

# FLORIDA STATE LAW ENFORCEMENT CONSOLIDATION TASK FORCE

This form is intended to provide all task force members with basic knowledge regarding the law enforcement mission, structure and operations of stakeholder agencies. The information provided will be used by team leaders to develop their scope of work and ensure that all appropriate agencies are represented on each work group. All agencies should complete Part 1, Agency Profile, as well as those sections of Part 2, Work Groups, applicable to the agency's current mission. Please attach a copy of your agency's current organizational chart to your completed template.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO (ABT) BUREAU OF LAW ENFORCEMENT

Agency Authorization: Florida Statutes Chapters 210, 386, 561-569, 633, and FAC 61A

Accredited: Reaccredited by the Commission for Florida Law Enforcement Accreditation in 2009

### Fiscal Overview

Total Agency FTE (FY 11/12)	188.75
Total Sworn FTE (FY 11/12)	152
Total Non Sworn FTE (FY 11/12)	36.75

Total Budget	16,026,645
Total General Revenue	0
Total Trust Fund	16,026,645

### Mission Statement

To protect the health, safety, welfare, and economic well being of the people of the State of Florida, by enforcement of laws, statutes and regulations related to the complex entities of the Alcoholic Beverages and Tobacco Industries.

### Major Functions

The Alcoholic Beverages and Tobacco (ABT) Bureau of Law Enforcement (BLE) conducts investigations on all crimes with a nexus to the numerous types of Alcoholic Beverages and Tobacco licensed and non-licensed premises within the state. Many times these criminal investigations cross multijurisdictional boundaries and sometimes include international criminal entities.

Due to the nature of the Bureau's investigations, various cases are worked in an isolated undercover capacity. Bureau special agents routinely detect and arrest, as well as assist in the prosecution of criminals at every level of the Criminal Justice System.

**Underage persons' access to alcoholic beverages and tobacco products is tied directly to the Bureau's Long Range Program Plan (LRPP).**

The bureau's core mission starts with health and safety of young people. Underage consumption of alcoholic beverages and sales of alcoholic beverages to the underage is one of the BLE primary focuses. No one wants to learn of another underage alcohol related death, be it falling off a balcony or drowning during spring break, or a DUI fatality that can happen on any given night of the week.

Another primary focus is the availability and sales of tobacco products to underage individuals. The State of Florida, thru the Bureau of Law Enforcement, addresses the sale of tobacco products to underage persons aligned with the federal mandate known as the Synar Amendment.

### Federal Requirements

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement, is responsible for the management and successful enforcement of the State's tobacco laws as required by the Federal enacted Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, Synar Amendment. Florida's compliance with the Amendment as described below, results in one hundred million dollars (\$100,000,000.00) in the way of federal block grant monies. These monies are directly deposited with the Florida Department of Children and Families. The Bureau of Law Enforcement uses underage operatives, accompanied by sworn special agents, to conduct the unannounced covert compliance inspections, more commonly referred to as "surveys". Specifically, undercover special agents, along with underage operatives, visit a sample of retailers (e.g., grocery, convenience and package stores, bars and restaurants) to test for compliance.

## U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA)

Because it plays a lead Federal role in substance abuse prevention, SAMHSA was charged with implementing the Synar Amendment. In January 1996, SAMHSA issued the Synar Regulation to provide guidance to the States. The regulation requires that States:

- Have in effect a law prohibiting ..... selling or distributing such products to any individual younger than age 18;
- Enforce this law;
- Conduct annual, random, unannounced inspections in a way that provide a valid probability sample of tobacco sales outlets accessible to minors;
- Allows minors under the age of 18 to conduct compliance checks; and
- Provides immunity to youth who conduct compliance checks.
- Need at least 80% compliance with those inspected;
- Submit an annual report detailing State activities to enforce its law;
- Restricts tobacco vending machines;
- Requires "age of sale" signs;
- Creates a graduated system of civil or criminal penalties for outlet owners and/or clerks;
- Requires State-wide merchant education; **Potential for civilianization**
- Specifies State enforcement authority;
- Requires licensure of tobacco retailers;

