

Special Report

**Department of State Police
Workforce Civilianization**

Opportunities Exist to Increase Civilian Employment

December 2016



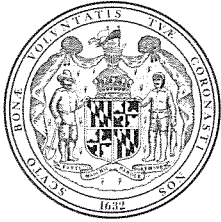
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DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND GENERAL ASSEMBLY

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DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF LEGISLATIVE AUDITS
MARYLAND GENERAL ASSEMBLY

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December 28, 2016

Senator Edward J. Kasemeyer, Chairman
Senate Budget and Taxation Committee
Miller Senate Office Building, 3 West Wing
11 Bladen Street
Annapolis, MD 21401

Delegate Maggie McIntosh, Chairman
House Appropriations Committee
House Office Building, Room 121
6 Bladen Street
Annapolis, MD 21401

Dear Senator Kasemeyer and Delegate McIntosh:

In the April 2016 *Joint Chairmen's Report* (page 152), the committees requested the Office of Legislative Audits (OLA) to study the personnel policies of the Department of State Police (DSP) and make recommendations on how to increase civilianization at DSP. The Report also requested OLA to estimate the cost savings to be realized by civilianizing certain positions held by sworn troopers.

Our study revealed that DSP does not have personnel policies that specifically address the use of sworn troopers in positions that can be fulfilled by civilian employees. Consequently, those positions have not been formally identified nor has DSP conducted periodic analyses or studies to determine whether positions held by troopers should be performed by lower costing civilian employees.

OLA's analysis of the 1,426 positions filled by sworn troopers as of April 22, 2016 identified 127 (8.9 percent) positions currently filled by sworn troopers that could be civilianized. Using civilians for these positions could reduce the annual cost for these positions by approximately \$10.8 million because of lower salary and certain fringe benefit costs. Approximately \$7.8 million of the reduction is due to lower employer pension contribution rates for civilians.

Although DSP agreed all of the 127 positions that OLA identified could be candidates for civilianization based on our assessment criteria, DSP does not believe 11 positions should be civilianized and for a further 32 positions would prefer that sworn troopers be used. According to DSP, past budgetary restrictions on civilian hiring, limited advancement opportunities for civilians, and the flexibility in deploying troopers have resulted in the use of troopers to perform essential administrative and support roles.

The study results and our recommendations concerning future civilianization analyses can be found on page 6. This section also includes several tables identifying: the classifications for 127 trooper positions that could be civilianized and their personnel costs; the comparable civilian positions and their personnel costs; and the 43 positions for which DSP either does not believe should be civilianized or prefers to use sworn troopers. Exhibit 1 contains our analyses of each of those positions.

The Joint Chairmen's Report language suggests that expanding civilian employment opportunities could free up the troopers to perform law enforcement related activities. However, if all 127 troopers were redeployed to law enforcement related activities, no cost savings would be realized; instead, DSP would incur additional personnel costs of approximately \$10.2 million to hire civilians to fill those positions. Alternatively, DSP could pursue civilianization as vacancies occur in law enforcement activities. That is, vacancies in law enforcement activities could be filled by the troopers occupying the aforementioned 127 positions and those positions could be filled with civilians.

DSP's response to our recommendations is included as an appendix to this report. We wish to acknowledge the cooperation extended to us by DSP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "TJ Barnickel III", with a stylized flourish at the end.

Thomas J. Barnickel III, CPA
Legislative Auditor

Background

The Department of State Police (DSP) was established under Title 2 of the Public Safety Article of the Annotated Code of Maryland. DSP's primary mission is to protect the citizens of Maryland from foreign and domestic security threats, to fight crime, and to promote roadway safety by upholding the laws of the State of Maryland. This is accomplished through patrol, investigation, intelligence gathering and interdiction efforts, and by providing leadership and assistance to State and local agencies. DSP also has certain regulatory duties, which include administering the laws that relate to handgun sales, and inspecting certain motor vehicles.

DSP is comprised of the Office of the Superintendent and three bureaus (Support Services, Criminal Investigations, and Field Operations), which oversee the various units within the Department. The fiscal year 2016 budget authorized 2,367 positions. As of April 2016, DSP had 2,103 filled positions of which 1,426 were occupied by sworn troopers.

Scope, Objectives and Methodology

Scope

In the April 2016 *Joint Chairmen's Report* (page 152), it was noted that certain non-law enforcement positions within the Department of State Police (DSP) are performed by sworn troopers and could be performed instead by lower cost civilian personnel, freeing up trooper positions for law enforcement. The budget committees requested the Office of Legislative Audits (OLA) to study the personnel policies of the Department of State Police (DSP) and make recommendations on how to increase civilianization at DSP.

The recommendations were to include classifying each job type as best being performed by sworn personnel, civilian personnel or either; the number of sworn trooper personnel functioning in positions that could be performed by civilian personnel; and an estimate of cost savings to be realized.¹ Finally, the Report requested that the results of our review be submitted to the budget committees by

¹ This JCR request is similar to one from the April 2003 Joint Chairmen's Report, which resulted in the issuance on January 7, 2004 of a OLA performance audit report entitled "Department of State Police - Workforce Civilianization" that identified opportunities for civilianizing 79 positions. In that report, we also disclosed that for fiscal year 2003 the ratio of sworn troopers to civilian DSP employment was approximately 2 to 1. During our current review, we found a similar ratio as of April 2016.

November 1, 2016; however, in September 2016, the Joint Chairmen extended the submission deadline to January 2, 2017.

Objectives

Our objectives were:

1. to assess any DSP personnel policies related to the use of sworn trooper and civilian positions for performing functions within the various DSP Bureaus and units;
2. to identify non-law enforcement positions, such as administrative and support related, within DSP performed by sworn troopers that could be performed by lower cost civilians; and
3. to determine if DSP periodically conducted a similar civilianization analysis.

