

FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Office of Inspector General

2019 - 2020 Annual Report



August 13, 2020

Terry L. Rhodes, Executive Director
Florida Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, FL 32399

Dear Director Rhodes,

This annual report covers the 12-month period ending June 30, 2020 and summarizes the accomplishments of the Florida Highway Safety and Motor Vehicles (Department) Office of Inspector General (OIG). During this period, the OIG has worked extensively to safeguard the integrity and efficiency of Department programs and investigate those who allegedly abuse them.

Among our accomplishments, we completed 26 audit projects that encompassed Department program audits and consultations to improve internal operations as well as external audits of specialty license plate organizations. Our audit team has continued to expand the breadth of their services and as you will read in this report, identified improvement opportunities within the Department.

This year the investigation team continued its efforts to proactively identify and investigate fraud, waste, and abuse. These accomplishments are the result of the dedicated work of the OIG's professional staff and the support of yourself and the Department management team. In the future, we look forward to continuing our work in support of the Department's mission: *A Safer Florida*.

Respectfully Submitted,



Mike Stacy
Acting Inspector General



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Background

The role of the Office of Inspector General (OIG) is to provide a central point for coordination of, and responsibility for, activities that promote accountability, integrity and efficiency within the Department. Section 20.055, Florida Statutes (F.S.), requires the Inspector General to submit to the Executive Director an annual report summarizing its activities during the preceding fiscal year.

This report includes the activities and accomplishments of the OIG during the 2019-20 Fiscal Year (FY) and specifically details the activities and reports of the audit and investigative teams that make up the OIG.

Inspector General Responsibilities

The specific duties and responsibilities of the Inspector General as defined in Section 20.055(2), F.S., include directing, supervising, and coordinating audits, investigations, and management reviews of Department programs and operations. This includes keeping the Executive Director informed of fraud, abuses, and deficiencies, recommending and reporting on corrective actions, reviewing actions taken to improve performance, providing advice on the development and reliability of performance measures, and ensuring coordination and cooperation between the Department and external auditors with a view toward avoiding duplication.

Internal Audit

Internal Audit provides management with independent and objective assurance reviews and consultation regarding risk

management, control, and governance processes. Audit work is performed in accordance with *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors and *General Principles and Standards for Offices of Inspector General* published by the Association of Inspectors General.

Audit projects performed during the FY were based on the results of a risk assessment. An annual risk assessment is conducted by the Internal Audit Section and aids in developing the OIG Annual Work Plan. The Work Plan was based on the results of the risk assessment, prior OIG audit and investigative findings, external audits, and requests from management.

External Audit Coordination

Internal Audit serves as a liaison to external agencies that audit the Department and monitors and tracks findings and recommendations that result from these external audits as well as monitors and tracks management efforts to correct audit findings. During the year, the OIG coordinated an operational audit performed by the Florida Auditor General.

Compliance Reviews

Single Audit Reviews - The Department collects and distributes annual use fees for over 120 different specialty license plates (SLP) and voluntary contributions (VC) for over 30 organizations. Recipient organizations subject to audit pursuant to Section 215.97, F.S., submit a state single audit report in accordance with rules promulgated by the Florida Auditor General. Internal audit staff reviewed 39 state single audit reports submitted by the recipient organizations during the FY.

DUI Program Financial Audits - DUI Programs are required by Rule 15A-10.012, Florida Administrative Code, to submit a certified financial audit and an independent auditor's report on compliance with laws and regulations to the Department annually. Internal audit staff reviewed 17 DUI Program financial audit reports during the FY.

Performance Measures Assessment

Florida law requires State agencies to develop long range program plans that include program outcomes and standards to measure progress toward program objectives. Section 20.055(2), F.S., requires the OIG to perform a validity and reliability assessment of agency performance measures and, if needed, recommend improvements. Three performance measures were assessed for the 2019-20 FY, all were determined to be valid and reliable in relation to their intended purpose and use.

