

Law Enforcement Consolidation Task Force

**Task Force Report pursuant to
SB 2160 enacted by the
2011 Legislature**

December 21, 2011

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Introduction

The 2011 Legislature enacted Senate Bill 2160, creating the Law Enforcement Consolidation Task Force. This task force is evaluating any duplication of state law enforcement functions and identifying functions that may be appropriate for consolidation. The task force charter is to evaluate administrative functions, including accreditation, training, legal representation, vehicle fleets, aircraft, civilian-support staffing, information technology, geographic regions, and whether the Florida Highway Patrol (FHP) should limit its jurisdiction. It faces a December 31, 2011 deadline to provide the President of the State Senate and Speaker of the House of Representatives an initial report of the task force's activity.

SB 2160 provides for the task force to include members from inside and outside of state government. Governor Rick Scott appointed Department of Highway Safety and Motor Vehicles Executive Director Julie Jones to chair the task force. The Department of Highway Safety and Motor Vehicles (DHSMV) provides administrative assistance to the task force, and a task force webpage linked to the DHSMV website posts all documents related to the group's work and offers the public an opportunity to share comments and suggestions. The task force also includes Commissioner Gerald Bailey, Florida Department of Law Enforcement; Colonel David Brierton, Florida Highway Patrol; Colonel James Brown, Florida Fish and Wildlife Conservation Commission; Colonel Jerry Bryan, Florida Department of Agriculture and Consumer Affairs; Director Emery Gainey, Office of the Attorney General; Hillsborough County Sheriff David Gee, Florida Sheriffs Association; and Port Orange Police Chief Gerald Monahan, Florida Police Chiefs Association.

The July 14, 2011 inaugural meeting of the task force in Tallahassee marked the beginning of the organizing process. Members believed the most effective method of evaluating state law enforcement was to look at the many different functions through subject matter expert teams, so it assembled thirteen teams, each sponsored and directed by task force members. Each team sponsor was responsible for putting the team together and selecting a team leader. Each team provided periodic progress reports at task force meetings and compiled a final report within a very short three-month time frame.

The teams brought together subject matter experts to evaluate: accreditation, agricultural interdiction motor carrier merger, the environmental law enforcement unit, FHP jurisdiction, forensic science, information technology consolidation, inspector general investigative function, investigations, law enforcement administration and support, sworn versus non-sworn employees for certain positions, state aviation, training, and vehicle/fleet management/logistics.

During the initial meeting, the task force discovered a need for more information from several state law enforcement entities to determine whether their areas of responsibility would be considered during the task force's initial phase. At subsequent task force meetings, representatives from the State Lottery, State Campus Police, Florida Supreme Court, State Capital Police and the Department of Business and Professional Regulation (DBPR) made presentations on

the subject. The task force determined that, with the exception of State Lottery personnel and DBPR, the other organizations would be excluded from the initial evaluation of the task force.

Each of the subject matter expert teams has a team charter that established the issue to be evaluated, the scope of work, goals of the team and what final work product they would report to the task force. To assist the teams in information-gathering, an agency survey was completed by all state law enforcement agencies being initially evaluated. The survey contains basic information on the number of positions (sworn and non-sworn), budgets, fleet data, mission statements, agency functions, organizational charts, agency jurisdictional boundaries, specialty units and office locations. In addition, it includes other information that sheds light on specific subject areas under review, such as training.

During subsequent task force meetings, each subject matter expert team provided an update on its progress and answered questions from task force members. Each team met and compiled the information and data to complete its evaluation and then provided a report with initial recommendations. The teams were to provide insight and recommendations concerning best practices to sharpen efficiency and effectiveness among state law enforcement agencies as well as identify common areas for potential consolidation.

During the November 7, 2011 task force meeting, each team presented initial reports and recommendations to the task force. Complete team reports and associated documentation are included in Appendix A.

DHSMV Executive Director Julie Jones enlisted the assistance of two legislators – Senator Jack Latvala and Representative Rich Glorioso – as potential bill sponsors to implement any recommendations approved by the House and Senate leadership and the Governor during the 2012-13 legislative session.

Team Reports

Accreditation Team

The Accreditation Team, sponsored by Commissioner Gerald Bailey and led by Inspector General Alfred Dennis, identified accredited state law enforcement agencies and those that are in the accreditation process. In addition, it examined the resources agencies dedicate to this function. The team also shared its findings about the purpose, process and benefits of accreditation. The team's report concludes that accreditation brings value to agencies by standardizing administrative documentation and should be continued.

The team provided the following recommendation:

1. Due to the fact that the majority of state law enforcement entities are voluntarily participating in a state or national accreditation process, the team recommends that all state law enforcement entities pursue accreditation.

The recommendation by this team requires no legislative action and is offered in an effort to encourage best practices within state law enforcement agencies.

Agricultural Interdiction Commercial Vehicle Enforcement Merger Team

The Agricultural Interdiction Commercial Vehicle Enforcement Merger Team, sponsored by Colonel Jerry Bryan and led by Captain James Wiggins, is responsible for conducting an operational review of Florida Department of Agriculture and Consumer Affairs (DACS) Agricultural Interdiction, FHP Motor Carrier Compliance, and Florida Department of Transportation (DOT) Motor Carrier Size and Weight Weigh Stations to determine if duplication of function exists among the three organizations. The team sought to determine if there is any efficiency to be gained by merging functions or co-locating enforcement operations at common sites. This effort would evaluate the need for two commercial vehicle inspection areas staffed by two different agencies along roadways such as I-10, I-95, U.S. 27 and SR 301.

The team determined that, due to the unique nature of each unit's inspections and operations, consolidation is not a good option. While the team does not recommend the consolidation of all commercial vehicle enforcement, it does believe efficiency improvement is possible through co-locating operations at three specific locations.

The team provided the following recommendations:

1. Consolidation of DACS and FHP commercial vehicle enforcement operations should not be considered.
2. Co-location of commercial vehicle enforcement operations at all sites should not be considered.
3. Further review is warranted to thoroughly evaluate potential efficiencies by co-locating commercial vehicle operations on U.S. 1, U.S. 17 and U.S. 27.

The recommendations provided by this team require no legislative action. Further study by DACS, FHP and DOT of the three sites noted in the report is under way and should

be ready for consideration by this task force before this task force expires on June 30, 2012.

Environmental Law Enforcement Unit Team

The Environmental Law Enforcement Team is sponsored by Colonel James Brown and led by Lieutenant Colonel Michael Wiwi. The team's responsibilities revolve around addressing the issue of three state conservation law enforcement agencies sharing similar responsibilities and overlapping duties. The team explored the law enforcement activities of DACS, the Florida Department of Environmental Protection (DEP) and the Florida Fish and Wildlife Conservation Commission (FWC) to determine whether there is any efficiency to be gained by consolidating all or portions of the law enforcement functions in these agencies. The team reports that efficiency improvements are possible through integrating the DEP Division of Law Enforcement and the DACS Office of Agricultural Law Enforcement patrol officers and investigators into the FWC Division of Law Enforcement.

This consolidation would generate cost efficiencies and reductions in administrative and operating costs through improved staff coordination, equipment use and policy development. Consolidation of these agencies would result in a streamlined agency — able to reduce sworn supervisory positions by approximately 10 percent and reassign those positions to the field and enhance coverage and response time.

The team provided the following recommendations:

1. Integration of the entire DEP Division of Law Enforcement into the FWC Division of Law Enforcement. This would result in moving 175.5 positions and additional support positions from DEP to FWC.
2. Integration of the DACS Office of Agricultural Law Enforcement officers assigned to Conservation and Recreation Lands patrol and the investigator responsible for commercial aquaculture violations into the FWC Division of Law Enforcement. This would result in moving 15 positions from DACS to FWC.
3. Enact statutory and administrative code changes to consolidate the functions.

Due to the responsibilities of each of these three agencies being established through legislation, task force members agreed on the necessity of moving quickly on this recommendation to ensure sufficient time to draft legislation addressing duties, responsibilities and budget. The Law Enforcement Consolidation Task Force voted unanimously to accept the team recommendations at the October 11, 2011 meeting and proceed with drafting the necessary legislation to help speed up the process. Working with DEP, DACS, and FWC, Executive Director Jones delivered draft legislative language to Senator Jack Latvala and Representative Rich Glorioso.

Law Enforcement Task Force members directed this team to evaluate and provide a recommendation on consolidat-

ing FWC Communications Center duty officers with the FHP Communications Center. While the two agencies co-locate duty officers, FWC duty officers provide services only to FWC personnel. The Task Force directed the Administration and Support Team to assist this team. The goal is to identify all support functions in each agency necessary to complete this merger.

The fiscal impact analysis of this consolidation estimated potential savings of \$3,182,811 over five years. After the fifth year, this consolidation will save \$1,224,028 on a recurring basis.

Florida Highway Patrol Jurisdiction Team

The FHP Jurisdiction Team is sponsored by Sheriff David Gee and led by Colonel Greg Brown. The team's task was evaluating the jurisdiction of the FHP as specifically directed in SB 2160. The team estimated the impact of limiting the FHP jurisdiction to roadways in the State Highway System only and the impact of limiting the agency to the Florida Intrastate Highway System. The evaluation centered on impacts in operations, investigations, traffic crashes/homicides and natural disasters/emergencies.

The team conducted a survey of Florida police chiefs and sheriffs to determine the impact on their operations if FHP jurisdiction were limited. A comprehensive analytical review of data supports the team's findings and recommendations. The process found wide support from police chiefs and sheriffs for not limiting the jurisdiction of the FHP and that any limiting of that jurisdiction would shift a significant workload to local law enforcement agencies. The team also developed a "tiered approach" to allocating FHP's patrol resources in the future.

The team provided the following recommendations:

1. The statutory authority of the FHP and its officers should not be limited, since this would unduly restrict the agency in the performance of duties, adversely impact assistance to local governments and diminish public safety.

2. The FHP should implement a "tiered approach" for patrol resource allocation that considers an equitable distribution of traffic crash investigation and patrol resources. Such an approach should:

- classify counties according to population;
- identify roadway networks to be patrolled by the FHP; and
- allocate/re-allocate current resources according to the projected traffic crash workload.

The recommendations provided by this team require no legislative action. The FHP is going to work with the Florida Police Chiefs and Florida Sheriffs associations in further exploration of the "tiered approach" manpower allocation concept. Any implementation will require consultation with FHP's local law enforcement partners.

Forensic Sciences Team

The Forensics Science Team, sponsored by Commissioner

Gerald Bailey and led by Director Vickie Gardner, evaluated the services provided by the five state agencies that have laboratories and offer forensic services. The Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, Florida Fish and Wildlife Conservation Commission, Division of State Fire Marshal and the Florida Department of Law Enforcement (FDLE) currently provide forensic services throughout the state in 19 laboratories. The team determined that each agency has laboratories and equipment that provide services that are unique and specific to their agency missions, and the team could not identify any consolidation opportunities. Current efficiencies between labs are facilitated informally by FDLE.

The team has no recommendations for efficiencies or consolidation at this time, which requires no legislative action.

Information Technology Consolidation Team

The Information Technology Consolidation Team, sponsored by Director Emery Gainey and led by Director Deborah Stevens, reviewed law enforcement application systems currently in use. The goal was to identify opportunities for consolidation, centralization or sharing of these systems. The team also explored the impact of current data center consolidation efforts on law enforcement operations. A notable finding was the high degree to which the law enforcement community already has undertaken and completed consolidation initiatives, centralization and efficient sharing of data and processes. An example is the FHP Computer Aided Dispatch (CAD) functions which support not just the FHP, but 10 additional state agencies, 6,000 law enforcement officers and 4,000 mobile devices.

The team identified critical success factors that need to be considered in this effort. Those areas include business process analysis, planning, project management, comprehensive IT assessment, IT staffing, primary data center coordination and primary data center budgeting.

The team provided the following recommendations:

1. Consider the following application systems for possible centralization or consolidation, which are used similarly by most law enforcement units: training management, police management, evidence management, records management and property management systems. However, comprehensive analysis of agency-specific business requirements, processes and interfaces is warranted prior to any final decision.

2. Any potential consolidation of law enforcement should include comprehensive and effective planning, business analysis, coordination and communication addressing all areas of information technology and using accepted practices in project management. Law enforcement consolidation may impact and be impacted by the Agency for Enterprise Information Technology (AEIT) Data Center Consolidation and other Enterprise Consolidation efforts currently under way. Cautious consideration of potential impacts should be intense during analysis and planning of any proposed consolidation.

3. Interagency workgroups made up of both business and IT personnel should be established for detailed study and

business process analysis of any recommended consolidation or major efficiency initiative. It is critical that the services and business processes of all agencies must be analyzed from an operational perspective prior to any attempt to consolidate any IT supporting those business processes.

4. The importance of retaining skilled and knowledgeable IT staff should not be underestimated. The state should make every attempt to retain IT staff through the consolidation process, during which time agency-specific technical and institutional knowledge is especially critical. No reduction in IT staff should be attempted until the state is well past successful completion of the consolidation process, and even then, reduction should be through normal attrition only.

5. AEIT should have resources and authority to take action to implement and comply with requirements and recommendations from the Law Enforcement Data Center Requirements Workgroup. Specifically, data center facilities must comply with federal Criminal Justice Information Systems (CJIS) security policy and must meet all requirements for high availability, including sufficient disaster recovery to geographically dispersed locations.

6. The state should undertake a comprehensive assessment of the Primary Data Center system with specific focus on facilities, security, staffing, tools, processes, controls and transparency.

7. Any future recommendation to address consolidation of IT functions across state criminal justice and law enforcement agencies should comply with standards adopted by the Criminal and Juvenile Justice Information Systems (CJJIS) Council in accordance with Florida Statute Section 943.08, and it should be reviewed by the Council.

The recommendations provided by the team generally are best practices in the IT environment that will require no legislative action. The team report will be provided to appropriate agency leadership for consideration in future IT endeavors.

Inspector General Investigative Function Team

The Inspector General (IG) Investigative Function Team is sponsored by Executive Director Julie Jones and led by Chief Inspector General Melinda Miguel. The team evaluated the current and ideal roles, responsibilities, relationships and resources of Offices of Inspectors General, including but not limited to, agencies that have law enforcement components. The team identified issues associated with IG functions including staffing, workload and a summary of the investigation function performed within the office. One of the objectives of the team was to determine a model IG organizational structure that effectively and efficiently meets statutory requirements.

The team discovered several issues that need legislative clarity, Attorney General Opinions or agency policy revisions to ensure the autonomy and enhance the performance of IG offices. They uncovered a potential conflict between the Police Officers Bill of Rights and the protections mandated in the Whistleblower's Act. Another matter that needs to be resolved is whether it is a statutory requirement for allegations against sworn personnel be addressed by sworn investiga-

tors, or if civilian investigators could handle this function. Issues such as these and others involving manpower, budget and process are critical to ensuring that agency IG offices remain effective.

The team provided the following recommendations:

1. That the IGs continue to fulfill their statutory mandate as the central point for coordination of accountability efforts within their respective state agencies and continue to serve as the "internal affairs" investigators for agencies with a law enforcement functions.

2. The Florida Inspector General Act be amended to strengthen the independence of the IG to add terms of office for the IG, removal only for cause, and confirmation in writing by the Chief Inspector General and the Governor or concurrence by the Governor and Cabinet or the Legislature before an Agency Head can terminate a state agency IG.

3. That state agency IGs continue to serve the agencies they are housed in to ensure efficient assessment of state agency operations, but the Chief Inspector General Act be amended to require greater statewide coordination by the Chief Inspector General to ensure proper oversight of state-level operations such as procurement, IT, property management and economic coordination of resources.

4. The Legislature mandate periodic reports of agency IGs at specific intervals and on agency websites regarding activities relating to economy and efficiency of agency operations and efforts relating to preventing waste, fraud and abuse to enhance the transparency of IG audits and investigations.

5. The Florida Inspector General Act be amended to direct that IGs have specific authority to select staff for the office independently and specify that IGs independently set policies and maintain all functional authority related to the staffing, administration and management of the office.

6. The team work through the Chief Inspector General to independently provide the Office of Policy and Budget minimally acceptable staffing levels for the IG office much like the Department of Management Services and the Office of Policy and Budget have recommended a minimum cost structure for professional support staff for agencies and submit this information to the Law Enforcement Consolidation Task Force in a subsequent report.

7. The Florida Inspector General Act be amended to specify separate appropriations accounts for all IGs and they have the authority to determine the budget needs and funding levels of the office independently, subject to written approval by the agency head or agency head approval with agreement from the Chief Inspector General.

8. That agency IGs work with the Chief Inspector General to conduct comprehensive assessment, complete with recommendations to affected state agencies and the Office of Policy and Budget, regarding responsibilities assigned to IGs, to ensure consistency with Florida Statute Section 20.055 and maximize operational activities subject to oversight by the IG.

9. The team work through the Chief Inspector General to establish standardized protocols for submission to the Office of Policy and Budget for use by state agencies when mak-

ing decisions about placement of responsibilities within an OIG to make the best use of IGs' independent oversight of agency operations.

10. The Florida Inspector General Act is amended so the Office of Chief Inspector General or agency IGs have exclusive independent resources for legal counsel to support the IG function and ensure the OIG is the primary client, attorney-client privilege is extended when applicable and legal advice is not influenced by any duty owed to management. In the interim, that IGs and Offices of General Counsel negotiate a memorandum of understanding for independent counsel within the Office of General Counsel to serve the IG and the Chief Inspector General. The memorandum should further stipulate that attorney(s) serving the OIG cannot be rewarded or removed without the IG's approval.

11. Amend the Chief Inspector General Act to include addition of administrative subpoena authority and enforcement provisions for the Governor's Chief Inspector General. (A similar matter is identified in Florida Statute Section 516.23.)

12. The team work with the Chief Inspector General to strengthen and standardize right to audit clauses in state contracts and other purchase agreements to ensure ample access by and protections for IGs and their ability to perform all statutory functions and have full and complete access to records and staff pertaining to business conducted with the state.

13. Consistent with recommendations made by the 19th Statewide Grand Jury report, the Florida Sunshine Law be amended so that state agency IGs' and the Chief Inspector General's audits and investigations are exempt from public disclosure while active, as are reports produced by the Auditor General and local government counterparts.

14. The team work through the Chief Inspector General to present to the Task Force and to the Office of Policy and Budget baseline staffing ratios for the Office of Inspector General to ensure adequate agency oversight during consolidation of law enforcement functions and to ensure proper ratios of sworn to non-sworn investigators for the office. Standardized job descriptions, titles and ranks for the office with a law enforcement component will be part of this work product.

15. The Police Officers Bill of Rights is amended to specify that if sworn law enforcement investigators must conduct "internal affairs" investigations of sworn law enforcement personnel, in the interim, an Attorney General Opinion be sought to clarify this issue.

16. Legislation be sought to clarify which statute, the Whistleblower's Act or the Police Officers Bill of Rights, has priority when both are applicable. In the interim, an Attorney General Opinion be sought to clarify the issue to ensure compliance with the intent of both statutes.

Task Force members provided feedback to the team on the significant background work and effort that went into this report and recommendations. The Task Force notes that it is important to ensure that the will of the Legislature be a part of this effort and to ensure those opinions are sought out for what kind of legislative amendments to pursue,

at what time and in what form. There are also significant autonomy and budget issues that are part of the recommendations that will need to be part of the discussion. Members commented that while Attorney General Opinions are a prudent step at this time, legislative action would provide more clarity because opinions can change through time.

The Task Force members directed the Chief Inspector General to work with the Office of Policy and Budget and appropriate legislative staff to develop legislation to try and standardize IG staff and address the recommendations in this report. The Chief Inspector General was asked to report back on the results of these efforts.

Investigations Team

The Investigations Team, sponsored by Commissioner Gerald Bailey and led by Special Agent in Charge Mark Perez, was to identify and describe investigative and/or intelligence functions within state law enforcement entities. The team was to evaluate whether there is any duplication of work throughout state law enforcement agencies. The team examined investigative functions in the areas of major criminal investigations, domestic security preparedness/mutual aid, investigative assistance and intelligence.

The team concluded that agencies are operating within statutory authority and the investigative functions are aligned to support their missions. The report notes recent realignment of state law enforcement entities that was to align more closely the functions with agencies' missions -- such as merging the Florida Attorney General's Cyber Crime Unit with FDLE's Computer Crime Center. These moves have created consolidation of state law enforcement and yielded greater efficiencies in state government.

The team provided the following recommendations:

1. There were no specific recommendations for consolidation of investigative personnel; however, the team does support the consolidation of environmental law enforcement personnel into the FWC.

2. That local agencies be encouraged to participate with their regional fusion centers and have their appropriate personnel trained in the use of InSite, Florida statewide intelligence system.

3. That agencies be discouraged from building new disparate investigative and intelligence record systems that do not integrate into regional and state fusion center systems and do not support the goal of improved information sharing and interoperability.

The recommendations provided by the team will require no legislative action.

Law Enforcement Administration and Support Team

The Law Enforcement Administration and Support Team was sponsored by Colonel David Brierton and led by Program Operations Manager Rick Creamer. The team examined state

law enforcement agencies in the areas of legal representation, policies and procedures, support staff functions and administrative needs, and state agencies' regional boundary configurations. Administrative and support needs for potential law enforcement consolidation could only be addressed through an examination of specific actions related to the subject, and that has not yet occurred.

The team could not provide direction concerning legal representation due to the specialized nature of legal services that are tailored to individual agencies. It could find no model that established criteria for legal representation of a law enforcement agency. Due to the short time frame to study the issue, the team did not provide any recommendations on agency boundary configuration due to the numerous issues that any change in boundaries would create. Some of these issues were current office locations, communications center operations, administrative support staff and current agreements that could affect boundary configuration. A much more timely and in-depth study is necessary before the team can craft any related recommendations.

The team provided the following recommendations:

1. Provide a guide of tasks needed for integration of administration and support functions and personnel for agencies or law enforcement functions affected by consolidation.
2. Encourage all state law enforcement agencies to achieve standard accreditation to provide a guideline to ensure a smooth transition of consolidating policies and procedures, and provide for a system of thoroughly reviewing each function to be considered for consolidation.
3. The IT Team should assess the system and function requirement of each state law enforcement agency.
4. Conduct a feasibility study to determine the cost effectiveness of off-the-shelf policy management systems and the policy management system developed within one agency. The study should compare the quality of all systems, as well as the costs of purchase, customization, upgrades and maintenance.
5. Conduct an evaluation of all agency legal functions to assess the efficiencies and effectiveness of centralizing legal services common to all law enforcement agencies.
6. No recommendation was made for reconfiguring agency boundaries.

The recommendations provided by the team will require no legislative action. The Law Enforcement Task Force decided to keep this report open for future considerations based upon decisions that are made for consolidation of agencies or services. The team would be an asset in evaluating specific administrative and support needs for agencies involved in consolidation efforts.

State Aviation Consolidation Team

The State Aviation Consolidation Team, sponsored by Colonel Jerry Bryan and led by Aviation Manager Brian McKee, conducted a review of state-owned aviation units to determine if duplication of function exists. They sought to identify

any efficiency that could be gained by consolidating all or portions of these state assets. There are currently air units operating in the Florida Highway Patrol (FHP), Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Law Enforcement (FDLE), Florida Department of Transportation (DOT) and the Florida Forest Service (FFS). Each agency has pilots that operate the aircraft to accomplish specific agency missions.

The team was able to identify three specific air units (FHP, FDLE, and FWC) that could be integrated to improve use of the aircraft resources, prevent duplication of effort, and provide all state law enforcement agencies with access to a variety of resources and the ability to cross-train pilots, resulting in better trained and diversified pilots. In addition, the integration would enhance the ability to coordinate and direct aviation missions, based on a centralized priority list established by the participating agencies.

The recommendation for integration was not a unanimous decision. FDLE was opposed to the proposal, based on the confidential and sensitive nature of its investigations and the non-routine scheduling of assets this causes.

The team did not recommend integration of FDOT and FFS aircraft units because of the specialized nature of their aircraft and their use. FDOT has only one plane that is outfitted with specialized equipment for roadway mapping and FFS uses aircraft borrowed from the federal government for fire-related purposes without payment, thus restricting their use to firefighting missions. The report also outlines potential budgetary savings in maintenance, facilities and fuel.

The team provided the following recommendations:

1. Integrate existing aviation program resources of the FHP (9 airplanes and 9 pilots), and FDLE (3 airplanes, 2 full-time pilots and 1 OPS pilot) into the FWC, Division of Law Enforcement (6 airplanes, 8 helicopters, 14 pilots, 1 safety officer and 1 maintenance mechanic/coordinator).
2. FDOT and FFS aviation programs remain in their current agencies and structure.
3. All state agency aviation programs continue to make aviation assets available to the State Emergency Operations Center for manmade and natural disaster-related events.
4. Creation of a State Aviation Managers Group to ensure efficient and effective overall operations.
5. The FFS to provide aerial ignition aircraft services to all state land management services (duties currently shared with FWC).
6. Support the funding and operation of the William D. Martin hangar facility at Tallahassee Regional Airport under the management of FDOT for use by multiple state agencies. Review aviation facilities in areas with multiple state aircraft to ensure the most cost effective space available is used to secure and protect the aviation assets.
7. The Aviation Managers Group should review fuel purchasing options on a routine basis to ensure use of the most economical methods.
8. FFS should work with the Aviation Managers Group to define maintenance capabilities available to other units and develop a process to provide service where available.

The recommendations of the team will require budgetary and legislative action to move assets among agencies. The team will work with the Office of Policy and Budget and legislative staff to develop the necessary legislation to implement this recommendation.

Sworn Law Enforcement Versus Civilianization of Positions Team

The Sworn Law Enforcement Versus Civilianization of Positions Team was sponsored by Executive Director Julie Jones and led by Lieutenant Colonel Kelly Hildreth. The team reviewed the numerous positions filled by sworn law enforcement personnel throughout state agencies that are handling duties that could potentially be handled by non-sworn personnel. The team considered the pros and cons and the budgetary efficiencies for both. The team also explored whether agencies with a regulatory function must have sworn personnel to conduct investigations for the agency.

Converting sworn positions to non-sworn administrative positions within law enforcement agencies is a growing national trend. Some of the factors for this movement have been the increased cost of law enforcement service delivery, technological innovation, increased effectiveness and efficiency in management and the desire to increase the number of sworn officers performing field duties. An example of the increased cost is for retirement benefit contributions by agencies for sworn employees. The state contributes 14.10 percent for sworn employees and 4.91 percent for non-sworn employees which is equivalent to a \$4,595 increased cost for a sworn employee whose salary is \$50,000.

The team identified specific areas such as accreditation, background investigations, evidence custodian, fleet/property management, regulatory investigations and training coordination that could be handled by non-sworn personnel. Another positive aspect of converting administrative positions is establishing stability and consistency by having personnel with established skillsets performing the task and avoiding the continual turnover that occurs with sworn personnel, who prefer field work.

The team did not recommend reduction of any law enforcement positions. It concentrated on where sworn positions identified for potential conversion to non-sworn could be moved to the field and replaced by existing non-sworn positions. If administrative efficiencies do not result in an excess of non-sworn positions the agency needs to make the decision to reclassify the sworn position and lose the associated sworn capacity or ask the legislature for new positions.

Economic consideration will drive the necessity for change (increased law enforcement presence) versus cost.

The team provided the following recommendations:

1. Direct each state law enforcement agency to continually evaluate reclassification opportunities to ensure law enforcement officers are dedicated to law enforcement activities.
2. The Task Force and the Department of Business and Professional Regulation, Division of Alcoholic Beverages

and Tobacco, Bureau of Law Enforcement should conduct additional study and follow-up into the use of non-sworn personnel to conduct regulatory functions within their organizations. Additionally, the Task Force and the Department of Agriculture and Consumer Services Agricultural Interdiction continue to review the integration of non-sworn inspectors at selected inspection stations.

3. The Lottery's Division of Security continues to work with the Task Force to determine efficiencies which may include transitioning the division to employ non-sworn investigators and/or consolidate the investigative function into another state agency.

4. Consider the feasibility of consolidating all state law enforcement agencies' evidence functions and facilities in regional locations and use non-sworn personnel to pick up, deliver or transfer evidence and maintain the facilities.

The recommendations of this team will require an in-depth examination of each agency's law enforcement division to provide recommendations for reclassifying current sworn positions. The feasibility of consolidating evidence functions and facilities will also require additional time to examine the operational and budgetary impact on affected agencies.

Training Team

The Training Team, sponsored by Commissioner Gerald Bailey and led by Director Michael Crews, was directed to review and determine if duplication exists in state law enforcement training programs. The team examined four specific areas related to law enforcement training; basic recruit, advanced/specialized, mandatory retraining, agency-specific and facilities used for training delivery. The first two areas noted are programs directed by Florida Statute and the Criminal Justice Standards and Training Commission.

The team determined only two state agencies, Florida Highway Patrol and Florida Fish and Wildlife Conservation Commission, have the responsibility for basic recruit training. The team determined that state law enforcement agencies already are using an essentially consolidated training effort through Region 15 and the Florida Public Safety Training Institute. The FHP has contributed to the consolidation effort noted in this report when it closed its training academy and moved the training unit to the consolidated public safety training center operated by Tallahassee Community College. The move has been well received with no change in the high training standards set by the FHP.

The team provided the following recommendations:

1. It is recommended that all state law enforcement agencies be required to satisfy the statutorily mandated portions of the mandatory retraining requirements though "distance or on-line learning." There are 22 on-line training programs, through the Florida Criminal Justice Executive Institute, which are offered for free. This would reduce agency costs related to travel and other associated expenses.

2. The Law Enforcement Safety Institute operates a dorm/hotel facility associated with its campus. The cost of overnight lodging is \$26 in comparison to a hotel that would charge approximately \$100 per night. The team recommends all state agencies consider use of the hotel as a cost-saving

measure when training, or converging multiple members in the Tallahassee area.

The recommendation from the team requires no legislative action. The actions recommended by the team can be addressed through agency policy directives.

Vehicle/Fleet Management and Logistics Team

The Vehicle/Fleet Management and Logistics Team is sponsored by Chief Gerald Monahan and led by Major Brett Norton. The team reviewed the entire process of procurement through the auction of surplus vehicles to determine efficiencies in the process and to ensure that law enforcement vehicles are replaced in a logical manner to ensure they are safe for law enforcement officers to operate. The issues of repair, funding and/or budgeting for vehicles are addressed in the report. The team also evaluated available fleet resources and the positives and negatives of refurbishing vehicles, as opposed to replacing them

The team found that a majority of law enforcement vehicles are purchased and outfitted at centralized facilities operated by DHSMV and FWC, depending on the type of vehicle to be outfitted. If the recommended merger of environmental state law enforcement officers from DEP and DACS takes place, there will be additional efficiencies in outfitting their vehicles at the FWC facility. The biggest issue noted in the report was the lack of a long-term solution to funding the timely acquisition of vehicles to ensure a safe and reliable law enforcement fleet. Currently, more than 38 percent of the state law enforcement fleet land vehicles are eligible for replacement and within one year, 42 percent will be eligible.

The team provided the following recommendations:

1. A permanent funding source is necessary to purchase all state law enforcement vehicles each year. The funding should be maintained in a specific fleet trust fund managed by DHSMV or DMS and acquisition of vehicles should be based on DMS replacement criteria.
 - The estimated annual replacement cost to ensure a reliable law enforcement fleet is approximately \$33 million per year. Agencies are budgeted less than \$7 million per year in recurring costs for replacement vehicles.
 - New funds could be placed into the trust fund by redirecting a registration fee -- such as General Revenue received for Decal on Demand.
 - Funds from the sale of surplus vehicles should go into the fleet trust fund and be used for vehicle replacement.
2. A group of state law enforcement fleet managers should be formed and meet at least bi-annually to discuss what vehicles are suitable for law enforcement use, work with DMS to develop the annual law enforcement vehicle contract and continue the efficiencies gained by this Task Force process.
3. That DMS, in conjunction with the Fleet Managers Group, clarify the definition of pursuit vehicles in the vehicle replacement criteria to include all law enforcement vehicles used for pursuit or patrol activities and establish appropriate replacement criteria, based on the type and use of the vehicle.

4. That each state law enforcement agency establish and maintain a spare fleet ratio, determined by the Fleet Managers Group and DMS.

5. That FHP continue with the pilot project into outsourced fleet maintenance and report back to the Fleet Managers Group with the findings.

6. That FHP continue the pilot project into refurbishing vehicles and returning them to service in other uses and report back to the ongoing Fleet Managers Group with its findings.

7. A statutory change exempting all law enforcement vehicles (marked and unmarked) from SunPass charges.

The recommendations of this team would require legislative and budgetary action to enact. The team was directed to work with the Office of Planning and Budget, DMS and legislative staff to determine the best way to proceed with this matter.

Closing

One of the major recommendations being acted upon by this Task Force is the merger of environmental law enforcement agencies from the FWC, DEP and DACS. This will result in moving all environmental law enforcement personnel to one unified branch which will improve delivery of this vital service to the people of Florida. There will be more field level personnel available with the reduction in supervisory positions created by this merger and improved coordination of staff and equipment. Legislation already has been drafted for consideration by the 2012 Legislature, and Task Force members strongly recommend approval of that legislation.

The important action involving using non-sworn personnel in certain positions that do not require sworn law enforcement officers has the potential to provide salary efficiencies in the years ahead. Several recommendations to move sworn personnel out of the investigation of regulatory matters represent other steps in ensuring we have the right personnel for the function. While traditionally, there have been sworn personnel in many of these positions, there is a significant personnel-related cost difference that cannot be overlooked in these tight economic times.

While this Task Force was established to look at consolidation-related matters, Task Force members insisted on also looking for best practices that could be shared with all agencies to ensure, not just efficiency, but also the effectiveness of state law enforcement. Throughout the report are numerous recommendations for how to perform important law enforcement functions in a more consistent and effective manner. Many agencies have been doing excellent work in numerous areas, which had not been shared with others outside of their agencies. This Task Force wanted to make sure these best practices become part of the right way to conduct business by all state law enforcement agencies.

Another part of this effort worthy of noting is the involvement of our local law enforcement partners in conducting this study. Sheriff David Gee representing the Florida Sheriffs Association and Chief Gerald Monahan representing the Florida Police Chiefs Association provided an important voice that needed to be part of the discussion and how proposed changes might impact their operations. A study was done that provided all local law enforcement agencies in the state the opportunity to rate and comment on their interaction and ideas for the Florida Highway Patrol. The study revealed how important they feel it is for the FHP not to be restricted or limited in its duties — not just because of the increase in workload the other agencies would experience, but the positive contribution they feel the FHP and state law enforcement have made to their communities.

The Task Force will provide final reports and recommendations from six teams that have undertaken assignments for follow-up study after submission of their initial reports. The teams that will be submitting additional reports are as follows:

- Agricultural Interdiction Commercial Vehicle Enforcement Merger Team – Team will conduct further study and evaluate potential efficiencies by co-locating commercial vehicle operations on U.S. 1, U.S. 17 and U.S. 27.

- Environmental Law Enforcement Unit Team – Team will provide a recommendation on consolidating FWC Communications Center duty officers into the FHP Communications Center.

- Inspector General Investigative Function Team – Team will report back its efforts to develop legislation to standardize IG staffs and address the recommendations in its reports.

- Law Enforcement Administration and Support Team – Team will be an asset in evaluating specific administrative and support needs for agencies involved in consolidation efforts.

- Sworn Law Enforcement Versus Civilianization Team – Team will conduct additional study on consolidating evidence functions and provide specific recommendations on converting sworn positions at several regulatory agencies.

- Vehicle/Fleet Management Logistics Team – Team will report back on results of discussions with various legislative aides and state agencies on the best way to proceed with recommendations.

Reports and action on any recommendations from these teams will be submitted to the Legislature by the expiration date of the Task Force.

In the short period of time that this Task Force has been together, a great deal of information and data have been gathered and evaluated and recommendations formed that will provide efficiencies in state law enforcement service in the areas of environmental law enforcement, state law enforcement aviation and fleet management. The Task Force will continue to work on identifying areas to bring forward additional efficiencies, best management practices and opportunities for consolidation. This report provides ideas for your consideration and this Task Force, which does not expire until June 30, 2012, is prepared to explore further issues at your direction.

Law Enforcement Consolidation Task Force

Accreditation Work Group Report

October 2011

Law Enforcement Consolidation Task Force
Accreditation Work Group

October 2011

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EXECUTIVE SUMMARY

In order to ensure a basic level of quality, the practice of accreditation arose in the United States as a means of conducting nongovernmental peer evaluation of institutions and programs. Through an inspection process, accreditation provides independent and objective evidence of an agency's commitment to excellence in leadership, resource management and delivery of services. The accreditation process provides participating agencies with state and nationally accepted best practice standards.

Numerous studies and department testimonials have demonstrated the financial benefits associated with obtaining and maintaining accreditation. Such an example would be a law enforcement agency that saved \$16,000 annually on professional liability insurance due to their accredited status. Numerous agencies have experienced lower average losses per officer while non-accredited agencies experienced higher losses directly related to risk management, loss control, insurance liability and legal defense of civil lawsuits.

In Florida, state law enforcement agencies and Inspector General Offices utilize a wide range of strategies to accomplish their accreditation function. Persons assigned to the accreditation function were found to be interwoven into the fabric of the agency, performing other required duties such as staff inspections, criminal and administrative internal investigations, emergency response and training. In fact, accreditation was found to represent less than 50% of the duties assigned to most of the full-time employees (FTE) assigned to accreditation. Many agencies accomplish their accreditation staffing needs by sharing accreditation duties between numerous sworn and/or civilian members.

The Accreditation Work Group agrees that efficiencies may be gained if it is determined that units of state law enforcement should be consolidated. Such efficiencies may include a reduction of personnel responsible for the accreditation function and other accreditation related costs. Additionally, several accrediting bodies are currently conducting internal reviews of the accreditation process in an effort to identify efficiencies and cost savings.

It is the unanimous belief of the work group that consolidating the accreditation management responsibilities of all participating state agencies would create another line of bureaucracy and still require each agency to dedicate personnel to coordinate the collection of required proofs of compliance from operational units. Each accredited entity is unique and requires institutional knowledge of the accreditation staff to remain successful in pursuing and maintaining accreditation. It is also critical to note that the transfer of these personnel into one consolidated entity would require the individual agencies to hire additional workers to take over the other tasks these employees perform in addition to accreditation functions.

In the event of consolidation of law enforcement functions or activities, the Accreditation Work Group will remain accessible to the Task Force to provide information and guidance regarding the impact such consolidation will have on the accreditation process

Law Enforcement Consolidation Task Force
Accreditation Work Group

BACKGROUND

On May 26, 2011, Governor Rick Scott signed SB 2160. Among other things, this bill created the *Law Enforcement Consolidation Task Force*, responsible for evaluating any duplication of law enforcement functions throughout state government and identifying any functions that are appropriate for possible consolidation. The Task Force was also charged with evaluating administrative functions including accreditation, and with reporting to the Legislature any recommendations and plan developed by the Task Force by December 31, 2011. Per the legislation, any plan submitted should include recommendations on the methodology to be used to achieve any state law enforcement consolidation recommended by the Task Force by June 30, 2013. The Task Force expires June 30, 2012.

In addition to drawing from the assistance of appropriate subject matter experts, the Accreditation Work Group is composed of participating state agencies that have law enforcement and/or inspector general components:

- Florida Department of Law Enforcement, Office of Inspector General (FDLE)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Agriculture & Consumer Services, Office of Agricultural Law Enforcement (AgLaw)
- Florida Department of Business & Professional Regulation (DBPR), Division of Alcoholic Beverages & Tobacco (ABT)
- Florida Department of Highway Safety & Motor Vehicles, Florida Highway Patrol (FHP)
- Florida Department of Environmental Protection, Office of Inspector General (DEP)
- Florida Department of Environmental Protection, Division of Law Enforcement (DEP)
- Florida Department of Children & Families (DCF), Office of Inspector General
- Commission for Florida Law Enforcement Accreditation (CFA)

SCOPE

The scope of the Accreditation Work Group is to examine the various state law enforcement agencies (or divisions) to determine the types of accreditations held, current status of accreditation, resources dedicated to accreditation, and the organizational placements of the accreditation function as they relate to the agency's core mission.

METHODOLOGY

A series of meetings were held with work group members and subject matter experts. It was decided the Accreditation Work Group would provide the Task Force with a definition of accreditation and global analogies, benefits recognized by accredited entities, associated costs, and a review of the status of accreditation functions within state law enforcement.

Two surveys were distributed to state agencies having law enforcement and/or inspector general components in an effort to gain information related to their agency's staffing, accreditation function, types of accreditation, financial resource allocation and support to their agency's core mission.

Responses were received from the following state Divisions of Law Enforcement:

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- Florida Department of Environmental Protection (DEP)
- Florida Department of Law Enforcement (FDLE)
- Office of Agricultural Law Enforcement (DOACS AgLaw)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Alcoholic Beverages and Tobacco (ABT)
- Florida Highway Patrol (FHP)

Responses were received from the following state Offices of Inspector General:

- Florida Department of Environmental Protection (DEP)
- Florida Department of Law Enforcement/Capitol Police (FDLE)
- Florida Department of Agriculture and Consumer Services (DOACS)
- Florida Highway Patrol (FHP)
- Florida Department of Children and Families (DCF)
- Florida Department of Transportation (DOT)
- Florida Department of Health (DOH)
- Florida Department of Lottery (DOL)
- Florida Department of Revenue (DOR)
- Florida Department of Education (DOE)

HISTORY OF ACCREDITATION AND BENEFITS RECOGNIZED

HISTORY

Like education, public safety in the United States has no federal Ministry of Law Enforcement or other centralized authority exercising single national control over public safety agencies. The states assume varying degrees of control over public safety, but in general, public safety agencies are permitted to operate with considerable independence and autonomy. Consequently, police departments, sheriff offices, departments of law enforcement, corrections, and forensic laboratories can vary widely in the character and quality of their programs. In order to ensure a basic level of quality, the practice of accreditation arose in the United States as a means of conducting nongovernmental peer evaluation of institutions and programs.

LAW ENFORCEMENT ACCREDITATION

In 1971, a commission was appointed by the Law Enforcement Assistance Administration (LEAA) “to formulate, for the first time, national criminal justice standards for crime reduction and prevention at the state and local levels”. Their efforts resulted in a report, published in 1973, that suggested standards designed to make law enforcement more effective and to provide agencies with guidance in an effort to improve their own operations. Accreditation was considered part of the answer to the problems faced by law enforcement. The report was received by the law enforcement community as being well-researched, documented, reliable and practical. While supported by law enforcement however, no serious effort was undertaken to meet the report’s thirteen recommendations and 107 standards.

As a result of this report, the Department of Justice (DOJ) provided a grant to advance law enforcement by establishing voluntary standards to four executive associations: International Association of Chiefs of Police (IACP), National Sheriffs Association (NSA), National Organization for Black Law Enforcement

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Executives (NOBLE), and the Police Executive Research Forum (PERF). The result was the creation in 1979 of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), a private, non-profit corporation.

FLORIDA'S LAW ENFORCEMENT ACCREDITATION

In the late 80's to early 90's, several Florida Sheriffs and Police Chiefs authored a feasibility study and prospectus about Florida establishing an independent, voluntary, non-profit law enforcement accreditation program. In 1993, the Legislature passed Florida Statute 943.125, which encouraged the Florida Sheriffs Association (FSA) and the Florida Police Chiefs Association (FPCA) to create an independent voluntary law enforcement agency accreditation program. Representatives from FSA and FPCA developed an accreditation program and formed a Commission to establish standards. The Commission for Florida Law Enforcement Accreditation, Inc. (CFA) is modeled after the national accreditation program and requires compliance with more than 260 professional standards designed specifically for Florida law enforcement agencies. These standards are practical, easily understood, and achievable even for the smallest law enforcement agency.

Accreditation Process

There are six components of Florida's accreditation process:

1. Standards: The accrediting body, in collaboration with public safety practitioners, establishes standards.
2. Self-study/self-assessment: The public safety organization seeking accreditation prepares an in-depth self-evaluation study that measures its performance against the standards established by the accrediting body.
3. On-site Assessment: An independent team selected by the accrediting agency visits the organization to determine first-hand if the applicant agency meets the established standards. This is accomplished through careful review of policies, procedures, interviews with subject matter experts, observations of actual operations, and hands-on experience, i.e. ridealongs with working officers.
4. Entity Board Review: The Commission or Board of the accrediting body reviews the assessment team's report and interviews the agency personnel, usually the CEO and/or accreditation team. Upon being satisfied that the applicant meets its standards, the accrediting body grants accreditation.
5. Maintenance: The accrediting body monitors each accredited organization throughout the period of accreditation granted to verify that it continues to meet the agency's standards. Most entities require some type of annual self-reporting.
6. Reaccreditation: The accrediting body periodically reassesses each organization to ascertain whether continuation of its accredited status is warranted. With most entities this takes the form of another assessment team visiting the agency and conducting a thorough assessment of the agency's practices.

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BENEFITS OF LAW ENFORCEMENT ACCREDITATION

The accreditation process provides participating agencies with state and nationally accepted best practice standards. Such standards require agencies to develop and maintain compliance with policies and practices in areas such as organizational management, personnel structure, personnel process, and property and evidence handling. Additionally, standards address numerous other high-liability areas such as vehicle pursuits, vehicle operation, critical incident response, investigative techniques and use of force. Accredited agencies are compelled to operate within the specific standards and are held accountable by the accrediting bodies through the on-site review.

Accreditation provides independent and objective evidence of an agency's commitment to excellence in leadership, resource management and delivery of services. Accreditation is a process that most government officials understand and support. Having an accredited law enforcement agency provides the confidence to expand future development goals, apply for economic recognition, and develop community partnerships.

COST BENEFITS

In his Spring 2010 Professional Paper, *Accreditation by the Commission for Law Enforcement Agencies: Has It Benefited the New Mexico State Police?*, Robert A. Duncan provided a cost benefit analysis related to CALEA accreditation (pgs. 19-20)¹:

“The Miami Valley Risk Management Association (MVRMA) handles risk management, loss control, insurance liability, and legal defense of civil lawsuits for sixteen municipalities in Ohio. MVRMA has a membership that “pools” their moneys to self-insure, and thus has a screening process that accepts only well managed cities into the group. This also may account for the fact that over one-third of MVRMA's police departments are nationally accredited through the CALEA. Police represent the single greatest exposure in terms of insurance claims, liability, and civil litigation to the MVRMA pool, comprising about 41% of the total losses in their member cities, more than the combined total losses for Fire, EMS, Streets and Public Works, and Parks and Recreation.

Over a ten-year period of time, nationally accredited police agencies in the MVRMA pool averaged losses of \$314 per officer, per year, while non-accredited agencies in the pool averaged losses of \$543 per officer, per year. Under this formula, a typical 25-member force with CALEA accreditation should thus incur losses at about \$7,850 per year, and an identical size non-accredited agency should incur losses at about \$13,575 per year. Calculate that over the three-year accreditation period this 25-member force accredited police department would cost \$17,175 less to operate than the non-accredited agency. Since the fee and on-site assessment cost to an agency is about \$10,000-\$12,000 for that same three-year accreditation period, the savings would roughly total \$5,000-\$7,000 for a police force of only 25 members. The savings are substantially more for agencies undergoing reaccreditation, since the fee is only 60% of the initial cost. Savings are also substantially more for larger departments where the fixed accreditation costs are spread over a larger base (Nielsen & Malley, 1999).”

¹ Professional Paper by *Robert A. Duncan*, submitted to the University of New Mexico (Spring 2010), “Accreditation by the Commission on Accreditation for Law Enforcement Agencies: Has it Benefited the New Mexico State Police?”; pgs. 19-20.

LIABILITY BENEFITS

In a summary document, *Two Risk Management Studies Support Accreditation*, prepared by CALEA, the following two risk management studies were compared to show that accreditation significantly reduces the risk factors associated with police operations²:

“In a December 2002 Project Summary, the Tennessee Municipal League (TML), Risk Management Pool of Brentwood, TN reported the results of a risk management study comparing the loss experiences of CALEA accredited law enforcement agencies with non-accredited agencies, who were insured members of TML. They compared the loss histories of 5 accredited agencies against 23 non-accredited agencies. The agencies were examined for the same eight-year period - July 1, 1994 through June 30, 2002.

The following exposure areas were examined: (1) Workers' Compensation; (2) Law Enforcement Liability; (3) Police Auto Liability; and (4) Police Auto Physical Damage. The police agencies examined were from municipalities within a population range of 10,500 and 55,500 (according to the 2000 Census), employing between 18 and 193 certified police officers. The 23 non-accredited agencies employed an average of 45 police officers serving an average population of 19,493 citizens, or one (1) police officer for every 433 people. The 5 accredited agencies employed an average of 114 officers serving an average population of 35,762 citizens, or one (1) police officer for every 313 people. The analysis showed the following results:

In Workers' Compensation coverage, the 23 non-accredited agencies experienced a rate of 27.21 claims per 100 insured officers, while the 5 accredited agencies experienced a rate of 22.56 claims per 100 officers, or 17.1% less than the non-accredited agencies. The annual loss rate incurred by the non-accredited agencies was \$89,389 per 100 officers, while the accredited agencies experienced losses of \$72,565 per 100 officers, or 18.8% less than the non-accredited agencies.

In Law Enforcement Liability coverage, the non-accredited agencies experienced a rate of 2.231 claims per 100 insured officers, while the accredited agencies experienced a rate of 1.093 claims per 100 officers, or 51.0% less than the non-accredited agencies. The annual law enforcement liability loss rate incurred by the non-accredited agencies was \$34,205 per 100 insured officers, while the accredited agencies experienced losses of \$30,434 per 100 officers, or 11.0% less than the non-accredited agencies.

In Police Auto Liability coverage, the non-accredited agencies experienced a rate of 4.486 claims per 100 insured officers, while the accredited agencies experienced a rate of 3.081 claims per 100 officers, or 31.3% less than the non-accredited agencies. The annual police auto liability loss rate incurred by the non-accredited agencies was \$13,799 per 100 officers, while the accredited agencies experienced losses of \$9,462 per 100 officers, or 31.4% less than the non-accredited agencies.

In Police Auto Physical Damage coverage, the non-accredited agencies experienced a rate of 3.189 claims per 100 insured officers, while the accredited agencies experienced a rate of 1.267 claims per 100 officers, or 60.3% less than the non-accredited agencies. The annual police auto physical damage loss rate incurred by the non-accredited agencies was \$5,193 per 100 officers, while the

² Article “Two Risk Management Studies Support Accreditation”; Retrieved from <http://www.calea.org/content/two-risk-management-studies-support-accreditation>.

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accredited agencies experienced losses of \$2,164 per 100 officers, or 58.3% less than the non-accredited agencies.

As a result of this analysis, the TML Risk Management Pool concluded that encouraging police agencies to seek standardized practices and policies through accreditation was a cost-effective investment of time and resources. All eight rate comparisons over the eight-year study period clearly showed that the accredited agencies performed 11.0% to 60.3% better than the non-accredited agencies.

The TML summary also points out the 11% savings in Law Enforcement Liability severity “compares favorably with the *annual incentive* provided by the TML Pool to its accredited police agencies of \$100 per insured officer, or a 13.5% reduction off of the annual Law Enforcement Liability base rate charged per certified police officer.” The summary further states that “accreditation provides the Pool membership with a sound financial benefit, and provides the individual departments themselves with fewer injuries, fewer damaged vehicles being repaired, and less financial resources being spent in legal defense costs.” In addition to the annual incentive provided by the TML Pool, a *one-time incentive* is provided when the agency becomes accredited in an amount equal to 25% of the agency’s initial accreditation fee. “For professional, defensible police work, the cost of accreditation is money well spent.”

The Colorado Interlocal Risk Sharing Agency (CIRSA) conducted the second study. It compares both Property/Casualty and Workers’ Compensation claims of 22 *state and CALEA accredited* member Police Departments to the claims of 22 non-accredited member Police Departments for calendar years 1999 through 2001. Non-accredited members were matched as closely as possible to accredited members based on geographic region, number of full time officers, and municipal population. (Broken windshield and weather related Property/Casualty claims were not included due to their non-preventable nature). All the claims were valued as of September 2002.

Based on the data used, the following results were reported:

The accredited police departments had 8.3% fewer Property/Casualty claims per fulltime police officer than the non-accredited police departments during the time period chosen.

- The accredited police departments had 7.5% fewer Workers’ Compensation claims per fulltime, police officer than the non-accredited police departments during the time period chosen.
- The accredited police departments per officer incurred costs for Property/Casualty claims were 52.2% lower than the non-accredited police departments.

These two comparative statistical reviews report a positive correlation between CALEA accreditation and loss reduction, and further provides quantitative evidence that CALEA accreditation significantly impacts a law enforcement agency’s ability to prevent and reduce loss in the area of professional liability. When viewed in combination with the additional, beneficial aspects of:

- enables law enforcement agencies to more effectively defend themselves against lawsuits and citizen complaints;
- gives the chief executive officer a proven management system of written directives, sound training, and clearly-defined lines of authority that support decision-making and resource allocation;
- provides an agency with an organizational change device and the framework for self-audit; and
- gives an agency a preparedness plan and verification of excellence”

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In 1998, the Intergovernmental Risk Management Agency (IRMA) conducted a study³ to determine if there was difference in the frequency and outcomes of liability claims between non-accredited and accredited agencies:

“IRMA police departments were divided into 2 groups; those who had attained the CALEA[®] accreditation, and those who have not. Data collected for all Departments from IRMA claims and financial services, IRMA underwriting and loss control records was as follows: number of sworn officers, number of coverage 25 [sic] (police professional, i.e., use of excessive force, discrimination, false arrest, violation of civil rights) claims from 1993 to 1997, and the severity (both reserved and paid-out) of those claims. In addition, for departments with the CALEA[®] accreditation, we also collected the date of initial accreditation, and the number of reaccreditations completed. Note: The number of reaccreditations does not appear to be a significant factor when comparing frequency and severity results of accredited entities to each other. Frequency and Claims data were then plugged into formulas to find the number of claims per 100 officers and the severity of claims per 100 officers. The data was then compared for the two groups. The following table depicts the results:

	Total # of Sworn Officers	Total Claims	# of Claims per 100 Officers	Total Severity	Severity per 100 Officers
Accredited	627	54	8.61	396,882.76	\$ 63,298.69
Non-Accredited	1342	138	10.28	1,312,089.62	\$ 97,771.21

CONCLUSION:

When the data from non-accredited departments is compared with accredited departments, it evidences a difference of 1.67 claims per 100 officers or over 16% reduction in frequency and \$34,472.52 per 100 officers or 35% reduction in severity in favor of the accredited departments. The reduction in total severity is quite dramatic over the five (5) year period.

IRMA's conclusion is that this study provides us with quantitative evidence that Police Accreditation does in fact significantly impact a law enforcement agencies ability to prevent and reduce loss in the area of police professional liability.”

The Jacksonville Sheriff's Office has documented a multi-million dollar lawsuit in which they prevailed due in large part to being accredited and having standards-based policy and procedure directives.⁴

³ Risk Report Article, prepared by *Frank J. Marino*, for the Intergovernmental Risk Management Agency (Illinois); dated May 11, 1998.

⁴ Article by *Sergeant R. W. "Buster" French, Jr.*, Jacksonville (FL) Sheriff's Office, "\$9M Refused: CALEA Wins for Agency"; retrieved from <http://www.calea.org/node/540/accreditation-works/9m-refused-calea-wins-agency>.

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In 2010, Suellyn Hooper of the Riley County (KS) Police Department wrote an article wherein she analyzed her agency's savings on professional liability insurance⁵:

“The Riley County Police Department, a C-size agency with 182 employees, is located in Manhattan, Kansas, often referred to as the “Little Apple.” It was initially CALEA Law Enforcement Accredited in 1991, becoming the first internationally accredited law enforcement agency in Kansas, as proudly displayed on our department patch.

Following its most recent three-year accreditation cycle, the RCPD was for the first time awarded CALEA Flagship status at its' March 2010 reaccreditation. Many hurdles were faced during this award period: a new chief of police and a new assistant director were appointed in late 2007; two new captains were appointed and an additional captain's position was added; and an entire rewrite of our Policy and Procedures Manual was completed. However, the many management systems, reviews, and analyses in place, as required by accreditation standards, were such that a smooth transition was achieved.

In these economically challenging times, many agencies are looking for cost-cutting measures. Although CALEA accreditation can annually add to or save thousands of dollars in revenues for an agency by providing an aggressive risk management system, it can be hard to quantify. Cutting accreditation was considered at RCPD until it was determined that for the past several years, being CALEA accredited saves the department \$16,000 annually on our professional liability insurance. Our provider, Scottsdale Indemnity Company, requests only that we provide a copy of our accreditation certificate to receive the annual savings.”

In his Spring 2010 Professional Paper cited earlier, Duncan includes information from a 2006 letter received by CALEA from Findlay Township (PA) Police Chief Paul C. Wilks regarding the impact of CALEA accreditation on his agency's insurance premiums (pg. 22)⁶:

“CALEA Law Enforcement Accreditation is a desirable achievement for agencies of all sizes. The Findlay Township (PA) Police Department has been CALEA Accredited since 1993, and is one of CALEA's 26 “A-size” accredited law enforcement agencies (24 members – 17 sworn, 7 civilian). Like much larger agencies, we also realize numerous benefits, both tangible and intangible, as a result of achieving and maintaining our accredited status. Speaking as a chief and as a CALEA Assessor of more than 10 years, I find it is simply not possible to enter the accreditation process and not be a better and more professional agency upon completing the program. As a result of gaining CALEA Accreditation, our insurance rating increased to a “most favorable” rate status, resulting in an immediate reduction of approximately 10% in our insurance premium. This cost savings continues each year that we are accredited — a savings of over \$1,800 in 2006. Furthermore, our accredited status has allowed us to point to staffing and response standards during our budget hearings to support our personnel and equipment needs and requests”

⁵ Article by *Suellyn Hooper*, Riley County (KS) Police Department , “Accreditation Saves \$16,000 Annually on Professional Liability Insurance”; retrieved from <http://www.calea.org/calea-update-magazine/issue-103/accreditation-works/accreditation-saves-16000-annually-professional-> .

⁶ Professional Paper by *Robert A. Duncan*, submitted to the University of New Mexico (Spring 2010), “Accreditation by the Commission on Accreditation for Law Enforcement Agencies: Has it Benefited the New Mexico State Police?”; pg. 22.

CIVIL ACTION BENEFITS

In 2009, Ray Johnson, Chief of the Chesterfield (MO) Police Department, reflected their use of CALEA accreditation in defending their agency in a civil action⁷:

“The Chesterfield Police Department, a C size agency with 89 sworn personnel, has been CALEA Law Enforcement Accredited since July 2003 and was named a “Flagship Agency” after its last reaccreditation in 2009. This was given primarily as the result of having achieved a perfect on-site with no file maintenance, applied discretions, or non-compliance issues.

The last on-site assessment team commented on the fact that the CALEA principals of accreditation had been well institutionalized in the Chesterfield Police Department. And, while the value of accreditation had previously been demonstrated several times in several ways over the past few years, it was never more obvious than during a recent court case in which the agency was named as a defendant in a personnel matter between a police department supervisor and a subordinate which ended in civil action.

During the lengthy legal process, which included a week-long jury trial, the agency was able to easily demonstrate their adherence to established guidelines, procedures and best practices in police management. As the trial progressed, numerous members of the agency were called upon to testify about various departmental practices and procedures regarding alleged acts of retaliation; negligent hiring, retention, and training; equipment issue and maintenance; personnel assignments to specialized units and positions; grievance procedures; and performance evaluations — all of which are issues appropriately addressed by CALEA Standards.

Under intense cross-examination by the opposing attorney, it became abundantly clear early on that the agency was on solid ground. Agency personnel were knowledgeable of every aspect of the operation, and were able to offer testimony and provide the necessary record-keeping and documentation demonstrating that the policies and procedures the agency had developed based on the CALEA Standards, were ones which have been tried, tested, and proven as best practices in law enforcement, had all been followed to the letter. Every challenge and accusation of wrongdoing, including alleged retaliation toward the officer bringing the suit, was easily thwarted. After undergoing one particular grueling session of cross-examination, which however, uncovered no chinks in the departments’ armor, the subject police supervisor commented as he left the courtroom, “Thank goodness for CALEA!”

Throughout the trial, it also became obvious that just as important as having the proper policies and procedures in place, was the ability of the officers to demonstrate their knowledge of the agency’s directives and that the directives were being uniformly followed by all employees. Time and time again, attorneys representing the interests of the agency were able to point to the detailed documenting of facts, and strict adherence to policy and procedure as being routine operating procedure for the agency.

⁷ Article by Chief of Police *Ray Johnson*, Chesterfield (MO) Police Department, “Accreditation Helps Defend Agency in Civil Action”; retrieved from <http://www.calea.org/calea-update-magazine/issue-100/accreditation-works/accreditation-helps-defend-agency-civil-action>.

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It quickly became clear that the adherence to guidelines which are derived from the best practices of the international law enforcement community and set forth by the Commission on Accreditation for Law Enforcement Agencies would not only be respected in a court of law, but would also put the agency in the best light possible when under the bright lights of legal and public scrutiny.

No agency wants to be thrust into a situation in which they are named defendants in a civil suit; particularly when that suit involves a dispute between two of its employees. But should that occur, that agency definitely needs to have its “house in order” and must be ready and able to put forth a firm foundation of professional management practices; all of which are based upon the fundamental elements of CALEA Accreditation. For the Chesterfield Police Department, that foundation lays in their strict adherence to the CALEA Accreditation model as a management tool, a procedural base, and a best practice method which has been ingrained in every employee throughout the agency at all levels of the operation.

Any initial “doubters” within the agency, and for that matter, within the city government who may have previously questioned the direct value of CALEA Accreditation, have done a complete “about face” in their thinking. In fact, at the conclusion of the trial, in which the agency fully succeeded in defending itself, several of the agency command staff reiterated the earlier supervisor’s comment... “Thank goodness for CALEA.” That, coupled with a collective sigh of relief, said it all!”

DISASTER RESPONSE BENEFITS

In an article by Benjamin Munguia, Accreditation Coordinator of the City of Mexicali (BJ) Department of Public Safety (2010), discussed how CALEA accreditation prepared their agency for disaster response⁸:

“April 4, 2010, Easter Sunday, began as a normal holiday. At approximately 3:40 in the afternoon, a 7.2 magnitude earthquake shook the city of Mexicali and the southern part of the Mexicali Valley. As expected for an earthquake of such magnitude, the city and the valley suffered major damage to buildings, houses, roads, and highways and caused disruption to public services such as water, electricity, gas, and telephone. Twelve people received minor injuries and two people were killed.

The incident occurred 10 days prior to the initial on-site assessment for the Dirección de Seguridad Pública Municipal de Mexicali (City of Mexicali Department of Public Safety), an event for which we had been intensely preparing. Our agency enrolled in the CALEA process in March 2008. At that time, written directives for the department did not exist and much of the equipment and vehicles were inadequate. After much hard work and preparation, the agency received its CALEA Recognition award in July 2009 and immediately transitioned into the law enforcement accreditation program.

This work did not come without some resistance. When the department began the process, there were those who criticized the acquisition of highly equipped patrol vehicles, the Centinela 1 helicopter, and the mobile command and communications center (C2-M), as well as the application of CALEA standards and process. However, it was precisely this integral safety program that

⁸ Article by *Benjamin Munguia*, City of Mexicali Department of Public Safety, “Accreditation Prepares Agency for Disaster Response”; retrieved from <http://www.calea.org/calea-update-magazine/issue-104/accreditation-works/easter-sunday>.

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assisted in minimizing the severity of the damage caused by this earthquake as compared to other populations who have experienced similar situations.

In comparison to past emergency situations, being in compliance with CALEA standards improved our agency's response to the crisis. ...The acquisition of equipment, the development of procedures, and implementation of training were integral to our agency's response to the situation. We attribute our success in handling the earthquake crisis to the preparations made during our efforts to achieve CALEA accreditation status."