We did not assess the justification or need for those identified positions and functions presently filled by sworn troopers within the context of DSP's mission.

Methodology

To accomplish our objective, we interviewed personnel at DSP, reviewed its organizational structure, and inquired as to its policies on filling administrative and support positions with sworn personnel and whether periodic analyses or studies to increase civilianization of positions had been conducted.

To identify possible positions for civilianization, we obtained a list of all sworn personnel employed by DSP and their positions as of April 22, 2016, which we tested and found reliable. For each position, DSP provided job descriptions, which we reviewed to identify positions for which civilianization may be possible. We conducted interviews with DSP management and the troopers occupying those positions between the months of May and August 2016 to obtain an understanding of the job requirements and DSP's justifications for using a sworn trooper. We also reviewed applicable State laws and regulations to determine if there was a legal requirement that a specific position be filled by a sworn trooper.

Our analyses of the positions for possible civilianization consisted of obtaining answers to the following questions:²

1. Does the position require the exercise of law enforcement powers³?
2. Are the skills, training, or experience of a sworn trooper required to fulfill the duties of the position⁴?
3. Does the position require a sworn trooper because of statute or regulation⁵?
4. Can the requirements of the position be fulfilled by a specially trained civilian?

If the answer to the first three questions was “no” and the answer to the fourth question was “yes”, the position was identified for possible civilianization.

To determine the potential difference in costs between sworn troopers and civilians, we compared the duties associated with those positions for possible civilianization to State personnel position descriptions identified by DSP Human Resources staff as closely resembling the DSP positions (based on duties and functions) to determine the existing average State salaries (according to the Department of Budget and Management) for civilians who would fill any positions currently held by sworn troopers. We also determined the difference in fringe benefit costs associated with employer contributions for pension costs and payroll (FICA) taxes. We did not identify or calculate certain fringe benefit costs (such as health insurance) and non-payroll costs associated with position reassignments.

Our analysis only determined whether the positions described within a unit could be performed by civilians. We did not attempt to analyze the adequacy of staffing within each unit or the necessity for the position. Thus, regardless of whether positions were identified for possible civilianization, the number of staff necessary to perform these functions is assumed to remain the same.

² This methodology was based on a January 2013, City of Chicago Office of the Inspector General’s report on opportunities for civilianization in the Chicago Police Department.

³ Law enforcement powers include, but are not limited to, the authorization to make arrests in the course of performing the general duties of the Maryland State Police, as defined in Public Safety Article of the Annotated Code of Maryland, Section 2-301.

⁴ Although these positions did not necessarily require the exercise of law enforcement powers, the skills, training, or experience of a sworn trooper was necessary to adequately perform the position’s duties. For example, the skills, training, and experience of a sworn trooper is required to properly supervise sworn troopers in law enforcement positions.

⁵ Certain positions (such as regulatory positions) are required by statute to be filled by sworn troopers.

The scope of our review was less than that of an audit conducted in accordance with generally accepted government auditing standards.

Study Results and Recommendations

The Department of State Police (DSP) does not have personnel policies that specifically address the use of sworn troopers in positions that can be fulfilled by civilian employees. Furthermore, DSP does not perform periodic analyses or formal studies to identify positions filled by sworn troopers that could be performed by lower cost civilian employees.

We identified 127 positions within 20 DSP units currently filled by sworn troopers that could be filled by civilian employees. Based on fiscal year 2017 cost data,⁶ the annual cost to fill these positions with civilians is approximately \$10.8 million less than filling these positions with troopers due to the lower civilian salaries and lower fringe benefit costs for employer pension and payroll (FICA) tax contributions. The cost reductions were calculated by comparing the \$21.0 million in salaries and fringe benefit costs of the 127 sworn trooper positions, see Table 1, to the estimated \$10.2 million in salaries and fringe benefits of the related civilian positions, see Table 2.

Sworn Trooper Classification	Number of Positions Identified	Total Annual Salaries and Fringe Benefits (using current salaries as of 8/8/16)
Trooper First Class	8	\$933,800
Senior Trooper	9	1,229,908
Master Trooper	12	1,955,256
Corporal	19	2,820,325
Sergeant	49	8,274,952
First Sergeant	10	1,719,872
Detective Sergeant	3	556,005
Lieutenant	11	2,227,253
Captain	5	1,063,273
Major	1	270,937
Total Sworn Troopers	127	21,051,581

⁶ Using personnel and budget data from DSP and the Department of Budget and Management's Office of Personnel Services and Benefits.

Table 2 Potential Comparable Civilian Positions for the Related Administrative and Support Services Functions Performed by Sworn Troopers		
Civilian Position Classification (per OLA)	Number of Positions Identified	Total Estimated Annual Salaries and Fringe Benefits (using statewide average salaries as of 7/1/16)
Administrative Officer I	2	\$121,701
Administrative Officer II	20	1,299,415
Administrative Program Manager III	3	340,713
Administrative Program Manager IV	1	112,956
Administrative Specialist III	2	114,551
Administrator I	10	733,656
Administrator III	11	947,913
Administrator IV	1	93,474
Administrator V	9	914,240
Administrator VI	1	110,941
Administrator VII	2	217,859
Agency Grants Specialist II	1	67,994
Agency Procurement Specialist II	2	136,786
Airport Paramedic	30	2,376,736
Armorer	1	51,652
Automotive Services Specialist	1	52,970
Computer User Support Specialist II	1	53,907
Database Specialist II	1	83,907
Database Specialist Supervisor	1	92,378
Equal Opportunity Officer II	1	63,898
HR Administrator II	2	176,663
HR Administrator III	1	99,670
HR Administrator IV	1	109,884
Internal Auditor Program Supervisor	2	186,598
IT Director III	1	135,797
IT Functional Analyst II	3	219,107
IT Technical Support Specialist II	2	174,379
IT Technical Support Specialist Manager	1	102,571
IT Technical Support Specialist Supervisor	1	85,610
MSP Pilot IV	1	114,796
Polygraph Examiner	7	551,235
Program Manager III	1	107,091
Public Affairs Officer II	1	69,297
Services Specialist	1	45,506
Warehouse Supervisor	1	51,652
Total Civilians	127	\$10,217,503