Quality Assurance Review

The purpose of this engagement was to internally assess the OIG's compliance with *International Standards for the Professional Practice of Internal Auditing*, issued by the Institute of Internal Auditors. The Quality Assessment Manual for the Internal Audit Activity, issued by the Institute of Internal Auditors was used for the assessment. Based on this assessment, it was the opinion that the internal audit activity generally conforms to the Standards.

Internal Audit Projects Completed

The following summaries describe the audit engagements completed by the Internal Audit Section during the FY. Work completed included Department assurance and consulting

services as well as external compliance audits of SLP/VC organizations.

Motor Vehicle Consumable Inventory Controls – Report 201819-21

The purpose of this audit was to determine whether the internal control framework for consumable inventory and issuance was adequate and efficient and that internal controls were in place to reduce risk. The audit recommended implementing additional controls to provide for the physical accountability of inventory; enhancing written procedures for motor vehicle consumable inventory; increasing security for storage rooms; and enhancing ordering and inventory controls for consumable items not tracked in FRVIS and print on demand temporary license plate stock.

Dealer Inspections – Report 201819-29

The purpose of this audit was to review and evaluate the efficiency and effectiveness of dealer inspections and compliance with applicable laws, and Department policy and procedure. The audit recommended ensuring contracts for software licenses are entered after scope of work and deliverables are clearly defined; reviewing the use of Oracle and its hardware; completing records inspections and location inspections in accordance with Department Procedure; clarifying procedures for risk-based inspections; and enhancing conflict of interest policies and procedures.

FHP Bias Based Profiling Review – Report 201920-08

The purpose of this engagement was to review and evaluate the gender and race of individuals involved in Florida Highway Patrol traffic stops to determine if bias-based profiling was present within the Florida Highway patrol. The review

consisted of an evaluation of traffic stop data for 100 troopers from January 1, 2019 through June 20, 2019. Each Trooper's traffic stop data was compared to county census data. Troopers with a variance of greater than 20% were referred to FHP management for additional research and evaluation.

EFS and ETR Certified Service Provider Oversight – Report 201920-07

The purpose of this audit was to evaluate the Department's oversight of the Electronic Filing System (EFS) and Electronic Temporary Registration System (ETR) service providers and determine compliance with applicable laws, Department policy, and procedure. Included in the audit were the contract manager's contract files, the process to become a provider, and the Department's oversight activities. The audit determined implementing a compliance review program would improve the Department's oversight of the contracts with providers. Additionally, improvements should be made regarding monitoring the annual affirmations.

Forfeiture Program Audit – Report 201920-03

The purpose of this audit was to review and evaluate the efficiency and effectiveness of FHP's forfeiture process and compliance with applicable laws, Department policy, and procedure. The audit reviewed seizure notifications and forfeiture reports, verified complaints, seized property storage tracking, and disposal, and forfeiture training records. The audit recommended completing seizure notifications and Felony Forfeiture Report Checklists in accordance with FHP policy, improving tracking of forfeiture training records to comply with Florida Statute and FHP policy, and improving tracking and oversight of seized property.

Department On-Call Audit - Report 201920-01

The purpose of this audit was to evaluate the Department's On-Call program efficiency and compliance with applicable laws, Department policy, and procedure. The audit included On-Call authorizations, On-Call and Call-Back practices and procedures, a sample of members' People First timesheets, and interviews of Department members involved in approving and processing On-Call requests. The audit recommended evaluating On-Call Staffing requirements to improve allocation of Department resources, improving oversight of On-Call and Call-Back time claimed through stronger supervisory review, and supporting On-Call pay additives for non-sworn members with required approval documentation.