FLORIDA ACCREDITATION TESTIMONIALS

The experience of Florida law enforcement agencies has paralleled the previous commentary of other chief executives and accreditation managers from throughout the nation. Among those speaking to the importance of the accreditation process:

Florida Department of Highway Safety and Motor Vehicles Director Julie Jones: *"The first thing the court system does is look back at your policies. Are you an accredited agency? Do you have policies? And did you follow those policies?...So the accreditation process establishes the foundation for your agency, gives you those policies and then gives you the framework to succeed because the follow-up, the reaccreditation process; that's what makes sure that you fine tune what you've got and follow through with the policies that you have."*

Chief Albert "Butch" Arenal of the Punta Gorda Police Department: *"Accreditation is a management blueprint for running a professional law enforcement organization based on standards set by peers with the state of Florida...It is the gold seal of law enforcement excellence."*

Sheriff Ken Mascara of St. Lucie County: *"Accreditation sets the standard that as the CEO, the Sheriff or the Chief, we ensure to our citizens that we are delivering professionalism in everything we do."*

IMPORTANCE OF THE ACCREDITATION PROCESS FOR FLORIDA INSPECTORS GENERAL

In the October 2007 CFA Inspector General Feasibility Report (pg. 4), the importance of the accreditation process was cited as:

"The vision of Inspectors General in Florida is "Enhancing Public Trust." To that end, accreditation of the investigation process within Offices of Inspector General will significantly enhance the consistency and quality of these investigations. Accreditation is a coveted credential that symbolizes professionalism, excellence, and competence."

Chief Inspector General Melinda M. Miguel, of the State of Florida, Executive Office of the Governor, has reinforced that vision: *"The Chief Inspector General's Office and Agency Inspectors General, in collaboration with the Commission for Florida Law Enforcement Accreditation, Inc., continue our efforts to enhance the professionalism of investigations conducted by Agency Inspectors General. It is through the accreditation program for Offices of Inspectors General investigative function that we enhance compliance with the **Principles and Standards for Offices of Inspector General**. It is so important to*

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continually strive to raise the level of practice for this profession and accreditation gives us [or Inspectors General] that opportunity to demonstrate our dedication to excellence.”

CURRENT STATUS OF ACCREDITATION WITHIN STATE LAW ENFORCEMENT AGENCIES

THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION (CFA)

CFA is the state accrediting body for Law Enforcement and Offices of Inspector General (OIG) Investigations sections. Costs for accreditation as set by CFA range from \$900 to \$4,000 based on the number of sworn positions or number of sworn and civilian OIG investigators.⁹ These fees are paid every three years. There is an additional annual \$300 fee for the required accreditation software, *PowerStandards*,¹⁰ which is used for the assessment process.

The CFA reports that the following State Law Enforcement agencies and Offices of Inspector Generals are accredited:

- Florida Department of Law Enforcement (FDLE)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Agriculture & Consumer Services, Office of Agricultural Law Enforcement (AgLaw)
- Florida Department of Business & Professional Regulation (DBPR), Division of Alcoholic Beverages & Tobacco (ABT)
- Florida Department of Highway Safety & Motor Vehicles, Florida Highway Patrol (FHP)
- Florida Department of Financial Services, Division of Insurance Fraud (DIF)
- Florida Department of Financial Services, Division of State Fire Marshal (DSF)
- Florida Department of Environmental Protection, Division of Law Enforcement (DEP)
- Florida Department of Law Enforcement, Office of Inspector General (FDLE OIG)
- Florida Department of Environmental Protection, Office of Inspector General (DEP OIG)
- Florida Department of Children & Families, Office of Inspector General (DCF OIG)
- Florida Department of Transportation, Office of Inspector General (DOT OIG)
- Florida Department of Agriculture & Consumer Services, Office of Inspector General (Ag OIG)
- Florida Department of Highway Safety & Motor Vehicles, Office of Inspector General (DHSMV OIG)
- Florida Lottery, Office of Inspector General (Lottery OIG)
- Florida Department of Health, Office of Inspector General (DOH OIG)

CFA reports the following state Offices of Inspectors General, Investigations Sections are in the process of seeking initial accreditation:

- Florida Department of Revenue, Office of Inspector General (DOR OIG)
- Florida Department of Education, Office of Inspector General (DOE OIG)
- Florida Fish and Wildlife Conservation Commission, Office of Inspector General (FWC OIG)

⁹ www.flaccreditation.org, Homepage of the Florida Accreditation Office and the Commission for Florida Law Enforcement Accreditation (CFA).

¹⁰ Accreditation assessment software created by Innovative Data Solutions (IDS)

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THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC.

CALEA is the national accrediting body for law enforcement agencies. The costs for accreditation as set by CALEA range from \$7,125 to \$18,600 based on the number of authorized full time employees for initial accreditation and annual continuation fees to include the costs of the next on-site assessment to range from \$3,470 to \$5,765.¹¹ There is an additional annual \$130 fee for the required accreditation software, *CACE*, which is used for the assessment process. CALEA reports the FDLE and the FHP are accredited.

THE AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS/LABORATORY ACCREDITATION BOARD

Laboratory accreditation is required pursuant to the provisions of the Federal DNA Identification Act (42 U.S.C. Section 14132). The American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB)¹² offers accreditation to public and private crime laboratories in the United States and around the world. Accreditation is offered in the forensic disciplines for which services are generally provided by forensic laboratories. The application costs for accreditation as set by ASCLD/LAB range from \$2,000 to \$8,000, and are based on the number of proficiency tested laboratory personnel. Accredited laboratories pay an annual fee that ranges from \$1,000 to \$35,000 based on the number of proficiency tested positions. ASCLAD/LAB reports the FDLE seven regional laboratories are accredited.

THE AIRBORNE LAW ENFORCEMENT ACCREDITATION COMMISSION

The Airborne Law Enforcement Accreditation Commission (ALEAC) is the accrediting body for Air Units utilized by governmental agencies in support of public safety and is comprised of 74 standards. Costs for accreditation as set by ALEAC for the FHP is \$8,500 which is based on 2 or more aircraft sites and 15 or less aircraft. The fee includes all costs associated with being accredited to include accreditation, assessors and travel costs. The accreditation cycle is three years.¹³ ALEAC reports the FHP is in the process of obtaining accreditation.

¹¹ www.calea.org, Homepage for the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

¹² www.asclclab.org – Homepage for the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB)

¹³ www.alea.org - Website for (ALEA) The Airborne Law Enforcement Association and ALEAC.

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Current Status of Accreditation within State Agencies

State Agency	Types of Accreditation				
	CFA LE	CFA OIG	CALEA	ASCLD/LAB	ALEAC
DEP	X	X			
FDLE	X	X	X	X	
DACS/AgLaw	X	X			
FWC	X	X*			
DBPR/ABT	X				
HSMV/FHP	X	X	X		X
DCF		X			
DOT		X			
Health		X			
Lottery		X			
Revenue		X*			
Education		X*			

* The particular agency/section is in the process of seeking initial accreditation and under agreement with CFA.

ACCREDITATION STAFFING

Based on the data below it is evident that state agencies utilize a wide range of strategies to meet the staffing requirements to obtain and maintain accreditation. All agencies surveyed indicated that persons assigned to the accreditation function were found to be interwoven into the fabric of the agency, also performing other required duties such as staff inspections, criminal and administrative internal investigations, policy writing, emergency response and training. Few agencies have the luxury of having one employee dedicated strictly to the accreditation function; many agencies accomplish their staffing needs by spreading accreditation duties among numerous sworn and or civilian members. The organizational placement of the accreditation function varies between each agency.

Staffing assigned to the accreditation function and the percentages of time dedicated **solely** to the accreditation process are as follows:

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Agencies – Divisions of Law Enforcement						
	DEP LE	FDLE	AgLaw	FWC	ABT	FHP
Staffing	1 Sworn FTE 30% 1 Sworn FTE 20%	1 Sworn FTE 35% 1 Civilian FTE 90% 1 Civilian FTE 5% 1 Civilian Lab FTE 50%	1 Sworn FTE 50% 1 Civilian FTE 50%	1 Sworn FTE 90% 1 Civilian FTE 90%	1 Civilian FTE 90%	1 Sworn FTE 40% 1 Sworn FTE 40% 1 Civilian FTE 30% 1 Civilian FTE 40% 1 Civilian FTE 5% 1 Civilian FTE 65%

Agencies – Offices of Inspector General					
	DEP OIG	FDLE OIG	AG OIG	DHSMV OIG	DCF OIG
Staffing	1 Sworn FTE 15% 1 Civilian FTE 2%	1 Sworn FTE 5%, 1 Civilian FTE 5%	1 Civilian FTE 20%	1 Civilian FTE- 5%	1 Civilian FTE –15% 1 Civilian FTE –25%
	DOT OIG	Health OIG	Lottery OIG	Revenue OIG	Education OIG
	1 Civilian FTE 20%	1 Civilian FTE 15%	1 Civilian FTE 2.5%	1 Civilian FTE 12%	1 Civilian FTE 25%, 1 Civilian FTE 10% , 1 Civilian FTE 10%, 1 Civilian FTE 10%, 1 Civilian FTE 10%, 1 Civilian FTE 10%

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ORGANIZATIONAL PLACEMENT OF THE ACCREDITATION FUNCTION AND ITS RELATIONSHIP TO THE CORE MISSION

The organizational placement of the law enforcement accreditation function varies between each agency; however, all the inspectors general accreditation functions are located within their respective Offices of Inspector General. Of the agencies surveyed, they provided the following information regarding the organizational placement of their accreditation function and the relationship of accreditation to their core mission:

Agencies – Divisions of Law Enforcement						
	DEP LE	FDLE	AgLaw	FWC	ABT	FHP
Organizational Placement	The accreditation function within DEP/DLE is located within the division's Office of Training and Professional Standards.	Assigned to the Accreditation Standards Investigations and Compliance Section within the Office of Inspector General. The Forensic Quality Manager in the Investigations and Forensic Sciences (IFS) Program and is responsible for ASCLD/LAB-ISO accreditation.	Assigned to the Administrative Services Bureau, reporting directly to the Bureau Chief	Assigned to the Office of Policy and Planning within the Division of Law Enforcement.	Located within the Professional Standards Unit in the Bureau of Law Enforcement	Assigned to the FHP Accreditation, Policy, Inspections, and Forms Unit and reports to the Program Operations Manager, who is functionally the Chief of Staff and a direct report to the Director of the FHP.

Relationship to the Agency Core Mission

DEP LE:

Accreditation supports the core mission of our organization by ensuring; through policies and practices that the most cost efficient services are delivered to the citizens and visitors of the state of Florida. By ensuring that the accreditation standards are met, the deliveries of law enforcement services are that much more effective.

FDLE:

Was the first state agency in the nation to be accredited by CALEA in July 1990 and the first state agency in Florida to be accredited by CFA in 1996. In 2006 and 2009, FDLE received Meritorious Recognition for maintaining accredited status for fifteen or more continuous years and was recognized as a CALEA Flagship Agency for demonstrating success in the accreditation process from CALEA. The Flagship Agency Program was designed to acknowledge the achievement and expertise of some of the most successful CALEA accredited agencies that have met the criteria of having at least three successful on-site assessments with unconditional reaccreditation awards. ASCLD/LAB-ISO accreditation is essential to providing quality forensic services to the state's criminal justice community. Additionally, the Federal Bureau of Investigation requires any agency submitting DNA data to the National DNA Index System (NDIS) or acting as the state Combined

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DNA Index System (CODIS) administrator to be accredited by ASCLD/LAB or Forensic Quality Services, Inc (FQS). FDLE serves as Florida's CODIS administrator as well as providing the majority of DNA data for the system. FDLE's accreditation efforts stand in direct support of FDLE's fundamental values of Service, Integrity, Respect and Quality.

AgLaw:

The implementation of systems to comply with accreditation standards allowed the Office of Agricultural Law Enforcement to align our police services with current milestones established as standards for professional policing. Since the Agency was only created in 1992, and the sworn employees received full state-wide law enforcement authority in 2002, the transition from a strictly-regulatory mission to a full-service law enforcement mission was facilitated by utilizing accreditation standards. With facilities and personnel spread-out throughout the State, having standardized equipment and practices has allowed AgLaw to maintain focus on our core mission of protecting Florida's agriculture and its consumers through professional law enforcement.

FWC:

The mission of FWC is to protect Florida's natural resources and people through proactive and responsive law enforcement services. Becoming an accredited agency has helped toward that end. The FWC received initial accredited status in February of 2009. The agency has seen a very rewarding transformation from being a law enforcement agency having one core mission with splintered approaches to success, to an agency that has come together with all components pulling in the same direction. Standardization of our policies, procedures, equipment, etc., has caused the agency to be able to deliver professional law enforcement services at a level not experienced before.

ABT:

Prior to the implementation of accreditation, the Bureau of Law Enforcement did not have formal policies and procedures in place. Training bulletins and random standard operating procedures were utilized but no tracking system for accountability. Only the minimum CJSTC training requirements were documented for sworn members. Since receiving initial accreditation through CFA in October 2006, the division has developed a precise written directive system and implemented the PowerSuite software program for policy management, online training, and training record management. Accreditation has benefited the Bureau of Law Enforcement by providing uniform standards which are recognized statewide. Applying accreditation standards has helped identify the necessary training and equipment required and provided employees with uniform policies and procedures ranging from promotions to discipline.

FHP:

Our Mission: Providing Highway Safety and Security through Excellence in Service, Education and Enforcement. Accreditation is integral in supporting the mission of the FHP by introducing standards that provide a blueprint for achieving excellence through establishing best practices, accountability, transparency, and achievement.

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Based on research conducted by the work group, it should be noted that over the past 24 months CALEA has adopted several changes to their process in an effort to promote efficiency and cost savings. These initiatives include, but are not limited to, modifying their on-site process which resulted in cost savings to participating agencies, the transition to electronic publications, and partnering with Innovative Data Solutions (IDS), to allow for electronic assessments. CALEA Deputy Director Craig Hartley has assured the work group that CALEA staff will continue to pursue efficiencies and cost saving measures as they move forward.

CFA Executive Director Lori Mizell has committed to conducting an internal review of the current state accreditation process in an effort to identify efficiencies and cost savings. It should be noted that CFA, in partnership with IDS, assisted with the development of the IDS electronic assessment system now utilized by CALEA.

The Accreditation Work Group agrees that efficiencies may be gained with the recent development of accreditation software for electronic assessments in anticipation of more effective utilization of time during an on-site assessment and associated costs. Specifically, there may be a reduction in costs associated with building paper files, allow for the remote review of files by assessors, shortened time frame required to conduct an on-site and ultimately a decrease in on-site assessment expenses.

CONSOLIDATION OPPORTUNITIES

The Accreditation Work Group discussed the possibility of consolidating the accreditation management responsibilities of all participating state agencies. It is the unanimous belief that such efforts would create another line of bureaucracy and still require each agency to dedicate personnel to coordinate the collection of proofs of compliance from operational units. Additionally, each accredited entity is unique and requires institutional knowledge of the accreditation staff to remain successful in pursuing and maintaining accreditation.

RECOMMENDATIONS

It is the belief of the work group that accreditation brings value to participating agencies and should be continued. As stated in FSS 943.125, "It is the intent of the Legislature that law enforcement agencies in the state be upgraded and strengthened through the adoption of meaningful standards of operation for those agencies."

Due to the fact that the majority of state law enforcement entities are voluntarily participating in a state or national accreditation process, it is recommended that all state law enforcement entities be encouraged to become accredited.

In the event of consolidation of law enforcement activities or functions, the Accreditation Work Group will remain accessible to the Task Force to provide information and guidance regarding the impact such consolidation will have on the accreditation process.

Agricultural Interdiction Commercial Vehicle Enforcement Merger Sub-Team

Agricultural Interdiction Stations, Motor Carrier Size and
Weight Weigh Stations, and Florida Highway Patrol
Commercial Vehicle Enforcement

Recommendations for the Law Enforcement

Consolidation Task Force

Presented by

Colonel Jerry Bryan, Director

Florida Department of Agriculture and Consumer Services

Office of Agricultural Law Enforcement

Document prepared by the Law Enforcement Consolidation Task Force Agricultural
Interdiction Motor Carrier Merger Sub-Team

Team Sponsor: Colonel Jerry Bryan, Office of Agricultural Law Enforcement

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Enforcement

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Team Resources: Florida Trucking Association, PrePass

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Law Enforcement Consolidation Task Force

BACKGROUND

On July 1, 2011, SB 2160 became effective and created a Law Enforcement Consolidation Task Force. One of the directives mandated by SB 2160 for the Law Enforcement Consolidation Task Force is to evaluate any duplication of law enforcement functions throughout state government and identify any functions that are appropriate for possible consolidation.

This document is the result of one such evaluation into the feasibility of merging or co-locating the Florida Department of Agriculture and Consumer Services Office of Agricultural Law Enforcement Interdiction Stations with the Florida Department of Transportation Motor Carrier Size and Weight Weigh Stations or the merger of the Office of Agricultural Law Enforcement (OALE) with the Florida Highway Patrol Commercial Vehicle Enforcement. The basis of this study is the appearance that each entity conducts various inspections of commercial motor vehicles and/or the contents therein and as such, should be able to conduct those inspections simultaneously or at least at the same location.

By bringing various stakeholders together (including law enforcement and various industry personnel) this feasibility study was generated to provide the Law Enforcement Consolidation Task Force with the requisite information needed to make an informed recommendation as to the possible outcome of such a merger or co-location.

MERGER OF AGRICULTURAL INTERDICTION AND FLORIDA HIGHWAY PATROL COMMERCIAL VEHICLE ENFORCMENT

The Commercial Vehicle Enforcement unit, formerly known as Motor Carrier Compliance, was moved to the Florida Department of Highway Safety and Motor Vehicles as a result of legislation passed during the 2011 legislative session. They were moved from the Florida Department of Transportation. They are currently a bureau within the Florida Highway Patrol and are staffed with 261 sworn personnel. The weigh scale locations formerly managed by Motor Carrier Compliance were not

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transferred to the Department of Highway Safety and Motor Vehicles when the merger of the two enforcement entities occurred. The weigh scales remain under the management of the Department of Transportation.

The primary purpose of the **Florida Highway Patrol Commercial Vehicle Enforcement** (FHP/CVE) weight enforcement program is to protect Florida's highway systems and bridges from damage caused by overweight vehicles. Establishment of the state's weight and size limits prevents heavy trucks from causing unreasonable damage to highway systems and thereby protects the public's investment in these roadways. In an effort to reduce the number of commercial motor vehicle related crashes, FHP/CVE officers perform safety inspections on commercial vehicles and traffic enforcement with an emphasis on violations by commercial motor vehicle and passenger vehicles interacting with large trucks. FHP/CVE is a statewide enforcement agency which primarily conducts enforcement efforts through mobile patrols during peak traffic periods. Approximately 65% of inspections conducted by the unit result from mobile patrol enforcement with the remaining 35% of inspections occur during operations conducted at Department of Transportation managed weigh scales.

The mission of the Office of Agricultural Law Enforcement is to protect Florida's agriculture and its consumers. The **Bureau of Uniform Services** is responsible for conducting interdiction operations in support of the Department's regulatory authority and programs. The bureau operates 23 agricultural interdiction stations located on every paved highway crossing the natural boundary of the Suwannee and St. Mary's Rivers, as well as Interstate 10's western entrance into Florida at Pensacola. Agricultural vehicle inspections are conducted at each location 24 hours a day, 365 days a year, by sworn law enforcement personnel. The bureau consists of 210 sworn personnel, a majority of which are located in Northeast Florida. The bureau is not a mobile patrol enforcement operation. Personnel staff fixed locations.

Statutory authority is granted to the Commissioner of Agriculture to promulgate rules which strengthen and protect Florida's agricultural community and its consumers from the intrusion of exotics pests and diseases and from unfair and deceptive trade

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practices. The Bureau supports and supplements all of the Department's regulatory and law enforcement programs by conducting inspections of highway shipments of agricultural, horticultural, aquacultural and livestock commodities. These regulations and programs ensure compliance with Federal and State Marketing Agreements and various laws, rules and regulations implemented to provide the consuming public a quality food product and/or prevent, control, and eradicate specific plant and animal pests and diseases which could economically devastate segments of Florida's agricultural industry. As Florida's second largest state industry, agriculture has an economic impact of \$100 billion annually.

In 1992 FDACS had over 200 law enforcement officers in three different divisions. At that time the Commissioner of Agriculture presented a plan for department restructuring to the Legislature which resulted in the enactment of Section 570.073, Florida Statutes, creating the Office of Agricultural Law Enforcement. The new entity consolidated all law enforcement functions, which resulted in a more efficient use of resources and law enforcement personnel within the Department. The Office of Agricultural Law Enforcement consists of two operational bureaus: The Bureau of Uniform Services and the Bureau of Investigative Services. In 2002, officers employed by the Office of Agricultural Law Enforcement received full law enforcement authority.

The missions and enforcement activities of the two entities are not duplicative. The mission of agricultural interdiction is agency specific to the Florida Department of Agriculture and Consumer Services.

EFFICIENCY OPPORTUNITIES

The Office of Agricultural Law Enforcement's Bureau of Uniform Services presently staffs 23 fixed interdiction locations with 210 sworn personnel. It is the opinion of the Department of Agriculture and Consumer Services that staffing fixed locations and requiring transporters of regulated commodities to submit for inspection is the most effective way to conduct commodity interdiction and inspection.

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It is believed that a law enforcement presence at these locations with the specific mission of enforcing agency specific laws and rules is essential. However, it is plausible that non-sworn personnel could be integrated at these locations and perform regulatory duties. Efficiencies could be experienced as a result of such an integration of non-sworn inspectors. Scheduling and staffing levels at interdiction stations is also a possible opportunity for efficiencies. An internal review is being conducted relating to these issues.

TEAM RECOMMENDATION

The team does not recommend consolidation of OALE and Florida Highway Patrol Commercial Vehicle Enforcement operations.

CO-LOCATION OF AGRICULTURAL INTERDICTION AND MOTOR CARRIER SIZE AND WEIGHT AT INTERSTATE LOCATIONS

The Department of Transportation's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. Motor Carrier Size and Weight (MCSAW) is a component of the Department of Transportation's Office of Maintenance.

MCSAW's role in achieving the Department of Transportation's mission is to maintain fixed weight facilities strategically located throughout the state of Florida and to enforce weight, size, permit, fuel tax and registration laws as it pertains to commercial vehicles. There are 31 weight facilities which include 20 interstate Weigh-In-Motion sites and five Virtual-Weigh-In-Motion sites. The facilities managed by the MCSAW of interest for this discussion are those situated in close proximity to agricultural interdiction stations on Interstate 95 in Nassau County, Interstate 75 in Hamilton County, Interstate 10 in Suwannee County and Interstate 10 in Escambia County.

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Agricultural interdiction and MCSAW have in the past been co-located at certain locations on Interstates 10 in Suwannee County, 75 in Hamilton County and 95 in Nassau County. Due to the nature of the regulatory inspection process required for agricultural inspections, all trucks were required to stop and submit for inspection, and as such, were required to pull across the scale area as well. Having two separate inspection functions co-located created problems for both entities. Certain commodities, such as wood chips, rock and sand, pulp wood and timber products are exempt from agricultural inspection. Trucks carrying these products would not be held up at the agricultural inspection window, but due to the nature of the product, they are often found to be overweight. The scale operations would often cause backups allowing agricultural laden vehicles the ability to bypass without necessary agriculture regulatory inspections, due to station over-queuing.

The same held true for MCSAW operations. Regulatory agricultural inspections do not only encompass those vehicles operating in a commercial endeavor. These inspections extend into private vehicles with utility trailers in tow, private livestock haulers and even privately rented U-Haul type vehicles being used in personal functions. These additional vehicles, in conjunction with commercial haulers would again over-load the station, causing it to over-queue, which would result in vehicles backing dangerously out into the interstate. Inevitably, when this occurs, vehicles which are unique to the success of each agency's core mission are allowed to bypass, uninspected and thereby unregulated.

In each instance, MCSAW moved their operations approximately 3-6 miles away from the agricultural interdiction station and constructed new scale facilities which consist of two static scales for multi-lane operations and Weigh-in-Motion scales for ramp pre-sorting.

WEIGH-IN-MOTION

Weigh-in-Motion (WIM) scales are installed on weigh station ramps to weigh and sort vehicles. Vehicles that are not authorized to bypass the facility as a result of their

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participation in the PrePass program enter the weight facility. Vehicles move to the approach ramp where they are weighed by a sorter or WIM. The ramp WIM sorts the arriving trucks based on a weight threshold set by the weigh station personnel. Axle spacing, vehicle height, and vehicle classification also may be determined. Vehicles that do not exceed the threshold are signaled by a message sign to move to the bypass lane for return to the main highway. Remaining vehicles are directed to the static scale for weighing. Ramp sorting combined with a bypass lane can process more vehicles than can be supported by a static scale alone. By using WIM technology, less than half the vehicles that enter a weight station are directed to the static scale.

The WIM allows MCSAW the ability to only weigh those vehicles that are likely to be found over-weight and allows all others the ability to divert into the bypass lane and back onto the interstate. If a co-location plan was mandated, the WIM would become unusable. Again, due to the nature of agricultural inspections, it does not matter how much the product weighs, regulation is determined by what is being transported.

PREPASS PRECLEARANCE PROGRAM

To facilitate movement of commercial highway traffic, the Office of Agricultural Law Enforcement continues a public/private partnership with the Florida Department of Transportation and private enterprise to provide commercial carriers with the PrePass electronic identifier. This system allows pre-authorized vehicles to bypass interdiction stations, reducing station traffic, and allowing OALE officers to concentrate their efforts on specific carriers of agricultural, horticultural, aquacultural, and livestock commodities. Currently, electronic PrePass is located at all interstate interdiction stations. MCSAW also utilizes PrePass technology at their facilities.

PrePass is an automatic vehicle identification (AVI) system which allows participating transponder-equipped commercial vehicles to bypass designated agricultural interdiction facilities and/or weigh scale facilities. Cleared vehicles may proceed at highway speed, eliminating the need to stop, which means greater efficiency for shippers and improved safety for all highway users.

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The criteria utilized to determine if a transporter will be granted bypass authorization at the interdiction stations is based on the commodities transported. The criteria used to determine authorization to bypass weigh scale facilities is based on the carrier's safety record.

Approximately 362,175 commercial trucks are presently authorized to bypass weigh scale facilities and approximately 103,868 commercial trucks are presently authorized to bypass agricultural interdiction stations. The significantly different functions and enrollment criteria for these two programs make PrePass integration difficult. The screening criteria for each program enable commercial carriers to bypass at each facility independently. A single carrier may be able to bypass one and not the other depending on their weight, safety record, credentials or load type. The agricultural interdiction stations have a significantly higher pull-in rate for inspection due to load type and program restrictions.

Trucking industry representatives have expressed concern that a change in the current situation will increase operating costs to their constituents. These costs would be increased due to more trucks having to stop, increased wait times in queue, and vehicles having to come back up to highway speeds. All of this creates increased fuel costs and maintenance on vehicles.

There is sufficient room for co-location at the interstate Weigh-In-Motion facilities. A single bypass route is created if such a co-location occurred. This negative impact of co-location could be overcome. However, co-location at interstate locations is impractical due to the utilization of WIM technology and the difference in PrePass pre-clearance criteria and would not improve the flow of commercial traffic in Florida.

TEAM RECOMMENDATION

The team does not recommend co-location between OALE and MCSAW at interstate locations.

Law Enforcement Consolidation Task Force

CO-LOCATION OF AGRICULTURAL INTERDICTION AND MOTOR CARRIER SIZE AND WEIGHT AT NON-INTERSTATE LOCATIONS

There are currently three weigh stations that are located in close proximity to non-interstate agricultural interdiction stations. These three weigh stations are routinely staffed with non-sworn weight inspectors. The first is a static scale facility which is essentially co-located with an agricultural interdiction station on US 1, north of Hilliard, Florida. The second static scale facility is located on US 17, north of Yulee, Florida, approximately three miles from an agricultural interdiction station. Lastly, a static scale facility is located in Old Town, Florida, approximately three miles and across the Suwannee River from the agricultural interdiction station located in Fanning Springs, Florida, on US 27. Each of the three MCSAW facilities is newer and in better condition than the current agricultural interdiction stations.

The Florida Department of Transportation, Office of Motor Carrier Compliance contracted with Reynolds, Smith and Hill (RS&H) to complete a feasibility study in order to assess the needs of the weigh station on US 1 and to evaluate and enhance the efficiency of the weigh station. RS&H issued a report in September 2009. The study recognized that the current MCSAW station on US 1 was essentially co-located with the agricultural interdiction station. RS&H determined that this co-location was not the most efficient use of resources as it related to the mission of the MCSAW. The report recommended splitting the two entities apart to two separate locations and to install mainline WIMS to be used in conjunction with static scales. They found that this would provide the most efficient and operationally superior alternative given the extent of their study. They stated that the capacity improvements would not only allow for more efficient movement of trucks, but would also reduce the possibility of bypassing. By relocating the MCSAW facility further north and away from the agricultural interdiction station, they could accommodate existing and future growth conditions. With this recommendation, RS&H stated that it would be more feasible to construct an independently operated weigh station north of the existing weigh station. The recommendation provided by RS&H has been tabled due to a lack of funding.

Law Enforcement Consolidation Task Force

The Florida Department of Transportation's MCSAW has again contracted with RS&H to conduct a similar study into the possible co-location of the agricultural interdiction station in Fanning Springs with the MCSAW static scale in Old Town on US 27. It is believed that to be able to handle the increased inspections and personnel that a co-location would entail, the ramp would likely need to be lengthened, inspection areas increased, the building would likely need enlarging and capacity for additional computer systems would need to be built in. Co-location at this facility would require the installation of two Virtual Weigh-In-Motion (VWIM) systems and the staff to monitor them due to the two bypass routes it would open up for regulated vehicles to circumvent the agricultural inspection process. This feasibility study is underway at this time and preliminary results are expected within 1-2 months. This study is expected to identify cost associated with a possible co-location.

The third agricultural interdiction station that is located in close proximity to a MCSAW facility is on US 17 near Yulee. This facility could house both entities and inspections could be conducted in a way that would satisfy both missions. However, by moving the OALE inspection process to the MCSAW facility, a bypass route would be opened that would allow regulated vehicles to circumvent the agricultural inspection process. This location is routinely used by trucks seeking to bypass the MCSAW scales on Interstate 95 and US 17. To cover this, additional personnel would need to be hired to cover this bypass route or a VWIM system would need to be installed with personnel to monitor the computer and respond to bypasses. Further study needs to be done in order to evaluate cost associated with this potential co-location to include the possible move of Department of Transportation (DOT) personnel to the agricultural interdiction station location. One advantage to this possibility is the elimination of a bypass route that currently exists in relation to the weigh scale.

There are three additional MCSAW static, non-interstate facilities located in the general vicinity of agricultural interdiction stations. These three locations are not routinely staffed. FHP/CVE officers occasionally utilize these facilities to conduct spot checks on commercial carriers found to be traveling side roads in an attempt to circumvent other fixed static scale locations.

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EFFICIENCY OPPORTUNITIES

Possible co-location at the three aforementioned locations on US 27, US 1 and US 17 is plausible. Additional research needs to be conducted in order to establish costs not only associated with the move and/or co-location, but the costs associated with resolving issues associated with the co-location, i.e. bypass routes.

Mobile FHP/CVE units utilizing non-interstate agricultural interdiction stations to conduct mobile weight enforcement is plausible. This occasionally occurs now. This may eliminate the need to maintain DOT facilities that are only occasionally staffed at the non-interstate locations.

TEAM RECOMMENDATION

Co-location is plausible at a limited number of facilities. Further review is warranted to thoroughly evaluate this potential efficiency opportunity.

Integration of Florida's Environmental Law Enforcement Functions increases Efficiency and Enhances Patrol Capability and Response Time

Recommendations for the Law Enforcement Consolidation Task Force

presented by

Colonel Jim Brown, Division Director
Florida Fish and Wildlife Conservation Commission
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October 11, 2011

Document prepared by the Law Enforcement Consolidation Task Force Environmental Unit Sub-Team

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Overview

In accordance with the guidelines set by Chapter 2011-66 establishing the Law Enforcement Consolidation Task Force, the Environmental Unit Sub-Team was formed to conduct a review of the conservation law enforcement activities and assets of the Department of Agriculture and Consumer Services (DACS), the Department of Environmental Protection (DEP), and the Florida Fish and Wildlife Conservation Commission (FWC), and to evaluate if any duplication of law enforcement functions exist between the agencies.

The Environmental Unit Sub-Team has determined that the patrol of state-owned and managed lands provided by the FWC, DEP, and DACS (in particular the Conservation and Recreational Land (CARL) Officer positions and Aquaculture position) have elements that are duplicative and, in turn, has exacerbated a manpower shortage for the agencies. The duplication of functions is most notable in the existence of three separate management and support structures for the sole purpose of providing law enforcement patrol to all state-owned/managed lands and is most apparent when comparing FWC and DEP. The identified DACS positions, on the other hand, do not necessarily have a duplicative structure, but rather DACS provides duplicative management/support services for its officers at the expense of attending to the agency's primary duties and responsibilities. The DACS management support staff provides something that is already provided by both FWC and DEP while diminishing to some degree the provision of those services to DACS core functions. Consolidation of these management structures and functions into the existing structure at FWC could eliminate this duplication.

The Environmental Unit Sub-Team has also identified inefficiency with the current dispersal of patrol responsibilities among the three agencies, which leads to the appearance or even public perception of duplication of services. The inefficiency arises from having three different agencies providing separate law enforcement services based on the pretense, for law enforcement purposes, of state-owned/managed lands being divided into different types of properties (i.e., wildlife management areas, wildlife and environmental management areas, state parks, greenways and trails, coastal and aquatic managed areas, and state forests). Due to this, there may be an FWC officer patrolling a management area adjacent to a state park that is being patrolled by a DEP officer that is also adjacent to a state forest being patrolled by a DACS CARL officer. While state lands are managed differently based on their designated use, conservation law enforcement strategies remain essentially the same, independent of the prevailing land management approach. Consolidation of these artificial distinctions between all state-owned/managed lands as it relates to law enforcement services would allow a more efficient use of rank and file officers and provide a welcome opportunity to establish law enforcement coverage in areas of the state that have historically received little or no patrol due to staffing issues. The responsibilities and activities of these three agencies are closely aligned and similar enough in scope so that significant efficiencies in the delivery of law enforcement services as well as cost savings can be realized by consolidating the functions as discussed below.

Findings

1. All three agencies have responsibility to provide law enforcement patrol, investigative, and forensic services on state-managed lands, which are frequently located within close proximity to each other.
2. The enforcement functions for each entity are established by the Legislature.
3. Investigative activities of the three agencies are similar in scope and approach.
4. The three Bureaus within the DEP Division of Law Enforcement (Park Police, Environmental Investigations, and Emergency Response) are interdependent with each other resulting in value-added services that are not present when separated.
5. Integration of DEP officers and DACS' Conservation and Recreational Land (CARL) and Aquaculture officers in the FWC Division of Law Enforcement will improve response time, increase personnel available for patrol coverage across conservation lands and state waters, and decrease the burden on local law enforcement agencies.
6. Consolidation will result in a streamlined agency with approximately 10% of sworn supervisory positions being reassigned to field positions leading to increased response time.
7. In 2008, the Office of Program Policy Analysis and Government Accountability (OPPAGA) provided the Legislature with four policy options related to environmental law enforcement. The third option was the centralization of environmental law enforcement under one state agency that currently has this function. The joint agency recommendation is a variation of the third option, capturing all of the advantages while minimizing adverse impacts.

Recommendations

The Environmental Unit Sub-Team recommends the following:

1. Integration of the DEP Division of Law Enforcement, in its entirety, into the FWC Division of Law Enforcement. (175.5 positions and additional support positions)
2. Integration of the DACS Office of Agricultural Law Enforcement officers assigned to CARL Patrol and the investigator responsible for commercial aquaculture violations into the FWC Division of Law Enforcement. (15 positions)
3. Enact statutory and administrative code changes where appropriate to integrate the functions.

Conclusion

Consolidating the three agencies will result in a highly effective, more efficient state law enforcement division with complete jurisdiction over the natural and historic resources and publicly-owned and managed lands and waters of the state having enhanced patrol capability and response presence.

Detailed Findings

1. Consolidation of environmental law enforcement agencies may require some statutory and administrative code changes, but the enforcement functions are already established by the Legislature

While the enforcement entity of the Fish and Wildlife Conservation Commission is established in the Constitution of the State of Florida, the Commission's Division of Law Enforcement is legislatively established in s. 20.331 (4)(a), Florida Statutes. Additionally, s. 20.331 (7)(e), Florida Statutes, grants the FWC Division of Law Enforcement "...such powers, duties, responsibilities, and functions as are necessary to ensure enforcement of laws and rules governing the management, protection, conservation, improvement, and expansion of wild animal life, freshwater aquatic life, and marine life resources. In performance of their duties as sworn law enforcement officers for the State of Florida, the division's officers also shall enforce all laws relating to boating, provide public safety services for citizens on lands and waters of the state particularly in remote areas, provide search-and-rescue and disaster response services when necessary, assist in the enforcement of all general laws, and coordinate with local, state, and federal entities on law enforcement issues." Furthermore, the Florida Legislature established the powers of FWC law enforcement officers statutorily in s. 379.3313 (1), Florida Statutes, which states that "...law enforcement officers of the commission are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state and the rules of the commission under their jurisdiction. The general laws applicable to arrests by peace officers of this state shall also be applicable to law enforcement officers of the commission. Such law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties..."

Similarly, the Florida Legislature established the Department of Environmental Protection's Division of Law Enforcement in s. 20.255 (3)(d), Florida Statutes. In s. 20.255 (4), Florida Statutes the Legislature grants that "...law enforcement officers of the Department of Environmental Protection who meet the provisions of s. 943.13 are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state, and the rules of the department and the Board of Trustees of the Internal Improvement Trust Fund. The general laws applicable to investigations, searches, and arrests by peace officers of this state apply to such law enforcement officers." Other statutory provisions that may be affected by a consolidation accomplished by a Type II transfer include: Chapter 253, Florida Statutes (State Lands and Property); Chapter 258, Florida Statutes (State Parks and Preserves); Chapter 376, Florida Statutes (Pollutant Discharge Prevention and Removal); and Chapter 403, Florida Statutes (Environmental Control). Additionally, the rules found in Chapter 62N-16, Florida Administrative Code, associated with the Bureau of Emergency Response require transfer to the FWC.

The Florida Legislature also granted the Commissioner of Agriculture and Consumer Services the authority to create an Office of Agricultural Law Enforcement in s. 570.073 (1), Florida Statutes. Law enforcement officers thus appointed by the commissioner are statutorily authorized to enforce any criminal law or conduct any criminal investigation or to enforce the provisions of any statute or any other laws of this state. S. 570.073 (2), Florida Statutes states that "...each law enforcement officer is subject to and shall have the same arrest and other authority provided for law enforcement officers generally in chapter 901 and shall have statewide jurisdiction. Each officer shall also have arrest authority as provided for state law enforcement officers in s. 901.15. Such officers have full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities."

2. Conservation law enforcement services provided by the three agencies are similar in scope and approach and do not change based on the type of public land under patrol.

The DEP Division of Law Enforcement's Bureau of Park Police (BPP) provides law enforcement patrol services and related investigative services on sovereignty submerged lands, state parks, greenways and trails, and coastal and aquatic managed areas. The DACS Office of Agricultural Law Enforcement provides law enforcement patrol services on certain CARL-designated state forests, and the FWC Division of Law Enforcement provides law enforcement patrol services on Wildlife Management Areas (WMAs), Wildlife and Environmental Areas (WEAs), as well as natural resource law enforcement in state parks, state forests, greenways and trails, preserves, water management districts, and other publicly-owned and managed lands. In many instances, state parks, state forests and wildlife management areas are adjacent to or even overlap each other, and officers from these agencies are already working side by side to complete their respective agency's mission.

3. Investigative activities of the agencies are similar in scope and approach.

The DEP Division of Law Enforcement's Criminal Investigations Bureau initiates environmental investigations for the protection of Florida's lands, waters, air, and historic and natural resources. Its special agents investigate violations related to criminal activity such as knowingly causing pollution, dumping of solid waste, discharges of pollutants, illegal transportation, storage, and disposal of hazardous waste, and illegal dredge and fill operations. The bureau also conducts long-term investigations in support of the BPP.

The FWC Division of Law Enforcement conducts overt (uniform) and covert (plainclothes) investigations targeting hard-core commercial fish, wildlife and game violators as well as serious and fatal boating and hunting accidents. FWC investigators are also responsible for the regulation of Florida's multi-million dollar captive wildlife enterprises. They monitor zoos, game farms, wildlife importers, alligator farms, venomous reptile dealers, personal wildlife owners, pet shops, hunting preserves, and wildlife rehabilitation centers, to

ensure compliance with state and federal laws. While DACS also has a Bureau of Investigative Services, its primary enforcement mission focuses on agricultural, consumer protection and food safety related issues rather than environmental or resource protection. This bureau does, however, maintain one sworn investigator who is responsible for inspecting certain commercial aquaculture activities (farm-raised shellfish) and for investigating associated violations. The Environmental Unit Sub-Team believes this to be an obvious overlap with investigative activity delivered by FWC investigators on commercial fisheries.

4. DEP Division of Law Enforcement Bureaus are interdependent with each other resulting in value added services that are not present when separated.

The recommendation of the Environmental Unit Sub-Team is to transfer the entire DEP Division of Law Enforcement and integrate it into the FWC Division of Law Enforcement, as a whole based on the following considerations.

The FWC Division of Law Enforcement offers a more natural fit of fundamental duties and responsibilities because of the similarity of investigative activities engaged in by the DEP and FWC, matching training and educational requirements for investigators, and the potential impact of investigated crimes on the state's historic and natural resources and public health.

The DEP Division of Law Enforcement currently houses the Bureau of Emergency Response (BER), a specialized entity that responds to environmental pollution threats in a multitude of forms. Responding to incidents from pollutant spills to chemical plant explosions, BER provides technical and on-site assistance to ensure threats to the environment and human safety are quickly and effectively neutralized. Integration of the BER's 28 non-sworn positions into the FWC will allow for closer collaboration when responding to coastal pollutant discharges and hazardous materials spills. In addition, it will allow for better information exchange and improved science-based responses to threats that challenge Florida's environment and natural resources.

The DEP and the FWC Divisions of Law Enforcement both have first responder roles and provide critical support functions in the state's emergency response and mutual aid framework. The expertise provided by BER personnel proved invaluable to law enforcement personnel responding to the Deepwater Horizon oil spill incident in 2010. Furthermore, the bureau's emergency responders are cross-trained to provide forensic expertise to the division's criminal investigators when needed and provide hot-zone entry capability for hazardous materials incident response. The ability to access the expertise offered by the bureau's personnel during emergency response and non-emergency criminal investigations would decrease if the bureau was not transferred with the remainder of the DEP Division of Law Enforcement.

5. DEP and DACS have fewer sworn members than FWC to provide coverage for such a large geographic region.

The Environmental Unit Sub-Team evaluated whether a consolidation of environmental law enforcement activities under either the DACS or the DEP would be valid alternatives to integration with the FWC Division of Law Enforcement. A review of the relevant facts determined that consolidation under the FWC's umbrella seems to represent the greatest economic benefit to the State, as FWC already provides administrative support for 902 members, 720 of which are sworn, and can more readily accommodate the transfer of 175.5 positions from DEP and the 15 positions from DACS. In order to consolidate the FWC Division of Law Enforcement into one of the other agencies, those agencies would have to create the administrative and organizational infrastructure to accommodate over 1,000 positions, which already exists at FWC.

In addition to size constraints, consolidation under the DACS would result in a significant change of the Commission's law enforcement mission, which focuses primarily on consumer services and agricultural products. Consolidation under the DEP would similarly expand the Department's law enforcement mission beyond its current scope, which focuses on the provision of law enforcement patrol services in state parks and the investigation of environmental crimes. Moving the responsibility to provide law enforcement patrol services in state parks and state forests to the FWC Division of Law Enforcement is a natural extension to the Division's existing statutory mission.

6. The Office of Program Policy Analysis and Government Accountability (OPPAGA) has previously identified an option for legislative consideration to create a single state entity responsible for environmental law enforcement activities.

In the Sunset Memorandum, *Environmental Law Enforcement Options for Legislative Consideration* (OPPAGA 07-S33), submitted in February 2008, the third option called for a centralization of environmental law enforcement activities under one state agency. Option 3 from OPPAGA 07-S33 is provided below:

Option 3 – Centralize law enforcement (environmental) activities under one state agency

Environmental law enforcement personnel, equipment, funding, and responsibilities would be transferred to one lead agency (Fish and Wildlife Conservation Commission). Placement of environmental law enforcement activities with any of the three agencies has advantages and disadvantages. Criteria for Legislative consideration in centralizing environmental law enforcement activities could include:

- Cost efficiencies and reductions in administrative and operating costs
- Improved coordination of staff and equipment
- Centralized policy-making

- Reduction in duplication
- Centralization of accountability and oversight of law enforcement activities

Advantages

- Would reduce costs for administrative and support functions such as budgeting, personnel, general counsel, and inspector general activities
- Would result in cost savings from eliminating duplicative management positions (e.g., division directors) and support staff
- Would eliminate duplication of law enforcement activities currently conducted by multiple agencies
- Would consolidate policy and decision making
- Would centralize accountability and oversight of law enforcement activities

Disadvantages

- Upfront costs may be incurred associated with transferring staff, equipment, vehicles, etc.
- The Department of Agriculture and Consumer Services' primary mission is not environmental preservation and includes many consumer protection activities
- May be objections from existing agencies
- Transition from decentralized to centralized system may be difficult
- Could be conflicts from integrating staff from agencies with differing missions and goals

The disadvantage identified in the report relating to DACS not having environmental preservation as a primary mission is alleviated in the Environmental Unit Sub-Team's recommendations, because, only the DACS sworn members with environmental law enforcement duties will be integrated into FWC's Division of Law Enforcement. The Sub-Team's recommendations would allow the DACS to focus on the primary aspects of its law enforcement mission, while environmental law enforcement activities are centralized in one division as originally identified as a policy option by OPPAGA.

Factors Leading to Recommendations

- 1. Integration of the DEP Division of Law Enforcement into the FWC Division of Law Enforcement will result in a streamlined and leaner agency with approximately 10 percent of sworn supervisory positions being reassigned to patrol and field operations positions, leading to increased response time and decreased burden on local law enforcement agencies.**

The DEP Division of Law Enforcement maintains an administrative and organizational infrastructure that supports the Division's statewide delivery of law enforcement services. This infrastructure includes

accreditation, training, finance and budget, policy and planning, telecommunications, and administrative support within the Division. This same support system is already in place within the FWC. Integration of the DEP Division of Law Enforcement into the FWC Division of Law Enforcement, would allow the FWC's administrative and organizational infrastructure to seamlessly support the delivery of law enforcement services under the expanded mission without an increase in personnel. To further streamline the organization, some sworn positions, now assigned to management and supervision roles at DEP, would be reclassified for field-level functions such as patrol, investigations, and environmental response. Initial estimates indicate that approximately 10 percent of sworn supervisory positions in the DEP Division of Law Enforcement could be released to patrol and field assignments by redistributing subordinate positions. In addition to reductions in recurring salary and benefits costs, consolidation would reduce the amount of office space needed leading to cost reductions in lease agreements.

The recommendations in this document lead to a single entity capable of responding to incidents more quickly than what the individual entities can provide alone due to the increased number of sworn members and their geographical distribution. FWC officers assigned to counties in which state parks and forests are located will be able to respond to calls for service to support resident park police or CARL officers. Ultimately, this will decrease demands on local law enforcement to respond to calls for service in state parks and state forests because there will be a stronger state officer presence available to meet the needs of the public.

The recommendations provided in this report do not change the FWC's previously identified streamlining goals or affect the division's organizational targets concerning supervisory span of control. The resulting consolidated entity will allow for a supervisor-to-employee ratio that more closely aligns with the span-of-control target recommended by the Florida Senate.

2. Integration of DEP Division of Law Enforcement and DACS CARL Officers in the FWC Division of Law Enforcement will improve stakeholder and user interaction.

Integrating the three entities into one Division of Law Enforcement will improve user and stakeholder interaction and increase accountability and transparency. The majority of state lands users and visitors generally do not differentiate between state managed lands such as parks, forests, or management areas, nor do they differentiate between the associated agencies providing law enforcement services on these lands. Anecdotal evidence suggests that users are often confused by encountering a Fish and Wildlife Officer conducting a boating safety inspection at a boat ramp in a state park, or by a Park Police Officer asking for a fishing license and verifying compliance with bag limits. Having just one entity providing patrol and law enforcement services on all state lands is likely to increase "brand recognition" and increase accountability to the public. In addition, one uniformed presence on state lands versus three, demonstrates

a commitment to a judicious use of tax dollars and an end to organizational barriers in service to the public, further adding to agency accountability and transparency.

Florida Highway Patrol Jurisdiction Team
Sheriff David Gee, Executive Sponsor

October 28, 2011
Final

EXECUTIVE SUMMARY

Under the direction of the Law Enforcement Consolidation Taskforce, a team was formed to evaluate the jurisdiction of the Florida Highway Patrol (FHP). The charge of the team was to estimate the impacts of limiting the FHP to only roadways in the State Highway System (SHS), and the impacts of limiting the agency to just roadways in the Florida Intrastate Highway System (FIHS). A priori, the evaluation centered on impacts in daily operations, investigations, traffic crashes/homicides, and natural disasters/emergencies.

The evaluation of FHP jurisdiction was accomplished through qualitative and quantitative methods. Qualitative research was accomplished with an electronic survey distributed to Florida Sheriffs and Police Chiefs. Quantitatively, the statewide traffic crash database was filtered by agency type and roadway classification to predict how traffic crash and fatal crash investigation workload might shift between agencies. Through analysis of these two data sets, the objectives of the team's evaluation were possible.

A survey of Florida Sheriffs and Police Chiefs found wide support for the FHP, and specific support for the agency's patrol of interstate highways 69%, state roads 78%, and even local roadways 40%. Some of the most compelling survey results indicated that local agencies view the FHP as a valuable traffic law enforcement resource with 86% indicating they want the FHP to be available to assist locals with "special events" and an overwhelming 97% indicating they want troopers to be made available for "emergency management and disaster response". Nearly 60% of survey agencies indicated that they wanted the FHP to investigate their agency vehicle crashes.

The FHP is generally engaged in the right types of specialized activities according to the survey, with 81% *agreeing or strongly agreeing* with their Highway Drug Interdiction activities and 75% having similar sentiments about their role in Driver License Fraud and Identity Theft. The strongest favorable responses support a FHP role in "traffic safety education" and "traffic crash data analysis and dissemination" (87% and 94% respectively either *agreeing or strongly agreeing* with those roles).

The survey also reinforced widely-held perceptions about inadequate staffing at the FHP, as 69.5% felt their counties were inadequately staffed, 49% perceived that "current level of services" provided were lacking, and 67% believed FHP response time was "less than adequate".

Looking forward, the agencies that responded to the survey felt that the FHP should have a "standardized deployment of troopers throughout the state" (84%) and 78% believe that the agency should base deployment on both "population" and "traffic crash data".

With the assistance of the Florida Department of Transportation (FDOT) Safety Office, statewide traffic crash statistics for 2009 and 2010 were segregated by roadway type, county, and investigating agency. Using the data, changes in crash investigation responsibility can be modeled and projected at the county level, according to the SHS and FIHS roadway networks.

If the FHP were restricted to SHS roadways, the agency would work fewer crashes in 50 counties as 7,733 long-form crash reports would shift to the local Sheriffs. Rural areas would be inordinately impacted, since the Sheriffs often work few crashes because of limited resources. Two hundred and

seventy-four (274) fatal crash investigations would shift to the Sheriffs, increasing their current traffic homicide caseload by 42%.

If restricted to the FIHS roadway network, the shift of work from the FHP to local Sheriffs would be even more pronounced. There are 7 counties with no FIHS roadways, and 2 more with almost no FIHS mileage. Statewide, Sheriffs would pick up 47% more crashes as the FHP portion of statewide crash responsibility falls from 32% to 14%. Fatal traffic crashes worked by local Sheriffs would nearly triple to 1,237 annually.

If the jurisdiction of the Florida Highway Patrol were changed, their ability to conduct traffic crash investigations and traffic enforcement on local roadways would cease. They could not engage in important commercial vehicle enforcement (CVE), investigate license and vehicle fraud, and assist local agencies with complex criminal traffic investigations. Most importantly, the FHP would not be able to assist local government with special events/activities requiring additional law enforcement personnel, and the response to natural and other disasters would be hampered.

There was a consensus on the FHP jurisdiction team, that changing the statutory authority of the FHP and/or its troopers would be detrimental to public service and public safety in Florida. With that said, it was also held that the FHP needs to adopt a resource allocation strategy to equitably distribute personnel throughout the state. Such a strategy should 1) categorize counties, based on population, 2) identify roadways to be patrolled within those categories, and 3) equally allocate trooper resources, based on projections of crashes for each county. Roadways of the SHS and FIHS may be good candidates for inclusion in such a plan, but the FHP approach should be viewed as defining “area of responsibility” and not statutory “jurisdiction”.

Recommendations

1. The statutory authority of the FHP and its officers should not be limited, since this would unduly restrict the agency in the performance of duties, adversely impact assistance to local governments, and diminish public safety.
2. The FHP should implement a “tiered approach” for patrol resource allocation that considers an equitable distribution of traffic crash investigation and patrol resources. Such an approach should 1) classify counties according to population 2) identify roadway networks to be patrolled by the FHP and 3) allocate/re-allocate current resources according to the projected traffic crash workload.

1 INTRODUCTION AND BACKGROUND

Issue

Limiting jurisdiction of the Florida Highway Patrol

Charge

Evaluate limiting jurisdiction of the Florida Highway Patrol, throughout the State of Florida, to the State Highway System or the Florida Intrastate Highway System. The evaluation and analysis of FHP jurisdiction will include the impact of day to day operations, investigations, traffic crashes/homicides, natural disasters/emergencies of FHP and other law enforcement agencies while keeping public safety a number one priority. The evaluation will also focus on the impact of staffing and increased workloads of other agencies due to restricting FHP jurisdiction.

Team Members

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Organization of Document

As the work product of the jurisdiction team, this document provides introductory and background information to set the stage for inquiry. Subsequent sections examine the current operating environment, the survey of Chiefs and Sheriffs, and an estimation of impacts from crash data and operational experience. An alternative approach is presented, prior to conclusions and recommendations.

Jurisdiction

The Merriam-Webster Online dictionary defines jurisdiction as, "The limits or territory within which authority may be exercised." Currently, Florida Statute 321.05(1) establishes, "Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15." To fulfill the charge of the committee, the impacts of limiting jurisdiction are applied to limiting the statutory authority of officers of the agency.

Background

In 1939, the Florida Legislature created the State Department of Public Safety with two divisions; the Florida Highway Patrol and the Division of State Motor Vehicle Drivers Licenses. The initial group of 60 troopers has grown to an agency with 1,946 sworn personnel, including the 261 Commercial Vehicle Enforcement (CVE) trooper added by legislative action on July 1, 2011. The Department of Public Safety transformed into the Department of Highway Safety and Motor Vehicles in 1969, and the current mission of "A Safer Florida" is promoted through an emphasis on highway safety.

The Division of Florida Highway Patrol promotes a safe driving environment through proactive law enforcement, public education, and safety awareness. The Patrol's values of courtesy, service, and

protection guide all actions of the Patrol and support professional standards. Members of the Patrol reduce the number and severity of traffic crashes in Florida and preserve and protect human life and property. The Patrol designs and implements prevention strategies to address identified traffic crash causation factors. In addition to daily proactive traffic enforcement by sworn officers, the Patrol uses an all-volunteer auxiliary to enhance service delivery.

Statutory Authority

The powers and duties of the Florida Highway Patrol are established in Chapter 321 of the Florida Statutes.

321.05 Duties, functions, and powers of patrol officers.—

The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, *capias*, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws now in effect regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon; to make arrests without warrant for the violation of any state law committed in their presence in accordance with the laws of this state; providing that no search shall be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles; to cooperate with officials designated by law to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose; to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, when requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law

enforcement officers in s. 901.15. This section shall not be construed as being in conflict with, but is supplemental to, chapter 933.

(2) To assist other constituted law enforcement officers of the state to quell mobs and riots, guard prisoners, and police disaster areas.

(3)(a) To make arrests while in fresh pursuit of a person believed to have violated the traffic and other laws.

(b) To make arrest of a person wanted for a felony or against whom a warrant has been issued on any charge in violation of federal, state, or county laws or municipal ordinances.

Defining roadway networks

For purposes of this inquiry, Florida roadway networks can be divided into three groups, the local road network, the State Highway System (SHS), and the Florida Intrastate Highway System (FIHS). Roadway networks are generally described by the centerline miles, which count the mileage in each direction separately, and lane miles, which count the directional mileage for each lane of travel. There are 121,701 centerline miles of public roads in Florida. The SHS and FIHS are specified in the charge and will be referenced throughout this document. Figures 1, 2, and 3 show the roadway networks.

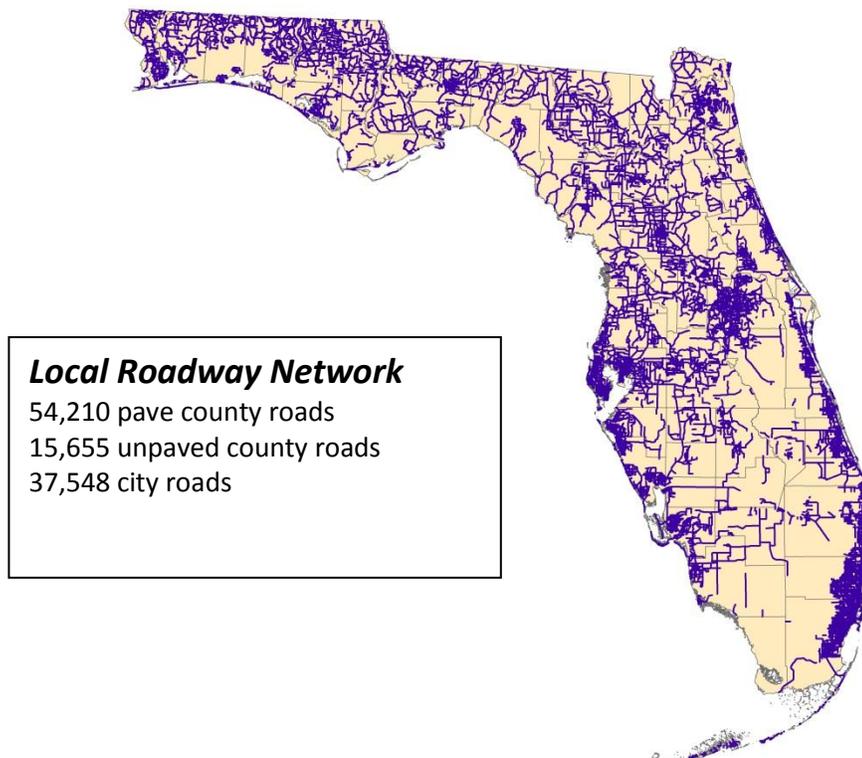


Figure 1 – Local Roadway Network

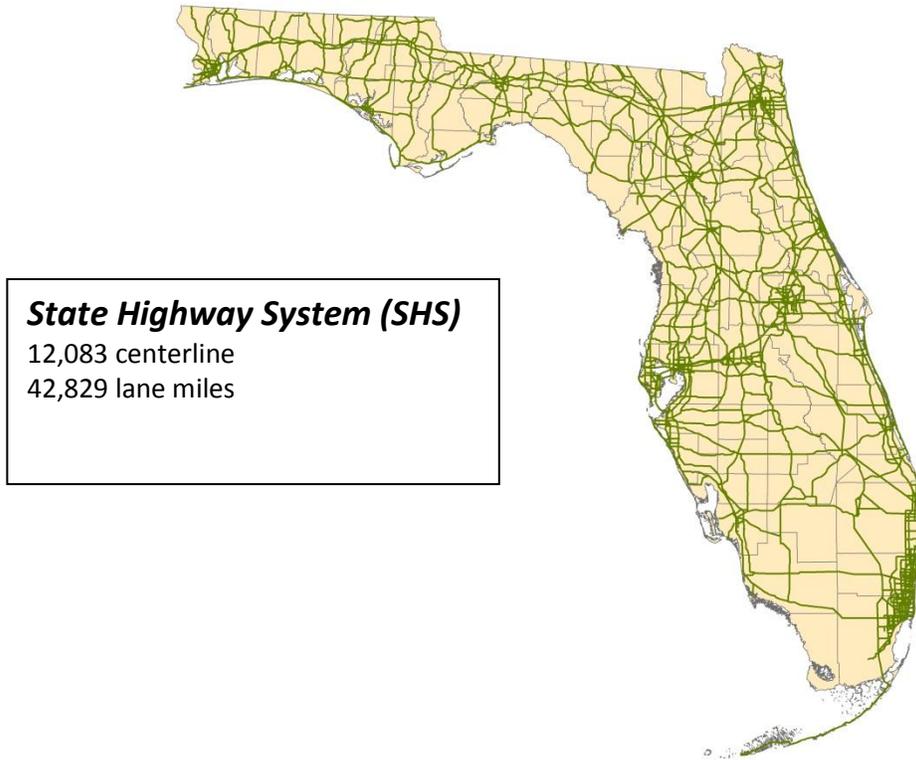


Figure 2 – State Highway System (SHS)

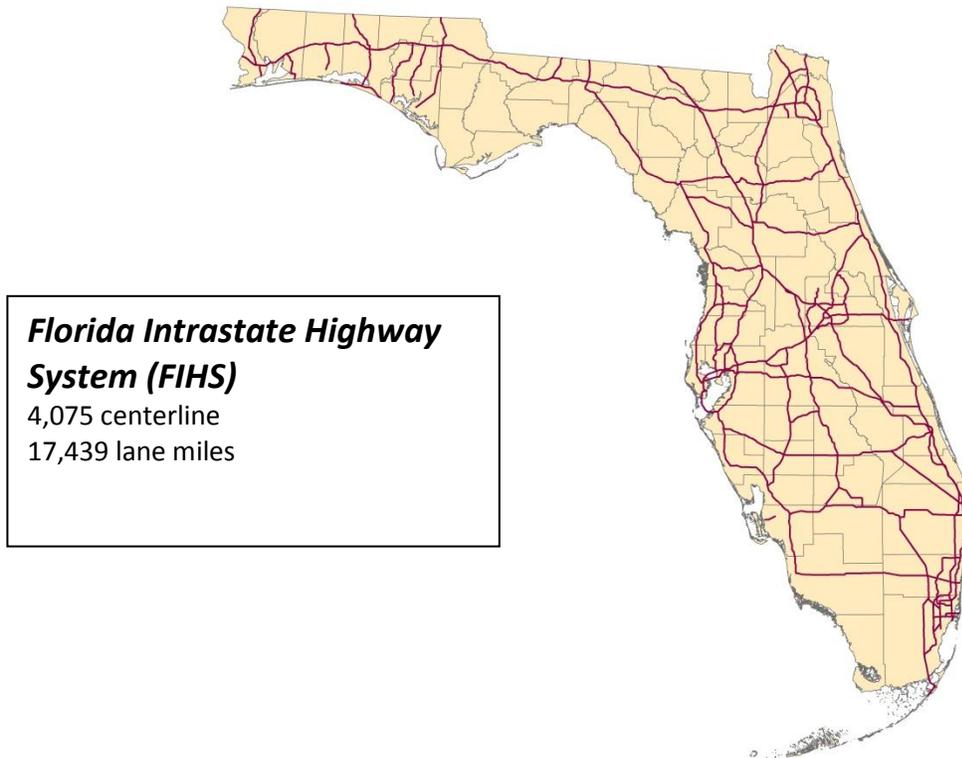


Figure 3 – Florida Intrastate Highway System (FIHS)

**Note that some overlap exists between the SHS and FIHS roadway networks.*

2 CURRENT OPERATING ENVIRONMENT

Florida Highway Patrol staffing models and functional responsibilities

The role and responsibilities of the Florida Highway Patrol is almost as varied as the number of counties in Florida. The staffing methodology of the FHP is largely based on historical agency decisions, formal and informal arrangements with local governments, and to some degree political influence. Several formal models have been applied by the agency, though none has been uniformly adopted. The Police Allocation Model (PAM), historical calls for service, and a recent study by Berkshire Associates describe the allocation of personnel. A synopsis of functional responsibilities follows.