The majority of the \$10.8 million in cost reduction, approximately \$7.8 million, is due to employer pension plan contributions, which are significantly higher for sworn troopers than for civilian employees. During fiscal year 2017, the percentage of pension costs in relation to salary the State contributes is 84 percent for sworn troopers, but only 17 percent for civilians. For example, one position filled by a sworn trooper with a salary of \$91,000 was identified that could be filled by a civilian employee with a salary of \$46,000. After considering payroll (FICA) taxes and the State's share of the pension contributions, we concluded that the sworn trooper annually costs the State \$174,000 whereas the civilian would cost \$57,000, approximately \$117,000 less.

DPS agreed with our assessments on the feasibility of civilianizing the 127 positions based on our assessment criteria, but stated that for 43 positions, either it does not believe the positions should be civilianized (11 positions) or prefers that sworn troopers be used (32 positions), see Table 3.

Table 3
Summary of DSP's Position on 127 Sworn Trooper Positions Identified by OLA for Possible Civilianization, by Unit

Unit	Department of State Police Position		
	Agrees	Prefers to Use Sworn Troopers	Does Not Believe Position Should be Civilianized
Office of Superintendent:			
Strategic Planning and Command	7		
Fair Practices Section	1		
Internal Affairs	1		
Media Communications Section	1		
Office of the Department Prosecutor Section	1		
Planning and Research Division – Grants Mgmt.	1		
Special Projects Division	2		
Support Services Bureau:			
Human Resources Division	5		1
Information Technology Division	6		
Electronic Systems Development	3		
Facilities Management Division	3		1
Police Communications Support Division	2	1	
Quartermaster Division	3		
Motor Vehicle Division	2		
Administrative Operations Division	2		
Office of Promotional Testing	1		
Criminal Investigations Bureau:			
Licensing Division	22		6
Criminal Enforcement Division	18		1
Field Operations Bureau:			
Aviation Command	2	31	1
Automotive Safety Enforcement Division	1		1
Total	84	32	11
Potential cost differential between troopers and civilians related to positions OLA identified for civilianization	\$7,104,044	\$2,743,314	\$ 986,720

Exhibit 1 contains our detail analyses of sworn trooper positions by DSP unit, classification and job duty, DSP's response to our conclusions, and our further comments for the 11 positions DSP believes should not be civilianized.

According to DSP, many of these 127 sworn troopers were placed in these positions, in part, because of past budgetary restrictions on civilian hiring and the need to ensure the critical roles of those positions were performed.

DSP cited several factors that could impact civilianization efforts or should be considered. DSP believes the lower salary and limited advancement opportunities a civilian would receive as a primary obstacle in attracting and retaining qualified civilian personnel to fill certain positions. Also, for certain jobs, such as the aforementioned 43 positions, DSP believes that sworn troopers are more appropriately skilled than civilians to perform the jobs, such as handgun licensing. Furthermore, DSP advised that civilians are limited in what they can do and generally can only be used for tasks consistent with their official job descriptions, as compared to sworn troopers who are required to be available for any assignment of any type when needed. Consequently, any redeployment of sworn troopers in positions subject to civilianization to meet law enforcement exigencies would be lost if civilians had been in those positions.

The Joint Chairmen's Report language suggests that expanding civilian employment opportunities could free up the troopers to perform law enforcement related activities. However, if all 127 troopers were redeployed to law enforcement related activities, no overall cost savings would be realized. Instead, additional positions would need to be authorized at an estimated annual cost of approximately \$10.2 million.

Alternatively, DSP could pursue civilianization as vacancies occur in law enforcement activities. That is, vacancies in law enforcement activities could be filled by the troopers occupying the aforementioned 127 positions and those positions could be filled with civilians.

OLA Recommendations

DSP should develop formal policies that encourage civilianization when possible and specify the related processes for converting positions. DSP should also conduct periodic studies to identify future position that could be occupied by civilian employees.

EXHIBIT 1

OLA Analysis of Sworn Positions Identified for Possible Civilianization

A. Office of Superintendent

1. Strategic Planning Command Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	1
Lieutenant	2	2
First Sergeant	2	2
Sergeant	3	2
Totals	8	7

Overview of Unit

The Strategic Planning Command Division is comprised of two subdivisions: 1) Planning and Research and 2) Inspection and Compliance. Planning and Research is responsible for maintaining accreditations and developing new policies for DSP. Inspection and Compliance ensures the integrity, accountability, and improvement of DSP personnel, programs, and operations.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Strategic Planning Command Division includes eight sworn troopers of which seven positions were identified for possible civilianization:

Five of these sworn troopers (one Captain, one Lieutenant, one First Sergeant, and two Sergeants) are assigned to Planning and Research. The Captain and Lieutenant ensure DSP's compliance with the Commission on Accreditation for Law Enforcement (CALEA) standards. One Sergeant assists with ensuring law enforcement training programs meet accreditation standards. The other First Sergeant and a Sergeant oversee the drafting and publishing of DSP policies (that is, General and Special Orders).

