

LEGISLATIVE AUDIT DIVISION

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MEMORANDUM

TO: Legislative Audit Committee
CC: Larry Fasbender, Deputy Director, Department of Justice
Colonel Paul Grimstad, Chief, Montana Highway Patrol, Department of Justice
FROM: Angie Grove, Deputy Legislative Auditor, Performance Audits
DATE: January 31, 2007
RE: Performance Audit Follow-up: Montana Highway Patrol, Department of Justice (#03P-09).

INTRODUCTION

We presented our performance audit of the Montana Highway Patrol (MHP) to the Legislative Audit Committee in June 2004. The report contains four recommendations to MHP, which contain 12 specific parts. The recommendations relate to:

- the efficient and effective use of available resources
- measuring the effectiveness of MHP operations
- increasing the on-the-road presence of sergeants
- updating officer job descriptions and qualifications

We requested and received information from MHP personnel regarding progress toward implementation of our report recommendations. We then interviewed MHP personnel, reviewed related documentation, and conducted observations to verify implementation of each recommendation. This memorandum summarizes information on the implementation status of audit recommendations.

Overview

According to MHP, all recommendations are either implemented or being implemented, with the exception of one part relating to analyzing and reporting on operational effectiveness and status. MHP implemented several pilot projects to test new procedures and processes, and based on positive results, completed statewide changes on some aspects of our audit recommendations. MHP management indicated it prioritized activities, and is focusing on DUI, speed enforcement, seatbelt, and aggressive driving. MHP is currently in the process of implementing a new records management system which should provide more accurate and comprehensive data on officer activities and reduce paper work requirements. Baseline data will need to be established before data can be analyzed. MHP conducted a pilot project to decrease administrative requirements of sergeants, and established a patrol time performance goal of 20 percent for sergeants. Finally, MHP concentrated on passage of HB 35 during the 2005 Legislative Session, which established a defined market to survey and set base salary levels for officers.

BACKGROUND

In response to a highway fatality rate that led the nation, the MHP was established in 1935. At the time of the original audit, the MHP was the largest law enforcement agency in the state, with an authorized strength of 206 uniformed personnel. MHP is responsible for enforcing Montana's traffic-related laws. Offenders may be issued a citation (ticket), as well as be arrested and jailed depending upon the violation. Traffic and motor vehicle regulation includes crash investigation and reporting. During calendar year 2006, patrol officers drove more than 5.4 million miles, responded to over 137,000 calls for service, issued more than 109,000 warnings and 85,000 citations, and investigated 11,004 crashes.

FOLLOW-UP AUDIT FINDINGS

The following sections summarize the report's findings and recommendations and our assessment of the agency's actions to implement the recommendations.

Patrol Officer Priorities

To continue to improve the efficient and effective use of available resources, organizations should evaluate where and how resources are expended. Prioritizing work activities focuses resources on the most important requirements. For MHP, we believe the most important activities should be those categorized as high-risk, non-discretionary, with high-risk, discretionary activities following closely behind. By focusing on high-risk activities, the amount of time officers spend on traffic patrol should increase.

Recommendation #1:

We recommend MHP:

- A. Prioritize patrol and non-patrol activities.
- B. Focus MHP patrol officer resources on high-risk, non-discretionary, and discretionary activities.
- C. Identify alternatives for low-risk, discretionary activities.

Implementation Status

At the time of the audit, MHP tracked 55 different activities. We concluded patrol activity, in terms of enforcement, is impacted by the wide range of officer obligations. MHP management had established an organizational goal of 50 percent for officer patrol time, and for calendar year 2003 reported a 43 percent patrol rate. For calendar 2006, the reported patrol time was about 42 percent.

- **A – implemented**

While not formally documented, MHP management indicates it has prioritized activities. They indicate that being on the road patrolling is the priority.

- **B – being implemented**

MHP management indicates it is focusing on DUI, speed enforcement, seatbelts, and aggressive driving which are considered high-risk, non-discretionary activities. District commanders have been instructed to concentrate on these items.

