263	3013	
2015	143	5968	1425	4543	1996	2547	
	144	7006	1896	5110	2259	2851	
2016	145	3911	982	2929	1228	1701	
2017	146	4542	1850	2692	1361	1331	
	147	3675	1458	2217	1173	1044	

DSP recognizes the challenges it is facing in attracting qualified candidates to join its ranks. As noted in the Trooper Staffing Study, in recent years, there has been an increase in anti-law enforcement sentiment nationwide, which has resulted in a significant decrease in the number of qualified applicants wanting to become law enforcement officers. This unfavorable environment has had an impact on recruiting for sworn law enforcement officers across the country and in Maryland. DSP recognizes the importance of connecting with potential applicants before the age of majority to build a relationship of trust and confidence to develop future applicants into informed, disciplined public servants. To that end, the DSP is focusing its human and fiscal resources on expanding its Explorer Program. The Explorer Program is affiliated with the

Exploring Learning for Life Program, founded by the Boy Scouts of America. The purpose of this program is to expose interested teenagers in public service careers such as police, fire/rescue and emergency care. The focus of this program is character development, physical fitness, fostering good citizenship and patriotism, while developing the Explorer's awareness of the purpose and mission of the DSP. This program is being considered a bottom rung on the Maryland State Trooper career ladder. The next rung is the DSP Cadet program followed by the academy.

DSP should comment on what has contributed to the improvements in civilian hiring.

Agency Response: Since completing its report on improving hiring in June of 2017, the DSP has made significant progress on each of its recommendations. The development of automated personnel identification number (PIN) tracking programs, or dashboards, which monitor and report on the initiation and progress of sworn and civilian hiring has been implemented and shared with hiring managers across the State. While still in the piloting phases, the system has proven to ensure timely processing and accountability as it relates to required selection tasks such as interviews and employment screening requirements. In addition, the DSP has reclassified a position to concentrate on the recruitment and selection of specialized civilian vacancies such as Police Communication Officers, and those positions required within the Aviation Division, Forensic Sciences Division and the Office of the State Fire Marshal. The new hire is currently in training and will be assigned to conduct joint recruiting exercises and take advantage of recruitment opportunities and resource sharing. This position will also be assigned the task of drafting the Department's Civilian Recruitment Plan of Action that will be used to better focus efforts and resources in filling vacant positions.

Civilianization - DSP should comment on the status of fulfilling its Workforce Civilianization Plan and why only 6 positions have been identified for reclassification when the initial report identified 10 positions. The Department of Legislative Services (DLS) recommends restricting funding in fiscal 2019 until the department confirms the civilianization of at least 15 positions.

Agency Response: The Department disagrees with the recommendation to restrict funding in FY 2019. The Department of State Police submitted its Workforce Civilianization Plan to the budget committees on August 15, 2017. Since that time, the Department has worked with the Department of Budget and Management to reclassify 10 existing vacant civilian PINs to the necessary classifications. Those PINs are detailed below. The Department is committed to civilianization wherever appropriate to do so, as long as daily operations are not compromised. The Department can only be successful when the Secretary has the autonomy to exercise the authority given him in Title 2 of the Public Safety Article for the management of the Department. Civilianization should take place over several budget cycles to allow the fiscal impacts to be fully absorbed and to give the Department sufficient time to recruit, hire and "specially" train new employees.

Civilianization Tracking Sheet				
PIN#	Class	Unit From	New Class	Unit To
050350	Fiscal Accounts Clerk II	Licensing	Admin Officer II	Licensing
088667	Office Services Clerk	Licensing	Admin Officer II	Licensing
062480	Public Affairs Officer I	Media	Public Affairs Officer II	Media
037124	Electrician	FMD	MSP Digital Forensics Examiner	CED
072495	Administrator I	Licensing	Polygraph Examiner Provisional	CED
066147	Admin Officer I	OSP	Management Specialist III	OSP
081224	Office Services Clerk	Licensing	Admin Officer II	Licensing
088672	Office Services Clerk	Licensing	Admin Officer II	Licensing
087273	OS III	Crime Lab	Polygraph Examiner Provisional	CED
089400	MSP Criminal Intelligence Analyst Supv	MCAC	MSP Digital Forensics Examiner	CED

Motor Vehicles and Speed Camera Revenues

DLS recommends that the department update its vehicle replacement plan and submit a copy to the budget committees by August 1, 2018. The submitted plan should address vehicle replenishment and sustainability for both the PPV and non-PPV fleets.

Agency Response: The Department agrees with the recommendation to update the vehicle replacement plan.

DLS further recommends amending existing statute to require that all speed camera revenues distributed to DSP be used only for the purchase of motor vehicles.

Agency Response: DSP agrees that speed camera revenues should not be limited to patrol vehicles as we have discussed the need to replace non patrol and patrol vehicles. However, the DSP believes that the costs to run the program should continue to be taken from the speed camera revenues to ensure the operating and personnel costs do not impact the general fund. There is an advantage to using speed camera revenues for personnel expenses. Special funds are rarely reduced while general funds are often cut or restricted due to statewide budget shortfalls.

The Maryland General Assembly has worked diligently to ensure the DSP had a funding source for vehicle replacement. Together we have been successful in lowering the age and mileage of the patrol fleet. This recommendation would allow us to use speed camera revenues to replace

other vehicles in desperate need of replacement. One caveat the Department has always asked for is the language to allow for the purchase of vehicles and related equipment.

DSP would like to work with the committees to ensure the replacement of vehicles continues while the expenses of the program are met.

Operating Budget Recommended Actions

- 1. Add language restricting funds pending confirmation of the civilianization of at least 15 positions.**

Agency Response: The Department does not concur with the recommendation.

- 2. Adopt committee narrative requesting a report on the Department of State Police motor vehicle fleet.**

Agency Response: The Department agrees with the recommendation.

- 3. Add budget bill language restricting \$1,000,000 of the general fund appropriation until the Department of State Police submits the 2017 Uniform Crime Report.**

Agency Response: The Department does not concur with the recommendation. DSP would consider supporting the restriction if the language included an exception for release of the funds if the DSP submits a report detailing the Department's due diligence to collect the data, including proof of competent oversight of the data contributors. The committees would have 45 days to review and approve the exception report.

Budget Reconciliation and Financing Act Recommended Actions

- 1. Alter statute to require the State Highway Administration to establish a graduated penalty structure for drivers receiving multiple citations through the automated speed enforcement program.**

Agency Response: The Department does not have a position on the recommendation.

- 2. Alter statute to shift responsibility for the Maryland Center for School Safety under the Governor's Office of Crime Control and Prevention.**

Agency Response: The Department does not concur with the recommendation to shift responsibility for the Center under GOCCP. DSP supports the Administration's plan to expand the responsibilities of the Center for School Safety as an independent unit within state government. The Department supports the continued housing of the Center at the Maryland Coordination and Analysis Center as an integral part of the State's law enforcement fusion center.

- 3. Amend existing statute to require speed camera revenues distributed to the Department of State Police be used to fund motor vehicle replacement purchases only.**

Agency Response: The Department agrees that speed camera revenues should not be limited to patrol vehicles as we have discussed the need to replace non patrol and patrol vehicles. However, the DSP believes that the costs to run the program should continue to be taken from the speed camera revenues to ensure the operating and personnel costs do not impact the general fund.