

Law Enforcement Consolidation Task Force

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

December 21, 2011

Task Force Members

Executive Director Julie Jones, Task Force Chair
Florida Department of Highway Safety and Motor Vehicles

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

Port Orange Police Chief Gerald Monahan
Florida Police Chiefs Association

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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.

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