

**W10A00**  
**Department of State Police**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Operations	\$191,240	\$197,003	\$202,088	\$10,848	\$193,135	-\$8,953
Contractual Services	5,843	5,031	11,933	6,090	4,838	-7,095
Grants	85,080	86,203	85,374	294	74,218	-11,156
FY 2004 Deficiencies	0	0	1,850	1,850	0	-1,850
Contingent & Back of Bill Reductions	0	0	0	0	-252	-252
<b>Adjusted Grand Total</b>	<b>\$282,163</b>	<b>\$288,237</b>	<b>\$301,245</b>	<b>\$19,081</b>	<b>\$271,939</b>	<b>-\$29,306</b>
General Funds	225,948	139,924	223,326	-2,622	212,453	-10,873
FY 2004 Deficiencies	0	0	1,850	1,850	0	-1,850
Contingent & Back of Bill Reductions	0	0	0	0	-191	-191
<b>Adjusted General Funds</b>	<b>\$225,948</b>	<b>\$139,924</b>	<b>\$225,176</b>	<b>-\$772</b>	<b>\$212,263</b>	<b>-\$12,913</b>
Special Funds	54,881	55,613	59,228	4,347	59,196	-32
Contingent & Back of Bill Reductions	0	0	0	0	-62	-62
<b>Adjusted Special Funds</b>	<b>\$54,881</b>	<b>\$55,613</b>	<b>\$59,228</b>	<b>\$4,347</b>	<b>\$59,135</b>	<b>-\$94</b>
Federal Funds	434	91,528	16,311	15,878	0	-16,311
Reimbursable Funds	900	1,172	529	-371	542	13
<b>Adjusted Grand Total</b>	<b>\$282,163</b>	<b>\$288,237</b>	<b>\$301,245</b>	<b>\$19,081</b>	<b>\$271,939</b>	<b>-\$29,306</b>
<b>Annual % Change</b>		<b>2.2%</b>	<b>4.5%</b>		<b>-9.7%</b>	

- The only cost containment action to impact the Department of State Police (DSP) is the fiscal 2003 reduction of \$6,953,817. The fiscal 2002 and 2004 actions did not impact the DSP budget.
- The fiscal 2003 federal funds were due to an influx of \$90 million in federal aid to supplement general funds. DSP will receive another \$90 million in federal funds in fiscal 2004.
- The federal fund allowance decreased by \$16.3 million due to the discontinuation of the federal grants received in fiscal 2004. The bulk of this funding came from the Patriot Grant (\$10.4 million) and the deoxyribonucleic acid (DNA) no-suspect case grant (\$4.6 million).

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

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- General funds decreased \$10.9 million from fiscal 2004 adjusted working levels. \$12.5 million in grants to local law enforcement were moved to the Governor’s Office of Crime Control and Prevention. This decrease was offset by \$1.3 million in formula-driven increases in the State Aid for Police Protection fund.
- A fiscal 2004 general fund deficiency of \$1.85 million is provided to cover turnover and overtime expenses earned by officers. Additionally, \$650,000 in motor fuel costs were appropriated to DSP, as the department had improperly allocated federal asset seizure monies for motor fuel.

***Personnel Data***

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	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>Change</u>	<u>FY 05</u>	<u>Change</u>
Regular Positions	2,589.5	2,574.5	2,479.5	-110.0	2,490.5	11.0
Contractual FTEs	45.8	32.0	58.8	13.1	47.1	-11.8
<b>Total Personnel</b>	<b>2,635.3</b>	<b>2,606.5</b>	<b>2,538.3</b>	<b>-96.9</b>	<b>2,537.6</b>	<b>-0.8</b>

***Vacancy Data: Regular Positions***

Turnover Expectancy	71.4	2.9%
Positions Vacant as of 12/31/03	96.0	3.9%

- The fiscal 2003 cost containment action abolished 79 regular positions.
- DSP personnel levels add 11 regular positions in fiscal 2005. The positions are allocated to Commercial Vehicle Enforcement (6 cadets), JFK Barrack (1 police communications officer), and the Bomb Squad (4 bomb technicians). This increase is offset by the loss of 11.75 contractual positions. The contractual positions were discontinued as a result of the end of specific federal grants.
- Ninety-six vacancies exist as of December 31, 2003. Seventy-two of these have been vacant 0 to 6 months, while two positions have been vacant over 19 months. For fiscal 2005, turnover is budgeted at 2.88%, or 71.4 positions.

## *Analysis in Brief*

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### Major Trends

***Murder Up – Other Violent Crime Down:*** The overall violent crime rate is falling since the release of the 2002 *Uniform Crime Report* (UCR). However, murder levels are increasing, especially in Prince George's County.

***Vehicle Theft Up – Other Property Crime Down:*** Property crime levels are falling from fiscal 2001 to 2002, with the exception of vehicle theft. Vehicle theft levels continue to increase since 1999.

### Issues

***Crime Trends:*** The 2002 UCR indicates that while violent crime and property crime are decreasing generally, murder and vehicle theft levels are increasing. Of the five jurisdictions in Maryland with the highest volume of crime, Baltimore City crime levels are falling, while Prince George's County levels are rising. **DSP should comment on all crime trends and how crime rates impact their budget and allocation of resources in fiscal 2005 and beyond.**

***Integrated Ballistics Information System Remains under Scrutiny:*** The DSP assessment of the Integrated Ballistics Information System's (IBIS) response to 2003 committee narrative indicates that IBIS, because of operational difficulties and circumstances beyond the control of DSP, is severely limited in its effectiveness. **DLS recommends that DSP comment on whether, in light of circumstantial difficulties, this program has justified continued operation.**

***Joint Chairmen's Report Requirements Not Being Met:*** Committee narrative in the 2003 *Joint Chairmen's Report* (JCR) required that DSP provide two quarterly reports – the first, a list of extradition flights and their associated costs, and the second, a detailed list of flights taken in the State fixed-wing aircraft including the type of mission flown. The first of the two quarterly reports have not been submitted. **DSP should comment on why the required reports were not submitted as required by the JCR.**

***Uniform Crime Report Data Not Being Submitted in a Timely Manner:*** DSP compiles the UCR each year based in part on data received from local jurisdictions. This report is being submitted well over a year after the close of the calendar year. **DLS recommends that budget bill language be added which restricts a portion of the DSP appropriation until the UCR is submitted. DLS also recommends that DSP be permitted to restrict the disbursement of aid to local jurisdictions until UCR data is received.**

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**Legislative Audit Reflects Possible Civilianization of 79 Positions:** The Office of Legislative Audits has determined that 79 positions are currently filled by uniformed troopers, while the nature of the position does not require uniformed officers. Trooper pay scale and benefit packages are higher than those of comparable civilian positions, and this conversion of positions would result in a cost savings of approximately \$1.3 million. **DLS recommends that DSP reclassify 79 vacant trooper positions to civilian positions. DLS also recommends that the appropriation be reduced by \$1.3 million to reflect the reclassification.**

**Recommended Actions**

	<u>Funds</u>
1. Add budget language to restrict portion of the appropriation until Uniform Crime Report is submitted.	
2. Release funds for turnover.	\$ 900,000
3. Reclassify trooper positions to civilian positions.	1,300,000
<b>Total Reductions</b>	<b>\$ 2,200,000</b>

**Updates**

**Reorganization of DSP:** The previous Superintendent instituted a department-wide reorganization in 2003. This effort created the Homeland Security Division as well as other organizational changes.