FHP Intelligence Procedure Review – Report 201920-33

The purpose of this review was to assess and report on the Internal Audit of Intelligence Procedures conducted by FHP's Bureau of Criminal Investigations and Intelligence (BCII). The scope of this project was to review the Intelligence Procedures Audit conducted on June 10, 2020 to determine the accuracy of the conclusions made in the report. The review determined BCII was generally compliant with the requirements in FHP Policy 22.03.07(d).

Audits of the FHP Information and Evidence Fund

The FHP's BCII is responsible for the use and maintenance of an Information and Evidence Fund. This fund is available to investigators to purchase materials as evidence or pay confidential sources for information.

During the 2019-20 FY, the Internal Audit Section conducted four quarterly audits of the FHP's Information and Evidence

Fund to evaluate the internal controls over the fund and compliance with applicable laws, Florida Administrative Code, and Department policy and procedure. The audit for the first quarter recommended management ensure there are two signatures on checks to comply with policy and enhance accountability of funds. The audit for the fourth quarter of 2018-19 FY determined the timeliness of interest deposits could be improved.

Specialty License Plate/Voluntary Contributions Audits

Sections 320.08062, 320.023, and 322.081 F.S., grant the Department the authority to examine all records relating to the use of SLP and VC funds. During the FY, 14 audit reports were issued, nine of which contained no recommendations and five with recommendations to improve compliance with statutory requirements related to the specific specialty tag or voluntary contribution.

The following nine SLP and VC reports issued during the FY determined the organizations materially complied with applicable laws and policies:

- Florida Wildflower Foundation, Inc.
- PCMI Properties, Inc.
- Florida Heart Research Foundation Inc.
- Florida Hospice and Palliative Care Association, Inc.
- Florida Firefighters Charities, Inc.
- Family First, Inc.
- Preserve Vision Florida, Inc.
- ARC of Florida, Inc.
- MADD, Inc.

The following five SLP and VC reports issued during the FY determined the organizations generally complied with

applicable laws and policies; however, the following improvements are recommended:

Florida Agriculture in the Classroom, Inc. - improve classification, timing and recording of expenditures reported in the financial records and on the annual affidavit.

Feeding Florida, Inc. - improve the accuracy of expenditures reported on the Schedule of Expenditures of State Financial Assistance.

American Legion Department of Florida, Inc. - enhance recordkeeping.

Florida Breast Cancer Coalition Research Foundation, Inc. - improve monitoring and reporting of administrative and marketing expenditures.

Bike Florida, Inc. – better management of unexpended marketing and promotion funds at the fiscal year-end, maintain adequate supporting documentation, and improve classification and recording of expenditures.

In addition to the 14 audits completed during the FY, the OIG conducted a follow-up assessment of the University of South Florida Alumni Association, University of South Florida SLP. The follow-up audit determined the Association's management implemented corrective actions for the recommendations communicated in the original SLP audit.

Status of Prior Recommendations

Section 20.055, F.S., requires the identification of each significant recommendation described in previous annual reports on which corrective action has not been completed. As of June 30, 2019, there were five reports described in previous

OIG annual reports that have significant recommendations open 12 months or more.

Traffic Crash Data (Report 201415-21) - The outstanding recommendation relates to implementing a data quality management program for manual input crash data.

Fleet Operations (Report 201415-22) - The outstanding recommendation relates to maintaining an appropriate amount of spare motor vehicles.

Purge Process of Driver License Records (Report 201516-27)- The outstanding recommendation relates to creating a solution to the technical error in order to timely purge records eligible due to expired licenses and deceased drivers.

External Partner Background Screening Process Review (Report 201617-14) - The outstanding recommendation relates to requiring external partners to meet the same background screening standards as Department employees to gain access to Department systems.

Data Access Rights (Report 201617-26) - The outstanding recommendation relates to strengthening network drive access controls.