**Penalties for Noncompliance:** In addition to setting targets for States, the Synar Amendment established penalties for noncompliance. The penalty for a State is loss of up to 40 percent of its Substance Abuse Prevention and Treatment (SAPT) Block Grant funds. Since these funds account for a large percentage of all States expenditures for substance abuse prevention and treatment, imposition of this penalty could present a severe problem for a State. **The Bureau of Law Enforcement is exploring ways to limit the number of these enforcement activities, enhancing efficiencies, while maintaining the integrity of the process.**

In keeping with the core mission, the BLE has begun a statewide initiative that is specifically targeted to protect the health of the citizens and visitors to the state, and to guard its economic engine. This initiative is known as the "Counterfeit Cigarette" initiative. Florida has been inundated with counterfeit cigarettes from China and Vietnam. Studies have shown that when compared to legal cigarettes, fake cigarettes can contain five times the level of cadmium, six times as much lead, 160 percent more tar and 133 percent more carbon monoxide. Cigarettes intercepted by the Royal Canadian Mounted Police (RCMP) Border Integrity Unit were found to contain human feces, dead flies, mould, and insect eggs. These products are routinely disguised as Marlboro and Newport brands, among others. Counterfeit products present a real health risk to the user, who is more times that not, unaware of the product being phony. The evasion of appropriate taxes on these products is fiscally harmful to the State. For every semi truck of counterfeit cigarettes sold in the Florida, that is a semi truck of legitimate cigarettes not sold, and therefore not taxed. The bureau has special agents currently undercover inside criminal enterprises dealing in these products. These are not your mom and pop stores. These are old fashioned organized crime type ventures.

Special Agents also work undercover in purchasing and dealing in alcoholic beverages and tobacco products that are manufactured in the United States, but destined for overseas. Commonly known as "GREY MARKET" products, these products never leave the US, but are smuggled out of bonded facilities and free trade zones, wherein they are sold untaxed on the streets of Florida.

### Mission Creep

The Bureau of Law Enforcement has no interest in participating in mission creep. However, the alcoholic beverages and tobacco industries entice criminal elements participating in ancillary criminal enterprises. During the enforcement of the bureau's core mission, its agents are exposed to crimes such as narcotics, suspected human trafficking, undisclosed interests (silent partners), money laundering, sex crimes to include prostitution, illegal gambling, counterfeiting, police corruption, ID fraud, cargo theft, stolen property, and tax evasion. Criminal investigations of these premises have also been linked to terrorist funding activities and organized crime. When bureau agents encounter these crimes, or gather this type of intelligence, they develop what they can while working the bureau's nexus, then turn the information or case over to the appropriate State, Local, or Federal agency.

The related criminal activities as mentioned have a tremendous impact on the underage population, but routinely threaten all residents, visitors and workers within the State of Florida. The endangerment of life and the safety of the public in general are continuously at risk.

## Office Locations, Jurisdiction, Specialty Teams and Personnel

The Bureau of Law Enforcement for the Division of Alcoholic Beverages and Tobacco (ABT) has thirteen district offices strategically placed throughout the State. The number and placement of assigned investigators is in direct correlation to the number of licensees in a particular area. Office locations and total personnel are as follows:

HQ	Tallahassee	Pensacola	Panama City	Gainesville	Jacksonville	Tampa	Ft. Myers	Orlando	Ft. Pierce	West Palm	Margate	Miami
9	11	6	7.75	11	13	27	17	27	7	13	17	23

### Span of Control

3 lieutenants have been re-classed to LEI II and placed back into the field.

1 LEI II is performing more civilian duties than sworn duties, and the BLE is looking to civilianize that position.

1 vacant LEI II position has been identified to re-class to that of a criminal analyst. We have none, and this person will be able to identify further efficiencies as our enforcement activities are tracked and analyzed.

A major's position has been identified to re-class back to a LEI II back in the field, lowering the span of Captains to Majors 4.5 to 1.