For more than two decades, the agency has sought to use the Police Allocation Model (PAM) developed by the Northwestern University Traffic Institute (NUTI), which is now called the Northwestern University Center for Public Safety. The time-based model determines the number of patrol officers needed, given an analysis of performance objectives and workload using the time associated with activities which are divided into reactive time, proactive time (self-initiated), proactive time (patrol), and administrative time. Computer software accompanies the PAM product, to manage the array of statistical inputs and computations required. For the FHP, the NUTI model has been used more for identifying resource needs, than for actual allocation of patrol personnel.

The agency has also used historical calls for service to make staffing decisions, but because of a historical disparity in county staffing levels, such attempts only exacerbate a flawed methodology. If a Sheriff's Office or local agency chooses to assist the FHP in crash investigation responsibilities, that agency is actually penalized, since any reduction in FHP calls also reduces justification for FHP resources. An equitable division of crash investigation responsibilities between the FHP and local agencies should be encouraged and rewarded, since it promotes good public service.

Most recently, the agency used Berkshire Advisors to conduct an independent staffing study in an attempt to better understand agency resource allocation. The study reviewed the NUTI model and made a subjective evaluation of its strengths and weaknesses. The Berkshire report introduced an improved model that uses a ten-step process, to establish an expectation of response times that should be provided to crashes and other calls-for-service as well as staffing levels that are adequate to meet those expectations. The Berkshire report modeled the FHP working all crashes on all roadways and asserted that there was a need to increase the number of troopers statewide by 1,774. The concept of 16 hour staffing (as opposed to round the clock staffing) in some areas, indicates that an additional 1,595 troopers are required. Finally, an across the board 1/3 staffing approach is reviewed, where the full model (FHP working all crashes on unincorporated roads) is universally cut by 2/3 in every county. The methodologies all fail to consider differences in user demands on the roadway networks in urban areas and rural areas, differences in daily resource needs, and the political reality that more than doubling the size of the Florida Highway Patrol is neither technically feasible nor fiscally possible.

Like resource allocation, the functional responsibility of the FHP varies from county to county. There is a disparity in the level of services provided to local governments that cannot be explained. In places like Orange, Escambia, Marion, and many rural counties, the FHP handles all traffic crash investigations in unincorporated areas. In other counties like Duval, Broward, and Palm Beach, the Sheriff handles a majority of traffic crash investigations on the same type of roadways. All other Florida counties fall somewhere among or between these extremes. Appendix A is a table that depicts the crash investigation role of the FHP in each county. (Jurisdiction Team Pack\Local Agency Crash Role.pdf)

The current resource allocation model used by the Florida Highway Patrol lacks consistency and methodology. While the NUTI model appears to be an empirical and defensible approach, its use for resource allocation is hampered by the lack of a consistent statewide strategy concerning which roadways will be patrolled. Solving the inexplicable disparity in the level of service provided to various counties appears to be essential if the agency is going to standardize its staffing approach. This will ultimately involve the agency moving positions between counties and shifts in workload with many county and municipal law enforcement agencies.

In addition to the allocation of personnel resources, the team had concerns with how effectively the agency was using existing resources through shift scheduling. After sampling several district and county schedules used by the FHP, it became apparent that an in-depth analysis would be too overwhelming to benefit the jurisdiction discussion. While the team will not make formal recommendations concerning FHP shift schedules, it is apparent that a lack of scheduling consistency is as problematic to trooper staffing as is resource allocation.

Current Florida Highway Patrol activities

There is no refuting the value of a statewide law enforcement agency with a dedicated focus on transportation and traffic safety. The FHP accounts for 23% of all traffic citations issued in the state, 32% of all traffic crash investigations, and 58% of the traffic homicide investigations (THI). Table 1 shows selected activities for FHP troopers statewide.

Table 1 – 2010 Statistics for Trooper Activities

FHP Activity for CY 2010	
Trooper Hours	2,647,168
Miles Patrolled	35,349,115
Arrests/Citations	973,491
Drug Arrests	3,907
Written Warnings	363,110
Faulty Equipment Notices	137,553
Motorists Assists	269,440
Stolen Vehicles Recovered	431
Traffic Crash Investigations (Long)	102,242
Traffic Crash Investigation (Short Form)	42,962
Offense Incident Reports	5,530

3 SURVEY OF FLORIDA SHERIFFS AND POLICE CHIEFS

Since the Florida Highway Patrol plays a significant role in Florida traffic law enforcement, local law enforcement agencies are important stakeholders in FHP jurisdiction discussions. Ostensibly, local law enforcement agencies will be required to alter operations if the role of the FHP changes due to jurisdiction changes. A qualitative research effort was undertaken to gauge the sentiments of Florida Chiefs and Sheriffs with respect to the role of FHP in their area.

Survey Methodology

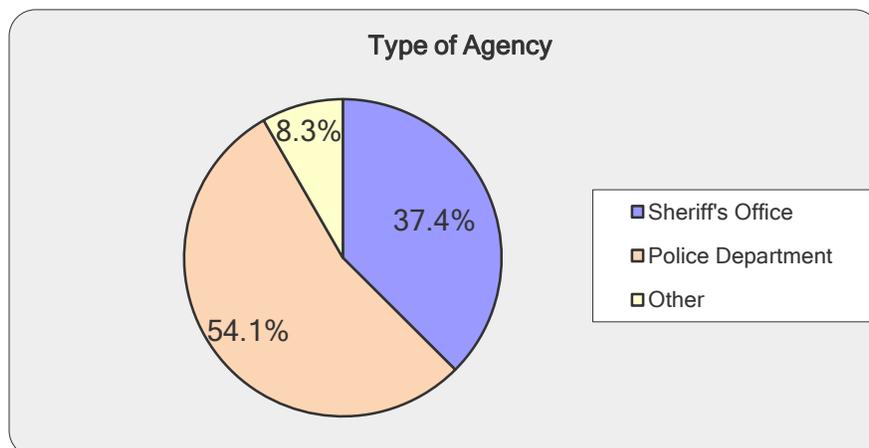
A web-based, electronic survey was constructed by the team and distributed via the Florida Police Chiefs and Florida Sheriffs email networks. Demographic information concerning the type of agency responding and the name of the responding agency were captured to control for duplication.

The survey was conducted from September 15 through 30, 2011 and 155 valid/verifiable responses were obtained from an estimated population of approximately 372 agencies representing state, county, municipal, and “other” law enforcement in Florida.

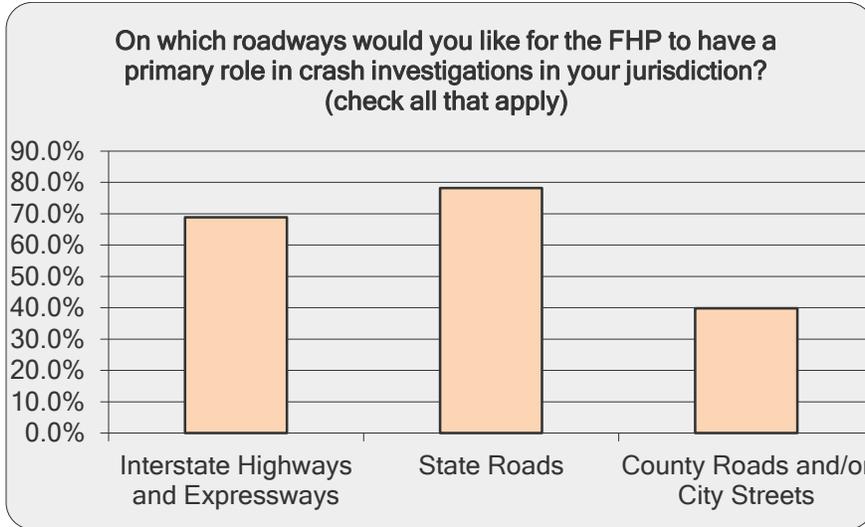
Survey Questions and Results

Tabular and graphic results accompany individual survey questions.

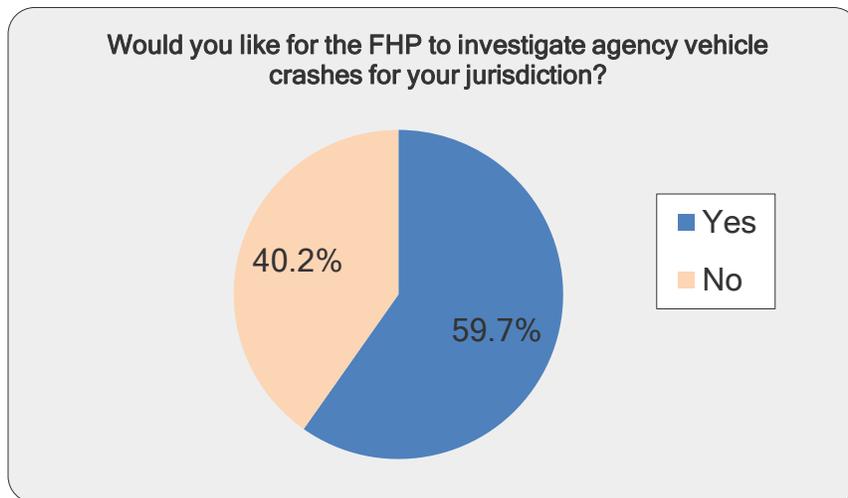
Type of Agency		
Answer Options	Response Percent	Response Count
Sheriff's Office	37.4%	58
Police Department	54.1%	84
Other	8.3%	13
<i>answered question</i>		155
<i>skipped question</i>		3



On which roadways would you like for the FHP to have a primary role in crash investigations in your jurisdiction? (check all that apply)		
Answer Options	Response Percent	Response Count
Interstate Highways and Expressways	68.8%	95
State Roads	78.2%	108
County Roads and/or City Streets	39.8%	55
<i>answered question</i>		138
<i>skipped question</i>		20

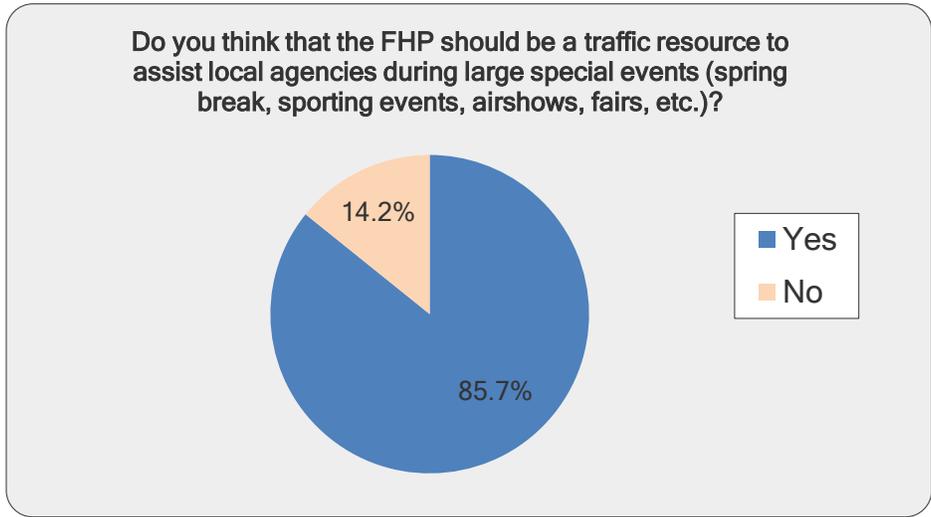


Would you like for the FHP to investigate agency vehicle crashes for your jurisdiction?		
Answer Options	Response Percent	Response Count
Yes	59.7%	92
No	40.2%	62
<i>answered question</i>		154
<i>skipped question</i>		4



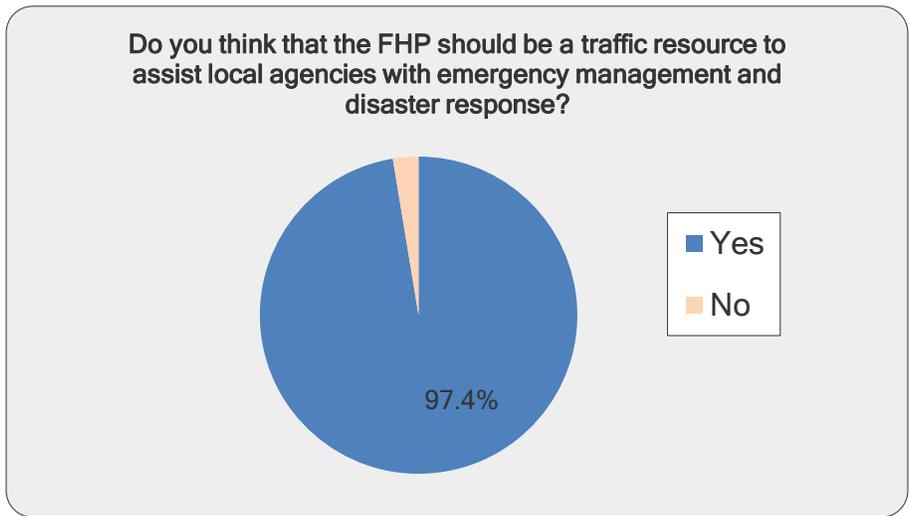
Do you think that the FHP should be a traffic resource to assist local agencies during large special events (spring break, sporting events, airshows, fairs, etc.)?

Answer Options	Response Percent	Response Count
Yes	85.7%	132
No	14.2%	22
<i>answered question</i>		154
<i>skipped question</i>		4

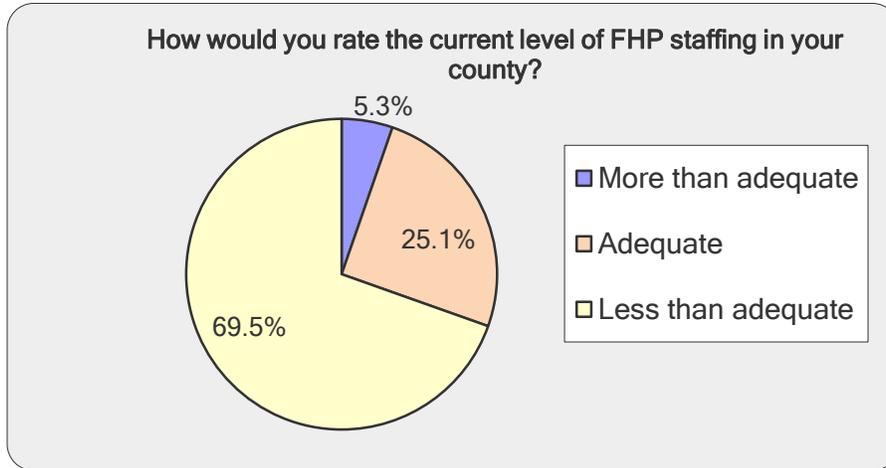


Do you think that the FHP should be a traffic resource to assist local agencies with emergency management and disaster response?

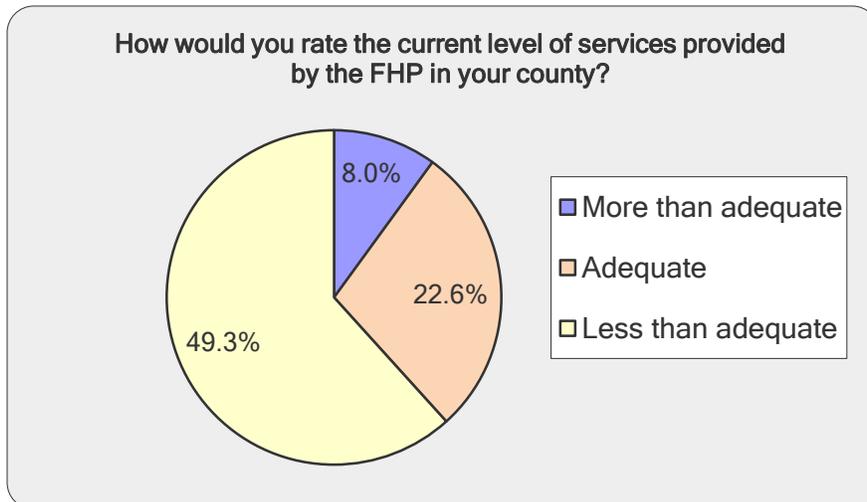
Answer Options	Response Percent	Response Count
Yes	97.4%	150
No	2.6%	4
<i>answered question</i>		154
<i>skipped question</i>		4



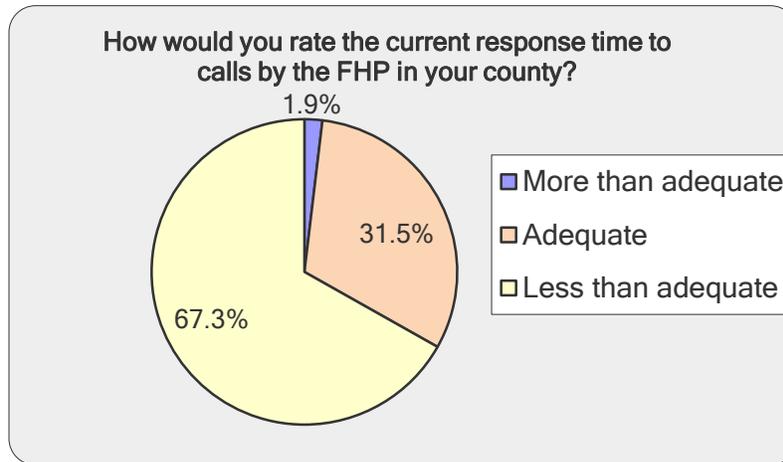
How would you rate the current level of FHP staffing in your county?		
Answer Options	Response Percent	Response Count
More than adequate	5.3%	8
Adequate	25.1%	38
Less than adequate	69.5%	105
<i>answered question</i>		151
<i>skipped question</i>		7



How would you rate the current level of services provided by the FHP in your county?		
Answer Options	Response Percent	Response Count
More than adequate	8.0%	12
Adequate	22.6%	34
Less than adequate	49.3%	74
<i>answered question</i>		150
<i>skipped question</i>		8



How would you rate the current response time to calls by the FHP in your county?		
Answer Options	Response Percent	Response Count
More than adequate	1.9%	3
Adequate	31.5%	48
Less than adequate	67.3%	101
<i>answered question</i>		152
<i>skipped question</i>		6



On a scale of 1 to 5, with 1 meaning strongly disagree and 5 meaning strongly agree, please rate the degree to which you agree with the statement that the FHP should be involved in the following activities:

Answer Options	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Avg	Count
Highway Drug Interdiction	10	8	11	62	62	4.01	153
Driver License Fraud and Identity Theft	11	9	19	56	59	3.93	154
Homeland Security Field Data Collection (SAR)	12	18	27	51	44	3.59	152
Cargo Theft	8	16	30	51	47	3.69	152
Traffic Crash Data Analysis and Dissemination	6	1	3	49	94	4.44	153
Traffic Safety Education	6	1	13	53	79	4.25	152
<i>answered question</i>							154
<i>skipped question</i>							4

On a scale of 1 to 5, with 1 meaning strongly disagree and 5 meaning strongly agree, please rate the degree to which you agree with the statement that the FHP should be involved in the following activities:

Percentage of "agree" and strongly agree"

Highway Drug Interdiction	81.0
Drivers License Fraud and Identity Theft	74.7
Homeland Security Field Data Collection	62.5
Cargo Theft	64.5
Traffic Crash Data Analysis and	93.5
Traffic Safety Education	86.8

Please rank the top 5 traffic safety issues affecting your jurisdiction (1 being the most important):

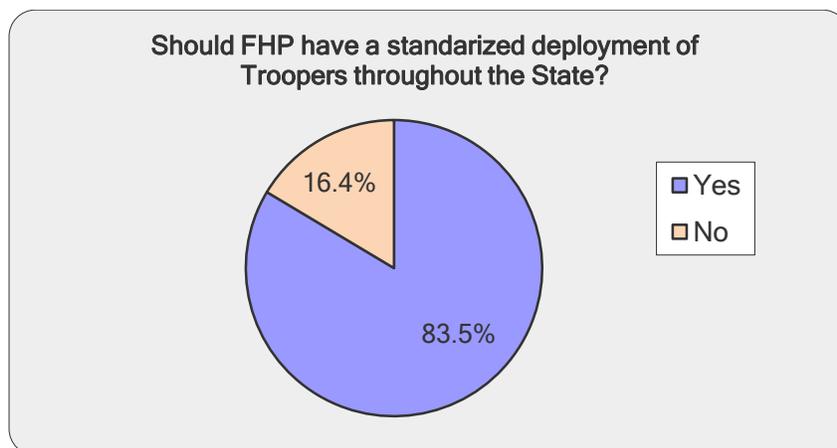
Answer Options	Response Average	Response Total	Response Count
Aggressive/careless driving	2.79	368	132
Congestion	3.40	221	65
Distractions/inattention	3.21	392	122
Ignoring red lights/stop signs	3.10	316	102
Impaired driving	2.96	311	105
Non-use or improper use of safety belts/CP seats	3.89	218	56
Older drivers and pedestrians	3.98	187	47
Speeding	2.67	385	144
Unskilled/unlicensed drivers	4.01	281	70
Younger drivers	4.73	175	37
<i>answered question</i>			154
<i>skipped question</i>			4

Top traffic safety issues

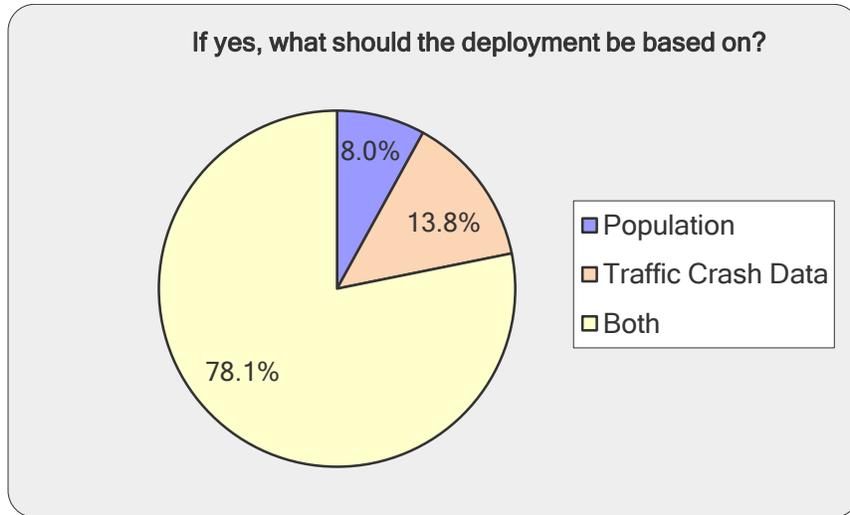
1. Speed
2. Aggressive Driving
3. Distracted Drivers
4. Impaired Drivers
5. Ignoring Red Lights/Stop Signs
6. Congestion
7. Unskilled/Unlicensed Drivers
8. Seat Belts
9. Older Drivers
10. Younger Drivers

Should FHP have a standardized deployment of Troopers throughout the State?

Answer Options	Response Percent	Response Count
Yes	83.5%	127
No	16.4%	25
<i>answered question</i>		152
<i>skipped question</i>		6



If yes, what should the deployment be based on?		
Answer Options	Response Percent	Response Count
Population	8.0%	11
Traffic Crash Data	13.8%	19
Both	78.1%	107
<i>answered question</i>		137
<i>skipped question</i>		21



4 ESTIMATING THE IMPACTS OF JURISDICTIONAL CHANGES

The potential impacts of limiting the jurisdiction of the Florida Highway Patrol can be described in terms of generalized missions, specialized missions, and the shift in workload to local law enforcement. The following sections describe the nature of work, with the understanding that some or all of those functions would shift to other state or local law enforcement agencies.

Generalized law enforcement missions

Partnerships with local law enforcement are instrumental to the success of the FHP. Conversely, the support that the FHP provides to other agencies is also important, although often not visible. Daily interaction between the FHP and other agencies, as well as readiness for emergency response are just two examples of the general law enforcement support role provided by the FHP.

Daily support to local law enforcement

Countless times each day, FHP troopers assist Federal, state, and local law enforcement officers during the normal course of their duties. A routine backup for an officer on a traffic stop, requests for traffic assistance, and assistance on perimeters are just some of the examples where the FHP interacts with other agencies on a daily basis.

Mutual aid

Restricting FHP's jurisdiction to SHS or FIHS roadways would hinder Florida's response to emergency situations such as riots, man-hunts, special events (Republican National Convention, Summit of the Americas, TAA) and large scale public gatherings (Spring Break, Daytona Races, Superbowl, World Cup), in addition to limiting assistance available to other law enforcement agencies, during such events.

The FHP plays an integral part in Florida's Comprehensive Emergency Management Plan and limiting jurisdiction will greatly reduce the level of service expected and necessary to mitigate and respond to a disaster. The FHP constitutes 56% of the State Law Enforcement response under the matrix used by the State Emergency Operations Center (EOC).

Specialized law enforcement missions

The FHP possesses specialized capabilities that may not be present in all agencies or areas of the state. Traffic enforcement, DUI enforcement, crash investigation, commercial vehicle enforcement, dignitary protection, and criminal investigations associated with the transportation system are examples of where the FHP is unique. The following sections describe these functions, with the assumption that other state or local law enforcement agencies would be required to acquire expertise and dedicate resources should the jurisdiction of the FHP be restricted.

Expertise in traffic enforcement

A statewide law enforcement agency, dedicated to traffic enforcement, is valuable for advancing a "safety culture" on Florida roadways. A statewide effort ensures continuity with state and national traffic safety programs. Local traffic safety programs and partnerships are important to a comprehensive strategy and many local agencies do an excellent job with professional traffic safety programs. There are instances, however, when local law enforcement agencies must prioritize response to crimes and other calls for service, sometimes at the expense of traffic initiatives. The expertise provided by the FHP serves to reduce the impact when local agencies must make such choices.

DUI Enforcement

Impaired drivers pose a measurable public risk that rivals violent crime and terrorism. Each year, thousands of people are victims of impaired drivers on Florida's roadways. Detecting, arresting, and prosecuting these criminals is a difficult task, requiring officer training and institutional support. Full-time DUI squads, part-time DUI efforts, and a focus on routine patrol are ways that the FHP brings to bear resources on the problem. Many of these specialized units operate on local roads where impaired drivers are most common. Limiting FHP jurisdiction would jeopardize the ability of the agency to assist local law enforcement with this important function.

Expertise in crash investigation

Many local agencies, particularly in rural communities, do not possess the experience to investigate traffic crashes. Each FHP member has advanced training and the agency equips each with mobile computers to complete crash reports. The electronic crash reports completed by the FHP have an error rate of less than 1%.

The FHP currently investigates 58% of the fatal traffic crashes in Florida. Traffic homicide investigations are significantly more complex than a normal traffic crash, involving the collection and preservation of evidence, application of computations for vehicle dynamics, and in some cases prosecution of manslaughter or vehicular homicide charges. Many Florida agencies have training investigators, but changing FHP jurisdiction would have a profound impact since fatal crashes typically require weeks to investigate and complete.

An impartial crash investigation is a tremendous asset to a Sheriff or police chief when one of their vehicles is involved. The FHP provides this service to many agencies around the state and restricting jurisdiction would preclude them from this service. Between 2005 and 2008, the FHP investigated 4,784 crashes involving other agencies.

Commercial Vehicle Enforcement (CVE)

The agency's MCSAP Commercial Vehicle Safety Plan, deals with CMV safety on all roadways within the state and specifically addresses urban roads as a "Program Requirement". If limited to state roads and highways, it would severely hamper enforcement efforts of the Federal Motor Carrier Safety Regulations that apply to CMV's on all roads urban, rural as well as interstate highways. It would also severely restrict CVE's enforcement of Hazardous material regulations of transportation on local roadways. In many cases a HAZMAT shipper/carrier may be located in an area where jurisdiction may be limited and not travel a roadway within the restricted jurisdictional limit. The HM is still subject to Federal Motor Carrier Safety Regulations that FHP/CVE is tasked with enforcing. This would also jeopardize approximately \$10 million in Federal MCSAP Funds.

The FHP CVE function is charged with protecting the critical infrastructure (roads and bridges) of the state to protect them from premature damage caused by overweight vehicles; additionally some of the bridges within the states' authority are not on or off of state roads. They have been constructed by FDOT for a city or county that does not have the resources to build or maintain the structure. Limiting jurisdiction would hamper enforcement efforts and jeopardize FDOT's State Enforcement Plan that is annually certified and submitted to FHWA of which we are the mobile enforcement component. Failure to maintain our enforcement goals and have an effective weight enforcement program could result in a loss of Federal Highway Funds starting at approx. \$190 million dollars annually and escalating to approximately \$1.9 billion dollars annually if the deficiencies are not corrected.

Members of the regulated industry may take advantage of limited FHP jurisdictional authority by rerouting loads and shipments to avoid being weighed, thereby causing excessive damage to local roads and bridges jeopardizing public safety.

Dignitary Protection

By Florida law, the FHP is charged with providing security for the Lieutenant Governor. In addition, the agency has assisted the Florida Department of Law enforcement, when requested, with security at the Capital, security for visiting governors, and security for the Florida Supreme Court. The FHP has a significant role in all visits by the President and Vice President of the United States, as well as motorcade support for Cabinet-level members and visiting international dignitaries.

Criminal investigations

The FHP houses a relatively small criminal investigative function called the Bureau of Criminal Investigations and Intelligence (BCII). This specialized group of sworn investigators and civilian analysts focus on criminal investigations that relate to the agency’s licensing and titling functions, as well as select criminal offenses related to motor vehicles and/or highway transportation. There are currently 54 investigator positions assigned (14 Lt., 14 Sgt., 8 Corporal, 18 Trooper), 42 of which are filled and 12 vacant. There are plans to downgrade some of these positions to trooper in the near future.

FHP BCII investigators rely on statewide jurisdiction to complete their investigative work. Most driver license (DL) offices, tag offices, and other locations that are frequented during investigative work are not on the roadway networks defined in the charge. Limiting the jurisdiction of the agency and its officers to those roadways would consequently shift about 1,600 annual criminal investigations to other agencies. The table below depicts annual averages for select investigative activities for BCII.

Table 2 – Average Annual Criminal Investigations Conducted by FHP BCII, By Type

Case Type	Annual Average
AUTO THEFT - FROM GHQ	71
AUTO THEFT - FROM THE FIELD	169
DL FRAUD	703
DL FRAUD (DIVISION)	287
ID THEFT	33
ODOMETER FRAUD	29
TASK FORCE ACTIVITY - CARGO THEFT	27
TITLE FRAUD	110
ALL OTHER	172
Grand Totals	1428

Source: FHP BCII 2010 and 2011 YTD

Shift in crash investigation workload to other agencies under SHS and FIRS models

Crash data is provided by the DHSMV to the FDOT Safety Office for storage and analysis in their CAR (Crash Reporting System) database. Because FDOT geocodes the crash reports to the SHS, building queries for that roadway network is possible. The FDOT FIHS inventory of roadways can be applied as an additional filter to produce statistics for that network.

For this project, all long-form traffic crashes completed by all agencies for the calendar years 2009 and 2010 formed the population for analysis. Short format crash reports are not tabulated by the state. Short form reports are allowed when there are no injuries, and no criminal traffic offenses present (DUI, leaving the scene, etc.). For the last year counted (2009), the DHSMV indicates that the statewide ratio of short form to long form reports was 1.16 to 1. While it would be easy to assume that the total number of Florida traffic crashes is slightly more than double those captured in the long form data set, we cannot be certain of the number, nor the breakdown of short form reports by roadway classification.

There are an average 312,685 long form traffic crash reports completed each year by Florida agencies. The Florida Highway Patrol currently investigates 32 percent of those crashes, County Sheriffs 23 percent, and municipal and other agencies 45 percent.

For all practical purposes, the FHP currently investigates all traffic crashes in the unincorporated areas of 24 counties, and in an additional 26 counties, the majority of crashes. In 17 counties, the Sheriff's Office conducts more crash investigations than the FHP. Limiting the FHP to roadways in the SHS or FIHS would shift that workload. In some instances the FHP would assume additional responsibilities, but in most, work would shift to the Sheriff's Office.

State Highway System (SHS) Jurisdiction Limitation

Restricting the FHP to the State Highway System would shift 7,733 long form crashes and 274 fatal crashes to Sheriff's Offices.

Limiting the FHP to roadways in the SHS would require the agency shift resources in various counties. The total shift in workload would be approximately 7,733 long form traffic crash investigations. The FHP would reduce its crash investigation role in 50 counties, shifting that work to the local Sheriff's Office. In the remaining 17 counties, the FHP would actually increase investigative responsibilities. While the net changes in workload do not appear that great (FHP would work 30% of the statewide total as opposed to the

current 32%), *where* those changes occur would be significant. In a number of the 50 counties affected, there is little or no crash investigation expertise within the Sheriff's Office to assume those duties. In many rural counties, limited Sheriff's Office staffing and large geographical patrol areas mean added crash investigation duties could diminish response to other law enforcement calls for service. Appendix B is a table that reflects the shift in long form traffic crash workload, by county if the SHS model is adopted. (Jurisdiction Team Pack\FHP on SHS Roads Only.pdf) Table 3 is a summary of the shift in crashes under the SHS model.

Table 3 – Distribution of Traffic Crash Investigations if SHS Jurisdiction Change is Made

	Current Annual Distribution				If SHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	312685	100932	71338	140415	93199	79294	140193
Percent of Total		32%	23%	45%	30%	25%	45%

Traffic Homicide Investigations Shift Under SHS Jurisdiction Limitation

Under the statewide SHS jurisdiction model, traffic homicide investigation responsibilities for approximately 274 crashes would shift to county Sheriffs. This represents an increase in workload of the

Sheriffs statewide of 42%. Appendix C is a table that reflects the shift in fatal traffic crash investigations, by county, if the SHS model is adopted. (Jurisdiction Team Pack\FHP Fatal on SHS Roads Only.pdf) Table 4 is a summary of the shift in fatal crash investigations under the SHS model.

Table 4 – Distribution of Fatal Traffic Crash Investigations if SHS Jurisdiction Change is Made

	Current Annual Distribution				If SHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	2322	1342	380	600	1068	654	600
Percent of Total		58%	16%	26%	46%	28%	26%

Florida Intrastate Highway System (FIHS) Jurisdiction Limitation

Limiting the FHP to roadways in the FIHS would eliminate any FHP presence in seven counties (Calhoun, Liberty, Gulf, Franklin Wakulla, Lafayette and Union), since there are no FIHS roadways present. FHP currently works all of the traffic crashes in these counties, except Lafayette. Two additional counties (Clay and Monroe) would effectively have no FHP presence since there are only a couple of miles of FIHS in those counties.

The need for and presence of the FHP in almost all Florida counties would be reduced, with the exception of three counties (Citrus, Duval, and Hendry). A dramatic shift in traffic crash investigation responsibilities would result, with an estimated 61,895 long form crashes being assumed by the local sheriffs (not including an estimated equal number of short form reports). This represents a 47% increase in crash investigation responsibilities for Sheriffs statewide. The division of crash responsibilities for FHP, Sheriffs, and local agencies would be 14%, 43% and 43% respectively, under the FIHS jurisdiction model. Appendix D is a table that reflects the shift in long form traffic crash workload, by county if the FIHS jurisdiction limitation is imposed. (Jurisdiction Team Pack\FIHS Crash Changes.pdf) Table 5 is a summary of the shift in crashes under the FIHS model.

No troopers would be assigned to 9 counties if the FHP were restricted to the Florida Intrastate Highway System. Sheriffs statewide would pick up 47% more crashes and nearly triple current traffic homicides.

Table 5 – Distribution of Traffic Crash Investigations if FIHS Jurisdiction Change is Made

	Current Annual Distribution				If FIHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	312685	100932	71338	140415	45242	133233	134210
Percent of Total		32%	23%	45%	14%	43%	43%

Traffic Homicide Investigations Shift Under FIHS Jurisdiction Limitation

As under the crash investigation model, traffic homicide investigation duties would also shift in a significant way. According to the two-year average (2009-2010), the FHP currently works 58% of fatal

traffic crashes in the state. If limited to FIHS roadways, the FHP would be responsible for 828 less fatal traffic crashes each year, and that overall percentage would fall to 22% of the total. The portion handled by Sheriff’s Offices would nearly triple to an estimated 1,237 annually. Appendix E is a table that shows the shift in fatal traffic crash investigations, by county, if the FIHS jurisdictional limit is imposed upon the FHP. (Jurisdiction Team Pack\FIHS Fata Crashes.pdf) Table 6 is a summary of the shift in fatal crash investigations under the FIHS model.

Table 6 – Distribution of Fatal Traffic Crash Investigations if FIHS Jurisdiction Change is Made

	Current Annual Distribution				If FIHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	2322	1342	380	600	514	1237	571
Percent of Total		58%	16%	26%	22%	53%	25%

5 USING “AREA OF RESPONSIBILITY” IN LIEU OF “JURISDICTION”

The estimated impacts of limiting the statutory “jurisdiction” of the Florida Highway Patrol were outlined in the preceding section. A less strict interpretation may define “jurisdiction” as “area of responsibility”. This concept would preserve the current statutory *authority* of the agency and its officers, but introduce guidance concerning where the agency operates within the state. Such a concept is viewed by the team as beneficial since it would improve the effectiveness of the FHP, while not hindering a valuable state resource.

If the FHP were to adopt a resource allocation methodology that reduces its geographic footprint, greater efficiency and equity can result. Efficiency gains would create more manageable response times, and articulable basis for strategy. Equity improvements would result in a more even distribution of personnel among the 67 counties.

The FHP needs a staffing plan that allocates and maximizes current resources. This plan seeks to distribute the law enforcement FTEs of the FHP to most efficiently handle the current workload with known calls for service. The assumption is that better resource allocation will improve response times, and equalize availability for unobligated patrol and proactive enforcement.

A standardization of “areas of responsibility” or roadways patrolled by the FHP is essential to the development of a standardized resource deployment approach. The agency does not have sufficient resources to work all traffic crashes in unincorporated areas of Florida counties. If the agency reduces its area of patrol to just state roads (those that comprise the SHS), significant work will shift to local agencies, particularly in rural communities. Something between those extremes would involve a “tiered approach”, where the agency strategically classifies counties and consequently the roadways obligated to the FHP for crash investigation. A “two-tiered” and a “three-tiered” approach are described in the following sections.

The two-tiered model categorizes Florida’s 67 counties as rural or not rural. In the 32 counties that are defined as rural, the FHP would be responsible for traffic crash investigation responsibilities on all unincorporated roadways, to include state and county roads. In the remaining 35 counties, the FHP would be responsible for investigation of traffic crashes only on roadways in the SHS.

The three-tiered model is identical to the two-tiered model, with the exception that the six urbanized counties are segregated, and the FHP reduces its roadway obligation to Interstate highways, expressways, and certain Federal primary aid highways. The reduced set of roadways in the urban counties are the Florida Intrastate Highway System (FIHS). Figures 4 and 5 are graphic representation of the Florida counties and roadway networks in the two and three-tier system respectively.

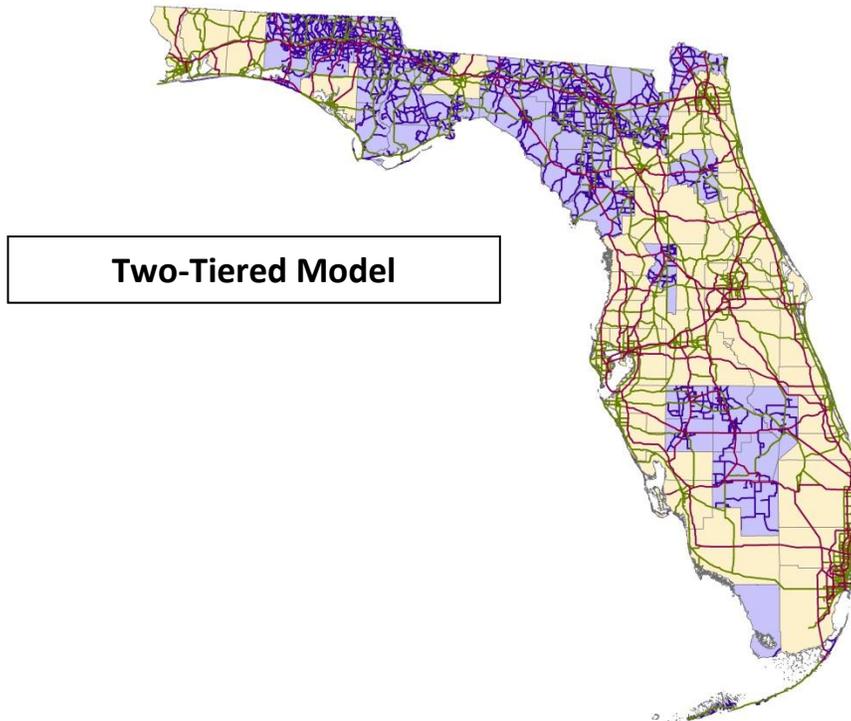


Figure 4 – Two-Tiered Model of County and Roadway Classification

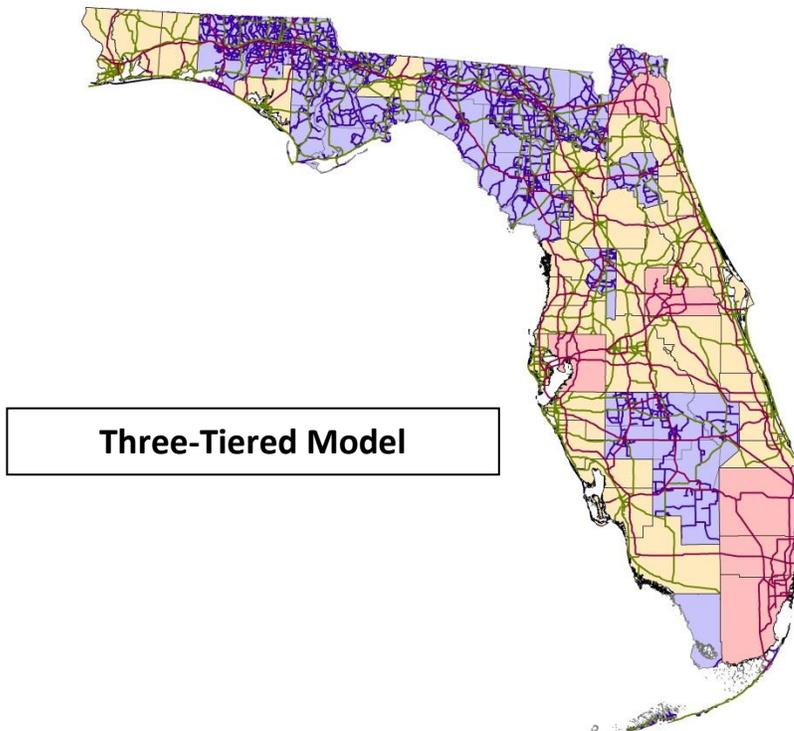


Figure 5 – Three-Tiered Model of County and Roadway Classification

Having identified which roadways the FHP will patrol, projecting crash investigation demands is a simple matter of examining the historical numbers in the statewide crash data set for those roadways. Table 7 shows the current, two-tier, and three-tier distribution of crashes by agency type. Appendix F and G are tables that project the crash investigation distribution under the two and three tier models. (Jurisdiction Team Pack\2T Crashes Table.pdf)(Jurisdiction Team Pack\3T Crashes Table.pdf)

Table 7 – Crash Investigation Distribution

Current Annual Distribution			2 Tier Distribution			3 Tier Distribution		
FHP	SO	CPD	FHP	SO	CPD	FHP	SO	CPD
100,932	71,338	140,415	98,808	73,463	140,415	68,649	103,621	140,415
32%	23%	45%	32%	23%	45%	22%	33%	45%

Based on those projections, the agency can compute statewide workload, average that projection against available trooper full-time equivalent (FTEs), and subsequently determine how many FTEs to allocate to each county. The computational methodology calculates the projected number of FHP crashes statewide and divides that by the available FTEs to arrive at an annual average number of crashes per FTE. That average is then divided back into the county-level FHP crash projection, to provide a projected FTE requirement for the county. A minimum of 5 FTEs per county is imposed to accommodate acceptable scheduling and relief factors.

The methodology advanced herein can be reviewed by the FHP for possible modification or implementation.

Sheriff Opt-Out Provision

Each Florida Sheriff is the chief law enforcement officer for their respective county. While the proposed methodology for FHP resource allocation is designed to standardize the Patrol’s approach, it is understood that individual Sheriffs should have a say in the overall approach to traffic safety in their community. Where the inclusive model is prescribed (FHP works all crashes on unincorporated state and local roadways in the county), the respective county Sheriff may elect to reduce the FHP staffing to the minimum model (SHS roadways), upon written mutual agreement between the agencies. The minimum FHP allocation model for any county will be the SHS roadway model.

6 CONCLUSIONS AND RECOMMENDATIONS

If the FHP were restricted to SHS roadways, the agency would work fewer crashes in 50 counties as 7,733 long-form crash reports would shift to the local Sheriffs. Rural areas would be inordinately impacted, since the Sheriffs often work few crashes because of limited resources. Two hundred and seventy-four (274) fatal crash investigations would shift to the Sheriffs, increasing their current traffic homicide caseload by 42%.

If restricted to the FIHS roadway network, the shift of work from the FHP to local Sheriffs would be even more pronounced. There are 7 counties with no FIHS roadways, and 2 more with almost no FIHS mileage. Statewide, Sheriffs would pick up 47% more crashes as the FHP portion of statewide crash responsibility falls from 32% to 14%. Fatal traffic crashes worked by local Sheriffs would nearly triple to 1,237 annually.

If the jurisdiction of the Florida Highway Patrol were changed, their ability to conduct traffic crash investigations and traffic enforcement on local roadways would cease. They could not engage in important commercial vehicle enforcement (CVE), investigate license and vehicle fraud, and assist local agencies with complex criminal traffic investigations. Most importantly, the FHP would not be able to assist local government with special events/activities requiring additional law enforcement personnel, and the response to natural and other disasters would be hampered.

There was a consensus on the FHP Jurisdiction Team, that changing the statutory authority of the FHP and/or its troopers would be detrimental to public service and public safety in Florida. With that said, it was also held that the FHP needs to adopt a resource allocation strategy to equitably distribute personnel throughout the state. Such a strategy should 1) categorize counties, based on population, 2) identify roadways to be patrolled within those categories, and 3) equally allocate trooper resources, based on projections of crashes for each county. Roadways of the SHS and FIHS may be good candidates for inclusion in such a plan, but the FHP approach should be viewed as defining “area of responsibility” and not statutory “jurisdiction”.

Recommendations:

1. The statutory authority of the FHP and its officers should not be limited, since this would unduly restrict the agency in the performance of duties, adversely impact assistance to local governments, and diminish public safety.
2. The FHP should implement a “tiered approach” for patrol resource allocation that considers an equitable distribution of traffic crash investigation and patrol resources. Such an approach should 1) classify counties according to population 2) identify roadway networks to be patrolled by the FHP and 3) allocate/re-allocate current resources according to the projected traffic crash workload.

Appendix

- A FHP Resource Allocation Plan Pack\Local Agency Crash Role.pdf
- B FHP Resource Allocation Plan Pack\FHP on SHS Roads Only.pdf
- C FHP Resource Allocation Plan Pack\FHP Fatals on SHS Roads Only.pdf
- D FIHS Crash Changes.pdf
- E FIHS Fatal Crashes.pdf
- F FHP Resource Allocation Plan Pack\2T Crashes Table.pdf
- G FHP Resource Allocation Plan Pack\3T Crashes Table.pdf

Appendix A - Local Agency Crash Role (As of Spring 2011)

County	Regularly investigates	Will Assist	Will not assist	Notes
Alachua	X			Routinely investigates minor crashes (FHP investigates serious and fatals)
Baker		X		Will complete Short Form if a Trooper is not available
Bay		X		Will complete Short Form if a Trooper is not available
Bradford			X	None
Brevard		X		Will complete Short Form if a Trooper is not available
Broward	X			Will complete Long and Short Forms if Trooper is not available
Calhoun			X	None
Charlotte	X			Will complete Long and Short Forms if Trooper is Not Available
Citrus		X		Will complete Long and Short Forms if Trooper is not available (Mostly minor)
Clay	X			SO handles crashes; FHP investigates US17 and SR21 and most all fatals
Collier	X			Will complete Long and Short Forms if Trooper is Not Available
Columbia		X		Will complete Short Form if a Trooper is not available
Desoto			X	None
Dixie		X		Will complete Short Form if a Trooper is not available
Duval	X			SO investigates everywhere except on Interstates and Expressways
Escambia			X	None
Flagler	X			SO investigates everywhere except on I-95 and SR but does not investigate Fatals
Franklin			X	None
Gadsden			X	None
Gilchrist			X	None
Glades		X		Will complete Short Form if a Trooper is not available
Gulf			X	None
Hamilton			X	None
Hardee		X		Will complete Short Form if a Trooper is not available
Hendry		X		Will complete Short Form if a Trooper is not available
Hernando		X		Will complete Long and Short Forms if Trooper is not available (Mostly minor)
Highlands	X			Will complete Short Form if a Trooper is not available
Hillsborough	X			Will complete Long & Short Forms, and all crashes not on state roads
Holmes			X	None
Indian River	X			Will complete Long and Short Forms if Trooper is not available
Jackson		X		Will complete Short Form if a Trooper is not available
Jefferson			X	None
Lafayette	X			Routinely investigates minor and some serious crashes if no Trooper is available
Lake		X		Will complete Short Form if a Trooper is not available
Lee	X			Will complete Long and Short Forms if Trooper is Not Available
Leon	X			Will complete Long and Short Forms if Trooper is not Available
Levy			X	None
Liberty			X	None
Madison			X	None
Manatee		X		Will complete Short Form if a Trooper is not available
Marion			X	None
Martin	X			Will complete Long and Short Forms if Trooper is Not Available
Miami-Dade	X			Will complete Long and Short Forms but only in their areas.
Monroe	X			Will complete Long and Short Forms if Trooper is Not Available
Nassau		X		Will complete Short Form if a Trooper is not available
Okaloosa		X		Will investigate Short Form Crashes
Okeechobee	X			Will complete Long and Short Forms if Trooper is Not Available
Orange			X	None
Osceola		X		Will complete Short Form if a Trooper is not available
Palm Beach	X			Will complete Long and Short Forms if Trooper is Not Available
Pasco		X		SO investigates gated communities (occasionally investigates minor)
Pinellas	X			Will complete Long and Short Forms if Trooper is not available (Mostly minor)
Polk	X			Will complete Long and Short Forms if Trooper is not available (Mostly minor)
Putnam		X		Will complete Short Form if a Trooper is not available
Santa Rosa		X		Will investigate Short Form Crashes
Sarasota	X			Will complete Long and Short Forms if Trooper is Not Available
Seminole		X		Will complete Short Forms if Trooper is Not Available
St. Johns	X			SO investigates everywhere except on Interstates and SR, occassional fatal
St. Lucie	X			Will complete Long and Short Forms if Trooper is Not Available
Sumter		X		Will complete Long and Short Forms if Trooper is not available (Mostly minor)
Suwannee		X		Will complete Short Form if a Trooper is not available
Taylor			X	None
Union			X	None
Volusia		X		Will complete Short Form if a Trooper is not available
Wakulla	X			will complete long and short forms if Trooper is not available
Walton		X		Will complete Short Form if a Trooper is not available
Washington		X		Will complete Short Form if a Trooper is not available

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Appendix B

County	Current Annual Distribution				If SHS Change Made		
	Total Crashes	FHP	SO	PD	FHP	SO	PD
ALACHUA	6173	2051	256	3866	1463	850	3861
BAKER	352	271	73	9	168	176	9
BAY	4324	804	161	3360	445	522	3358
BRADFORD	414	208	9	197	114	104	197
BREVARD	5660	2574	184	2902	1636	1126	2898
BROWARD	34856	4439	9135	21283	8393	5208	21256
CALHOUN	112	95	1	16	50	46	16
CHARLOTTE	1736	396	1221	120	636	983	118
CITRUS	1321	394	900	27	583	713	25
CLAY	1845	491	1092	263	737	847	262
COLLIER	2185	528	1246	411	559	1217	409
COLUMBIA	1158	890	1	268	549	345	265
DE SOTO	312	234	2	77	123	113	77
DIXIE	151	128	17	7	68	77	7
DUVAL	17063	2451	13678	935	8895	7242	927
ESCAMBIA	6543	4076	3	2464	2582	1499	2463
FLAGLER	805	344	379	82	302	422	81
FRANKLIN	101	95	1	6	55	41	6
GADSDEN	668	579	0	89	330	249	89
GILCHRIST	134	122	8	5	50	80	5
GLADES	181	63	105	14	93	75	14
GULF	83	60	0	23	33	28	23
HAMILTON	217	188	1	29	120	69	29
HARDEE	348	230	2	116	129	104	116
HENDRY	294	114	114	67	101	126	67
HERNANDO	1638	866	619	154	663	822	154
HIGHLANDs	804	498	45	261	275	269	260
HILLSBOROUGH	22275	7407	8167	6702	8658	6922	6695
HOLMES	165	160	2	3	84	79	3
INDIAN RIVER	1219	326	552	342	420	459	340
JACKSON	571	450	1	121	246	205	121
JEFFERSON	187	172	4	11	112	65	11
LAFAYETTE	55	43	11	2	28	26	2
LAKE	3233	1222	116	1896	668	671	1895
LEE	6054	1096	1472	3487	1054	1520	3481
LEON	6644	847	1115	4683	968	995	4682
LEVY	481	312	44	126	165	191	126
LIBERTY	90	87	2	2	35	54	2
MADISON	411	266	0	146	167	99	146
MANATEE	5233	3446	325	1463	2127	1646	1461
MARION	3895	2546	4	1346	1157	1394	1345
MARTIN	1728	476	899	354	818	557	353
MIAMI-DADE	67759	14040	14230	39489	16689	11659	39411
MONROE	1551	516	360	675	533	347	671

Appendix B

NASSAU	681	89	486	106	309	266	106
OKALOOSA	2702	1126	299	1278	986	444	1273
OKEECHOBEE	409	82	240	87	194	130	86
ORANGE	20077	12981	36	7060	5708	7313	7056
OSCEOLA	3532	2468	44	1020	1062	1454	1017
PALM BEACH	15838	3408	6157	6273	5612	3961	6265
PASCO	7204	6077	53	1074	2846	3285	1073
PINELLAS	20238	5190	2894	12154	3822	4268	12148
POLK	6964	2422	1828	2714	2165	2088	2711
PUTNAM	967	631	134	203	367	398	203
SANTA ROSA	1673	1409	2	262	823	589	261
SARASOTA	4226	1829	466	1932	1246	1058	1923
SEMINOLE	2951	1284	163	1505	772	677	1503
ST JOHNS	1883	1033	497	354	1035	496	353
ST LUCIE	2714	526	441	1748	673	297	1745
SUMTER	810	699	24	88	414	309	88
SUWANNEE	477	349	30	99	188	194	96
TAYLOR	600	147	0	454	70	77	454
UNION	126	108	15	4	69	54	4
VOLUSIA	6388	1835	594	3959	1252	1182	3955
WAKULLA	314	160	141	13	118	184	13
WALTON	699	348	251	100	330	271	98
WASHINGTON	195	150	2	44	79	73	44

	Current Annual Distribution				If SHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	312685	100932	71338	140415	93199	79294	140193
Percent of Total		32	23	45	0	0	0

Appendix C

County	Current Annual Distribution				FHP on SHS Roads Only		
	Total Crashes	FHP	SO	PD	FHP	SO	PD
ALACHUA	26	16	0	11	13	3	11
BAKER	10	10	0	0	7	3	0
BAY	22	15	0	8	9	6	8
BRADFORD	7	7	0	0	5	2	0
BREVARD	58	34	1	23	25	10	23
BROWARD	173	43	37	94	69	11	94
CALHOUN	4	4	0	0	4	1	0
CHARLOTTE	23	23	0	1	13	10	1
CITRUS	26	24	2	1	11	15	1
CLAY	14	8	5	1	6	7	1
COLLIER	36	30	3	3	16	17	3
COLUMBIA	24	22	0	2	15	8	2
DE SOTO	5	5	0	1	3	2	1
DIXIE	4	4	0	0	2	2	0
DUVAL	105	49	53	3	73	29	3
ESCAMBIA	37	34	0	3	23	12	3
FLAGLER	16	16	0	1	10	6	1
FRANKLIN	4	4	0	0	3	2	0
GADSDEN	11	11	0	1	7	4	1
GILCHRIST	4	3	0	1	2	2	1
GLADES	4	4	0	0	3	1	0
GULF	3	3	0	1	1	2	1
HAMILTON	7	7	0	0	3	4	0
HARDEE	11	10	0	1	8	2	1
HENDRY	12	10	1	1	4	8	1
HERNANDO	28	27	1	1	14	14	1
HIGHLANDs	15	12	0	3	7	5	3
HILLSBOROUGH	141	50	52	39	53	50	39
HOLMES	4	4	0	0	3	2	0
INDIAN RIVER	21	16	2	3	11	7	3
JACKSON	16	16	0	0	9	7	0
JEFFERSON	4	4	0	0	3	2	0
LAFAYETTE	2	2	0	0	2	0	0
LAKE	41	28	0	13	14	14	13
LEE	67	40	8	19	27	21	19
LEON	29	11	6	13	9	8	13
LEVY	12	11	0	2	7	4	2
LIBERTY	2	2	0	0	1	1	0
MADISON	6	6	0	0	4	2	0
MANATEE	39	31	0	8	22	10	8
MARION	61	53	0	8	24	29	8
MARTIN	28	24	1	3	18	8	3
MIAMI-DADE	237	71	79	88	92	59	87
MONROE	20	16	0	4	14	3	4

Appendix C

NASSAU	15	14	1	0	9	6	0
OKALOOSA	20	14	2	5	11	5	5
OKEECHOBEE	13	8	5	0	10	3	0
ORANGE	130	99	1	30	57	43	30
OSCEOLA	39	33	0	7	17	16	7
PALM BEACH	131	27	64	40	49	42	40
PASCO	72	64	1	7	40	26	7
PINELLAS	94	27	10	58	24	13	58
POLK	83	25	38	21	40	22	21
PUTNAM	20	19	0	1	11	9	1
SANTA ROSA	21	20	0	2	15	5	2
SARASOTA	37	27	0	10	18	9	10
SEMINOLE	26	17	0	10	9	8	10
ST JOHNS	22	16	4	3	13	6	3
ST LUCIE	31	12	3	16	12	3	16
SUMTER	17	17	0	1	9	8	1
SUWANNEE	11	11	0	0	4	7	0
TAYLOR	7	5	0	2	3	2	2
UNION	6	6	0	0	4	2	0
VOLUSIA	92	50	3	39	36	17	39
WAKULLA	4	3	1	0	3	2	0
WALTON	21	20	0	1	18	2	1
WASHINGTON	6	6	0	1	5	1	1

	Current Annual Distribution				If SHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	2322	1342	380	600	1068	654	600
Percent of Total		58%	16%	26%	46%	28%	26%

County	Current Annual Distribution				If FIHS Change Made		
	Total Crashes	FHP	SO	PD	FHP	SO	PD
ALACHUA	6173	2051	256	3866	1483	1231	3460
BAKER	352	271	73	9	67	279	7
BAY	4324	804	161	3360	270	799	3255
BRADFORD	414	208	9	197	131	163	121
BREVARD	5660	2574	184	2902	768	2043	2849
BROWARD	34856	4439	9135	21283	3980	9824	21053
CALHOUN	112	95	1	16	23	78	12
CHARLOTTE	1736	396	1221	120	124	1494	119
CITRUS	1321	394	900	27	463	838	20
CLAY	1845	491	1092	263	24	1559	263
COLLIER	2185	528	1246	411	307	1492	386
COLUMBIA	1158	890	1	268	262	638	259
DE SOTO	312	234	2	77	137	137	39
DIXIE	151	128	17	7	53	98	0
DUVAL	17063	2451	13678	935	2653	13545	866
ESCAMBIA	6543	4076	3	2464	433	3664	2447
FLAGLER	805	344	379	82	145	581	80
FRANKLIN	101	95	1	6	0	96	6
GADSDEN	668	579	0	89	152	429	88
GILCHRIST	134	122	8	5	32	100	2
GLADES	181	63	105	14	59	109	13
GULF	83	60	0	23	0	60	23
HAMILTON	217	188	1	29	91	98	28
HARDEE	348	230	2	116	127	156	66
HENDRY	294	114	114	67	118	123	54
HERNANDO	1638	866	619	154	581	923	134
HIGHLANDs	804	498	45	261	362	300	143
HILLSBOROUGH	22275	7407	8167	6702	4123	11714	6438
HOLMES	165	160	2	3	34	129	3
INDIAN RIVER	1219	326	552	342	212	670	338
JACKSON	571	450	1	121	97	357	117
JEFFERSON	187	172	4	11	74	107	7
LAFAYETTE	55	43	11	2	0	54	2
LAKE	3233	1222	116	1896	887	854	1493
LEE	6054	1096	1472	3487	744	2215	3095
LEON	6644	847	1115	4683	369	1674	4601
LEVY	481	312	44	126	149	252	81
LIBERTY	90	87	2	2	0	88	2
MADISON	411	266	0	146	109	157	145
MANATEE	5233	3446	325	1463	460	3317	1456
MARION	3895	2546	4	1346	779	1908	1209
MARTIN	1728	476	899	354	397	987	344
MIAMI-DADE	67759	14040	14230	39489	7742	20985	39032
MONROE	1551	516	360	675	99	781	671

NASSAU	681	89	486	106	153	423	105
OKALOOSA	2702	1126	299	1278	385	1149	1168
OKEECHOBEE	409	82	240	87	125	223	62
ORANGE	20077	12981	36	7060	2265	11577	6236
OSCEOLA	3532	2468	44	1020	595	2052	885
PALM BEACH	15838	3408	6157	6273	3032	6725	6081
PASCO	7204	6077	53	1074	1734	4662	808
PINELLAS	20238	5190	2894	12154	2037	6644	11557
POLK	6964	2422	1828	2714	1600	3101	2264
PUTNAM	967	631	134	203	193	629	145
SANTA ROSA	1673	1409	2	262	444	981	248
SARASOTA	4226	1829	466	1932	662	1845	1720
SEMINOLE	2951	1284	163	1505	348	1123	1480
ST JOHNS	1883	1033	497	354	361	1174	349
ST LUCIE	2714	526	441	1748	484	521	1709
SUMTER	810	699	24	88	316	418	77
SUWANNEE	477	349	30	99	79	302	97
TAYLOR	600	147	0	454	117	66	418
UNION	126	108	15	4	0	122	4
VOLUSIA	6388	1835	594	3959	813	1704	3871
WAKULLA	314	160	141	13	0	301	13
WALTON	699	348	251	100	320	319	60
WASHINGTON	195	150	2	44	71	82	42

	Current Annual Distribution				If FIHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	312685	100932	71338	140415	45242	133233	134210
Percent of Total		32%	23%	45%	14%	43%	43%