The remaining two sworn troopers (one Lieutenant and one Sergeant) are assigned to Inspection and Compliance. These troopers oversee the performance of decentralized line inspections (internal audits of areas such as inventory, timesheets and overtime, and leave records) to ensure Department wide compliance with established policies and procedures.

DSP Response

DSP agreed with our conclusion.

2. Fair Practices Section

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
First Sergeant	1	1
Totals	1	1

Overview of Unit

The Practices Section ensures DSP's compliance with the Governor's Code of Fair Employment Practices and various federal and state laws and policies prohibiting discrimination, harassment, and retaliation in all aspects of employment.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Fair Practices Section includes one sworn trooper whose position could be civilianized. The First Sergeant is responsible for investigating and responding to complaints that arise during the hiring and selection process, including speaking with the individual who filed the complaint to determine the complaint's validity.

DSP Response

DSP agreed with our conclusion.

3. Internal Affairs

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	0
Lieutenant	2	0
Detective Sergeant	2	1
Sergeant	3	0
Corporal	2	0
Totals	10	1

Overview of Unit

The Internal Affairs Section is responsible for ensuring that thorough and objective investigations of complaints and allegations of misconduct against DSP troopers are performed. The Internal Affairs Section also ensures that appropriate disciplinary action is processed when required.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Internal Affairs Section includes 10 sworn troopers of which we identified one of their positions for possible civilianization. Specifically, one Detective Sergeant is primarily responsible for database management related to investigations performed by the Internal Affairs Section. Database management is an administrative function that does not require the exercise of law enforcement powers or the skills and training of a sworn trooper, and there was no legal requirement that the position be filled by a sworn trooper.

DSP Response

DSP agreed with our conclusion. Although this Detective Sergeant performs some investigative duties, DSP advised us that these duties could be absorbed by the other troopers in the Internal Affairs Section if their administrative duties (primarily database entry) were in turn assumed by the database administrator position.

4. Media Communications Section

Sworn Trooper Rank	Number of Positions Filled by Full-Duty Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Corporal	1	1
Totals	1	1

Overview of Unit

The Media Communications Section is responsible for the daily dissemination of information to the media and public, and the facilitation of internal communication from the Office of the Superintendent.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Media Communications Section includes one sworn trooper whose position could be civilianized. The Corporal is the primary uniformed spokesperson for DSP. This trooper provides information to local and national media outlets. They also prepare statements and news releases, taking into account police operations, directives, and sensitive law enforcement documents.

DSP Response

DSP agreed with our conclusion.

5. Office of the Department Prosecutor Section

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Lieutenant	1	1
Totals	1	1

Overview of Unit

The Office of the Department Prosecutor Section is responsible for prosecuting all cases against sworn troopers in front of the disciplinary hearing board.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Office of the Department Prosecutor includes one sworn trooper whose position could be civilianized. The trooper presents disciplinary cases in front of the hearing board and is responsible for recommending a punishment for the officer. DSP is able to achieve greater consistency in the punishments it recommends by having the same individual making these decisions.

DSP Response

DSP agreed with our conclusion.

6. Planning and Research Division - Grants Management Section

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
First Sergeant	1	1
Totals	1	1

Overview of Unit

The Planning and Research Division - Grants Management Section applies for, administers, and monitors grant awards.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Planning and Research Division includes one sworn trooper whose position could be civilianized. The First Sergeant is assigned to the Grants Management Section of the Division and is responsible for managing multiple federal, state,

and local law enforcement grants, which could involve confidential and sensitive materials. Specifically, the First Sergeant's duties include writing and submitting grant applications, meeting with grantees, and managing the usage of grant funds.

DSP Response

DSP agreed with our conclusion, provided that the civilian staff passes the appropriate background checks (necessary to obtain access to the sensitive materials involving DSP operations).

7. Special Projects Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	1
Sergeant	1	1
Totals	2	2

Overview of Unit

The Special Projects Section handles all requests from the Superintendent that are not assigned to a specific division.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Special Projects Section includes two sworn troopers; both of their positions could be civilianized. These positions are responsible for maintaining DSP's capital inventory, processing Public Information Act requests, short term project management (for example, coordinating a conference), and completing various reports (such as the Annual Report and DSP's Capital Improvement Plan).

DSP Response

DSP agreed with our conclusion.

B. Support Services Bureau

1. Human Resources Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Lieutenant	2	2
First Sergeant	1	1
Sergeant	1	0
Corporal	2	1
Master Trooper	1	1
Senior Trooper	1	0
Trooper First Class	2	1
Totals	10	6

Overview of Unit

The Human Resources (HR) Division is responsible for all sworn and civilian recruitment activities, salary administration, and classification and compensation procedures. In addition, the HR Division oversees the administration of retirement benefits and performance evaluation record keeping.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The HR Division includes 10 sworn troopers of which we identified 6 of their positions for possible civilianization.

Employment Services Commander

One Lieutenant is responsible for overseeing the Recruitment Selection Unit and the Background Investigations Unit. The Lieutenant oversees sworn cadet and trooper candidate hiring, and ensures that DSP has an adequate recruiting strategy to ensure that future sworn vacancies can be filled timely. The Lieutenant also serves as the final review for polygraph testing and background investigations of applicants to the Maryland State Police (MSP) Academy to ensure that all policies were followed and all legal obligations were met.

Background Investigations Unit

Three sworn troopers (one Corporal, one Master Trooper, and one Trooper First Class) are assigned to the Background Investigations Unit. This unit conducts background investigations of applicants for Trooper Candidates positions within the MSP Academy. The Corporal assigns background investigations of applicants to the investigators in the unit (the Master Trooper and Trooper First Class, as well as civilian investigators) and reviews and approves completed investigations.

