



November 2004

Report No. 04-76

DEP Addresses Some Recommendations; Still Lacks an Integrated Law Enforcement Information System

at a glance

As we recommended in our 2003 report, the department has taken action to better ensure that the Law Enforcement Program's criteria for determining whether violations merit a criminal investigation are clearly communicated and adhered to by district regulatory employees. It also has begun tracking the outcomes of its field agents' investigations. The department reports that its field agents are now responsible for tracking a case through prosecution and documenting the result in a department database. It also assessed the feasibility of outsourcing certain park patrol services and concluded that outsourcing would not be an effective alternative for providing law enforcement services.

However, the department has not implemented our recommendation to develop an integrated law enforcement case management system. At the time of our report's release in January 2003, the department expected it would have a new integrated case management system in operation by July 2003. However, to date, it has not developed and implemented such a system.

Scope

In accordance with state law, this progress report informs the Legislature of the actions taken in response to the findings and recommendations included in our 2003 justification review of the Department of Environmental Protection's Law Enforcement Program.^{1,2}

Background

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

- The Bureau of Environmental Investigations investigates petroleum and hazardous material spills, abandoned storage drums, and illegal dredge and fill activities. The bureau's investigative agents are sworn law enforcement officers trained in investigating environmental crimes.

¹ Section 11.51(6), *F.S.*

² *Justification Review: Law Enforcement Program Should Pursue Outsourcing, Track Case Outcomes, Integrate Information Systems*, OPPAGA [Report No. 03-01](#), January 2003.

- The Bureau of Emergency Response reacts to incidents involving spills or discharges of hazardous materials.³ Bureau employees, who are chemical and hazardous material experts, collect forensic evidence for identifying and developing charges against responsible parties.
- The Bureau of Park Patrol protects people and property, investigates criminal violations, and enforces laws in state parks.

The Legislature appropriated \$23.4 million and 188 positions to the Law Enforcement Program for Fiscal Year 2004-05.⁴

Prior Findings

District employees were not effectively using case screening criteria

Our 2003 report found that district office regulatory employees were not effectively using the program's criteria for determining whether a violation warranted criminal investigation. Most environmental cases investigated by the Bureau of Environmental Investigation's agents are initiated in response to referrals made by district office employees who detect environmental violations while performing their regulatory duties. Examples of these violations include abandoned storage drums and hazardous material spills. Program management had provided the district offices with screening criteria to help determine whether cases should be forwarded to the central office for criminal investigation. Cases that do not meet these criteria can be handled at the district level through administrative actions such as fines.

However, of the environmental cases closed by bureau investigators between July 1999 and March 2002, nearly half (49%) had been returned to the districts because they did not meet the criteria for criminal investigation. Better use of the screening criteria by the districts would have enabled the investigators to use more of their limited time on cases most likely to result in an arrest and prosecution. We recommended that the department ensure that its criteria for determining whether violations merit a criminal investigation are clearly communicated and adhered to by district regulatory employees. We also recommended that the department assess those cases that the Bureau of Environmental Investigations returns to its regulatory districts to determine whether it needs to revise the case screening criteria.

The department was not tracking outcomes of cases investigated and referred for prosecution

An important concern for law enforcement agencies is evaluating the effectiveness and quality of investigations. Case outcomes provide a useful measure for assessing investigation quality, 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.

Our 2003 report noted that the program was not tracking the outcome of the cases it referred for prosecution. To help program managers assess the quality of its investigations, we recommended that the department track the outcomes of cases that were referred for prosecution.

³ 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.

⁴ Of the total appropriated amount, \$19.7 million was retained by the department's Division of Law Enforcement and represents the division's total operating budget for the year. The remaining \$3.7 million was transferred to the Fish and Wildlife Conservation Commission.

The department lacked integrated law enforcement case management system

Our 2003 report found that the department's bureaus responsible for park patrol, emergency response, and investigations activities did not have an integrated case management system for tracking employee law enforcement activities. This affected the program's timeliness in sharing information regarding environmental violators among its organizational units. It also impeded the program's efforts to identify, investigate, and arrest repeat offenders. Also, the program's information systems were not linked to other department systems that may contain relevant information on violators, such as the information system used by the Office of the General Counsel that contained records of civil penalties imposed on violators.

Program managers reported that they planned to award a contract to a firm to develop an integrated case management system by January 2003 and implement the system by July 2003. We recommended that the department continue to implement its plan for this integrated system. We also recommended that the department integrate the new system with the Office of General Counsel databases that contain information on environmental law violators.

The department should assess the potential benefits of outsourcing some park patrol services

Our 2003 report concluded that the department should assess the costs and potential benefits of outsourcing certain park patrol services. If the department was able to outsource some of its park patrol services, it could provide law enforcement and security services in state parks without having to hire costly additional full-time state law enforcement employees.

We recommended that the department consider contracting with local law enforcement agencies and/or private firms for security services at some facilities. This could help maximize the productive use of the program's current law enforcement personnel as well as provide the department with alternatives for providing security and enforcement services during peak visitation periods.

Current Status ---

The department addresses case screening problems

The department has taken action to more effectively use its case screening criteria. The Bureau of Environmental Investigations has established new criteria that consider the significance of a violation in terms of environmental harm and the culpable conduct of the violator based on consideration of factors such as past violations, deliberate or concealed misconduct, and falsification of records. Additionally, the bureau has held meetings with regulatory district office employees to discuss case referral procedures, use of the new case screening criteria, and the need for increased communication between department units

The department has begun tracking cases referred for prosecution

The department has taken action to establish performance measures that measure case outcomes. The department's field agents are now responsible for tracking cases through prosecution and for documenting the result in a department database. This process will help the department assess the quality of its investigations and outcomes.

The department has not yet developed an integrated law enforcement case management system

The department's Division of Law Enforcement has not yet developed an integrated law enforcement case management system. At the time of our report's release in January 2003, the department expected it would have a new integrated case management system in operation by July 2003. However, to date, it has not developed and implemented such a system. Division managers reported that the system's development was delayed by changes in priorities and limited funding. They are currently assessing the feasibility of modifying an existing Florida Department of Law Enforcement system that they believe could be put into operation at a lower cost than creating a new system. The managers plan to meet with Florida Department of Law Enforcement representatives and make a decision of whether to implement a similar system by December 2004.

The department is in the process of developing a department-wide regulatory system that is expected to link the Division of Law Enforcement's systems to relevant information on violators in other department units. The department anticipates division employees will be able to access Office of the General Counsel data on violators' civil penalties by July 2005, and expects to complete developing the overall system by 2008.

The department has assessed the feasibility of outsourcing park patrol services

Division of Law Enforcement managers reported that the department assessed the costs and potential benefits of outsourcing some park patrol services. Based on this assessment, they concluded that outsourcing park patrol services to private security firms or local law enforcement agencies would not improve patrol coverage or reduce costs. To increase patrol coverage in state parks, the department has been paying its park patrol officers for working overtime during peak visitation periods.

OPPAGA provides objective, independent, professional analyses of state policies and services to assist the Florida Legislature in decision making, to ensure government accountability, and to recommend the best use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

Florida Monitor: www.oppaga.state.fl.us

Project supervised by Larry Novey (850/487-3768)
Project conducted by Nathan Lassila (850/410-4791)
Staff Director Tom Roth (850/488-1024)
Gary R. VanLandingham, OPPAGA Interim Director