

oppaga

Justification Review



January 2003

Report No. 03-01

Law Enforcement Program Should Pursue Outsourcing, Track Case Outcomes, Integrate Information Systems

at a glance

The Law Enforcement Program of the Florida Department of Environmental Protection should be continued because it benefits the state by helping protect natural resources.

The department should outsource some of its park patrol services. Park patrol officers spend most of their time on routine patrol services that could be performed by officers that do not have extensive, specialized training in environmental laws and regulations.

To improve efficiency and effectiveness, we recommend that the department ensure that criteria for determining whether violations merit a criminal investigation are clearly communicated and adhered to by district regulatory employees.

To assess the outcomes and quality of investigations, the department should track outcomes of cases referred for prosecution.

Purpose

Section 11.513, *Florida Statutes*, directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a program evaluation and justification review of each state agency that operates under a performance-based program budget. Justification reviews assess agency performance measures, evaluate agency

performance, and identify policy alternatives to improve services and reduce costs.

This report reviews program performance in providing park patrol services, controlling the discharge of pollutants, investigating criminal violations of state environmental laws and regulations, and developing integrated information systems to support its investigative activities. Appendix A summarizes our conclusions regarding the issue areas the law requires to be considered in a justification review.

Background

The Law Enforcement Program mission is to protect the citizens, environment, and cultural and natural resources by enforcing environmental laws, educating the public on environmental crime, and providing public service. Bureaus within the Division of Law Enforcement perform various activities to achieve this mission.

- **Investigations.** The Bureau of Environmental Investigations investigates petroleum and hazardous material spills, abandoned storage drums, and illegal dredge and fill activities. In Fiscal Year 2001-02, the bureau was allocated 47 full-time equivalent positions, of which 44 were investigative employees. The remaining 3 personnel performed administrative and technical duties. Investigative agents, who are sworn law enforcement officers trained in

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investigating environmental crimes, opened 428 new cases during the year.

- **Emergency Response.** The Bureau of Emergency Response reacts to spills or discharges of hazardous materials.¹ Bureau employees collect forensic evidence for identifying and developing charges against responsible parties. In Fiscal Year 2001-02, the bureau had 28 full-time equivalent positions, of which 22 were emergency responders who are chemical and hazardous material experts. During the fiscal year, the bureau responded to 949 incidents and incurred \$624,152 in response and cleanup costs.² As of August 2002, the program recovered \$29,488 (26%) of its billable 2001-02 costs.³
- **Park Patrol.** The Bureau of Park Patrol protects people and property in state parks, investigates criminal violations and enforces laws in the parks and, when needed, provides other departmental units with a uniformed enforcement officer. In Fiscal Year 2001-02, the bureau had 89 full-time equivalent positions, of which 86 were sworn law enforcement officers who made 4,325 arrests, wrote 1,842 citations, and issued 4,031 warnings.

Program Resources

The Legislature appropriated \$26,596,663 and 183 positions to the Law Enforcement Program for Fiscal Year 2002-03. (See Exhibit 1.) The program is supported by state trust funds (89.8%) and general revenue (10.2%).⁴

¹ Such incidents may include removal of abandoned storage drums or other containers, remediation of hazardous material dumpsites, and cleanup of oil spills and biomedical waste.

² The program's total costs for responding to the 949 incidents were \$624,152, of which \$534,031 was incurred responding to incidents occurring on land and \$90,121 responding to incidents in coastal areas.

³ Of the total cost incurred by the program in responding to incidents (\$624,152), only \$112,501 was actually billed for collection. The department did not bill for its cost of responding to the following: incidents in which a responsible party could not be identified (\$172,214); incidents occurring on land in which the department's cost did not exceed a threshold of \$200 (\$37,088); unfounded incidents (\$4,372); and other non-billable incidents, such as those under criminal investigation (\$297,976).

⁴ State trust funds include the Coastal Protection Trust Fund, Inland

**Exhibit 1
Funding and Staffing Support Three Activities**

Activities	Fiscal Year 2002-03	
	Funding	Full Time Equivalent Positions
Investigations	\$10,473,823	66 ¹
Emergency Response	10,153,075	28
Park Patrol	5,969,765	89
Total	\$26,596,663	183

¹ The Bureau of Environmental Investigations has 47 FTE's. The remaining 19 FTE's are in the Division Director's office, the Bureau of Operational Support and Planning and the Office of Public Education and Training.

Source: Legislative Appropriations System/Planning and Budgeting Subsystem (LAS/PBS) System.

Program Benefit and Placement

The program benefits the state and should be continued

The Law Enforcement Program benefits the state by helping protect Florida's natural resources and should be continued.

- **The Bureau of Investigations** seeks to identify and arrest violators of Florida environmental laws and regulations. Illegal activities, such as the dumping of hazardous waste can significantly affect water and air quality and harm public health.
- **The Bureau of Emergency Response** provides emergency responses to hazardous material spills. Its activities are important in mitigating the effects of the spills and protecting public health and the environment.
- **The Bureau of Park Patrol** has a specific mission to protect state-owned properties and the approximately 18 million people that visit those properties each year. The park patrol unit enforces laws and regulations related to the protection of state park lands and historic and

Protection Trust Fund, Water Quality Assurance Trust Fund, Land Acquisition Trust Fund, and Grants and Donations Trust Fund. Revenue sources for these trust funds include fuel excise tax revenues, federal and state grants, and payments by parties responsible for damaging the state's natural resources.

archaeological sites. Park patrol officers also are cross-trained to investigate environmental crime scenes and assist the Bureau of Environmental Investigations' agents.