Personnel Administration Section

Two sworn troopers (one Lieutenant and one First Sergeant) are assigned to the Personnel Administration Section. The Lieutenant oversees medical services, personnel services, civilian employment, and volunteers. The First Sergeant's primary responsibilities include overseeing volunteers and interns, the leave records unit, retirement benefits, and personnel records.

DSP Response

DSP agrees that the six sworn trooper positions identified by OLA could be civilianized, but it believes the Employment Services Commander position, which is occupied a Lieutenant, should remain a position filled by a sworn trooper. According to DSP, this position is ultimately responsible for recruiting new MSP state troopers and ensuring that MSP continues to enroll the most highly qualified candidates in the Academy.

OLA Comment

A civilian could be trained to supervise background investigations to ensure they are completed properly (we also noted DSP currently has civilian employees performing these duties), oversee cadet and trooper candidate hiring, and explain to disqualified applicants why they were ineligible to participate in the MSP Academy.

2. Information Technology Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Lieutenant	2	2
Sergeant	4	4
Totals	6	6

Overview of Unit

The Information Technology (IT) Division is responsible for developing, implementing, and maintaining DSP's various systems and applications used to support troopers in the field, as well as allied law enforcement agencies, and state and local government agencies.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The IT Division includes six sworn troopers; all six of their positions could be civilianized. The duties of these sworn troopers were as follows:

IT Division Commander

One Lieutenant oversees the IT Division and is responsible for project management and coordinating projects with allied agencies (such as the Maryland Motor Vehicle Administration and local law enforcement agencies).

Research and Development Supervisor

One Sergeant is responsible for overseeing the development of all law enforcement programs and software used in the Mobile Data Terminals (MDTs, which are the laptop computers used in police vehicles) and at offices throughout the State. In addition, the First Sergeant analyzes data from these programs to ensure the program is operating properly and to identify trends that may require additional action by DSP.

Logistics Supervisor

One Lieutenant is responsible for overseeing various IT projects, as well as performing administrative tasks such as payroll, scheduling, and civilian performance evaluations for the IT Division.

Support Personnel Supervisor

One Sergeant supervises the civilian support personnel within the IT Division and assists with testing new programs and systems. The Sergeant also coordinates training related to these systems for sworn troopers and other allied law enforcement agency personnel.

User Support

One Sergeant provides user support for sworn troopers (as well as officers at allied agencies) related to the programs and systems developed by the IT Division. The Sergeant also assists in testing new programs and systems prior to department wide implementation.

Technical Training Administrator

One Sergeant conducts technical training for all sworn troopers (as well as other users at allied agencies) throughout the State.

DSP response

DSP agreed with our conclusion.

3. Electronic Systems Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
First Sergeant	1	1
Corporal	1	1
Trooper First Class	1	1
Totals	3	3

Overview of Unit

The Electronic Systems Division is responsible for installing, maintaining, and repairing electronic systems inside DSP vehicles.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Electronic Systems Division includes three sworn troopers; all three of their positions could be civilianized. The First Sergeant and Corporal each oversee part of the Electronic Systems Division (and operate out of the Waterloo Barrack and on Maryland's Eastern Shore, respectively). These responsibilities include managing and maintaining electronic systems used in police vehicles, and researching and testing new electronic equipment. In addition, these sworn troopers are responsible for DSP's Mobile Command Center (a semi-truck type vehicle that functions as a portable barrack) when it is deployed in the field. The Trooper First Class performs installation and maintenance of IT equipment in police vehicles.

DSP Response

DSP agreed with our conclusion.

4. Facilities Management Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Major ⁷	1	1
Lieutenant	1	1
Sergeant	2	2
Totals	4	4

⁷ Under DSP's rank structure, Majors are responsible for supervising commands (that is, the Divisions) within each of the four Bureaus. This Major is the head of Logistics Command, which is comprised of the Facilities Management, Motor Vehicle, and Quartermaster Divisions. The Major is presented within the Facilities Management Division for reporting purposes.

Overview of Unit

The Facilities Management Division is responsible for maintaining, renovating, and inspecting the various DSP locations throughout the State.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Facilities Management Division includes four sworn troopers; all four of their positions could be civilianized. The Major is the head of Logistics Command, which is comprised of the Facilities Management Division, the Motor Vehicle Division, and the Quartermaster Division. The Lieutenant is responsible for managing the energy and recycling programs and maintaining DSP's facilities master plan. One Sergeant oversees the fuel management program. The other Sergeant prepares various administrative reports for the Division.

DSP Response

Although DSP agrees that a civilian could perform in all four positions, but it believes the position occupied by the Major should remain as a sworn trooper to maintain the Department's rank structure, which has a Major supervising each of the commands. Given that this Major oversees the divisions responsible for DSP's police vehicles and equipment, DSP believes a sworn supervisor is necessary to ensure that DSP is able to fulfill its mission.

OLA Comment

A sworn trooper is not necessary given that the Major supervises three Divisions in which we identified all positions currently filled by sworn troopers for potential civilianization.

5. Police Communications Support Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	0
First Sergeant	2	1
Sergeant	4	1
Corporal	2	0
Master Trooper	2	1
Totals	11	3

Overview of Unit

The Police Communications Support Division (PCSD) manages the communication systems used to support law enforcement personnel across the State, provides statewide oversight over various databases, such as the National

Criminal Information Center (NCIC) database, and provides security at DSP's Headquarters.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The PCSD includes 11 sworn troopers and we identified 3 of their positions for possible civilianization.

Administrative Officer

A First Sergeant is primarily responsible for administrative duties such as payroll, performance evaluations, and scheduling training for the PCSD. The First Sergeant also supervises the PCSD Duty Officers (who are sworn troopers).

NCIC Compliance Auditors

One Sergeant and one Master Trooper conduct audits of agencies with NCIC access to ensure the integrity of data maintained within the system and to ensure that access to the NCIC is properly restricted. Civilian employees at DSP performed the same duties as the sworn NCIC compliance auditors.

