

December 23, 2019

David S. Kim, Secretary
California State Transportation Agency
915 Capitol Mall, Suite 350-B
Sacramento, CA 95814

Dear Mr. David S. Kim,

In accordance with the State Leadership Accountability Act (Leadership Accountability), the Department of the California Highway Patrol submits this report on the review of our internal control and monitoring systems for the biennial period ending December 31, 2019.

Should you have any questions please contact Scott Silsbee, Deputy Commissioner, at (916) 843-3001, SSilsbee@chp.ca.gov.

GOVERNANCE

Mission and Strategic Plan

The mission of the CHP is to provide the highest level of Safety, Service, and Security. This is accomplished through five Strategic Plan goals:

- Protect life and property
- Provide superior service to the public and assistance to allied agencies
- Enhance public trust through community outreach and partnerships
- Invest in our people
- Identify and respond to evolving law enforcement needs

To accomplish its mission, the CHP is committed to the following organizational values: respect for other, fairness, ethical practices, and equitable treatment for all. Additionally, CHP employees clearly understand the expectations and commitment through exhibition of the following professional values known as "CHP PRIDE":

- Courage
- Honesty
- Professionalism
- Principles
- Respect
- Integrity
- Dedication
- Esprit de Corps

As a Department in state government within the California State Transportation Agency (CalSTA), the CHP is an organization governed by the California Vehicle Code (CVC) as the primary statutory source, which grants the CHP its administrative and enforcement authorities. Beginning with Section 2100, the CVC sets forth the position of the CHP within California state government and basic command

structure. Internally, the CHP employs well established policies for every operational aspect of the Department, including 119 General Orders, 75 Highway Patrol Manuals, 10 Highway Patrol Guides, 9 Highway Patrol Handbooks, and numerous Information Bulletins and Management Memorandums. In 2010, the CHP was formally recognized internationally as an accredited law enforcement agency by the Commission on Accreditation for Law Enforcement Agencies (CALEA). In 2013, the CALEA awarded accreditation to the CHP Academy. In 2014, the CALEA bestowed accreditation to the CHP Communication Centers. In 2016, the Airborne Law Enforcement Association awarded the Public Safety Aviation Accreditation to the CHP Office of Air Operations, and in 2017, the Association of Public Safety Communications Officials International awarded the Project 33, Agency Program Certification, to the CHP public safety communications training program.

The CHP performs a variety of law enforcement services such as assisting motorists, investigating traffic collisions, and providing security for the Governor, other public officers, employees, constitutional officers, and the general public. Departmental employees perform their duties daily through numerous tasks, most of which are clearly seen in view of the public. A few examples of the enforcement services the CHP performs are speed enforcement, removing drug and alcohol-impaired drivers from the highway, combating vehicle theft, administrating driving under the influence checkpoints, and conducting distracted driving enforcement. In addition to enforcement, the CHP provides education programs such as the Every 15 Minutes Program, Occupant Restraint Program, Impact Teen Drivers Program, Senior Volunteer Program, and the Start Smart Program. Not widely seen or known, however, are the selfless efforts of both the uniformed and non-uniformed CHP employees in serving their communities, providing care and acting with compassion for victims of crime and tragedy, and supporting a variety of activities to improve the lives of the people they serve.

Control Environment

The CalSTA provides oversight and guidance on any administrative and policy issues and ensures the CHP is operating efficiently and performing to expectations of the CalSTA, the Governor's Office, the Legislature, and the taxpayers. The CHP is commanded by the Commissioner, who is appointed by the Governor and confirmed by the State Senate. The CHP Executive Management consists of the Commissioner, Deputy Commissioner, and two Assistant Commissioners.