Lieutenants to field captains span is 3 to 1.

Sworn investigators 115, civilian investigators 14, total 129. Span of control to field lieutenants is 5.6.

Total 188.75

### Outcomes

In FY 10/11, the Bureau of Law Enforcement conducted 8,071 underage operative compliance "surveys", resulting in 460 arrests for Sale of Tobacco to Underage Persons. The result demonstrates a compliance rate among tested sites to be that of 94.3 percent. The Synar Amendment calls for inspection failure of 20 percent or less of outlets accessible to minors. In FY 10/11, the Bureau of Law Enforcement conducted 10,768 underage operative compliance "surveys", resulting in 923 arrests for Sale of Alcoholic Beverages to Underage Persons. The result demonstrates a compliance rate among tested sites to be that of 91.5 percent. Florida's high compliance rate is a result of continued presence and enforcement, training provided by the Bureau to vendors, and the industry's commitment to comply with State law. The Bureau of Law enforcement is seeking to civilianize this training function through re-classification of sworn positions to civilian positions through attrition.

A quick breakdown of enforcement activity by **sworn members** for FY 10/11, is as follows:

Investigations	16,033
Tobacco undercover operative surveys	8071
Alcoholic Beverage undercover operative surveys	10,768
Tobacco License Inspections	10,240
Alcoholic Beverage Inspections	20,315
Total Arrests	4529
Arrests for Alcohol possession by underage	3007
Arrests for Sale of Alcohol to underage	923
Arrests for Sale of Tobacco to underage	460
Arrests for Fraudulent Identification	33
Arrests for other violations/long term cases	106

A quick breakdown of enforcement activity by **civilian members** is as follows:

Tobacco License Inspections	8,000
Alcoholic Beverage License Inspections	8,000

## Efficiency Opportunities

The Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted a Justification Review in August, 2004, Report No. 04-56. OPPAGA supports the fundamental premise that alcoholic beverages and tobacco products are potentially hazardous and therefore be subjected to special conditions not applied to other products. They further found that the underage tobacco and alcohol survey methodology is in itself an inefficient use of law enforcement resources. It was recommended that the sample size be reduced to free up law enforcement resources for other critical enforcement activities, such as targeting alcoholic beverage and tobacco retailers suspected or known to sell to underage consumers. OPPAGA further suggests that shifting resources in this way would heighten law enforcement visibility in areas that require scrutiny and increase compliance by focusing more attention on retailers who break the law rather than on those who appear on the random sample list. It is noted that any change to the bureaus tobacco sample size or methodology would have to be approved by the U.S. Department of Health and Human Services prior to implementation.

It is the Bureau of Law Enforcement's intent to address current LRPPs, and work with the Legislature to determine the appropriate sample size and redirect law enforcement resources, or civilize and/or eliminate positions accordingly.

## Consolidation Opportunities

As an accredited statewide law enforcement agency, the ABT Bureau of Law Enforcement is fully committed to consolidate with other accredited agencies, like functions to include, but not be limited to, evidence control, training, fleet management, and accreditation.

## PART 2: WORK GROUPS

Please complete information for all work groups applicable to your agency's current mission.

Group Name: Inspector General Law Enforcement Investigators

Sponsor: Executive Director Julie Jones / 850-617-3100 / juliejones@flhsmv.gov

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: Inspector General Stan Branham 850-717-1576

Number of sworn personnel: 5

Number of non-sworn personnel: 5

The Office of Inspector General is located within the Department of Business and Professional Regulation, and is responsible for all internal independent audits, review and examinations to identify, report and recommend corrective action for deficiencies or non-compliance with laws, rules and policies. The office also performs internal investigations to detect and investigate alleged misconduct by Department personnel including fraud, waste, abuse of laws, polices, procedures and rules. The Inspector General also oversees all supervisory reviews and internal investigations conducted within the Bureau of Law Enforcement. Currently the Bureau utilizes the services of a Captain on an as needed basis to conduct inquiries or investigations on Bureau personnel as directed by the Inspector General.