**Co-location of Facilities with Local Law Enforcement:** Committee narrative in the 2003 capital budget JCR required that DSP submit a report evaluating the advantages and disadvantages of co-locating law enforcement facilities with local jurisdictions.

**Proposed Department of Natural Resources Law Enforcement Reorganization:** The 2003 JCR required that DSP and the Department of Natural Resources (DNR) jointly evaluate the possible consolidation of DNR law enforcement duties into DSP. The departments jointly recommended against any consolidation, finding that the proposed action would yield no cost or operational efficiencies.

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***Operating Budget Analysis***

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**Program Description**

Article 88B established the Department of State Police (DSP) to safeguard persons within the State, protect property, and assist in providing all persons equal protection under the law. The State Aid for Police Protection Fund and local grants for school bus safety are included as separate programs in the department's budget. The department's operating structure is composed of the following programs:

- The Office of the Superintendent provides overall administration of the agency including legal counsel, public affairs, and planning. The office has identified the following goals:
  - Expand the public outreach and image of the department by establishing new methods of communication, reaching new audiences, and developing information and educational tools for communication purposes.
  - Obtain sufficient budgetary resources to ensure that the mission of the department is effectively executed while assuring compliance with all executive and legislative mandates.
- The Field Operations Bureau manages 23 police barracks, the Special Enforcement Division, and the Aviation Division. The bureau has identified the following goals:
  - promote traffic safety on Maryland's roadways;
  - promote crime-free communities while addressing its associated fear of crime in Maryland; and
  - provide qualified and skilled Aviation Division personnel to provide timely medevac transports and quality services throughout the State of Maryland.
- The Homeland Security and Intelligence Bureau manages the Homeland Security and Intelligence Division, the Criminal Investigation Division, the Forensic Sciences Division, the Transportation Safety Division, and the Executive Protection Division. The bureau has identified the following goals:
  - provide an investigative resource to follow-up on suspicious activity tips, infiltrate criminal groups and network with other agencies allowing for the collection and dissemination of intelligence information to protect citizens from foreign and domestic security threats;
  - provide a functional Analytical Division for use by all Maryland law enforcement agencies to collect, analyze and disseminate criminal intelligence information and/or terrorist activities;

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- promote traffic safety on Maryland's roadways;
  - promote crime-free communities while addressing its associated fear of crime in Maryland; and
  - use task forces, drug interdiction units, forensic evidence, and intelligence data to identify and arrest perpetrators of criminal and drug related acts.
- The Administration Bureau provides a variety of services including personnel, fiscal services, equipment purchases, and fleet management. The following is a selection of the bureau's key goals:
    - recruit, hire, and retain the highest quality employees; and
    - improve the level and quality of service in procurement and distribution of supplies and equipment.
  - The Information Technology and Communications Bureau is responsible for information technology and communications management. The bureau also administers the National Crime Information Center for the State and the Maryland Interagency Law Enforcement System. The following is a selection of the bureau's key goals:
    - improve communications system and infrastructure; and
    - provide timely and efficient electronic access to public information and records.

### **Fire Prevention Commission and State Fire Marshal**

The Fire Prevention Commission and Fire Marshal are charged with safeguarding life and property from the hazards of fire and explosion. State aid for fire, rescue, and ambulance services is budgeted in this program. The fire marshal has identified the following key goals:

- ensure safer communities free from the crime of arson; and
- reduce the number of fire deaths and injuries through public awareness.

### **Performance Analysis: Managing for Results**

The Managing for Results (MFR) document illustrates that certain areas of DSP operation reflect improved performance, while others do not.

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In the Operations Bureau, the number of traffic citations issued decreased from 351,198 to 341,032 from calendar 2001 to 2002. DSP anticipates an increase in calendar 2003 to 500,000 (See Exhibit 1). **The Department of Legislative Services (DLS) recommends that DSP comment on the reasonableness of this estimate given limited changes in staffing.** The number of traffic warnings has fallen 5.4% since 2001 to 154,989 warnings issued. DSP continues to issue between 45,000 and 60,000 seatbelt citations each year.

**Exhibit 1  
Program Measurement Data  
Department of State Police  
Calendar 2001 – 2004**

	<u>Actual CY 01</u>	<u>Actual CY 02</u>	<u>Est. CY003</u>	<u>Est. CY 04</u>	<u>Ann. Change CY 01 - 02</u>	<u>Est. Ann. Change CY 03 - 04</u>
Traffic citations issued	351,198	341,032	500,000	525,000	-2.9%	5.0%
Warnings issued	163,877	154,989	240,000	245,000	-5.4%	2.1%
DUI arrests	8,117	8,326	8,500	9,400	2.6%	10.6%
Safety equipment repair orders issued	22,286	20,810	21,000	21,000	-6.6%	0.0%
Seatbelt citations issued	59,936	45,023	50,000	55,000	-24.9%	10.0%
Domestic violence investigations by DSP	1,601	1,684	1,700	1,705	5.2%	0.3%
Helicopter activities devoted to emergency medical services	6,616	6,765	6,170	6,460	2.3%	4.7%
Percent of recruits who graduate from Police Training Academy	72.5%	90%	90%	90%	24.1%	0.0%
Number of agencies capable of voice interoperability	5	25	35	45	400.0%	28.6%
Number of agencies capable of data interoperability	5	10	20	30	100.0%	50.0%
Percent of gun purchase applications approved	98.1%	98.3%	98.7%	98.3%	0.2%	-0.4%
Firearms dealers licenses issued	271	259	325	300	-4.4%	-7.7%
Percent of fire investigations resulting in arrest	19.6	16.7	15.4	15.6	-14.8%	1.3%
Fire prevention inspections and re-inspections	12,542	12,951	13,545	13,545	3.3%	0.0%

Source: Department of State Police

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The Aviation Division continues to fly between 6,000 and 7,000 helicopters missions each year for emergency medical activities. The remaining activities are for search and rescue, law enforcement, and maintenance activities.