- **C – being implemented**

MHP made several changes regarding low-risk activities:

- ▶ Vehicle identification number (VIN) inspections are now scheduled at the district level for specific days.
- ▶ All-terrain vehicle (ATV) inspections are now handled by the Department of Motor Vehicles.

- ▶ Warrants are only served in conjunction with other activities which result in contact with individuals.
- ▶ Administrative support personnel are now entering officer daily activity reports.

Patrol Officer Activity Reporting

MHP's current monthly activity reporting system is an antiquated system designed in the early 1980s. We identified concerns with reliability and inconsistent use of monthly activity data. We concluded the current process needs to be improved to better assess MHP operations.

Recommendation #2:

We recommend MHP:

- A. Identify data needed to better measure the effectiveness of MHP operations.
- B. Determine proper collection/compilation methodologies and integrate these into new technologies.
- C. Analyze and report operational effectiveness and status.

Implementation Status

This recommendation relates to measuring MHP operations. At the time of the audit, MHP officials indicated a new Records Management System (RMS) would replace the current manual system. MHP estimated implementation of the RMS by the end of calendar year 2004; however, due to problems with development of the system, the RMS has not yet been implemented. Based on input from MHP management and observations of system design, the RMS should provide more accurate data on officer activities, as well as lessening the paper work requirements for officers. According to MHP management, once the RMS is implemented, baseline data will need to be established before data can be analyzed.

• A – being implemented

MHP management has identified the following data needed to better measure the effectiveness of MHP operations:

- ▶ Crash time, location, severity, and contributing factors.
- ▶ Enforcement efforts by time, location, trooper, section of law violated.
- ▶ Speeds, blood alcohol content, and other quantity data from citations.

MHP management is currently working on incorporating this data into development of its new RMS.

• B – being implemented

The RMS has been developed and is ready for testing. Training was provided to two sergeants, who will now train other officers. MHP plans to conduct a pilot project in selected areas starting in February 2007. Upon successful completion of the pilot project, MHP will carry out statewide implementation of the RMS in July 2007.

• C – not implemented

According to MHP management, analyzing and reporting operational effectiveness and status is a priority; however, lack of implementation of the RMS has limited its ability to accomplish this goal. The main priority for management is to develop and implement a system that allows them to accurately and efficiently compile, analyze, and report on MHP activities. MHP management has informally conducted some analysis of its operations. For example, MHP conducted an intensive patrol project on Highway 191 in the summer of 2006. Statistics from the project were compared to

statistics from the previous year and revealed no significant differences. As another example, the Department of Transportation is now completing a report on highway safety that includes statistics on crashes and fatalities. This Department of Transportation report identifies the highway corridors with a combination of high crash severity and high number of fatalities and incapacitating injuries per mile. A map is created noting these sections of highways. The data for the report is provided by MHP, so according to MHP management, the report does not provide them with new information; however, the data is used to deploy resources to the problem areas.

Patrol Officer Supervision

During our review of field operations, we found many sergeants spend the majority of their time performing administrative duties rather than spending time on the road for patrol and direct officer supervision. We noted examples of sergeants recording over 90 percent of available time to non-patrol activities each month. As a result, we noted inconsistencies in officer patrol activities. MHP presence on Montana's roadways can be increased by diverting sergeant time from office administration to patrol and on-the-road supervision.

Recommendation #3:

We recommend MHP:

- A. Establish a pilot project to increase the on-the-road presence of selected sergeants and assess the impacts of eliminating or reducing sergeants' current administrative workload.
- B. Establish on-the-road patrol performance goals for sergeants, including patrol time, crash investigations, officer observations, and traffic enforcement stops.
- C. Decrease administrative requirements for all sergeants by identifying alternatives such as eliminating office-based administrative requirements, utilizing contracts, including retired MHP officers, and/or establishing criteria to justify part-time administrative support positions.

Implementation Status

The intent of this recommendation was to get sergeants out on the road more. Our approach was to recommend a pilot project to verify advantages and identify any disadvantages associated with sergeants spending less time on paperwork and more time on patrol. This would require establishing measurable patrol standards for sergeants, and subsequent assessment of administrative requirements. MHP conducted a pilot project, and based on its results, made changes statewide.