County	Current Annual Distribution				If FIHS Change Made		
	Total Crashes	FHP	SO	PD	FHP	SO	PD
ALACHUA	26	16	0	11	9	8	10
BAKER	10	10	0	0	3	8	0
BAY	22	15	0	8	7	9	7
BRADFORD	7	7	0	0	2	5	0
BREVARD	58	34	1	23	15	21	22
BROWARD	173	43	37	94	42	38	93
CALHOUN	4	4	0	0	0	4	0
CHARLOTTE	23	23	0	1	5	18	1
CITRUS	26	24	2	1	7	19	1
CLAY	14	8	5	1	1	12	1
COLLIER	36	30	3	3	9	25	3
COLUMBIA	24	22	0	2	8	15	2
DE SOTO	5	5	0	1	3	3	0
DIXIE	4	4	0	0	2	2	0
DUVAL	105	49	53	3	23	80	2
ESCAMBIA	37	34	0	3	7	28	3
FLAGLER	16	16	0	1	4	12	1
FRANKLIN	4	4	0	0	0	4	0
GADSDEN	11	11	0	1	2	9	1
GILCHRIST	4	3	0	1	1	3	0
GLADES	4	4	0	0	2	2	0
GULF	3	3	0	1	0	3	1
HAMILTON	7	7	0	0	2	5	0
HARDEE	11	10	0	1	7	4	0
HENDRY	12	10	1	1	3	8	1
HERNANDO	28	27	1	1	12	16	1
HIGHLANDs	15	12	0	3	9	6	1
HILLSBOROUGH	141	50	52	39	20	84	38
HOLMES	4	4	0	0	2	3	0
INDIAN RIVER	21	16	2	3	9	10	3
JACKSON	16	16	0	0	4	13	0
JEFFERSON	4	4	0	0	3	2	0
LAFAYETTE	2	2	0	0	0	2	0
LAKE	41	28	0	13	13	20	9
LEE	67	40	8	19	8	43	17
LEON	29	11	6	13	4	13	13
LEVY	12	11	0	2	5	7	0
LIBERTY	2	2	0	0	0	2	0
MADISON	6	6	0	0	3	3	0
MANATEE	39	31	0	8	11	21	8
MARION	61	53	0	8	14	39	8
MARTIN	28	24	1	3	9	16	3
MIAMI-DADE	237	71	79	88	42	109	87
MONROE	20	16	0	4	5	12	4

NASSAU	15	14	1	0	7	8	0
OKALOOSA	20	14	2	5	3	13	5
OKEECHOBEE	13	8	5	0	3	10	0
ORANGE	130	99	1	30	15	88	27
OSCEOLA	39	33	0	7	12	22	6
PALM BEACH	131	27	64	40	21	70	40
PASCO	72	64	1	7	20	48	4
PINELLAS	94	27	10	58	11	27	57
POLK	83	25	38	21	14	50	20
PUTNAM	20	19	0	1	3	16	1
SANTA ROSA	21	20	0	2	9	11	2
SARASOTA	37	27	0	10	10	18	9
SEMINOLE	26	17	0	10	2	15	10
ST JOHNS	22	16	4	3	4	15	3
ST LUCIE	31	12	3	16	9	6	16
SUMTER	17	17	0	1	5	12	1
SUWANNEE	11	11	0	0	1	10	0
TAYLOR	7	5	0	2	3	2	2
UNION	6	6	0	0	0	6	0
VOLUSIA	92	50	3	39	21	34	38
WAKULLA	4	3	1	0	0	4	0
WALTON	21	20	0	1	16	4	1
WASHINGTON	6	6	0	1	4	2	1

	Current Annual Distribution				If FIHS Change Made		
	All Agencies	FHP	SO	CPD	FHP	SO	CPD
Statewide	2322	1342	380	600	514	1237	571
Percent of Total		58%	16%	26%	22%	53%	25%

Appendix F

2-TIER PLAN	Current Annual LF Crashes			
	FHP+SO Assumes All Unic Crashes			
County	Total Crashes	FHP	SO	PD
ALACHUA	6173	2051	256	3866
BAKER	352	271	73	9
BAY	4324	804	161	3360
BRADFORD	414	208	9	197
BREVARD	5660	2574	184	2902
BROWARD	34856	4439	9135	21283
CALHOUN	112	95	1	16
CHARLOTTE	1736	396	1221	120
CITRUS	1321	394	900	27
CLAY	1845	491	1092	263
COLLIER	2185	528	1246	411
COLUMBIA	1158	890	1	268
DE SOTO	312	234	2	77
DIXIE	151	128	17	7
DUVAL	17063	2451	13678	935
ESCAMBIA	6543	4076	3	2464
FLAGLER	805	344	379	82
FRANKLIN	101	95	1	6
GADSDEN	668	579	0	89
GILCHRIST	134	122	8	5
GLADES	181	63	105	14
GULF	83	60	0	23
HAMILTON	217	188	1	29
HARDEE	348	230	2	116
HENDRY	294	114	114	67
HERNANDO	1638	866	619	154
HIGHLANDs	804	498	45	261
HILLSBOROUGH	22275	7407	8167	6702
HOLMES	165	160	2	3
INDIAN RIVER	1219	326	552	342
JACKSON	571	450	1	121
JEFFERSON	187	172	4	11
LAFAYETTE	55	43	11	2
LAKE	3233	1222	116	1896
LEE	6054	1096	1472	3487
LEON	6644	847	1115	4683
LEVY	481	312	44	126
LIBERTY	90	87	2	2
MADISON	411	266	0	146
MANATEE	5233	3446	325	1463

FHP on State Roads		
FHP	SO	PD
1463	850	3861
168	176	9
445	522	3358
114	104	197
1636	1126	2898
8393	5208	21256
50	46	16
636	983	118
583	713	25
737	847	262
559	1217	409
549	345	265
123	113	77
68	77	7
8895	7242	927
2582	1499	2463
302	422	81
55	41	6
330	249	89
50	80	5
93	75	14
33	28	23
120	69	29
129	104	116
101	126	67
663	822	154
275	269	260
8658	6922	6695
84	79	3
420	459	340
246	205	121
112	65	11
28	26	2
668	671	1895
1054	1520	3481
968	995	4682
165	191	126
35	54	2
167	99	146
2127	1646	1461

Two Tier Proposal			
Type: 2 SHS 3 All Roads	FHP Projection	Change	Percent Change
2	1463	-589	-28.7
3	343	73	26.8
2	445	-359	-44.6
3	217	9	4.3
2	1636	-938	-36.4
2	8393	3954	89.1
3	96	1	0.5
2	636	240	60.7
3	1294	900	228.3
2	737	246	50.2
2	559	31	5.8
3	891	1	0.1
3	236	2	0.9
3	144	17	12.9
2	8895	6444	263.0
2	2582	-1495	-36.7
2	302	-42	-12.2
3	96	1	0.5
3	579	0	0.0
3	129	8	6.2
3	168	105	165.9
3	60	0	0.0
3	188	1	0.3
3	232	2	0.9
3	227	114	100.0
2	663	-203	-23.5
3	543	45	9.0
2	8658	1252	16.9
3	162	2	1.3
2	420	95	29.0
3	450	1	0.1
3	176	4	2.3
3	54	11	25.9
2	668	-554	-45.4
2	1054	-42	-3.8
2	968	121	14.3
3	355	44	14.0
3	88	2	1.7
3	266	0	0.0
2	2127	-1319	-38.3

Appendix F

2-TIER PLAN	Current Annual LF Crashes			
	FHP+SO Assumes All Unic Crashes			
County	Total Crashes	FHP	SO	PD
MARION	3895	2546	4	1346
MARTIN	1728	476	899	354
MIAMI-DADE	67759	14040	14230	39489
MONROE	1551	516	360	675
NASSAU	681	89	486	106
OKALOOSA	2702	1126	299	1278
OKEECHOBEE	409	82	240	87
ORANGE	20077	12981	36	7060
OSCEOLA	3532	2468	44	1020
PALM BEACH	15838	3408	6157	6273
PASCO	7204	6077	53	1074
PINELLAS	20238	5190	2894	12154
POLK	6964	2422	1828	2714
PUTNAM	967	631	134	203
SANTA ROSA	1673	1409	2	262
SARASOTA	4226	1829	466	1932
SEMINOLE	2951	1284	163	1505
ST JOHNS	1883	1033	497	354
ST LUCIE	2714	526	441	1748
SUMTER	810	699	24	88
SUWANNEE	477	349	30	99
TAYLOR	600	147	0	454
UNION	126	108	15	4
VOLUSIA	6388	1835	594	3959
WAKULLA	314	160	141	13
WALTON	699	348	251	100
WASHINGTON	195	150	2	44
Total	312685	100932	71338	

FHP on State Roads		
FHP	SO	PD
1157	1394	1345
818	557	353
16689	11659	39411
533	347	671
309	266	106
986	444	1273
194	130	86
5708	7313	7056
1062	1454	1017
5612	3961	6265
2846	3285	1073
3822	4268	12148
2165	2088	2711
367	398	203
823	589	261
1246	1058	1923
772	677	1503
1035	496	353
673	297	1745
414	309	88
188	194	96
70	77	454
69	54	4
1252	1182	3955
118	184	13
330	271	98
79	73	44

Two Tier Proposal			
Type: 2 SHS 3 All Roads	FHP Projection	Change	Percent Change
2	1157	-1389	-54.6
2	818	342	71.9
2	16689	2649	18.9
3	876	360	69.7
3	575	486	549.2
2	986	-140	-12.4
3	322	240	292.7
2	5708	-7273	-56.0
2	1062	-1407	-57.0
2	5612	2205	64.7
2	2846	-3231	-53.2
2	3822	-1368	-26.4
2	2165	-257	-10.6
3	765	134	21.3
2	823	-586	-41.6
2	1246	-583	-31.9
2	772	-512	-39.9
2	1035	3	0.2
2	673	147	28.0
3	723	24	3.4
3	379	30	8.5
3	147	0	0.0
3	122	15	13.5
2	1252	-583	-31.8
3	301	141	87.8
3	599	251	72.1
3	151	2	1.0
Total	98808	-2125	

		Current Annual Distribution		
		FHP	SO	CPD
Statewide		100932	71338	140415
Percent of Total		32%	23%	45%

2 Tier Distribution		
FHP	SO	CPD
93199	79294	140193
30%	25%	45%

Appendix G

3-TIER PLAN	Current Annual LF Crashes				FHP on State Roads			Three Tier Proposal			
	FHP+SO Assumes All Unic Crashes				FHP on FIHS Roads			Type: 1 FIHS 2 SHS 3 All Roads	FHP Projection	Change	% Change
County	Total Crashes	FHP	SO	PD	FHP	SO	PD				
ALACHUA	6173	2051	256	3866	1463	850	3861	2	1463	-589	-28.7
BAKER	352	271	73	9	168	176	9	3	343	73	26.8
BAY	4324	804	161	3360	445	522	3358	2	445	-359	-44.6
BRADFORD	414	208	9	197	114	104	197	3	217	9	4.3
BREVARD	5660	2574	184	2902	1636	1126	2898	2	1636	-938	-36.4
BROWARD	34856	4439	9135	21283	3980	9824	21053	1	3980	-459	-10.3
CALHOUN	112	95	1	16	50	46	16	3	96	1	0.5
CHARLOTTE	1736	396	1221	120	636	983	118	2	636	240	60.7
CITRUS	1321	394	900	27	583	713	25	3	1294	900	228.3
CLAY	1845	491	1092	263	737	847	262	2	737	246	50.2
COLLIER	2185	528	1246	411	559	1217	409	2	559	31	5.8
COLUMBIA	1158	890	1	268	549	345	265	3	891	1	0.1
DE SOTO	312	234	2	77	123	113	77	3	236	2	0.9
DIXIE	151	128	17	7	68	77	7	3	144	17	12.9
DUVAL	17063	2451	13678	935	2653	13545	866	1	2653	203	8.3
ESCAMBIA	6543	4076	3	2464	2582	1499	2463	2	2582	-1495	-36.7
FLAGLER	805	344	379	82	302	422	81	2	302	-42	-12.2
FRANKLIN	101	95	1	6	55	41	6	3	96	1	0.5
GADSDEN	668	579	0	89	330	249	89	3	579	0	0.0
GILCHRIST	134	122	8	5	50	80	5	3	129	8	6.2
GLADES	181	63	105	14	93	75	14	3	168	105	165.9
GULF	83	60	0	23	33	28	23	3	60	0	0.0
HAMILTON	217	188	1	29	120	69	29	3	188	1	0.3
HARDEE	348	230	2	116	129	104	116	3	232	2	0.9
HENDRY	294	114	114	67	101	126	67	3	227	114	100.0
HERNANDO	1638	866	619	154	663	822	154	2	663	-203	-23.5
HIGHLANDS	804	498	45	261	275	269	260	3	543	45	9.0
HILLSBOROUGH	22275	7407	8167	6702	4123	11714	6438	1	4123	-3284	-44.3
HOLMES	165	160	2	3	84	79	3	3	162	2	1.3
INDIAN RIVER	1219	326	552	342	420	459	340	2	420	95	29.0
JACKSON	571	450	1	121	246	205	121	3	450	1	0.1
JEFFERSON	187	172	4	11	112	65	11	3	176	4	2.3
LAFAYETTE	55	43	11	2	28	26	2	3	54	11	25.9
LAKE	3233	1222	116	1896	668	671	1895	2	668	-554	-45.4
LEE	6054	1096	1472	3487	1054	1520	3481	2	1054	-42	-3.8
LEON	6644	847	1115	4683	968	995	4682	2	968	121	14.3
LEVY	481	312	44	126	165	191	126	3	355	44	14.0
LIBERTY	90	87	2	2	35	54	2	3	88	2	1.7
MADISON	411	266	0	146	167	99	146	3	266	0	0.0

Appendix G

3-TIER PLAN	Current Annual LF Crashes				FHP on State Roads			Three Tier Proposal			
	FHP+SO Assumes All Unic Crashes				FHP on FIHS Roads			Type: 1 FIHS 2 SHS 3 All Roads	FHP Projection	Change	% Change
County	Total Crashes	FHP	SO	PD	FHP	SO	PD				
MANATEE	5233	3446	325	1463	2127	1646	1461	2	2127	-1319	-38.3
MARION	3895	2546	4	1346	1157	1394	1345	2	1157	-1389	-54.6
MARTIN	1728	476	899	354	818	557	353	2	818	342	71.9
MIAMI-DADE	67759	14040	14230	39489	7742	20985	39032	1	7742	-6298	-44.9
MONROE	1551	516	360	675	533	347	671	3	876	360	69.7
NASSAU	681	89	486	106	309	266	106	3	575	486	549.2
OKALOOSA	2702	1126	299	1278	986	444	1273	2	986	-140	-12.4
OKEECHOBEE	409	82	240	87	194	130	86	3	322	240	292.7
ORANGE	20077	12981	36	7060	2265	11577	6236	1	2265	-10716	-82.6
OSCEOLA	3532	2468	44	1020	1062	1454	1017	2	1062	-1407	-57.0
PALM BEACH	15838	3408	6157	6273	3032	6725	6081	1	3032	-376	-11.0
PASCO	7204	6077	53	1074	2846	3285	1073	2	2846	-3231	-53.2
PINELLAS	20238	5190	2894	12154	3822	4268	12148	2	3822	-1368	-26.4
POLK	6964	2422	1828	2714	2165	2088	2711	2	2165	-257	-10.6
PUTNAM	967	631	134	203	367	398	203	3	765	134	21.3
SANTA ROSA	1673	1409	2	262	823	589	261	2	823	-586	-41.6
SARASOTA	4226	1829	466	1932	1246	1058	1923	2	1246	-583	-31.9
SEMINOLE	2951	1284	163	1505	772	677	1503	2	772	-512	-39.9
ST JOHNS	1883	1033	497	354	1035	496	353	2	1035	3	0.2
ST LUCIE	2714	526	441	1748	673	297	1745	2	673	147	28.0
SUMTER	810	699	24	88	414	309	88	3	723	24	3.4
SUWANNEE	477	349	30	99	188	194	96	3	379	30	8.5
TAYLOR	600	147	0	454	70	77	454	3	147	0	0.0
UNION	126	108	15	4	69	54	4	3	122	15	13.5
VOLUSIA	6388	1835	594	3959	1252	1182	3955	2	1252	-583	-31.8
WAKULLA	314	160	141	13	118	184	13	3	301	141	87.8
WALTON	699	348	251	100	330	271	98	3	599	251	72.1
WASHINGTON	195	150	2	44	79	73	44	3	151	2	1.0
	312685	100932	71338						68649	-32283	

		Current Annual Distribution		
		FHP	SO	CPD
Statewide		100932	71338	140415
Percent of Total		32%	23%	45%

3 Tier Distribution		
FHP	SO	CPD
63038	111359	138288
20%	36%	44%

Law Enforcement Consolidation Task Force

FORENSIC SUBJECT MATTER EXPERTS TEAM REPORT

OCTOBER 2011

Law Enforcement Consolidation Task Force
Forensic Subject Matter Experts Team Report

October 2011

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Law Enforcement Consolidation Task Force
Forensic Subject Matter Experts Team Report

EXECUTIVE SUMMARY

The *Forensic Subject Matter Experts Team* was established and consisted of the following agencies:

- Florida Department of Law Enforcement (FDLE) – Director Vickie Garner (Team Leader)
- Florida Department of Environmental Protection (DEP) – Asst. Director Greg Gibson and Timyn Rice
- Florida Department of Agriculture and Consumer Services (AG) – Major Bob Johnson
- Florida Fish and Wildlife Conservations Commission (FWC) – Major Curtis Brown and Rett Boyd
- Division of State Fire Marshal (SFM) – Chief Carl Chasteen
- Florida Highway Patrol (FHP) – Major Ryan Burchell
- Hillsborough County Sheriff's Office – Major J.R. Burton

The scope of work for the *Forensic Subject Matter Experts Team* was to evaluate each entity's forensic and/or laboratory functions related to their statutory/constitutional authority and/or agency mission. This report details the *Forensic Subject Matter Experts Team* methodology, evaluation, analysis, results and recommendations.

A series of meetings were held with subject matter expert teams to gather information related to the agencies' organization, structure, forensic services and laboratory functions, mission statements and other relevant data. The information was compiled using a template provided by the task force and a matrix was developed to allow for a side-by-side view of the information for each agency. The *Investigations and Forensic Subject Matter Experts Teams* created a matrix that contained the following information: mission statement, staffing, structure, jurisdiction, investigations and forensics. The matrix was used for discussion and it served as starting point for narrowing the scope to agencies where possible efficiencies and overlaps may exist. The *Forensic Subject Matter Experts Team* did not continue to use a matrix after initial discussions.

Although five state agencies have laboratories that provide forensic services, the services offered are unique to each agency in support of that agency's mission and statutory or constitutional authority. The *Forensic Subject Matter Experts Team* did not identify any duplication or overlapping services offered by the laboratories.

Law Enforcement Consolidation Task Force
Forensic Subject Matter Experts Team Report

BACKGROUND

Senate Bill 2160 was signed by the Governor on May 26, 2011. Among other things, this bill created the *Law Enforcement Consolidation Task Force*, responsible for reviewing all state law enforcement operations, evaluating duplicate efforts and identifying functions that are appropriate for possible consolidation. The task force shall report to the Legislature any recommendations and plans developed by the task force by December 31, 2011. Any plan submitted should include recommendations on the methodology to be used to achieve any state law enforcement consolidation recommended by the task force by June 30, 2013. The task force expires June 30, 2012.

This task force is comprised of state agencies that have a law enforcement component and subject matter expert teams were established to expedite and facilitate the evaluation process. Each team will submit a report with recommendations to the task force for discussion and incorporation in the final report by the task force.

The scope of work for the *Forensic Subject Matter Experts Team* was to evaluate each entity's forensic and/or laboratory functions related to their statutory/constitutional authority and/or agency mission. The goals of the *Forensics Subject Matter Experts Team* were to:

- Identify any overlapping forensic services.
- Recommend possible efficiencies in forensic and/or laboratory services.

MISSION STATEMENTS

The mission statements for each agency represented in the *Forensic Subject Matter Experts Team* reflect their statutory/constitutional authority. Within the forensic and laboratory functions, all agencies operate under different standards consistent with their unique mission. Two agencies' laboratories have similar but unique forensic functions: Florida Department of Law Enforcement and Division of State Fire Marshal, Bureau of Forensic Fire and Explosive Analysis.

MAJOR FORENSIC OR LABORATORY FUNCTIONS

This section of the report details the results of evaluating each laboratory's forensic functions.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

The Florida Department of Environmental Protection has both field and laboratory forensic components that are dedicated to the successful investigation and prosecution of environmental crimes. The Bureau of Emergency Response (BER) has forensic specialists who provide support through the collection of evidentiary samples (often hazardous) from air, soil, water, and waste. The BER forensic

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specialists are highly trained individuals who use specialized field testing equipment, sampling equipment, and personal protective equipment in the course of their duties. The samples are analyzed at DEP's Central Laboratory in Tallahassee.

The Central Laboratory has a new secure intake facility for handling hazardous materials. The Chemistry Section provides analysis of air, water, soils, sediments, and wastes for a variety of contaminants including pesticides, PCBs, heavy metals, petroleum, volatile organics, semi-volatile organics, corrosives, flammables, etc. The Biology Section has the capability to evaluate environmental impacts to biological communities and aquatic systems. Many of the analytical tests required to prove environmental crimes cases are not available through any other state laboratory. DEP's Bureau of Laboratories is accredited through the National Environmental Laboratories Accreditation Conference.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (AG)

The Department of Agriculture and Consumer Services has seven laboratories within four divisions that conduct examinations and analysis specific to the respective mission of the division. The Bureau of Agricultural Environmental Laboratories conducts chemical, physical and biological analyses of commercial feed; agricultural, vegetable and flower seed; commercial fertilizer; agricultural liming materials; and pesticide formulations sold in the state to assure compliance with label guarantees for all active ingredients, nutrients, components and properties. The laboratory is accredited through the National Environmental Laboratories Accreditation Conference.

The Bureau of Diagnostic Laboratories provides scientific expertise in the detection and investigation of animal diseases which affect health and the animals. The laboratory is accredited by the American Association of Veterinary Laboratory Diagnosticians.

The Bureau of Food Laboratories uses physical, microbiological, chemical, immunological and molecular methods to analyze food processed and sold in Florida to assure a safe and wholesome food supply. The laboratory is accredited by the American Association of Laboratories Accreditation. The Bureau of Chemical Residue Laboratory is responsible for the chemical analysis of food products to determine the presence of chemical contaminants or residues in or on human food. The Dairy Compliance Monitoring Section performs regulatory analysis of all milk, milk products and frozen desserts to ensure the products are wholesome, produced under sanitary conditions, and are correctly labeled.

The Bureau of Petroleum Inspection analyzes the quality of gasoline, alternative fuels, kerosene, diesel and fuel oil to ensure consumers are being offered quality products. The Bureau of Weight and Measures Metrology Laboratory maintains the state's primary standards of mass, length and volume, and provides calibration services to the commercial measurement industry, scientific and law enforcement laboratories, manufacturers, and the aerospace and technology industries to protect Florida's buyers and sellers.

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC)

Evidence of many FWC-related crimes must be recovered and submitted to FWC's Forensic Laboratory. The Forensic Laboratory provides scientifically sound forensic and crime scene investigative support to FWC law enforcement officers and investigators in matters requiring the identification of biological specimens and their remains. The laboratory provides identification techniques for fish and wildlife species through remains such as bones, tissues, fish scales, and hairs; forensic photography; and biochemical and DNA identification for hundreds of fish and wildlife species. Six forensic liaisons and one biologist staff the program and provide expert witness testimony.

DIVISION OF STATE FIRE MARSHAL, BUREAU OF FORENSIC FIRE AND EXPLOSIVE ANALYSIS (SFM)

The State Fire Marshal of Florida is one of only three State Fire Marshals in the United States to have their own laboratory dedicated to the forensic analysis of evidence from fires and explosions. The laboratory is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board – *International* Program in the discipline of Trace Evidence (categories of testing: Explosives, Analysis of Unknowns, and Fire Debris). The chemistry section provides analysis of fire debris to determine the presence and identity of any ignitable liquids; explosives debris and residues to identify chemical components of the explosives; and non-drug chemicals recovered from clandestine laboratories. No other State of Florida laboratory provides these services to law enforcement.

The laboratory also provides imaging services to the SFM by analyzing videos tied to a fire scene investigation or attempting to recover information from damaged equipment. The laboratory also serves as the central repository for all digital photos from the Bureau of Fire and Arson Investigations. Analysts also provide expert witness testimony.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)

FDLE has seven crime laboratories located in Daytona Beach, Ft. Myers, Jacksonville, Orlando, Pensacola, Tallahassee and Tampa. The FDLE crime laboratories provide timely, expert and professional examination of evidentiary materials to aid in the investigation, prosecution and/or exclusion of criminal offenses throughout the state. Analysts also provide expert witness testimony. All laboratories are accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board – *International* Program. Services are provided in nine disciplines: Biology/DNA, Chemistry, Crime Scene, Digital Evidence, Firearms, Latent Prints, Questioned Documents, Toxicology and Trace Evidence (categories of testing: Paint, Glass, Gunshot Residue, Fibers & Textiles, and General Physical & Chemical Analysis). FDLE also houses Florida's DNA Database, which contains more than 775,000 DNA profiles from convicted offenders and qualified arrestees. The vast majority of evidence submitted to FDLE laboratories for analysis is from criminal justice agencies other than FDLE.

The biology sections screen items of evidence to identify the presence or absence of bodily fluids, which will be analyzed to develop DNA profiles of victims or subjects. The chemistry sections utilize

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various scientific methodologies and instruments to determine the presence or absence of controlled substances in plant material, powders, tablets, capsules, liquids, and smoking devices. The crime scene sections respond to requests for examinations of major crime scenes, where they document, collect, and preserve physical evidence for laboratory analysis. The digital evidence sections use specialized skills to recover data and deleted files from computers and other digital media. The firearms sections perform examinations to identify/exclude bullets, cartridge cases, and shot shells from suspect weapons; identify/eliminate tool marks with a suspect tool; provide distance determinations from the examination of clothing and/or tissue; restore obliterated serial numbers; and image cartridge cases and bullets for entry and search in the National Integrated Ballistics Information Network (NIBIN). The latent prints sections examine evidence submitted to determine the presence of latent palm and finger prints. Identifiable prints are compared to identify individuals. The latent prints section also examines tire and shoe track evidence to determine if impressions collected at a crime scene match a submitted tire or shoe. The questioned documents section examines documents to compare handwriting of known origin to identify authorship, identify office machines to determine a source, and restore erased, obliterated and indented writing to establish the estimated date of preparation. The toxicology sections analyze samples of blood and urine for the presence or absence of alcohol and other drugs of abuse. The trace evidence sections typically analyze microscopic items of evidence. These examinations include paint/polymers, glass, fibers, fracture match, and bulb filaments.

EFFICIENCY OPPORTUNITIES

The *Forensic Subject Matter Experts Team* identified no efficiency opportunities. Each laboratory provides unique services. The traditional crime laboratories operated through FDLE and SFM are members of the Florida Association of Crime Laboratory Directors and routinely communicate with the five county run crime laboratories on common issues the laboratories may encounter.

CONSOLIDATION OPPORTUNITIES

The *Forensic Subject Matter Experts Team* identified no consolidation opportunities. Each laboratory provides unique services.

RECOMMENDATIONS

The *Forensic Subject Matter Experts Team* has no recommendations for efficiencies or consolidation at this time. The *Forensic Subject Matter Experts Team* will further review or study any recommendations proffered by the *Law Enforcement Consolidation Task Force*.

Law Enforcement Consolidation Task Force

Information Technology Team



FINAL REPORT

November 7, 2011

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1. EXECUTIVE SUMMARY

Background

The goal of the Law Enforcement Consolidation Information Technology Team (Team) was to review and assess the existing law enforcement (LE) information technology (IT) environment and to identify possible efficiency and consolidation opportunities. The Team included membership representing all state agencies with a law enforcement component.

The Team considered all areas of information technology, but focused primarily on the area of law enforcement application systems. The Team developed a high level inventory of law enforcement applications used by all participating agencies. The Team reviewed and discussed each application from the perspective of whether it would likely be a good candidate for consolidation based on several factors.

One notable finding was the degree to which the law enforcement community has successfully engaged in, and completed, initiatives toward consolidation, centralization, and efficient sharing of data and processes. Many examples of such success stories are included in this report. Based on prior consolidation experience, the Team was also able to identify major critical success factors for consideration in future consolidation initiatives.

Critical Success Factors

General consolidation Critical Success Factors identified by the Team are summarized below (Section 6B contains a full discussion of these Critical Success Factors).

1. Business Process Analysis– In all areas of consolidation, the planning should begin with an examination of the business requirements and processes necessary to perform each service proposed for consolidation.
2. Planning - Sufficient time for consolidation research and planning is critical to the success of the effort.
3. Project Management –Use of standard project management practices is recommended.
4. Comprehensive IT Assessment – When any consolidation is being considered, a comprehensive IT assessment should include applications, infrastructure, desktops, data, support and staffing.
5. IT Staffing – When consolidations are planned, careful consideration must be given to the full range of skill sets, duties and institutional knowledge required for system maintenance / support in the consolidated location as well as the skill sets, duties and institutional knowledge that will continue to be needed in the agencies after consolidation.
6. Primary Data Center Coordination - Complications and complexities are multiplied once systems are centrally located in a Primary Data Center.
7. Primary Data Center Budgeting – current Primary Data Center funding methodology of Zero Balance provides no funding for additional hardware, software, or other expenses that may be necessary to the success of the project.

Recommendations

The Information Technology Team recommends the following:

1. Consider the following application systems for possible centralization or consolidation, which are used similarly by most law enforcement units: **Training Management, Policy Management, Evidence Management, Records Management, and Property Management Systems.**

However, comprehensive analysis of agency-specific business requirements, processes, and interfaces is warranted prior to any final decision.

2. Any potential consolidation of law enforcement should include comprehensive and effective planning, business analysis, coordination and communication, addressing all areas of information technology and utilizing accepted practices in project management. LE consolidation may impact and be impacted by the Agency for Enterprise Information Technology Data Center Consolidation and other Enterprise Consolidation efforts currently underway, and such potential impacts should be considered during analysis and planning of any proposed LE consolidation.
3. Interagency workgroups made up of both business (LE) and IT personnel should be established for detailed study and business process analysis of any recommended area of consolidation or major efficiency initiative. It is critical that the services and business processes of all agencies must be analyzed from an operational perspective prior to any attempt to consolidate any IT supporting those business processes.
4. The importance of retaining skilled and knowledgeable IT staff should not be underestimated. The State should make every attempt to retain IT staff throughout the consolidation process, during which time agency-specific technical and institutional knowledge is especially critical. No reduction in IT staff should be attempted until well past the successful completion of consolidation, and even then reduction should only be through normal attrition.
5. The Agency for Enterprise Information Technology should be given the necessary resources and authority to take action to implement and comply with requirements and recommendations from the Law Enforcement Data Center Requirements Workgroup. Specifically, Data Center facilities MUST comply with federal Criminal Justice Information Systems (CJIS) Security Policy and MUST meet all requirements for high availability, including sufficient failover and disaster recovery to geographically dispersed locations.
6. The state should undertake a comprehensive assessment of the Primary Data Center system with specific focus on facilities, security, staffing, tools, processes, controls and transparency.
7. Any future recommendations to address the consolidation of IT functionality across state criminal justice and law enforcement agencies should comply with standards as adopted by the Criminal and Juvenile Justice Information Systems (CJJIS) Council in accordance with its duties stated in Florida Statute 943.08 and be reviewed by the Council as necessary. (See Appendix C for additional information on the CJJIS Council)

2. BACKGROUND

The goal of the Law Enforcement Consolidation Information Technology Team (Team) was to review and assess the existing law enforcement (LE) information technology (IT) environment and to identify possible efficiency and consolidation opportunities.

2A. TEAM CHARTER

Information Technology Team

Executive Sponsor: Emery Gainey, Attorney General's Office

Executive Co-Sponsor:

Senior Leadership Team Leader: Deborah Stevens, Attorney General's Office

Senior Leadership Team Co-Leader(s): Penny Kincannon, FDLE

Team Members:

Emery Gainey, Attorney General's Office
Mark Zadra, FDLE
Deborah Stevens, Attorney General's Office
Penny Kincannon, FDLE
Mike Russo, AEIT
Larry Coffee, FDLE - CJIS
Major Steve Williams, HSMV - FHP
Joey Hornsby, FDLE – IRM
Mitch Golloher, DEP
Robert Fields, HSMV
Brett Norton, FWC
Kevin Patten, FWC
Lynn Dodson, FDLE
Chuck Murphy, FDLE
Pati Lytle, DOACS
Terry Kester, DFS (Invited)
Benita Williams, DJJ
Jackie Suttle, DJJ
Doug Smith, DOC
Tammy Crumel, DOC
Joseph Martin, DBPR
Team Resource: Lisa Hopkins, FDLE

Issue:

Senate Bill 2160 created the Law Enforcement Consolidation Task Force (LECTF). The mission of the Task Force is to review all state law enforcement functions, evaluate duplicate efforts, and identify functions appropriate for possible consolidation.

The Task Force designated Teams to perform detailed research on specific topics and report back to the Task Force. The Law Enforcement Information Technology Team will provide information and recommendations dealing specifically with information technology (IT) issues, including but not limited to the consolidation of LE data centers.

Scope:

The scope of the Law Enforcement Consolidation Task Force Information Technology Team is to address the information technology (IT) aspects of law enforcement consolidation to provide information related to the feasibility and effectiveness of such consolidation. A primary area of focus will be law enforcement application systems currently in use, which will be reviewed, categorized and assessed to determine possible duplicative systems and to help identify opportunities for consolidation, centralization, or sharing of these systems. Additionally, the Team will consider the potential impact of data center consolidation efforts on LE operations, and prior attempts and successes relating to LE IT consolidation, centralization, and sharing initiatives to identify and document best practices toward ensuring the success of future such initiatives.

With the potential consolidation of law enforcement personnel, opportunities exist for consolidating, centralizing and streamlining of business processes. Such changes will drive associated IT changes

and consolidation. However, it is important to note that proper analysis, assessment and planning of IT consolidation is dependent upon and driven by the business decisions. Costs, benefits, risks, and critical success factors of IT consolidation can only be fully determined after business decisions are made as to consolidation of staffing and business processes.

Team Goals:

The overall goal of this Team is to provide information and recommendations related to potential LE consolidation, with respect to the area of information technology, including LE data centers, application systems, desktop support, and other areas of information technology.

Specific goals include:

1. Review and assess existing LE applications, to identify possible opportunities for consolidation, including but not limited to duplicative systems.
2. Review and assess previous successful LE consolidation initiatives, to determine and document applicability to current initiative, including best practices for successful IT consolidation.
3. Review the LE Data Center Requirements and Recommendations produced by the CIO Council Law Enforcement Data Center Consolidation Workgroup, to determine applicability to current initiative.

Work Product:

The IT Team Report will include:

1. Overview of previous and existing consolidation initiatives, including lessons learned and best practices
2. Identification of additional areas for consideration, such as duplicative IT systems and services
3. Identification of other IT considerations or recommendations applicable to possible LE consolidation initiatives

Timeframe for Completion:

October 31, 2011 or as needed for completion of Task Force Report, December 2011.

2B. TEAM APPROACH

The Information Technology Team included membership representing all agencies with a law enforcement component. Many of the team members had previously participated in the Chief Information Officers Council (CIO Council) Agency for Enterprise Information Technology Advisory Committee Law Enforcement Workgroup (Workgroup), which had identified data center requirements and recommendations specific to the needs of law enforcement. The Team discussed and included the work of the prior CIO Council initiative, but attempted to avoid duplication of effort.

The approach taken by the Team was as follows:

1. The Team discussed the previously-developed LE Data Center Requirements and Recommendations, prepared by the CIO Council initiative, and agreed that the deliverables produced at that time are still valid and should be included by reference. Statewide Data Center Consolidation and IT Consolidation were also discussed, and related issues and efficiency opportunities were considered.
2. All areas of IT were discussed and considered, such as applications, infrastructure, desktops, data, support and staffing. Feedback received from the comprehensive Task Force survey was reviewed.
3. The Team focused primarily on the area of law enforcement applications, in light of the other Enterprise IT Consolidation initiative currently underway.
4. In assessing opportunities in the area of law enforcement applications, the Team felt that additional information was needed from participating agencies. A spreadsheet was developed, distributed and consolidated, documenting the applications used by law enforcement in each participating agency. These applications were considered for consolidation potential.
5. During the Team's review of LE applications, it was apparent that many LE applications have already been consolidated or centralized, and these "Success Stories" were documented as well.

It should be noted that, in the event that any law enforcement units are designated for consolidation, IT consolidation opportunities are possible and quite likely as a result of the consolidation of the business unit.

2C. CURRENT ENVIRONMENT

Currently, an agency's information technology services and resources primarily reside within the agency itself. Systems are shared between law enforcement and non-law enforcement staff, and the IT resources, including hardware, software and support staff, are also shared. Historically, the platforms used and supported across different agencies may vary widely, resulting in disparate applications, database platforms, and system platforms. Therefore, many of the law enforcement units utilize entirely different systems, many of which have been highly customized for the unit's specific business needs and current processes. IT service levels and business requirements vary widely given the differing missions among agencies. Some agencies operate on a mission critical 24/7 basis, whereas others may only routinely deploy law enforcement on an 8-5 weekday basis. IT support levels and resources vary drastically as well.

An important commonality among law enforcement agencies is adherence to the FBI's Criminal Justice Information Services (CJIS) requirements to protect and safeguard criminal justice information. The Florida Department of Law Enforcement (FDLE) is tasked with granting, monitoring and compliance with the CJIS requirements for all law enforcement entities in Florida. All agencies work closely with FDLE to ensure the requirements are met and address any issues when environments and systems change.

The State of Florida has embarked on an IT consolidation initiative, under the direction of the Agency for Enterprise Information Technology. As part of this initiative, agency data centers and e-mail systems are being consolidated, with other enterprise-wide services such as desktop support being planned for future consolidation. Some law enforcement data centers, such as the Department of Juvenile Justice and the Department of Corrections, have already been moved into one of the three

designated Primary Data Centers, and basic CJIS requirements have been met, but full managed-service consolidation will still take some time as FDLE and the resident criminal justice agencies wrestle with achieving compliance in an environment shared with non CJIS agencies. Other agencies with law enforcement components are being consolidated at this time, with others to follow over the next 2 years.

Any law enforcement consolidation should take into account the current diversity and complexity of the state's technology infrastructure supporting law enforcement and the possible effects by and on the Enterprise IT Consolidation initiative.

However, as described in the Consolidated Success Stories section, the law enforcement community has proactively engaged, probably more so than in any other program area, in extensive centralization and consolidation of services, applications, and data. These prior initiatives have already achieved considerable gains in efficiencies, collaboration, and data sharing.

3. PRIOR LAW ENFORCEMENT IT CONSOLIDATION INITIATIVES

As the IT Team reviewed and analyzed existing information technology applications in use by law enforcement across state agencies, it quickly became clear that many successful consolidations have already been completed. There are many systems, centralized and maintained by the Florida Department of Law Enforcement, which provide critical information to, and between, Florida's criminal justice community and also provides access to information held nationally and by other states. The Department of Highway Safety and Motor Vehicles also hosts and supports centralized applications used by multiple law enforcement entities. Additionally, some application systems, including both hardware and software, have been migrated from one agency to another to reduce overall support and provide improved service. There have also been several technology consolidations completed in support of the consolidation or realignment of law enforcement units.

3A. SUCCESS STORIES

The following provides an extensive, though not necessarily complete, overview of prior law enforcement information technology consolidation success stories.

Computer Aided Dispatch (CAD) DHSMV/FHP

In 2003, the Florida Highway Patrol, Florida Department of Law Enforcement and Florida Fish and Wildlife Commission worked collectively to develop an ITN for a single system to support law enforcement dispatch functions that could be shared. Once the vendor was selected, a single solution was developed and implemented which supported the functions of each agency. This single system is supported and managed by DHSMV and now supports 11 state agencies, 6,000 law enforcement officers and 4,000 mobile devices. Each agency participates in sessions with DHSMV related to enhancements to the system.

Department of Environmental Protection (DEP) SmartCop

In December 2010, Department of Environmental Protection (DEP), Division of Law Enforcement made the decision to transfer the SmartCop data servers to the Florida Highway Patrol, Division of Highway Safety and Motor Vehicles (DHSMV). The decision was made to streamline data access and communication with the DHSMV Computer Aided Dispatch. The transfer of servers allowed DEP users to access the NetMotion VPN without the purchase of additional servers to house the NetMotion VPN client. Additionally, DEP users now accessing the DHSMV network experience faster processing

speed, greater reliability, and a robust server connection, as the network was built with the mobile user in mind. This transition was accomplished with minimal costs by taking advantage of the existing DHSMV network. Once the migration was completed, DHSMV consolidated DEP data into existing FHP systems and shut down the DEP hardware which further reduced costs and maintenance.

Department of Environmental Protection (DEP) CopLink and Rapid ID

In 2011, subsequent to migrating their SmartCop servers, DEP also moved their CopLink (IBox) and Rapid ID servers to the DHSMV network creating additional savings while increasing productivity, by reducing DEP support and maintenance requirements. The move to maximize available technology has created a positive impact on field level reporting while generating savings for the tax payers of Florida. Once the migration was completed, DHSMV consolidated DEP data into existing FHP systems and shut down the DEP hardware which further reduced costs and maintenance.

State Fire Marshal (SFM) SmartCop

Similarly to DEP, the State Fire Marshal migrated their mobile systems to DHSMV, creating additional savings while increasing productivity, by reducing SFM support and maintenance requirements utilizing existing systems in DHSMV.

Child Predator Cybercrime

In July 2011, the Child Predator Cybercrime Unit (CPCU) was transferred from the Office of the Attorney General, Department of Legal Affairs (OAG) to the Florida Department of Law Enforcement. The technology component of this consolidation was streamlined through the adoption of new business processes, allowing CPCU staff to utilize existing systems at FDLE going forward, while accessing their historical case data through a local copy of their OAG application and database.

CJNet

FDLE provides the backbone of Florida criminal justice telecommunications – the CJNet. The CJNet is a virtual private network providing connectivity to approximately 600 local, state, and federal criminal justice and law enforcement sites across Florida. It provides access to critical criminal justice information systems - provided by multiple agencies - to all of Florida's Criminal Justice Community statewide. Systems such as FCIC, DAVID, BIS, RapidID, and CJNet email are just a few of these systems. Additionally, over the last several years, CJNet sites have been encouraged to consolidate connectivity within their respective agencies. This internal consolidation has resulted in a reduction of the total number of physical CJNet connections by approximately 25% with no reduction in access or availability.

FCIC - Florida Crime Information Center

The FCIC system serves over 81,000 devices in approximately 1,300 federal, state and local criminal justice agencies. This system provides information on wanted or missing persons and stolen vehicles, boats and property. The FCIC system processes between 80 and 90 million data transactions per month (over 1 billion transactions during FY 10-11). This system allows criminal justice agencies virtually instantaneous access to a variety of state and federal information sources. This system serves as Florida's gateway to information held by the Federal government and other states through the NCIC (National Crime Information Center) – the central database for tracking crime-related information - and the III (Interstate Identification Index) - a national index of criminal histories (or rap sheets), maintained by the Federal Bureau of Investigation (FBI).

CCH - Computerized Criminal History

FDLE maintains the 4th largest criminal history file in the nation – receiving over 20 million arrests per year. Persons arrested throughout Florida are entered into the CCH as they are booked by the local arresting agency. CCH serves as the state repository and makes the records available to all criminal

justice agencies in Florida and across the country, other governmental agencies, and to the public (through the Internet). Criminal histories can be accessed by searching name and other identifiers or by positive fingerprint identification. Each criminal history record must be based on a fingerprint submission that is retained by FDLE and used for future identification. This system relies on several sub-applications such as the LOGAN system - used by the Florida Clerks of the Court to report dispositions to CCH.

BIS - Biometrics Identification System

The BIS is the fingerprint repository for all persons arrested in Florida and currently contains 4,937,255 10-print person records. Fingerprints (as well as identification and charge information) are entered by local agencies throughout the state through Livescan devices. This system works hand-in-hand with the CCH to provide a complete criminal history.

FALCON

The criminal history records in the systems discussed above also provides information for public use in background screening for firearm purchase authorization, employment, volunteer efforts, assorted licenses, and voter registration. In Florida, criminal history record screening for licensing and employment purposes is required for many professions. Florida also passed legislation, under the National Child Protection Act, authorizing record checks for volunteers working with children, disabled persons or the elderly.

The FALCON system provides the ability to retain and search large groups of individuals (licensees, for example) against incoming arrests and notify the employer or regulating agency if that person is arrested.

FALCON also provides the ability for criminal justice agencies to create and maintain watch lists – a list of names that will generate a notification to the agency if any of those persons are arrested.

In addition, FALCON receives identification requests with two fingerprints from remote devices and interfaces with the Rapid ID system (described below) which searches and matches the fingerprints. FALCON, based on the information requested and the reason for fingerprinting, collects and bundles the requested information into a single response that is returned to the remote device. That information may include an identification based on a match in the Rapid ID System, Florida and National Wants and Warrants, Florida and National Criminal history, DNA availability status, and/or fingerprint matches to the FBI's Repository for Individuals of Special Concern (RISC). This service is used by corrections and probation facilities, medical examiners, and the court system to positively identify individuals (and to determine their DNA availability status) and is also used road-side by law enforcement officers.

Rapid ID

The Rapid Identification System is a separate fingerprint identification system using four fingerprint images from the BIS data on Florida's arrested subjects. The system – accessed through FALCON, allows the use of small remote devices that transmit one fingerprint image to confirm identity or two fingerprint images to search for an unknown person's identity.

Sex Offender / Predator and Career Offender

The Sex Offender/Predator system provides information and geomapping capabilities to law enforcement and the public on Florida's sexual predators and offenders. The Jessica Lunsford Act of 2005 required sex offenders and predators to reregister twice a year at designated county offices. Recently, this system has been revised to comply with the federal Adam Walsh Act and the Cybercrimes registration requiring offenders and predators to register their e-mail addresses and instant messenger screen names. To date, FDLE has identified 52,152 sexual offenders and predators to the public.

MEPIC - Missing and Endangered Persons Information Clearinghouse

FDLE maintains the Missing and Endangered Persons Information Clearinghouse (MEPIC), an application that provides information on missing and endangered adults and missing children to Florida law enforcement and coordinates with similar Federal missing person/children systems. The information is collected and disseminated to assist law enforcement agencies, public and private organizations and the citizens of Florida in locating missing children and endangered adults. This system coordinates with state and national Amber and Silver alert systems.

FLEX – Florida Law Enforcement eXchange

The FLEX project, begun shortly after September 11, 2001, established a strategy for greater information sharing among local and state agencies. The goal was to provide a way to link agencies to provide and analyze local agency information such as citations, field interviews, incident reports, pawn records, traffic accidents, warrants, permits, mugshots and arrests.

At the time, each Domestic Security Task Force region were developing their own regional systems and it was determined that the most efficient way to facilitate sharing was to link these existing systems. Three regions had their own regional information sharing systems – Region 1 (Pensacola) uses as system called SmartCOP, Region 3 (Jacksonville) uses LInX, and Region 5 (Orlando) uses Finder. FDLE, other state agencies, and the Domestic Security Task Force Regions 2 (Tallahassee), 6 (Ft. Myers), & 7 (Miami) pooled their resources to develop a single solution - R-LEX, the Regional Law Enforcement Exchange to share information between them and connect these agencies to Region 4 (Tampa Bay) information.

The final step – the development of FLEX – will connect all 7 regions and state law enforcement agencies to allow information sharing throughout Florida

FCAC Online Request Tracking System

This application allows law enforcement personnel to submit requests (via CJNet web form) for Financial Crime analysis from FDLE.

Insite (ACISS)

This application is used by the Office of Statewide Intelligence (OSI) and local intelligence units to track intelligence on Drug, Gang, and Terror related subjects.

LeadTracking (ACISS)

This program is a web application located on CJNet, and serves federal, state and local law enforcement agencies by providing a secure computer database of active criminal intelligence and active criminal investigative lead information.

MARS eXplorer - Mutual Aid Response System

MARS eXplorer provides a secured, comprehensive mutual aid inventory identifying specialized law enforcement expertise and equipment for use by Florida's county and municipal law enforcement agencies. This system provides critical information in times of a state emergency.

ATMS - Automated Training Management System

FDLE serves as the state's officer standards and training authority. The ATMS houses information related to Florida sworn criminal justice officer's training, employment history, and certification information. This system, used by FDLE, local criminal justice agencies and criminal justice training schools is the repository for information on all of Florida's certified criminal justice officers.

OCETS - Online Curriculum Electronic Tracking System

OCETS is used for all aspects of the Florida Officer Certification Exam process, including: registrations, rosters, grading, results notices, review and challenge sessions, and various reporting functions.

3B. LESSONS LEARNED

With the great variety of agency missions and services, the complexity of the processes involved in providing these services, and the criticality of the information held by these agencies, not all of the LE IT consolidation efforts in Florida have been entirely successful. These initiatives offer “lessons learned” that can be critical to the success of future consolidation efforts.

Dispatch Center Consolidation

In 2000, 11 state agencies embarked on a project to consider consolidation of state law enforcement dispatch services. The project would coincide with the build out of the new state law enforcement radio system which was the consolidation of all state agencies land mobile radio systems into a new shared radio system which cut down on maintenance and infrastructure cost, and allowed all officers to communicate with each other. The project involved closing 60 dispatch centers and moving to seven regional centers.

The consolidation of law enforcement dispatch services produced at 2.4 million dollars savings by cost avoidance related to data circuits, facilities, maintenance and FTE’s. The consolidation also provided, at no additional cost, 24x7 dispatch services to state agencies that could not afford it in the past..

Planning for the consolidation took approximately 2 years and implementation took 3 years. This project involved technical requirements, facility requirements, movement of personnel and more importantly, governance. Each agency involved had their own separate geographical working boundaries, their own method of operations either based on current agency policy, existing laws or administrative rule.

After successful implementation of dispatch center consolidation, the agencies maintained a governance structure to ensure that all agencies needs were being met, and DHSMV/FHP continued to manage all systems and infrastructure as well as personnel that were transferred from other agencies. FWC operates within each of the regional dispatch centers at this time, dispatching only for FWC officers but utilizing the shared radio system and FHP dispatch systems which also helped reduce cost.

There were many lessons learned during this consolidation due to the size and complexity of 11 state agencies. The main lesson dealt with up front planning and communications with personnel affected by the closure of centers. Other lessons learned involved extensive planning with IT professionals from the impacted agencies and vendor systems, phone companies and construction companies. We learned it is very important to retain personnel with institutional knowledge to help with a project of this scale.

Department of Environmental Protection, Division of Law Enforcement, Records Management and Rapid-ID Consolidation into DHSMV/FHP systems

In 2010, Department of Environmental Protection, Division of Law Enforcement (DEP-DLE) and the Department of Highway Safety and Motor Vehicles, Florida Highway Patrol (DHSMV FHP) entered in discussions related to DHSMV hosting RMS and Mobile Data Services for DLE officers. DEP-DLE had stood up their own systems a few years earlier and were having issues related to systems upkeep and mobile connectivity. DEP-DLE systems at the time were also configured to communicate with DHSMV/FHP systems for services related to Computer Aided Dispatch (CAD) via common services on the state network. DHSMV and DEP-DLE took several months to plan and then test a solution that would not only allow DHSMV to host all of DEP-DLE services, but also handle the transition with little or no down time for the DLE officers in the parks. DEP-DLE systems were initially moved over to the DHSMV data center intact and connected to HSMV back-end systems, while users were migrated to

connect to DHSMV/FHP mobility VPN services. Once completed and system functionality verified, DHSMV and DEP-DLE worked toward a single solution that allowed the decommissioning of 5 servers and the costs affiliated with maintenance. Planning to full implementation took over a year and resulted in minimal down time for any law enforcement officer. Once the RMS and mobile systems were migrated, DHSMV and DEP-DLE worked toward moving all of DEP-DLE law enforcement IT systems into DHSMV. The migration was completed in January 2011 and any hardware previously utilized by DEP-DLE was either decommissioned or repurposed.

This project, although well planned, had issues related to different security policies applied to DEP systems that were more lax. It resulted in some unnecessary down time while DEP had to deal with a virus that infected their entire LE network. Lesson learned by all was the importance of verifying security policies of any agency prior to moving systems in to DHSMV systems.

FDOT-Motor Carrier Compliance Office (MCCO)/ FHP Merger

The 2011 legislative session moved Motor Carrier Compliance Office from the Florida Department of Transportation (FDOT) to the Department of Highway Safety and Motor Vehicles/Florida Highway Patrol (DHSMV/FHP) effective July 1, 2011. DHSMV/FHP had previously developed high level plans when this move was proposed in prior legislative sessions but not to the level needed related to Information Technology Systems. In March of 2011, plans were being developed to move personnel into DHSMV from FDOT and teams were established based on the operational areas of each agency function (HR, IT, Fleet, Property, etc.). During the discovery phase of the project, each functional team had to determine what systems or functions were being impacted and how it was being mitigated. IT turned out to be the most complicated function to complete with a very short deadline.

Although personnel were transferred to DHSMV/FHP on July 1, 2011, none of the IT systems were able to be moved due to very complex dependencies on each agency's existing network systems, and the fact that no common connection existed on the network between the two agencies. Additionally, data center consolidation was underway with FDOT/MCCO which further complicated issues and increased costs.

Further complications from reduction in IT personnel as part of the consolidation of the two agencies also increased timelines due to inadequate resources available. To date, MCCO IT systems are still on the FDOT network and hope to be fully migrated to DHSMV/FHP systems by February 2012.

The lessons learned from this consolidation are many but most important is that consolidation which involves disparate IT systems takes time to plan and implement, and requires proper resources as well. The consolidation would have been less difficult to implement had detailed analysis time been available. The cooperative work between the two agencies and also FDLE has enabled systems to stay in place and to be maintained by FDOT while DHSMV works toward a full migration. The full migration of all MCCO IT systems and resources into DHSMV will take approximately one year.

Key Lessons Learned

Each of these projects has provided valuable insight that can be used to facilitate future efforts. These insights are summarized below:

1. Sufficient time for consolidation research and planning is critical to the success of the effort.
2. It is critical that the services, business processes, and requirements of all agencies must be studied and integrated prior to any attempt to consolidate any IT supporting those business processes.
3. The planning phase must include all affected parties to an appropriate degree.

4. Complications and complexities are multiplied once the systems are located in a Primary Data Center (PDC). The regulations, rules, and service agendas of all agencies and the PDC will require much more time to integrate than had been planned.
5. The current PDC funding methodology of Zero Balance provides no funding for additional hardware and software that may be necessary to the success of the project. The PDC must have flexible funds to provide service to the agencies and deal with equipment problems and DR considerations.
6. Agencies that have subsumed other agencies or bureaus (and currently still have a complex, two-tiered processes and systems) are now being consolidated into other agencies or the PDC's. This is adding layer upon layer of IT complexity and process that needs to be dealt with.
7. When consolidations are planned, careful consideration must be given to the full range of skill sets, duties and institutional knowledge required for system maintenance / support in the consolidated location as well as the skill sets, duties and institutional knowledge that will continue to be needed in the agencies after consolidation.

4. DATA CENTER CONSOLIDATION

4A. LAW ENFORCEMENT DATA CENTER CONSOLIDATION WORKGROUP

Many of the team members had previously participated in the CIO Council AEIT Advisory Committee Law Enforcement Workgroup, which had identified data center requirements and recommendations specific to the needs of law enforcement. The work of the prior Workgroup was discussed extensively by the Team. The Team validated the findings of the Workgroup and raised concern that not enough has been done to address the recommendations documented in the Workgroup's deliverables.

Key Workgroup recommendations that the Team feels should be highlighted are:

- Data Center facilities MUST meet all requirements for CJIS security and for high availability, including sufficient failover and disaster recovery to geographically dispersed locations.
- Availability and security standards for consolidated LE systems should be even higher than those of non-consolidated LE systems. A consolidated data center, with the increased concentration of sensitive, confidential, and valuable systems and data, becomes an even more attractive target of security attacks, warranting even higher standards of security and redundancy.
- Data centers must implement a process for completing After Action Reports for all system failures or problems, detailing why the failure or problem occurred and what has been done to prevent reoccurrence.

The deliverables of the CIO Council AEIT Advisory Committee Law Enforcement Workgroup, including the "Law Enforcement Workgroup Charter and Overview", the "Law Enforcement Data Center Consolidation Requirements" and "Law Enforcement Data Center Consolidation Recommendations" may be found at http://cio.myflorida.com/committees_groups/AEIT.shtml. The recommendations and workgroup charter are also attached as Appendix A and B, respectively.

4B. GARTNER DATA CENTER CONSOLIDATION STUDY

In 2008, the state contracted with Gartner, Inc. (Gartner) to conduct a data center consolidation feasibility study. Gartner looked primarily at the facilities aspect of data center consolidation – examining the current state agency facilities and making recommendations for proceeding with the statewide consolidation. The study stated that “...successful data center consolidation projects are built around a decision to transform the organization – not just move the “machines” and people. The technical aspects of most consolidations are easier to manage than the cultural and operational dynamics of the organization.” [Final Report – State of Florida Data Center Consolidation Feasibility Study – 22 April 2008]

Gartner identified several Key factors that the State must keep in mind in moving forward with data center consolidation that closely mirror the general consolidation Critical Success Factors identified by the Team. Among Gartner’s key factors:

- Addressing and overcoming past consolidation experiences
- Applying the “lessons learned” regarding ineffective or nonexistent governance
- Avoiding cost reduction goals that are overly aggressive or unrealistic
- Ensuring the engagement, participation and ownership leadership across the State’s departments and agencies
- Allocating sufficient investment funding
- Establishing strong and confident project management oversight
- Developing the internal capacity and skills necessary for success
- Building a governance and management structure that creates a high level of trust in the data center host agency
- Making tough decisions regarding staffing levels
- Ensuring ownership and buy-in by State departments and agencies

As the project has moved forward in the 4 years since the study, technology has evolved, with resultant changes to many of the proposed consolidation solutions. The establishment of the Primary Data Centers (PDCs) as individual entities (each with their own policies, procedures and standards) and the initial movement of a variety of legacy agency systems into the PDCs results in many unknowns that must be addressed in the planning of any future consolidation efforts. The Team determined that it would be prudent for the State to conduct a comprehensive assessment of the PDC system with a focus not only on facilities, but also security, staffing, tools, processes, controls and transparency.

5. I.T. STAFFING AND RETENTION

The Team identified many challenges related to IT staffing that affect the State’s current IT environment and may have extensive affects on any future efforts at consolidation of IT.

Currently, an agency’s information technology services and resources primarily reside within the agency itself. IT support for a given law enforcement entity is often simply a component of the IT support provided to the entire agency. For agencies made up primarily of law enforcement units, a consolidation of law enforcement units would likely result in essentially all of the IT resources being consolidated as well. However, in many cases, the systems are shared between law enforcement and

non-law enforcement staff, and the IT resources to support those systems, including hardware, software and support staff, are also shared. Due to this complexity, there can be challenges in separating the IT support for a law enforcement unit from the IT support provided to the agency at large. For example, a law enforcement unit may use the same case management system as non-law-enforcement investigators and attorneys within the agency. System and database interfaces may exist between “law enforcement” systems and “non-law enforcement systems”. Separating the law enforcement unit(s) out from the remainder of the agency may result in higher costs as a result of duplicating hardware, software, and support staff, and may result in decreased efficiency in coordination, collaboration, and data sharing between law enforcement and non-law-enforcement units.

The platforms used and supported across different agencies vary widely, resulting in disparate applications, database platforms, and system platforms. Many of the law enforcement units use entirely different systems, many of which have been highly customized for the unit's statutory constraints, specific business needs, and current processes.

Many IT support personnel possess extensive business and institutional knowledge, related to the IT services in support of the specific agency mission. IT support levels vary widely given the differing missions among agencies. Some agencies operate on a mission critical 24/7 basis, whereas others may only routinely deploy law enforcement on an 8-5 weekday basis. All of these factors can make separation of the IT support function detrimental to the efficiency and effectiveness of the agency.

IT staffing issues are exacerbated by the difficulty that the state currently faces in attracting and retaining skilled technology professionals. Due to relatively low salaries (as compared to similar IT jobs in the private sector) coupled with the job uncertainty and perceived instability due to enterprise IT consolidation efforts, many agencies are already facing tremendous challenges in obtaining and retaining highly qualified IT staff. Many agencies have experienced a loss of staff to salaries 20-50% higher both inside and outside of state government, and are then unable to find qualified candidates willing to work for the salary available.

Every effort should be made to retain the knowledgeable and skilled IT resources that currently support the LE systems within the agencies, through consolidation and beyond. Consolidation decisions should not be made under the assumption that savings can be immediately achieved through the reduction of IT staff. Additionally, careful consideration must be given to the full range of skill sets, duties and institutional knowledge required for system maintenance / support in the consolidated location as well as the skill sets, duties and institutional knowledge that will continue to be needed in the agencies after consolidation.

6. EFFICIENCY AND CONSOLIDATION OPPORTUNITIES

6A. LAW ENFORCEMENT APPLICATION SYSTEMS

The Team considered all aspects of IT consolidation, but focused primarily on the area of law enforcement applications. Due to the Enterprise IT Consolidation initiatives currently underway, the Team recognized that many areas of IT will eventually be consolidated as part of that initiative. The area not in scope for the Enterprise IT Consolidation is the area of applications. For this reason, the Team focused on law enforcement-specific applications, but recognizes that, with any consolidation or shifting of LE services or staff, hardware, software/licensing, and support staffing must be considered for all areas of IT such as application, database, desktop, file/print, security and mobile computing.

The Team compiled and reviewed a high level law enforcement application inventory submitted by the participating agencies. Applications were considered for their consolidation potential, with special

consideration being given to duplicative applications, where multiple agencies use distinct systems for similar purpose.

- A total of 66 of law enforcement applications were included in the Team's inventory, 29 of which are already consolidated or centralized. Of the remaining applications, 11 were considered possible candidates for consolidation, while 26 were determined to be poor candidates for consolidation, for one or more of the following reasons:
- The business need being met by the application does not exist in other agencies;
- The business rules governing how the application functions are significantly different between agencies;
- The application is shared by non-LE units in the agency (such as case management applications which are used throughout the case life cycle of complaint, investigation, enforcement, and litigation) causing additional costs and complexities in "splitting" the application.

Several categories of applications were widely used and seen as critical to the law enforcement mission. A cursory examination by the Team identified high level business requirements in these areas that are fairly consistent across agencies, and in some cases, a specific solution is already being used by numerous agencies. Because of the commonality in these areas, the Team believes these to be possible candidates for consideration. **However, it should be noted that every potential consolidation carries with it many issues that need to be considered that could result in additional costs or reduced benefits.** While each of these opportunities for consolidation seems deceptively simple, their complex issues require extensive and detailed investigation of the efficacy of consolidation and the identification of any benefits or cost savings.

Not all opportunities identified in this document may result in beneficial consolidations or efficiencies. Each area will require detailed business process analysis by the operational staff and extensive coordination between applicable agencies.

Extensive analysis and planning, ultimately including consideration of all system requirements and software licensing costs, is needed to determine full project costs, reduce risks, and improve chances for successful consolidation.

Training Management System

All Agencies track the training that their officers attend. Some of these training records are sent to FDLE to show compliance with mandatory retraining and some are kept at the Agency for internal record keeping procedures.

All Agencies could benefit by having a central application that could allow for them to track training and could allow for FDLE to automatically pull the records needed for mandatory retraining. Some agencies have taken steps to form a committee of training staff to begin the review of current business processes and requirements and create standardized processes and requirements that will facilitate the development of a consolidated IT solution.