Training activities indicate that 72.5% of recruits graduated from the Training Academy in calendar 2001. That number increased to 90% in 2002. The department anticipates that 90% will be the graduation rate for calendar 2004 and 2005.

Interoperability of communications networks is a major initiative of DSP and the Department of Budget and Management Major Information Technology Project Development Fund. Currently 25 agencies have voice interoperability, while 10 have data interoperability.

With regard to firearm purchases, 98.26% of purchase applications were approved in calendar 2002, a negligible increase from calendar 2001. Firearms dealer licenses issued fell 4.4% from calendar 2001 to 2002.

Finally, the percent of arson investigations resulting in arrests has fallen from 19.61% to 16.65%, a 15% drop.

The new Homeland Security and Intelligence Bureau has developed MFR measures to evaluate performance. However, since these measures are all new, all data is estimated.

## **Fiscal 2004 Actions**

### **Proposed Deficiency**

The allowance provides for a \$1.85 million general fund deficiency for fiscal 2004. \$1.2 million of this amount is to provide for turnover and overtime worked by uniformed officers. Additionally, federal asset seizure awards funds were applied to motor vehicle fuel for DSP. This is an improper and illegal use of federal funds, and as a result, the department was forced to apply for a general fund deficiency appropriation of \$650,000.

## **Governor's Proposed Budget**

As shown in **Exhibit 2**, the fiscal 2005 allowance proposes a \$29.3 million decrease, or 9.7% from fiscal 2004 adjusted working levels. The majority of this decrease comes with the transfer of \$12.5 million in general fund grants to the Governor's Office of Crime Control and Prevention (GOCCP). Additionally, \$16.3 million in federal fund grants were discontinued for fiscal 2005.

**Exhibit 2  
Governor's Proposed Budget  
Department of State Police  
(\$ in Thousands)**

	<u>FY 03 Actual</u>	<u>FY 04 Approp.</u>	<u>FY 05 Allowance</u>	<u>FY 04-05 Change</u>	<u>FY 04-05 % Change</u>
General Funds	\$139,924	\$223,326	\$212,453	-\$10,873	-4.9%
FY 2004 Deficiencies	0	1,850	0	-1,850	
Contingent & Back of Bill Reductions	0	0	-191	-191	
<b>Adjusted General Funds</b>	<b>\$139,924</b>	<b>\$225,176</b>	<b>\$212,263</b>	<b>-\$12,913</b>	<b>-5.7%</b>
Special Funds	\$55,613	\$59,228	\$59,196	-\$32	-0.1%
Contingent & Back of Bill Reductions	0	0	-62	-62	
<b>Adjusted Special Funds</b>	<b>\$55,613</b>	<b>\$59,228</b>	<b>\$59,135</b>	<b>-\$94</b>	<b>-0.2%</b>
Federal Funds	\$91,528	\$16,311	\$0	-\$16,311	-100.0%
Reimbursable Funds	\$1,172	\$529	\$542	\$13	2.5%
<b>Adjusted Grand Total</b>	<b>\$288,237</b>	<b>\$301,245</b>	<b>\$271,939</b>	<b>-\$29,306</b>	<b>-9.7%</b>

**Where It Goes:**

**Personnel Expenses**

Increments and other compensation .....	\$1,277
Unemployment and workers' compensation.....	1,811
Employee and retiree health insurance .....	1,214
New positions .....	296
Retirement .....	-6,464
Other personnel costs.....	406

**Other Changes**

Two "G" inspections for medevac helicopters.....	1,556
Formula-based increase in State Aid for Police Protection .....	1,425
New cadets in Commercial Vehicle Enforcement.....	157
Cars for four new Bomb Squad members.....	88
Loss of federal asset seizure funds .....	-650
Completion of equipment purchase for race-based traffic stop data collection program.....	-1,083

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**Where It Goes:**

Transfer of Local Aid to Law Enforcement grants to GOCCP.....	-12,513
One-time fiscal 2004 Patriot Grant.....	-10,467
One-time federal DNA backlog grant.....	-4,872
Other operating changes .....	-1,487
<b>Total</b>	<b>-\$29,306</b>

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

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**Impact of Cost Containment**

The fiscal 2005 allowance reflects the elimination of \$252,434, the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in budget reconciliation legislation.

**Personnel Changes**

Increments account for an increase of \$1.3 million in the fiscal 2005 allowance. Additionally, 11 new positions (\$296,000) are proposed. Retirement costs decline \$6.5 million in the allowance as the police retirement system is overfunded.

