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Progress Report

January 2000   **Report No. 99-27**

FDLE Improves Operations, Some Information and Fingerprint System Backlogs Remain

at a glance

The Florida Department of Law Enforcement has acted on most of the recommendations offered in our 1998 justification review and improved its operations. However,

- implementation of the automated fingerprint system has not yet been fully achieved; and

- a backlog of arrest and disposition information still compromises the completeness of criminal history files.

The department is working to resolve these problems.

The Legislature should revise Chapter 943, F.S., so that officers convicted of felonies, which are prohibited by law from certification as law enforcement officers, do not require a pro forma administrative hearing to have their certification revoked.

Purpose

In accordance with state law, this progress report informs the Legislature of actions the Florida Department of Law Enforcement took in response to our 1998 justification review. [1,2] This report presents our assessment of the extent to which the department has addressed the findings and recommendations in our prior report.

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[1] Section 11.45(7)(f), F.S.

[2] *Program Evaluation and Justification Review of the Florida Department of Law Enforcement,* OPPAGA Report No. 97-76, June 1998.

Background

The Florida Department of Law Enforcement (FDLE) administers three programs.

1. The **Investigations and Forensic Science Program** provides laboratory services and investigative assistance to other state and local agencies and investigates multi-jurisdictional crimes.

2. The **Information Program** provides criminal history record checks and maintains a statewide communication system and networked databases that allow criminal justice agencies to access and share information.

3. The **Professionalism Program** regulates the training, certification, and disciplining of criminal justice officers.

Prior Findings

Our 1998 justification review found that FDLE used the performance-based budgeting process as an opportunity to increase accountability and productivity. However, demand for FDLE services was continuing to increase; as a result, even with increased productivity, staff were unable to meet the demand for some services in a timely manner. We urged FDLE to decide which of its activities were most critical to public safety and shift existing resources to improve performance in these areas.

Investigation and Forensic Science Program

Local law enforcement agencies were concerned that some FDLE laboratories were not timely in analyzing crime evidence. We recommended that FDLE identify and share best practices among the labs to improve efficiency and reduce costs. On the basis of timeliness, staffing, and unit costs, we recommended that the Key West laboratory be closed.

We also recommended that FDLE explore whether distributing work in other ways, including privatization, could increase productivity. FDLE had not established standards for matching resources to workload throughout the regions, and we recommended that it do so. We further recommended that FDLE evaluate its special activities, such as DARE, to determine whether they were efficient and provided significant public safety benefit.

The Information Program

Generally, requests for information substantially increased, and staff responded with increased productivity. However, the program was deficient in two critical areas: the implementation of the new Automated Fingerprint Identification System and the timely updating of criminal history records.

One of the program's primary goals was the implementation of the Integrated Criminal History Network, which would allow the "real time" integration of fingerprint images and the Computerized Criminal History data to provide rapid identification of arrestees and immediate updates of criminal records. An integral part of this effort was the redesign of the Automated Fingerprint Identification System (AFIS). The department's goal was to have the 40 largest counties on-line and operational with AFIS by Fiscal Year 1997-98, but it was unable to get even half of these counties operational. [3]

We recommended that the department develop a formal process to assess customers' technological readiness and track the status of AFIS implementation. The implementation of the Integrated Criminal History Network was further undermined by a backlog of unentered arrest and disposition data. It was taking an average of 4 months from the date of arrest for arrest records to be entered into the database and 21 months for court dispositions, resulting in obsolete criminal history information. We recommended that FDLE shift resources from less essential activities to reduce the backlog of arrest and disposition data.

The Professionalism Program

While disciplinary actions against officers who had violated less serious standards of conduct had become more timely, it was still taking too long to revoke the certifications of officers who had committed the most serious offenses. We recommended that the Legislature amend the law to require officers convicted of felonies or misdemeanors involving perjury to automatically relinquish their certifications at the time of conviction, rather than go through additional administrative due process.

The officer information system contains data on officer training, employment, and disciplinary histories that is used to make hiring decisions. Because this data is input by hundreds of local law enforcement agencies, we recommended that FDLE develop user procedures and periodically audit agency data entry practices.

We also recommended that the program discontinue routine monitoring of training school classes and local agency new hire personnel records. Training schools receive a more thorough review as part of the routine re-certification process, and the audits of new hire files produced limited results.

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[3] The 40 largest counties account for 85% of the state's fingerprint work; at this time it is not cost-effective for the remaining counties to use the electronic system.

Current Status ———————

FDLE laboratories are still struggling with backlogs, and the Key West lab has not been closed. FDLE has identified and shared best practices among the state's crime laboratories and improved methods for distributing lab work; however, some backlogs remain. According to the department, staff turnover is a major factor affecting the backlog, but the recently funded pay plan for lab analysts should help address this problem.