Policy Management System

Systems used to manage policies throughout their entire life cycle are very important to law enforcement for purposes of accreditation, standards, and quality assurance. Policy Management systems aid in the development and maintenance of policies, as well as providing tracking of the acknowledgment and verification of policy review and acceptance by law enforcement staff. Accountability of effective development, awareness, and adherence to policy is a critical factor in the accreditation process. A centralized system for use by all law enforcement units would reduce duplicity and improve efficiency and accountability.

Evidence Management System

All Agencies have to track evidence seized by their officers. Most of the Agencies have multiple locations throughout the state to store evidence. All Agencies follow the same guidelines on how the evidence is handled, stored and processed. Each agency currently has an evidence tracking system developed or purchased to meet their tracking needs.

Agencies could benefit from a central evidence management system to track evidence. It could also allow the Agencies to “share” evidence facilities as they could all use the same software. For example, if a Trooper seizes evidence in an area where there is no FHP evidence facility but a DEP facility was nearby, the trooper could store the evidence there. It could save man hours and fuel costs of driving out of the way to drop off evidence.

Some Evidence Management Systems currently in use actually receive data automatically from the Records Management System. Any solution that does not maintain the same level of integration or automation could actually result in duplicate data entry and reduced efficiency for some users.

Records Management System

The larger Patrol Agencies (FHP, FWC) all currently use a Records Management System (RMS) from the same vendor. If the systems were consolidated it could reduce the cost associated the maintenance for the software and hardware. DHSMV currently hosts an RMS system used by FHP, DEP and SFM. Some Records Management Systems currently in use actually transfer property and evidence into those respective systems or modules. Any solution that does not maintain the same level of integration or automation could actually result in duplicate data entry and reduced efficiency for some users.

Property Management System

Most of the Agencies track issued property. The property is generally tracked by whom it is assigned to. The property is not just the items which are tracked by FLAIR but items of intrinsic value to law enforcement, such as firearms, computers, body armor, etc. Some Property Management Systems currently in use actually are integrated with the agency’s non-LE inventory, including an automated interface to the FLAIR Inventory Module. Any solution that does not maintain the same level of integration or automation could actually result in duplicate data entry and reduced efficiency for some users.

6B. CONSOLIDATION CRITICAL SUCCESS FACTORS

It is important to note that every potential consolidation carries with it many issues that need to be considered that could result in additional risk, time or costs, or possibly in reduced benefits. Extensive analysis and planning is needed to determine full project costs, to reduce risks, and to improve chances for successful consolidation.

Currently, each agency has its own services and processes (that may be similar, but are different in many critical ways) that drive the needs of Agency IT. The services and business processes of all agencies should be analyzed and preferably integrated to the extent possible, prior to any attempt to consolidate the IT supporting those business processes.

Critical success factors include, but are not limited to:

1. **Business Process Analysis**– In all areas of consolidation, the planning should begin with an examination of the business requirements and processes necessary to perform each service proposed for consolidation. This business process analysis will identify specific areas that are appropriate candidates for IT consolidation or efficiencies and provide standard requirements for this service. This information can then be provided to the IT units for systems planning to meet the requirements and process identified. In addition to detailed business requirements and

process analysis, it is important to address specifics such as: software licensing, hardware capacity and refresh schedules, system and database interfaces, data migration and/or access to legacy data, mobile technologies, and consolidated dispatch.

2. **Planning** - Sufficient time for consolidation research and planning is critical to the success of the effort. It is critical that the services and business processes of all agencies must be studied and integrated prior to any attempt to consolidate any IT supporting those business processes. The planning phase must include all affected parties to an appropriate degree.
3. **Project Management** – Unmanaged IT projects have a much higher rate of failure. Use of standard project management practices is recommended, including: designation of an experienced project lead, establishment of a detailed project plan with a clear scope and reasonable timeline, commitment of sufficient resources, effective project governance including risk identification and mitigation, and ongoing communication and coordination.
4. **Comprehensive IT Assessment** – When any consolidation is being considered, a comprehensive IT assessment should include applications, infrastructure, desktops, data, support and staffing. IT staff from all of these areas, as well as knowledgeable business/LE staff, should be included to determine all of the tasks, costs and risks associated with the consolidation in question.
5. **IT Staffing** – Every effort should be made to retain the knowledgeable and skilled staff that currently manage and support the LE systems within the agencies, through consolidation and beyond. Consolidation decisions should not be made under the assumption that savings can be immediately achieved through the reduction of IT. When consolidations are planned, careful consideration must be given to the full range of skill sets, duties and institutional knowledge required for system maintenance / support in the consolidated location, as well as the skill sets, duties and institutional knowledge that will continue to be needed in the agencies after consolidation.
6. **Primary Data Center Coordination** - Complications and complexities are multiplied once systems are centrally located in a Primary Data Center (PDC). The regulations, rules, and service agendas of all agencies and the PDC will require much more time to integrate than had been planned. In addition, the current establishment of the PDC's as individual entities (each with their own policies, procedures and standards) and the initial movement of legacy agency systems into the Centers, provide many unknowns that must be addressed in the planning of any future consolidation efforts.
7. **Primary Data Center Budgeting** – current PDC funding methodology of Zero Balance provides no funding for additional hardware, software, or other expenses that may be necessary to the success of the project. The PDC must have flexible funds to provide service to the agencies and deal with equipment problems and disaster recovery considerations.

7. RECOMMENDATIONS

The Information Technology Team recommends the following:

1. Consider the following application systems for possible centralization or consolidation, which are used similarly by most law enforcement units: **Training Management, Policy Management, Evidence Management, Records Management, and Property Management Systems.** However, comprehensive analysis of agency-specific business requirements, processes, and interfaces is warranted prior to any final decision.

2. Any potential consolidation of law enforcement should include comprehensive and effective planning, business analysis, coordination and communication, addressing all areas of information technology and utilizing accepted practices in project management. LE consolidation may impact and be impacted by the AEIT Data Center Consolidation and other Enterprise Consolidation efforts currently underway, and such potential impacts should be considered during analysis and planning of any proposed LE consolidation.
3. Interagency workgroups made up of both business (LE) and IT personnel should be established for detailed study and business process analysis of any recommended area of consolidation or major efficiency initiative. It is critical that the services and business processes of all agencies must be analyzed from an operational perspective prior to any attempt to consolidate any IT supporting those business processes.
4. The importance of retaining skilled and knowledgeable IT staff should not be underestimated. The State should make every attempt to retain IT staff throughout the consolidation process, during which time agency-specific technical and institutional knowledge is especially critical. No reduction in IT staff should be attempted until well past the successful completion of consolidation, and even then reduction should only be through normal attrition.
5. The Agency for Enterprise Information Technology should be given the necessary resources and authority to take action to implement and comply with requirements and recommendations from the Law Enforcement Data Center Requirements Workgroup. Specifically, Data Center facilities MUST comply with federal CJIS Security Policy and MUST meet all requirements for high availability, including sufficient failover and disaster recovery to geographically dispersed locations.
6. The state should undertake a comprehensive assessment of the Primary Data Center system with specific focus on facilities, security, staffing, tools, processes, controls and transparency.
7. Any future recommendations to address the consolidation of IT functionality across state criminal justice and law enforcement agencies should comply with standards as adopted by the CJJIS Council in accordance with its duties stated in Florida Statute 943.08 and be reviewed by the Council as necessary. (See Appendix C for additional information on the CJJIS Council)

APPENDIX A – LE DATA CENTER CONSOLIDATION RECOMMENDATIONS

(Produced by CIO Council AEIT Advisory Committee Law Enforcement Workgroup, October 12, 2010)

Chief Information Officers Council – AEIT Advisory Committee
Law Enforcement Data Center Requirements Workgroup
Law Enforcement/Criminal Justice
Data Center Consolidation Recommendations

1. The State's Primary Data Centers (PDC or Data Center) shall comply with all current and future versions of the FBI Criminal Justice Information Services (CJIS) Security Policy.
2. Primary Data Centers should designate all Data Center positions as positions of special trust. Positions of special trust can be declared by the agency head. Positions of special trust require a level 2 fingerprint check. The purpose for this designation is to enable the PDC to perform a criminal history check where necessary, but does not replace the check to be performed by the lead Criminal Justice Agency in the Data Center.
3. Primary Data Centers should request retention of fingerprints for arrest notification on all applicants to FDLE.
4. Each PDC should develop and adhere to policies and procedures that comply with Florida's Criminal Justice User Agreement, Section 3, Paragraph 1, for responding to notification of an arrest due to retention of fingerprints or reporting of that arrest via some other mechanism.
5. The AEIT should amend F.S. 110.1127 (a) to allow for the inclusion of contractors as position of special trust which would provide non-criminal justice agencies with the ability to conduct security background checks, including fingerprinting on contractors. Currently non-criminal justice agencies are restricted to conducting background checks on employees only however most agencies including primary data centers employ contract staff to perform information technology work that is either similar or identical to work performed by full-time equivalent (FTE) staff or contract staff may be hired to work on specific projects where they have access to the same systems or data as FTE's. The FBI considers criminal history background checks conducted by a CJ agency for site security to be a criminal justice purpose. (28 CFR 20.33 and s.943.053 (a)).
6. Law Enforcement/Criminal Justice Agencies have varying background processes that are required for staff, prior to initial employment, above and beyond the level two fingerprint-based criminal history record check required by the FBI's CJIS Security Policy. The Law Enforcement workgroup considered the background processes of agency workgroup members, with FDLE's background process being the most stringent. The workgroup recommends that Primary Data Centers that process or store Law Enforcement/Criminal Justice (CJ) data or systems should adopt a standard background process that includes the components listed below. These background processes would include support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas unless these individuals are escorted by authorized personnel at all times. Non-PDC Agency staff having unescorted physical access to the Data Center would go through the same background process as Data Center staff. Recommended components are divided into two categories, those background processes that the Primary Data Center has access

to the information in order to complete and those background process that a Law Enforcement or Criminal Justice Agency should complete due to access to the information. The workgroup considered it important to point out that these additional screening methods are recommended, but subject to definition of policies and guidelines that would reduce potential inconsistency in application and interpretation of results across data centers. In addition, advanced notification to existing employees of these new processes to ensure fairness would be extremely important. One final note regarding background processes, the workgroup considered but rejected credit checks as part of the background process due to the potential impact on existing employees. This does however remain a requirement of FDLE.

PDC Conducted Background Processes:

- a. Drug Screen
- b. Employment Verification for past 5 years
- c. Education Verification
- d. Military/Selective Service records verification
- e. Birth and Citizenship Verification (Birth Certificate &/or Immigration & customs Enforcement documentation)
- f. Three Personal References
- g. Internet Search (i.e. Facebook, Google, MySpace) – this should be based on further definition of policies and guidelines
- h. Driver License

Law Enforcement or Criminal Justice Agency Conducted Background Processes:

- a. Local Law Enforcement Record Check
 - b. State Attorney's Office Inquiry
 - c. Local and State Civil and Criminal Court Inquiries
 - d. Federal Civil and Criminal Court Inquiries (PACER System)
 - e. Check Commercially Available Databases
 - f. Other Criminal Justice Indices as Available
 - g. Limited checks on spouses and/or roommates should be performed
7. The Primary Data Centers should develop a policy regarding staff reporting of arrests and/or their involvement in investigations within a designated period of time (recommendation is within two business days). This should include any investigation of suspected illegal involvement (to include but not be limited to possession, use, sale and delivery) with controlled substances or other drugs.
 8. When multiple Criminal Justice agencies are housed in the same Primary Data Center, the CJ agencies will select a primary CJ agency to provide oversight regarding adherence to FBI CJIS Security Policies and to be responsible for conducting Criminal History Checks. This includes conducting level 2 background check (fingerprint based – as defined in F.S. 435.04) conducted by the primary CJ agency and review process in accordance with the FDLE CJ User Agreement. Based on the review, the primary CJ agency will make a determination of eligibility.
 9. The CJ Agency selected within a Data Center to provide oversight and conduct fingerprint checks will be provided an Originating Agency Identifier (ORI) by FDLE specifically for the purpose of performing checks for the PDC.

10. As an option, the Primary Data Centers may acquire their own ORI as a non-criminal justice agency and conduct their own State and National Fingerprint Check under F.S. 110. This would allow the PDC to obtain their own criminal history results on applicants who may have been denied access by FDLE, and/or to receive arrest notifications on any other retained applicants the PDC chooses to conduct a fingerprint check for. This information could be used by the PDC if the Criminal Justice Agency that has Management Control denies access to current or prospective employees; the Data Center would then have information to understand the circumstances and to determine if the PDC's Inspector General needs to begin an internal investigation on any current employees.
11. The Primary Data Center should develop policies and procedures for handling the results of fingerprint based criminal history checks conducted by the designated primary CJ Agency in the Data Center. These policies and procedures should include notification to the staff and contractors who have physical or logical access, and other State agency personnel with unescorted physical access to the Data Center of the background requirements, what may constitute denial of access, how notification will be handled with the staff, how termination of access to the data center (logically and physically) will be handled, whether staff will be placed on administrative leave, etc. Policies and procedures will be consistent with the CJIS Security Policies. If the Primary Data Center chooses to conduct their own fingerprint checks, the policy should also include how the receipt of arrest notifications for retained applicants will be handled and the process for conducting any internal investigations that may occur as a result.
12. Primary Data Centers should develop and implement a written policy for the discipline including dismissal and/or criminal prosecution of employees who violate the CJIS Security policy or other security requirements.
13. Primary Data Centers should develop a policy regarding Professional Standards of Employee Conduct that addresses such items as avoiding the appearance of impropriety, drug free workplace, acts of misconduct and work standard violations, ethics, release of confidential information, dual employment and drug testing.
14. Primary Data Centers should communicate with the PDC Board, employees, and contractors regarding changes in policy due to the CJIS Security Requirements and what the implications are as well as provide them with new policies and procedures that need to be followed. PDCs should also develop a list of staff and contractors that will need access and prepare well in advance of moving day for the CJ Agency to begin the process of fingerprint checks as this can be time consuming. PDC staff will need to be notified of the specific documents they will need to bring with them at the time they are to be fingerprinted and should be made aware well in advance of the process and potential outcomes.
15. Primary Data Centers that house or are planning to house FBI/CJIS data should develop a written plan for how they will meet the requirements of the CJIS Security Policy. The plan must then be reviewed with and approved by the CJIS Systems Officer (CSO). This should be done well in advance of the move date for any Criminal Justice Agency into the Primary Data Center.
16. The Primary Data Center should request a pre-assessment to be conducted by FDLE in order to ensure compliance and resolve any outstanding issues prior to the move of any CJ Agency.
17. Prior to the move of any CJ Agency into a Primary Data Center, the Primary Data Center must develop a written plan for how they will meet any requirements specific to that CJ Agency that are above and beyond the requirements of the CJIS Security Policy, including but not limited to availability requirements.
18. The CJ Agency shall execute a Management Control Agreement with the State Primary Data Center expected to house their CJIS system/data. This agreement includes the terms and

conditions of the FDLE CJIS User Agreement that is executed with each CJ Agency. It also includes the requirements of the Federal Regulations 28 CFR (part 20), 23.20 and 20.21.

19. In conjunction with the Criminal Justice Agencies, FDLE will develop a standard template for the *Management Control Agreement* that is required by the FBI to be executed between each CJ Agency and the Primary Data Center housing FBI CJIS data.
20. Primary Data Centers shall have documented procedures in place to monitor all CJIS security policies with appropriate points of contact as coordinated with the FDLE/CJIS Information Security Officer (ISO).
21. Primary Data Centers shall prioritize the recovery of Criminal Justice systems and data over all others in the Data Center. (reference CJIS Security Policy version 5.0 3.2.2 (3) (a) and (b))
22. Primary Data Centers shall prioritize public safety network traffic giving priority within Public Safety to Criminal Justice systems and data. (reference CJIS Security Policy version 5.0 3.2.2 (3) (a) and (b))
23. Any agreement between a primary data center and a private contractor shall incorporate the CJIS Security Addendum approved by the Director of the FBI (acting for the U.S. Attorney General), as referenced in Title 28 CFR 20.33 (a) (7). Private contractors who perform the administration of criminal justice shall meet the same training and certification criteria required by governmental agencies performing a similar function, and shall be subject to the same extent of audit review as are local user agencies.
24. In conjunction with F.S. 943.0311, all Primary Data Centers should be designated as Critical Infrastructure and FDLE should be requested to perform vulnerability assessments. Results of the assessments should be shared with the Criminal Justice Agencies that are planned to be housed in the specific Primary Data Center. Plans should be developed to mitigate identified vulnerabilities prior to the occupancy of the Primary Data Center by any CJ Agency.
25. Primary Data Centers should have established policies and procedures for continuity of operations and emergency succession procedures for all critical data center positions.
26. Primary Data Centers should have established policies and procedures regarding an Inspector General's role in the coordination of and responsibility for activities that promote accountability, integrity and efficiency of the data center as delineated in Section 20.055, F.S.
27. Primary Data Centers should develop policies and procedures for preparing After-Action Reports (AAR) for all significant system outages or degradation of service. An AAR is an assessment conducted after a major event or outage that allows staff to discover what happened and why it happened, and to learn from that experience. It also provides the customer with a description of the outage, scope of the outage, the root cause of the outage, and preventive actions or proactive steps to be performed to prevent future outages.
28. There should be consistency with regards to disqualifiers for Data Center access under Florida law. One or more State Agencies (e.g. DJJ, DCF, etc.) have statutory employment disqualifiers that are different. If more than one Criminal Justice Agency is housed within a PDC, the primary CJA performing the fingerprint-based criminal history check is only adjudicating against the CJIS Security Policy and their agency's disqualifiers therefore, it is possible that the PDC board as the hiring authority may make an employment decision without the benefit of knowing the requirements of each agency. This is further complicated by the fact that the hiring authority is not provided the specifics of the background record check. The recommendation is that statute should be reviewed and all agency disqualifiers identified, then a single standard should be developed based on these disqualifiers for adjudication purposes (beyond the CJIS Security requirements) for the data centers to ensure consistency in the screening standard across all data centers.

APPENDIX B – LE DATA CENTER REQUIREMENTS WORKGROUP CHARTER

State of Florida Chief Information Officers Council

Agency for Enterprise Information Technology Advisory Committee

The Law Enforcement Data Center Requirements Workgroup

Charter & Overview Document

October 12, 2010

The following is a record of the changes that have occurred on this document from the time of its origination.

#	Change Description	Author	Date
1	Original draft	Nelson Munn	12/23/09
2	Added legal input from Lou Carroll	Nelson Munn	12/28/09
3	Group Additions/Changes	Workgroup	2/19/10
4	Pulled law/requirements section out to spreadsheet	Nelson Munn	3/3/10
5	Update by FDLE to Risks, Constraints and Other Considerations Sections	Penny Kincannon	3/14/10
6	Added acronyms, assumptions, constraints, and other considerations to word document	Penny Kincannon	5/13/10
7	FDLE completed writing of CJIS & FDLE requirements (spreadsheet) and provided to Nelson	FDLE	5/13/10
8	Added AEIT and FHP Requirements to spreadsheet	Amy Caldeira Steve Williams	6/10/10
9	Update to specific definitions and inserting a definition of terms	Tom Trunda	7/7/10
10	Revisions in LE Workgroup meeting to definition of terms, assumptions, risks, and constraints	Workgroup	8/13/10
11	Updated document change activity, workgroup membership, and outstanding issues sections	Penny Kincannon	8/15/10
12	In Workgroup meeting on 8/26/10 the team made additional modifications and additions to Section 9 Assumptions, Section 11 Constraints and Section 12 Other Considerations and updated Outstanding Issues.	Workgroup	8/26/10
13	Added new tasks to Outstanding Issues and accepted all track changes; removed Calea requirements (duplicates of CJIS).	Penny Kincannon	8/29/10
14	Moved the functional requirements to a word document/table due to the excel row limitation, combined requirements that had been split, combined "applies to" columns from one for each agency down to two; added an additional recommendation regarding after action report; updated several recommendations; updated AEIT requirements changes; added/clarified requirements regarding VLANS/firewalls/logical segmentation of CJ data from non-CJ data or encrypt data.	Penny Kincannon, Joey Hornsby	10/1/10
15	Added recommendation on notification of arrests, revised working on 11.7, discussed DOC recommendation with Doug, spelled out ORI, added recommendation on disqualifiers, summarized workgroup's recommendation on background process, added reference to recommendations in primary document and information on how requirements were derived; added cover page.	Penny Kincannon, Joey Hornsby, Larry Coffee, Workgroup Members contribution	10/11/10

The State of Florida’s CIO Council as part of their established Agency for Enterprise Information Technology (AEIT) Advisory Committee formed the Law Enforcement Data Center Requirements Workgroup in October of 2009 to address the unique business needs and concerns specific to the operation of law enforcement and criminal justice information systems and associated infrastructure in a shared computing facility. The Council invited all agencies with a law enforcement component to participate as well as the Agency for Enterprise Information Technology and the State’s Primary Data Centers. The workgroup came together to document Federal, State, and Agency law enforcement related laws, polices, and practices and the associated requirements for the State data center system. The workgroup also documented specific process and workflow related issues that need to be considered by data center managers as they offer services to law enforcement users. As discussions evolved and the first Criminal Justice Agency moved into a primary data center the LE Workgroup was asked to prepare a list of recommendations in addition to the documented requirements.

The work of the LE Workgroup has resulting in three documents which consist of the following:

- 1) *LE Workgroup Charter & Overview.doc* – this document references general information about the purpose behind the project, participants, definitions, and most importantly identifies assumptions, risks, constraints, and other considerations regarding Law Enforcement/ Criminal Justice Agency consolidation into a shared computing facility.
- 2) *LE Data Center Consolidation Requirements.doc* – this document provided as a separate attachment in MSWORD table format is a list of requirements provided by the participating LE agencies. See Section 7.0 for more details on the requirements document.
- 3) *LE-CJ Data Center Consolidation Recommendations.doc* – this document provided as a separated MSWORD document contains specific recommendations based on issues raised during the LE Workgroup meetings. The recommendations are not meant to be prescriptive in most cases but as a jump start for further discussion as there are some complicated issues. Others are simply to follow up on lessons learned after the first CJ Agency move into a PDC.

These LE Workgroup deliverable documents will be drafted and finalized by members of the workgroup and offered to the AEIT Advisory Committee as a final report. The AEIT Advisory Committee will then have the opportunity to provide it to the CIO Council for use in advising the AEIT regarding the state-wide data center system.

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CALEA	Commission on Accreditation for Law Enforcement Agencies
CGA	Contracting Government Agency
CHRI	Criminal History Record Information
CHIS	Criminal History Information System
CJA	Criminal Justice Agency
CJIS APB	CJIS Advisory Policy Board
CJIS	Criminal Justice Information Services
CJNET	Criminal Justice Network
CJUA	Criminal Justice User Agreement
CSA	CJIS Systems Agency
CSIRC	Computer Security Incident Response Capability
CSO	CJIS Systems Officers
FBI	Federal Bureau of Investigations
FCIC	Florida Crime Information Center
ISM	Information Security Manager
ISO	Information Security Officer
LASO	Local Agency Security Officers
NCIC	National Crime Information Center

DEFINITION OF TERMS. Terms referenced in this document and the “*LE Data Center Consolidation Requirements*” word document shall have the meaning defined by National Institute of Standards and Technology Interagency Reports (NISTIRs), Federal Information Processing Standards (FIPS) and Special Publications (SP). Unless otherwise stated, all terms used in NIST publications are also consistent with the definitions contained in

the Committee on National Security Systems Instruction No. 4009, National Information Assurance Glossary and State of Florida Information Technology Resource Security Policies and Standards.

- 6.1. CJIS Security Policy related entries are based on version 4.5 as updated January 2010. Laws and Policies are captured in the requirements section of the attached "*LE Data Center Consolidation Requirements*" word document.
- 7.1. See attached "*LE Data Center Consolidation Requirements*". The vast majority of the requirements identified came directly from the FBI Criminal Justice Information Security Policy version 4.5. Requirements based on the CJIS Security Policy are focused on those that would be necessary for a governmental agency to follow and were not inclusive of those required if the data center were being managed by a non-governmental agency or private contractor. In addition, this list of requirements should not be considered a replacement for reading, understanding and following the totality of the CJIS Security Policy but is meant to highlight the most important requirements as they apply to data center consolidation and to provide some clarification regarding how some apply in a shared environment.
- 7.2. The Federal or State law or Agency Policy and Procedure has been cited for each requirement and requirements have been categorized according to the following areas although it should be noted that more than one category could apply:
 - Governance
 - Policy & Procedure
 - Personnel
 - Security
 - Operations
 - Availability
- 7.3. Each requirement is checked as applying either specifically only to FDLE or to Criminal Justice Agencies & Data Centers hosting FBI CJIS Data. There are two reasons for this: 1) FDLE serves as the State's CJIS Systems Agency and employs the CJIS Systems Officer for the State and as such has some very unique responsibilities. So these responsibilities are noted with a check as being unique to FDLE and 2) the background processes that FDLE employs are much more restrictive than other LE agencies and are therefore checked as unique to FDLE. Although the requirements document makes an attempt to stay away from unique agency service level agreement type requirements, those that have the potential to impact other agencies have been included.
- 8.1. In accordance with 28 CFR Part 23 Guideline (Criminal Intelligence Systems Policies) – subsection 23.3 Applicability, (5) Intelligence Project or Project means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies. The State's Primary Data Centers would be considered such a project.
- 8.2. In accordance with 28 CFR Part 23 Guideline (Criminal Intelligence Systems Policies) – a project maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information and the date of each dissemination outside the project shall be kept.
- 8.3. When multiple criminal justice agencies data and systems are housed in a primary data center the CJ agencies will select a primary CJ agency to assure data center adherence to FBI CJIS Security Policies. This includes conducting level 2 background check (fingerprint based – as defined in F.S. 435.04) conducted by the primary CJ agency and review process in accordance with the FDLE CJ User

Agreement. Based on the review, the primary CJ agency will make a determination of eligibility. FDLE is the designated CSA (CJIS Systems Agency) for Florida which is defined by 28 CFR 20.3(c) as “is a duly authorized state, federal, international, tribal, or territorial criminal justice agency on the CJIS network providing statewide (or equivalent) service to its criminal justice users with respect to the CJIS data from various systems managed by the FBI CJIS Division.” Facilities supporting FDLE are suggested to select FDLE as the primary CJ agency

- 8.4. The primary data center should work with the initial CJ Agency moving into the data center or the selected primary CJ agency to complete level 2 background checks on existing staff with logical or physical access to data and systems prior to any CJ agency moving into the data center. In addition, a process should be established for completing level 2 background checks on all potential staff prior to employment with the primary data center.
- 8.5. The provisions of the CJIS Security Policy “Security Addendum” apply to all Privatized (non governmental) State Primary Data Center personnel, systems, networks and support facilities supporting and/or acting on behalf of the CJ agency.
- 8.6. The term “FCIC” includes FBI Criminal Justice Information Systems Data as well as State of Florida Criminal Information.
- 8.7. Primary data centers must give priority to criminal justice network traffic over that of all others and must prioritize the recovery of Criminal Justice systems and data over all others in the Data Center.
- 8.8. The State’s Primary Data Centers shall assign a Security Officer accountable for the management of the security program and to ensure compliance with the FBI CJIS Security Policy and the Management Control Agreement. This will be the same person designated as the Information Security Manager in F.S. 282.318.
- 8.9. The Primary CJ Agency shall work in conjunction with the Primary Data Center’s Information Security Officer/Manager and the CJIS Systems Agency (FDLE) to ensure the Primary Data Center’s compliance with the FBI CJIS Security Policy.
- 8.10. It is the responsibility of the individual CJ Agency to ensure compliance of the CJ applications with the FBI CJIS Security Policy with the Data Center providing a supporting role in this process where necessary.
- 8.11. The Primary Data Centers will develop and implement standard operating procedures based on best practices for Data Centers.
- 9.1 Bandwidth Requirements necessary between current data center facilities and the State’s Primary Data Centers. Agencies that offer 10/100/1000 connectivity per desktop to their users today that are collocated with the servers that house their applications and data enjoy gigabits of aggregated throughput to these systems. Impact to bandwidth has the potential to impact officer safety and public safety when Criminal Justice and Law Enforcement applications and data are affected. In a consolidated data center environment the users will have to share a much smaller link to all of these systems and user productivity as well as user satisfaction with Information systems may suffer.
- 9.2 Some agencies make use of backup data shares for local data files and email archives to ensure users never lose critical mail or documents. Reduced bandwidth may impact user desktop backup functionality as well as the automatic/remote installation of application software including office suite products and antivirus software onto user desktops remotely from servers.
- 9.3 Lack of redundancy or disaster recovery planning on the part of the primary data centers for systems moving to the data centers. Failover to recovery sites is still the responsibility of the LE/CJ Agency although responsibility/administration for the agency systems may have been transferred to the primary data center. The agency is still responsible for replication and maintenance of the DR site.
- 9.4 LE/CJ agencies are extremely concerned with discussion regarding the use of one primary data center as the disaster recovery site for another primary data center as this does not meet the best practice of being

geographically dispersed. It would however be a good idea from a backup perspective or to meet the requirement of specific public safety systems that may require high availability.

- 10.1 Financial impact of Bandwidth Requirements with users housed at one location and servers at another, especially for those applications that are client-server based or applications that are graphically or image intensive.
- 10.2 Vendor managed systems that are housed at the CJ agency and have contract support staff collocated with the equipment per the contract (i.e. MorphoTrak fingerprint systems and Regional Law Enforcement Exchange System (R-LEX), DOC Canteen system) and/or that are managed remotely by the vendor (SmartCop).
- 10.3 The State's Primary Data Centers must execute a Management Control Agreement with each CJ Agency supported. This agreement includes the terms and conditions of the FDLE CJIS User Agreement that is executed with each CJA. It also includes the requirements of the Federal Regulations 28 CFR (part 20), 23.20 and 20.21.
- 10.4 The CJ Agency maintains the authority to approve or deny staff having logical or physical access to systems used to transmit, store or process FBI/CJIS data. This includes the background process needing to be completed by a CJ Agency, as opposed to by a Data Center directly or other managing non-CJ Agency. It also includes review and decision making authority regarding background results and post background subsequent arrest notification.
- 10.5 Responsibility for the management of security control shall remain with the criminal justice agency. Security control includes the authority to set and enforce policy governing the operation of computers, circuits and telecommunications terminals used to process, store or transmit CJIS data and to guarantee the priority service needed by the criminal justice community.
- 10.6 As coordinated through the State of Florida's CSA, each primary data center as per their management control agreement with the CJ Agency shall allow the FBI to periodically test the ability to penetrate the FBI's network through the external network connection or system per authorization of DOJ Order 2640.2E.
- 10.7 The data center must incorporate the CJIS Security Addendum into any contract with a private contractor for any services that would involve access to systems used to process or store FBI CJIS data. This would include contracts to support data center hardware, operating systems, monitoring software, other utility type software that may have access to these systems, etc. The security addendum requires the contractors to follow specific security policies and ensures they meet the same training and certification criteria required by governmental agencies performing a similar function. These requirements have the potential to add additional cost and constraints to the services provided by the vendor.
- 10.8 All private contractors who have been permitted to access the CJIS record information systems shall abide by all aspects of the CJIS Security Addendum. Modifications to the CJIS Security Addendum shall be enacted only by the FBI.
- 10.9 Physical security perimeters for the PDC as defined by the CJIS Security Policy shall be defined by the CJIS Systems Officer (FDLE).
- 10.10 FDLE and FBI CJIS data can only be accessed and disseminated for an authorized purpose. This includes maintenance of an IT System. CJIS systems data is sensitive information and security shall be afforded to prevent any unauthorized access, use or dissemination of the information. Improper access, use and/or dissemination of CHRI and hot file information is serious and may result in the imposition of administrative sanctions including, but not limited to, termination of services and state and federal criminal penalties.
- 10.11 The State's Primary Data Centers shall educate employees who work on any components utilizing CJIS data through the CJIS Online Security Training program conducted by FDLE as per the requirements in the CJIS Security Policy & FDLE Policy and Procedures.

- 10.12 The State's Primary Data Centers must comply with all current and future versions of the FBI CJIS Security Policy. New changes in the CJIS Security Policy (Version 5.0) are estimated to be in effect by January 2011.

- 11.1 Consolidating all Florida Public Safety Entities in one or two facilities introduces risk and creates an attractive target from a homeland security perspective. In addition, this creates a higher risk of failure for criminal justice and law enforcement systems.

- 11.2 The State's Primary Data Centers are expected to provide data center physical interior/exterior facility security; redundant environmental (power/HVAC) capacities and communications equipment backup with physical security to mitigate any impact to Law Enforcement operational capabilities and Officer Safety concerns. Access to the CJIS systems must be secure and maintained at the highest level of operational availability to meet Law Enforcement support requirements.

APPENDIX C – CRIMINAL & JUVENILE JUSTICE INFORMATION SYSTEMS COUNCIL

Duties of the Criminal and Juvenile Justice Information Systems (CJJIS) Council are statutorily defined in F.S. 943.08.

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

- (1) The council shall facilitate the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies.
- (2) The council shall adopt uniform information exchange standards, methodologies, and best practices, applying national standards and models when appropriate, in order to guide local and state criminal justice agencies when procuring, implementing, or modifying information systems.
- (3) The council shall provide statewide oversight and support the development of plans and policies relating to public safety information systems in order to facilitate the effective identification, standardization, access, sharing, integrating, and coordinating of criminal and juvenile justice data among federal, state, and local agencies. The council shall make recommendations addressing each of the following:
 - (a) Privacy of data.
 - (b) Security of systems.
 - (c) Functional and information sharing standards.
 - (d) Accuracy, timeliness, and completeness of data.
 - (e) Access to data and systems.
 - (f) Transmission of data and information.
 - (g) Dissemination of information.
 - (h) Training.
 - (i) Other areas that effect the sharing of criminal and juvenile justice information and other public safety system information.
- (4) The council shall provide oversight to the operation of the Criminal Justice Network (CJNet) for which the department shall serve as custodial manager pursuant to s. 943.0544. Criminal justice agencies participating in the Criminal Justice Network shall adhere to CJNet standards and policies.

APPENDIX D – GLOSSARY OF ACRONYMS & ABBREVIATIONS

AAR	After Action Report
AEIT	Agency for Enterprise Information Technology
AGO	Attorney General's Office
ATMS	Automated Training Management System
BIS	Biometric Identification System
CCH	Computerized Criminal History

CFR	Code of Federal Regulations
CIO	Chief Information Officer
CJ	Criminal Justice
C.JA	Criminal Justice Agency
C.JIS	Criminal Justice Information Systems
CPCU	Child Predator Cybercrime Unit
CSA	C.JIS Systems Agency
CSO	C.JIS Svstems Officer
DBPR	Department of Business and Professional Regulation
DCF	Department of Children & Families
DEP	Department of Environmental Protection
DFS	Department of Financial Services
DJJ	Department of Juvenile Justice
DOACS	Department of
DOC	Department of Corrections
FBI	Federal Bureau of Investigation
FCIC	Florida Crime Information Center
FDLE	Florida Department of Law Enforcement
FHP	Florida Highway Patrol
FLEX	Florida Law Enforcement eXchange
FMP	Florida Marine Patrol
FTE	Full Time Equivalent
FWC	Florida Wildlife Commission
GIS	Geographic Information Svstem
HSMV	Highway Safetv & Motor Vehicles
IRM	Information Resource Management
IT	Information Technology
LECTF	Law Enforcement Consolidation Task Force
LE	Law Enforcement
MEPIC	Missing & Endangered Persons Information Center
NCIC	National Crime Information Center
ORI	Originating Agency Identifier
OCETS	Online Curriculum Electronic Tracking Svstem
PDC	Primary Data Center
RMS	Record Management Svstem
R-LEX	Regional Law Enforcement eXchange
SFM	State Fire Marshall
VPN	Virtual Private Network

LAW ENFORCEMENT CONSOLIDATION TASK FORCE INSPECTOR GENERAL REPORT

November 7, 2011 and updated December 15, 2011

I. Introduction

On May 26, 2011, Governor Rick Scott signed Senate Bill 2160 that established a statewide Law Enforcement Consolidation Task Force (Task Force). Specifically, the legislation directed the Task Force to “evaluate any duplication of law enforcement functions throughout state government and identify any functions that are appropriate for possible consolidation. The Task Force was also tasked to evaluate administrative functions including, but not limited to, accreditation, training, legal representation, vehicle fleets, aircraft, civilian-support staffing, information technology, and geographic regions, districts, or troops currently in use.” The legislation further directed the Task Force to submit a plan to the Florida Senate and House of Representatives with recommendations on how to achieve the consolidation of state resources, if appropriate.

As part of this statutory mandate, on July 14, 2011, the Task Force chaired by Julie Jones, Executive Director, Florida Department of Highway Safety and Motor Vehicles, established thirteen teams based on specific subject matter to review various functions of state law enforcement and submit reports and recommendations to the Task Force. Given the role of state agency Inspectors General as the internal affairs function in nine of the ten state agencies with a law enforcement component, Chair Julie Jones appointed a team led by Melinda Miguel, Chief Inspector General, Executive Office of the Governor, to evaluate the state agency Inspector General investigative function within state agencies.

The objectives of the Inspector General Team were as follows:

- address the current and ideal roles, responsibilities, relationships and resources of Offices of Inspector General (OIG), specifically within state agencies that have a law enforcement function (*provided herein*);
- recommend the proportion and type of OIG resources that should be attributed to state agency law enforcement functions (*interim information is provided herein, but additional details will follow*);
- recommend a model OIG organizational structure that effectively and efficiently meets current statutory requirements and describes the ideal role, responsibilities, relationships, workload, and resources for OIGs, including but not limited to agencies that have a law enforcement function (*additional details will follow in a subsequent report*);

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- recommend additional changes as determined by the Team (*contained herein*); and,
- recommend a strategy for implementing the recommendations (*contained herein with added details to follow*).

The Team identified a number of recommendations that would strengthen the independence of and improve the efficiency and effectiveness of OIGs. Some of these recommendations may be implemented in policy, but **we recommend** others be addressed by amending the Florida Inspector General Act, the Chief Inspector General, and the Florida Sunshine Law. Further, consolidating law enforcement functions across state agencies will have an impact on OIGs (in both the agencies receiving law enforcement functions as well as any agencies losing these functions) and, **we recommend** specific issues be addressed or strategies followed relating to OIGs to ensure appropriate oversight is maintained. We also make some recommendations to clarify pertinent existing laws where conflicts exist. Our recommendations are found in Section IV below.

II. Current Statutory Authority of State Agency Inspectors General

A. Role of Inspectors General

Section 20.055, Florida Statutes (F.S.), the Florida Inspector General Act, specifies that the Governor and each state Agency Head establish an Office of Inspector General (OIG) and the purpose of the OIG is to provide a *central point* for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in state government. The OIG accomplishes its objectives by providing independent and objective assurance and consulting activities. OIG activities also include the responsibility to detect, deter, and prevent fraud, waste, and abuse. OIGs conduct their work in accordance with *Principles and Standards for Offices of Inspectors General* established by the Association of Inspectors General and other professional standards as outlined in statute.

Currently, Inspectors General provide oversight in 32 state agencies. Additionally, Inspectors General provide oversight in the five Water Management Districts and the State Board of Administration. In accordance with Section 20.055(3)(b), F.S., “each inspector general shall report to and be under the general supervision of the Agency Head and shall not be subject to supervision by any other employee of the state agency. The inspector general shall be appointed without regard to political affiliation.”

In Fiscal Year 2010-2011, staff in the state agency OIGs comprised of Inspectors General, auditors, and investigators totaled 439 staff.ⁱ Overall, more than 60,000 audit or investigative activities were performed by audit and investigative staff.ⁱⁱ

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B. Role of the Chief Inspector General

Section 14.32, F.S., creates the Office of the Chief Inspector General with “responsibility for promoting accountability, integrity, and efficiency in the agencies under the jurisdiction of the Governor.” The Chief Inspector General has statutory authority in part to “act as a liaison and monitor the activities of the Inspectors General in the agencies under the Governor’s jurisdiction.” The Chief Inspector General also, by statute, plays a role in the appointment and removal of Inspectors General within agencies under the jurisdiction of the Governor. In Fiscal Year 2010-2011, staffing for the Office of the Chief Inspector General comprised of 8 staff.

III. Current State Agency Inspectors General with a Law Enforcement Function

A. Agencies with a Law Enforcement Function and the Internal Affairs Role of Inspectors General

The following ten state agencies have a sworn law enforcement function:

- Florida Department of Highway Safety and Motor Vehicles (DHSMV)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Law Enforcement (FDLE)
- Florida Department of Agriculture and Consumer Services (DACS)
- Florida Department of Business and Professional Regulation (DBPR)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Corrections (DOC)
- Florida Department of Legal Affairs (DLA)
- Florida Department of Financial Services (DFS)ⁱⁱⁱ
- Florida Lottery

The OIG has the authority to conduct “internal affairs” investigations of alleged misconduct by sworn law enforcement personnel within each of these ten state agencies.^{iv} All but two^v of these OIGs employ sworn law enforcement officers. Sworn investigators within the OIG may be assigned to conduct both criminal and administrative employee misconduct cases on either the agencies’ sworn or non-sworn staff. However, routinely, criminal investigations supersede administrative investigations and are conducted separately. Exhibit I provides a description of OIGs within agencies with a sworn law enforcement component.

B. Police Officers’ Bill of Rights apply to Investigations of Sworn Law Enforcement Personnel

Sections 112.532 – 112.534, F.S. (*Law Enforcement Officers’ and Correctional Officers’ Rights – commonly referred to as the Police Officers’ Bill of Rights*) directs how investigations are conducted for alleged employee misconduct of sworn personnel.

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This statute, combined with the officers' labor agreement and respective departmental rules and policies, define the manner by which an investigation will proceed and discipline taken, if applicable.

C. Increased Costs Associated with Sworn Law Enforcement Staff

There are costs associated with having a sworn law enforcement investigator within the OIG. Costs associated with sworn law enforcement investigators include additional retirement expenditures due to assignment to the Special Risk category, equipment and supplies, vehicle acquisition, fuel and maintenance, and criminal justice incentive pay. It should be noted that if sworn positions were staffed with non-sworn members, in some agencies, there may still be a portion of vehicle, fuel, and maintenance costs incurred.

Estimated costs of having sworn law enforcement investigators were obtained from the Florida Department of Transportation (FDOT), DHSMV and FDLE. From this information, an estimate of the additional costs of having a sworn OIG investigator over a non-sworn investigator totaled \$13,776 annually during employment. See Table 1 below for an itemization of these costs.

TABLE 1: ADDITIONAL ANNUALIZED COSTS OF HAVING A SWORN LAW ENFORCMENT INVESTIGATOR OVER A NON-SWORN INVESTIGATOR (per employee)

Cost Element	FDOT Estimated Cost Per Employee	FDLE Estimated Cost Per Employee	DHSMV Estimated Cost Per Employee	Composite Estimate of Recurring Annual Cost
Additional Retirement Costs ^{vi}	\$4,595	\$4,595	\$4,595	\$4,595
Equipment and Supplies ^{vii}	\$400	\$680	Itemized list not provided	\$680
Cost of Vehicle (Amortized over 8 Years) ^{viii}	\$2,380	\$2,625	Cost of new vehicle not provided	\$2,380
Fuel, Repairs, and Maintenance ^{ix}	\$4,000	\$3,000	\$4,705	\$4,000
Criminal Justice Incentive Pay (CJIP) ^x	\$2,121	\$1,560	\$1,215	\$2,121
Total	\$13,496	\$12,460	N/A	\$13,776

VI. Recommendations Regarding Inspectors General

We offer the following recommendations to enhance the independence and improve the effectiveness of the state agency Inspector General function in the State of Florida. We also make recommendations to consider when consolidating law enforcement functions across state agencies and recommend pertinent existing laws, where conflicts exist, be clarified.

**Law Enforcement Consolidation Task Force
Inspector General Team Report**

A. Strengthen the Independence of Inspectors General (Reporting Structure, Hiring and Removal of Inspectors General)

Section 20.055, F.S., specifies that each Inspector General shall report to and be under the general supervision of the Agency Head and shall not be subject to supervision by any other employee of the state agency. Statutes specify that the Agency Head or agency staff shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation. However, an Inspector General may be removed by the Agency Head after written notification to the Governor and Chief Inspector General of the intention to terminate the Inspector General at least 7 days prior to the removal. For state agencies under the direction of the Governor and Cabinet, the Agency Head shall *notify* the Governor and Cabinet in writing of the intention to terminate the Inspector General at least 7 days prior to the removal. This reporting structure is viewed by some (including the 2010 19th Statewide Grand Jury and Florida TaxWatch) as hindering the Inspector General's ability to independently complete audits and investigations due to Inspectors General being subordinates of officials directly responsible for activities being audited or investigated and Inspectors General serving at the pleasure of officials responsible for those activities.

While Section 20.055, F.S. states that an Agency Head cannot prevent investigations by an OIG, it also mandates that the Inspector General keep the Agency Head informed of fraud, waste, and abuse. Examples were outlined in the 19th Statewide Grand Jury report where Agency Heads notified others who may not have a need to know of the existence of the investigation or applied pressure to the Inspector General without technically preventing the investigation. The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* states as follows:

"The Office of Inspector General should be placed in the governmental structure to maximize independence from operations, programs, policies, and procedures over which the Office of Inspector General has authority. Factors external to the Office of Inspector General can restrict the efforts or interfere with the Office of Inspector General's ability to form independent and objective opinion and conclusions. Influences that jeopardize continued employment of the Inspector General or individual Office of Inspector General staff for reasons other than competency or the need for Office of Inspector General services" are considered impediments to independence.

We recommend that Inspectors General continue to fulfill their statutory mandate as the central point for coordination of accountability efforts within their respective state agencies and serve as the internal affairs investigators for agencies with a law enforcement function. **We recommend** that the Florida Inspector General Act be amended to strengthen the independence of the Inspector General to add terms of office for the Inspector General, removal only for cause, and confirmation in writing by the Chief Inspector General and the Governor or concurrence by the Governor and Cabinet or the Legislature before an Agency Head can terminate a state agency Inspector General.

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We recommend that state agency Inspectors General continue to serve the agencies they are housed in to ensure efficient assessment of state agency operations, but we recommend the Chief Inspector General Act be amended to require greater statewide coordination by the Chief Inspector General to ensure proper oversight of state-level operations such as state procurement, information technology, property management and economic coordination of resources.

We also recommend that the Legislature mandate periodic reports of agency Inspectors General at specific intervals and on agency websites regarding activities relating to economy and efficiency of agency operations and efforts relating to preventing fraud, waste and abuse to enhance the transparency of OIG audits and investigations.

B. Ensure Independent Staffing Decisions and Adequate Resources for Inspectors General

Agency OIGs are required to request authorization to fill vacant positions from their Agency Head or designee. Additionally, if the OIG is authorized to fill a vacant position, approval for individuals selected by the Inspector General to fill vacancies must be obtained from the Agency Head or designee. This gives agency management the opportunity to apply restrictions on the ability to fill positions within an OIG; provides agency staff with the opportunity to usurp the Inspector General's independent judgment in selecting the most suitable candidate; subordinates the Inspector General to staffing decisions of agency staff below the Agency Head; and restricts the independence of this statutorily mandated independent function.

The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* state "Factors external to the Office of Inspector General can restrict the efforts or interfere with the Office of Inspector General's ability to form independent and objective opinion and conclusions. Interference or undue influence in the selection, appointment, and employment of Office of Inspector General staff" is considered impairment to the Inspector General's independence.

We recommend the Florida Inspector General Act be amended to direct that Inspectors General have specific authority to independently select staff for OIGs and specify that Inspectors General independently set OIG policies and maintain all functional authority related to the staffing, administration and management of the OIG.

We also recommend that the Team work through the Chief Inspector General to independently provide to the Office of Policy and Budget minimally acceptable staffing levels for OIGs much like the Department of Management Services and the Office of Policy and Budget has recommended a minimum cost structure for professional and support staff for agencies. The Team can submit this information to the Task Force in a subsequent report.

C. Provide Inspectors General Independent Budget Authority and Funding

Inspectors General must compete for limited resources with other agency offices that have a more direct impact on mission accomplishment than does the OIG. In some agencies, specific cost centers have been established that are unique to the OIG function. In others, OIGs use the agency's *Executive Direction and Support* cost center for the OIG and funds for the OIG are comingled with other state agency funds. In either case, OIG expenses such as training, equipment, salary/rate, information technology resources, etc. are subject to the influence, approval, or reduction by agency management which has the effect of delegating decisions on OIG budgets to levels below the Agency Head even though statutes mandate that the Inspector General report directly to the Agency Head and shall not be subject to the supervision of any other agency staff.

The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* state "The Office of Inspector General should be funded through a mechanism that will provide adequate funding to perform its mission without subjecting it to internal or external impairments on its independence. Factors external to the Office of Inspector General can restrict the efforts or interfere with the Office of Inspector General's ability to form independent and objective opinion and conclusions."

We recommend the Florida Inspector General Act be amended to specify separate appropriations accounts for all OIGs and Inspectors General have the authority to independently determine the budget needs and funding levels of the OIG subject to the written approval by only the Agency Head or Agency Head approval with agreement from the Chief Inspector General.

We also recommend that this Team work through the Chief Inspector General to independently provide the Office of Policy and Budget minimally acceptable budget baselines for OIGs much like the Department of Management Services and the Office of Policy and Budget has recommended a minimum cost structure for professional and support staff for agencies and submit this information to the Task Force in a subsequent report. These steps should make the budgets of OIGs and the budget process more transparent, more visible, and less susceptible to manipulation by agency management. In addition, this can result in separate reviews of OIG budgets by budget analysts and legislative authorizing and appropriating committees.

D. Streamline the Inspector General Mission to Maximize Oversight of Agency Operations

In September 2011, twenty-seven state agency OIGs were surveyed to verify functions being performed by each office. We found that eighteen of the twenty-seven OIGs had assumed responsibilities for operational functions that were outside the scope of Section 20.055, F.S. These functions absorbed by the OIGs appear to be a program responsibility that is more operational in nature. Duties assumed by the OIGs in some agencies are as follows:

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- some OIGs review audit reports conducted pursuant to the Federal and State Single Audit Acts;
- some OIGs conduct Equal Opportunity/Discrimination investigations;
- some OIGs conduct background screenings of agency employees and contractors;
- some OIGs are responsible for HIPAA compliance;
- some OIGs handle emergency management planning for their agencies;
- an OIG handles Medicaid fraud and abuse activities;
- an OIG runs the inmate drug testing;
- an OIG handles appeal hearings for several agencies;
- an OIG is responsible for the accreditation management for the agency;
- an OIG is responsible for oversight of cities and counties in a state of financial emergency.

While there is likely a legitimate reason or business need for these functions being housed in the OIG, these functions are outside of the statutory mandate of Inspectors General and housing these functions within the OIG preclude the Inspector General from conducting independent audits, evaluations, and investigations of these functions. Based on professional standards, the assumption of operational and program duties by OIGs is presumed to impair the independence of Inspectors General. Also, this diminishes oversight by the Inspector General of total agency operations.

We recommend that agency OIGs work with the Chief Inspector General to conduct a comprehensive assessment complete with recommendations to affected state agencies and the Office of Policy and Budget regarding the responsibilities assigned to OIGs to ensure consistency with statutory mandates of Section 20.055, F.S., and maximize the number of operational activities subject to oversight by the OIG.

We also recommend that the Team work through the Chief Inspector General to establish standardized protocols for submission to the Office of Policy and Budget for use by state agencies when making decisions about placement of responsibilities within an OIG to maximize the independent oversight of the Inspector General of agency operations.

E. Provide Inspectors General Exclusive Independent Legal Counsel

All legal representation available or assigned to OIGs currently report to either the agency General Counsel or a member of the agency's general counsel's staff. A primary objective of the Office of the General Counsel is to represent the best interests of the agency. The statutory mandate for OIGs is to independently find facts and make conclusions which could negatively impact the agency. An inherent conflict may exist between the two functions if those two functions disagree or if legal advice is tainted by any duty owed by counsel to agency management.

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The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* state “Factors external to the Office of Inspector General can restrict the efforts or interfere with the Office of Inspector General’s ability to form independent and objective opinion and conclusions. Restrictions on funds or resources dedicated to the Office of Inspector General such as timely independent legal counsel could prevent the Office of Inspector General from performing essential work.”

We recommend that the Florida Inspector General Act be amended so the Office of the Chief Inspector General or agency OIGs are given exclusive independent resources for legal counsel to support the OIG function thereby assuring the OIG is the primary client, attorney-client privilege is extended when applicable and legal advice is not influenced by any duty owed by counsel to management. In the interim, to rectify this situation, **we recommend** that Inspectors General and the Offices of General Counsel negotiate a memorandum of understanding whereby independent counsel is established within the Office of the General Counsel to serve the OIG and the Chief Inspector General. The memorandum should further stipulate that attorney(s) serving the OIG cannot be rewarded or removed without the IG’s approval.

F. Provide Inspectors General Administrative Subpoena Power with Oversight by the Chief Inspector General

OIGs currently do not have the authority to issue and serve subpoenas to compel the attendance of witnesses not assigned to their agencies and the production of documents, papers, books, records, and other evidence on administrative cases. In these situations, OIGs must rely on “right to audit” clauses for documents and cooperation from individuals to obtain testimony. During the course of certain investigations, individuals and entities have not been fully cooperative with the Inspector General for requests for information or testimony and, often, state contract enforcement provisions for rights to audit or failure to produce records are lacking.

The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* state “Offices of Inspector General should be granted specific powers and identify any limits on those powers, such as the power of subpoena for persons and documents, requirements for service of the subpoena, confidentiality of subpoenaed documents and testimony, and subpoena enforcement provisions.”

We recommend amending the Chief Inspector General Act to include the addition of administrative subpoena authority and enforcement provisions for the Governor’s Chief Inspector General (a similar manner is identified in Section 516.23, F.S.) This would provide OIGs, subject to oversight by the Chief Inspector General, the ability to issue administrative subpoenas during audits and investigations rather than rely on “right to audit clauses” in state agency contracts and cooperation of individuals to provide testimony.

We also recommend that the Team work with the Chief Inspector General to strengthen and standardize right to audit clauses in state contracts and other purchase agreements to ensure ample access by and protections for Inspectors General and their

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ability to perform all statutory functions and have full and complete access to records and staff pertaining to business conducted with the state.

G. Protect Active Investigations from Improper Disclosure

The Public Records Law, under Chapter 119, F.S., requires the release of public records upon request. Most Inspector General investigations and audits are not considered confidential or exempt while active. The premature release of Inspector General information can lead to inaccurate conclusions based on incomplete information. This could harm the reputation of the subject of the investigation and perhaps witnesses or compromise the integrity of the audit or investigation by allowing individuals to influence testimony or destroy evidence.

The Association of Inspectors General *Principles and Standards for Offices of Inspectors General* state “Offices of Inspector General should be authorized to maintain appropriate confidentiality of records and, to the extent practicable, of the identities of individuals who provide information to the Office of Inspector General, unless it is necessary to make such records or identities public in the performance of his/her duties.”

Consistent with recommendations made by the 19th Statewide Grand Jury Report, **we recommend** that the Florida Sunshine Law be amended so that state agency OIGs and the Chief Inspector General’s audits and investigations are exempt from public disclosure **while active** as are reports produced currently by the Auditor General and local government counterparts.

H. Consolidation is an Opportunity to Address Disparities and Standardize Staffing Ratios, Position Descriptions, Rank and Titles

Any consolidation of law enforcement functions would have impact on OIGs in affected agencies. It will be important when making these decisions to consider the proportion of sworn officers assigned to the agency compared to total agency personnel and transfer only those OIG investigators that support the law enforcement component leaving a sufficient non-sworn investigative capacity to manage remaining workloads. During our evaluation, we found that disparities exist between OIGs regarding staff sizes, position classifications, and available funding. Some of our observations are as follows:

- The sworn law enforcement investigators in the DBPR OIG have the rank of Lieutenant and its Director of Investigations has the rank of Captain. In DEP, OIG sworn law enforcement investigators have the rank of Captain and its Director of Investigations has the rank of Major. Further, in Offices of Inspectors General with non-sworn investigators, position titles vary for investigators from OIG Analyst II in the Lottery’s OIG to Investigation Specialist II in the DHSMV OIG.

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- The proportion of OIG non-sworn investigators to the total number of employees in agencies without a law enforcement component also varies. As an example, the Department of Health has 16,457 authorized positions^{xi}, and seven non-sworn investigators^{xii} assigned to the OIG for a ratio of one non-sworn investigator to 2,351 agency staff members. The Agency for Healthcare Administration has 1,625 authorized positions and five non-sworn investigators assigned to the OIG for a ratio of one investigator to 325 staff members.
- The proportion of OIG sworn investigators to the total number of employees in agencies with a sworn component varies as well. As an example, DEP has 3,490 authorized positions, 135 of which are sworn with four sworn investigators^{xiii} assigned to the OIG. This is a ratio of one investigator per 839 non-sworn agency members and one investigator for every 34 sworn agency members. DHSMV has 4,574 authorized positions, 1,945 which are sworn, with six sworn and two non-sworn investigators assigned to the OIG. This is a ratio of one sworn investigator to 324 sworn staff members and one investigator (sworn or non-sworn) for every 572 sworn or non-sworn agency staff members.

Exhibit II provides a comparative analysis by agency and OIG staffing with the number of investigations conducted.

We recommend that the Team work through the Chief Inspector General to present to the Task Force and to the Office of Policy and Budget baseline staffing ratios for OIGs to ensure adequate agency oversight during consolidation efforts of law enforcement functions and to ensure proper ratios of sworn to non-sworn investigators for OIGs.

We also recommend that the Team work through the Chief Inspector General to present to the Task Force and to the Office of Policy and Budget standardized job descriptions, titles, and ranks for OIGs with a law enforcement component and across state agencies.

I. Statutory Clarification Needed BEFORE Staffing Decisions on Consolidation can be Finalized

In eight of ten agencies with law enforcement functions, sworn law enforcement investigators are assigned to the OIG. However, the Florida Inspector General Act does not specify the authority to hire sworn law enforcement officers or the specific and appropriate limits on the authority of an assigned law enforcement officer. Despite the aforementioned assignment of sworn officers in eight OIGs, in only one case, the DOC, is specific authority and associate limitations described in a separate statute. The Florida Inspector General Act does mandate OIGs to seek the participation and assistance from sworn law enforcement officers when there are grounds to believe a crime has occurred or is suspected and there is specific protocol in place between the Chief Inspector General and the Florida Department of Law Enforcement to provide for this need.

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With regards to having sworn versus non-sworn personnel in an OIG, interpretations of the Police Officers' Bill of Rights and the perceived mandate to have sworn personnel conduct these investigations varied across agencies. There was a preference in the agencies for sworn law enforcement officers to conduct misconduct investigations of sworn law enforcement personnel.

In a few agencies, the citations used in support of having sworn law enforcement conduct investigations of sworn law enforcement personnel are as follows: The Police Officers' Bill of Rights states: "If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply." Section 112.534(1)(g), F.S., states:

"If the alleged violation is sustained as intentional by the compliance review panel, the Agency Head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the Agency Head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position."

This is construed by some agencies that the investigation of a sworn law enforcement officer **shall be** conducted by a sworn investigator.

In the interim, **we recommend** that an Attorney General Opinion be sought on whether the Police Officers' Bill of Rights mandates sworn personnel conduct these investigations or not so that agencies can properly evaluate operations and associated costs during consolidation efforts and ensure compliance with the intent of the Police Officers' Bill of Rights.

We recommend that the statutes be amended to specify if sworn law enforcement officers versus non-sworn investigators must conduct these "internal affairs" investigations of sworn law enforcement personnel and, if sworn law enforcement officers are required, amend the Florida Inspector General Act to specifically allow for the hire of sworn law enforcement officers in OIGs and specify, but limit their authority to the statutory mandates of the OIG.

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J. Statutory Clarification Needed between the Police Officers' Bill of Rights and the Whistle-blower's Act

Sections 112.532 – 112.534, F.S. (*Law Enforcement Officers' and Correctional Officers' Rights – commonly referred to as the Police Officers' Bill of Rights*) and Sections 112.3187- 112.31895, F.S (*Whistle-blower's Act*) mandate specific requirements on OIGs.

The Police Officers' Bill of Rights requires that the law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation and the names of all complainants. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence must be provided before the beginning of any investigative interview of the officer under investigation.

The Whistle-blower's Act requires that the name or identity of any individual who discloses in good faith to the Chief Inspector General or an agency Inspector General that an employee or agent of an agency or independent contractor has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty may not be disclosed to anyone other than a member of the Chief Inspector General's office, agency Inspector General's office, or without the written consent of the individual. Except as specifically authorized, all information received, produced, or derived from fact-finding or other investigations is confidential and exempt from disclosure while an investigation is active. Complying with either statute while an investigation is ongoing creates a violation of the other.

Further, the Police Officers' Bill of Rights and the Whistle-blower's Act specify when the investigation is final or no longer active. The Police Officers' Bill of Rights requires that the contents of the complaint and investigation shall remain confidential until the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consistent with certain levels of discipline. The Whistle-blower's Act states that a complainant may submit comments to the Chief Inspector General and the Agency Inspector General on the final report within 20 days of receiving the report and that those comments will be attached to the final report. The Whistle-blower's Act further directs the Chief Inspector General to then transmit the final report and comments provided by the complainant to the Governor, the Joint Legislative Auditing Committee, the investigating agency and the Chief Financial Officer.

We recommend that an Attorney General's Opinion be sought to clarify which statute has priority when both are applicable so that agencies can ensure compliance with the intent of both statutes.

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We also recommend that legislation be sought to remove the conflicting provisions of these two statutes.

IV. Major Contributors to this Report

Jim Boyd, Inspector General, Florida Department of Health
Dawn E. Case, Inspector General, Florida Department of Children and Families
Bob Clift, Inspector General, Florida Department of Transportation
Julie Leftheris, Inspector General, Florida Department of Highway Safety and Motor Vehicles
Melinda M. Miguel, Chief Inspector General, Executive Office of the Governor
Steve Rumph, Inspector General, Florida Department of Management Services
Roy Dickey, Major, Director of Investigations, Florida Department of Environmental Protection

ⁱ This does not include administrative support staff or functions assigned to OIGs outside responsibilities defined in 20.055, F.S. and staff assigned to the Office of the Chief Inspector General.

ⁱⁱ Office of the Inspector General Annual Reports for Fiscal Year 2010-2011 were reviewed and summarized.

ⁱⁱⁱ Since the report was provided to the Task Force on November 7, 2011, DFS has added two FTE's that are sworn law enforcement officers to the OIG.

^{iv} In the Florida Department of Law Enforcement, the Office of Executive Investigations has primary responsibility by policy to conduct member/employee misconduct investigations. However, statutory authority remains with the Office of Inspector General.

^v The Florida Lottery does not have sworn staff within the Office of Inspector General.

^{vi} The source for this total is *Division of Retirement Informational Release 2011-150*, dated 5-31-2011. Beginning with the 2011-2012 Fiscal Year, state employees contribute three percent of their salary to their retirement. The State of Florida contributes 14.10 percent for sworn employees and 4.91 percent for non-sworn employees. The difference of 9.19 percent represents the additional cost for a sworn employee. This difference multiplied by \$50,000 = \$4,595 and represents both an initial and recurring cost.

^{vii} Equipment and Supplies: FDLE provided the most complete list of equipment and supplies. The list includes:

- clothing allowance - \$540
- tactical clothing and equipment - \$1,107
- bullet resistant vest - \$720
- handgun and shotgun - \$780
- binoculars - \$80
- credentials - \$90
- duffle bag - \$75

Although expensed in the year purchased, many of these items have a useful life of several years. We amortized the Equipment and Supplies total of \$3,392 over five years, resulting in initial and recurring costs of \$680.