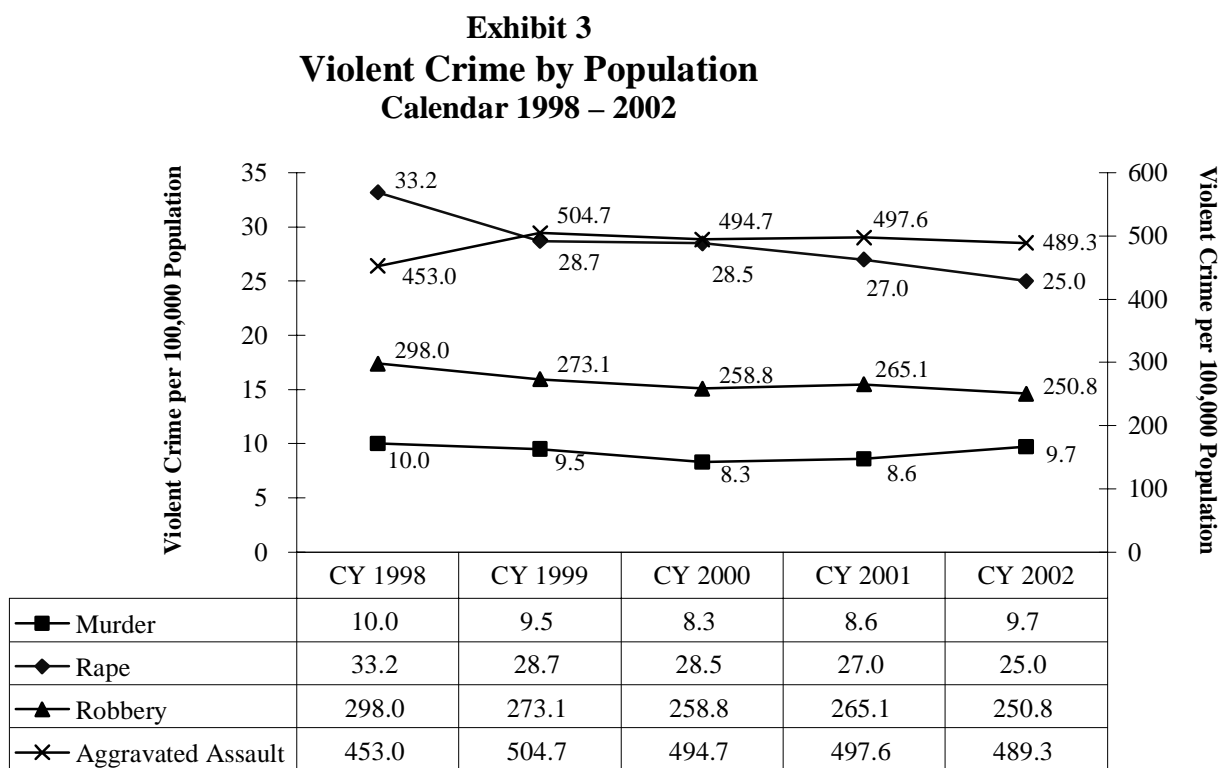
**Operating Changes**

As mentioned, grants make up the bulk of the decrease in the operating budget. \$15.5 million in federal fund grants (Patriot Grant – \$10.5 million, DNA Backlog Grant – \$4.9 million) have been discontinued, and \$12.5 million in general fund grants have been transferred to GOCCP. \$1.5 million is budgeted in fiscal 2005 for two “G” inspections of State medevac helicopters. These inspections require that the aircraft be disassembled down to its frame and rebuilt. These inspections are required by the manufacturer to be performed every 5,000 flight hours. The State Aid for Police Protection grant is an amount passed through to the local jurisdiction each year based on a complex formula which is driven by population density. This total amount increases \$1.4 million for fiscal 2005. Of the 11 new positions created for fiscal 2005, 4 are members of the bomb squad. Each of these members is allotted a new vehicle in the fiscal 2005 allowance for a total of about \$88,000.

## Issues

### 1. Crime Trends

Exhibit 3 shows that violent crime levels are decreasing.



Source: Department of State Police

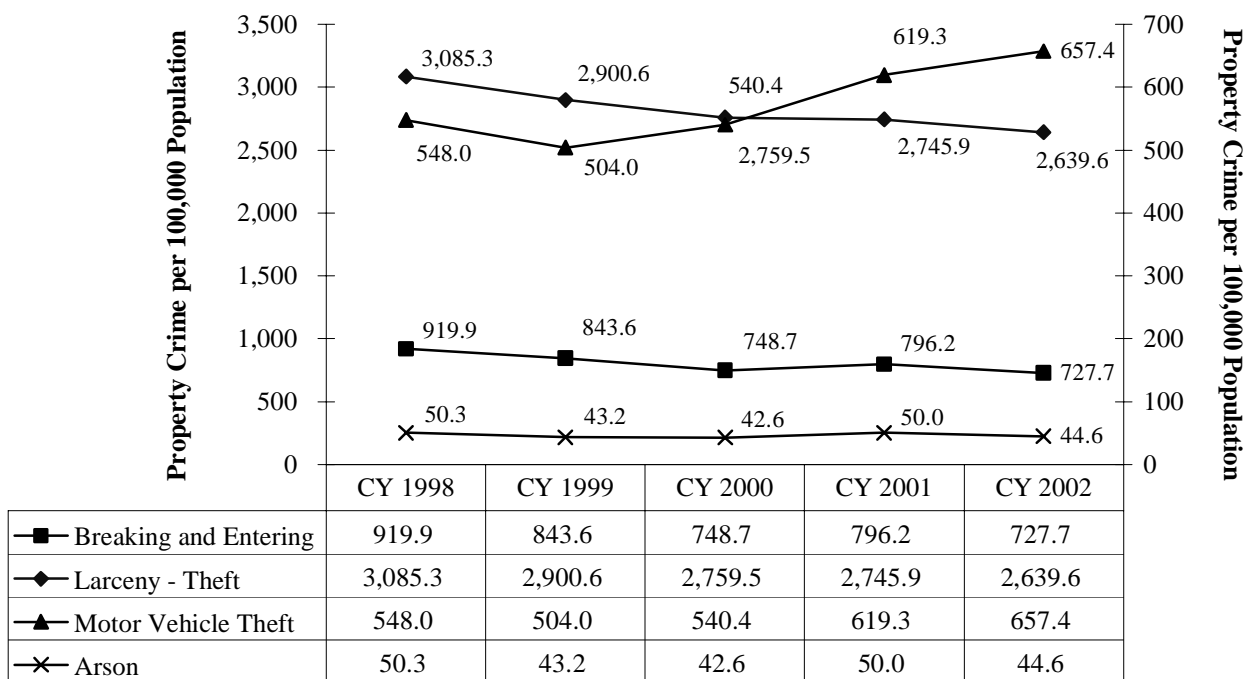
### Murder Rate Increasing – Other Violent Crimes Decreasing

DSP reports annual crime data via the *Uniform Crime Report* (UCR). Between calendar 1998 and 2002, violent crimes have decreased except for the rate of aggravated assault. Exhibit 3 shows the violent crime rates have fallen slightly since 2001 with the exception of murder. The murder rate has increased from 8.6 per 100,000 population to 9.7 per 100,000 population.

### Vehicle Theft Increasing, All Other Property Crimes Decreasing Slightly

Similarly, **Exhibit 4** shows that property crimes have decreased slightly since 2001 with the exception of motor vehicle thefts. These have increased from 619 per 100,000 population to 657 per 100,000 population.

**Exhibit 4**  
**Property Crime by Population**  
**Calendar 1998 – 2002**



Source: Department of State Police

**Other Crime Data**

The traffic fatalities per 100 million vehicle miles traveled (VMT) has fallen slightly, while the number of traffic accidents per 100 million VMT increased marginally, as shown in **Exhibit 5**.

**Exhibit 5  
Crime Trends  
Calendar 2001 – 2004**

	<u>Actual CY 01</u>	<u>Actual CY 02</u>	<u>Est. CY 03</u>	<u>Est. CY 04</u>	<u>Ann. Chg. CY 01 - 02</u>	<u>Est. Ann. Chg. CY 03 - 04</u>
Deaths per 100 million vehicle miles traveled (VMT)	1.28	1.22	1.19	1.16	-4.7%	-2.5%
Accidents per 100 million VMT	195.59	196.06	190.45	185.01	0.2%	-2.9%
Alcohol-related fatalities per 100 million VMT	0.38	0.45	0.43	0.41	18.4%	-4.7%
Firearm homicides per 100,000 population	6.25	6.49	6.39	6.30	3.8%	-1.4%
Vehicles stolen per 100,000	768.26	820.35	808.53	796.88	6.8%	-1.4%
Arsons per 100,000 population	49.99	49.65	49.31	48.98	-0.7%	-0.7%
Arson deaths	11.00	12.00	9.00	10.00	9.1%	11.1%

Source: Department of State Police

The number of firearm homicides per 100,000 population has increased from 6.25 to about 6.5 – a 2% increase. At the same time, the number of firearm purchase applications approved has increased slightly. Also, while the number of arsons per 100,000 population has fallen from 49.99 to 49.65, the arson death toll increased from 11 to 12. **DSP should comment on all crime trends and how crime rates impact their budget and allocation of resources in fiscal 2005 and beyond.**

## **2. Integrated Ballistics Information System Remains under Scrutiny**

### **Background**

The Maryland Integrated Ballistic Identification System (IBIS), operational since October 1, 2000, provides police investigators with a tool to focus an investigation around a firearm. Chapter 2, Acts of 2000 (Responsible Gun Safety Act of 2000), required that manufacturers submit a test-fired shell casing with each handgun shipped for resale in the State.