DSP Response

DSP agrees that the three positions identified by OLA could be civilianized, but prefers the Administrative Officer duties currently performed by a First Sergeant to remain a sworn trooper position in order to adequately supervise the PCSD Duty Officers.

6. Quartermaster Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Lieutenant	1	1
Sergeant	2	2
Totals	3	3

Overview of Unit

The Quartermaster Division procures materials, supplies, equipment, and services needed to operate the DSP.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Quartermaster Division includes three sworn troopers. All three of their positions were identified for possible civilianization. The Lieutenant oversees procurement of firearms and equipment, manages budgets, monitors contracts, and evaluates the need for potential new equipment. One Sergeant serves as the

Agency Armorer and is responsible for managing DSP's firearms inventory, whose specific duties include performing routine maintenance on weapons, repairing damaged weapons, and evaluating and testing potential new weapons. The other Sergeant is responsible of managing the warehouse for DSP equipment.

DSP Response

DSP agreed with our conclusion.

7. Motor Vehicle Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Lieutenant	1	1
Sergeant	1	1
Totals	2	2

Overview of Unit

The Motor Vehicle Division procures, repairs, maintains, and disposes of DSP's motor vehicles.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Motor Vehicle Division includes two sworn troopers; both of their positions could be civilianized. Both troopers are responsible for ensuring that procurement, maintenance, repairs, and dispositions of DSP vehicles are properly performed.

DSP Response

DSP agrees with our conclusion.

8. Administrative Operations Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	1
Sergeant	1	1
Totals	2	2

Overview of Unit

The Administrative Operations Division supports DSP's Information Technology (IT) Division by overseeing the procurement of new IT software and equipment and managing DSP's related IT inventory.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Administrative Operations Division includes two sworn troopers; both of their positions could be civilianized. Both troopers are involved with the procurement and monitoring of DSP's IT-related contracts.

DSP Response

DSP agrees with our conclusion.

9. Office of Promotional Testing

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	1
Totals	1	1

Overview of Unit

The Office of Promotional Testing is responsible for all aspects of the promotional testing process (the process used to promote sworn personnel to the ranks of Corporal through Captain).

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The Office of Promotional Testing includes one sworn trooper whose position could be civilianized. This trooper's responsibilities include creating written exam questions, evaluating the applicability and relevancy of exam questions, and compiling and tracking exam scores.

DSP Response

DSP agrees with our conclusion. DSP advised us that promotional exam questions are created based on established criteria for the duties of each rank and are evaluated by subject matter experts (that is, other sworn troopers of that specific rank). Nevertheless, DSP believes the duties of this position could be adequately fulfilled by a trained civilian.

C. Criminal Investigations Bureau

1. Licensing Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	1
Lieutenant	1	0
First Sergeant	1	1
Sergeant	10	8
Corporal	5	5
Master Trooper	4	4
Senior Trooper	7	7
Trooper First Class	2	2
Totals	31	28

Overview of Unit

The Licensing Division administers laws and conducts investigations concerning the sale, transfer, and registration of firearms and electronic listening devices.

The Licensing Division also issues licenses for professions such as private detectives, security guards, security system companies, and others as provided for in Code.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The licensing division includes 31 sworn troopers. We identified the positions for 28 of these troopers for possible civilianization. The duties of these 28 sworn troopers were as follows:

Command Staff

One Captain has overall responsibility for the Licensing Division. A First Sergeant oversees the Professional Licensing Section of the Licensing Division. These sworn troopers are the final authority for interpreting case law and approving or denying license applications under the Division's purview.

Firearm Registration Unit

Seven sworn troopers (one Corporal, one Master Trooper, three Senior Troopers, and two Trooper First Class) who provide oversight of regulated firearm transactions (purchases, rentals, and transfers). These troopers review a series of databases to determine whether or not an applicant is prohibited from possessing a firearm.

Machine Gun Registration Unit

One Corporal ensures that Maryland machine gun owners properly complete the required annual registrations.

Handgun Qualification License Unit

This unit is comprised of four sworn troopers (one Sergeant, two Corporals, and one Senior Trooper) who issue licenses allowing applicants to purchase or rent a handgun in Maryland. These licenses are issued once the applicant has passed the required background investigations and completed any necessary training.

Handgun Permit Unit

This unit is comprised of three sworn troopers (one Sergeant, one Master Trooper, and one Senior Trooper), who issue wear and carry permits for regulated firearms.

Administrative Investigations Unit

This unit is comprised of four sworn troopers (three Sergeants and one Senior Trooper). This unit is responsible for conducting background checks, interviews, and writing reports for certain individuals seeking employment with DSP, as well as applicants for certain licenses issued by the Division. This unit also assists the other units in reviewing and approving applications and investigating complaints against licensees.

Special Police and Security System Unit

This unit is comprised of two sworn troopers (one Sergeant and one Master Trooper). The unit issues licenses for security system agencies and security system technicians, and investigates complaints against these licensees. In addition, this unit is responsible for evaluating applications for special police commissions.

Security Guard Section

This unit is comprised of four sworn troopers (one Sergeant, one Corporal, one Master Trooper, and one Senior Trooper). The unit issues licenses for professional security guards and investigates complaints against these licensees.

Firearms Billing Unit

One Sergeant ensures that payments for firearms registrations are properly received, recorded, and deposited to the bank.

DSP Response

DSP agrees that these 28 positions could be performed by specially trained civilian personnel. However, DSP believes 6 of these positions should continue to be occupied by sworn troopers (one First Sergeant and five Sergeants) because

they oversee at least one of the Licensing Division's units. DSP believes that in instances where a citizen's application is not approved, the decision needs to be made by someone with the authority of a sworn trooper.