Group Name: Law Enforcement vs Civilianization of Positions

Sponsor: Executive Director Julie Jones / 850-617-3100 / juliejones@flhsmv.gov

Leader: {Enter group leader name}

Contact: {Enter leader phone/email}

Agency Contact: Chief Vicki Cutcliffe 850-717-1123

The Bureau of Law Enforcement recently identified three (3) lieutenants in headquarters who were performing duties that could be completed by a non sworn employee. Two of these lieutenants were re-classed into investigator positions and placed back into the field to perform core mission objectives. The third Lieutenant was placed into a vacant investigator position in the field to perform core mission objectives. The vacated lieutenant position was moved from headquarters to the field where the increased supervision was needed for a more efficient span of control. 1 vacant LEI II position has been identified to re-class to that of a criminal analyst. We have none, and this person will be able to identify further efficiencies as our enforcement activities are tracked and analyzed.

The Bureau of law Enforcement is responsible for vendor training is offered to clerks, servers, and other employees at bars, restaurants, theme parks, stadiums, and retail establishments. Instruction is provided by private vendors and sworn investigators who present course materials and provide management policy suggestions. Vendors learn the laws and policies regarding serving underage patrons and serving intoxicated patrons. The effects of the training include fewer underage sales of alcohol and tobacco, fewer DUI fatalities in states where training is offered, and more successful compliance with state statutes on the part of vendors. Bureau members also speak at high schools and police academy classes. The Bureau is exploring the re-classification of positions from sworn to non-sworn for this core function.

Group Name: Regional Configuration, Support Staff, Policies & Procedures

Sponsor: Colonel David Brierton / 850-617-2300 / davidbrierton@flhsmv.gov

Leader: {Enter group leader name}

Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency contact for this group}

{Briefly describe your agency's regional structure including # and location of offices, personnel assigned to each office, cost of office space:}

Group Name: Motor Carrier Compliance & Ag Law Inspections

Sponsor: Colonel Jerry Bryan / 850-245-1300 / jerry.bryan@freshfromflorida.com

Leader: {Enter group leader name}

Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency forensics contact}

Number of sworn personnel: {Enter # personnel assigned to function}

Number of non-sworn personnel: {Enter # personnel assigned to function}

{Briefly describe your agency's role in forensic analysis:}

Group Name: Aviation

Sponsor: Colonel Jerry Bryan / 850-245-1300 / jerry.bryan@freshfromflorida.com

Leader: {Enter group leader name}

Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency contact for this group}

Number of sworn personnel: {Enter # personnel assigned to function}

Number of non-sworn personnel: {Enter # assigned to this function}

{Briefly describe your agency's aviation function including # and type of missions , # and types of aircraft flown annually:}

Group Name: Vehicle Fleet Management & Logistics

Sponsor: Chief Gerald Monahan/ 386-506-5870 / gmonahan@port-orange.org

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: Lieutenant Michael Fraher 850-717-1121
Number of sworn personnel: 1/8
Number of non-sworn personnel: 1/4
The Bureau of Law Enforcement does not utilize special purpose vehicles. All vehicles are unmarked in nature. The Bureau has: Total Vehicles 208 Ave Age 7 years Max Age 22 years Min Age less than 1 year  Vehicles Age: >Than 10 years 40 <Than 5 years 71 Between 5-10 years 97

Group Name: Information Technology Consolidation

Sponsor: Director Emery Gainey / 850-245-0175 / emery.gainey@myfloridalegal.com

Leader: Deborah Stevens Contact: 850/414-3511 deborah.stevens@myfloridalegal.com

Agency Contact: {Enter name/phone of agency contact for this group}
Number of sworn personnel: {Enter # personnel assigned to function}
Number of non-sworn personnel: {Enter # personnel assigned to this function}
{Briefly describe your agency's information technology functions, structure, and responsibilities as they relate to the support of the law enforcement component(s) within your agency:}