The dealer then sends the casing to the State Police after the gun has been sold. The IBIS system receives the casing from the dealer, and firearms investigators and technicians perform a full analysis of the casing. The investigator uses microscopic technology to identify striations and other markings that are unique to each individual gun. The striations are formed when the gun is fired, as the firing pin strikes the back of the casing, creating a unique series of identifying marks. The aim of the system is to create a massive database of identifying marks, so that any spent shell casings recovered at a crime scene can be compared against the IBIS database, to try to identify the gun used in the commission of the crime. Based on then-current handgun sales statistics, the State Police anticipated that 30,000 cartridge casings would be received annually for input into the IBIS system. As such, the system was designed to hold around 300,000 casings over a 10-year period.

The system has thus far received around 35,000 cartridge casings for input, including around 2,000 from trooper-issued semi-automatic 40-caliber Beretta firearms. There have been 160 requests to match crime-scene casings with the IBIS system, resulting in four “hits” or matches.

### **Costs**

DSP anticipates continued maintenance supplies and personnel costs of \$435,269 for fiscal 2005 to continue to operate the IBIS system. Initial start-up costs of \$1.4 million were absorbed in fiscal 2001. IBIS requires one full-time equivalent position to maintain the system. DSP’s Forensic Unit currently assigns three forensic examiners to this program, each devoting one-third of their time to the IBIS system.

### **Problems**

The State Police are concerned about the lack of hits yielded by the IBIS system, and there have been problems with the system. Some of these problems are the result of operational failings and others simply the result of circumstance.

- ***Number of Cartridges Stored – No Link to the National Integrated Ballistics Information Network (NIBIN):*** Chapter 2 of 2000 included ‘external safety lock’ requirements and the shell casing identification provision. Gun manufacturers were required to add ‘integrated mechanical safety devices’ to firearms, as well as external safety locks to any firearm sold in Maryland.

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These two provisions made up an effort by the General Assembly to make the prospects of accidental shootings less likely. These two mechanical requirements, coupled with the requirement to test-fire the gun and submit the cartridge casings, has effectively reduced the number of firearms sold in the State. While DSP had anticipated 30,000 casings submitted annually from 215 qualifying manufacturers, the number of casings received since October 2001 stands at around 34,000 from only 49 manufacturers.

In essence, the guns most often recovered from crime scenes are not sold in Maryland, and therefore, not linked (via cartridge casing) to the IBIS system. DSP has also indicated that .38 mm revolvers are often used in crimes, and these guns are less likely to leave spent shell casings.

The Alcohol, Tobacco and Firearms (ATF) division of the U.S. Treasury Department and the Federal Bureau of Investigation (FBI) have a system in place, similar to the Maryland IBIS system. The NIBIN is a system that uses identical technology to IBIS, to create a national database of crime scene shell casings and bullets. However, a memorandum of understanding between the ATF and State and local law enforcement agencies prohibits the linking of NIBIN to any State or local system, such as IBIS. In that the guns used in Maryland crimes are less likely to be sold in Maryland, the inability to link IBIS to NIBIN prevents the largest field of possible matches from being searched.

- ***Time to Crime:*** The Maryland IBIS system has been in place since October 2000. Criminology research suggests that if a legally obtained firearm is going to enter the stream of criminal activity, it takes between three and six years for this to occur. This ‘time to crime’ statistic indicates that the guns and cartridge casings inventoried in IBIS since 2001 will start to match firearms used in crimes from 2004 to 2007. The statewide deoxyribonucleic acid (DNA) inventory saw a similar preliminary waiting period until the number of matches increased dramatically. The DNA database began in 1994, had its first hit in 1998, and has had 72 hits to date. Of these 72 hits, 39 have come in 2003.
- ***Glock Casings Unreliable:*** It has been learned that cartridge casings submitted by Glock firearms did not match the casings recovered from the same gun at crime scenes. As a result, all cartridge casings submitted by Glock were flagged in the IBIS system, and a list of the guns affected by the problem has been generated. Any firearm sold in Maryland from the list was also flagged. The Glock Company indicated that this problem has since been resolved.
- ***Change in Striations As Firearms Age and Break-in:*** Research suggests that as firearms age and are broken-in the internal characteristics of the firing pin may change which will result in different striations being left on the spent casings. This makes the casings submitted by the manufacturer less reliable. The more the gun is fired, the more the striations will change.
- ***Modification of Firing Pin by User:*** Gun users with working knowledge of the assembly process can alter the firing pin of the weapon, which would significantly change the striations left on the cartridge casing.

- **Different Cartridge Casing Materials Used:** There is no standard material used to make cartridge casings. These different materials absorb the striations differently. Additionally, if a different material is used in the manufacture process and by the user, it is possible that a spent cartridge casing will not match the casing stored in IBIS.
- **Increase in Database Size Decreased Likelihood of “Hit”:** As the number of similar guns stored in the database increase, the likelihood of a match decreases. As an example, there are approximately 2,000 cartridge casings from Trooper-issued firearms. Tests have been run, using spent casings from these guns, and the system has not yielded a match in the top 15. However, the more experienced the examiner who inputs the casing, the more likely that the input will be accurate and reflect the unique characteristics of the gun.
- **Remote IBIS System Failure:** DSP purchased a remote IBIS unit to run a search of the found cartridge casings and to submit the findings to the IBIS database to be tested for a match. This device has not worked due to overheating and data transmission problems. The manufacturer has since stopped producing these units. Not only can these casings found at crime scenes not be compared to IBIS while on-site, but DSP cannot link to any other State forensic facility.