We found no compelling reason for transferring the program to another agency. The program is appropriately placed in the Department of Environmental Protection because its central focus is enforcing environmental laws. Program activities also are consistent with the department mission of protecting Florida environment and natural resources to serve the current and future needs of the state and its visitors. While other agencies such as the Florida Department of Law Enforcement (FDLE) and the Fish and Wildlife Conservation Commission also have law enforcement functions, the missions of these agencies differ substantially from that of the Department of Environmental Protection. The primary mission of FDLE is assisting local law enforcement agencies to investigate crimes, while the wildlife commission primary mission is enforcing laws and regulations for hunting, fishing, and boating safety.

Privatization Potential

The department should pursue outsourcing park patrol services

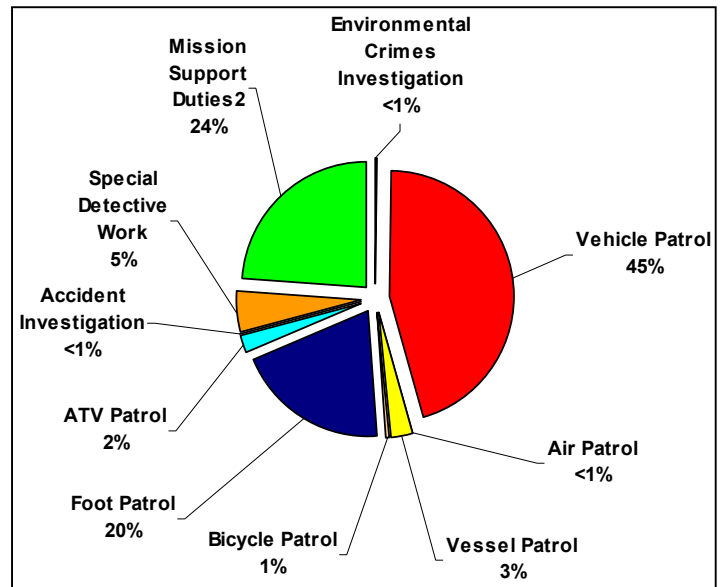
As part of its program evaluation and justification reviews, OPPAGA is required by law to determine whether alternative courses of actions, such as having a program administered by another unit of government or a private entity, would improve its efficiency and effectiveness.⁵ We concluded that the department should consider outsourcing some of its park patrol services.

Outsourcing can be justified because most of the law enforcement activities performed by park patrol officers are routine in nature and can be performed by law enforcement personnel without extensive, specialized knowledge of state

⁵ For a listing of OPPAGA reports that address privatization as a major focus of the examination or that suggest privatization as a policy option, see <http://www.oppaga.state.fl.us/reports/privatization.html>. See also the OPPAGA white paper on privatization at <http://www.oppaga.state.fl.us/reports/r98-64s.html>.

environmental laws and regulations. As shown in Exhibit 2, park patrol officers spent 71% of their total hours performing routine patrol activities, 24% providing support services, and less than 1% investigating environmental crimes.

**Exhibit 2
Park Patrol Officers Spend Most of Their Time Performing Routine Patrol Services¹**



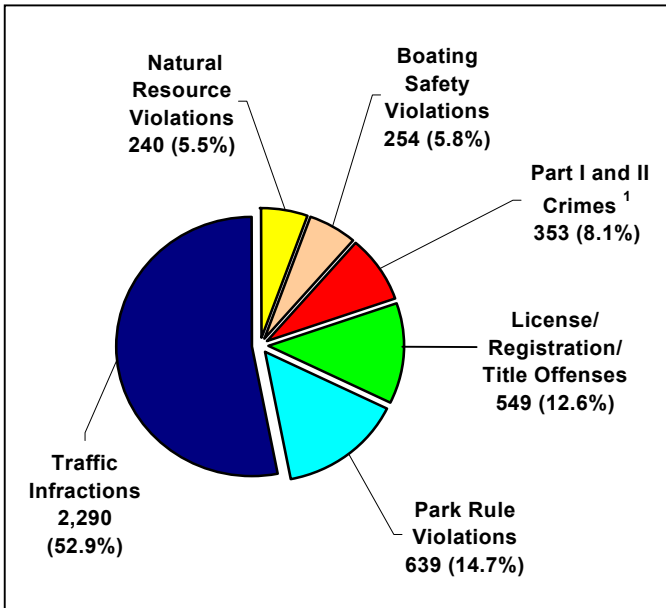
¹ Hours reported by the department are for three of the five park patrol districts for Fiscal Year 2001-02. Two districts were participating in a pilot project for activity reporting during this period.

² Support duties include attending training (7%), performing administrative activities (6%), preparing reports (5%), travel (3%), equipment (2%), and leave (1%).

Source: Department of Environmental Protection.

Further, as shown in Exhibit 3, few (240 or 5.5%) of the arrests made by park patrol officers during Fiscal Year 2001-02 were for natural resource violations in which it would be beneficial for an officer to have specialized knowledge of environmental resources and laws. Over two-thirds of their arrests were for traffic infractions and violations of park rules, such as drinking alcoholic beverages in a park. Law enforcement personnel could perform such activities without specialized training in environmental crimes or laws. In addition, some functions of the park officers, such as routine patrol, do not require law enforcement powers and could be performed by non-sworn personnel such as security guards.

