

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

The Law Enforcement Consolidation Task Force was called to order at the Florida Department of Highway Safety and Motor Vehicles in Tallahassee.

The following task force members were in attendance, either in person or by telephone:

Julie Jones (DHSMV), Gerald Bailey (FDLE), proxy for Colonel David Brierton (FHP) was Lieutenant Colonel Ernesto Duarte, proxy for Colonel Jim Brown (FWC) was Major Brett Norton, Colonel Jerry Bryan (DOACS), Emery Gainey (OAG), Sheriff David Gee (FSA) and Chief Gerald Monahan (FPCA).

Agenda Item 1: Executive Director Julie Jones welcomed the committee members and others attending.

Agenda Item 2: Director Jones requested approval for the minutes from the October 11, 2011 meeting. Sheriff Gee made the motion to approve the minutes which was seconded by Emery Gainey and the vote was unanimous to approve the minutes.

Agenda Item 3: No old business was brought before the task force.

Agenda Item 4: The following new business was discussed:

a.) Chief Vicki Cutcliffe, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement, introduced the new Division Director, Allen Douglas. She gave an overview of the law enforcement function within the division. The core mission of the division is protecting the health, safety, and welfare, as well as the economic well-being of the State of Florida, by enforcing criminal and administrative statutes, laws, and regulations related to the complex entities of the Alcoholic Beverage and Tobacco Industries. Their primary focus is the underage consumption and sale of alcoholic beverages and tobacco products to the underage population. They conduct compliance samplings of establishments that sell tobacco and alcoholic beverages and vendor training. They have begun a statewide initiative targeting counterfeit cigarettes that pose health risks and are untaxed and other untaxed products. Potential inefficiencies that have been identified in the Bureau are the underage tobacco and alcohol sample methodology, sworn personnel providing vendor training, key performance indicators and the span of control. Commissioner Bailey identified an issue with the major functions listed in the agency template and Chief Cutcliffe agreed to revise the information and resubmit for posting to the website.

b.) Team Reports

- Law Enforcement versus Civilianization: Lieutenant Colonel Kelly Hildreth is the team leader and presented the report. The positions identified for civilianization are training coordinator, evidence custodian or technician, fleet property manager, background investigator, accreditation manager and regulatory investigator. They made the recommendation to consolidate the state law enforcement evidence function in a regional fashion instead of each agency having its own evidence facility. There is still information that needs to be submitted to finalize the report. Commissioner Bailey requested a fiscal impact study be attached to the recommendation concerning evidence facilities. Mr. Gainey asked that consideration be given to the issue of evidence technicians having to be responsive to multiple court circuits after being called in to testify regarding chain of command.

Director Jones said she needed to submit a report to the legislature next month that needs to summarize ideas relative to consolidation, efficiencies, best management

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

practices and policy. With the approval of the committee, she would like to accept all team reports as they are with any additional or dissenting comments from committee members to be included in the report.

- Accreditation: Al Dennis is the team leader and reviewed the methodology, scope and efficiencies the team identified. CALEA has promoted efficiencies and cost savings by modifying their on-site assessment process to incorporate electronic assessments. CFA has committed to review their process as well to incorporate remote file review. Director Jones asked whether they reviewed the option of civilianizing the accreditation manager position and Mr. Dennis said they did not see a difference with the position being sworn or non-sworn. The team also did not recommend putting every agency's accreditation under one manager because they felt it would add to the bureaucracy; each agency would still need someone familiar with their operations and files to maintain current and accurate proofs. Commissioner Bailey made the motion to accept the report and recommendations as written, Colonel Bryan seconded the motion and the vote was unanimous.
- Agricultural Interdiction Motor Carrier Compliance Merger: Colonel Jerry Bryan is the sponsor and presented the report. Three issues were addressed; the merger of Ag Interdiction and FHP Commercial Vehicle Enforcement, co-location of Ag Interdiction and DOT Motor Carrier at interstate locations, and co-location of Ag Interdiction and DOT Motor Carrier at non-interstate locations. The team did not recommend the consolidation of Ag Interdiction and FHP because of the difference in mission and interdiction locations (fixed and mobile patrol functions). DOACS is reviewing the possibility to civilianize some positions at the Ag Interdiction Stations. The team did not recommend co-location between Ag Interdiction and DOT Motor Carrier at interstate locations because of the difference in mission and the adverse impact on traffic. It would be plausible to co-locate in some non-interstate locations but additional research needs to be conducted. Director Jones asked if the greatest opportunity for efficiency would be for FHP CVE staff to use the three DOT non-manned and Ag Interdiction facilities with portable equipment and Colonel Bryan agreed. Mr. Gainey asked if the recommendation to not co-locate on interstates was based on the assumption of using the existing facilities and was any consideration given to expanding to larger facilities. Colonel Bryan said that the size of the facility was not the issue it was the difference in the functions of the two agencies. Director Jones asked if they would add the statistical information on the law enforcement actions taken by the agencies to demonstrate the differences.
- Environmental Law Enforcement: The report was presented at the last meeting by Colonel Brown and Major Norton was available to answer follow up questions. Director Jones asked Major Norton about a time table for bill drafting and Major Norton said the attorneys for DEP and FWC were close to final bill language. Colonel Jim Brown has