^{viii} New vehicle costs vary depending on make and model. We used a new vehicle cost of \$19,044, which is the cost of a 2011 Ford Taurus. The source of this information is the Department of Management Services Equipment Management Information System, for FDLE. In addition, OPPAGA Report No. 11-16, Footnote 9, indicates that the useful life of a pursuit vehicle is 8 years. We therefore estimated a cost of \$2,380 ($\$19,044 / 8 = \$2,380$), which is both an initial and recurring cost. FDLE, by comparison, used a new vehicle cost of \$21,000, which over 8 years represents an annual cost of \$2,625.

^{ix} The best estimate of fuel, repairs and maintenance costs came from OPPAGA Report No. 11-16, page 3, showing 5,571 vehicles with fuel and repairs costs of \$22M ($5,571 / \$22M =$ approximately \$4,000).

^x Chapter 11B-14, Florida Administrative Code, provides a maximum of \$130 per month for sworn officers for Criminal Justice Incentive Payments. A 36% average cost of benefits is also applied for an annual total of \$2,121 ($\$130 \times 12 \text{ months} \times 1.36\% = \$2,121$).

^{xi} DMS Annual Workforce Report – June 30, 2010.

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^{xii} Investigators do not include supervisory personnel.

^{xiii} Investigators do not include supervisory personnel.

Exhibit I

Offices of Inspector General in Agencies with a Law Enforcement Component

Department of Highway Safety and Motor Vehicles

The Investigation Unit within the Office of Inspector General (OIG) is responsible for the management and operation of criminal and administrative investigations involving the Department's law enforcement, civilian members and contractors or vendors.

On February 1, 2010, the Florida Highway Patrol's, Office of Professional Compliance (OPC), was incorporated into the Office of Inspector General. The OPC served as the internal affairs unit for the Florida Highway Patrol (FHP). Both OPC and the Office of Inspector General, prior to February 1, 2010, had investigative responsibilities and separate reporting structures. Based on the assumed responsibility of the internal affairs function, seven sworn law enforcement positions and five non-sworn positions of FHP were allocated to the OIG. Currently the investigative unit is comprised of 13 members.

For investigations against members of FHP, all complaints are documented on a Complaint Intake and Inquiry Form, which includes a brief synopsis of the complaint and are signed by the Troop Commander. Upon receipt, an FHP Captain and the Office of Inspector General determine the appropriate investigative assignment. Upon evaluation, if the complaint is serious in nature, the complaint will be assigned to an Office of Inspector General investigator; complaints minor in nature are assigned to the appropriate Troop Commander for investigative assignment. A Troop supervisor, Lieutenant or designee with investigative training, is assigned to the complaint investigation. For complaints against members other than FHP, the Office of Inspector General, Legal and Bureau of Personnel Services review complaints and make the decision regarding the most appropriate handling.

The Office of Inspector General maintains a single investigation system, which includes all complaints/investigations for the Department. This system, which was implemented in January 2011, automates many of the manual investigative processes and permits the electronic submission, review and routing of investigation reports and related supporting materials. Additionally, the system has automated and improved the work flow and tracking of FHP crash reporting, use of force, provides for maintenance and tracking of discipline and an officer early warning system.

The Florida Highway Patrol and the Florida Department of Law Enforcement (FDLE) have entered into a memorandum of understanding involving the investigation of an officer-involved shooting. FDLE assumes overall responsibility for the criminal investigation, while the OIG is responsible for the administrative investigation.

The Office of Inspector General has an Internal Investigation Pre-Closure Conference at the close of each investigation prior to final completion and dissemination. Through the

investigation case management system, a case is sent to the appropriate division representative, Legal and the Bureau of Personnel Services.

Florida Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission, Division of Law Enforcement represents about half of the agency's personnel, with 902 employees, of which 725 are sworn officers. The division emphasizes compliance with fishing and hunting regulations, state and federal laws that protect threatened and endangered species, laws dealing with commercial trade of wildlife and wildlife products, and boating safety laws and regulations.

The Office of Inspector General has been responsible for the internal affairs function for the Division of Law Enforcement since 2003. Complaints received come primarily from two sources, a Division of Law Enforcement complaint intake form and through an internal electronic complaint. Complaints received against a member of the Division of Law Enforcement are discussed formally at least weekly with the Professional Compliance Liaison position who reports to the Colonel of the Division of Law Enforcement. At these meetings a decision is made regarding the handling of the complaint, and for those resulting in an investigation, whether the Office of Inspector General or Division will staff the investigation. Typically cases of a more serious nature, which if sustained would result in discipline of suspension or higher, are worked by the Office of Inspector General (OIG). This determination is made based on the information contained in the complaint, as well as officer discipline history.

All investigations, whether worked by an OIG investigator or Division manager are tracked and monitored by the OIG. For those investigations worked by a member of the Division of Law Enforcement, the investigation is monitored by an OIG investigator, and the report is submitted by the Division investigating member directly to the OIG, who reviews, and approves the final report.

Completed investigative reports are available for review and comment, by the Division and the OIG has access to Legal staff members to review investigative findings. Investigative staff are comprised primarily of sworn law enforcement officers consisting of a Major, three Captains, and a part-time other personal services position. The OIG issued approximately 240 cases during Fiscal Year 2010-2011.

Florida Department of Law Enforcement

The Office of Inspector General within the Florida Department of Law Enforcement (FDLE) reports to the Commissioner and is comprised of two sections; Accreditation Standards, Investigations and Compliance; and Internal Audit.

The primary activities of the Accreditation Standards, Investigations and Compliance Section include the oversight of state and national accreditation for the agency. Additionally, the Unit is responsible for staff inspections for 7 regional operation centers.

This entails providing an objective review of departmental administrative and operational activities, facilities, evidence, property, equipment and personnel outside the normal supervisory function. In addition, this Unit performs Bias-Based Profiling Reviews, Officer Early Intervention reporting, Use of Force analysis, comparative review of intelligence operations with federal and state guidelines and review of FDLE traffic enforcement activities. Furthermore, this Unit conducts Chief Inspector General ordered investigations and investigations resulting from complaint(s) against a member(s) of the Office of Executive Investigations, Professional Standards Unit.

The FDLE, Office of Executive Investigations, Professional Standards Unit is responsible for receiving, processing and investigating all complaints of alleged administrative and criminal employee misconduct for members of the FDLE. For calendar year 2010, there were 36 cases involving sworn members and 33 involving non-sworn. Of those investigations, 15 cases were for violations of FDLE Policy 1.4 (Use of Resources) and 15 cases were for Safety violations (At-Fault Vehicle Accidents). This unit is comprised of a Special Agent Supervisor, three Inspectors and a Government Analyst.

Florida Department of Agriculture and Consumer Services

According to its website, the Investigations Section of the Office of Inspector General is responsible for “insuring that all complaints of a serious nature made against the Department of Agriculture and Consumer Services and its employees are thoroughly, completely and impartially investigated.” The Investigations Section consists of three investigative staff members who report to a Director of Investigations. The Director of Investigations, in turn, reports directly to the Inspector General. One of the three investigative staff members is located in Tampa, Florida.

All Investigations Section staff members, including the Inspector General, are sworn law enforcement officers under Section 943.13, Florida Statutes. These officers conduct both criminal and administrative investigations in response to allegations made against any of the Department’s four thousand employees in its 12 Divisions and 5 Offices. The Investigations Section is specifically authorized to conduct investigations under Sections 20.055, F.S. and 570.092, F.S.

The Investigations Section is responsible for all Internal Affairs investigations involving members of the Department’s Office of Agricultural Law Enforcement. According to the Inspector General, the Office of Agricultural Law Enforcement management consults with Inspector General staff on potential employee misconduct issues involving sworn personnel, and refers all internal employee misconduct allegations to the Investigations Section for handling. All allegations received by the Investigations Section are logged in and initially evaluated by the Director of Investigations. If an investigation appears to be warranted the information is entered into a stand-alone tracking data base and a Case Opening Plan form is generated. The cases, which are generally categorized as either Preliminary Inquiries or IG Investigations, are then assigned to an individual investigator for completion. During 2010-2011, the Investigations Section completed 80

investigations, 43% of which contained a criminal predicate. Approximately 15% of the investigations conducted involved sworn law enforcement officers as subjects of the investigation.

Florida Department of Business and Professional Regulation

The Department of Business and Professional Regulation, Bureau of Law Enforcement is responsible for the management of the Division of Alcohol, Beverage, and Tobacco's (ABT) law enforcement and investigation programs. These responsibilities include conducting license discipline investigations; providing guidance, direction and leadership to licensees; conducting criminal investigations pursuant to beverage and cigarette laws and statutes; and determining the need for using extraordinary emergency suspension powers when a business licensed by ABT has become an immediate danger to the health, safety and welfare of Florida's citizens.

The Office of Inspector General is responsible for performing internal investigations of alleged misconduct by department employees involving fraud, waste or abuse of laws, policies, procedures and rules. The scope of their responsibility includes the internal affairs function for ABT. The office is staffed with sworn personnel that include three law enforcement Lieutenant Investigators, a sworn Director of Investigations, and a sworn Inspector General.

Florida Department of Environmental Protection

The Florida Department of Environmental Protection (DEP) is the lead agency for environmental management and stewardship. The Division of Law Enforcement is Florida's oldest state law enforcement agency and is responsible for protecting the people, environment as well as Florida's cultural and natural resources through enforcement, education and public service.

The Office of Inspector General (OIG) is responsible for both internal criminal and administrative investigations for the Department. As part of this responsibility, the OIG serves as the internal affairs function for the Division of Law Enforcement. All internal affairs investigations are tracked by the OIG and all are assigned a case number. Less serious matters are handled within the Division of Law Enforcement with OIG oversight. More serious matters are handled by OIG investigators.

All investigators, comprised of a Law Enforcement Major, and 4 Law Enforcement Captains, within the OIG are sworn members. The investigative (sworn) members are not from the Division of Law Enforcement, but rather, former members of local police agencies. There are also a Criminal Intelligence Analyst and a Management Review Specialist who sometimes complete investigations of a non-criminal nature such as Background Investigations and they contribute to most of the sworn staff's projects. Their expertise upon hiring was general law enforcement rather than agency and program specific expertise. As such, the Division of Law Enforcement is focused on environmental crimes, while the OIG is focused on crimes and allegations of misconduct by and against the agency.

Of concern for the Investigation Unit within the OIG, are a case management system, which is nearing the end of its useful life as well as staffing and funding to operate an effective OIG.

Florida Department of Corrections

The duties and functions of the Office of Inspector General, within the Department of Corrections (DOC) are specifically outlined in Section 944.31, Florida Statutes. The office's scope of responsibility includes prison inspections and investigations, internal affairs investigations and management reviews.

Currently, 176 positions, 148 sworn law enforcement and correctional officers, work within the Office of Inspector General. Staff are responsible for criminal and administrative matters relating to the Department. Pursuant to Section 944.31, Florida Statutes, the Secretary has the authority to designate persons within the Office of Inspector General as law enforcement officers to conduct any criminal investigations that occur on property owned or leased by the Department or involves matters over which the Department has jurisdiction. The Office of Inspector General currently serves as the single source of law enforcement authority to over 67 institutions with prison populations in excess of 100,000 and 180,000 probationers.

In excess of 40,000 complaints are reviewed annually by the Office of Inspector General. From these complaints, over 6,000 administrative cases and 2,000 criminal cases, including the investigation of 1,500 sexual batteries and 6,400 use of force incidents are conducted on an annual basis.

The Department of Corrections with its authority, role and responsibility is essentially a law enforcement agency. As such, to meet their statutory responsibilities the office operates a statewide multi-jurisdiction interdiction unit comprised of twenty canine teams. The job is to identify contraband including narcotics, cell phones and weapons within the state prison system. The office also partners with the U.S Department of Homeland Security to conduct confidential intelligence gathering upon subjects of national interest.

The investigative system utilized by the Office of Inspector General, Management and Incident Notification System is outdated. The office is currently exploring options to streamline and automate its processes to include the incident tracking, case management, officer history and reporting.

Crimes conducted within Florida prisons require unique investigative skills. If this function were staffed with non-sworn investigators, it would require local law enforcement to assume the criminal investigation function. Investigations oftentimes include multi-jurisdiction circuits which would require law enforcement inter-county or statewide law enforcement authority.

Florida Department of Legal Affairs

According to its website, the mission of the Office of Inspector General (OIG) within the Attorney General's Office is to "assist the Department in facilitating the State of Florida's legal needs by providing timely auditing, investigative, and review services; assessments of management functions; and the promotion of integrity, economy, and efficiency and effectiveness of departmental programs and activities." The OIG is comprised of an Audit Section and an Investigations Section, with a total of 5 staff members. One of the five members is a sworn, law enforcement Captain located in Ft. Lauderdale, Florida. The Investigations Section is specifically authorized to conduct investigations under Section 20.055, Florida Statutes.

The Investigations Section conducts all Department employee misconduct investigations in response to allegations made against any of the Department's 1,300 plus employees, including Internal Affairs investigations involving sworn personnel in the Department's Medicaid Fraud Control Unit. Allegations received by Investigations Section staff are logged into the Office's tracking system, which is a Lotus Notes System supported through the Department's network. All complaints received are initially reviewed by the Director of Investigations or the law enforcement Captain, and are then reviewed and approved for assignment by the Inspector General. While the Investigations Section is authorized to conduct both administrative and criminal cases, complaints involving potential criminal violations are routinely referred to the Florida Department of Law Enforcement for investigation. During Fiscal Year 2010-2011, the Investigations Section conducted between 20-30 preliminary inquiries and between 20-30 administrative investigations. Seventeen (17) investigations conducted during the referenced fiscal year(s) (08-09, 09-10, 10-11) involved sworn personnel as subjects and three (3) inquiries conducted did as well.

Florida Lottery

The Florida Lottery has a Division of Security that provides security services for the Lottery, including protection of employees and facilities, investigative activities, draw management, and background investigations. The Investigations and Operations unit monitors the physical security of all Lottery facilities and investigates security breaches. This unit also investigates problem claims and other allegations of potential illegal activity, and is responsible for managing the draw process. The Division of Security in conjunction with the Florida Lottery Office of Inspector General maintains a retailer integrity program for 3,000 plus retailers. All sworn members of the Lottery are in the Division of Security. The Division currently has 10 sworn members.

The Florida Lottery, Office of Inspector General is responsible for administrative investigations, including internal affairs investigations for the Division of Security. Criminal matters are either referred to the Lottery's Division of Security or FDLE, dependant on specifics. The Office of Inspector General is staffed with all non-sworn positions.

Exhibit 2

Agency	Agency Total Members	Agency Sworn Members	IG - Sworn Staff	IG Sworn Investigators	IG Non Sworn Investigators	Total Number of Investigations FY 2010-2011	Number of Investigations on Sworn LEO Staff FY 2010-11	Ratio of Sworn Investigators to Sworn Investigations	Ratio of Sworn Staff in IG to Agency Sworn	Ratio of Investigations on Sworn Personnel
Highway Safety and Motor Vehicles	4,628	1,946	8	6	2	112	85	7%	0.41%	76%
Fish and Wildlife Conservation	1,830	720	3	2	1	258+	161	1%	0.42%	62%
Department of Law Enforcement	1,682	445	3	1	0	0	0	0%	0.67%	0%
Agriculture & Consumer Services	4,266	266	5	3	0	80	12	25%	1.88%	15%
Business & Professional Regulation	1,651	149	5	3	0	46	14	21%	3.36%	30%
Environmental Protection	3,434	135	5	4	2	55	16	25%	3.70%	29%
Department of Corrections#	26,458	21,044	148	136	0	5,191	0	N/A	0.70%	0%
Department of Legal Affairs	1,299	70	1	1	2	17	3	33%	1.43%	18%
Florida Lottery	424	10	0	0	3*	2	0	N/A	0.00%	0%
Department of Financial Services^										

+ Staff in the FWC, Office of Inspector General provide oversight and review of officer investigations conducted by field personnel.

* Staff in the Florida Lottery, Office of Inspector General have both investigative and audit responsibilities.

^ No information was received from the Department of Financial Services.

The Department of Corrections, Office of Inspector General has 74 law enforcement officers and 74 correctional officers.

Law Enforcement Consolidation Task Force

INVESTIGATIONS TEAM REPORT

OCTOBER 2011

October 2011

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Appendix

EXECUTIVE SUMMARY

The *Investigations Team*, one of ten Task Force Subject Matter Work Groups formed to facilitate and expedite the information gathering and evaluation process, was comprised of the following agencies:

- Florida Department of Law Enforcement (FDLE);
- Florida Department of Highway Safety and Motor Vehicles (DHSMV), Florida Highway Patrol (FHP);
- Florida Department of Environmental Protection (DEP);
- Florida Fish & Wildlife Conservation Commission (FWCC);
- Florida Department of Agriculture & Consumer Services (DACS), Division of Law Enforcement;
- Florida Department of Business & Professional Regulations, Division of Alcoholic Beverages & Tobacco (ABT);
- Florida Attorney General, Medical Fraud Control Unit (MFCU).

The *Investigations Team's* scope of work included evaluation of each entity's investigative and/or intelligence functions as relates to their statutory/constitutional authority and/or agency mission, focusing on the identification of possible duplication of efforts and potential efficiencies that might be gained with the consolidation of law enforcement operations.

A matrix was developed with the information provided by each agency to assist in the evaluation process. The matrix provides side by side comparison among the agencies, helping to focus on efficiencies and real or perceived overlaps in major law enforcement

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functions: *major criminal investigations, domestic security preparedness/mutual aid, investigative assistance, and intelligence*. Each agency's subject matter experts analyzed and provided feedback to the team regarding each major law enforcement function.

After careful consideration of the information available, the team concluded that the mission statement for each agency accurately reflects their unique statutory authority; and that agency law enforcement functions are appropriately aligned to support their mission. It is important to note that recent legislative actions have already realigned law enforcement functions to streamline agency missions and create efficiencies. No further duplication of efforts among the member agencies was identified. Examples of recent realignments include:

- **Public Assistant Fraud Unit** – transferred from Florida Department of Law Enforcement (FDLE) to Department of Financial Services (DFS).
- **Cyber Crime Unit** – the Florida Attorney General's Cyber Crime Unit was merged with FDLE Computer Crime Center.
- **Motor Carrier Compliance Unit** – transferred from the Department of Transportation (DOT) to the Florida Highway Patrol (FHP).

The *Investigations Team* did recognize a potential for operational efficiency that might be gained by combining certain law enforcement functions of three agencies: Department of Environmental Protection (DEP), Department of Agriculture & Consumer Services (DACS) and Fish & Wildlife Conservation Commission (FWCC). The law enforcement components of these agencies have similar roles defined by very specific jurisdictional boundaries that prevent overlap, but can also present obstacles to efficiency in law enforcement operations. The

Environmental Team reached the same conclusion, and has pursued this issue to full recommendation in their final report to the Task Force.

BACKGROUND

The scope of work for the *Investigations Team* was to evaluate each entity's investigative and/or intelligence functions as related to their statutory/constitutional authority and/or agency mission. The goals for the *Investigations Team* were to:

- Determine if there is any duplication of efforts or scope of work in the investigative and/or intelligence functions within state law enforcement entities;
- Identify possible efficiencies that could be realized by combining agency functions;
- Provide recommendations as appropriate.

Several meetings were held with task force members and subject matter expert teams to gather information related to the agencies' organization, structure, investigation functions, mission statements and other relevant data. The information was compiled using a template provided by the task force. Information initially gathered was analyzed and discussed resulting in a narrowing of the team's focus to concentrate primarily on a comparison of agency missions and major investigative functions. A matrix was created detailing the following functions: *criminal investigations, domestic security preparedness & mutual aid, investigative assistance, and intelligence*. The matrix, attached as an appendix to this report, facilitated the process of identifying real or perceived duplicative efforts within the scopes, missions, and functions of each agency across the state law enforcement spectrum.

MISSION STATEMENTS

The first area evaluated in this process was the mission statements for each agency. Each agency's representative provided feedback and made a presentation to the team explaining how the agency operates and accomplishes their respective missions, within the statutory authority.

The mission statements for each agency represented in the *Investigations Team* reflect their statutory/constitutional authority:

- **Florida Department of Law Enforcement (FDLE)** - Public safety & strengthen domestic security in partnerships with local, state & federal criminal justice agencies.
- **Florida Highway Patrol (FHP)** - Highway safety & security through professional law enforcement & excellence.
- **Department of Environmental Protection (DEP)** - Excellence in public service & environmental protection.
- **Alcoholic Beverages and Tobacco (ABT)** – Public safety, welfare, and economic well-being through enforcement of laws, statutes and regulations related to the complex entities of the Alcoholic Beverages and Tobacco Industries.
- **Medicaid Fraud Control Unit (MFCU)** - Detect & prosecute Medicaid fraud and abuse, neglect & exploitation of patients & health and safety of state's residents.

- **Department of Agriculture Law Enforcement (AgLaw)** - Consumer protection, protection of agricultural industry from criminal acts, preserving & safeguarding food & consumer products & protect state's natural resources.
- **Fish & Wildlife Conservation Commission (FWC)** - Protect state's natural resources and people through proactive & responsible law enforcement services.

Within the law enforcement function, agencies operate under a different set of rules consistent with their unique mission. The *Investigations Team* found three agencies that have similar responsibilities regarding the protection of the environment and natural resources: Department of Environmental Protection (DEP), Agriculture Law Enforcement (AgLaw) and Fish and Wildlife Conservation (FWC). The common denominator in these three agencies' mission is the protection of the environment and natural resources. Their law enforcement components have similar roles within defined jurisdictions that might bring some efficiency through consolidation. The *Environmental Team* has identified the same potential for efficiency. Their report will detail the discussion, conclusions and recommendations regarding potential consolidation of similar roles. The *Investigation Team* found no other overlaps or duplication of efforts among state law enforcement investigative functions.

MAJOR LAW ENFORCEMENT FUNCTIONS

The *Investigations Team* validated the missions and objectives for the state law enforcement agencies, worked to identify possible efficiencies that could be created between agencies, and reduce redundant efforts among agency missions and activities. The team defined major law enforcement investigative functions as: *major criminal investigations*,

domestic security preparedness & mutual aid, investigative assistance, and intelligence. This section of the report details the results of the evaluation of each component.

MAJOR CRIMINAL INVESTIGATIONS

Conducting major criminal investigations is one of the core investigative functions of law enforcement agencies. Depending on agency-specific mission statement and statutory/constitutional authority, the scope of major criminal investigations varies between agencies. For example, the Florida Department of Law Enforcement (FDLE) *major criminal investigations* target crime and criminal organizations whose illegal activities and/or associates cross jurisdictional boundaries, include multiple victims, represent a major social or economic impact to Florida, and/or address a significant public safety concern. FDLE focuses this type of investigative activity on violent crime, drug crime, economic crime, public integrity, domestic security and threat investigations.

Major crime investigations for the Florida Highway Patrol (FHP) focus on driver license, vehicle title and odometer fraud cases, traffic homicide, cargo theft and threat investigations.

The Department of Environmental Protections (DEP) major criminal investigations focus on environmental threats and illegal transportation, storage and disposal of hazardous waste, solid waste and chemicals.

Department of Agriculture and Consumer Services, Division of Law Enforcement (AgLaw) focuses on consumer fraud, including unfair and deceptive practices, agricultural crimes, criminal acts within state forests, environmental crimes (illegal dumping & outdoor open burning) and wildfire investigations.

Florida Fish & Wildlife Conservation (FWC) major criminal investigations focus on vessel thefts, vessel title and license fraud, boating accidents, federal and state criminal violations within wilderness and marine areas, hunting accidents and federal and state commercial fishing violations.

Alcoholic Beverages and Tobacco (ABT) investigates violations of laws and regulations related to alcoholic beverage and tobacco industries and focus on all crimes with a nexus to alcoholic beverages and tobacco licensed and non-licensed premises within the State.

The Medical Fraud Control Unit (MFCU) works only fraud cases related to Medicaid and/or patient abuse, neglect or exploitation.

In conclusion, the major criminal investigation function in each agency is delineated by their unique mission statement and statutory authority. Some components of the law enforcement function in DEP, AgLaw and FWC are similar with respect to their specific jurisdiction. Consolidating some of these functions within a single agency may eliminate some investigative inefficiency created by jurisdictional boundaries. Discussion of these potential efficiencies will be detailed in the Environmental Team's report.

DOMESTIC SECURITY AND MUTUAL AID

The Commissioner of FDLE, or his designee, serves as the Incident Commander for the state in the event of a terrorist incident, acts as Florida's Homeland Security Advisor and works closely with the Division of Emergency Management and other federal, state and local agencies to enhance the state's domestic security preparedness through the implementation of Florida's Domestic Security Strategic Plan, the state's blueprint for anti-terrorism prevention,

preparedness and response. DEP, AgLaw and FWC are first responders in environmental emergencies and support other law enforcement agencies whenever the environmental emergency response expertise is needed.

The Florida Mutual Aid Act, Chapter 23, and Part I, Florida Statutes, directs the creation of a state law enforcement mutual aid plan to provide for the command and coordination of law enforcement planning, operations, and mutual aid. The Florida Mutual Aid Plan for law enforcement shall:

- Prepare for the allocation and distribution of state law enforcement resources in support of Florida's overall responsibility for public safety, including the emergency law enforcement and security support provided by the Florida National Guard (FLNG).
- Be administered by the Department of Law Enforcement (FDLE) to implement the policy and purposes set forth in §23.121, Florida Statutes.
- Establish planning and incident command guidelines by which state law enforcement resources meet this mandate as they are mobilized in response to law enforcement emergencies or disaster situations.
- Plan, coordinate, and deploy state law enforcement mutual aid to support local law enforcement.
- Recognize the need for local law enforcement planning and may provide for technical assistance in such efforts and cooperation through the Florida Sheriffs' Task Force and participating agencies of the Florida Police Chiefs' Association.

Most of the agencies evaluated are Mutual Aid partners with FDLE as the lead agency for state law enforcement. The only exception is the MFCU, which by federal regulation cannot

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perform other duties aside from Medicare/Medicaid Fraud, Patient Abuse, Neglect or Exploitation. During emergencies, their sworn members respond to health care facilities to insure that those facilities are capable of continued operation and assist in coordinating help as needed.

With the exception of MFCU, agencies partner with other local, state and federal agencies in task forces and work groups, such as Immigrations and Customs Enforcement (ICE), Drug Enforcement Agency (DEA), Federal Bureau of Investigations (FBI), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as well as many other state and local law enforcement task forces.

INVESTIGATIVE ASSISTANCE

All sworn law enforcement officers employed by the agencies have statewide power and authority to enforce state laws. In most cases, it is statutorily mandated that each agency provides investigative assistance to other law enforcement agencies. Therefore, based on their specific mission and authority, each agency provides investigative assistance to federal, state and local law enforcement agencies, as follows:

- FDLE – violent crime response (Electronic Surveillance Support Teams (ESST), Child Abduction Respond Teams (CART), K-9 Units, Amber Alerts, Fugitive Apprehension, Cold Cases Investigations, Clandestine Methamphetamine Laboratory Cleanup); polygraph/criminal profiling; computer crime investigations, training and support; background investigations; law enforcement specialty training; high risk/critical incident response.

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- FHP – highway criminal interdiction; identity theft; fraudulent documents related to vehicle registration, odometers and driver licenses; facial recognition.
- MFCU – assist in cases related to Medicare/Medicaid fraud or patient abuse, neglect or exploitation.
- ABT – access to ABT extensive databases and expertise in violations of alcoholic beverage and tobacco laws, and investigative assistance to other local, state, and federal law enforcement agencies.
- DEP – assist in investigations & prosecution of environmental crimes and environmental sampling to support criminal investigations.
- AgLaw – Domestic Marijuana Eradication Program; cargo and agricultural theft; animal abuse and animal cruelty investigations.
- FWC – aerial support, emergency response to remote areas; special operations group (remote woodland & marine), K-9 units; search & rescue; animal attacks; and boating accidents investigations.

Examples of close collaboration within law enforcement agencies are search and rescue operations, critical incident response, emergency operations, drug interdictions, document fraud (vehicle licenses, vessel licenses, and driver's licenses), child abduction cases and participating in multijurisdictional or specialized task forces.

There is no perceived duplication of efforts, since each agency provides their unique expertise that complements other agencies' resources and areas of expertise.

INTELLIGENCE

The Florida Fusion Center (FFC), housed at FDLE, brings together a multidisciplinary group of partners blending data from a variety of sources for analysis. The FFC provides meaningful, actionable intelligence analysis that is shared with state, local and national partners on a daily basis to facilitate the investigative function. The FFC has organized the creation of the Florida Fusion Center Network which links the state's seven regional fusion centers. The network coordinates training opportunities, travel and planning resources, and features the statewide deployment of a collaborative web-based software system that allows the regional fusion centers to track situational awareness, intelligence products and alerts. The system also allows each regional fusion center to provide needed access to trusted private sector partners.

Florida continues to expand the Florida Law Enforcement eXchange (FLEX), a statewide data sharing system that provides law enforcement across the state the ability to quickly and easily access and analyze thousands of records found in individual city, county and state law enforcement agencies records management systems. Another very important tool is InSite, which is a web application located on the Criminal Justice Network (CJNet) and serves law enforcement agencies (federal, state and local) by providing a secure database of active criminal intelligence and investigative information to legally authorized users across the state. The main goal of InSite is to improve the effectiveness of criminal investigations on all levels and provide for the exchange of intelligence between Florida law enforcement agencies.

The Fusion Center includes the following state and federal agencies that have designated an intelligence liaison officer/analyst to the FFC:

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- Agency for Enterprise Information Technology
- Department of Agriculture and Consumer Services,
Division of Law Enforcement
- Department of Business and Professional Regulation,
Alcoholic Beverages and Tobacco
- Department of Corrections
- Department of Education
- Department of Environmental Protection
- Department of Financial Services/
State Fire Marshal
- Department of Health
- Department of Highway Safety & Motor Vehicles/
Florida Highway Patrol
- Department of Law Enforcement
- Department of Transportation
- Division of Emergency Management
- Fire Chief's Association
- Fish and Wildlife Conservation Commission
- Office of Attorney General
- Police Chief's Association
- Sheriff's Association
- Department of Homeland Security
- Intelligence & Analysis
- Immigration and Customs Enforcement
- Domestic Nuclear Detection Office
- Transportation Security Administration
- Federal Bureau of Investigation
- Florida National Guard
- US Attorneys Office
- US Forest Service

Serving as the first point of contact for the Florida Fusion Center, Watch Desk analysts act as conduits for vetting information from and to the U.S. Department of Homeland Security including its National Operations Center, the Federal Bureau of Investigation, Florida Regional Domestic Security Task Forces, and Statewide Warning Point operated by Florida's Division of Emergency Management.

The intelligence and information sharing component within the law enforcement function is streamlined to facilitate collaboration and joint operations of federal, state and local law enforcement agencies in Florida and no overlaps or duplicative efforts are identified. The current structure for intelligence sharing is continuously evolving to adapt to ever changing circumstances. This is another example where each agency provides expertise to support other law enforcement agencies in promoting public and officers' safety and national security.

EFFICIENCY OPPORTUNITIES

The Legislature already realigned law enforcement components within state government to produce efficiencies within the Florida Department of Law Enforcement and Florida Department of Highway Safety. State law enforcement components are already cooperating through a variety of cross-agency partnerships including Florida's Mutual Aid Plan, multiple investigative task forces, the Florida Fusion Center, and statewide and regional information and intelligence systems. Each agency brings a unique mission and expertise to the State's law enforcement investigative capabilities, coordinating when appropriate to protect Florida's citizens and visitors. Additional opportunity for efficiency may be gained by consolidating some investigative functions of three state law enforcement agencies. These efficiencies are detailed within the Environmental Team's report.

Based on the uniqueness of state law enforcement missions, the efficiencies already accomplished through realignment of appropriate law enforcement function, and the systems already in place to maximize investigative cooperation and efficiencies among state law enforcement agencies, the Investigative Team has no additional recommendation for consolidation or realignment of investigative functions among state law enforcement agencies.

CONSOLIDATION OPPORTUNITIES

Besides the potential consolidation of certain law enforcement investigative functions in the Department of Environmental Protection, the Department of Agriculture and Consumer Services and the Fish & Wildlife Conservation Commission the Investigations Team found no additional opportunities for consolidation.

RECOMMENDATIONS

The *Investigations Team* supports the conclusions and recommendations of the Environmental Law Enforcement Team regarding potential consolidation of similar components within the Department of Environmental Protection, the Department of Agriculture and the Fish & Wildlife Conservation Commission.

Additionally, the *Investigations Team* acknowledges the critical role that intelligence and investigative information sharing plays in ensuring efficiency and effectiveness of the law enforcement mission. The *Team* further acknowledges the progress that state law enforcement in cooperation and collaboration with federal, state, and local law enforcement have made to join together to establish secure, credible data interoperability across the spectrum of law enforcement jurisdictions. Through task forces, state and regional fusion centers, and the use of technology to share information between disparate systems and reduce redundant system functionality, Florida law enforcement communication has been improved.

It is the recommendation of the *Investigations Team* that local agencies be encouraged to participate with their regional fusion centers, and have their appropriate personnel trained in the use of InSite, Florida's statewide intelligence system. It is further recommended that agencies be discouraged from building new disparate investigative and intelligence records systems that do not integrate into regional and state fusion center systems, and do not support the goal of improved information sharing and interoperability.

Florida State Law Enforcement Consolidation Task Force

AGENCIES	FDLE	FHP	MFCU	ABT	DEP	AgLaw	FWC
Mission Statement	Public safety & strengthen domestic security in partnership with local, state & federal CJ agencies.	Highway safety & security through professional law enforcement & excellence.	Detect & prosecute Medicaid fraud and abuse, neglect & exploitation of patients & health and safety of state's residents.	Regulate the distribution of alcoholic beverages & tobacco products, collection of licenses fees & taxes.	Excellence in public service and environmental protection.	(Bureau of Investigative Services) Consumer protection, protection of agricultural industry from criminal acts, preserving & safeguarding food, consumer products & protect state's natural resources.	Protect state's natural resources and people through proactive & responsible LE services.
Major Law Enforcement Functions							
Criminal Investigations (Major criminal investigations)	<ul style="list-style-type: none"> • Violent Crime • Drug Crime • Economic Crime • Public Integrity • Domestic Security • Threat Investigations 	<ul style="list-style-type: none"> • Driver license, vehicle title & odometer fraud • Traffic homicide • Cargo Theft • Threat investigations 	<ul style="list-style-type: none"> • Fraud related to Medicaid and / or patient abuse, neglect or exploitation. 	<ul style="list-style-type: none"> • Criminal violations associated with sale / distribution of cigarettes and alcoholic beverages 	<ul style="list-style-type: none"> • Environmental threats (air, drinking water and natural resources). • Illegal transportation, disposal or storage of hazardous waste, solid waste or chemicals. 	<ul style="list-style-type: none"> • Unfair & deceptive trade practices. • Agricultural crimes • Criminal violations within state forests. • Environmental crimes – illegal dumping & outdoor open burning. • Wildfires investigations 	<ul style="list-style-type: none"> • Vessel thefts • Vessel license & title fraud • Boating accidents • Federal & state criminal violations within wilderness & marine areas • Hunting accidents • Federal & state commercial fishing violations
Domestic Security Preparedness & Mutual Aid	<ul style="list-style-type: none"> • Mutual Aid coordination (ESF 16) • Homeland Security Advisor • Multi-agency counter terrorism coordination 	<ul style="list-style-type: none"> • Mutual Aid partner (ESF 16) • Emergency Response - Domestic / Natl. Security threats 	<ul style="list-style-type: none"> • Emergency response – health care facilities. 	<ul style="list-style-type: none"> • Mutual Aid partner (ESF 16) • Federal Task Forces – Marshalls, DEA 	<ul style="list-style-type: none"> • Mutual Aid partner (ESF 16) • Environmental Response Team • Federal & state task force partners 	<ul style="list-style-type: none"> • Mutual Aid partner (ESF 16) Agricultural Emergency Response Team • Wildfire emergencies 	<ul style="list-style-type: none"> • Mutual Aid partner (ESF 16) • 1st. responders - disasters in wilderness and maritime areas.

AGENCIES	FDLE	FHP	MFCU	ABT	DEP	AgLaw	FWC
Mission Statement	Public safety & strengthen domestic security in partnership with local, state & federal CJ agencies.	Highway safety & security through professional law enforcement & excellence.	Detect & prosecute Medicaid fraud and abuse, neglect & exploitation of patients & health and safety of state's residents.	Regulate the distribution of alcoholic beverages & tobacco products, collection of licenses fees & taxes.	Excellence in public service and environmental protection.	(Bureau of Investigative Services) Consumer protection, protection of agricultural industry from criminal acts, preserving & safeguarding food, consumer products & protect state's natural resources.	Protect state's natural resources and people through proactive & responsible LE services.
Major Law Enforcement Functions							
Investigative Assistance (Assistance to other law enforcement agencies)	<ul style="list-style-type: none"> • Violent Crime Response (Electronic Surveillance, CART, Amber Alert, Fugitive Apprehension, Cold Case, Meth Clean-up) • Polygraph / Criminal Profiling • Computer Crime Training & Investigations • Background Investigations • Law Enforcement Specialty Training • High risk / critical incident response 	<ul style="list-style-type: none"> • Highway criminal interdiction • Identity theft • Fraudulent documents related to vehicle registration, odometers & driver licenses • Facial recognition (DL photos) 	<ul style="list-style-type: none"> • Can provide assistance when there is a Medicaid nexus. 	<ul style="list-style-type: none"> • Joint investigations with other law enforcement agencies that involve alcoholic beverages and/or tobacco products 	<ul style="list-style-type: none"> • Assistance in investigations & prosecution of environmental crimes. • State and federal Task Force & workgroup partners • Child Abduction Response Team (CART) partner • Environmental sampling to support criminal investigations 	<ul style="list-style-type: none"> • Child Abduction Response Team partners • Domestic Marijuana Eradication Program coordinators • Federal & state Task Force partners 	<ul style="list-style-type: none"> • Aerial support • Emergency response to remote areas • Special Operations Group – remote woodland & marine • K-9 teams • Search & rescue • Animal attacks • Assistance to local law enforcement agencies in boating accident investigations
Intelligence	<ul style="list-style-type: none"> • Florida Fusion Center operations • Tactical & Strategic Intelligence • FLEX / RLEX coordination 	<ul style="list-style-type: none"> • Fusion Center partner • Intelligence collection & sharing • Tactical & operational intelligence dissemination to internal patrol operations component • Data driven approaches to crime & traffic safety (DdACTS) 	<ul style="list-style-type: none"> • Fusion Center partner 	<ul style="list-style-type: none"> • Fusion Center partner 	<ul style="list-style-type: none"> • Fusion Center partner 	<ul style="list-style-type: none"> • Fusion Center partner 	<ul style="list-style-type: none"> • Fusion Center partner • Intelligence collection & sharing • Tactical & operational intelligence dissemination to internal patrol operations component

LAW ENFORCEMENT CONSOLIDATION TASK FORCE

LAW ENFORCEMENT ADMINISTRATION AND SUPPORT TEAM

November 4, 2011

Team Sponsor:	Colonel David H. Brierton, FHP
Team Leader:	Rick Creamer, Program Operations Manager, FHP
Team Members:	Major Camille Soverel, FWC Major Cheryl DeGross, DOACS Major David Hendry, Tallahassee Police Department (FPCA) Major Chris Connell, Tallahassee Police Department (FPCA) Major Nicholas Monday, ABT Deputy Chief Legal Counsel Thea Clark, Hillsborough County SO (FSA) Assistant Attorney General Jon Whitney, OAG Special Agent in Charge Mark Perez, FDLE
Team Resources:	Major Richard Mechlin, FHP Captain Roger Norris, FHP Alexander Gulde, Office of Policy, Planning, and Budget, FWC Sherrv Gomez, FDLE

Law Enforcement Consolidation Task Force
Law Enforcement Administration and Support Team

November 4, 2011

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Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

EXECUTIVE SUMMARY

The Law Enforcement Consolidation Task Force met on July 14, 2011, for an organizational meeting at which point Subject Matter Expert (SME) Teams were approved for the purpose of providing information and recommendations to the task force. The primary directive for the SME Teams is to validate the missions and objectives for the many state law enforcement agencies as well as identifying possible efficiencies that can be created between agencies and redundant efforts among agency missions and activities.¹

As part of the task force organizational effort, the Law Enforcement Administration and Support (LEAS) subject matter expert team was created to examine the following aspects of state law enforcement agencies:

- Support Staff functions and Administrative needs;
- Policies and Procedures;
- Legal Representation and Resources and
- Regional Configuration.

The LEAS Team has developed this status report to present their findings and recommendations to the team sponsor in preparation for future task force meetings.

By the very nature of the LEAS Team charter, team recommendations would need to be based on consolidation of agency or function recommendations from the task force. As consideration of the single “Department of Public Safety” concept was tabled at the August 3, 2011 task force meeting, the LEAS Team has focused on identification and development of criteria and possible “next steps” to provide to the task force for their use when providing recommendations for consolidation of state law enforcement activities or responsibilities.

¹ Meeting Minutes of August 3rd, 2011 Law Enforcement Consolidation Task Force

Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

SUPPORT STAFF FUNCTIONS AND ADMINISTRATIVE NEEDS

Integration of Administrative and Support Functions

An Implementation Guide

The Law Enforcement Administrative and Support Team was tasked with reviewing the process and effects that the consolidating of agencies or functions would have on the administrative and support functions of those agencies. Every law enforcement agency has administrative and support function needs. While there are common areas, such as human resources or procurement, the unique mission of each agency results in differing needs.

Due to the fact that agency or functional consolidation proposals are only now being considered, the focus of this portion of the report is to provide a guide on the issues and decision points that would need to be addressed should a consolidation of agencies or functions occur.

The steps outlined in this guide are dependent on the timing of any consolidation. The first consideration will be to what extent the integration can be accomplished simultaneously with the consolidation and what will need to be delayed until after the actual consolidation. A timeline should be prepared to identify those tasks that must be completed prior to and those tasks that can be accomplished in the months after the consolidation occurs.

The term administrative and support functions in law enforcement agencies generally refer to the Human Resource, clerical, procurement, budgeting, accounting, information technology, evidence management, research and planning type activities. Traditionally, personnel that perform these functions are not sworn law enforcement officers but the unit may be commanded by a sworn law enforcement officer. At the state level where the law enforcement function may be a division or bureau within a larger department, some

administrative and support personnel may not appear in the law enforcement function organizational structure, however are placed in the department's larger unit that handles the particular function, such as procurement, for the entire department. This is an important point as appropriate numbers of such positions should be identified for transfer to the new agency.

Integration Tasks:

- Identify all administrative and support positions in agencies or activities to be consolidated, within the division, bureau or agency including those positions not in the identified organizational structure;
- Determine the Job Classification of each position and develop a plan to assimilate similar functions into like classifications;
- Determine the duties and responsibilities of those positions;
- Determine tasks performed that were unique to the original agency;
- Determine opportunities to reduce overall staff due to overlapping duties;
- Determine the organizational placement of each position along with identifying the position's supervisor;
- Determine the office space needed and whether the positions will be moved to another facility;
- If a function is performed by sworn law enforcement in one agency and civilians in the other a determination will have to be made regarding the type of position that will perform the function in the consolidated agency.

Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

POLICIES AND PROCEDURES

Original Team Goal #4: Provide implementation plan for consolidating written directives of agencies identified for merger.

Amended Team Goal #4: Identify potential efficiencies for written directive standardization, distribution, and receipt verification.

In the absence of a mandate to merge law enforcement agencies, the Law Enforcement Administration and Support Team analyzed the function of policies and procedures utilized by state law enforcement. The issues that were identified included standardized policies, distribution of written directives to the employees, and verifying receipt of the documents. Below is a summary of the results of our research:

1. WRITTEN DIRECTIVE STANDARDIZATION

The purpose of a written directive is to outline specific procedures and protocols to be followed by the employees of any given agency. These guides provide standardized direction on how to handle a vast array of functions performed based on the mission of the law enforcement group, as established by the executive staff and management of each agency.

As State Law Enforcement Agencies, there are some common policies amongst all groups that encompass areas such as hiring, training, evaluations, and grievances. However, due to the vast distances that agencies must cover, and the differing core missions, each agency must include rules that pertain to actions and activities for their unique issues. Requiring every agency to adopt a single standard policy for each function performed would result in an extensive review and report to include multiple options depending on varying issues, and would require that each agency's management endorse the same detailed steps for accomplishing all tasks. By

encouraging agencies to pursue and maintain state law enforcement accreditation, functions and critical issues are not only identified, but also written directives that incorporate the standards for professional policing are shared amongst all users, and can be modified for each agency based on their mission.

In summary, it appears that potential efficiencies gained by all state law enforcement agencies using the same policies may be outweighed by the difficulties in obtaining approval by a multitude of agency managers, and create policies that would need to potentially include numerous options for each individual agency due to multiple locations and varied core missions. **Encouraging all agencies to achieve and maintain state accreditation will ensure each agency has directives that provide protocol for high liability issues that meet the standard identified as critical for providing professional law enforcement services to the citizens and visitors to the State.**

Should any individual accredited agencies merge, having these accreditation standards already built into agency directives can help provide a guideline to ensure a smooth transition of consolidating policies and procedures, and provide for a system of reviewing each function to enable a thorough review of functions to be consolidated.

2. POLICY DISTRIBUTION and POLICY RECEIPT VERIFICATION

The importance of writing clear, concise policies is critical, but the distribution of those policies is an important concern as well. In an effort to reduce the cost of printing and mailing policies to various employees deployed around the State, many agencies have transitioned to electronic policy distribution systems. These systems manage and distribute policies, allow employees to search for specific information, and verify when an employee has read the posted directive. By using an automated distribution and verification system, employees can be sure that their knowledge regarding how to conduct their agency's mission is current, and system reporting capabilities allow managers to track employees that have / have not read the agency's most current directives.

In reviewing the methodology used by State law enforcement agencies to distribute and verify receipt of agency policies, it was found that no agencies are using a manual (paper) method of policy distribution and management. Most agencies contract automated policy distribution and verification services from a private vendor. The vendor provides two options: a solution hosted on their server with an application that can be accessed over the internet; and, a solution installed on an agency's server.

One agency uses an automated policy distribution and verification system that was developed by the agency's in-house information technology team. This system is maintained

on agency servers using agency information technology personnel. This system could potentially be provided at no cost to other state agencies, if it can be supported by other agencies' technology environments.

Recommendation: The Team concluded that there may be financial benefits gained by all state law enforcement agencies use of the same automated policy distribution system. It is recommended that the Information Technology group:

- 1. Conduct a needs assessment to determine the system and functional requirements of each state law enforcement agency.**
- 2. Conduct a feasibility study to determine the cost and effectiveness of the various available off-the-shelf policy management systems and the policy management system developed within one agency. The study should compare the functionality of all systems, as well as the cost of purchase, cost of system customization, upgrades and maintenance.**

Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

LEGAL REPRESENTATION AND RESOURCES

The Law Enforcement Administrative and Support Team has determined that there are varying levels of need for legal resources among state law enforcement agencies. Differing agency missions and objectives and the requirement for specialized agency legal services needs make it difficult to propose a total consolidation for this support function. There does not appear to be a consistent model of legal support among the various law enforcement agencies. Several agencies house legal resources within the organizational structure of the law enforcement division, while others may utilize a department level approach with a dedicated legal office member or team. **However, there may be opportunities to provide legal services common to all law enforcement agencies.** Should the task force choose to explore the option of consolidation of certain legal resources into a centralized area, **an evaluation of all agency legal functions should be conducted to assess the efficiencies and effectiveness of centralizing legal services common to all law enforcement agencies.**

Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

<p>REGIONAL CONFIGURATION</p>

The Law Enforcement Administrative and Support Team recently requested and received regional boundary maps along with a brief explanation of the reasoning behind current agency boundary configuration for state law enforcement agencies.

We have identified a few similarities between agency operating regions, but there are greater differences necessitated by each agency's need to meet their primary law enforcement mission or other public service needs. Even within agencies, there are geographic differences between regional boundaries based on investigative and patrol or other law enforcement needs within the agency.

In the absence of a recommendation for consolidation of law enforcement functions from other teams or the task force itself, the Law Enforcement Administrative and Support team has provided a series of maps (**see appendix**) for state law enforcement agencies of jurisdictional, regional and/or service boundaries. Any recommendation of agency or functional consolidation will need to include a study of the impacts of office co-location or establishment, effects on response times, effects on public service needs due to the consolidation, and that the consolidated agency or functional boundaries are mission driven.

Law Enforcement Consolidation Task Force

Law Enforcement Administration and Support Team

November 4, 2011

CONCLUSIONS

As part of the task force organizational effort, the Law Enforcement Administration and Support (LEAS) subject matter expert team was created to examine the following aspects of state law enforcement agencies and offers the following information and/or recommendations:

Support Staff and Administrative Needs:

- Provides a guide of tasks needed for integration of administration and support functions and personnel for affected agencies or law enforcement functions.

Policies and Procedures:

- Encourage all state law enforcement agencies to achieve standard accreditation to provide a guideline to ensure a smooth transition of consolidating policies and procedures, and provide for a system of reviewing each function to enable a thorough review of functions to be consolidated.
- Task the Information Technology Team to assess the system and functional requirements of each state law enforcement agency.
- Conduct a feasibility study to determine the cost effectiveness of the various available off-the-shelf policy management systems and the policy management system developed within one agency.

Legal Representation and Resources:

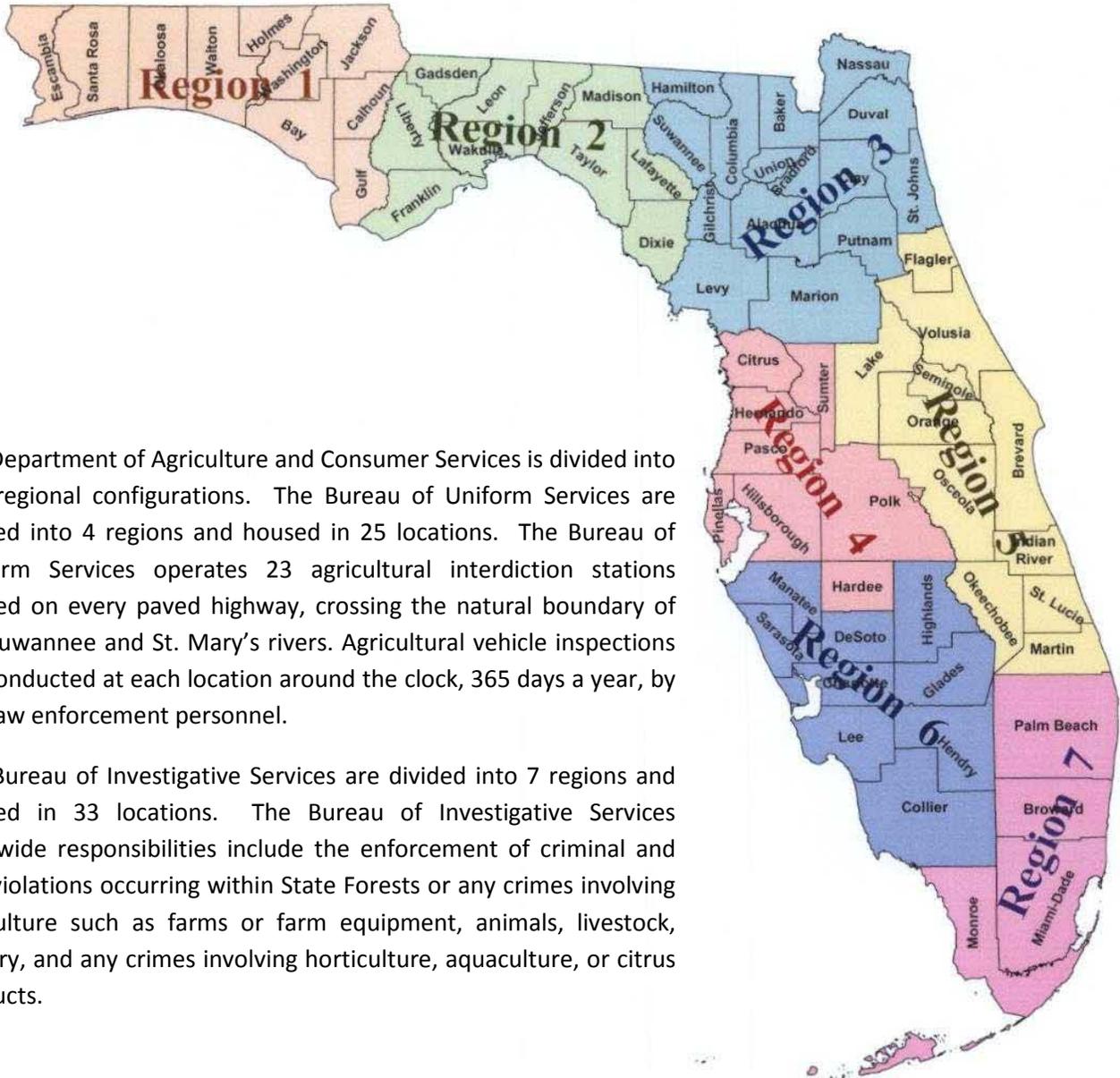
- An evaluation of all agency legal functions should be conducted to assess the efficiencies and effectiveness of centralizing legal services common to all law enforcement agencies.

Regional Configuration:

- In the absence of a recommendation for consolidation of law enforcement functions from other teams or the task force, maps of current regional configuration and reasoning behind the configurations are provided.

APPENDIX

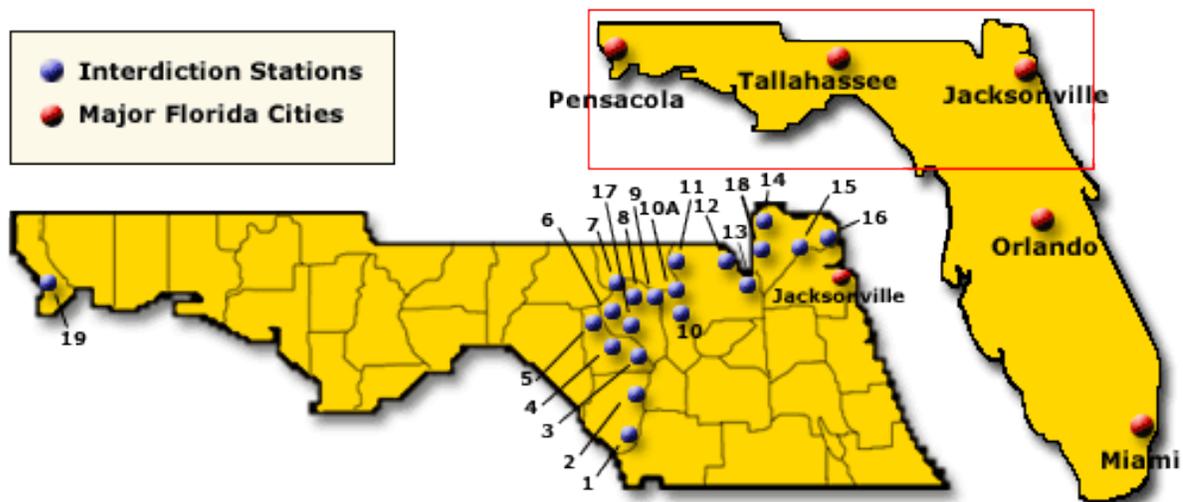
FLORIDA STATE LAW ENFORCEMENT AGENCY REGIONAL BOUNDARY MAPS



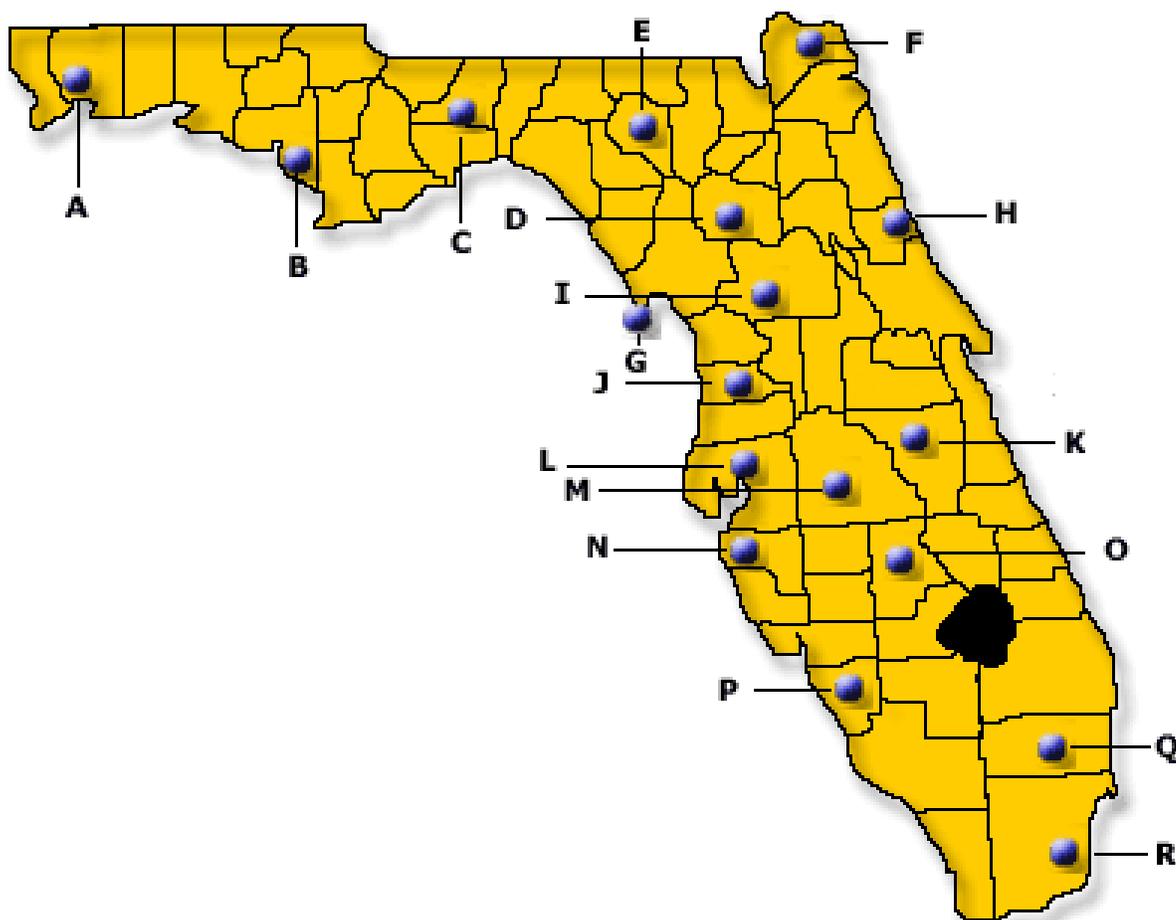
The Department of Agriculture and Consumer Services is divided into two regional configurations. The Bureau of Uniform Services are divided into 4 regions and housed in 25 locations. The Bureau of Uniform Services operates 23 agricultural interdiction stations located on every paved highway, crossing the natural boundary of the Suwannee and St. Mary’s rivers. Agricultural vehicle inspections are conducted at each location around the clock, 365 days a year, by 224 law enforcement personnel.

The Bureau of Investigative Services are divided into 7 regions and housed in 33 locations. The Bureau of Investigative Services statewide responsibilities include the enforcement of criminal and civil violations occurring within State Forests or any crimes involving agriculture such as farms or farm equipment, animals, livestock, poultry, and any crimes involving horticulture, aquaculture, or citrus products.