Investigations

The Investigations Unit is responsible for receiving complaints and coordinating activities of the Department in accordance with the Whistle-blower's Act pursuant to Sections 112.3187, and 112.31895, F.S. Additionally, the Unit receives and considers complaints that do not meet the criteria for an investigation under the Whistle-blower's Act and conducts, supervises, or coordinates such inquiries, investigations, or

reviews as deemed necessary. When there are reasonable grounds to believe there has been a violation of criminal law, a criminal investigation is conducted, and the OIG refers the case to the appropriate state attorney for prosecution. Investigations are conducted in accordance with the Association of Inspectors General *Quality Standards for Investigations*. Once an investigation report is completed, case disposition is reported to the Executive Director and appropriate managers.

Reaccreditation

In August 2019, the Investigations Unit went through its third reaccreditation assessment with the Commission for Florida Law Enforcement Accreditation, Inc. (CFA). Established in 1995, the CFA is a council of law enforcement and criminal justice professionals that establish standards for staffing, training, conducting, and documenting the investigative function. In 2008, the CFA introduced an accreditation profession for offices of inspectors general, and in 2010 the OIG went through an initial accreditation assessment and was reaccredited in 2013 and 2016. The August 2019 assessment resulted in the Investigations Unit receiving its third CFA reaccreditation.

Proactive Investigative Activities

During the FY the OIG initiated a proactive approach to identify possible fraud, waste, and abuse, and employee misconduct within the FHP focusing on the use of patrol vehicles without knowledge of supervision. A total of 184 sworn members were randomly selected for review. The review resulted in 41 referrals to FHP management for minor issues, and one member identified as requiring further OIG investigation.

Investigative Report Activities

Complaints are received through many sources by the OIG and are reviewed to determine an appropriate course of action. During the FY, the OIG closed 49 administrative investigations and seven criminal investigations. Of the investigations closed, 44 were within the FHP, nine were within the Division of Motorist Services, one was within the Division of Administrative Services, and two were within the Office of General Counsel.

Additionally, 189 complaint inquiries were performed to assess allegations, of which 147 were referred to the appropriate Department functional area for handling, 41 were handled internally by the OIG, and one was referred to an external agency.

Case Summaries

The following is a summary of each closed investigative report:

20180632: A Department investigation into an allegation of criminal misconduct during the background selection process was classified as unfounded. OIG findings were forwarded to FHP for review and action as deemed appropriate.

20190108: A Department investigation sustained allegations that a sworn member engaged in inappropriate relations with a minor, electronically transmitted nude pictures to a minor, and utilized their assigned patrol vehicle for personal matters. The member was dismissed.

20180982: A Department investigation sustained an allegation that a sworn member fraudulently altered traffic crash reports. The member was arrested and dismissed.

20190139: A Department investigation sustained an allegation that a member committed criminal activity related to driver license fraud. The member was arrested.

20190297: A citizen complaint investigation sustained allegations that a sworn member turned off their mobile video recorder during a traffic stop. An allegation that the sworn member used unnecessary force and was rude and discourteous was not sustained. An allegation that the sworn member took a citizen's cellphone was unfounded. The member received counseling.

20190315: A citizen complaint investigation sustained allegations that a member represented themselves as a member of the FHP to influence the outcome of a law enforcement interaction and was a passenger in a vehicle containing narcotics. The member resigned.

20190317: A citizen complaint investigation sustained allegations that a sworn member used their official position to attempt to obtain video surveillance for personal reasons and created a false CAD incident. An allegation that the sworn member failed to ensure their automatic vehicle locator was activated and functioning was not sustained. The member received a 40-hour suspension.

20180983: A Department investigation sustained an allegation that a sworn member fraudulently altered traffic crash reports. The member was dismissed.

20190325: A Department investigation sustained an allegation that a member improperly used the DAVID system. The member resigned in lieu of dismissal.

20190368: A Department investigation sustained an allegation that a member exhibited inappropriate and/or

unprofessional conduct in the workplace. The investigation did not sustain an allegation that the member participated in age and race discrimination, and classified as unfounded an allegation that the member requested a subordinate employee to leave their work computer unlocked to allow supervisor access. The member resigned in lieu of dismissal.