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

created a sub-committee to address communication centers. Commissioner Bailey asked that they include the administrative support personnel for the transfer (including those outside the division) and Director Jones said the recommendation was a type II transfer that would include all sworn and non-sworn personnel in the Division and associated support functions. She added that DMS Secretary Miles wants to add a team member from his agency to facilitate the transfer the employees.

- Evaluation of Jurisdiction for the Florida Highway Patrol: Colonel Jim Brown is the team leader and presented the report. They recommended that FHP maintain their statewide jurisdiction, specifically for commercial vehicle enforcement to avoid losing federal revenue. Additionally, FHP should continue to conduct traffic crash investigations to support local law enforcement. Director Jones asked about the recommendation on the approach for patrol resource allocation. Sheriff Gee said there should be a standardized policy across the state and Colonel Brown added that it should be the tiered approach. Director Jones asked if was Colonel Brierton's desire to use the staffing study and the new model to relocate personnel and they confirmed it was and Director Jones mentioned FHP's transition to a modernized format for crash fatality investigations.
- Forensic Science Team: Vickie Gardner is the team leader and presented the report. Five agencies were identified (DEP, AG, FWC, SFM, FDLE) with laboratory or forensic functions and four of those provide services specifically to their agency function. FDLE primarily provides services to local law enforcement agencies. Director Jones asked if there was any thought to creating a communication mechanism to assist in directing inquiries for services. Ms. Gardner said that those inquiries usually come to FDLE first and they refer them to the appropriate agency. Director Jones asked that they include that information in their report to indicate that FDLE serves as a clearing house and continues to create efficiencies between labs. Commissioner Bailey discussed the aid given through FDLE to county labs through a fee imposed on drug and DUI convictions or pleas. These fees are deposited into a crime laboratory system trust fund and then FDLE distributes the funds to the five county laboratories. This revenue is included in FDLE's budget although they do not keep any of these funds which adversely impacts the agency when calculating budget reductions. Commissioner Bailey made a motion to accept the report with the requested modification which was seconded by Mr. Gainey and the vote was unanimous.

Major Norton made a motion to accept the previously presented Evaluation of Jurisdiction for the Florida Highway Patrol report which was seconded by Chief Monahan and the vote was unanimous.

- Investigations: Mark Perez is the team leader and presented the report. The team added the previously requested intelligence information and expanded it to include the InSite database, the Florida Fusion Center data sharing, FLEX project, and the RLEX project. They did identify the earlier consolidation efforts made by transferring Motor

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

Carrier Compliance from DOT to FHP and integrating the Attorney General Cybercrime Unit into the FDLE computer crime center and Public Assistance Fraud being transferred to Financial Services. They identified the investigative overlap between the environmental law agencies and support the findings by the other team. Director Jones asked if they could point agencies to the robust intelligence system that FDLE built as a best management practice to encourage more participation. This would discourage additional funding be appropriated to independent intelligence projects. Commissioner Bailey made a motion to accept the report with the requested modification which was seconded by Chief Monahan and the vote was unanimous.