Exhibit 3
Few Arrests Are for Natural Resource Violations



¹ Part I Crimes include robberies, burglaries, larceny/thefts, and motor vehicle thefts. Part II Crimes include drug/narcotic offenses, fraud, DUI, weapons violations, and liquor law violations. See Appendix B for a detailed listing of Part I and II crimes.

Source: OPPAGA analysis of Department of Environmental Protection data.

Outsourcing park patrol services could be done by contracting with local law enforcement agencies and/or private security firms, and would be beneficial for several reasons.

- It would provide the department with an alternative to hiring additional full-time officers to provide security and law enforcement services in new or recently developed state parks. In its Fiscal Year 2003-04 Legislative Budget Request, the department is requesting an additional \$1.6 million to fund salaries and benefits and related expenses for 15 additional full-time equivalent law enforcement officer positions or an average cost per FTE of about \$107,000.⁶ The department may not need such high-cost positions if it was able to outsource park patrol services.

⁶ Of the \$1.6 million requested, \$708,345 is for salaries and benefits. Other related expenses include uniforms, training, equipment, acquisition and replacement of vehicles, and incentive and overtime payments.

- It would provide the department with another alternative for providing security and enforcement services during peak visitation periods. Florida state parks typically experience wide seasonal attendance variations. For example, visitation to St. George Island State Park in northwest Florida ranged from a low of 5,882 visitors in January 2002 to a high of 28,564 in June 2002. As a further example, visitation in Sebastian Inlet State Park, which is located in east Florida, ranged from a low of 46,615 visitors in October 2001 to a high of 72,440 in March 2002.
- The state has already outsourced some other security and enforcement functions. For example, the Department of Management Services has outsourced security services for state buildings that are not included in the Capitol Complex. For example, the Department of Management Services privatized security services in most state office buildings through contracts with private security firms for services formerly provided by sworn Capitol Police officers.

Local law enforcement agencies we contacted said that their agencies could perform duties of the park patrol if the department contracted with them for these services.⁷ We note that in some areas of the state, a state park is located next to or in close proximity to a local park that is already patrolled by local law enforcement officers. For example, Bill Baggs Cape Florida State Park in Miami-Dade County is close to Crandon Park on Key Biscayne Island, a county park. This may make it easier for the department to contract or partner with local law enforcement agencies to provide security and enforcement services in some state parks.

Private security firms also could provide contract employees to provide security and enforcement services for some parks. Security and safety services often are considered for privatization because they are readily available from the private sector.

⁷ We interviewed law enforcement officials in Highlands, Hillsborough, Leon, Miami-Dade, Monroe, Orange, Pinellas, Putnam, Volusia, and Wakulla counties.

Outsourcing park patrol services to private security firms and local law enforcement agencies may produce cost savings in some areas. It is typically less costly to contract with private security firms than to use sworn law enforcement personnel because security officers do not receive costly special risk pension benefits. The cost difference between using state and local law enforcement staff depends on the locality.^{8, 9} However, contracting with local law enforcement agencies could produce other benefits, such as helping to meet staffing needs during peak visitation periods.

As shown in Exhibit 4, the program met the standard for one of its legislatively approved outcome measures, the number of criminal incidents per 100,000 visitors to state parks. The department reported an average of 30 criminal incidents per 100,000 state park visitors occurred in Fiscal Year 2001-02, which met the legislative standard.¹⁰

However, the program did not meet the standard for its other outcome measure, the number of gallons of pollutant discharge per 100,000 Florida residents. In Fiscal Year 2001-02, the 1,579 actual rate of pollutant discharge per 100,000 residents exceeded the legislative standard of 1,328 gallons due to an increase in the number of large spills during the year.

The program exceeded the standard for one output measure (the number of pollution sites/spills remediated) and came reasonably close to meeting its standards for its the number of patrol hours on state lands and the number of investigations closed.

Program Performance

Performance was mixed in meeting legislatively approved standards

We reviewed the program’s legislatively approved performance-based program budgeting (PB²) measures for Fiscal Years 2000-01 and 2001-02.

⁸ Some local law enforcement agencies offer higher starting salaries to their officers than does the department. For example, the starting salary for a park patrol officer in Leon County (\$28,733) is less than the starting salary paid by the City of Tallahassee Police Department (\$33,087). In other cases, the department offers higher salaries than local law enforcement agencies. For example, the starting salary for a park patrol officer in Monroe County (\$35,733) exceeds the salary of a starting officer hired by the county sheriff’s office (\$31,000).

⁹ The department surveyed representatives of law enforcement agencies from all 67 Florida counties in 2001. The department reports that its survey determined that the hourly rate for off-duty county deputies ranged from \$15 to \$35, with the most frequently reported hourly rate being \$20 per hour (38 counties). However, the survey does not explain what costs are included in the local law enforcement agencies’ hourly rates nor does it compare the rates to the department’s costs for its park patrol offices.

¹⁰ The department uses the number of arrests, citations, and notices to appear, conducted or issued by park patrol officers to measure criminal violations in state parks. In Fiscal Year 2001-02, approximately 5,400 criminal incidents occurred in the parks.