The CHP Headquarters in Sacramento oversees all nine field Divisions (eight geographic Divisions throughout California and the Protective Services Division) plus the four headquarters support Divisions (Information Management Division, Enforcement and Planning Division, Personnel and Training Division, and Administrative Services Division). There are also special offices such as Community Outreach and Media Relations, Legal Affairs, Internal Affairs, Risk Management, Employee Relations, Equal Employment Opportunity, Inspector General, Special Representative, and Employee Safety and Assistance that report directly to the Commissioner or Deputy Commissioner.

The CHP's eight geographic field Divisions oversee approximately 103 Area offices, 36 resident posts, and 17 Commercial Vehicle Enforcement Facilities. Each Area office is commanded by either a captain or lieutenant, and each Commercial Vehicle Enforcement Facility is commanded by a lieutenant. The Divisions are commanded by a Chief.

The Executive Management sets the tone of the CHP displaying and ensuring the CHP's Mission and Vision are carried through with the utmost integrity. The CHP's organizational, professional, and ethical values along with the standards of conduct are communicated to the employees through the

departmental policies, duty statements, operating principles, CHP's General Orders, and individual commands standard operating procedures. These standards enforce accountability and are utilized by management as the basis for evaluating staff adherence to integrity and ethical values. Any CHP staff deviation or noncompliance with the CHP's standards of conduct are investigated by the employee's chain-of-command, communicated to the staff, and appropriate disciplinary actions are taken.

The CHP has a Citizens' Advisory Board (CAB) that serves as an advisory body to the Commissioner with the primary purpose of providing an objective review and information concerning departmental policies, procedures, training, reporting, and controls to determine consistency in the demands of public safety, as well as legal, moral, and public expectations. The CAB plays an important role in strengthening community trust in law enforcement by providing neutral, third party insight, and a productive exchange of ideas.

To assist the hiring managers with recruiting qualified personnel and to ensure recruitment efforts are consistent across the CHP, a highway patrol manual was developed to provide guidance to hiring managers on the recruitment process and associated procedures. The CHP also has a comprehensive hiring process in place where every employee undergoes an extensive background check along with a thorough review of the employee's qualifications to ensure the CHP is recruiting and hiring the most qualified and competent personnel. The CHP has various departmental policies and guidelines detailing the hiring processes and procedures available to management staff to ensure the hiring process is consistent across all the commands within the CHP and all hiring managers are in compliance with all applicable state and federal regulations.

To ensure newly promoted and newly assigned employees receive guidance and direction consistent with the CHP's mission and vision, the Coaching/Mentoring Program was developed to incorporate instructional elements designed to provide employees at each rank and classification with the greatest opportunity for success. Goals of the Coaching/Mentoring Program include fostering leadership development for mentors by listening to personal and professional challenges of mentees and offering guidance, support, and encouragement to address identified issues. Mentors will share critical knowledge and experience to foster teamwork-oriented philosophies in an effort to develop our future leaders while ensuring the legacy of the CHP.

In addition to the Coaching/Mentoring Program, the CHP offers numerous training classes both to uniformed and nonuniformed employees at all ranks. There are mandatory training classes the CHP uniformed staff are required to complete on an annual basis for the CHP to stay in compliance with both departmental and Commission on Peace Officer Standards and Training (POST) standards and to ensure hiring and training of competent and professional individuals who can safely and effectively accomplish the CHP's mission. Furthermore, the CHP ensures employees assigned to commercial, financial, auditing, information technology, and other positions requiring specialized training complete all the necessary training in a timely manner and maintain all applicable certifications. The nonuniformed employees at all ranks can expand on and/or develop new skills by attending the classes provided in-house by the CHP or by submitting a request for training provided by external training organizations.

Information and Communication

There are various methods the Executive Management utilizes to communicate information internally and externally, dependent upon the type of information to be communicated.