- **A – implemented**

MHP implemented a pilot project in one of its districts and considered the outcome successful. As a result, all crash reports are now sent directly to Helena instead of to the sergeants. In addition, every district has an administrative support person who enters the daily activity logs for all officers. The need for manual entry of officer activity should be eliminated with the implementation of the RMS. However, while MHP has taken actions to reduce the administrative workload of sergeants, it has not increased the on-the-road presence of sergeants.

- **B – implemented**

Initially, MHP management established a goal for sergeants based on a percentage of patrol officer field activity. However, passage of SB 264 by the 2005 Legislature prevented law enforcement agencies from establishing quotas as performance goals (section 46-6-420, MCA). Informally, MHP management has now established a minimum goal of 20 percent patrol time for sergeants. Captains are responsible for ensuring sergeants meet this patrol goal, and disciplinary action may be taken if the goal is not met. In addition, the new MHP Performance Appraisal Manual includes guidelines for supervisors to observe officer performance "as tasks are performed." A requirement of HB 35,

passed by the 2005 Legislature, is to provide a report to the Legislative Audit Committee regarding the patrol activities of MHP uniformed officers. MHP provided the first report in December 2006. The report indicates an average patrol time for sergeants of about 26 percent for a year, with the patrol time for some sergeants at less than 5 percent. In addition, the activity codes proposed for the new RMS include, among others, general categories for patrol time, investigations, and supervision.

- **C – implemented**

MHP decreased administrative requirements of sergeants as noted above. MHP management indicates it is using contracts for temporary personnel to assist with administrative duties to prevent high work volumes from returning these duties to sergeants.

Review of MHP Personnel Issues

MHP management identified officer pay and retention as the largest challenge facing the agency. In the original audit, we presented information showing MHP officer salaries were lower than law enforcement personnel in selected Montana counties, and there was an increase in the percentage of officer turnover. As a result, our review indicated MHP was losing officers to these other law enforcement agencies, and recruitment of law enforcement personnel had become more difficult.

Recommendation #4:

We recommend MHP:

- A. Revise the current job description for MHP officers to accurately reflect current requirements.
- B. Review and revise recruit qualification criteria to encompass the full range of skill sets and increased job complexity.
- C. If deemed necessary, request a classification review based on these revisions.

Implementation Status

At the time of the audit, MHP believed their officer's pay should be comparable with Montana's municipal and county law enforcement agencies. MHP concentrated on passage of HB 35 during the 2005 Legislative Session, which established a defined market to survey and set officer's base salary levels. The starting salary for a new officer is \$18.11, up from \$12.90 at the time of the audit. According to MHP management, they have seen a decrease in turnover. HB 35 also authorized MHP to hire up to 80 new FTE over 4 years. They have added 7 FTE to date, and these individuals will be hired after successful completion of Academy training. According to MHP management, the revenues from HB 35 are not equaling projections, so they are watching the fund closely and adjusting FTE to help protect the fund.

- **A – implemented**

MHP management indicates it reviewed and revised the officer job description in conjunction with moving to the broadband pay system.

- **B – implemented**

MHP is revamping its recruitment/retention program and changing what they look for in a recruit, as well as expanding advertising. Although the MHP seeks the same basic qualifications in an applicant, management indicates significant changes to the selection process including establishment of eight evaluation dimensions for MHP officers. In addition, MHP management indicates expanded efforts in advertising to increase public visibility and potential applicant contacts.

- **C – implemented**

MHP concentrated its efforts on passage of HB 35, which provided legislative authority to increase officer pay and hire additional FTE. As a result, requesting a classification review of the officer job description was not necessary.

SUMMARY

MHP management made changes to operations according to the implementation status reported above. The one recommendation which has not been implemented relates to analyzing and reporting operational effectiveness and status. The main reason cited by MHP management is lack of ability to implement the new records management system (RMS). MHP management indicates, upon successful completion of a pilot project, implementation of the new RMS in July 2007. As a result of a lack of comprehensive management information, it is speculative whether MHP operational efficiency and effectiveness has been or will be positively impacted by changes implemented in response to the audit recommendations.