Exhibit 4 Program Performance in Meeting Fiscal Year 2001-02 Standards Is Mixed

Performance Measures	Fiscal Year 2000-01 Actual Performance	Fiscal Year 2001-02		
		Standard	Actual Performance	Met Standard
Outcome Measures				
Criminal incidents per 100,000 state park visitors	33	30	30	Yes
Gallons of pollutant discharge per 100,000 population	1,318	1,328	1,579	No
Output Measures				
Number of patrol hours on state lands	62,866	76,118	74,298	No
Number of investigations closed	779	400	396	No
Number of sites/spills remediated	989	533	1,045	Yes

Source: Department of Environmental Protection and OPPAGA analysis.

Findings

The program has enhanced its efficiency and effectiveness, but further improvements should be made

The program has implemented strategies to manage its workload and make more effective use of its resources for investigating environmental crimes, including establishing criteria for investigating environmental crimes and creating the Environmental Crimes Strike Force.

To help manage investigator workload, program managers, state attorneys, and department regulatory employees collaboratively developed criteria for determining whether a violation is significant and merits a criminal investigation.¹¹ The criteria were intended to limit the number of investigations undertaken by program employees and allow them to focus on cases involving more serious crimes.

The program also created the Environmental Crimes Strike Force in 1999 to serve as a multi-agency collaborative effort between the program and other state, federal, and local law enforcement agencies to investigate, arrest, and prosecute violators of state and federal environmental laws. Participants share information and plan the investigative strategy, thereby maximizing the outcome of investigative efforts. For example, from September to December 2000, program employees coordinated Operation Green Lightning, which was a joint effort to identify and arrest major environmental law violators. This operation resulted in 156 arrests.

Areas for improvement

Our review identified several areas in which the program could improve its efforts to manage its workload and make more effective use of its investigative resources.

District office regulatory employees are not effectively using case screening criteria.

Most environmental cases investigated by program agents are initiated in response to referrals made by department district office employees that detect environmental violations while performing their regulatory duties.¹² Management has provided the district offices with the case screening criteria to help district office supervisors decide whether to forward a case for criminal investigation. If a violation referred by district employees does not meet the program's criteria for warranting a criminal investigation, it is sent back to the district office for handling. District office employees can then take administrative action against violators, such as imposing fines.

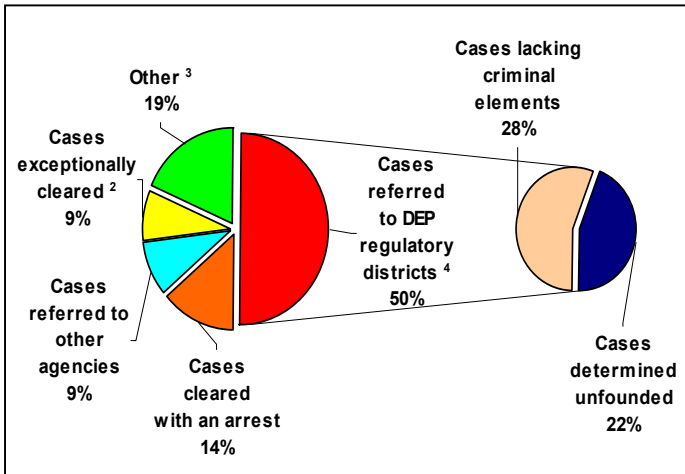
However, district office regulatory employees are not effectively using the criminal case screening criteria. Of the environmental cases closed by program investigators since July 1999, nearly half (49%) consisted of cases that were referred back to regulatory districts or were unfounded. (See Exhibit 5.)

Cases that were referred back reduce agent productivity because of time unnecessarily spent reviewing records and information before determining that a violation does not warrant a criminal investigation. They also distract program agents from investigating cases most likely to result in an arrest. As shown in Exhibit 5, 14% of cases initiated by the program in Fiscal Year 2001-02 resulted in an arrest.

¹² Regulatory district employees issue permits and conducts compliance inspections, which may lead to the detection of environmental violations.

¹¹ These criteria include whether a violation poses a serious threat to human life, whether it has a significant environmental impact, whether it rises to the level of a felony charge, whether it arises from organized crime involvement, and whether the perpetrators significantly benefited from their involvement.

Exhibit 5
Almost Half of Cases Were Sent Back to DEP
Regulatory Districts; Few Led to Arrest¹



¹ Percentages are based on 1,690 cases opened from July 1999 to March 2002.

² 'Exceptionally cleared' cases are those cases that were closed due to circumstances such as violator's death or a witness refusing to cooperate.

³ 'Other' includes cases in which DEP law enforcement officers provided technical assistance and background investigations to other agencies.

⁴ 'Referred to DEP regulatory districts' includes cases referred to DEP's regulatory districts after investigators immediately determined the case lacked elements of a crime and cases determined unfounded after program investigators conducted some level of investigative work.

Source: OPPAGA analysis of program data.

Program does not track case outcomes

An important concern for law enforcement agency management is evaluating the effectiveness and quality of investigations. Useful measures for assessing investigation quality include case outcomes, such as the percentage of arrests accepted for prosecution by state attorneys or the Office of Statewide Prosecution and the percentage of cases resulting in convictions and fines

We found the program is not tracking the outcome of cases referred for prosecution. Consequently, program management does not know if these cases referred to state attorneys or the Office of Statewide Prosecution were actually prosecuted or resulted in convictions or fines. If such information was obtained from state attorneys and county clerks, it could help program management in ensuring that

their personnel are performing quality investigations and potentially identifying areas for improvement.