- Information Technology Consolidation: Deborah Stevens is the team leader and presented the report. They focused on law enforcement application systems in order to not duplicate the effort by AEIT which is tasked with data consolidation. Almost half of the applications have already been consolidated or centralized. They identified critical success factors that should be considered and explored IT staffing issues that may arise in a consolidation effort. The following application systems were identified for possible centralization or consolidation: training management, policy management, evidence management, records management, and property management. Consolidation efforts should include comprehensive and effective planning, business analysis, coordination and communication that should include an interagency, cross agency, and cross functional workgroup with IT as well as operational staff. There is a recommendation concerning retention of IT staff. The AEIT should be given more authority and resources to better manage the data center consolidation initiative. A comprehensive look at the data center is needed. Any future recommendations on IT functionality across state criminal justice and law enforcement agencies needs to comply with the Criminal and Juvenile Justice Information Systems Council standards. Director Jones asked if there was an issue with implementing a property management system and Ms. Stevens elaborated that although the FLAIR system is the system of record, law enforcement business tended to need additional property tracking for items that don't meet the threshold for FLAIR but should interface with FLAIR. Mr. Gainey said they were working on a report with FWC and DEP and when it was final it would be submitted separately. They will stand by to assist any future consolidation efforts. Chief Monahan made the motion to accept the report which was seconded by Lieutenant Colonel Duarte and the vote was unanimous.
- Inspector General Investigative Function: Melinda Miguel is the team leader and presented the report. Recommendations in the following areas were made: strengthen the independence of Inspector Generals to improve effectiveness and increase the efficiency of the function; ensure adequate and independent staffing and operations; streamline the IG mission to maximize oversight of agency operations; provide statutory authority for OIGs and the Chief IG to have exclusive independent legal counsel; provide OIGs with administrative subpoena power, but with oversight by the CIG; protect active

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

investigations from improper disclosure; standardize staffing ratios, position descriptions, ranks and titles; clarify Police Officers' Bill of Rights regarding whether sworn law enforcement must conduct internal affairs investigations by requesting an Attorney General opinion; and remove conflicts between the Police Officers' Bill of Rights and the Whistle-Blower Act. Major Norton requested elaboration on the recommendation concerning posting internal investigations on agency websites. Ms. Miguel said they were requesting the legislature clarify whether they want the OIG to post their work products to an agency website. Major Norton asked whether that would include the discipline rendered and Ms. Miguel said they did not discuss that specifically but they may be able to partner with CJSTC to make that decision. Director Jones asked if there was any objection to Ms. Miguel contacting OPB and Legislative staff to shop the ideas in the report. Chief Monahan said that setting policy or staffing based on an attorney general opinion could be problematic because the Officers' Bill of Rights is a moving target that is subject to change every year. Ms. Miguel said they were trying to offer baselines for staffing. Mr. Gainey said they should also consider the history of the agency when making the baselines. Mr. Gainey asked if they had any insight as to the extra duties performed by OIGs and Ms. Miguel offered several reasons including agency head preference, trust, and the advantage of a task being performed by an independent office not subject to influence. Director Jones made a motion to accept the conclusions in the report relative to sworn versus non-sworn employees and the involvement of an Inspector General's Office in any consolidation effort and endorse Ms. Miguel going forward with the rest of the recommendations, not necessarily with the concurrence of the task force because it is outside the scope of the committee. Chief Monahan seconded the motion and the vote was unanimous.

- Law Enforcement Administration and Support: Rick Creamer is the team leader and presented the report. The report covers support staff functions and administrative needs, policies and procedures, legal representation and resources, and regional configuration. They stand ready to assist in consolidation efforts and FWC has already reached out to the team. Director Jones said that Secretary Miles from DMS would like to place someone on the team to assist. The team recommended that agencies achieve standard accreditation to provide a smooth transition during consolidation, conduct a feasibility study of IT applications that would be able to put all agencies on the same platform for policy and procedure distribution; and establish a sub-team to evaluate the effectiveness of centralizing legal services. There was no recommendation concerning regional configuration but they did provide information and maps on the topic.
- Aviation: Colonel Jerry Bryan is the sponsor and presented the report. The recommendation to consolidate law enforcement aviation is not a unanimous recommendation. FDLE does not concur with consolidation because of the sensitivity of some of their executive investigations and they believe a more thorough feasibility study should be performed. The team recommended that FHP and FDLE aviation operation merge into FWC; the Florida Forest Service stay independent from law enforcement; that all state agency aviation programs continue to make aviation assets available to the state emergency operations center; the creation of a state aviation managers' group to ensure efficient and effective overall operations; and the Florida

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

Fire Service provide aerial ignition aircraft services to all state land management agencies. The success of a consolidated aviation unit would be dependent on the implementation of a program that takes into consideration the variety of priorities among the agencies. There is no initial cost savings associated with the merger; any cost saving would be after the merger with reduction in aircraft and pilots. Commissioner Bailey asked if they explored the feasibility of continuing traffic law enforcement with aircraft. Colonel Bryan said they had a brief discussion. The challenge is for the air bosses that have built the programs to come together.