Group Name: Evaluation of FHP Jurisdiction

Sponsor: Sheriff David Gee / 813-247-8008 / wdstanek@hcsso.tampa.fl.us

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency contact for this group}
Number of sworn personnel: {Enter # personnel assigned to function}
Number of non-sworn personnel: {Enter # personnel assigned to function}
{Briefly discuss the impact that limiting FHP jurisdiction to state highways and Florida interstate highways would have on your agency:}

Group Name: Environmental Law Enforcement

Sponsor: Colonel Jim Brown / 850-488-6251 / Jim.Brown@MyFWC.com

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency contact for this group}
Number of sworn personnel: {Enter # personnel assigned to function}
Number of non-sworn personnel: {Enter # personnel assigned to function}
{Briefly describe your agency's role in environmental law enforcement, including specialty teams (i.e. waterborne response):}

Group Name: Law Enforcement Accreditation

Sponsor: Commissioner Jerry Bailey / 850-410-7001 / GeraldBailey@fdle.state.fl.us

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: Chief Vicki Cutcliffe
Number of sworn personnel: ¼ Supervision only
Number of non-sworn personnel: 1
The Bureau of Law Enforcement was accredited by the Commission for Florida Law Enforcement Accreditation in 2006, and reaccredited in 2009. The civilian accreditation manager also is responsible for policy management, and special projects as directed by the Chief.

Group Name: Law Enforcement Training

Sponsor: Commissioner Jerry Bailey / 850-410-7001 / GeraldBailey@fdle.state.fl.us

Leader: {Enter group leader name} Contact: {Enter leader phone/email}

Agency Contact: Lieutenant Michael Fraher 850-717-1121
Number of sworn personnel: 1/8 in Headquarters, numerous high liability instructors in the field used on an as needed basis.
Number of non-sworn personnel: 1/4
The Bureau only hires applicants who have Criminal Justice Standards and Training Commission (CJSTC) certification. This has reduced salaries, benefits, and training costs associated with members attending the Basic Recruit Academy. Additionally, the Bureau has decentralized training activities for members, reducing travel and Per Diem costs.

<u>Specialized ABT Training:</u> Tied House Evil Vendor to Vendor Sales Undisclosed Interest (RICO) Racketeer Influenced and Corrupt Organizations Gambling Machines and Gambling Investigations Drug Investigations Emergency Orders of Suspension Licensed Premises Inspection Counterfeit Cigarette Investigations Counterfeit Tobacco Stamps Tobacco Tax Fraud Investigations Tax Fraud Cases and Investigations Excise Tax Cases and Investigations Non-Tax Alcohol Investigations DBPR Boxing Commission False Identification and Driver's Licenses Adopted Cases & Interagency Contacts	Alcohol and Tobacco Auditing Overview Alcohol and Tobacco Licensing Overview Moonshine and Stills Undercover Operations Current Drug Trends Financial Investigations Surveillance Operations Criminal Street Gangs Administrative Cases & preparation Agency Specific Report Writing Administrative Cases Search Warrants/Arrest Warrants & Duces Tecum Evidence Handling Procedures Information and Evidence Funds Investigative Aides Informants Unlawful Purchase Surveillance techniques and surveillance equipment operations Mobile devise storage units training
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<u>Standardized Training</u> Field Training and Evaluation Program Firearms qualification Use of force training Special Response Team (SRT) training Annual legal updates Accreditation Policy Reviews and update training CJSTC Mandates LicenseEase/Onbase training	Court Proceedings Leadership/Supervision development Roll Call Training Basic Beverage School New Employee Orientation Training Managers Training Meetings Non-Sworn personnel training event Investigative Specialists Trainers "workshop". High Liability Trainers
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<u>High Liability Training</u> Defensive Tactics Training Firearms training Vehicle Operations Training	First Aide/First Responder Training Reality Based Training ASP/OC CPR
<u>Accreditation Mandated Training:</u> Firearms qualifications - annually. [CFA 14.11(A)] Use of force training –annually. [CFA 14.11(B)]	Infectious Diseases – New Hire 37.03 / Periodic 37.02(J) Less-lethal weapons – biennial. [CFA 14.11(D)] Applicable legal updates - throughout the year. [CFA 14.11(E)] Bias-based profiling. [CFA 2.08 (B)] All mandatory retraining as required by CJSTC.