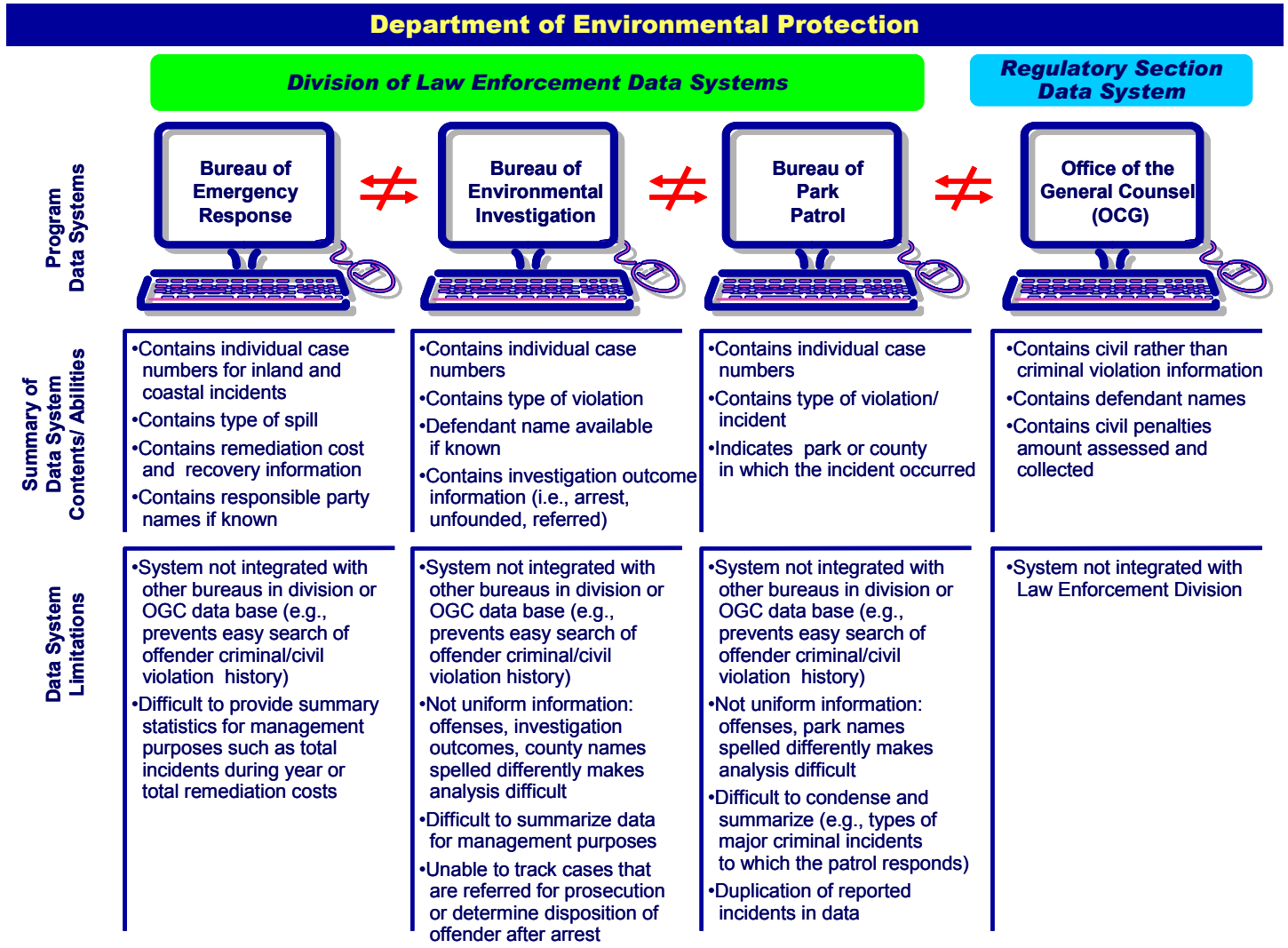
Integrated information systems needed to track violators better

Presently, units responsible for park patrol, emergency response, and investigations activities have independent information systems for tracking employee activities. (See Exhibit 6.) The lack of integrated information systems can reduce the efficiency and timeliness in sharing information regarding environmental violators among its organizational units. It also impedes efforts to identify, investigate, and arrest repeat offenders.

In addition, program information systems are not linked to other department systems that may contain relevant information on violators, such as the information system of the department Office of the General Counsel that contains records of civil penalties imposed on violators. Such linkages are needed to help support the departmental efforts to identify and take action against parties responsible for serious, repeat violations of state environmental laws.

Program managers acknowledge the importance of having an integrated information system and have contracted with a private consultant in 2000 to develop specifications for a new integrated information system. The consultant provided a final report in January 2002 that listed specifications that will be provided to vendors that will actually develop the information system. Program employees said that the implementation of the new system was delayed as a result of changing departmental priorities and funding issues. The department is currently preparing to solicit bids from vendors for developing the system. Program managers said that initial estimates for developing the system ranged from \$50,000 to \$500,000. The department goal is to award a contract by January 2003 and implement the system by July 2003.

**Exhibit 6
DEP Enforcement Program Maintains Multiple Information Systems That Are Not Integrated**



Source: OPPAGA.

Conclusions and Recommendations

The Florida Department of Environmental Protection Law Enforcement Program benefits the state by helping protect Florida natural resources and should be continued.