20190377: A Department investigation sustained an allegation that a sworn member committed domestic violence. The member received an 80-hour suspension and resigned.

20190404: A Department investigation did not sustain an allegation that a compliance examiner had an inappropriate relationship with car dealership personnel.

20190406: A citizen complaint investigation sustained an allegation that a sworn member amended a citation in court to retaliate against a citizen who filed a complaint against the member. The Department proposed a 40-hour suspension; the member resigned.

20190407: A Department investigation classified an allegation that a sworn member misused the DAVID system as unfounded.

20190415: A citizen complaint investigation sustained an allegation that a sworn member was involved in a sexual relationship with a minor. The member was dismissed.

20190430: A Department investigation did not sustain allegations that a member engaged in racial discrimination in the workplace and that a member failed to report a claim of discrimination to the Office of Employee Relations.

20190434: A Department investigation sustained an allegation that a sworn member was involved in an off-duty

vehicle crash while driving under the influence. The member was dismissed.

20190445: A Department investigation regarding an allegation that an unknown person vandalized a television/monitor in a training room was classified as all available leads extinguished.

20190455: A Department investigation sustained an allegation that a sworn member used derogatory language about a subordinate. An allegation that the sworn member failed to provide accurate information to a superior officer when asked why their mobile video recorder was activated during the incident was determined to be unfounded. The member received a written reprimand.

20190461: A citizen complaint investigation sustained allegations that a sworn member attempted to use their position to interfere with an investigation by another governmental agency and delivered a "Cease Trespass Order" for personal reasons while in uniform and driving an FHP vehicle. The member received a 40-hour suspension.

20190496: A Department investigation sustained allegations that a sworn member failed to transmit citations to the Clerk of Court and failed to transmit citations to the Clerk of Court within five days. The member received a 24-hour suspension.

20190497: A Department investigation sustained an allegation that a sworn member failed to respond to the dispatched location of a report of a person laying on the side of the roadway. The member received counseling.

20190498: A Pre-Investigative Agreement resolved an allegation that a sworn member threw an object at and struck a vehicle. The employee received a written reprimand.

20190509: A Department investigation determined an allegation that a sworn member exhibited inappropriate behavior toward females in the workplace was unfounded.

20190515: A Department investigation sustained an allegation that a sworn member queried the FCIC/NCIC for reasons other than legitimate law enforcement purposes. The member received an 8-hour suspension.

20190559: A citizen complaint investigation sustained an allegation that a sworn member conducted an improper crash investigation. The investigation also sustained allegations that another sworn member conducted an improper crash investigation and failed to provide proper supervisory oversight. The trooper received a counseling letter and the sergeant received a written reprimand.

20190579: A citizen complaint investigation sustained an allegation that a hearing officer had inappropriate contact with a customer. The hearing officer was dismissed.

20190580: A citizen complaint investigation determined an allegation that a hearing officer had inappropriate contact with a customer was unfounded.

20190588: A Department investigation sustained an allegation that a member misused Department technology resources. An allegation that the member installed an unauthorized video camera in the workplace was determined to be a policy failure. The member received counseling.

20190651: A Department investigation sustained allegations that a sworn member claimed time on People First not worked and was out of troop without authorization. The investigation also determined an allegation that the member failed to report

to work was not sustained. The employee resigned during the investigation.

20190683: A Department investigation sustained an allegation that a sworn member provided FHP ammunition in exchange for work done on personal property. The member received a counseling letter.

20190693: A Department investigation classified as unfounded an allegation that a sworn member created a hostile work environment.

20190709: A citizen complaint investigation alleging that a sworn member altered dates/times on crash reports was closed by arrest.

20190712: A Department investigation sustained allegations that a sworn member failed to report/document a citizen encounter/altercation, turned off the mobile video recorder during the citizen encounter/altercation, and failed to report Use of Control to a supervisor. The member was dismissed.