Department of Agriculture and Consumer Services
Law Enforcement- Uniform Services

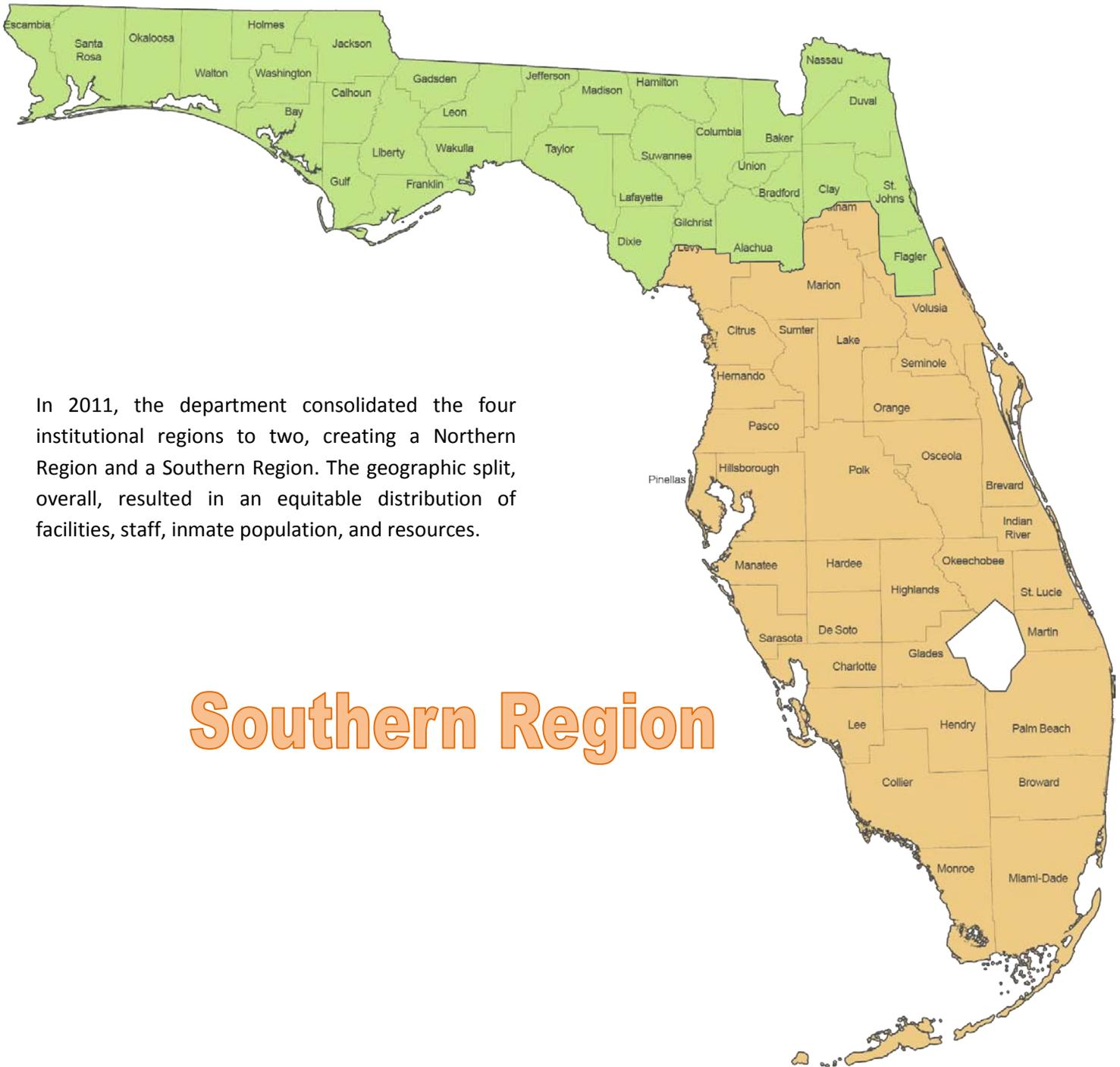


Department of Agriculture and Consumer Services
Law Enforcement- Investigative Service



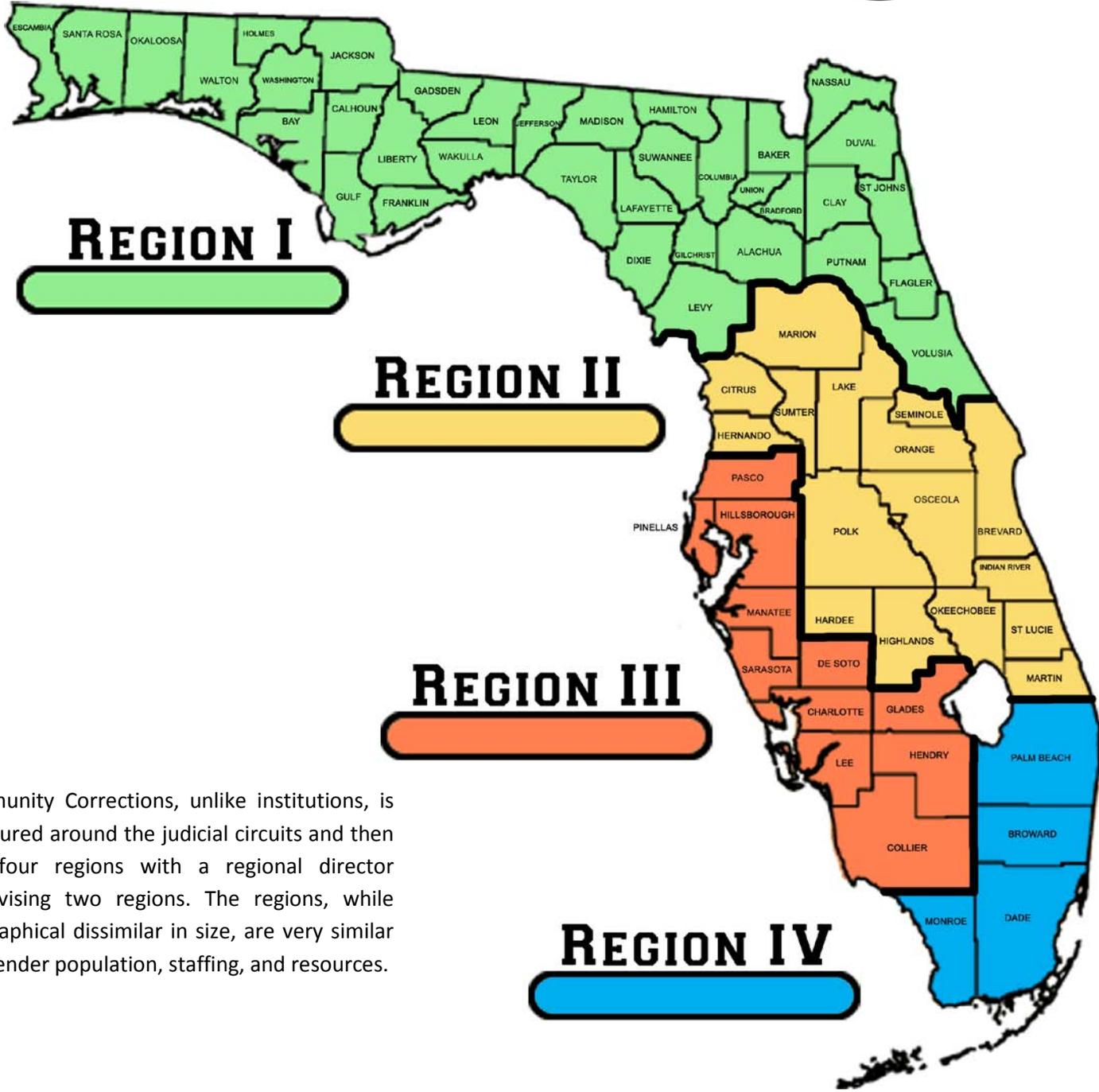


Northern Region

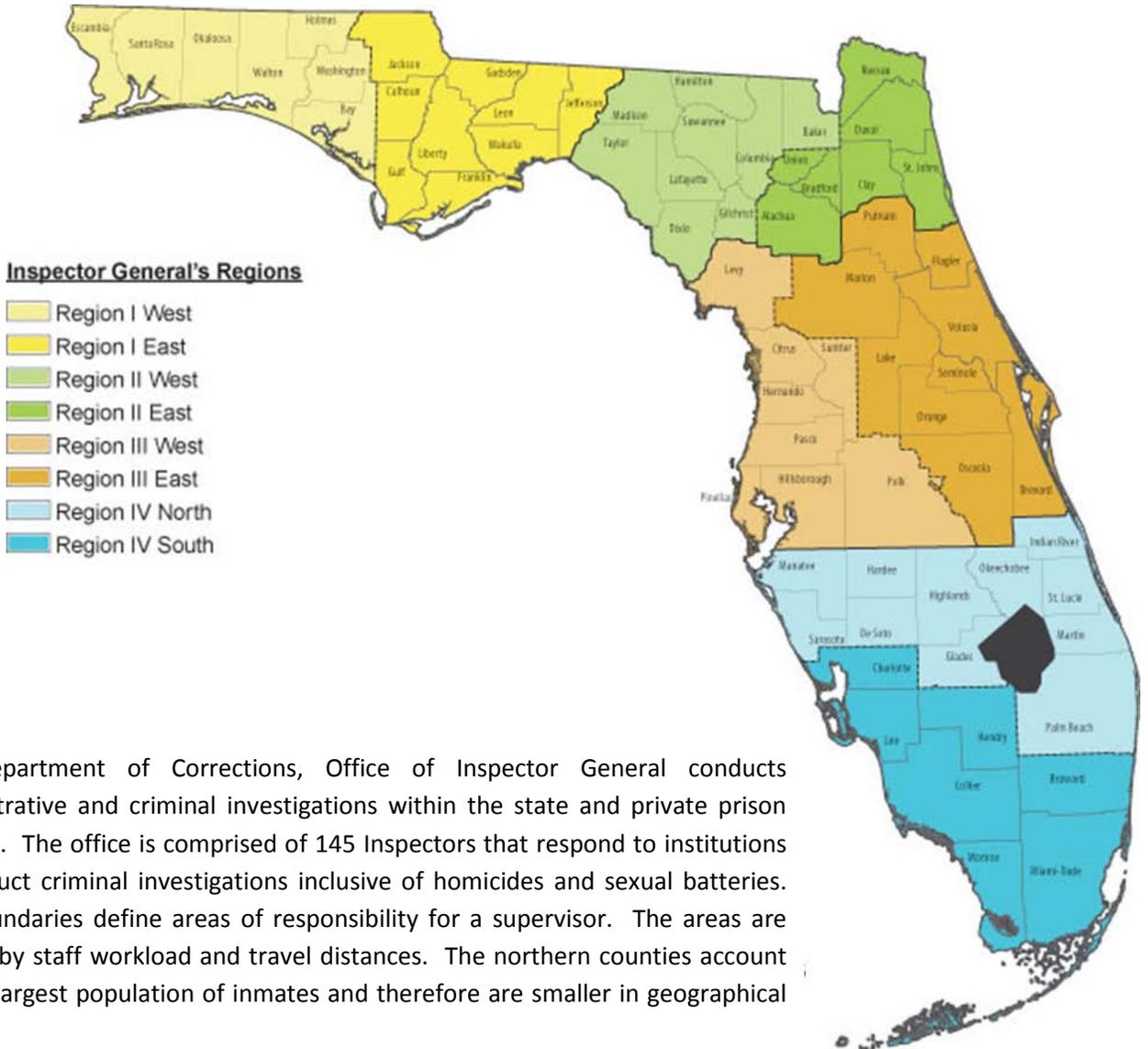


In 2011, the department consolidated the four institutional regions to two, creating a Northern Region and a Southern Region. The geographic split, overall, resulted in an equitable distribution of facilities, staff, inmate population, and resources.

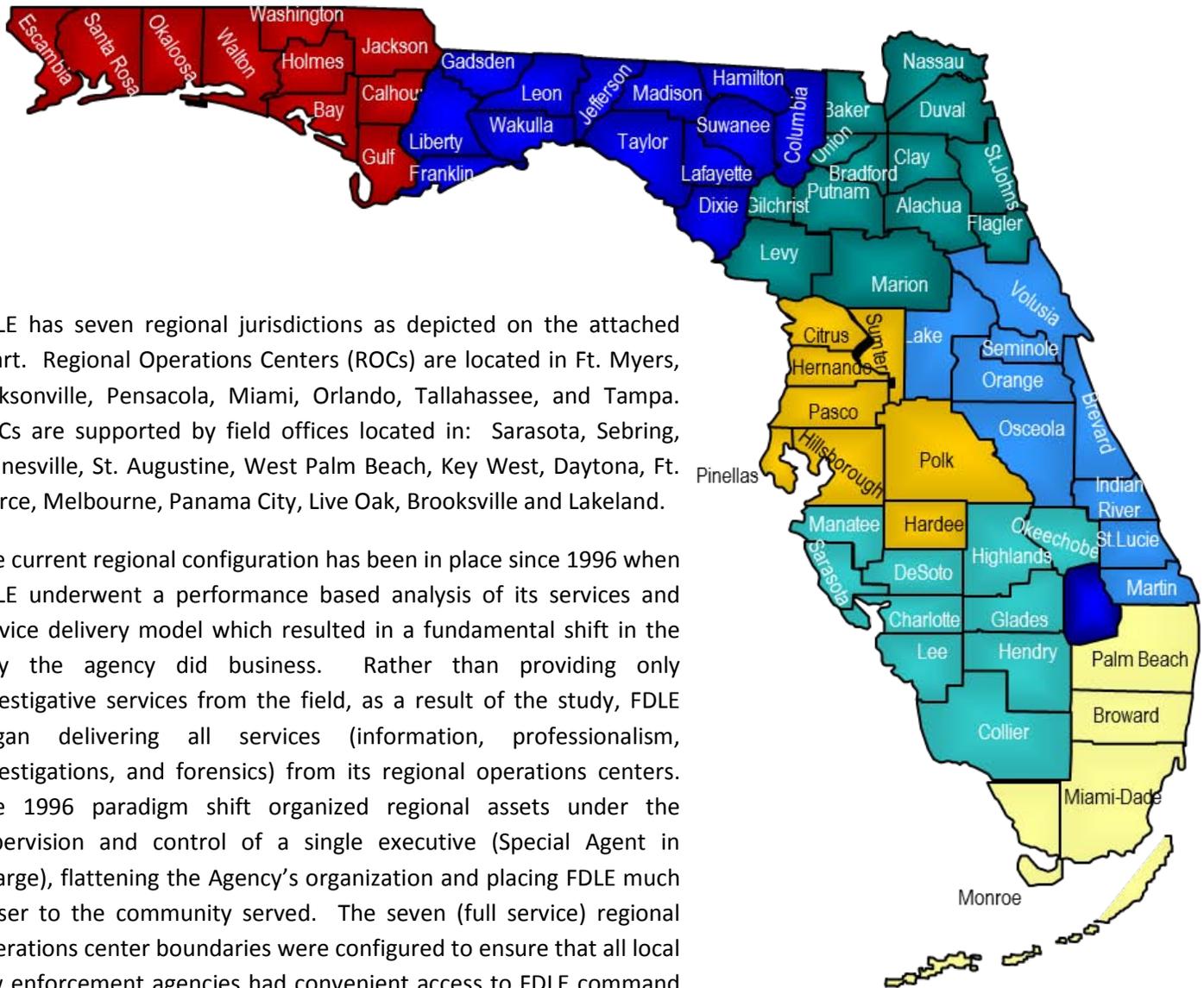
Southern Region



Community Corrections, unlike institutions, is structured around the judicial circuits and then into four regions with a regional director supervising two regions. The regions, while geographical dissimilar in size, are very similar in offender population, staffing, and resources.



The Department of Corrections, Office of Inspector General conducts administrative and criminal investigations within the state and private prison facilities. The office is comprised of 145 Inspectors that respond to institutions to conduct criminal investigations inclusive of homicides and sexual batteries. The boundaries define areas of responsibility for a supervisor. The areas are divided by staff workload and travel distances. The northern counties account for the largest population of inmates and therefore are smaller in geographical areas.

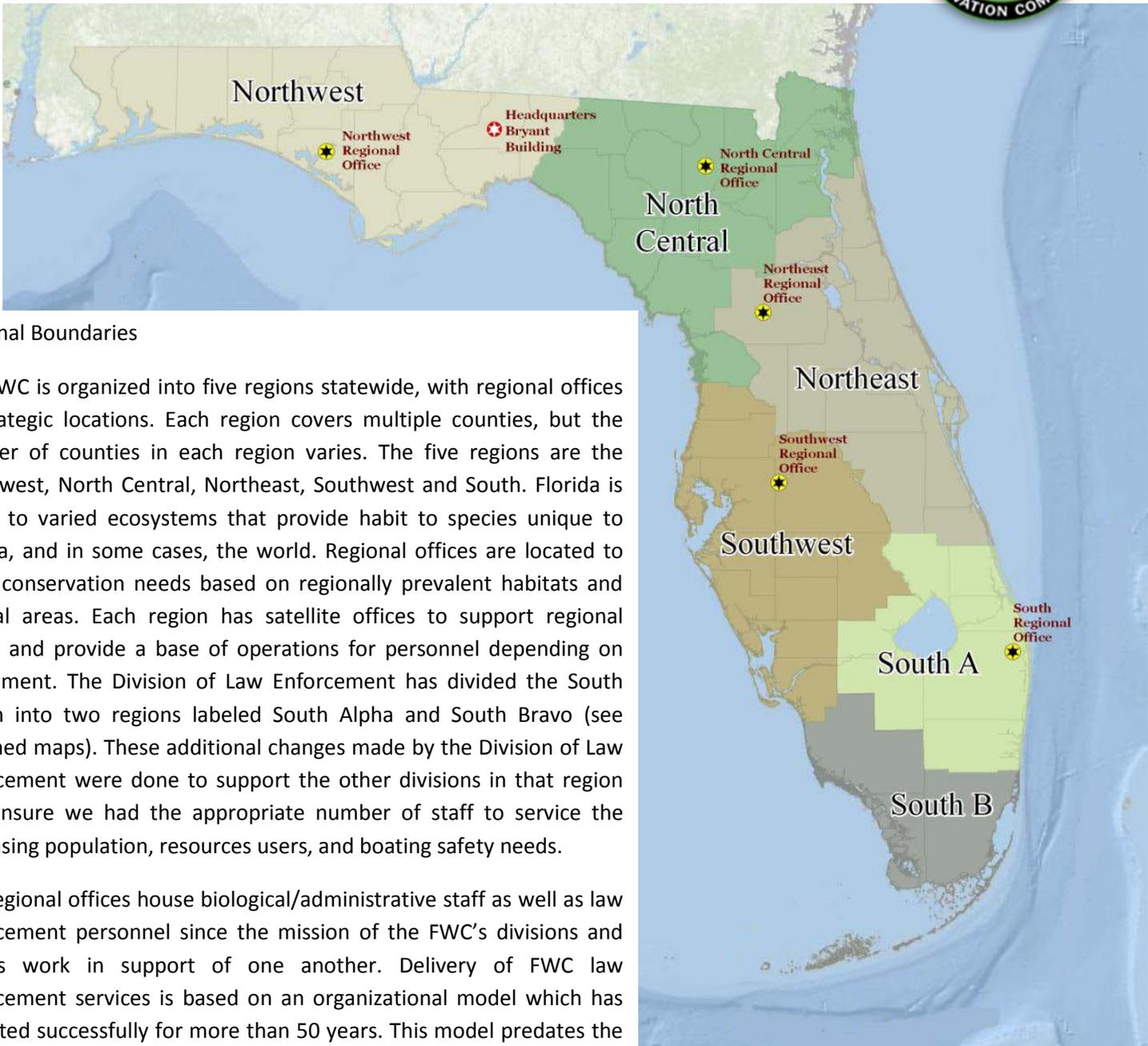


FDLE has seven regional jurisdictions as depicted on the attached chart. Regional Operations Centers (ROCs) are located in Ft. Myers, Jacksonville, Pensacola, Miami, Orlando, Tallahassee, and Tampa. ROCs are supported by field offices located in: Sarasota, Sebring, Gainesville, St. Augustine, West Palm Beach, Key West, Daytona, Ft. Pierce, Melbourne, Panama City, Live Oak, Brooksville and Lakeland.

The current regional configuration has been in place since 1996 when FDLE underwent a performance based analysis of its services and service delivery model which resulted in a fundamental shift in the way the agency did business. Rather than providing only investigative services from the field, as a result of the study, FDLE began delivering all services (information, professionalism, investigations, and forensics) from its regional operations centers. The 1996 paradigm shift organized regional assets under the supervision and control of a single executive (Special Agent in Charge), flattening the Agency’s organization and placing FDLE much closer to the community served. The seven (full service) regional operations center boundaries were configured to ensure that all local law enforcement agencies had convenient access to FDLE command and services, and that FDLE could rapidly, and appropriately respond to any location within Florida.



Florida Fish and Wildlife Conservation Commission - Division of Law Enforcement
Regional Office Boundaries



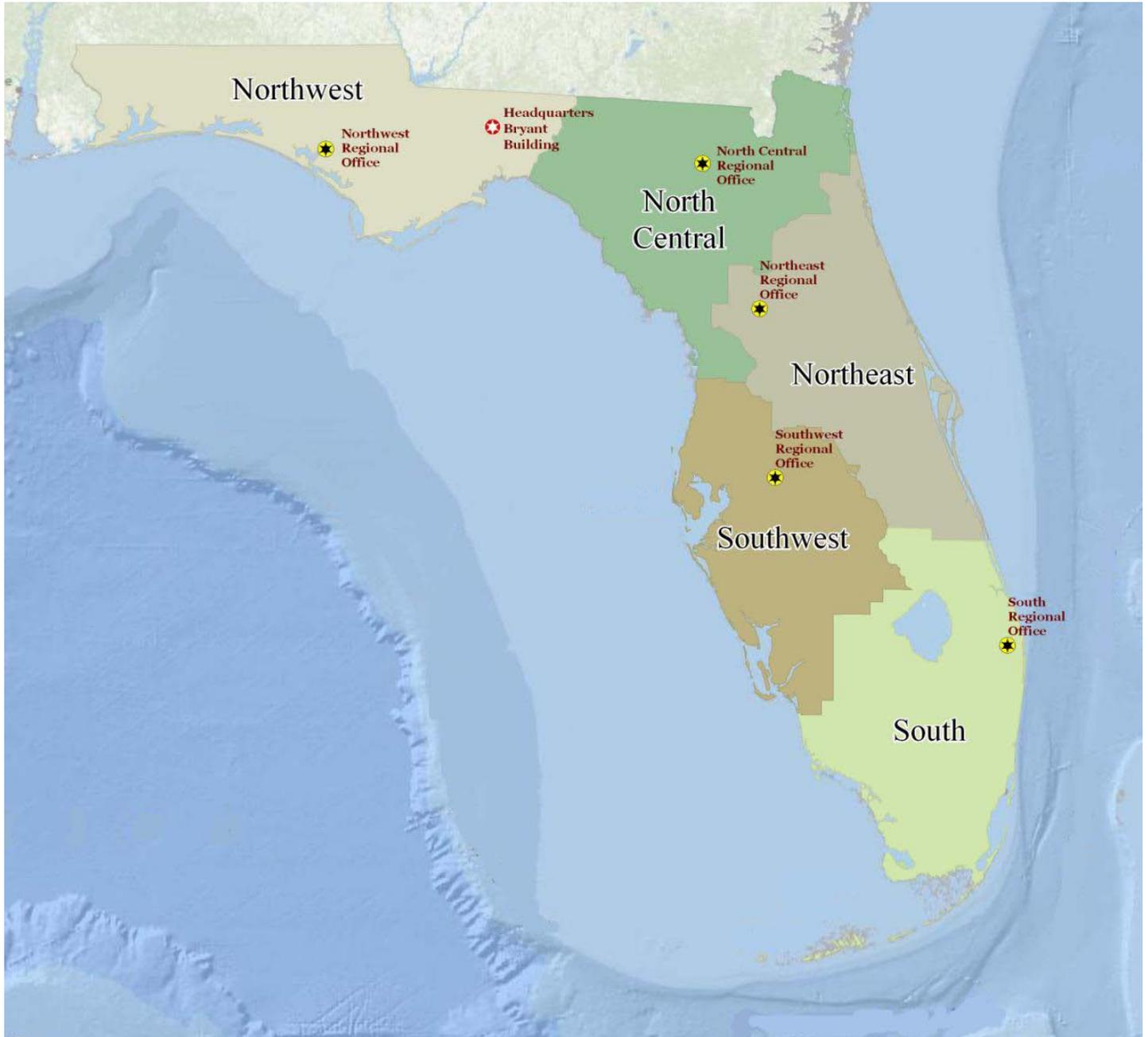
Regional Boundaries

The FWC is organized into five regions statewide, with regional offices in strategic locations. Each region covers multiple counties, but the number of counties in each region varies. The five regions are the Northwest, North Central, Northeast, Southwest and South. Florida is home to varied ecosystems that provide habit to species unique to Florida, and in some cases, the world. Regional offices are located to meet conservation needs based on regionally prevalent habitats and coastal areas. Each region has satellite offices to support regional needs and provide a base of operations for personnel depending on assignment. The Division of Law Enforcement has divided the South region into two regions labeled South Alpha and South Bravo (see attached maps). These additional changes made by the Division of Law Enforcement were done to support the other divisions in that region and ensure we had the appropriate number of staff to service the increasing population, resources users, and boating safety needs.

The regional offices house biological/administrative staff as well as law enforcement personnel since the mission of the FWC’s divisions and offices work in support of one another. Delivery of FWC law enforcement services is based on an organizational model which has operated successfully for more than 50 years. This model predates the creation of FWC and was part of the Game and Fresh Water Fish Commission’s organization.

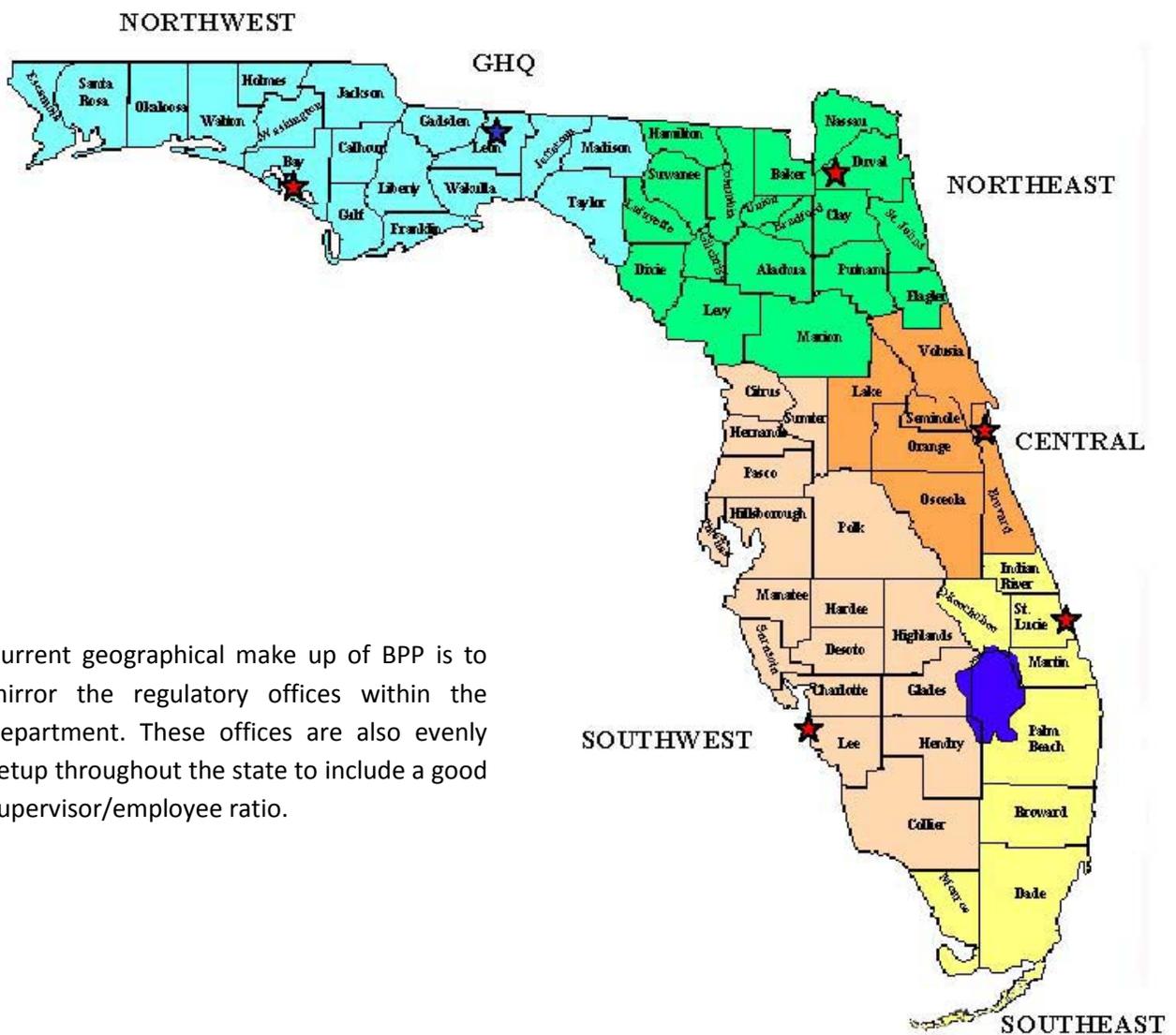


Florida Fish and Wildlife Conservation Commission Regional Office Boundaries

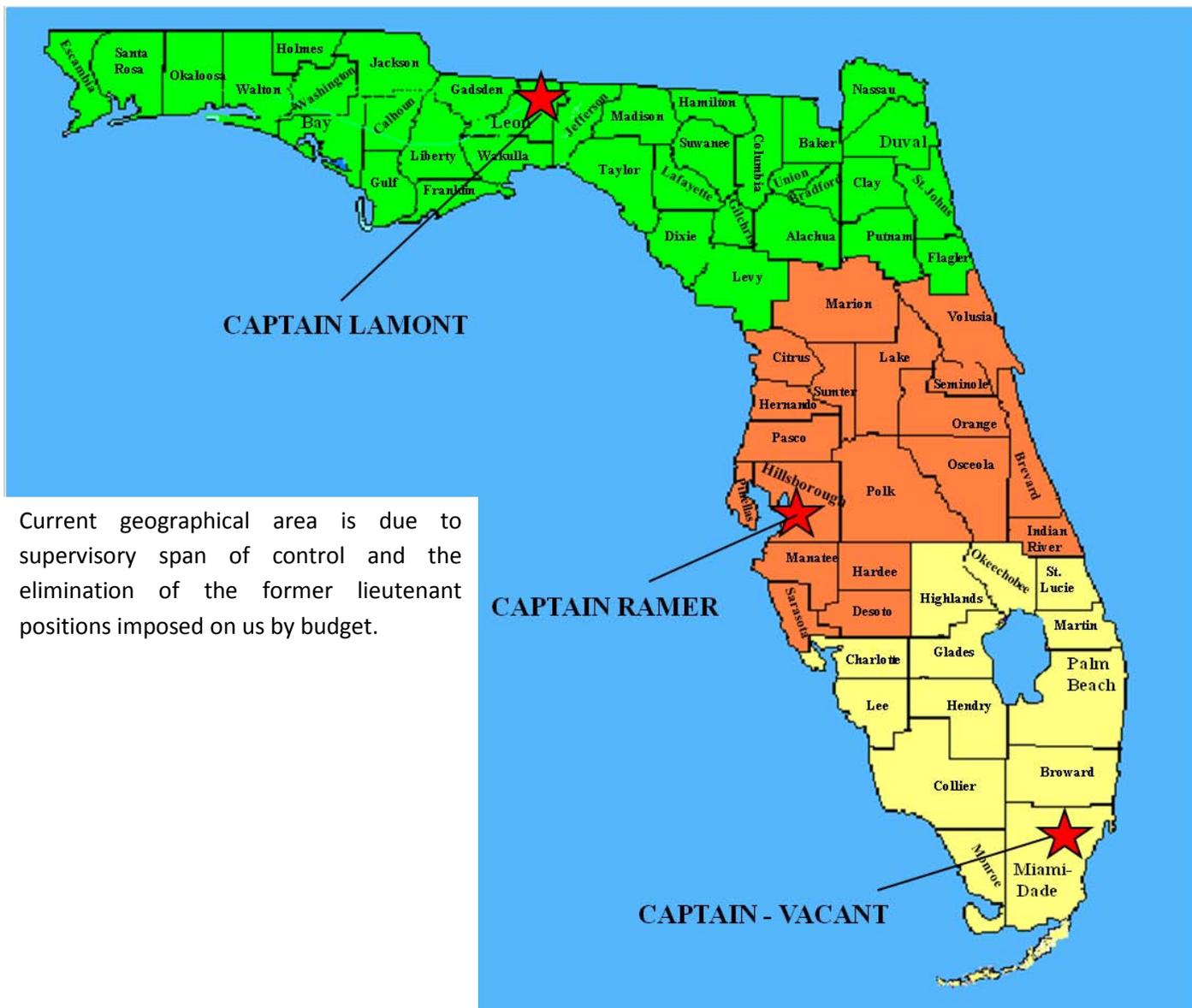




Department of Environmental Protection Law Enforcement- Park Police

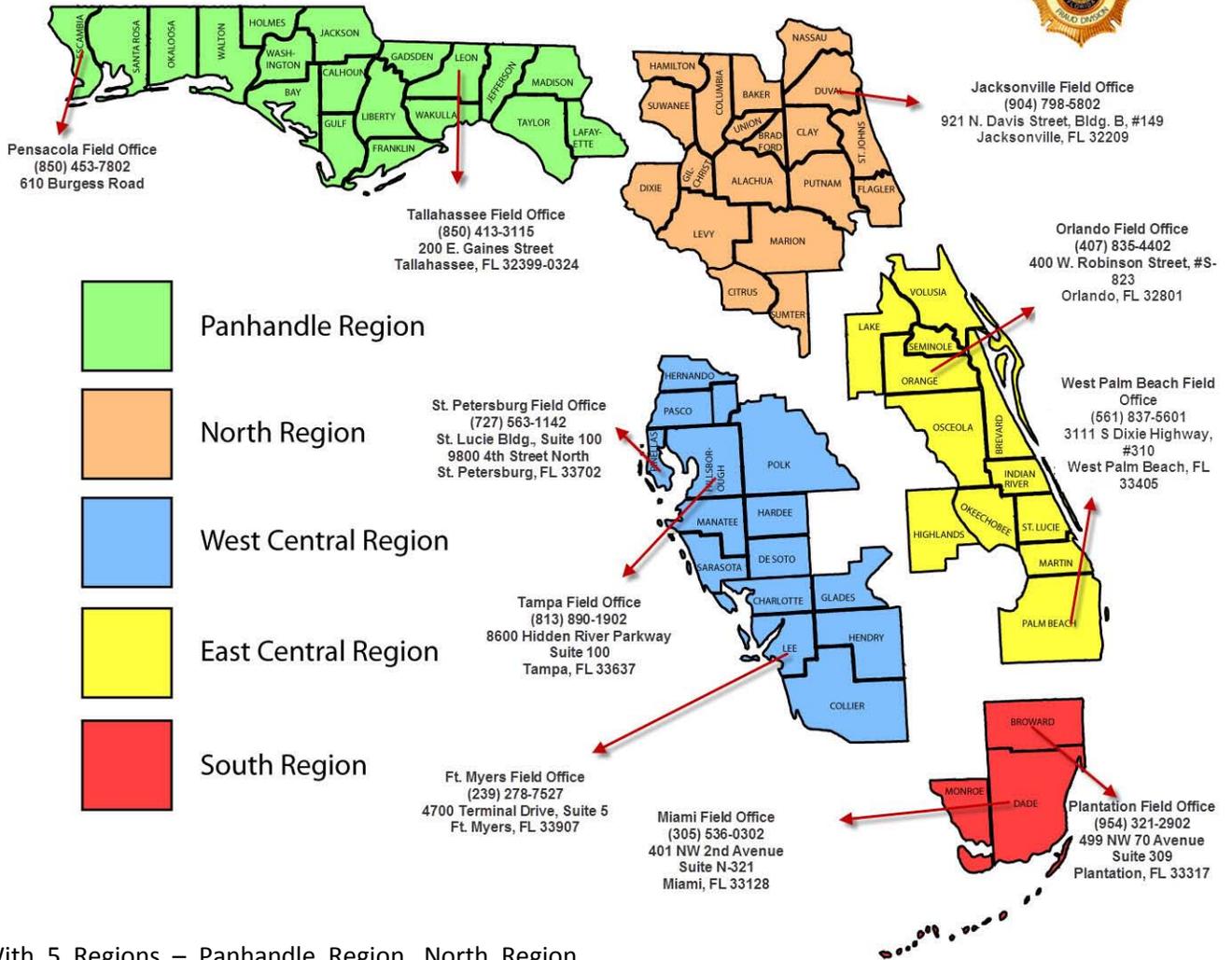


Current geographical make up of BPP is to mirror the regulatory offices within the department. These offices are also evenly setup throughout the state to include a good supervisor/employee ratio.

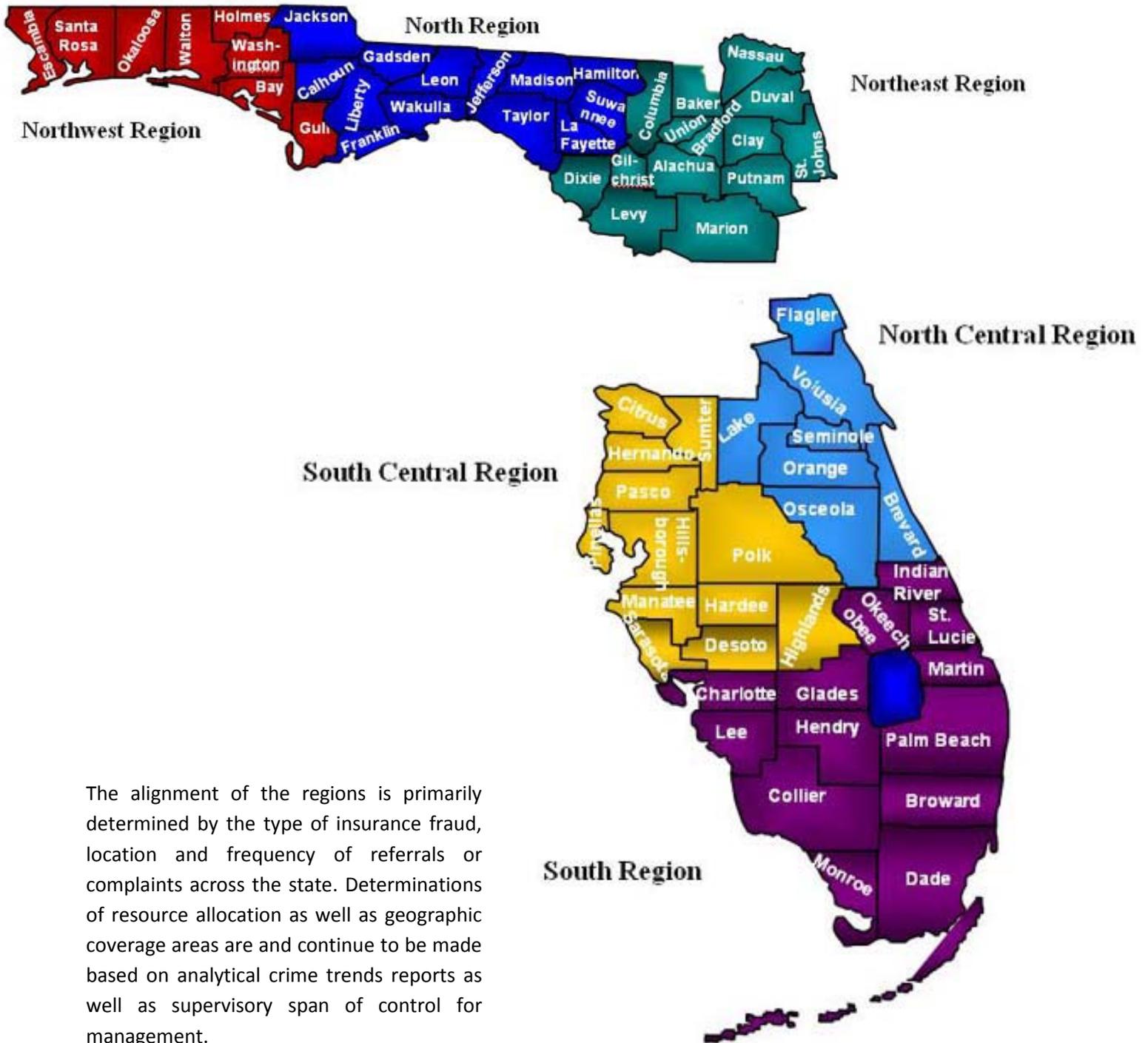


Current geographical area is due to supervisory span of control and the elimination of the former lieutenant positions imposed on us by budget.

Department of Financial Services
Division of Insurance Fraud



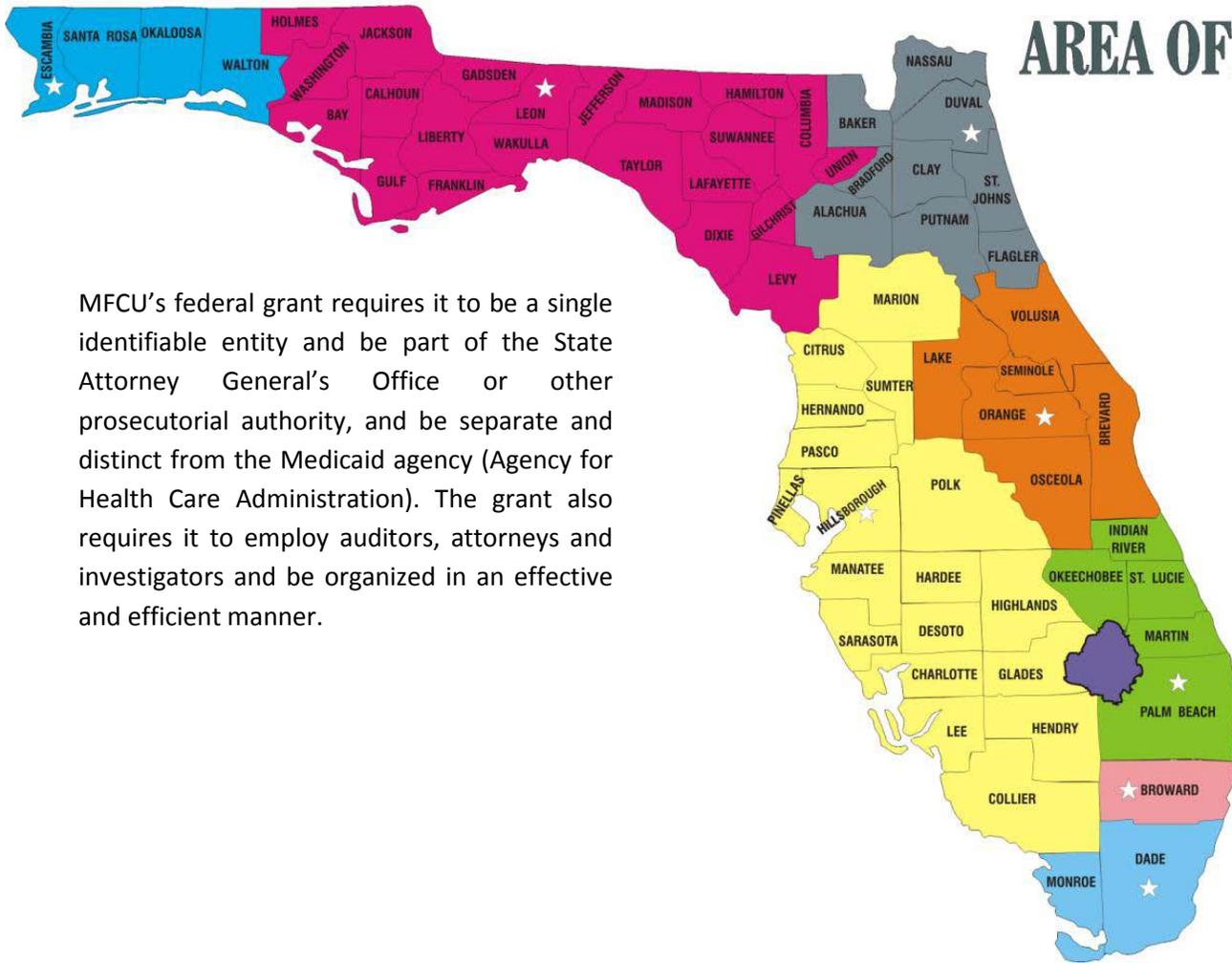
With 5 Regions – Panhandle Region, North Region, West Central Region, East Central Region and South Region, the alignment of the regions is primarily determined by the type of insurance fraud, location and frequency of referrals or complaints across the state. Determinations of resource allocation as well as geographic coverage areas are and continue to be made based on analytical crime trends reports as well as supervisory span of control for management.





The Florida Lottery, Division of Security, employs sworn law enforcement officers with statewide jurisdiction. These special agents can offer unique assistance to other law enforcement agencies throughout the state.

MFCU AREA OFFICES

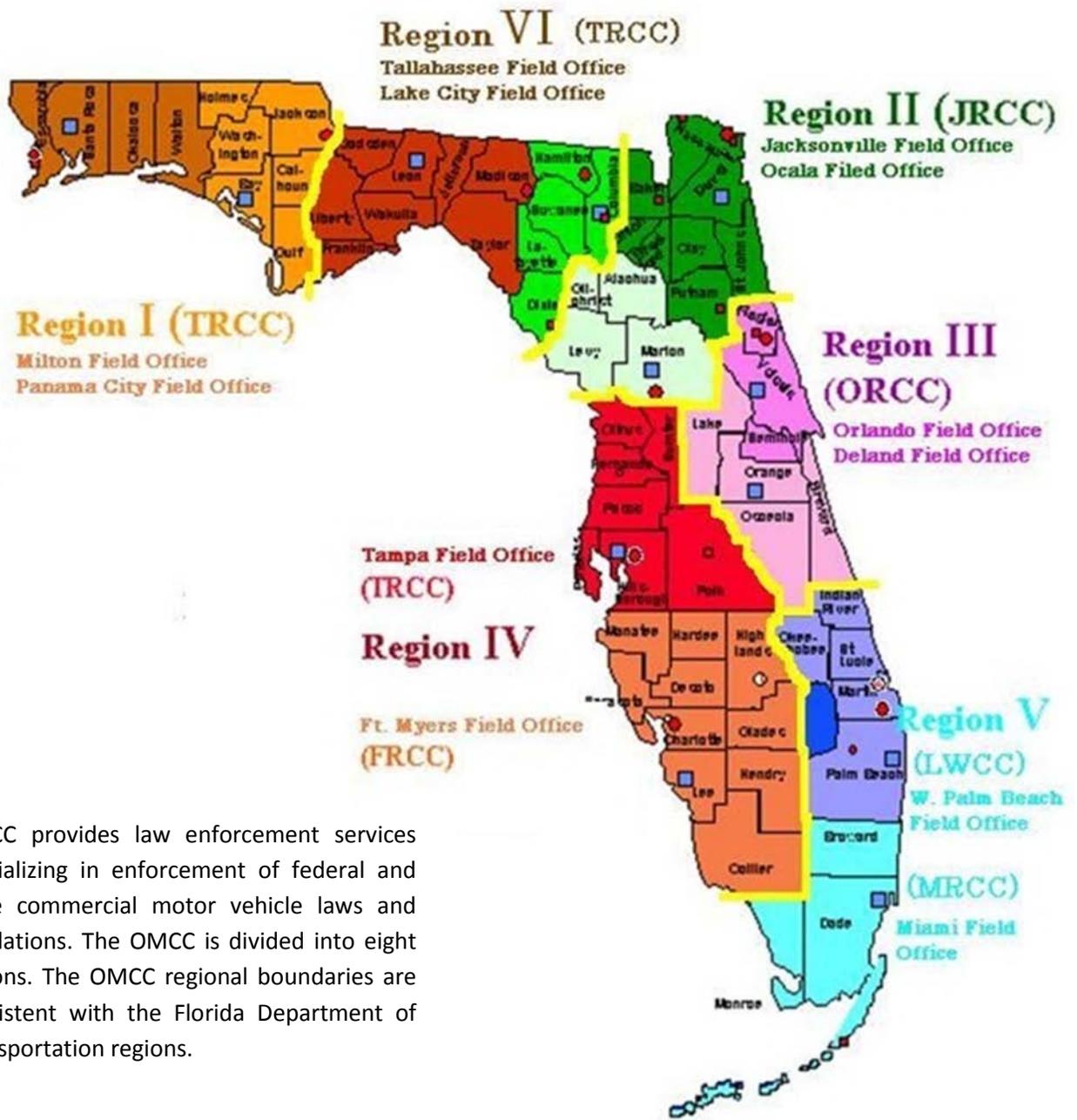


MFCU's federal grant requires it to be a single identifiable entity and be part of the State Attorney General's Office or other prosecutorial authority, and be separate and distinct from the Medicaid agency (Agency for Health Care Administration). The grant also requires it to employ auditors, attorneys and investigators and be organized in an effective and efficient manner.

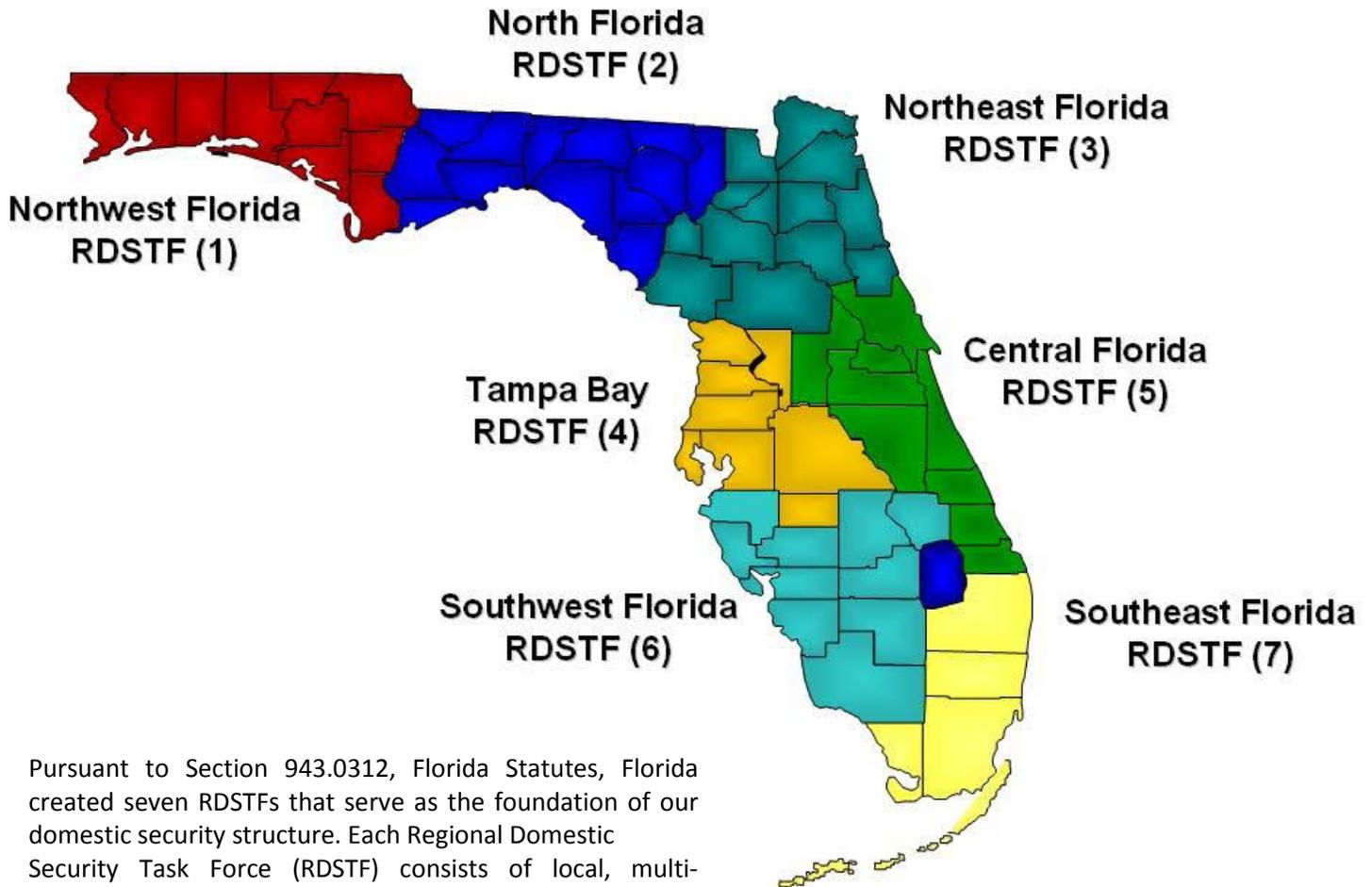


FHP delivers services to Florida’s residents and visitor through its Patrol Services Command and Office of Motor Carrier Compliance (OMCC). The FHP General Headquarters is located in Tallahassee. The Patrol Services Command provides first responder law enforcement services specializing in traffic law enforcement, traffic crash investigations, and motor vehicle related criminal investigations. The Patrol Services Command is divided geographically into ten. The troop headquarters are located in Panama City, Tallahassee, Lake City, Jacksonville, Orlando (2), Tampa, Bradenton, Lake Worth, and Miami. There are an additional 18, district and sub-district. The FHP troop boundaries are based on the state’s major interstate corridors and the Florida Turnpike.

FHP also provides law enforcement dispatch services for 10 of the 11 state law enforcement agencies using 7 Regional Communications Centers (RCC) throughout the state.



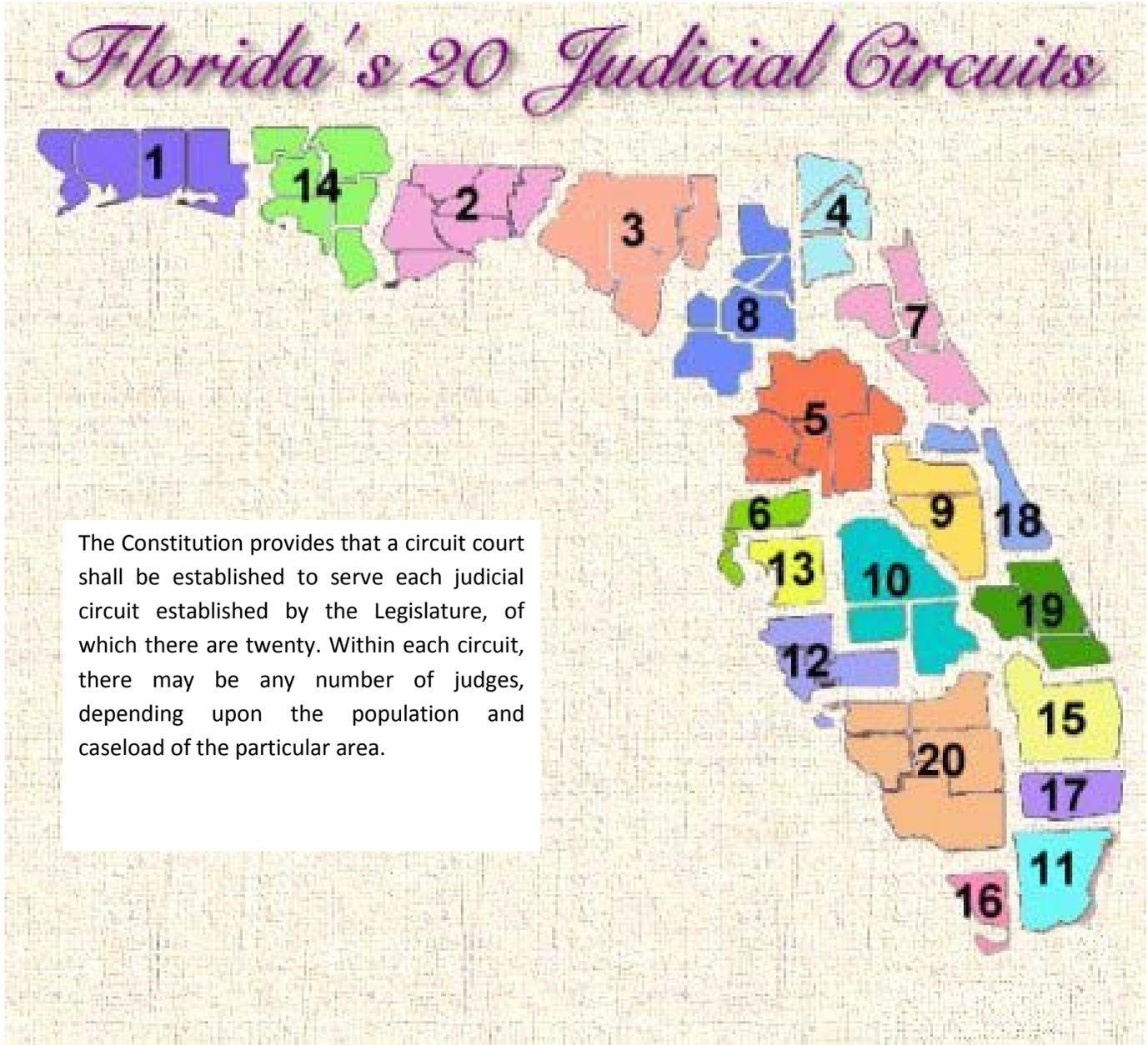
OMCC provides law enforcement services specializing in enforcement of federal and state commercial motor vehicle laws and regulations. The OMCC is divided into eight regions. The OMCC regional boundaries are consistent with the Florida Department of Transportation regions.



Pursuant to Section 943.0312, Florida Statutes, Florida created seven RDSTFs that serve as the foundation of our domestic security structure. Each Regional Domestic Security Task Force (RDSTF) consists of local, multi-disciplinary representatives who collectively support preparing for, preventing, protecting against, responding to, and recovering from a terrorism event. The RDSTFs form the critical link between policy makers at the state level and local “boots on the ground” partners faced with the daily challenges of protecting our communities.



Florida 20 Judicial Circuits



**** Judicial Circuits boundaries are included only for informational purposes. The Judicial Circuits are not in the scope of the Law Enforcement Consolidation Task Force ****

LAW ENFORCEMENT CONSOLIDATION TASK FORCE – STATE AVIATION CONSOLIDATION
SUB-TEAM

State of Florida Aviation Assets

Recommendations for the Law Enforcement Consolidation Task Force

presented by

Colonel Jerry Bryan, Director
Department of Agriculture and Consumer Services
Office of Agricultural Law Enforcement

11/4/2011

Document prepared by the Law Enforcement Consolidation Task Force
State Aviation Consolidation Sub-Team

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Overview

Five state-owned aviation units currently operate airplanes and helicopters in Florida. The Florida Department of Law Enforcement (FDLE), Florida Highway Patrol (FHP) and the Florida Fish and Wildlife Conservation Commission (FWC) use aircraft for law enforcement purposes, the Florida Department of Transportation (FDOT) for aerial mapping, and the Florida Forest Service (FFS) for fire protection.

Airplanes and helicopters are powerful tools used to carry out the missions of these respective agencies. These aircraft are piloted by sworn law enforcement officers or certified fire fighters¹ operating them as necessary tools to accomplish specific agency missions. The missions include daily proactive duties and many times the aircraft are used to provide a fast response to a critical public safety or emergency need.

There is a long history of cooperation between the aviation programs. Safe, effective, efficient and appropriate aircraft use is a goal of all the agencies operating aircraft. Continuous improvement has been inherent in aviation since its beginning and is evident in each of these programs. A look back at the changes in these state aviation programs over time reveals their ability to initiate process changes to accommodate new or evolving missions, technology, organizational structures and constantly striving to do more with less. The Aviation Sub-Team has approached its review with these facts in mind and as a result notes these findings.

Findings Overview:

The integration of existing aviation program resources of the Florida Highway Patrol and the Florida Department of Law Enforcement into the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement would result in a more efficient and effective aviation operation based upon the following considerations:

- Improved utilization of aircraft, technology and equipment (resources) would be increased by greater flexibility in scheduling of aircraft and pilots.
- Prevent duplication of efforts.
- Provide all state law enforcement agencies with access to a variety of aircraft, technology and expertise.
- Cross training of pilots resulting in better trained and diversified pilots.

¹ The single exception to either law enforcement or fire fighter certification is the pilot of the aerial mapping airplane operated by FDOT.

- Requests for services could be coordinated and directed by one agency based on agreed priorities.
- A centralized priority list for aviation missions.

Recommendation Overview:

As a result of the above findings, the Aviation Sub-Team makes these recommendations.

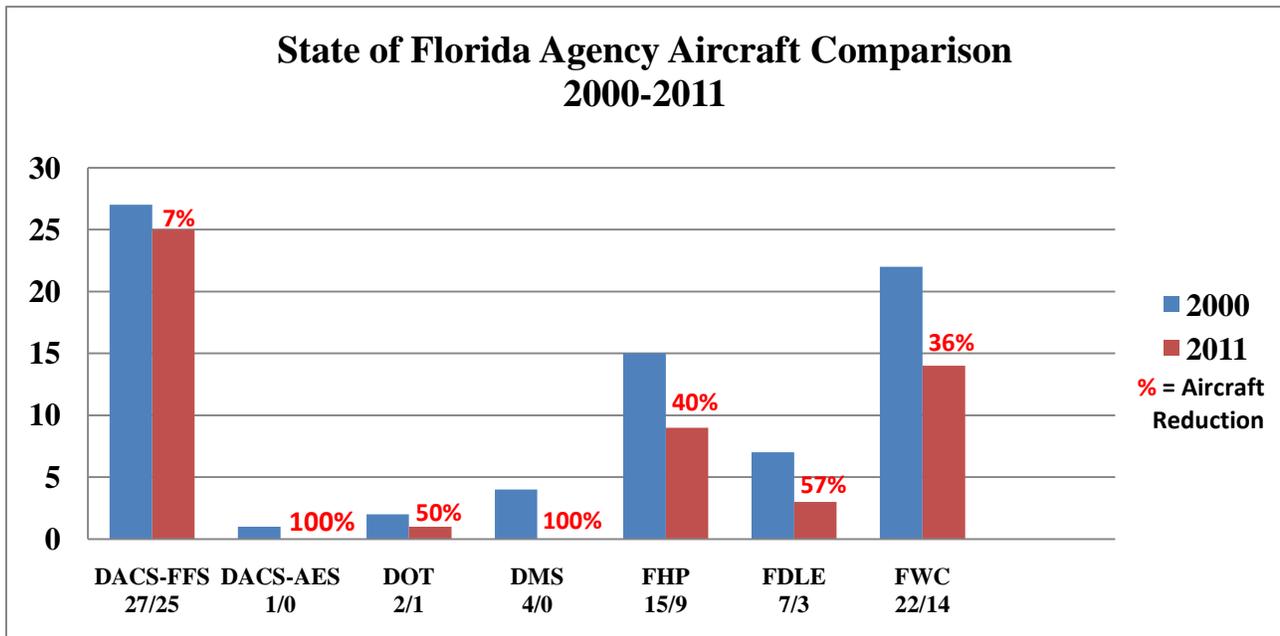
- Integrating existing aviation program resources of the Florida Highway Patrol (9 *airplanes and 9 pilots*) and the Florida Department of Law Enforcement (3 *airplanes, 1 full time pilot and 1 OPS pilot*) into the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement (6 *airplanes, 8 helicopters, 14 pilots with 1 being the safety officer and 1 additional maintenance mechanic/coordinator*).
- The FDOT and FFS aviation programs to remain in their current structures.
- All state agency aviation programs continue to make aviation assets available to the State Emergency Operations Center for manmade and natural disaster-related events.
- The creation of a State Aviation Managers Group to ensure efficient and effective overall operations.
- The Florida Fire Service to provide aerial ignition aircraft services to all state land management agencies.

Background Information

State of Florida agencies operating aircraft have an ongoing history of self-assessment and working toward maximum aircraft utilization, efficiencies and operating cost reduction.

The numerical and percentage changes are indicated on Chart 1.

Chart 1: State of Florida Agency Aircraft Comparison 2000 – 2011



Note: DACS – AES (Agricultural Environmental Services) – DC3 Airplane
DACs – FFS (Florida Forestry Service)

Integration of Law Enforcement Aviation Units

Each State of Florida agency operating aircraft has unique and diverse mission requirements. However, there are duplications in function between the law enforcement aviation units in that they each conduct aerial patrol/surveillance missions, disaster response and recovery and domestic security support.

Consolidation of the law enforcement aviation units may result in improved efficiency.² Pooling the resources should allow for broader utilization of the aircraft currently operated. Greater flexibility in scheduling pilots and aircraft would be available to all agencies following cross training of the pilots. With a greater pool of resources, the negative effects of aircraft maintenance, pilot illness, and non-aviation duties on an agency's ability to accomplish a mission can be more easily mitigated.

A single point of contact for law enforcement aviation would be available to all state law enforcement agencies, including those that do not currently operate aircraft. All agencies could use these resources with the confidence that qualified law enforcement personnel are operating the aircraft. Sensitive missions can be conducted with an appropriate understanding of the unique requirements necessary for law enforcement.

Additional aircraft types would be more readily available to all agencies. Currently, helicopters are only operated by FWC. A consolidated aviation unit should allow immediate access to these specialized law enforcement aircraft when the situation dictates that these aircraft are the best resource for the mission. The geographic distribution of the airplanes and helicopters has the potential to reduce response times to incidents, reduce flight time to operating areas and perhaps fill gaps in coverage that may currently exist. A cohesive approach to law enforcement aviation should prevent the duplication that is possible when multiple agencies are pursuing individual approaches to similar needs.

There are potential disadvantages of consolidating the aviation resources that must be considered. These include the cost of training required to prepare the officers for a greater variety of missions. The need to train new pilots could increase if officers choose to remain with their current agencies in non-aviation roles rather than become part of a consolidated unit. Agencies could lose the benefit of the non-flying work that these individuals perform when conditions prevent aviation operations. The pilots are law enforcement officers first and foremost; the aircraft is just one of the tools that they use to support their agencies and its mission. They can just as easily be found along the highway, in the woods, or on the water enforcing the laws of the state.

² This was discussed as Option 2 in a report produced by the Florida Office of Program Policy Analysis & Government Accountability. *Centralizing Aviation Operations and Implementing Cost-Saving Strategies Could Reduce State Spending*, Report No. 11-13, March 2011.

The success of a consolidated law enforcement aviation unit would be dependent on the implementation of a program that takes into consideration the variety of priorities among the agencies. Common priorities and goals must be established that ensure the greatest efficiency is gained from the aviation resources. Initial cost savings would not likely be experienced with consolidation. However, efficiencies should be experienced through time as changes in mission priorities and a unified governance of aviation assets occurs. Those types of determinations are beyond the scope of this sub-team. The recommendation to consider consolidating law enforcement aviation operations under the FWC is not a unanimous recommendation of the team. The FDLE does not support the recommendation as it stands at the present.

Recommendation:

The sub-team recommends that consolidation of the law enforcement aviation units of FHP and FDLE under FWC, be considered by the Task Force.

Florida Department of Transportation Aerial Mapping Program

The FDOT Aerial Mapping section operates one airplane and employs one pilot. In addition to flying the airplane, the pilot is responsible for the administrative and support function of the aviation program. The airplane is a Rockwell Aero Commander 500 Shrike. It has been significantly modified and equipped for its unique mission. Reconfiguring this aircraft for other missions is not feasible and no other airplane in the state inventory has the modifications necessary to conduct aerial mapping. There is no duplication of other state aircraft missions. There does not appear to be any efficiency gained by consolidating this program with any of the others. Aerial mapping priorities, image acquisition and quality control is the responsibility of FDOT. Direct management of the airplane and pilot for aerial mapping by FDOT is the best method for providing a timely, high quality product required by state agencies and the public.

Recommendation:

The Sub-Team recommends that the FDOT airplane and pilot not be integrated with law enforcement agencies.

Florida Forest Service Fire Program

All FFS pilots are trained and certified fire fighters. Their primary function is to prevent, detect and suppress wildland fires. The fleet of airplanes and helicopters is distributed throughout Florida to reduce response time to fires wherever they may occur. A portion of the airplane and

the entire helicopter program consists of aircraft acquired through the Federal Excess Personal Property (FEPP) program. The aircraft, parts and support equipment are available without charge but not without restrictions. These aircraft are limited to missions with a fire related purpose. The restrictions limit the availability for these aircraft for the types of missions conducted by the law enforcement aviation units. The property must also remain under the direct control of the State Forester and is not permitted to be transferred to another agency.