We recommend that the department outsource some of its park patrol services. The program’s park patrol officers spend most of their time

conducting routine patrol services that could be performed by officers that do not have extensive, specialized training in environmental laws and regulations. Also, most of the arrests made by park patrol officers do not involve violations of environmental crimes. By outsourcing some of its park patrol services, the department could provide law enforcement and security services in state parks without having to hire costly additional full-time state law enforcement employees.

As part of the outsourcing process, the department should first issue a request for information (RFI).

The request for information will facilitate assessment of the availability of services from local law enforcement agencies and private companies, and the types of information the department would need to provide such entities. For example, the entities would likely want information on proposed staffing levels (full- or part- time officers) and the number of patrol hours needed to adequately secure each park on a monthly basis.

The department should then use the information from the RFI responses to prepare a Request for Proposals (RFP). In issuing its RFP, the department should use a managed competition approach by allowing the park patrol bureau to submit a bid for enforcement services. The park patrol bid should be evaluated in the same manner as that of local law enforcement agencies or private firms. This would allow the department to compare the proposed costs for these services.

If the department decides to outsource park patrol services, program managers should develop a performance-based contract that stipulates how it will review the entities' performance. Performance-based contracts should include standards or expectations such as the level of complaints and response time to incidents.

If park patrol services are outsourced, it will be crucial that the department establish a strong mechanism for field monitoring of the contracted entities. This will help ensure that the contractors are providing high quality services in a cost-effective manner.

As an alternative to outsourcing all park patrol services, the department may wish to consider contracting with local law enforcement agencies or private firms to provide park patrol services in selected state parks on a pilot basis. This approach would provide an opportunity to assess the quality and cost of services provided by contracted entities and, if successful, expanded to other state parks.

To improve the efficiency and effectiveness in using investigative employees, we recommend that the department ensure that program criteria for determining whether violations merit a criminal investigation are clearly communicated and

adhered to by district regulatory employees. We also recommend that the department assess those cases that program employees refer back to the regulatory districts to determine whether it needs to revise the case screening criteria.

To assess the outcomes and quality of investigations, we recommend that the department track the outcomes of cases investigated that are referred for prosecution. We also recommend that the department develop additional performance measures, such as the percentage of cases referred and accepted for prosecution and final disposition of cases.

To improve the efficiency and timeliness in sharing information on environmental violators, we recommend that the department continue to implement plans for an integrated information system. We also recommend that the department integrate the new system with the Office of General Counsel databases that might contain information on environmental law violators.

Agency Response ---

In accordance with the provisions of s. 11.513, *Florida Statutes*, a draft of our report was submitted to the secretary of the Department of Environmental Protection for his review and response. The Secretary's written response is reprinted herein (see Appendix C, pages 13-17).

Appendix A

Statutory Requirements for Program Evaluations and Justification Reviews

Section 11.513(3), *Florida Statutes*, provides that OPPAGA program evaluation and justification reviews shall address nine issue areas. Our conclusions on these issues as they relate to the Department of Environmental Protection’s Law Enforcement Program are summarized below.

Table A-1
Summary of the Program Evaluation and Justification Review of the Law Enforcement Program

Issue	OPPAGA Conclusions
The identifiable cost of the program	The Legislature appropriated \$26,596,663 and 183 positions to the program for Fiscal Year 2002-03.
The specific purpose of the program, as well as the specific public benefit derived therefrom	The program’s mission is to protect the state’s citizens, environment, and cultural and natural resources through enforcement, education, and public service. Program employees enforce laws and regulations related to the protection of state lands and historic and archaeological sites, provide emergency responses to hazardous material spills, and investigate violations to identify and arrest violators of Florida’s environmental laws and regulations.
Progress towards achieving the outputs and outcomes associated with the program	The program has two legislatively approved outcome measures and three output measures. The program met the legislatively approved performance standard for the number of criminal incidents per 100,000 visitors to state parks. The department reported an average of 30 criminal incidents per 100,000 state park visitors in Fiscal Year 2001-02 compared to a standard of 30 criminal incidents per 100,000 state park visitors. However, the program did not meet the standard for the number of gallons of pollutant discharge per 100,000 Florida residents. In Fiscal Year 2001-02, the levels of pollutant discharge per 100,000 residents (1,579) exceeded the legislative standard of 1,328 gallons by 19%. The program came reasonably close to meeting its standards for the number of patrol hours on state lands, number of investigations closed, and it substantially exceeded its performance standard regarding the number of pollution sites/spills remediated.
An explanation of circumstances contributing to the state agency’s ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, <i>F.S.</i> , associated with the program	<p>From Fiscal Year 2000-01 to 2001-02, the number of criminal incidents that occurred in state parks declined from 33 to 30 per 100,000 visitors. This decrease coincided with an increase in the number of hours department officers spend patrolling states (increase from 62,866 hours to 74,298 hours).</p> <p>In Fiscal Year 2001-02, the gallons of pollutant discharge per 100,000 Florida residents increased from the previous fiscal year. This is likely due to an increase in the number of major spills that occurred during Fiscal Year 2001-02.</p>
Alternative courses of actions that would result in administering the program more efficiently and effectively	<p>The department could improve its performance by taking the actions below.</p> <ul style="list-style-type: none"> • The department should pursue outsourcing some of its park patrol services to local law enforcement agencies or private firms. • The department should ensure that the program’s criteria for determining whether violations merit a criminal investigation are communicated and adhered to by district regulatory employees. • The department should assess the cases its program employees send back to the regulatory districts to determine whether it needs to revise the case screening criteria. • The department should track the outcomes of cases investigated by program employees that are referred for prosecution. • The department should develop performance measures that assess the outcomes and quality of investigations performed by the program, such as the percentage of cases referred and accepted for prosecution. • The department should continue implementing its plan to integrate the program’s information systems. The new system should also be integrated with the department’s Office of General Counsel’s databases.