The Commissioner meets monthly with the CalSTA Secretary, along with executives from other entities under the CalSTA. The CHP's Executive Management communicates daily to keep one another informed of ongoing operations and to discuss internal control and other issues. The Top Management meetings, which includes Executive Management and all departmental Chiefs, is held quarterly to discuss major activities and operations within the CHP. Additionally, the status of implementing and achieving the departmental goals and objectives specified in the CHP's Strategic Plan are reviewed and discussed. After each Top Management meeting, the CHP conducts Division All Commander Conference (DACC). The DACC is attended by all divisional Chiefs, assistant chiefs, and commanders and is a forum to discuss action necessary to mitigate risks and communicate ongoing strategic planning. The information from the DACC will be relayed by each commander to their command staff. Each Division Commander has the authority to conduct the DACC on a monthly or quarterly basis. The CHP also has an internal communication medium called Communications Network Message (Comm-Net), which is used to communicate activities, and updates on policies and procedures as well as emergency and field operations to departmental staff. Department-wide Comm-Nets are approved by Executive Management.

Furthermore, the CHP's Office of Inspector General (OIG), as an independent command within the CHP, has processes in place to communicate ongoing internal control monitoring results. All audit, performance review, follow-up audit/inspection, and property inspection reports are documented on an internal memorandum. The memorandum is prepared by the OIG and reports monitoring results to Executive Management, with a copy supplied to every commander along the chain-of-command. All self-inspections are documented on specific checklists, which are submitted to the OIG through the appropriate chain-of-command. The OIG summarizes the results of these self-inspections and prepares a memorandum for distribution to Executive Management. The OIG also conducts program and policy evaluations and submits the results to Executive Management as an ongoing monitoring effort to increase departmental efficiency and operational effectiveness.

Throughout the year, the CHP's Information Security Officer distributes notifications to all CHP employees, informing staff of any information or cyber security threats encountered by the CHP and alerting staff to be aware and cognizant of these threats. The staff are also reminded to report any information technology and cyber security issues and concerns to the Information Management Division for investigation and resolution.

The CHP employees are encouraged to report inefficiencies and/or inappropriate activities to the California State Auditor via the whistleblower hotline. There are posters displayed in every command reflecting the contact information for the California State Auditor's whistleblower hotline. Additionally, the CHP staff receive an e-mail notification annually from the CHP's Whistleblower Coordinator with an attached brochure providing the information on the whistleblower program as required by Government Code Section 8547. For internal reporting, the CHP employees have an option to report allegations of inappropriate activities to the CHP's Office of Internal Affairs for further investigation and appropriate action. When information is obtained or uncovered involving inappropriate acts or omissions by an employee, the employee's commander or designee has the responsibility to ensure a complete investigation into the allegations is conducted.

MONITORING

The information included here discusses the entity-wide, continuous process to ensure internal control

systems are working as intended. The role of the executive monitoring sponsor includes facilitating and verifying that the Department of the California Highway Patrol monitoring practices are implemented and functioning. The responsibilities as the executive monitoring sponsor(s) have been given to: Warren Stanley, Commissioner; and Scott Silsbee, Deputy Commissioner.

The CHP conducts quarterly Top Management meetings, which include Executive Management and all departmental Chiefs from each Division, to discuss major activities as well as existing and potential internal control issues. The CHP Top Management meeting is used to discuss current and future risks identified within the CHP. Any risk with vulnerabilities is addressed and revisited at future meeting as needed. Depending upon the impact of the risks to the CHP, a task force could be established to evaluate departmental activity and recommend a corrective action plan to mitigate all material risk to Top Management. The task force has responsibility to update Executive Management on performance and implementation of internal control measures to mitigate the identified risks. The CHP management, at the command level, has responsibility to assess and analyze the design of controls and its intended purpose to ensure they are effective and perform as expected. Any deviations from policy or weaknesses in internal control measures are expected to be addressed and resolved at the lowest level.

The CHP also maintains numerous headquarters committees that exercise oversight over departmental policy and procedures. These committees include bodies such as, but not limited to, the Department Occupational Safety Board, Merit Award Suggestion Committee, Advisory Committee for Persons with Disabilities, and School Pupil Transportation Advisory Committee.