The detection and suppression flights conducted by FFS are not duplicated by other units. Aerial ignition flights using helicopters are conducted by FWC as well as FFS. They are addressed separately in this report. The unique mission, training and operational requirements do not allow for a significant advantage by merging with other units. If the requirements of the FEPP program under the State Forester are not maintained, significant fire suppression capability will be lost. No other State of Florida aviation unit is equipped to fill the void that would be created if these fire suppression aircraft were eliminated.

Recommendation:

The Sub-Team recommends that the FFS aviation program not be integrated with law enforcement agencies.

Multi-Agency Aircraft Use - SEOC Air Operations Coordinator

State of Florida agencies operating aircraft have a history of working together during situations requiring aircraft support such as natural disasters. The “pooling” of aircraft and flight crews allows agencies to respond collectively in levels not possible on an individual agency basis.

Based on the valuable lessons learned during Hurricane Katrina in 2005, State of Florida agencies with aircraft assets, to include the Florida National Guard, came together with the Division of Emergency Management to formally establish an Air Operations Coordinator position within FWC to serve in this capacity within the State Emergency Operations Center (SEOC).

The purpose of the SEOC Air Operations Coordinator position is to better coordinate air operations with federal, state, and local entities and to serve as a single point-of-contact for agency aircraft operators during disaster-related events. The Air Operations Coordinator fosters a unified system which takes into account the varied federal, state, and local government aviation operations and enhances response efforts by providing a safer operating environment

through flight coordination, reduced redundancy, and money saved by utilizing the most suitable aircraft for the specific mission.

The efficiencies of a unified agency response were validated during the 2010 Deepwater Horizon Oil Spill disaster. Multiple agencies consisting of the Florida Division of Forestry, Florida Fish and Wildlife Conservation Commission, Florida Highway Patrol, Florida National Guard, the Civil Air Patrol and the Escambia County Sheriff's Office jointly participated in response to the oil spill. The combination of these aircraft resources allowed for the successful completion of assigned missions with a total of over 1,780 hours of flight time. Without this working relationship, none of the agencies could have individually supported a mission of this scope.

Recommendation:

All State of Florida agencies with aviation assets continue in this relationship with the State Emergency Operations Center.

Managers Group

Recommend the creation of a State Aviation Managers Group that consists of a representative or Chief Pilot from each member agency that meets quarterly to ensure the quality, efficiency and integrity of the state's aviation program. The duties and objectives of this group will be detailed in a memorandum of understanding. This group will act as a cohesive advisory group and provide mutual oversight on a variety of areas to include but are not limited to flight operations and missions, procurement of equipment and consumables (fuel and oil), parts, maintenance, training, commonality of airframes and facilities. This oversight includes maintaining quality control, providing interagency advice and technical assistance for the purpose of efficient operations, while ensuring that the individual agencies objectives are met. A concept similar to this was presented as an option in a March 2011 report produced by Florida's Office of Program Policy Analysis & Government Accountability.³

Recommendation:

The Sub-Team recommends the creation of a State Aviation Managers Group to ensure efficient and effective overall operations.

³ *Centralizing Aviation Operations and Implementing Cost-Saving Strategies Could Reduce State Spending*, Report No. 11-13, March 2011.

Aviation Facilities

The agencies operating aircraft continue to seek the most cost effective methods of securing and sheltering their aircraft. There is a history of cooperative effort and new opportunities are taken advantage of when made available. This is the case with recent changes at the Tallahassee Regional Airport.

The William D. Martin Hangar facility is located at the Tallahassee Regional Airport on property leased from the City of Tallahassee. The facility has a 100 x 100 hangar, six T-hangars, storage, workshop and office space. The areas other than the T-hangars (used by FWC, FDOT, FHP, and FFS) had been used by Department of Management Services (DMS) for the Bureau of State Aircraft and were vacated earlier when DMS discontinued aircraft operations. FDOT has assumed management of the facility.

The Florida Forest Service has occupied a leased site on the Tallahassee airport facility for more than 50 years. The lease expired earlier this year and negotiations for a new lease have been ongoing. The original lease was for 25 years with a 25 year option for \$1. (Leases of this type are no longer available due to federal regulations associated with airports receiving federal funds.)

Moving Florida Forest Service operation from a separately leased property to the William D. Martin Hangar Facility at the Tallahassee airport will result in substantial cost avoidance. The savings will be \$60,450 annually in property lease charges alone. Additional savings will be realized with the elimination of \$26,999 of average annual operation and maintenance costs for the aging buildings on that site. The result is a combined savings of more than \$87,000 annually compared to the cost of remaining at the current location.

State aircraft currently share leased hangar facilities at Lake City and Ocala. In both cases the facility is leased from the local governments that operate the airports. There are instances where multiple aircraft are located at the same airport without common facilities. In most cases the aircraft are in a T-hangar that houses an individual aircraft. The name "T-hangar" is derived from the shape that follows the outline of the wing and fuselage of a typical airplane. Arranging the storage area in this configuration allows for the sheltering of an airplane in the fewest square feet. This efficiency is passed on to the renter in the form of the least costly method of providing security and protection from the elements for the airplane. The T-hangar typically does not allow space for maintenance or servicing of more than one airplane. The cost of leasing multiple T-

hangars can be less than one larger hangar. The availability of larger hangars is limited when compared to that of T-hangars.

Recommendation:

Support the funding and operation of the William D. Martin hangar facility under the management of FDOT for use by multiple state agencies.

Review aviation facilities in areas with multiple state aircraft to ensure the most cost effective space available is utilized to secure and protect the aviation assets.

Aircraft Fuel

Fuel represents a significant portion of the direct operating cost for an airplane or helicopter. Aviation units continually seek opportunities to keep these costs as low as possible. There is no one single approach that works best in all situations. As a result, numerous purchasing methods are used to acquire jet fuel and avgas.

The two agencies operating turbine powered helicopters purchase jet fuel at Department of Defense (DOD) contract rates. Current rates are significantly less than retail prices. At the time this was written the difference between DOD contract fuel price and retail price at Tallahassee Airport was more than \$2.00 per gallon.

The state fuel contract vendor, Wright Express, provides a discount of 1.45% on fuel purchases. They have arranged for aviation fuel purchases to be made using AVCARD. The fuel card is not accepted at all airports, sometimes requiring aircraft to travel farther to refuel than would otherwise be necessary.

A discount is frequently offered to aircraft operators which are tenants at a fuel supplier's location. The negotiated or standard discount is available at several locations where a hangar or tie-down spot is leased.

Bulk fuel purchasing has also been used when pricing and volume make the method economically advantageous.

Recommendation:

The Aviation Managers Group should review fuel purchasing options on a regular basis to ensure that the most economical methods are utilized.

Maintenance

Florida Forest Service is the only agency with an internal maintenance program staffed with aircraft mechanics and inspectors. The feasibility of merging state aircraft maintenance facilities has previously been reviewed by legislative staff. At that time the Department of Management Services also conducted aircraft maintenance. Merging of those maintenance programs was not recommended in large part because of the requirements of the Federal Excess Personal Property (FEPP) program relied on by FFS.

The FEPP program allows the State Forester to borrow federal property for fire related purposes without payment. The Florida Forest Service aviation program is dependent on aircraft, parts and equipment acquired through participation in this program. A violation of the FEPP program requirements would result in the loss of critical firefighting equipment and the ability to borrow property in the future. The impact of this loss could extend to the fire prevention and suppression equipment used throughout Florida.

FFS maintenance personnel are based at six locations. They accompany helicopters when deployed to locations near wildfires as well as perform maintenance at their respective hangar facilities. All FFS maintenance facilities are equipped for helicopter support. The level of airplane maintenance support varies, with the greatest capabilities at Tallahassee and Okeechobee.

During periods of peak activity the FFS internal maintenance capability can be exceeded, requiring the assistance of cooperators and private business to meet the demand. At other times workloads may allow FFS maintenance personnel to assist other agencies with their maintenance needs.

Recommendation:

FFS should work with the Aviation Managers Group to define maintenance capabilities available to other units and develop a process to provide service where possible.

Aerial Ignition

Two agencies, FFS and FWC, use their helicopter for aerial ignition of large acreage prescribed burns. Both maintain a complement of trained personnel and machines required to conduct these specialized missions. Pilots and machine operators must conduct or attend refresher training regularly to ensure a safe operation. The FFS supplies aircraft for burns conducted by other state agencies as well as their own. The operating costs are reimbursed by the user. The FFS is capable of providing aircraft for the 40-50 hours of aerial ignition annually that is currently conducted by FWC aircraft. This would allow FWC to focus on law enforcement missions.

Recommendation:

The Florida Forest Service should provide aerial ignition aircraft services to all state land management agencies.

APPENDIX A: State Agency Aviation Unit Missions

Florida Fish and Wildlife Conservation Commission (FWC)

The FWC Aviation Unit serves a major role in law enforcement operations, search-and-rescue missions, natural disaster response, and ecosystem management for the state of Florida. FWC Pilots are all sworn officers who are trained beyond routine pilots to specifically conduct FWC's mission and to perform law enforcement duties (*to include pursuits and arrests*) and operate sensitive surveillance equipment to ensure public safety. With Florida's vast acreage of Wildlife Management Areas, National Forests, and remote coastlines, the aircraft act as "force multipliers" by directing limited ground resources to contacts on the water or in wilderness areas. FWC Aviation was requested to take the lead in conducting "Deepwater Horizon" reconnaissance for the State of Florida. In addition, FWC aircraft played an integral first responder role during the multiple hurricanes of 2004. Aviation assets are also a primary component in the effective enforcement of resource violations. Night aerial patrol, search and rescues and interdiction of criminal activities are conducted using night vision goggles (NVG) and Forward Looking Infra-red (FLIR) equipment. Combined with the vast area of patrol required, Florida also hosts the largest number of recreational and commercial boaters in the nation, resulting in dedicated aviation hours targeting reckless operation, manatee protection and boating and accident response. In the past two years, FWC aircraft have conducted over 288 flight hours of search-and-rescue missions resulting in 173 persons assisted. The vast majority of these are boaters rescued from along remote coastlines or offshore.

Florida Highway Patrol (FHP)

The Florida Highway Patrol's agency mission is to promote a safe and secure Florida through law enforcement and traffic safety awareness, render aid and assistance to the motoring public, protect life and property, interdict criminal activity and provide Homeland Security support. The core mission of the FHP Aviation Unit is to support the agency's mission through aerial detection of violations of Florida's traffic laws. FHP pilots must first be commercially rated with a minimum of one year road experience as a trooper and 500 flight hours flight time. New pilots have to undergo approximately three months of rigorous training to perform the specialized tasks of aerial traffic enforcement and the associated courtroom testimony. Historically, about half of the pilot trainees were incapable of performing these tasks and were returned to normal duties as a road Trooper. A seasoned pilot typically generates 8000 traffic stops each year for vehicles exceeding speed limits or driving improperly, increasing FHP's ability to reduce traffic

crashes in the state. FHP aircraft respond to vehicle pursuits facilitating the apprehension of fleeing law violators and helping to reduce the risk of injury to other motorists. FHP aircraft provide assistance during disasters by providing traffic flow information during evacuations and transporting personnel and supplies during the response phase of a disaster's aftermath. FHP aircraft have been utilized to transport emergency medical supplies such as the Smallpox vaccine.

Florida Forest Service (FFS)

The Florida Forest Service's mission is to protect Florida and its people from the dangers of wildland fire and to manage Florida's forest resources to ensure that these resources are available for future generations. The FFS aircraft support the protection of Florida's forests through aerial surveillance, which includes spotting smokes, detecting fires, aerial suppression and providing direct assistance to fire suppression efforts on the ground. In addition, FFS aircraft conduct arson surveillance where incendiary is expected, firefighter transport and forest surveys. FFS helicopters are used to deliver water and retardant chemicals to aid in fire suppression and conduct prescribed burning with aerial ignition devices.

Florida Department of Transportation (FDOT)

The Florida Department of Transportation's mission is to serve the people of Florida by delivering a transportation system that is fatality and congestion free. The FDOT's aircraft provides state of the art high quality aerial imagery in support of the FDOT's State Highway Map, Work Program, FDOT Districts, Florida Department of Emergency Management (FDEM), other state agencies, and to the public. The digital imagery and aerial mapping products produced are critical to FDOT's responsibilities to include mapping of railway corridors, topography, and coastal erosion. Aerial imagery tasks include pre-storm and post-storm color infrared and traditional photography to support mapping and analysis for emergency management purposes.

Florida Department of Law Enforcement (FDLE)

The Florida Department of Law Enforcement's mission is to promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors. Furthermore, the mission of FDLE's aviation assets is to provide an aerial observation platform to assist investigators, local, state, and federal, with conducting

surveillance for active criminal investigations, to support Florida's disaster response and recovery efforts, and to participate in domestic security initiatives. FDLE Office of Executive Investigations handles investigations ordered by the Governor and conducts complex cases where public officials are suspected of criminal activity (Public Corruption). These very sensitive and highly confidential investigations usually occur for any of the following three reasons. One, there is an alleged crime, secondly, on specific direction in writing from the Governor, and third, by joint resolution of the Florida House and Senate.

Appendix B: State of Florida Agency Aircraft Comparison 2000 – 2011

State of Florida Agency Aircraft Comparison 2000 – 2011	
FWCC - (2000) 22 Aircraft	(2011) 14 Aircraft
12 Airplanes	6 Airplanes
10 Helicopters	8 Helicopters
FDOT – (2000) 2 Aircraft	(2011) 1 Aircraft
2 Airplanes	1 Airplane
DACS/FFS – (2000) 27 Aircraft	(2011) 25 Aircraft
19 Airplanes	19 Airplanes
8 Helicopters	6 Helicopters
DACS/AES – (2000) 1 Aircraft	(2011) 0 Aircraft
1 Airplane	
DHSMV – (2000) 15 Aircraft	(2011) 9 Aircraft
12 Airplanes	9 Airplanes
3 Helicopters	
FDLE – (2000) 7 Aircraft	(2011) 3 Aircraft
4 Airplanes	3 Airplanes
3 Helicopters	
DMS – (2000) 4 Aircraft	(2011) 0 Aircraft
4 Airplanes	
Change in State of Florida Aircraft 2000–2011:78 / 52	
26 Aircraft Reduction	

**Law Enforcement Consolidation Task Force
Civilianization Committee**

Law Enforcement Consolidation Task Force Civilianization Committee

November 7, 2011

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EXECUTIVE SUMMARY

The Law Enforcement Consolidation Task Force Civilianization Committee has given serious consideration of civilianization of certain sworn law enforcement positions within State Law Enforcement. Civilianization, or the use of non-sworn personnel within a law enforcement agency, is a growing nationwide trend to address ever tightening budgetary constraints and the need to increase the number of sworn officers on the front lines. The practices of other agencies, including some state agencies suggests that the civilianization of positions may have a positive impact on the State's law enforcement efficiency.

Consider the following examples. The Florida Highway Patrol (FHP) observed that the Division's Chief of Staff did not inherently require a sworn status. The primary duties of the position included management of the Division's budget and personnel systems as well as oversight of the Accreditation and Policy Section, the Strategic Planning Office, and the Fleet/Property Office. In light of these observations, the position was civilianized and the Division reclassified one Deputy Director's position to a trooper position. The Division of Alcoholic Beverages and Tobacco (ABT) previously had two sworn officers responsible for a myriad of duties including uniform crime report management, sealing records, representing the division at the fusion center, field training coordinator, property management, military liaison and several other functions. Both positions were reclassified from Lieutenant to Law Enforcement Investigator II, or front-line officers. With these changes FHP and ABT were able to increase the number of front-line officers assisting the public.

For the past decade there has been an increasing trend of civilianization. Motivating factors impacting this trend include:

- Increasing cost of law enforcement services delivery and the need to reduce costs;
- An emphasis on increased effectiveness and efficiency in management; and
- A need to increase the number of sworn officers available for front-line duties.

Despite the increasing role of non-sworn personnel within law enforcement agencies, there are a number of challenges affecting the ability of agencies to best utilize the unique skills sets provided by specially trained non-sworn personnel. Organizational resistance to change, opposition from law enforcement officers and the need for law enforcement expertise and experience are among the challenges we must overcome to successfully integrate non-sworn personnel. However, in hiring non-sworn personnel for these duties, studies such as those completed for the Maryland State Police (Office of Legislative Audits Maryland General Assembly, 2004) and the North Carolina Highway Patrol (Price Waterhouse, 1991) have found that non-sworn personnel possess special skills which meet the job requirement and they generally stay longer, since the job is within their field of study or training. However, civilianization does not necessarily come with a cost savings.

The committee identified specific administrative and support positions currently filled by sworn law enforcement officers that could be civilianized. The areas identified are accreditation, background investigations, evidence custodian, fleet/property management, and training coordinator. Civilianizing these functions would allow the officers to perform law enforcement related activities. In most state agencies these jobs or job tasks (many are part time duties) are performed by personnel holding a

middle management lieutenant or captain rank. It is important to note that within the smaller state agencies many of the functions identified were performed on a part time basis by several different officers, who were primarily charged with investigative duties, various specialty functions and commonly hold a supervisory or management rank. Of greater importance is the fact that state agencies are unable to create new non-sworn positions without legislative support and approval. Accordingly, to increase state law enforcement resources available for front-line law enforcement duties, if non-sworn positions cannot be moved internally, law enforcement executives should pursue the additional non-sworn personnel positions as noted in this report.

BACKGROUND

There are numerous positions filled by sworn law enforcement personnel throughout the various state agencies that could be transferred to non-sworn personnel. The purpose for converting these positions would be to move the sworn positions to front-line assignments, thus increasing law enforcement coverage throughout the state.

Following a review of various state agencies and their manner of conducting business using sworn and non-sworn personnel we examined a variety of prospective alternatives for improving law enforcement services to the public through the civilianization of certain identified functions.

Our objective was to assess the adequacy of state law enforcement processes for increasing workforce civilianization by identifying administrative and support positions within the respective agencies performed by sworn officers that non-sworn personnel could potentially perform, freeing the sworn officer to perform law enforcement job tasks. We examined the following agencies: Attorney General's Office, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (ABT), Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement (Ag. Law), Florida Department of Law Enforcement (FDLE), Florida Wildlife Conservation Commission (FWC), Lottery and the Florida Highway Patrol (FHP).

We reviewed applicable state laws and regulations as well as departmental policies and procedures. We interviewed personnel at the respective agencies and reviewed the organizational structures with one another and with local Police Departments and Sheriff's Offices.

Due to the staffing allocation and specialization with which some of our State law enforcement agencies are charged our research led to the identification of job tasks or functions within the various agencies which possessed the greatest potential to or impact from civilianization.

While identifying positions we asked three key questions to determine suitability of civilianization:

1. Are arrest powers necessary to perform this function?
2. Does the person need to carry a weapon to perform this function?
3. Does the Criminal Justice Standards Training Commission require a sworn person to perform this function?

EFFICIENCY OPPORTUNITIES

While several of the positions may occasionally involve activities requiring the capabilities of a law enforcement officer, such capabilities are not required to discharge the essential or primary duties of the position. The following functions all answer these questions in the negative:

- Accreditation Manager;
- Background Investigator;
- Fleet/Property Manager;
- Evidence Custodian/Technician;
- Training Coordinator; and
- Regulatory Investigators.

Although each of our state agencies perform a specific set of tasks guided by statute, individualized missions, goals and objectives, all duties generally fall within three categories: law enforcement, investigative functions and regulatory functions. Law enforcement duties include safeguarding the lives and safety of the public, protecting property and the environment, detecting and preventing crime, apprehending criminals, maintaining the safe and orderly flow of traffic, responding to emergencies, and cooperating with other federal, state, and local law enforcement agencies. Investigative duties include fraud investigations, criminal investigations, intelligence gathering and internal complaints against personnel. Regulatory duties include administering laws relating to beverage and tobacco sales, agriculture, and motor carrier regulations enforcement.

The larger agencies, such as FHP and FWC perform all three functions, while the smaller agencies function solely as investigative or regulatory agencies that make physical arrests on a limited basis. We should note that all state law enforcement agencies are responsible for Florida's emergency response to disasters as part of Emergency Response Function (ESF) 16.

While many law enforcement agencies have historically performed enforcement and investigative functions they haven't always performed regulatory functions. Generally regulatory agencies are responsible for ensuring that the controlled industry and/or the public are conforming to established rules, specifications, policies, standards or laws. If there are no criminal implications for rule violations, is it necessary for law enforcement officers to serve in a regulatory capacity or would non-sworn personnel perform equally as well? Some agencies such as the Department of Business and Professional Regulation currently use non-sworn investigators to regulate the restaurant industry, while at the same time use sworn law enforcement to regulate the alcohol and tobacco industry.

Each agency has added job functions for their respective managers and officers as there are no defined formal criteria for determining whether a position should be classified in a manner that only a sworn law enforcement officer could fill the position requirements. As a result, the positions listed above are filled by law enforcement officers or non-sworn personnel at the discretion of the agency. While some agencies have civilianized these positions and some are planning to do so, others have not identified the need or plan to take such action.

The following chart shows the number of personnel in state law enforcement which we have identified for consideration of civilianization. It is important to note that although personnel are assigned to a

Law Enforcement Consolidation Task Force Civilianization Committee

specific function, as managers they often dedicate portions of time to different administrative activities. We identified 38 specific administrative and support positions currently filled by sworn middle managers that could be civilianized. However, if those sworn personnel were redeployed to law enforcement activities, the agencies could incur additional salary costs to hire 38 non-sworn personnel. In the case where the sworn employee performs several job tasks on a part time basis there is potential to create less non-sworn personnel positions to perform the duties.

	Accreditation Manager		Background Investigation		Evidence Technician		Fleet and or Property Manager		Training Coordinators	
	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn
Attorney General	0	0	as needed	0	0	0	0	1	0	1
ABT	0	1	as needed	1 @ 50%	28@5%	0	1@35% 1@60%	0	1@50%	1@45%
Ag Law	1@50%	1@ 50%	0	1	0	0	0	1	1	1
FDLE	1@50%	1@25%	0	0	0	0	0	0	2	1.5
FWC	1	1	as needed*	0	17@15-25%	2@15-25%	1	1@15%	14**	0
Lottery	0	0	0	3	N/A	N/A	0	0	1 @ 5%	1
FHP	2@ 50%	4 @ 50%	7	3 FTE/ 9 OPS	0	10	2	8	12	7

*Background Investigations: FWC does not have any positions dedicated entirely to background investigations. Those type investigations are performed on an “as needed” basis by Investigators in the field depending on recruitment for the FWC Academy, or hiring for other positions requiring background information.

**Training Coordinators: The FWC does not have a dedicated “Training Coordinator.” The 14 positions in the FWC Training Staff serve multiple functions. One of those functions is that of a coordinator, but the vast majority of their time is spent administering training in the field or at the Academy for a recruit class, or in-service training.

Additionally, we identified 45 law enforcement middle managers performing evidence custodian functions on a part time basis. Transitioning this function to non-sworn personnel would reduce the time spent on this function for sworn middle management personnel and would increase the number of sworn personnel in the field. While we don’t specifically recommend eliminating these personnel and hiring non-sworn personnel, we do recommend the state consider the feasibility of consolidating state law enforcement evidence rooms and then redeploying personnel based upon job task analysis and the location of the evidence rooms.

ACCREDITATION MANAGER

The FHP and FDLE hold a National Law Enforcement Accreditation under the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). FDLE, FWC, DEP, Ag. Law, ABT and FHP are all accredited through the Commission of Florida Law Enforcement Accreditation (CFA). The method of managing the Accreditation Section varies widely from agency to agency. While some agencies have an Accreditation Section with full time middle management sworn officers serving as the program managers; others have middle management sworn officers serving as accreditation managers on a part time basis while also performing other part time duties such as fleet manager, training officer, etc. All of the Accreditation Sections also utilize non-sworn administrative support in the office. The use of the support personnel varies widely, yet most non-sworn personnel, like the sworn officers, only dedicate a portion of their time to Accreditation related tasks.

Approximately 1/3 of Florida's law enforcement agencies with CFA accreditation have a non-sworn employee as the accreditation manager. The FHP recently transitioned to a non-sworn accreditation manager, and the committee recommends other agencies follow suit and take steps to transition this function to non-sworn personnel.

Although a law enforcement background is beneficial, this position requires extensive knowledge of accreditation procedures and agency policies, and does not inherently require a sworn officer.

BACKGROUND INVESTIGATIONS

This area of investigations for new hires is performed in a variety of forms. Most agencies use their existing investigative staff to perform background investigations on all new hires. This may be feasible in a small agency that hires only certified law enforcement personnel with a progressive work history, but becomes problematic for an agency like the FHP with a large contingent of sworn personnel. FHP has restructured its Background Investigations Section (BGI) and is beginning to transfer a portion of this function to non-sworn personnel. While the FHP is working in a hybrid format with some sworn and some non-sworn personnel, we found that several police departments in Florida, such as the Tallahassee Police Department operate with non-sworn investigators and a sworn supervisor.

Although this position requires extensive knowledge of background investigation procedures, agency procedures and extreme confidentiality it does not necessarily require a sworn person to complete the task.

FLEET/PROPERTY MANAGEMENT

The fleet service functions are handled differently within each of the state agencies. Some agencies do not have a specific work unit to conduct such services while others have a specific work unit that focuses on fleet services, including purchasing vehicles, equipment, installing specified equipment, the sale of used agency vehicles, etc. In those agencies where a specific work unit provides fleet services there is no standard regarding the use of sworn and non-sworn personnel. Most agencies use non-sworn personnel to accomplish the majority of the tasks required to maintain some level of fleet services.

Agencies such as FWC and FHP that do employ sworn personnel to provide fleet services tend to use middle management personnel in a managing capacity although fleet management is only a part time function. This is due, in part, to the various specialized patrol vehicles and/or vessels found within some of the agencies and to provide for a more direct link to field operations and their specific needs. None of the agencies indicated that sworn personnel provided all of the fleet services capabilities. It appears that agency size and the size of the fleet services work unit may be a contributing factor.

Fleet services management and fleet services work in general does not inherently require sworn status. Some of the positions may occasionally involve activities requiring the capabilities of a law enforcement officer; however such capabilities are not needed to perform core duties of the position. The FHP does have a plan to eliminate sworn personnel in their fleet services section, through attrition within the next five years. Decision makers should also take into consideration the recommendations of the Law Enforcement Consolidation Task Force Fleet Management Team Report.

EVIDENCE CUSTODIAN

Each agency currently uses sworn personnel to maintain their evidence custodian function, with the exception of FDLE, which utilizes a sworn middle management position as an overall supervisor of their crime labs and evidence facilities. For the remainder of the agencies the evidence custodian function is a part-time duty for the middle manager, which is added to their regular management duties. Last year, FHP transitioned to non-sworn personnel to perform this function. This was accomplished, in part, through the consolidation of the job to cover an entire troop and multiple evidence rooms within the troop. Through the civilianization of the evidence custodian function, FHP reclassified 10 middle management positions to front-line trooper positions. Although other state agencies do not dedicate as many resources to the evidence custodian function, some gains may be realized by combining this task with other tasks performed by non-sworn personnel.

While reviewing this position the committee discussed the feasibility of consolidating all state law enforcement evidence functions and storage. This could potentially be accomplished through warehouse facilities regionally located throughout the state. The responsible non-sworn evidence custodian could pick-up and drop off evidence on an as needed basis using temporary storage facilities located in each law enforcement station. This concept is still being evaluated by the team.

TRAINING COORDINATOR

The committee reviewed in-service training and the corresponding records maintenance function associated with the sworn officer training records. Currently, all of the state agencies use a combination of sworn and non-sworn personnel to provide training to their sworn personnel. There is also a move toward distance learning or on-line training courses as budgets and travel are restricted. All agencies use sworn personnel to conduct training and retraining in the high liability areas (first responder, defensive tactics, firearms, and vehicle operations) on a part time basis.

We recommend that agencies move toward civilianization of training coordinators who do not provide training, but instead schedule officers for training, locate training opportunities, maintain records or files and report the officers' training to FDLE as required. We also recommend that agencies move toward

on-line training systems or partner with agencies that have existing systems that already feed into FDLE's on-line training systems.

Another training issue brought to our attention is the training that law enforcement officers provide to the public, within their respective industries, i.e. trucking, alcohol, or tobacco. While the agencies currently use sworn law enforcement officers to provide this training we recommend the agencies pursue the use of non-sworn personnel to represent the agency and provide the training. The ABT is responsible for vendor training to store clerks, servers and other employees at bars, restaurants, theme parks, stadiums and retail establishment. They are currently exploring the reclassification of these positions from sworn to non-sworn positions.

Additionally, our state agencies use a combination of methods to acquire other training and the mandatory classes required to retain their law enforcement certifications. However state agencies rarely train together even when they are located within the same jurisdiction. While some high liability areas could be taught in a cross agency setting, some may not easily lend themselves to this type of training; we believe further inquiry into this area should take place.

REGULATORY INVESTIGATORS

While many law enforcement agencies have historically performed enforcement and investigative functions they haven't always performed regulatory functions. Generally regulatory agencies are responsible for ensuring that the controlled industry and/or the public are conforming to the established rules, specifications, policies, standards or laws. If there are not criminal implications for rule violations, is it necessary for law enforcement officers to serve in a regulatory capacity or would non-sworn personnel perform equally as well? Some agencies such as the Department of Business and Professional Regulation currently use non-sworn investigators to regulate the restaurant industry, while at the same time use sworn law enforcement to regulate the alcohol and tobacco industry. Ag Law enforcement also performs regulatory functions at the highway inspection stations. At the stations they will inspect vehicles, shipping documents and inspection certificates. Ag Law uses sworn officers to conduct inspections at the State Agricultural inspection stations while in contrast, the Florida Department of Transportation uses non-sworn personnel to staff their weight inspection stations.

Additionally, we reviewed the Lottery Division of Security. The primary function of the law enforcement division is to investigate problem claims which include stolen or altered tickets or tickets with questionable ownership. While the work of the Lottery Division of Security is quite specialized primarily toward identifying the rightful owner of lottery tickets and document fraud, the lack of arrests indicates that a majority of the investigations are civil in nature and resolved without arrest, either by not paying the claim or administrative sanctions against a problematic retailer.

The state may gain efficiencies by transitioning all or part of some regulatory investigative duties currently performed by sworn personnel to non-sworn personnel. Ag Law, DBPR and Lottery have indicated they have ongoing plans to reorganize and civilianize positions. The Law Enforcement Consolidation Task Force will continue to research this topic for additional opportunities and in aid of agencies in transition.

CONSOLIDATION OPPORTUNITIES

All of the agencies maintain their own evidence rooms and employ at least 45 sworn personnel to oversee the evidence, its movement, and its disposal at the end of a case. These are all time consuming processes for sworn officers and this function can be transitioned to non-sworn personnel, as evidenced by other state agencies implementing this practice. Of additional interest is the number of evidence facilities within state law enforcement. Almost every agency has an evidence storage facility or evidence room at each of their field offices. This creates a presumably large number of evidence facilities, all of which require strict security to maintain the integrity of the evidence and its chain of custody, in addition to the personnel required to process evidence in and out of the facility for duplication, court presentation, lab analysis, or disposal. A regional facility, geographically located within each of FDLE's regions or FHP Troops to warehouse evidence is an area of law enforcement that could conceivably be consolidated. The initial set up and leasing could become a costly proposition; however this would consolidate the function for better tracking, storage and integrity. Additionally it would address the storage of large, bulky items, vehicles, or perhaps servers for electronic information.

This committee was also asked to review the potential consolidation of dispatch functions for all state law enforcement under one agency. Currently FHP dispatches for all state agencies except for the FWC which maintains its own dispatchers. While the Task Force is considering the consolidation of DEP into the FWC the issue was raised as to whether DEP dispatch would remain under the consolidated format or would the duty officers transition with DEP so FWC could dispatch for their new personnel. The team discussed the idea and its implications and this issue is being explored as part of the Environmental Team's charter.

RECOMMENDATIONS

It is important to note that most police departments throughout the United States who have taken steps to civilianize have not reported significant cost reductions (Major Cities Chiefs and the Federal Bureau of Investigation, 2009). In some circumstances the agency reported a cost increase because a non-sworn employee was hired to replace an officer's position reallocated to the field. The increase in front line patrol could ultimately result in a payroll increase unless the sworn position was reclassified. State agencies do not possess the ability to create or add non-sworn positions, without legislative and other executive support and approval. Should the State of Florida wish to pursue the civilianization of personnel as noted in this report, the support of the appropriate authorities is necessary to gain the personnel positions.

After careful consideration and study of best practices we recommend the Law Enforcement Consolidation Task Force direct each state law enforcement agency to continually reevaluate civilianization opportunities to ensure law enforcement officers are dedicated to law enforcement activities. Specifically the committee recommends the Task Force look further into the implications of replacing sworn personnel conducting regulatory functions with non-sworn personnel, especially in areas where enforcement deals primarily with civil penalties. We recommend the Task Force and the ABT designate additional study and follow-up to the use of non-sworn personnel to conduct regulatory

Law Enforcement Consolidation Task Force Civilianization Committee

functions within their organization. Additionally we recommend the Task Force and Ag Law continue to review the integration of non-sworn inspectors at selected inspection stations.

The committee also recommends that the Lottery's Division of Security continue to work with the Task Force to determine efficiencies which may include transitioning the section to either utilizing non-sworn investigators and/or consolidate the investigative function it into another state agency.

The committee at the recommendation of the Task Force is forming a subcommittee to study the feasibility of consolidating all state law enforcement agencies' evidence functions and facilities in regional locations and utilize non-sworn personnel to pick-up, deliver, or transfer evidence and maintain the facilities.

The recommendations we provided are comparable with those of other law enforcement agencies throughout the nation. Although some agencies have taken steps toward civilianization, room for improvement remains. Specifically, we believe it is possible to civilianize several administrative and support positions currently performed by sworn law enforcement officers. We also recommend that should the agency or the Task Force desire to civilianize the recommended positions, that this is accomplished through attrition as much as possible.

LAW ENFORCEMENT CONSOLIDATION TASK FORCE
TRAINING COMMITTEE REPORT
NOVEMBER 2011

DRAFT

EXECUTIVE SUMMARY

The Law Enforcement Consolidation Training Committee was charged with reviewing and determining if duplication and redundancy exist related to the state's law enforcement training programs. The specific focus of this review only examined the training functions within each agency related to sworn/certified officers and did not include any considerations for non-sworn or civilian training. After review the Committee was directed to make recommendations if appropriate to enhance the effectiveness and efficiency under the current delivery system and structure.

The Committee is comprised of the following representatives:

Captain Alan Hill	Hillsborough County Sheriff's Office
Major Nicholas Monday	Alcoholic Beverages and Tobacco
Chief Cheryl DeGross	Agricultural Law Enforcement
Captain James Mann	Office of the Attorney General
Major Ron Cave	Department of Environmental Protection
Major Leroy Smith	Florida Highway Patrol
Major Mark Warren	Florida Fish and Wildlife Conservation Commission
Captain Brian Hudson	Florida Highway Patrol
Director Michael Crews	Florida Department of Law Enforcement (Chair)
Commissioner Jerry Bailey	Florida Department of Law Enforcement (Exec. Sponsor)

The Committee held its initial meeting in September 2011 to determine the focus of the group's work and develop the Team Charter. The Charter included the Issue, Scope of Work, Team Goals, Work Product, and Timeframe for Completion.

During the initial meeting the Committee unanimously decided to examine four (4) specific areas related to law enforcement training; Basic Recruit; Advanced/Specialized/Mandatory Retraining; Agency Specific; and Facilities currently utilized for training delivery. It should be noted that the Basic Recruit and Advanced/Specialized/Mandatory Retraining is the programs directed by Florida Statute and the Criminal Justice Standards and Training Commission.

In preparation for the next meeting, held on October 5, 2011, each committee member was asked to compile agency profile information to include an overview of their current training program with the total number of sworn and non-sworn personnel assigned to the training unit/function and a description and overview on how their internal training programs work.

The profile information provide by each committee member revealed a diverse level of responsibility related to the training delivery and function within their respective agency. Only two (2) agencies, FHP and FWC have the responsibility for the delivery of basic recruit training within their agencies. It is also noted that FHP and FWC provide basic recruit training only to those individuals employed by their respective agencies. All other agencies hire individuals who have already obtained their Florida certification and have worked in a certified position prior to employment.

A key point of discussion related to the delivery of basic recruit training by FHP and FWC and the benefit in having the ability to advertise, screen, test and conduct comprehensive background investigations prior to employment for their future members. While no other agencies are impacted or responsible for the delivery of basic recruit training, there was unanimous agreement from the committee members that due to the uniqueness and differences in the duties and responsibilities of a FHP Trooper and FWC Officer the opportunity to process and select individuals with specific skill sets directly related to these positions was critical to the success in meeting their Mission.

A few of the major benefits discussed involved broader applicant pools, minimizing retention and replacement issues and costs, discipline issues, and the opportunity to instill the agency culture and expectations from the onset of basic training. Last and perhaps most important, the committee agreed there were no cost savings by allowing one of the Commission's other certified training academies to deliver basic training to prospective FHP and FWC employees. The current training costs for staff and facilities are absorbed by the affected agencies vs. having to pay for the training costs at local academies.

DRAFT

BACKGROUND

Training personnel ranged from full-time training units with a total of 22 sworn and non-sworn personnel to a minimum of one (1) part-time training coordinator; all other agencies employ a combination of training personnel. However, it should be noted that in these agencies the training personnel perform a variety of other law enforcement related duties and their training responsibility is only a portion of their overall duties.

Regardless of the current structure for each agency, all utilize officers and employees within their agencies to provide assistance with the delivery of agency specific, in-service and mandatory retraining topics. Additionally, this training is typically delivered in a decentralized manner utilizing their own field and regional offices as well as training facilities of other local and state agencies in which they have developed partnerships over the years.

After much discussion, it was the opinion of the committee that state law enforcement training currently operates in a consolidated manner by virtue of the fact that the current training needs, resources and funding are coordinated through the Criminal Justice Standards and Training Commission's (CJSTC) Region 15 Training Council and administered through the Florida Public Safety Training Institute (FPSI). Agencies rely on available instructors and facilities, and jointly decide on the overall training needs for state law enforcement officers, and decide the most appropriate expenditure of training trust fund dollars to maximize diminishing funds while still providing quality, current and job-related training opportunities.

STATE LAW ENFORCEMENT TRAINING

BASIC RECRUIT TRAINING

As previously mentioned, the FHP and FWC are the only two (2) state law enforcement agencies responsible for the coordination and delivery of basic training to their prospective officers. This training is delivered through a centralized system at the FPSI which allows FHP, FWC and all other agencies to utilize instructors, resources, training funds and facilities as needed. The basic training program includes very specific areas of instruction. This consolidated approach allows state agencies to utilize instructors which may not be employees of their agency, to provide instruction in areas where specific skills and/or certifications are required. While no other agencies are impacted by the delivery of basic training, the committee unanimously supported the notion that the benefits seen with the current system far exceed any other considerations related to effectiveness and efficiencies.

Additionally, under the current training delivery system there is in all likelihood a cost savings when taking into account issues such as recruitment, retention and discipline. The ability to recruit, test, interview and select individuals with the knowledge, skills and abilities pertinent to the duties of an FHP Trooper or FWC Officer is the most effective and efficient manner of insuring that each agency is prepared to meet the demands of the job both in the present and future.

It should be pointed out that one area of discussion revolved around the issue of pay/salary while they receive their training. While this is a cost which could be avoided if agencies were to select individuals who have already completed their basic training at one of the Commission's 41 certified training academies, this cost is off-set by the considerations previously mentioned.

Although this is not to be viewed as a criticism, it was recognized by the committee that the "quality of instruction and quality of recruit" varies greatly across the state. The ability to instill the culture and expectations of an agency from the first day of basic training pays huge dividends for the agency as well as in the long term career of an officer with the agency.

ADVANCED/SPECIALIZED/MANDATORY RETRAINING

The CJSTC's Region 15 Training Council is responsible for the coordination and development of the state's law enforcement agencies' training needs. Additionally, it is through this coordinated effort that agencies maximize the use of their Trust Fund monies for CJSTC Advanced and Specialized Course delivery. Each state agency is represented on the Region 15 Council and is provided an opportunity to provide input as to their specific agency needs as well as training needs as a whole for all of state law enforcement.

It is through this process that multi-agency training is available and allows agencies to participate in liability, instructor and other job related training programs without any associated training costs. The training Trust Fund monies allow agencies and officers to attend any of the Commission's Advanced or Specialized Training Program at no cost.

While Florida Statute and current Commission Rules dictate the training requirements for officers to maintain certification (40 hours every 4 years), these minimum standards do not fulfill the needs of state officers as it relates to the challenges and ever changing demands they face each day. Current Mandatory Retraining requirements are but a small portion of the overall training officers must be exposed to in order to perform their jobs to the best of their ability. In addition to these minimum standards, agencies must maintain the flexibility to insure their officers receive training driven by their current positions; officer safety, changing trends and emerging conditions, etc.

There are ways to minimize the costs associated with this training the most relevant being the use of distance or on-line training that will be further discussed under “recommendations.”

AGENCY SPECIFIC TRAINING

This training is driven specifically by each individual agency’s need. Due to the tremendous differences in the roles, responsibilities and functions of each state law enforcement agency, agency specific training is vital to each agency’s overall success.

During our discussions some agencies indicated they receive or serve as a pass through to local agencies, federal monies which are tied directly to specific training being provided to those officers which allows them to enforce federal laws in the performance of their state duties. Concern was expressed that the incorporating of officers outside the scope of those specific to these areas could perhaps jeopardize future funds or awards.

It is critical that all agencies have the flexibility to provide proper training to their members specific to their core mission, statutorily mandated responsibilities, and to further enhance their skills and knowledge in the performance of their day-to-day assignments.

FACILITIES

As mentioned previously, state agencies currently use the FPSI which provides a state of the art facility for training purposes. Additionally, ALL state law enforcement agencies use their existing offices/facilities or rely heavily on the local criminal justice agencies to minimize the financial impact of training delivery to their officers in the field. FPSI provides the ability for agencies to not only coordinate state-wide training efforts for all agencies but allows agencies to coordinate the use of the facilities and meet the demands of all. FPSI is equipped to provide facilities specific to the needs of all agencies where as the CJSTC’s other academies may not have these types of facilities. Also, agencies do not have to compete for use of this facility since all scheduling is controlled through FPSI. As a result of the current agreement with FPSI and the Region 15 Training Council, there is no cost associated with the use of this facility. Utilizing other academies across the state would require agencies to incur costs that would be determined by the amount of training conducted.

EFFICIENCY OPPORTUNITIES

The efficiencies related to state law enforcement training are already exhibited with the current consolidated training efforts through Region 15 and FPSI. Multi-agency training, maximizing the training trust fund monies, and utilizing instructors from all state agencies to assist with the delivery of training, provide a significant cost-savings to the state. Partnerships with local agencies for instructional assistance and facility use allow agencies to provide quality, job-related training to all of their officers on a state-wide basis with little or no cost. It was agreed that we must continue to look for more cost effective ways to provide training to our officers as training funds and opportunities continue to decline.

CONSOLIDATION OPPORTUNITIES

It was the sentiment of the Training Committee that state law enforcement agencies already work in a consolidated system through their current Region 15 association. Shared resources, quality training, and minimizing travel and training costs are all significant cost savings recognized throughout each agency. Additionally, the committee feels that any substantive changes related to further consolidating the current training delivery system for state agencies would have a negative impact on the effectiveness and efficiency of our overall training.

RECOMMENDATIONS

As it relates to Mandatory Retraining, it is the unanimous recommendation of the committee that all state law enforcement agencies be required to satisfy the statutorily mandated portions of the mandatory retraining requirements via “distance or on-line learning.”

Through the Florida Criminal Justice Executive Institute, 22 on-line training programs exist which include all of the statutorily mandated courses. These courses are provided free of charge and would eliminate the costs that agencies absorb for instructional, travel and other related expenses when delivered in the typical classroom setting. These courses are available to all officers and provide a mechanism for quality training at no cost to the officer or agency.

Law Enforcement Fleet Consolidation Committee

Vehicle/Fleet Management/Logistics

presented by

Major Brett Norton
Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

November 2, 2011

Document prepared by the Law Enforcement Fleet Consolidation Committee

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Committee Leader: Major Brett Norton, FWC

Committee Members: Assistant Commissioner Jim Madden, FDLE
Major Harold Barry, OALE
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Captain Tom Haworth, FWC
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Law Enforcement Fleet Consolidation Committee

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EXECUTIVE SUMMARY

The goal of the fleet consolidation committee was to identify deficiencies in current fleet management programs in state law enforcement and opportunities for improvement.

Past studies by OPPAGA and the Mercury Associates have focused on identifying ways to reduce the overall state vehicle fleet and were not specific to law enforcement vehicles. (Appendix I)

The members of this committee included both sworn law enforcement officers from different state agencies (FHP, FWC, OALE, FDLE, DOC, and DEP) and non sworn budgetary and fleet managers from those agencies. The committee sponsor is the police chief from Port Orange Police Department representing the Florida Police Chiefs Association. We also had the Bureau Chief from DMS Fleet Management on the committee. The diversity of committee members helped to make a better product.

It was obvious from the first meeting that some of the differences between agencies were caused by miscommunication and inconsistent application of current policies, procedures and rules. This issue was addressed by having an open dialog with the DMS representative and prompted the recommendation to have a group of law enforcement fleet managers meet on a regular basis after the transition committee work is complete.

For the majority of state law enforcement officers, the rigging and outfitting of their vehicles is centralized at DHSMV and FWC facilities depending on the type of vehicle to be outfitted. This ensures consistency in the fleet and provides for better officer safety. If the DEP and OALE officers are merged with FWC, there would be additional efficiencies to rig their vehicles at the FWC facility.

The most obvious issue identified and addressed by this committee is the lack of funding to replace vehicles in a timely manner and a long term and consistently executed replacement plan. These issues combined may cause safety issues to the general public and the officer as a result of higher incidents of mechanical failures while responding to emergency calls and during routine law enforcement operations. The committee has identified a long term solution to the funding problem that will ensure we have a reliable fleet and each law enforcement agency is funded properly.

BACKGROUND

In accordance with the guidelines set by Chapter 2011-66 establishing the Law Enforcement Consolidation Task Force, the Fleet Consolidation Committee was formed to conduct a review of the fleet management and logistic programs in state law enforcement.

The scope of this team included:

- The evaluation of available fleet resources and pros and cons of refurbishing aging vehicles as opposed to replacing them.
- To determine if primary fleet vehicles are being passed effectively and efficiently on to the secondary fleet at the appropriate time.
- Is the schedule (frequency) for vehicles being replaced negatively affecting the fleet as a whole?

Law Enforcement Fleet Consolidation Committee

- What is the manner and methodology of assignment of vehicles and the extent of vehicle standardization within and across agency lines?
- What is the methodology of budgeting for vehicles?
- Are vehicles being serviced by private vendors or by state agency mechanics?
- Are the aforementioned resources being shared?

EFFICIENCY OPPORTUNITIES

- Based on current replacement criteria, over one-third (38%) of state law enforcement land vehicles (e.g., cars, trucks, SUVs, vans, and motorcycles) are eligible for replacement. Within one year, it is estimated that approximately two-fifths (42%) of these vehicles will be eligible for replacement. (Appendix II)
- Currently there are inconsistent funding sources and amounts of funding for vehicle replacement within state law enforcement agencies. This causes a situation where some agencies have been able to replace their vehicles in a timely manner and others have fleets that are in dire need of replacement. Due to recent budget cuts, all agencies are now in a situation where significant investment is required to restore the fleet to a safe operational level. Identifying and combining a permanent revenue source to replace all state law enforcement vehicles will ensure that each agency has a safe and reliable fleet that will not break down during a pursuit or while responding to an emergency call.
- Due to the increased mileage and age of existing law enforcement fleets, the cost to maintain and operate pursuit vehicles is increasing dramatically. Because many of the state law enforcement agencies use their vehicles regularly to tow boats or trailers and operate in rough terrain and saltwater environments, the lifespan of the vehicle is shortened. Often, the cost of maintenance and repairs exceeds the value of the vehicle, as described in the attached Mercury Associates and OPPAGA reports.
- Currently surplus vehicle sale proceeds are not deposited into a trust fund for the replacement of law enforcement vehicles.
- Currently there is no committee of state law enforcement fleet managers who regularly meet to assess which vehicles are best suited for law enforcement use.
- Currently pursuit vehicles are defined by the Department of Management Services as vehicles that have received that rating from the manufacturer. Pursuit vehicles have a different replacement criteria than all of the other specialty vehicles that do not have this manufacturer's rating but are used routinely for pursuit and law enforcement patrol activities (such as pick-up trucks and SUVs).
- Currently there is no standard spare vehicle ratio with state law enforcement agencies. Some agencies have very few spare vehicles in their fleet which causes significant operational problems when the front line vehicles are out of service and the officer is not able to respond to an emergency call for service in a timely manner.
- When pursuit vehicles exceed law enforcement replacement criteria, many agencies are reassigning the vehicles to a less demanding, secondary fleet. Other types of law enforcement vehicles (such as trucks and SUVs) that are still in a useable condition are reassigned to other non-law enforcement divisions of their agencies.

Law Enforcement Fleet Consolidation Committee

For example, drivable FWC patrol trucks are internally reassigned to biologists to use for their research activities as they have no acquisition funds to purchase vehicles.

CONSOLIDATION OPPORTUNITIES

Most law enforcement rigging/up-fitting of new vehicles is already consolidated at the two largest patrol agencies, FHP and FWC. With the MCCO/FHP merger last year, all the MCCO and FHP vehicles are now processed through the FHP facility in Middleburg. Most of these vehicles are patrol sedans for highway enforcement. FHP has also already partnered with FDLE to rig/up-fit their vehicles. (Appendix III)

FWC currently rigs/up-fits all of their specialty patrol trucks, all terrain vehicles and vessels at their facility in Tallahassee. If the DEP/Ag Law merger with FWC occurs this year, there would be an efficiency gained if the rigging/up-fitting of these additional vehicles was done at the FWC facility because of the specialty configuration of these vehicles. The DEP/Ag Law vehicles, vessels and ATVs are similar to the FWC vehicles with their specialty configuration. (Appendix IV)

Vehicles processed through the FWC/DHSMV facilities are rigged/up-fitted consistently, proficiently and with officer safety in mind. The committee has determined this process is efficient and cost effective to the state. The FWC/DHSMV facilities have the physical capacity to assume the rigging/up-fitting for additional state law enforcement agencies but would require an increase in the number of full-time positions to ensure the vehicles are processed in a timely manner.

The vehicles used for state law enforcement patrol are not always police ready and in some cases may be civilian vehicles that are up-fitted for law enforcement use. We attempt to purchase vehicles that are prewired for law enforcement use. The manufacturers do not up-fit the vehicles for police use at the factory. We have found the installs that are completed at the FWC and DHSMV facilities are more reliable and cost effective than those done at local dealerships or private vendors.

In the past, agencies have tested the concept of leasing vehicles and it has proven unsuccessful. Because of the extensive modifications needed to up-fit the vehicle with consoles, blue lights, radios, and antennas, the leasing companies are hesitant to allow those types of changes to their vehicles.

RECOMMENDATIONS

- The committee recommends that a permanent funding source be identified to purchase all state law enforcement vehicles each year. The funding should be maintained in a specific trust fund managed by DHSMV or DMS and the funding distributed to each agency based on DMS replacement criteria. The estimated recurring amount to purchase replacements for a reliable law enforcement fleet is approximately \$33 million per year. This amount covers replacing 20% of the 5,196 vehicle fleet (including the cost of rigging/up-fitting supplies) and \$4 million per year for vessel and boat motor replacements. Any recurring appropriation in an individual law enforcement agency budget specifically for the acquisition/replacement of patrol vehicles/vessels should be removed from that agency and sufficient funding should be appropriated solely to the agency responsible for managing the centralized trust fund. This trust fund could primarily be funded by redirecting a registration fee, like the General Revenue received for Decal on Demand.
- The committee recommends that all vehicle and vessel sale proceeds be deposited in the trust fund listed above to augment the dedicated revenue source for purchasing new vehicles and vessels.
- The committee recommends that a group of state law enforcement fleet managers be formed that will meet at least bi-annually to discuss what vehicles are suitable for law enforcement use, work with DMS to develop the annual law enforcement vehicle contract and continue the efficiencies gained by this task force process. This group will ensure the quality, efficiency and integrity of the state's fleet program. This group will act as a cohesive advisory body and provide mutual oversight on a variety of areas to include but not be limited to budget, parts, maintenance, training, and facilities. The oversight includes maintaining quality control, providing interagency advice, and technical assistance for the purpose of efficient operations, while ensuring that individual agency objectives are met.
- This committee recommends that DMS in conjunction with the Fleet Managers Group clarify the definition of pursuit vehicles in the vehicle replacement criteria to include all law enforcement vehicles used for pursuit or patrol activities and to establish the appropriate replacement criteria based on the type and use of the vehicle. Any necessary rule changes should be made by DMS and new guidelines distributed to all agencies.
- This committee recommends that each state law enforcement agency establish and maintain a spare vehicle ratio of a minimum of 15% of their operational fleet to ensure that law enforcement officers can respond to the needs of the citizen in a safe and efficient manner at all times.
- The committee recommends that FHP continue the Pilot Project into Outsourced Fleet maintenance and report back to the ongoing Law Enforcement Fleet Managers Group with its findings. (Pilot will be completed by 12/31/2011)
- The committee recommends that FHP continue the Pilot Project into refurbishing vehicles and returning them to service in other uses and report back to the ongoing Law Enforcement Fleet Managers Group with its findings.

APPENDIX I

Mercury Associates and OPPAGA reports

- The reports can be viewed at <http://flhsmv.gov/LECTaskForce/FleetTeamReport.pdf>.

APPENDIX II

Law Enforcement Vehicle Replacement Eligibility
Summary

Vehicle Type	Vehicle Count	Number of Vehicles Eligible for Replacement as of October 2011	Estimated Number of Vehicles Eligible for Replacement in September 2012 ¹	Percent Eligible for Replacement as of October 2011	Estimated Percent Eligible for Replacement in September 2012
Cars	3,527	1,659	1,905	47%	54%
Trucks	904	172	128	19%	14%
SUVs and Vans	716	109	150	15%	21%
Motorcycles	49	21	13	43%	27%
Sub-Total	5,196	1,961	2,196	38%	42%
Boats & Airboats	428				
Other	253				
Total All LE Vehicles	5,624				

¹ Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement. Replacement eligibility for boats, airboats, and "Other" type vehicles was not calculated for this report.

Data source for this report: EMIS data extracted October 17-24, 2011.

Law Enforcement Fleet Consolidation Committee

**Law Enforcement Vehicle Replacement Eligibility
Cars**

Agency	Vehicle Count	Number of Vehicles Eligible for Replacement as of October 2011	Estimated Number of Vehicles Eligible for Replacement in September 2012 ¹	Percent Eligible for Replacement as of October 2011	Estimated Percent Eligible for Replacement in September 2012
Highway Safety Motor Vehicles	2,201	1,304	1,497	59%	68%
Fish & Wildlife	51	21	22	19%	13%
Department of Law Enforcement	272	20	29	7%	11%
State Attorney Districts	349	89	96	26%	28%
Financial Services	183	61	68	33%	37%
Environmental Protection	34	1	6	3%	18%
Business and Professional Reg.	147	59	68	40%	46%
Department of Corrections	96	73	76	76%	79%
Office of the Attorney General	75	0	0	0%	0%
Agriculture & Consumer Services	94	13	23	14%	24%
Department of Transportation	16	14	15	88%	94%
Public Defender Districts	8	4	5	50%	63%
School for the Deaf & Blind	1	0	0	0%	0%
Total	3,527	1,659	1,905	47%	54%

¹ Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement.

Data source for this report: EMIS data extracted October 17-24, 2011.

Law Enforcement Fleet Consolidation Committee

**Law Enforcement Vehicle Replacement Eligibility
Trucks**

Agency	Vehicle Count	Number of Vehicles Eligible for Replacement as of October 2011	Estimated Number of Vehicles Eligible for Replacement in September 2012 ¹	Percent Eligible for Replacement as of October 2011	Estimated Percent Eligible for Replacement in September 2012
Highway Safety Motor Vehicles	56	14	-6	25%	-11%
Fish & Wildlife	604	112	77	19%	13%
Department of Law Enforcement	59	6	12	10%	20%
State Attorney Districts	21	5	8	24%	38%
Financial Services	66	12	19	18%	29%
Environmental Protection	59	6	-3	10%	-5%
Business and Professional Reg.	19	11	10	58%	53%
Department of Corrections	1	0	0	0%	0%
Office of the Attorney General	0	N/A	N/A	N/A	N/A
Agriculture & Consumer Services	19	6	11	32%	58%
Department of Transportation	0	N/A	N/A	N/A	N/A
Public Defender Districts	0	N/A	N/A	N/A	N/A
School for the Deaf & Blind	0	N/A	N/A	N/A	N/A
Total	904	172	128	19%	14%

¹ Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement.

Data source for this report: EMIS data extracted October 17-24, 2011.

Law Enforcement Fleet Consolidation Committee

**Law Enforcement Vehicle Replacement Eligibility
SUVs & Vans**

Agency	Vehicle Count	Number of Vehicles Eligible for Replacement as of October 2011	Estimated Number of Vehicles Eligible for Replacement in September 2012 ¹	Percent Eligible for Replacement as of October 2011	Estimated Percent Eligible for Replacement in September 2012
Highway Safety Motor Vehicles	132	24	34	18%	26%
Fish & Wildlife	45	9	7	20%	16%
Department of Law Enforcement	254	20	42	8%	17%
State Attorney Districts	37	9	13	24%	35%
Financial Services	51	11	7	22%	14%
Environmental Protection	71	5	13	7%	18%
Business and Professional Reg.	17	13	15	76%	88%
Department of Corrections	29	10	5	34%	17%
Office of the Attorney General	15	0	0	0%	0%
Agriculture & Consumer Services	57	7	15	12%	26%
Department of Transportation	0	N/A	N/A	N/A	N/A
Public Defender Districts	7	1	-1	14%	-14%
School for the Deaf & Blind	1	0	0	0%	0%
Total	716	109	150	15%	21%

¹ Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement.

Data source for this report: EMIS data extracted October 17-24, 2011.

Law Enforcement Fleet Consolidation Committee

**Law Enforcement Vehicle Replacement Eligibility
Motorcycles**

Agency	Vehicle Count	Number of Vehicles Eligible for Replacement as of October 2011	Estimated Number of Vehicles Eligible for Replacement in September 2012 ¹	Percent Eligible for Replacement as of October 2011	Estimated Percent Eligible for Replacement in September 2012
Highway Safety Motor Vehicles	49	21	13	43%	27%
Fish & Wildlife	0	N/A	N/A	N/A	N/A
Department of Law Enforcement	0	N/A	N/A	N/A	N/A
State Attorney Districts	0	N/A	N/A	N/A	N/A
Financial Services	0	N/A	N/A	N/A	N/A
Environmental Protection	0	N/A	N/A	N/A	N/A
Business and Professional Reg.	0	N/A	N/A	N/A	N/A
Department of Corrections	0	N/A	N/A	N/A	N/A
Office of the Attorney General	0	N/A	N/A	N/A	N/A
Agriculture & Consumer Services	0	N/A	N/A	N/A	N/A
Department of Transportation	0	N/A	N/A	N/A	N/A
Public Defender Districts	0	N/A	N/A	N/A	N/A
School for the Deaf & Blind	0	N/A	N/A	N/A	N/A
Total	49	21	13	43%	27%

¹ Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement.

Data source for this report: EMIS data extracted October 17-24, 2011.

Law Enforcement Fleet Consolidation Committee

**Law Enforcement Vehicle Replacement Eligibility
Boats/Airboats and Other**

Agency	Boats / Airboats	Other	Other Type
Highway Safety Motor Vehicles	0	171	Aircraft, Trailer, Bus, Semi/Heavy Truck, Motorhome
Fish & Wildlife	402	8	Trailer, Bus, Semi-Truck, Swamp Buggy, Forklift
Department of Law Enforcement	0	15	Aircraft, Bus, Semi/Heavy Truck, Motorhome
State Attorney Districts	0	1	Bus
Financial Services	0	48	Trailer, Semi/Heavy Truck, Motorhome
Environmental Protection	25	1	Bus
Business and Professional Reg.	0	0	
Department of Corrections	0	0	
Office of the Attorney General	0	0	
Agriculture & Consumer Services	1	9	X-Ray Truck, Outboard Motors, ATV
Department of Transportation	0	0	
Public Defender Districts	0	0	
School for the Deaf & Blind	0	0	
Total	428	253	

1 Estimated Number of Vehicles Eligible for Replacement in September 2012 is a calculation of the total number of vehicles that are projected to meet eligibility for replacement by September 2012, less the estimated number of new replacement vehicles that will be placed in service between October 2011 and September 2012 (using the same number of vehicles that were placed into service during FY2010-2011).

Law Enforcement vehicles used for this report are those vehicles that have been marked in the Equipment Management Information System (EMIS) with assigned use code C2 or E2:

C2 Assigned Use Code = Law enforcement (assigned to employee who is subject to emergency calls from his residence for law enforcement).

E2 Assigned Use Code = Law enforcement support (vehicle is used to support law enforcement activities, but is not available for general use, and is not assigned to an employee)

Replacement eligibility for boats, airboats, and "Other" type vehicles was not calculated for this report. Replacement eligibility for cars, trucks (up to and including 1 ton pickups trucks), SUVs/Vans, and motorcycle was determined for this report by using the Replacement Eligibility Factor (REF) calculation. The REF score is calculated by the Equipment Management Information System (EMIS) using the following factors: age, life odometer, condition, days down, lifetime maintenance costs, and maintenance costs for last 12 months, life cost per mile, and vehicle operational status. Vehicles with a minimum REF score of 300 points are deemed eligible for replacement.

Data source for this report: EMIS data extracted October 17-24, 2011.

APPENDIX III

General efficiencies at FHP operated rigging/up-fitting facility in Middleburg, FL:

- Initial receiving point for vehicles and equipment
- Provides for uniformity of equipment installation
- Provides for quality control
- Allows us to fabricate needed brackets/materials that are not readily available on open market for new vehicles
- Allows us to fabricate items without need for purchasing from private vendor, who would mark up price
- Allows us to take advantage of volume pricing by purchasing in bulk quantities
- Provides simple/distinct organizational structure with clear lines of responsibility for rigging/up-fitting
- Allows us to assist other agencies with rigging/up-fitting needs without charging them for it, thereby saving the state money, whenever our resources permit
- Uses inmate labor to strip old patrol cars and prep for auction at great savings to the state
- Serves as a service center to refurbish used parts to reuse in new vehicles
- Houses the Troop G impound lot for seized vehicles

APPENDIX IV

Benefits, efficiencies and cost saving measures as a result of the FWC North Florida Shop:

- Quality control (have tried “out-sourcing” with negative results).
- Consistency / uniformity of statewide fleet.
- Fabrication of brackets and other accessories as needed.
- Central receiving location for all statewide L.E. fleet, vehicles, vessels and boat motors.
- Central receiving location for surplus fleet to be stripped (recycling) for auction.
- Centralized parts distribution center for mechanics, radio technicians and computer mounting accessories.
- Bulk purchases and volume discounts from vendors.
- Custom rigging/up-fitting to fit special needs of equipment assignment.
- Reconditioning / refurbishing / re-painting of vessel hulls to extend use.
- Ensure all useable parts are recycled from turn-in vehicles and vessels and used while rigging/up-fitting new equipment
- Organized special rigging/up-fitting details to expedite delivery to the field.
- Custom fabrication of non-fleet related equipment for division use.