### Future and Alternatives

A new technology exists to perform a similar task as the IBIS system. This version of nanotechnology creates a ballistic ID or fingerprint on cartridge casings. The technology would create a number or symbol on the firing pin of the weapon, and this marking would be transferred to the cartridge casing each time the gun was fired. However, this technology would have to be done at the manufacturer level and would lead to resistance from the industry. Research suggests, however, that this ballistic fingerprinting method would be less expensive and more accurate than the IBIS, as the “serial number” imprinting removes the subjectivity inherent in digitizing a visual set of striations. **DLS recommends that DSP comment on whether, in light of circumstantial difficulties, this program has justified continued operation.**

### 3. Joint Chairmen’s Report Requirements Not Being Met

Committee narrative in the 2003 *Joint Chairmen’s Report* (JCR) required that DSP submit two quarterly reports detailing certain flight information. The first report was to list each extradition flight by DSP. The reports were to include labor costs for the crew (if a State plane is used), labor costs of sworn officers, food for officers and extraditee, lodging for officers and extraditee, rental cars and fuel, commercial air carrier fares for officers and extraditee, operating expenses if remaining aircraft are used, and any other costs applicable to extraditions. This report has not been submitted since the start of fiscal 2004. **DLS recommends that DSP comment on why these reports were not submitted.**

DSP was also to submit a separate quarterly report with a list of all flights using State fixed-wing aircraft. These reports were to include the type of mission and the locations. These reports have been submitted.

#### **4. Uniform Crime Report Data Not Being Submitted in a Timely Manner**

DSP annually prepares *Crime in Maryland: Uniform Crime Report*, which details the incidence of crime within the State. UCR is a compilation of crime data, clearance rates, arrests, law enforcement officers killed or assaulted, and law enforcement employment data for the entire State. The FBI requests that each state submit crime data annually to aid in the compilation of national crime data and trends. Maryland has been complying with this federal program by collecting data from each of the 153 police departments in the State since 1975. However, in recent years there has not been a timely submittal of this information to the legislature.

One of the “fundamental objectives of the Maryland UCR program” is to “inform the Governor, legislature, other governmental officials, and the public as to the nature, magnitude, and trends of the crime problem in Maryland.” In addition, DSP indicates that using the data on who is committing crimes by age, sex, race, and other attributes will ensure that the DSP activities are guided by the “proper focus for crime prevention and enforcement.” However, these two objectives and the overall goals of the UCR program are not being met given the long delay in receiving the UCR report. The 2002 UCR was received by DLS in February 2004, over 400 days after the close of the calendar year for which the data was reported. Calendar 2001 data was not received until 382 days after the close of the calendar year.

The department has failed to identify for DLS the specific reasons for the delay in collecting and publishing this data. However, DSP advises that the FBI receives the UCR information on a monthly basis. After DSP receives data for the final month, DSP staff requires approximately six weeks to prepare the final report. It is not clear why it takes, in some cases, over 400 days after the close of the calendar year for the data collection process to be finalized and for the contents of the report to be available. Finally the data could be an excellent tool for guiding resources to the appropriate law enforcement tasks; however, when the data is outdated by over a year, it becomes less useful both as a programming tool and as a performance measurement tool.

DLS is concerned about the continuing degradation in the provision of timely crime data to the legislature and the public in that this information is a valuable resource to decision makers. **Budget bill language should be added to restrict a portion of the department’s appropriation until the UCR report is submitted in a timely manner. Additionally, budget bill language should be added so that DSP may restrict aid to local jurisdictions who do not submit their individual UCR data within a reasonable period.**

## 5. Legislative Audit Reflects Possible Civilianization of 79 Positions

The Office of Legislative Audits determined that 79 administrative and support positions currently filled by sworn troopers could be filled by civilians. This change to civilian employees would result in a total salary and fringe benefit savings of approximately \$1.3 million. Additionally, this would provide 79 sworn troopers for deployment into the field, where a demonstrated deficiency exists. However, to fill these 79 positions with civilians would cost approximately \$4.6 million in new funding. DSP currently maintains about 33% of its total workforce as civilians which is consistent with other law enforcement agencies in the Mid-Atlantic region.

The following chart shows the breakdown of identified positions by the rank of officer currently filling the position:

### Comparison of Payroll Costs of Administrative and Support Positions Currently Filled by Sworn Troopers with Estimated Payroll Costs of Potential Civilian Positions

<u>Classification</u>	<u>Number of Positions Identified</u>	<u>Average Annual Salary and Fringe Benefits</u>	<u>Total Estimated Annual Payroll Cost</u>	
			<u>Sworn Trooper</u>	<u>Civilian</u>
Trooper	2	\$51,000	\$102,000	
Trooper First Class	29	63,000	1,827,000	
Corporal	13	72,000	936,000	
Sergeant	14	77,000	1,078,000	
First Sergeant/Detective	9	83,000	747,000	
Lieutenant	7	97,000	679,000	
Captain	3	103,000	309,000	
Major	2	111,000	222,000	
<b>Total Sworn Troopers</b>	<b>79</b>		<b>\$5,900,000</b>	
Administrator	13	\$70,000		\$910,000
Administrative Officer	3	53,000		159,000
Administrative Program Mgr.	6	82,000		492,000
Agency Grant Specialist	2	57,000		114,000
Computer Info. Services Specialist	3	51,000		153,000
Computer Network Specialist	2	66,000		132,000
Fiscal Service Administrator	1	78,000		78,000
Crime Scene Technician	3	54,000		162,000
Management Specialist	3	57,000		171,000
Program Manager	1	87,000		87,000
Transportation Inspector	42	51,000		2,142,000
<b>Total Civilians</b>	<b>79</b>			<b>\$4,600,000</b>

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**In light of the findings made by the Office of Legislative Audits, DLS recommends that DSP reclassify 79 vacant trooper positions to civilian positions. DLS also recommends that the appropriation be reduced by \$1.3 million to reflect the reclassification.**

## Recommended Actions

1. Add the following language:

, provided that \$1,000,000 of this appropriation is restricted until the Department of State Police submits the Crime in Maryland: 2003 Uniform Crime Report (UCR) to the budget committees. The restricted funding will be released for expenditure upon notification by the budget committees by written letter that the budget committees have received the final report. The budget committees shall have 45 days after the receipt of the final report to provide notification to the department.

Furthermore, if the Department of State Police encounters difficulty in obtaining the necessary crime data on a timely basis from local jurisdictions who provide this data for inclusion in the UCR, the department may withhold a portion, totaling no more than 50%, of that jurisdiction's State Aid for Police Protection grant for fiscal 2005 until such time that the jurisdiction submits its crime data.