20200008: A citizen complaint investigation sustained an allegation that a member used Department resources to send personal mail. The employee resigned during the investigation.

20190714: A Department investigation sustained allegations that a sworn member failed to arrest a DUI subject and deactivated the mobile video recorder during an encounter with a DUI suspect. The member received a written reprimand.

20200030: A Department investigation into an allegation that a member recorded a conversation in a private meeting without consent was classified as Administrative Handling.

20190917: A Department investigation determined an allegation that a member committed domestic violence on his wife was not sustained.

20200046: A citizen complaint investigation determined an allegation that a sworn member committed domestic violence on his girlfriend was not sustained.

20200059: A Department investigation sustained allegations that a sworn member provided false information on an FHP Offense Incident Report and failed to submit property to the evidence property function. The member was dismissed.

20200062: A Department investigation alleging that a sworn member provided false information on an FHP Offense Incident Report was closed by arrest.

20200067: A Department investigation sustained allegations that a member recorded a conversation in a private meeting without consent and failed to cooperate and be interviewed in an OIG administrative investigation. The member was dismissed.

20190718: A Department investigation sustained an allegation that a sworn member altered dates/times on crash reports. The employee resigned and was subsequently arrested.

20200082: A Department investigation classified allegations that a member made inappropriate comments in the workplace and failed to take appropriate supervisory action when notified of a customer using inappropriate language as unfounded.

20200091: A Department investigation determined that allegations that a sworn member displayed inappropriate behavior in the workplace, and another sworn member failed

to take appropriate supervisory action regarding the first member's behavior were not sustained.

20200104: A citizen complaint investigation sustained an allegation that a sworn member took and failed to return keys to a vehicle. Allegations that the member failed to render aid to a sick/injured person and failed to conduct a DUI investigation were determined to be not sustained. The member received a written reprimand.

20200120: A citizen complaint investigation sustained allegations that a sworn member posted videos on social media in violation of FHP policy and carelessly operated an FHP vehicle. The member was dismissed due to a subsequent case investigation.

20200123: A Department investigation sustained allegations that a sworn member failed to submit evidence prior to end of shift and failed to conduct a DUI investigation. The member was dismissed due to subsequent case investigations.

20200125: A Department investigation sustained an allegation that a sworn member provided incorrect information to People First in order to obtain Critical Market Pay. The member received counseling.

20200151: A Department investigation sustained an allegation that a sworn member used profane language/made inappropriate, unprofessional comments to subordinates. The member received a written reprimand.

20200163: A citizen complaint investigation sustained an allegation that a sworn member showed others inappropriate photos on a cell phone. Discipline is pending.

20200170: A Department investigation sustained allegations that a sworn member, while in an off-duty status, made a physical arrest for a crime that did not require a full custodial arrest, made a physical arrest when there was not an immediate need to prevent a crime or apprehend a suspect, and made a physical arrest to enforce a minor non-criminal nuisance violation. An allegation that the member, while in an off-duty status, utilized excessive force when making a physical arrest was determined to be unfounded. The member received a written reprimand.

20200184: A Department investigation classified allegations that a sworn member created a hostile work environment and retaliated against another sworn member for filing a prior complaint as unfounded. Allegations that two other sworn members failed to report a claim of discrimination as required in policy were classified as sustained. Discipline is pending.

20200195: A Department investigation sustained an allegation that a sworn member had an inappropriate relationship with a subordinate. Discipline is pending.

20200199: A Department investigation sustained an allegation that a sworn member accessed a law enforcement database for personal reasons. An allegation that the member interfered with an investigation conducted by another law enforcement agency was classified as not sustained. Discipline is pending.

20200203: A Department investigation sustained an allegation that a sworn member made an inappropriate comment about a member of the FHP to a member of another agency. Discipline is pending.

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