Issue	OPPAGA Conclusions
The consequences of discontinuing the program	If the program were discontinued, it would impair the enforcement of environmental laws and deterrence of environmental crimes. It would be feasible for the department to outsource law enforcement functions at state parks to local law enforcement agencies or private security firms.
Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part	The program benefits the state by helping protect Florida's natural resources and should be continued. Program employees enforce laws and regulations related to the protection of state lands and historic and archaeological sites, provide emergency responses to hazardous material spills, and investigate violations to identify and arrest violators of Florida environmental laws and regulations. These activities are consistent with the Department of Environmental Protection's mission.
Whether the information reported pursuant to s. 216.03(5), <i>F.S.</i> , has relevance and utility for the evaluation of the program	The program lacks measures for assessing the outcome of criminal cases investigated by program employees, such as the percentage of investigated cases that are referred for prosecution or the percentage of cases accepted for prosecution. Without knowledge of the outcomes of these cases, the department has little information for assessing the effectiveness of its investigation efforts.
Whether the state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports	The department's inspector general is required by law to determine the validity of each legislatively approved measure and the accuracy of the measure's associated data. The department's Fiscal Year 2003-04 through 2007-08 Long Range Program Plan includes the inspector general's assessment of each of the program's legislatively approved performance measures.

Source: OPPAGA.

Appendix B

Part I and II Crimes

Part One Crimes	Part Two Crimes
Homicide	Simple Assault
Murder and Non-negligent Manslaughter	Simple Stalking
Negligent Manslaughter	Drug/Narcotics Offenses
Forcible Rape	Drugs/Narcotics
Forcible Sodomy	Drug/Equipment
Forcible Fondling	Bribery
Robbery	Embezzlement
Aggravated Assault	Fraud
Aggravated Stalking	False Pretenses/Swindling
Burglary	Credit Card/ATM
Larceny/Theft	Impersonation Welfare Wire
Pocket Picking	Counterfeit/Forgery
Purse Snatching	Extortion/Blackmail
Shoplifting	Intimidation
▪ From Buildings	Prostitution
▪ From Coin Machines	Non-forcible Sex Offenses
▪ From Motor Vehicles	Stolen Property (buying, receiving, and possessing)
Theft of Bicycle	DUI
Theft of Motor Vehicle Parts and Accessories	Destruction/Damage/Vandalism
All Other Motor Vehicle Theft	Gambling
Kidnap/Abduction	Weapons Violation
Arson	Liquor Law Violations
	Miscellaneous

Source: Department of Environmental Protection, Bureau of Park Patrol.

Appendix C



Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

December 30, 2002

Mr. John W. Turcotte, Director
Office of Program Policy Analysis and Government Accountability
Room 312, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1475

Dear Mr. Turcotte:

Enclosed is the Department's written response to the preliminary findings and recommendations contained in the Office of Program Policy Analysis and Government Accountability's justification review of Law Enforcement Program dated December 10, 2002. If you have any questions in this regard, please call Joseph Aita, Director of Auditing, at 245-8013.

Sincerely,

/s/
David B. Struhs
Secretary

Enclosure

DBS/JA/amw

cc: Thomas S. Tramel III, Director, Division of Law Enforcement

"More Protection, Less Process"

Printed on recycled paper.

**Response to OPPAGA Justification Review - Law Enforcement Program in
the Department of Environmental Protection**

**The report recommends that the Department outsource some or all of the
law enforcement functions at state parks to local law enforcement or
private security firms.**

The Department believes that the Division of Law Enforcement's Bureau of Park Patrol is an essential part of the agency's efforts to provide essential environmental protection to the state of Florida through "More Protection, Less Process". Within the Department, the 86 sworn members of the Park Patrol provide law enforcement services to 158 state parks and other DEP managed lands such as the Coastal and Aquatic Managed Areas and the Greenways and Trails. Externally, the Park Patrol serves as the law enforcement partner of the Department of State to protect Florida's extensive archaeological resources. Additionally, the Park Patrol is a valuable member and resource during events of natural disaster, civil disorder, and other events requiring state law enforcement to assist local government pursuant to Florida's mutual aid laws.

In addition to providing law enforcement protection to more than 18 million visitors annually, the Park Patrol provides support to the Division's Investigative and Emergency Response Bureaus by assisting with protective issues during the serving of search warrants and securing massive environmental crime scenes. The Park Patrol is also an integral part of the Department's Environmental Emergency Response Team, created in partnership with other state and federal agencies after the tragic events of September 11, 2001, to provide first responder services during oil, chemical, or hazardous materials releases.

