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

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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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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 done 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 (CJIS) 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.

The 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 investigators, 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-
The Task Force worked through the Chief Inspector General to ensure adequate agency oversight. 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 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.