

Florida Law Enforcement Consolidation Task Force Meeting
Thursday, April 26, 2012
Meeting Minutes

The Law Enforcement Consolidation Task Force was called to order at the Betty Easley Conference Center in Tallahassee.

The following task force members were in attendance, either in person or by telephone:

Executive Director Julie Jones (DHSMV), Commissioner Gerald Bailey (FDLE), proxy for Colonel David Brierton was Lieutenant Colonel Ernesto Duarte (FHP), proxy for Colonel Jim Brown was Lieutenant Colonel Michael Wiwi (FWC), Colonel Jerry Bryan (DOACS), Director Emery Gainey (OAG), Sheriff David Gee (FSA) and Chief Gerald Monahan (FPCA).

Agenda Item 1: Director Jones welcomed the committee members and others attending.

Agenda Item 2: Director Jones requested approval for the minutes from the March 30, 2012 meeting. Director Gainey made the motion to approve the minutes which was seconded by Sheriff Gee and the vote was unanimous to approve the minutes.

Agenda Item 3: Chief Monahan, representing the Florida Police Chiefs Association, read a statement (see attachment) that his participation in the Task Force was to ensure that any changes do not adversely impact local law enforcement by creating unfunded mandates or state law enforcement gaps. He expressed his concern that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement is reclassifying 30 percent of the sworn staff to non-sworn inspectors. The FPCA is concerned that a shift to administrative compliance regulation will affect the criminal investigative side of the agency and create shortfalls of investigations in local communities. The FPCA believes ABT's reclassification plan will have a detrimental effect on communities in dealing with the problems associated with underage use of tobacco and alcohol and create enforcement gaps. He requested that any recommendations submitted to the President of the Senate and Speaker of the House of Representatives include the strenuous objection of the FPCA to this plan.

Sheriff Gee said he was contacted by Sheriff Johnson, President of the Florida Sheriffs Association, who was concerned that he would have no agents in his county which would be a reduction in the level of service. Director Jones said that the Task Force has no authority over agencies. They must do what they feel is in the best interest and service to the general public. Commissioner Bailey said he was told by local law enforcement agencies that the ABT reclassification is being done under the authority of the Task Force. There is a misunderstanding about the role and authority of the Task Force.

Chief Cutcliffe said she spoke to Sheriff Johnson and that ABT is closing a physical office location in Daytona but that they are not reducing the amount of sworn activity provided to the Daytona area. They will save \$18,000 in rent and the members that work the Daytona area will work out of the Orlando office. She said that the Chief was correct on several of his points:

- Currently, their agents are evaluated on mostly regulatory and administrative functions.
- Surveys with undercover operatives are the primary tool used to stop the sale of alcohol and tobacco to our youth.

DBPR understands the spirit and guidelines set forth by the Task Force which was to determine where they could find efficiencies and be more effective in providing services to Florida citizens and their law enforcement partners. They did an in-depth study and discovered inefficiencies. They have 151 law enforcement officers and over the past several years, their core mission shifted from law enforcement to regulation. Their performance appraisals even changed to be more regulatory driven. When they examined their law enforcement activity work product they were only producing 20 percent. The other

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80 percent was spent on regulatory functions. Their LRPP dictates the amount of regulatory work they must do.

They looked at many scenarios and came up with an estimate of 30 percent of personnel to be converted to civilian inspectors. Most will be accomplished through attrition and they are holding vacancies that will also be converted. By reducing the number of law enforcement field agents and making them non-sworn inspectors to perform regulatory functions the remaining agents will spend 75 percent of their time instead of 20 percent on law enforcement work. Even by reducing their agents over a 2 to 3 year period from 115 to 73 they are gaining 31.75 cops on the ground that local agencies aren't seeing right now by way of additional hours dedicated to law enforcement activities. They will gain 1,270 hours per week dedicated to police work by realigning these resources. Daytona currently has 4 sworn agents assigned to the area which will be reduced to 3, but those 3 will give an additional 58 hours to law enforcement a week because they won't be tied to the regulatory function.

They told their troops this came about as result of the Task Force because they may not have reviewed their functions otherwise. The Task Force made them realize they were inefficient and not as effective as they could be. Although the plan does look like an unfunded mandate to the police chiefs and sheriffs it will give more law enforcement services because the division was previously mismanaged. ABT is committed to excellence, serving the communities and protecting the youth. The realignment will allow them to do more with the same number of resources at a lower cost to the State. She acknowledged that the personnel that were being reclassified were upset.

Chief Monahan asked if the Daytona agents that were being moved to Orlando were being civilianized and Chief Cutcliffe said 2 of them were but there would still be 3 agents. Chief Monahan asked how many sworn agents will be assigned to the Orlando office. Chief Cutcliffe said they will go from 12 to 8 over the next two years. Chief Monahan said that would leave 8 agents to cover 7 counties which is not acceptable to the FPCA. Chief Cutcliffe said that right now those 8 were only giving about 3.5 agents' worth of work in terms of law enforcement. In the Orlando District, there will be an increase of 144 hours per week dedicated to just sworn law enforcement activities.

Chief Monahan asked about the information in the LRPP. Chief Cutcliffe said the numbers would hopefully change. She has asked the Legislature through channels to consider reducing the amount of regulatory inspections required annually.

Chief Cutcliffe thinks they can achieve the 30 percent reclassification through attrition in two to three years. If the inspectors can keep up with the LRPP obligations they may not need to reclassify all the positions.