In Fiscal Year 1998-99, the Key West laboratory again conducted the fewest lab analyses and had the highest average turn-around time of any lab in the state (see Exhibit 1). However, according to FDLE's revised cost estimates, it is not practical to close the lab at this time. FDLE staff indicate that there would be no savings for facility costs because the lab building would still be needed for investigative functions and no personnel savings because staff would need to be relocated to the lab where the work was sent. However, keeping the lab open would not serve the public interest if it continues to take excessive amounts of time to analyze crime evidence. We recommend that if the department wants to keep the lab open, it reduce the turn-around time to at least the state median and operate at a reasonable cost. Otherwise, local law enforcement and the state would be better served by transferring the work to another lab.

FDLE has assessed the distribution of investigative staff. As a result, some positions were transferred from one region of the state to another to meet workload demands. The department plans to update this assessment annually.

Although most investigative activities are not conducive to privatization, FDLE did explore whether a private provider could do portions of the lab work. Using the criteria of reasonable cost, ability to testify in Florida for a reasonable fee, and accreditation, the department was unable to locate a private provider to take over any of the laboratory functions.

The department has not assessed the benefit of their special investigative programs, such as DARE, to determine whether they provide significant public safety benefit; we recommend that the department do so.

Full implementation of the automated fingerprint system has not yet been achieved. As of December 1999, 8 of the 40 largest counties had not fully implemented the Automated Fingerprint Identification System. Local issues with computer system integration have prevented most of these counties from fully implementing their systems. The program continues to monitor the status of the eight remaining counties; these counties account for over one-third of all arrests in Florida. According to program staff, at least three of these counties should be submitting fingerprints electronically by January 2000. Currently, electronic sub-missions comprise 50% of all fingerprints being processed by FDLE.

Exhibit 1
Key West Lab Conducts the Fewest Analyses and
Has the Highest Average Turn-Around Time of All State Labs

Crime Laboratory	Number of Crime Scenes Analyzed	Number of Fingerprints Analyzed	Average Number of Turn-Around Days for Fingerprints	Total Average Number of Turn-Around Days for All Analyses
Daytona	53	693	92	39
Fort Myers	46	424	80	73
Jacksonville	265	2,584	36	46
Key West	24	400	110	105
Orlando	146	1,907	64	63
Pensacola	334	1,052	114	78
Tallahassee	88	1,246	64	40
Tampa	65	1,770	67	56
Statewide	1,021	10,076	67	56

Source: Department of Law Enforcement data, Fiscal Year 1998-99.

The Information Program continues to experience a backlog of arrest and dispositions information that compromises the completeness of criminal history files. The Computerized Criminal History File remains backlogged by almost 300,000 arrest cards and over 1.5 million disposition records. Technological limitations continue to prevent the department from reducing this backlog. For example, arrest cards include arrest information and inked fingerprint images that must be scanned into the system. However, FDLE's fingerprint storage unit only allows approximately 3,000 of the fingerprint images to be entered per day. The department is taking steps to reduce the arrest backlog by using federal grant funding to purchase another fingerprint unit that is expected to process an additional 1,000 images a day. As the contract for purchase of the unit has not been finalized, staff were unable to estimate when the backlog would be resolved. In the interim, the department maintains a "temp file" of arrest information that law enforcement can access to determine whether individuals have arrest histories for serious crimes, though this file cannot provide positive identification of suspects because it is not linked to fingerprints.

To reduce the disposition backlog, the department established a disposition task force and a software program to more efficiently match dispositions to arrest records. We continue to recommend that the department shift funding from less essential FDLE services in all program areas to resolve the arrest and disposition backlog.

The Legislature has not expedited the revocation process for serious offenses. Last session the Legislature considered House Bill 1141, which would have expedited the removal of officers that commit felonies. Current law stipulates that officers convicted of felonies or misdemeanors involving perjury are prohibited from being certified as criminal justice officers; however, officers convicted of these crimes must still go through the administrative hearing process to have their license revoked. The proposed bill would have allowed the state to revoke the certifications of officers that commit felonies without additional administrative requirements. However, House Bill 1141 did not pass. Until a similar bill passes, officers that have been convicted of felonies will remain certified about six months longer and the effort to prepare these administrative cases will consume staff time that could be spent processing other cases.

FDLE continues routine monitoring of training school classes and local law enforcement new hires. The Criminal Justice Standards and Training Commission has asked FDLE to continue routine unannounced visits to classrooms to encourage good trainer preparation and performance. In addition, FDLE reported an increase in error rate from 5% to approximately 22% in the local law enforcement new hire files it reviewed during the past fiscal year. Staff indicate that this increase may have been the result of the way errors are now recorded. Given these circumstances and that these field staff are now also conducting random audits to verify the accuracy of the data in the officer information system, we do not recommend that the field staff be reassigned at this time.