Commissioner Bailey said FDLE is in favor of the efficiencies and the integration but not consolidation because of the sensitivity of some investigations. Director Jones asked if they could check out an airplane through an MOU process and whether the flight times contained in the OPPAGA report were still accurate. Commissioner Bailey felt that there would be no cost savings demonstrated it was not a good reason to make a major change. Director Jones asked if they should accept the report for legislative consideration and Commissioner Bailey said he would vote for the report if that dissenting position was part of the text and Colonel Bryan said it was included. Commissioner Bailey made the motion to accept the report with the caveat that there is concern by FDLE and they would like further consideration of keeping their planes. Mr. Gainey seconded the motion. Chief Monahan asked what role the task force members had in this recommendation and Director Jones said she thought they should state their opinion. Chief Monahan said he favored Commissioner Bailey's position on keeping FDLE's aircraft. Lieutenant Colonel Duarte said that FHP would support the subcommittee's recommendation. Chief Monahan said that he is concerned that the state's future cut in aircraft resources will be an issue when local law enforcement needs the state's assistance. Director Jones agreed but said they could only keep the resources they could justify. Major Norton said the tactic that should occur is redeployment of assets for better coverage throughout the State. Mr. Gainey said he agreed and that was the point that needed to be made. Major Norton said that Colonel Brown supports whatever decision is made. The vote was unanimous to accept the report noting FDLE's concerns.

- Training: Mike Crews is the team leader and presented the report. The team determined that Region 15 Training Council is about as consolidated as possible and agencies use each other for training delivery. Region 15 Training Council allows each state law enforcement agency to participate in determining the training needs for the officers and maximizes the use of trust fund monies by providing instructor courses. This allows the trainers to go out and instruct without having to bring everyone to a centralized location. The team was in favor of FHP and FWC continuing their individual basic recruit training process. The team recommended that all state law enforcement agencies be required to take mandatory retraining through an on-line method for cost savings. Director Jones asked if they could codify that FHP closed their facility and relocated to FPSI and Mr. Crews agreed. Commissioner Bailey made the motion to accept the report which was seconded by Colonel Bryan and the vote was unanimous.
- Vehicle/Fleet Management: Major Brett Norton is the team leader and presented the report. The recommendations included creating a permanent funding source to

Florida Law Enforcement Consolidation Task Force Meeting
Monday, November 7, 2011
Meeting Minutes

purchase all state law enforcement vehicles and vessels costing approximately \$33 million per year; DHSMV or DMS could house the purchasing function; all proceeds from the sale of vehicles could be deposited in the trust fund to assist with more purchases; a group of state law enforcement fleet managers be formed that will meet bi-annually to discuss what vehicles are suitable for law enforcement use; and work with DMS to develop the annual law enforcement vehicle contract. Director Jones said when she talked with Secretary Miles of DMS, he was interested in helping and discussed the importance of timely contracting. Chief Monahan added it is necessary to use the funding quickly so that it is not targeted. Major Norton continued with the recommendations that the term pursuit vehicle needs to be defined for replacement purposes; to set the ratio on spare vehicles; and that FHP continue the pilot to outsource fleet maintenance and refurbishment. Director Jones said they should reduce acquisitions to core needs and E2 designated vehicles could be leased. Commissioner Bailey wanted to pursue an exemption for tolls for law enforcement vehicles. Colonel Greg Brown said he has attempted to get this law changed and was told it would affect the bond rating on the roads because only a certain percentage of vehicles can ride on the road for free. Chief Cutliffe said she had the same result. Mr. Gainey made the motion to accept the report which was seconded by Commissioner Bailey and the vote was unanimous.

Agenda Item 5: Director Jones will get a draft report ready for the committee for review and tentatively schedule the next meeting date in mid-December in the event a meeting is necessary. Secretary Miles wanted the committee to discuss sworn and unsworn security at state buildings and the inconsistency of the type of personnel employed. Mr. Gainey said that a law enforcement officer contacted him concerning the inconsistencies of arrest forms in the South Florida area.

Agenda Item 6: Director Jones asked for comments. Mr. Gainey made the motion to adjourn the meeting which was seconded by Chief Monahan and the vote was unanimous.