Group Name: Investigations

Sponsor: Commissioner Jerry Bailey / 850-410-7001 / GeraldBailey@fdle.state.fl.us

Leader: {Enter group leader name}      Contact: {Enter leader phone/email}

Agency Contact: Chief Vicki Cutcliffe
Number sworn investigative & intelligence personnel: 117
Number non-sworn investigative & intelligence personnel: 14
Number uniform personnel: 0
<p>The ABT Bureau of Law Enforcement conducts investigations on all crimes with a nexus to the numerous types of Alcoholic Beverages and Tobacco licensed and non-licensed premises within the state. During the enforcement of the bureau's core mission, its agents are exposed to crimes such as narcotics, suspected human trafficking, undisclosed interests (silent partners), money laundering, sex crimes to include prostitution, illegal gambling, counterfeiting, police corruption, ID fraud, cargo theft, stolen property, and tax evasion. Criminal investigations of these premises have also been linked to terrorist funding activities and organized crime. When bureau agents encounter these crimes, or gather this type of intelligence, they develop what they can while working the bureau's nexus, then turn the information or case over to the appropriate State, Local, or Federal agency.</p> <p>The Bureau routinely disseminates criminal intelligence regarding criminal organizations dealing in counterfeit tobacco/tax stamp and untaxed alcoholic beverages and/or tobacco products. Alcohol Beverage and Tobacco's extensive databases and investigator's expertise in complicated alcoholic beverage and tobacco laws provide valuable investigative assistance to other local, state, and federal law enforcement agencies.</p> <p>The Bureau is also a member of the State Emergency Response Team (SERT) for Law Enforcement, specifically Emergency Support Function 16 (ESF16).</p>

Group Name: Forensic Sciences

Sponsor: Commissioner Jerry Bailey / 850-410-7001 / GeraldBailey@fdle.state.fl.us

Leader: {Enter group leader name}      Contact: {Enter leader phone/email}

Agency Contact: {Enter name/phone of agency forensics contact}
Number of crime laboratory analysts: {Enter # personnel assigned to function}
Number of crime laboratory technologists: {Enter # personnel assigned to function}
{Briefly describe your agency's role in forensic analysis:}

## Bureau of Enforcement - Current Position Totals - 10/31/2011

	HQ Office	Tallahas	Pensac	Panama	Gaines	Jackson	Tampa	Ft. Myers	Orlando	Ft. Pierc	West Pal	Margate	Miami	TOTALS
<b>Position Titles:</b>														
Chief of Enforcement	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Major	0	1	0	0	0	0	0	0	1	0	1	0	0	3
Captain	1	1	0	0	0	1	1	1	1	0	1	1	1	9
Lieutenant	1	1	1	1	2	2	3	2	3	1	2	2	3	24
LEI II	1	7	4	5	7	8	18	12	16	5	7	10	15	115
Inv. Spec. II	0	0	0	1	1	1	2	1	3	0	1	2	2	14
Admin. Asst. II	2	1	1	0.75	1	1	3	1	3	1	1	2	2	19.75
Sr. Mgmt. Analyst II	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Government Analyst II	1	0	0	0	0	0	0	0	0	0	0	0	0	1
<b>Totals:</b>	<b>9</b>	<b>11</b>	<b>6</b>	<b>7.75</b>	<b>11</b>	<b>13</b>	<b>27</b>	<b>17</b>	<b>27</b>	<b>7</b>	<b>13</b>	<b>17</b>	<b>23</b>	<b>188.75</b>

<b>Total Number of Sworn Staff within ABT:</b>	152
<b>Total Number of Non-Sworn Staff within ABT:</b>	36.75
<b>Total Number of Positions within ABT:</b>	188.75