OLA Comment

The Business Occupations and Professions Article, Section 19-314 of the Annotated Code of Maryland requires that the investigating officer for complaints related to the various occupational licenses issued by the Licensing Division be of the rank Lieutenant or above. However, by law, the Lieutenant (whom we did not identify for civilianization) may delegate these investigations to other members of DSP. We did not note any legal requirements that any of the licenses under the Licensing Division's purview be reviewed, approved, or issued by a sworn trooper. Licensing is an administrative function that is performed by civilians at other state agencies, such as the Department of Labor, Licensing and Regulation.

Since we identified all positions in the applicable units currently filled by the six sworn troopers for potential civilianization, we do not believe that sworn troopers are necessary in those oversight positions.

2. Criminal Enforcement Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Major	2	0
Captain	2	0
Lieutenant	9	0
Detective Sergeant	20	2
First Sergeant	1	1
Sergeant	67	9
Corporal	41	3
Master Trooper	10	0
Senior Trooper	13	0
Trooper First Class	51	4
Totals	216	19

Overview of Unit

The Criminal Enforcement Division (CED) provides investigative services, both overt and covert, to support DSP's mission of achieving public safety by improving the quality of life for the citizens of Maryland. CED criminal investigative activities involve an array of dedicated and special sections, units, task forces and teams that investigate and solve all facets of crime throughout the

state of Maryland and provide direct support and resources to allied agencies when their investigations are both linked to and impacted by crime in other jurisdictions.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

The CED includes 216 sworn troopers. We identified 19 of these positions for possible civilianization. The duties of these 19 sworn troopers were as follows:

Digital Forensics Laboratory

This Digital Forensics Laboratory (DFL) is comprised of five sworn troopers (one Detective Sergeant and four Sergeants). The DFL serves the digital forensic needs of the CED and Internet Crimes Against Children Task Force (ICAC) and all DSP installations, as well as federal, state, and local agencies upon request. The DFL conducts analyses of digital evidence and provides technical assistance to investigators and prosecutors concerning the seizure, storage, and analysis of digital evidence.

Polygraph Unit

Seven sworn troopers in the Polygraph Unit (one Detective Sergeant, four Sergeants, two Corporals), assist in conducting polygraph examinations of police and civilian applicants, criminal investigative polygraph testing, administrative internal polygraph testing of troopers, and post-conviction sex offenders. Excluded from these seven is another position that must continue to be occupied by a sworn trooper in order to conduct examinations of sworn troopers (OLA identified the Master Trooper for that position). Specifically, the Law Enforcement Officers Bill of Rights generally requires that an investigation or interrogation of a law enforcement officer be conducted by another law enforcement officer.

Maryland Gun Center

The Maryland Gun Center is comprised of six sworn troopers (one Sergeant, one Corporal, and four Trooper First Class). The Maryland Gun Center serves as a 24/7 statewide firearms enforcement center that makes the screening and vetting of every gun case (involving a firearm seized related to a criminal offense) in Maryland available to law enforcement to ensure that offenders are systematically held accountable for their crimes. These positions primarily require the review and interpretation of case law.

Forensic Sciences Division

One First Sergeant oversees the Forensic Sciences Division (FSD). The First Sergeant is responsible for FSD's inventory (primarily contraband seized during investigations, including weapons and illicit drugs). The First Sergeant is

responsible for performing quarterly physical inventories and overseeing the periodic destruction of these materials. Although the position requires the handling of sensitive materials, a trained civilian who had undergone a rigorous background check could perform these duties.

DSP Response

DSP agrees with our analysis that all 19 sworn trooper positions identified by OLA could be civilianized; however, it believes one of these trooper positions in the Polygraph Unit should not be civilianized. Specifically, it believes a second Polygraph Examiner should remain sworn to ensure that DSP is able to conduct a polygraph examination of a sworn trooper in the event the other sworn Polygraph Examiner is unavailable.

OLA Comment

We noted that internal polygraph examinations of sworn troopers were rare; for example, we were advised that of the approximately 2,400 examinations administered during calendar year 2015, only one was administered to a sworn trooper. Consequently, we do not believe that a second sworn trooper is required in this unit.

D. Field Operations Bureau

1. Aviation Command

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Major	1	0
Captain	1	0
Lieutenant	2	1
First Sergeant	3	0
Sergeant	25	17
Corporal	8	8
Master Trooper	8	6
Senior Trooper	5	2
Trooper First Class	16	0
Trooper	12	0
Totals	81	34

Overview of Unit

Aviation Command provides airborne emergency medical transportation, as well as law enforcement, search and rescue, homeland security, and disaster assessment services. According to the Governor's fiscal year 2017 Managing for

Results submission, medically oriented missions accounted for 84 percent of Aviation Command's operational activities during fiscal year 2015.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

Aviation Command includes 81 sworn troopers. We identified 34 of these positions for possible civilianization. The duties of these 34 sworn troopers were as follows:

Trooper Medics

Thirty trooper medics, which accounts for about one-half of the 61 trooper medic positions occupied by sworn troopers within the Aviation Command, could be civilianized. These positions assist in providing emergency medical care to patients on board its medical evacuation (MEDEVAC) flights. Civilianizing these positions would still allow for one sworn trooper medic, rather than two, on each flight.

Pilots

One Sergeant serves as a co-pilot on helicopter missions. Since the remaining DSP Aviation Command co-pilots are civilians, we believe this position could also be civilianized.

Mission Support Commander

One Lieutenant is responsible for the procurement of equipment and services needed to support DSP's Aviation Command. The Lieutenant also ensures that all of DSP's aircraft undergo the required maintenance.