**Explanation:** The Department of State Police has not been submitting its annual crime report in a timely manner. As a result this language withholds a portion of the department's general fund appropriation until the budget committees receive the 2003 Uniform Crime Report (UCR). In that the fiscal year begins a full six months after the close of the calendar year for which the data in question is collected. There should be sufficient time for the department to submit the 2003 UCR.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
UCR Report	DSP	45 Days before expenditure

	<b>Amount Reduction</b>	
2. Reduce funds available for turnover expectancy to better reflect the number of actual vacancies. The general fund reduction shall be allocated among divisions.	\$ 900,000	GF
3. Reclassify vacant trooper positions to civilian positions. The findings of the Office of Legislative Audits indicate that 79 positions are currently filled by troopers, and those duties could be performed by civilians.	1,300,000	GF
<b>Total General Fund Reductions</b>	<b>\$ 2,200,000</b>	

## Updates

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### **1. Reorganization of Department of State Police**

DSP underwent a significant reorganization in fiscal 2004. This was a result of the decision to establish a Homeland Security and Criminal Intelligence Division. The former support services bureau (Crime Lab, Narcotics, other non-field operations) was transferred into the new Program 3 – Homeland Security and Criminal Intelligence. Also moved into Program 3 were Automotive Safety Enforcement and Commercial Vehicle Safety Enforcement.

Other aspects of the reorganization include the consolidation of general funds for services, supplies and equipment into the Quartermaster Section – Program 4. Data Processing and Communications General Funds have been consolidated in Program 10. The Operations Bureau now includes the Aviation Division. (See **Exhibit 6**).

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### **Exhibit 6 Department of State Police**

<u>Former Structure</u>	<u>Current Structure</u>
<b>Office of the Superintendent</b> Labor Relations Legal Counsel Media Communications Professional Responsibility Office of Management and Finance	<b>Office of the Superintendent</b> Labor Relations Legal Counsel Media Communications Professional Responsibility
<b>Field Operations Bureau</b> Field Operations Command Motor Carrier and Automotive Safety Ops. Special Operations Division	<b>Operations Bureau</b> Field Operations Aviation Division Special Enforcement
<b>Support Services Bureau</b> Aviation Division Criminal Intelligence Criminal Enforcement Drug Enforcement Executive Protection Security Services	<b>Homeland Security and Intelligence Bureau</b> Analytical Division Operations Division Executive Protection Criminal Investigations Division Forensic Sciences Division Transportation Safety Division
<b>Administrative Services</b> Education & Career Development Command Personnel Command Services Command	<b>Administration Bureau</b> Office of Management and Finance Human Resources Services Command

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**Former Structure**

**Information Technology and Communications**

Technology Management  
Information Technology Development  
Electronic Systems  
Central Records

**Current Structure**

**Information Technology Bureau**

Information Technology Development  
Technology Management  
Electronic Systems  
Central Records  
Licensing  
Technical Investigations

Source: Department of State Police

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**2. Co-location of Facilities with Local Law Enforcement**

Committee narrative in the 2003 capital budget JCR required DSP to present the committees with a report indicating the advantages and disadvantages of co-locating DSP facilities with local law enforcement agencies. The report highlighted the success of the Frederick County Law Enforcement Center, while noting the difficulties inherent to realizing these ventures. The advantages and disadvantages are shown below:

**Advantages**

Dispatchers, walk-in service coordinators, uniformed officers and investigators share workspace.

Possibility for improving county and city forensic crime labs, with instruction and guidance from State Police.

Requests for service and information are readily exchanged with limited bureaucratic procedure or delay.

**Disadvantages**

Restricted long-term expansion ability for each agency.

Must coordinate long-term capital planning for both agencies.

For city police to participate, suitable real estate property must be located within city limits.

The Frederick County Law Enforcement Center, a joint venture between DSP and the Frederick County Sheriff's Office and Emergency Communications Board, was completed in November 2002. Similar ventures have been explored in Hagerstown and Cumberland, Maryland – both included in the five-year *Capital Improvement Plan*. However, the Hagerstown project has been put on hold, as the Hagerstown Barrack site is not located in Hagerstown city limits, and therefore could not house any Hagerstown Police Department personnel or functions. A similar problem has arisen in Cumberland, as the barrack site is located outside the city limits, and could not house any city police functions.

DSP has recognized these inherent difficulties with co-location of facilities but still believes that these ventures are beneficial when they can be coordinated with the local jurisdictions.

### **3. Proposed Department of Natural Resources Law Enforcement Reorganization**

#### **Background**

Language in Chapter 202, Acts of 2003 (the fiscal 2004 budget bill) requires DBM, in consultation with DSP and the Department of Natural Resources (DNR), to submit a report outlining how DSP and sworn officers at DNR could make more efficient use of State law enforcement resources through consolidating the two organizations. The language required that the report address:

“...areas of duplication; potential administrative, program, personnel, and cost savings from consolidating DNR Natural Resources Police, wardens, and rangers into DSP; recommendations for streamlining programs such as training; a proposal for how to accomplish the change; a discussion of how to accommodate cultural differences between the two agencies; and draft legislation, if appropriate, effecting the consolidation.”

The report was submitted the first week of February 2004, approximately one month after the due date, which had already been extended by two months. The report’s recommendations are described below.

#### **Recommendations**

The DNR and DSP law enforcement report made two main recommendations which are consistent with recommendations in the December 2003 Report of the Commission on the Structure and Efficiency of State Government (Mandel Commission).

*Recommendation 1: It is not in the State’s interest to combine DNR’s law enforcement functions with DSP.* The report identifies several core reasons for not supporting the merger of DNR’s law enforcement functions into DSP, including:

- no cost savings would be achieved by either DSP or DNR;
- costs may increase as DNR law enforcement officers are brought up to DSP pay grades;
- DNR would not be able to control the allocation of law enforcement resources to natural resources and public lands; and
- DNR would lose its identity as a conservation and natural resources law enforcement group, possibly reducing morale.

## *Current and Prior Year Budgets*

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### Current and Prior Year Budgets Department of State Police (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
<b>Fiscal 2003</b>					
Legislative Appropriation	\$234,093	\$55,348	\$1,095	\$691	\$291,227
Deficiency Appropriation	3,603	0	0	0	3,603
Budget Amendments	85	1,947	106,643	1,301	109,976
Cost Containment	-7,051	-22	0	0	-7,073
Reversions and Cancellations	-90,806	-1,660	-16,210	-819	-109,495
<b>Actual Expenditures</b>	<b>\$139,924</b>	<b>\$55,613</b>	<b>\$91,528</b>	<b>\$1,172</b>	<b>\$288,237</b>
<b>Fiscal 2004</b>					
Legislative Appropriation	\$223,326	\$56,296	\$710	\$529	\$280,861
Cost Containment	0	0	0	0	0
Budget Amendments	0	2,933	15,601	0	18,534
<b>Working Appropriation</b>	<b>\$223,326</b>	<b>\$59,228</b>	<b>\$16,311</b>	<b>\$529</b>	<b>\$299,395</b>

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

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## **Fiscal 2003**

### **General Funds**

\$3.6 million in deficiency appropriations were awarded in fiscal 2003, with \$2.1 million allocated for turnover and \$1.6 million for overtime. \$85,066 from the Board of Public Works for back wages to an employee and fiscal 2003 cost containment reduced the appropriation by \$7.1 million. Reversions and cancellations totaled \$109.5 million for fiscal 2003. The bulk of this came in a \$90 million general fund reversion. A federal fund appropriation of \$90 million came in as a budget amendment in 2003 to replace general funds. Therefore, the \$90 million in general funds was backed out as a reversion.