Director Gainey said the explanation that Chief Cutcliffe gave has been helpful to understand why they made the changes. He asked how many inspectors the Orlando office will have. Chief Cutcliffe said that currently they have 2 but they will have 7 which will give them 21 total agents, inspectors and supervisory staff to cover the seven counties. Director Jones asked, given that the Task Force just makes recommendations for best management practices, was it an option to determine that the recommendations didn't apply to ABT? Chief Cutcliffe said when she was first hired, that was always the option to ignore the recommendations. She subsequently had conversations with some individual task force members and changed her mind. After she became more familiar with the process she realized what she needed to study. Secretary Lawson and Director Allen both supported the process. The projected savings was \$400,000 but will be higher with the office closure. There will be an increase in sworn law enforcement activities and civilian regulatory activity because they won't be overlapping.

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Chief Monahan asked if after the plan is in effect, could they expect the same amount of arrests from ABT, 5,700 per year? Chief Cutcliffe said the agents will have the hours to do it, although they are aggravated right now and she was not sure if they would step up to the plate. They have the ability, the time and they will be held accountable for their performance or lack thereof.

Commissioner Bailey said Chief Monahan made a very strong statement that ended with a recommendation that the FPCA's opposition to the realignment be included in the report that goes to the President and Speaker. Chief Monahan said he stands by that. Commissioner Bailey said if the recommendation was accepted and they took action it would be 14 months away and Chief Cutcliffe does not need their authority to move forward. He suggested Chief Monahan may want to direct his feelings to the Secretary and Governor. Chief Monahan said the consensus of the FPCA was that it should be brought to the Task Force. As administrators they understand the administrative role and sworn role but the fact that there will be eight agents for seven counties in the Orlando district does not work for him. FPCA is not trying to tell DBPR how to run their shop, they know they don't have that purview, but they had an issue with it being communicated in the name of the Task Force. If it is going out with the blessing of the Task Force, it is not unanimous. He hopes his presentation goes to the Secretary for his review.

Chief Cutcliffe said that a large number of arrests occur during spring break in Panama City in March of each year, and agents can make 80 arrests a day for underage drinking during this time. Those arrests are not a result of the agents working in the stores, bars or night clubs of their communities. Chief Monahan asked about the criminal compliance surveys and it was agreed that they were also important. However, sworn agents are also performing other tasks including reviewing establishment drawings and counting chairs to ensure they meet specifications required by regulation. Chief Monahan said they expect to see the arrest statistics, surveys and the compliance rate go up by 30 percent in the communities. Chief Cutcliffe advised that she was not confident in the current arrest statistics.

Sheriff Gee said he had no questions, he had communicated with Sheriff Johnson and they understood the limited role the Task Force had and they would try to work with ABT in the future.

Commissioner Bailey asked if the term administrative time included training and those types of activities. Chief Cutcliffe said no it referred to the time spent on regulatory functions.

Director Jones said they would include language in the report that when making decisions about state resources, leadership should consider the role of local government and be aware of unfunded mandates.

The FPCA will be forwarding a letter to the Senate President Speaker of the House.

Agenda Item 4: The following new business was discussed:

a.) Team Updates

- Director Gainey, sponsor of the IT Services Team gave the team update. They have met a couple of times and they have an outline of the topics they want to cover. There is a need for a service center dedicated to and staffed with law enforcement IT personnel that report directly to the law enforcement agency. That agency would have the sole responsibility for the overall management, support, operation, and physical and internal system security of all the applications.

There are three methods to create the data or resource center. They can utilize an existing shared resource center, a private sector data center or an existing law

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enforcement data center. There will be a transition period to physically move to the selected facility. The current IT support personnel will need a period of time to transfer application knowledge to the hosting law enforcement agency. They will need to identify similar applications and collapse redundant systems. The law enforcement agency should be completely responsible for the day-to-day operations of the center. Theoretically, there should be an oversight board comprised of senior managers of participating agencies and a policy board comprised of agency directors/secretaries.

Once a location is determined, each agency can co-locate their equipment and continue to manage that equipment as plans are developed and approved for the consolidation of those applications. Co-locating will help drive the effort since everyone will be in one place.

The policy board will have to set specific business practices designed to combine systems and software. The policy board will also need to write and approve operations procedures prior to moving any equipment, including emergency and disaster recovery processes and procedures, fiscal processes and procedures, back-up and redundancy. This is important because the current data center did not perform these steps and that is why we are in the position we are in now.

If the selection is an existing data center, they believe it should be operated solely and completely by the designated law enforcement agency; not the current data center structure. The report will present some incidents that make the current relocation practices totally and completely unacceptable for law enforcement operations. The current practices create a danger to state law enforcement officers and ultimately to the public. Law enforcement services need a strict chain of command structure consistent with law enforcement paramilitary operations to include a clear single agency control and decision-making authority. Looking at existing physical security, building security, capacity, etc. the only facility appears to be Southwood.

The team still intends to have a draft report by late May. It will require input and agreement to participate from agency leaders. Input from law enforcement is critical to determine business practices. Kevin Patten, FWC, said they do not want the report to appear like an attack on the basis for the legislature's plan for data center consolidation because it isn't. The challenge is they can describe the technical and operational reason for why it needs to be set aside but what they need assistance with is describing the operations of the law enforcement services. Because of the unique services that some agencies provide, there could be a need for stand-alone applications. Director Jones said it is not about fighting data center consolidation; it is about ensuring that law enforcement is handled appropriately. Director Gainey he agrees, it is about who manages and controls that data and the systems within a center.

- The Statewide Law Enforcement Radio System (SLERS) team has drafted a charter.

Agenda Item 5: The next meeting will be scheduled at the end of May to review the teams' final reports.

Agenda Item 6: Director Jones asked for comments. Chief Monahan asked if information was being plugged into the report that is online. Director Jones said no, but she would work with Chief Monahan to draft a statement concerning unfunded mandates for the executive summary.

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Director Gainey made the motion to adjourn the meeting which was seconded by Chief Monahan and the vote was unanimous.