Since the provision of law enforcement services within the boundaries of our state parks was transferred (or "outsourced") from the Division of Recreation and Parks to the Division of Law Enforcement in 1994, the two divisions have worked closely with each other to make sure the needs of the customer (state parks) are met with the highest level of professional service available. Centralized command and control has been established, advanced training has been provided, and communication and partnering to solve problems has been improved. Regular meetings between the program staff of the two divisions are held at the state and local levels. In addition, supervisors from both divisions see each other almost on a daily basis. Officers and rangers participate together in training programs to afford a better understanding of each other's responsibilities and to establish a network of resources that will aid employees throughout their careers.

The manner in which the statistics in this report were presented leads one to interpret that the majority of an officer's time is spent on duties other than protection of our parks and visitors. This is not the case. A more thorough analysis of these statistics will reveal that our officers spent 71 % of their time

patrolling their assigned areas. Officers on patrol are actively engaged in detecting and deterring crimes and violations within our parks. During the course of their patrol, officers handle a myriad of enforcement issues and violations, including property vandalism, traffic infractions and alcohol violations. First and foremost, as sworn law enforcement officers, they are responsible for protecting the life and well being of the people. In the course of their job, they also deal with enforcement problems of a generic nature so that the state can guarantee the quality of its resource and the enjoyment of this resource by its visitors.

The report further notes that less than 1% of time was spent enforcing environmental crimes. The activities included in this measure are actually time spent primarily outside the parks on minor environmental issues when the Bureau of Environmental Investigations was not able to respond. This does not indicate a lack of emphasis on environmental protection. It is consistent with the policy of Division to provide cross training and joint support of agency missions.

State Parks and managed properties are located in almost every one of Florida's 67 counties. Some fall across both city and county jurisdictions and several fall in two or more counties. In an inquiry conducted by the Division of Law Enforcement in 2001, it was discovered that only one of the sixty-seven agencies contacted could answer affirmatively to having knowledge of the Florida Administrative Code rules that provide protection and governance of our state parks. It was further discovered that while many of the agencies had specialized equipment to aid in their enforcement efforts, it was not readily available and a part of every day business as it is with the Park Patrol.

Most local agencies are already in a reactive rather than proactive mode with any of their officers going from call to call leaving little time for preventive patrol. In fact, it is not uncommon due to manpower constraints, even for large local agencies to seek assistance from other state and local agencies during special events or civil disobedience. Examples of this mutual aid can be seen locally at every football game and university homecoming weekend. Additionally, the size and operating capacity of local agencies is contingent upon legislative appropriation and local taxes. These local agencies, although willing to provide support to the state parks, will not be able to take on this additional workload without additional positions. The operating cost of the Park Patrol would merely be shifted to another area of the state budget.

Moreover, it would be a monumental administrative task to create workable memorandums of understanding that include a performance based contract and field monitoring with the multitude of agencies - or private security firm(s) - that would be required to perform the necessary services on a state-wide basis. The Department has already trimmed its administrative positions to the bare minimum and does not agree that either a time or cost savings will result from this process.

Floridians have demonstrated time and again at the polls that cost is not always the most important issue. Voters have recently indicated their desire to continue the protective efforts of Florida's land acquisition and preservation programs. They have added extra tax burdens to themselves to reduce class size for a better educational system. Citizens continue to say quality is what matters most.

The report recommends that the Department ensure that program criteria for determining whether violations merit a criminal investigation are clearly communicated and adhered to by district regulatory personnel and that the Division of Law Enforcement evaluate its screening criteria and any make modifications that may be necessary to improve the effectiveness of the process.

The Division of Law Enforcement has identified this issue and has been working toward developing training for regulatory personnel in the following areas: interviews and interrogations, investigative process, intelligence gathering and identification of potential criminal cases for referral. In addition, members within the Bureau of Environmental Investigations are currently meeting on a regular basis with the District Directors, Program Coordinators and Enforcement Coordinators from each District Office and with the Office of General Counsel to discuss current criminal investigations and enhance our effectiveness on cases referred. The Division continually reviews its screening criteria and referral process and makes modifications as necessary.

The report recommends that the Department track the outcome of its cases through prosecution and develop additional performance measures to evaluate investigative effectiveness.

The Division of Law Enforcement is aware that the current case tracking system and performance measures have limitations when capturing information relevant to an investigation. Additionally, we have long ago recognized that there are no existing laws requiring the Judicial Circuits or the County Clerks of the Court to forward disposition information to the Division. Each of the twenty (20) Judicial Circuits and the sixty-seven (67) Clerks of the Court in the State of Florida operates independently and has its own database. It is unrealistic and cost prohibitive for the Department to integrate with all of these different databases to retrieve case progress information.

However, both the Department and the Division of Law Enforcement are working on a new integrated information management system that will drastically improve the evaluation and presentation of the information that is available. This information system will include out-come based performance measures and will allow the Department to more fully document the effectiveness of its environmental investigations. The Division has identified additional performance measures to be instituted once the new computer system is implemented.

The report recommends that the Department continue implementation plans for an integrated information system.

As previously indicated both the Department and the Division of Law Enforcement are in the process of developing integrated information management systems. The Division's system will include workload/activity tracking and case management. Although these two systems are being developed independently, integration with other department databases, to the extent possible, will be ensured.

In the interim, the Division of Law Enforcement has initiated the following practices to improve the sharing of information:

- A. Established regular monthly meetings with the DEP's Office of General Counsel to discuss criminal/civil investigations, and
- B. Recently instituted a temporary solution for gaining regulatory information by having the Bureau of Environmental Investigations District supervisors routinely review the District Regulatory Databases for potential criminal information.

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