### **Special Funds**

Budget amendments totaled \$1.9 million, including \$90,008 to reimburse local jurisdictions for Vehicle Theft Prevention reports, and \$1.86 million from Maryland Emergency Medical System Operations Fund (MEMSOF) for the Aviation division.

### **Federal Funds**

Budget amendments totaled \$106.6 million, including \$90,064,067 in one-time aid to offset general fund expenditures, \$11,005,000 for homeland security communications upgrades, \$5 million for no-suspect DNA cases; \$320,000 for investigations and prevention activities relating to Internet Crimes Against Children, and \$215,000 for Vehicle Theft Prevention council activities. Federal reversions included grant awards not expended in fiscal 2003 and then rolled forward into fiscal 2004 as budget amendments.

**Fiscal 2004**

Budget amendments totaling \$18.5 million were processed in fiscal 2004, including:

- Special Funds
  - \$1.85 million from MEMSOF for the Aviation Division; and
  - \$1.08 million for the race-based traffic stop data collection process.
- Federal Funds
  - \$147,906 for the Vehicle Theft Prevention Program – Watch Your Car grant;
  - \$10,466,862 for increased homeland security efforts;
  - \$114,423 for investigations relating to Internet Crimes Against Children; and
  - \$4,872,244 for no suspect DNA cases.

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

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	2574.50	2479.50	2490.50	11.00	0.4%
02 Contractual	32.00	58.83	47.08	-11.75	-20.0%
<b>Total Positions</b>	<b>2606.50</b>	<b>2538.33</b>	<b>2537.58</b>	<b>-0.75</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 168,235,813	\$ 164,128,728	\$ 162,884,007	-\$ 1,244,721	-0.8%
02 Technical & Spec Fees	885,509	1,796,935	1,370,921	-426,014	-23.7%
03 Communication	2,062,915	1,798,670	1,648,848	-149,822	-8.3%
04 Travel	507,513	525,011	426,140	-98,871	-18.8%
06 Fuel & Utilities	1,715,843	2,008,233	1,971,365	-36,868	-1.8%
07 Motor Vehicles	16,420,432	17,084,538	17,728,480	643,942	3.8%
08 Contractual Services	5,030,758	11,933,084	4,837,959	-7,095,125	-59.5%
09 Supplies & Materials	2,264,171	2,985,053	2,859,848	-125,205	-4.2%
10 Equip - Replacement	229,987	371,252	378,124	6,872	1.9%
11 Equip - Additional	3,580,871	10,291,111	2,715,868	-7,575,243	-73.6%
12 Grants, Subsidies, Contracts	86,202,591	85,373,754	74,218,227	-11,155,527	-13.1%
13 Fixed Charges	1,100,312	1,098,452	1,151,809	53,357	4.9%
<b>Total Objects</b>	<b>\$ 288,236,715</b>	<b>\$ 299,394,821</b>	<b>\$ 272,191,596</b>	<b>-\$ 27,203,225</b>	<b>-9.1%</b>
<b>Funds</b>					
01 General Fund	\$ 139,923,842	\$ 223,326,141	\$ 212,453,438	-\$ 10,872,703	-4.9%
03 Special Fund	55,613,067	59,228,488	59,196,278	-32,210	-0.1%
05 Federal Fund	91,527,572	16,311,435	0	-16,311,435	-100.0%
09 Reimbursable Fund	1,172,234	528,757	541,880	13,123	2.5%
<b>Total Funds</b>	<b>\$ 288,236,715</b>	<b>\$ 299,394,821</b>	<b>\$ 272,191,596</b>	<b>-\$ 27,203,225</b>	<b>-9.1%</b>

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.

**Fiscal Summary  
Department of State Police**

<u>Unit/Program</u>	<u>FY03 Actual</u>	<u>FY04 Legislative Appropriation</u>	<u>FY04 Working Appropriation</u>	<u>FY03 - FY04 % Change</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 % Change</u>
01 Office of the Superintendent	\$ 6,222,195	\$ 6,298,134	\$ 3,868,083	-37.8%	\$ 3,929,621	1.6%
02 Field Operations Bureau	105,883,977	103,622,582	110,294,620	4.2%	109,120,898	-1.1%
03 Homeland Security and Intelligence Bureau	47,992,065	49,010,731	53,354,169	11.2%	37,933,778	-28.9%
04 Administrative Services Bureau	26,875,785	22,506,341	29,487,678	9.7%	30,471,443	3.3%
05 State Aid for Police Protection Fund	62,144,781	61,072,410	61,072,410	-1.7%	62,429,383	2.2%
07 Local Aid - Law Enforcement Grants	13,035,299	13,112,268	13,112,268	0.6%	599,997	-95.4%
08 Vehicle Theft Prevention Council	1,224,805	1,361,155	1,509,061	23.2%	1,361,149	-9.8%
10 Information Technology & Communications Bureau	9,422,367	8,516,379	10,253,146	8.8%	10,433,236	1.8%
12 Information Technology Communications Bureau	0	0	1,082,783		0	-100.0%
01 Fire Prevention Services	5,435,441	5,360,603	5,360,603	-1.4%	5,912,091	10.3%
02 Senator William H. Amoss Fire, Rescue, and Ambulance	10,000,000	10,000,000	10,000,000	0%	10,000,000	0%
<b>Total Expenditures</b>	<b>\$ 288,236,715</b>	<b>\$ 280,860,603</b>	<b>\$ 299,394,821</b>	<b>3.9%</b>	<b>\$ 272,191,596</b>	<b>-9.1%</b>
General Fund	\$ 139,923,842	\$ 223,326,140	\$ 223,326,141	59.6%	\$ 212,453,438	-4.9%
Special Fund	55,613,067	56,295,704	59,228,488	6.5%	59,196,278	-0.1%
Federal Fund	91,527,572	709,999	16,311,435	-82.2%	0	-100.0%
<b>Total Appropriations</b>	<b>\$ 287,064,481</b>	<b>\$ 280,331,846</b>	<b>\$ 298,866,064</b>	<b>4.1%</b>	<b>\$ 271,649,716</b>	<b>-9.1%</b>
Reimbursable Fund	\$ 1,172,234	\$ 528,757	\$ 528,757	-54.9%	\$ 541,880	2.5%
<b>Total Funds</b>	<b>\$ 288,236,715</b>	<b>\$ 280,860,603</b>	<b>\$ 299,394,821</b>	<b>3.9%</b>	<b>\$ 272,191,596</b>	<b>-9.1%</b>

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.