Support Operations Officer

One Senior Trooper performs aircraft maintenance and assists with procurement and various other tasks as assigned by the Mission Support Commander.

Safety Management Section

One Corporal is responsible for ensuring that DSP is compliant with Federal Aviation Administration regulations and that required safety reports are submitted.

DSP Response

DSP agrees with our analysis that all 34 sworn trooper positions identified by OLA could be civilianized based on our assessment criteria; however, DSP does not believe 1 position should be civilianized and it prefers to continue to use sworn troopers for 31 positions.

DSP believes the safety management position should remain a sworn trooper because it is responsible for the safety of the Command's facility, equipment, and personnel.

For the 30 trooper medic positions identified for civilianization, DSP agrees they could be civilianized, but prefers to continue to use a second trooper medic on-board its MEDEVAC flights. DSP's position is that in the event that half of the sworn trooper medics were civilianized, the Aviation Command risks being unable to fulfill a law enforcement mission in the event the sworn trooper medic is unavailable for a flight. However, DSP Aviation Command staff acknowledged that single medic missions, for either law enforcement or MEDEVAC flights, are rare. DSP also cited scheduling difficulties it would encounter if half the sworn trooper medics were civilianized because DSP has greater scheduling flexibility with all sworn trooper medics than it does with civilians.

MSP also prefers that the Mission Support Commander, who is responsible for the procurement of equipment and services and ensuring all of DSP's aircraft undergo the required maintenance, remain sworn. However, since the duties performed by the Mission Support Commander generally do not require the skills of a sworn trooper, we maintain the position should be civilianized.

For the two remaining Aviation Command sworn trooper positions we identified for civilianization, MSP agrees with our conclusion.

OLA Comments

In our opinion, a civilian could be trained to perform the duties performed by the corporal in the safety management section. These duties do not require the skills, training, or experience of a sworn trooper.

2. Automotive Safety Enforcement Division

Sworn Trooper Rank	Number of Positions Filled by Sworn Troopers	Number of Positions OLA Identified for Possible Civilianization
Captain	1	0
First Sergeant	2	1
Sergeant	7	1
Corporal	3	0
Master Trooper	4	0
Senior Trooper	4	0
Trooper First Class	1	0
Totals	22	2

Overview of Unit

The Automotive Safety Enforcement Division (ASED) is responsible for the State's Vehicle Safety Inspection Program, functions as the central repository and clearinghouse for Safety Equipment Repair Orders (SERO) issued by all law enforcement agencies throughout the State, and manages DSP's Salvage Vehicle Inspection Program. ASED also licenses and inspects the approximately 1,600 inspection stations throughout Maryland.

Duties of Sworn Troopers OLA Identified for Possible Civilianization

ASED contains 24 sworn troopers. We identified 2 of these positions for possible civilianization. One First Sergeant oversees the Administrative Operations section of ASED. The First Sergeant's duties include overseeing the SERO and Salvage Inspection Programs, preparing search warrants for ASED's Field Operations section, and various administrative responsibilities such as payroll processing and leave tracking. One Sergeant works with ASED's civilian personnel to maintain and upgrade ASED's IT systems.

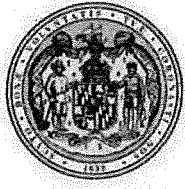
DSP Response

DSP agrees both positions could be civilianized, but it believes the First Sergeant position, which is responsible for preparing search warrants related to investigations performed by ASED, should not be civilianized. DSP believes a civilian could not adequately prepare the search warrant (contending that an improperly prepared warrant may lead to inadmissible evidence which would jeopardize the investigation). The First Sergeant also performs administrative duties similar to the First Sergeants at each of the barracks.

OLA Comments

We were advised that ASED performs less than 10 criminal investigations per year and thus another sworn trooper in ASED's Field Operations section could be given this duty, in lieu of the First Sergeant.

APPENDIX



LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
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COLONEL
WILLIAM M. PALLOZZI
SUPERINTENDENT

December 19, 2016

Thomas J. Barnickel III, CPA
Legislative Auditor
State of Maryland
Office of Legislative Audits
State Office Building, Room 1202
Baltimore, MD 21201

Dear Mr. Barnickel:

The Maryland Department of State Police (MDSP) has received the report in response to the 2016 Joint Chairmen's Report requesting the Office of Legislative Audits (OLA) study the personnel policies of the MDSP and make recommendations on how to increase civilianization at the Department. By this letter, I am responding to the recommendations contained in the report.

The MDSP appreciates the effort put forth by the OLA in examining opportunities for additional civilianization positions within our Department. The personnel from the OLA were professional and extremely thorough in the performance of the review. Creation of additional civilian positions would enable sworn personnel to be deployed from administrative positions and functions that do not require the use of police powers to more traditional operational duties.

With regards to the recommendations:

- 1) MDSP should develop formal policies that encourage civilianization when possible and specify the related processes for converting positions.

Agency Response: MDSP does agree with the recommendation that civilianization should be encouraged. It is the goal of MDSP to civilianize where possible, consistent with the budget and available civilian positions providing pin conversions are not required.

"Maryland's Finest"

Thomas J. Barnickel III, CPA
December 19, 2016
Page Two

2) MDSP should also conduct periodic studies to identify future positions that could be occupied by civilian employees.

Agency Response: MDSP agrees periodic personnel reviews could be a worthwhile tool for management. MDSP will periodically review the OLA Report for its application to current MDSP staffing.

Thank you for the assistance you are providing to the MDSP and the opportunity to respond to the analysis performed by the members of your agency. I appreciate their time and effort in developing this report. Should you have any additional questions or concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "W. M. Pallozzi", with a stylized flourish at the end.

William M. Pallozzi
Superintendent

WMP:tw

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