The OIG conducts internal audits in accordance with the *International Standards for the Professional Practice of Internal Auditing* in addition to command inspections. Internal audits or reviews are performed to identify deficiencies and provide recommendations. Internal auditors ensure procedures set out in the internal control system are functioning correctly. The OIG conducts follow-up audits/inspections to ensure outstanding audit/inspection findings are remediated. A follow-up audit or inspection is typically conducted within 12 months after issuance of the final report. Subsequent to the follow-up review, the OIG issues a follow-up report.

All audit/inspection results and corrective action reports are routed through Executive Management for review and proper monitoring. The monitoring activities of Executive Management are continuous as four or more administrative or field Divisions are inspected/audited per year. This includes subordinate commands within the respective Divisions. The OIG submits a final report to Executive Management after all identified issues have been resolved, which closes the audit/inspection. On the rare occasion an issue remains unresolved, Executive Management takes action to resolve it.

In addition to the audit and inspection activities, Executive Management ensures a property inspector completes property inspections of each command every three years to maintain compliance with State Administrative Manual Section 8652, and requires commands to conduct a self-inspection every calendar year. The OIG is also responsible for the biennial SLAA enterprise risk assessment, the departmental risk assessment, and smaller risk assessments requested by different programs, offices, and Divisions within CHP. Additional information on this process is provided in the Risk Assessment Process section of this report.

On top of the internal auditing and monitoring activities conducted by the CHP, throughout the year the CHP is audited by various external control entities to ensure the CHP has proper internal controls in

place and is in compliance with the applicable state laws and regulations. These external engagements consist of, but not limited to, financial, information technology, operational, performance, and program audits. After the final report is issued by the external entity, the CHP drafts a response specifying the corrective actions the CHP has taken or will take to correct and resolve the identified findings. Prior to submitting the response to the external entity, the response is routed through the CalSTA, for review and approval. The appropriate command is responsible for implementing the specified corrective actions and resolving the identified findings.

The CHP has implemented and documented the ongoing monitoring processes as outlined in the monitoring requirements of California Government Code Sections 13400-13407. These processes include reviews, evaluations, and improvements to the CHP's systems of controls and monitoring.

RISK ASSESSMENT PROCESS

The following personnel were involved in the Department of the California Highway Patrol risk assessment process: executive management, middle management, front line management, and staff.

The following methods were used to identify risks: brainstorming meetings, employee engagement surveys, ongoing monitoring activities, audit/review results, other/prior risk assessments, external stakeholders, questionnaires, consideration of potential fraud, performance metrics, and other.

The following criteria were used to rank risks: likelihood of occurrence, potential impact to mission/goals/objectives, timing of potential event, potential impact of remediation efforts, tolerance level for the type of risk, and other.

In 2019, the OIG conducted risk assessment surveys with various headquarters and field commands during performance reviews, property inspections, and follow-up visits. The questionnaire consisted of four questions, which asked the respondent to comment on areas of concern to their command as well as the CHP overall. Due to the CHP's operations changing and evolving with time, the respondents were also requested to identify any policies or procedures that would help improve the departmental efficiency. The results from the risk assessment questionnaire were compiled; prioritized based on the number of times each topical areas of risks were identified by the respondents; and compared with the current audit and inspection plan results and current law enforcement liability trends identified across the nation. Each topical area in the risk assessment questionnaire was then evaluated based on prior occurrence in the CHP, its severity on the CHP operations and stakeholder's interests, and likelihood to occur in the future. A summary of the results was then reviewed and evaluated by Executive Management for suitable risk prioritization and final approval. In addition, the Executive Management had an opportunity to add and/or rank any risks not identified by the questionnaire.

The information received from this risk assessment process is utilized to establish a two-year audit plan in accordance with the *International Standards for the Professional Practice of Internal Auditing*, Section 2010. The CHP's 2020-2021 Audit and Inspection Plan will serve as the ongoing control medium to evaluate and mitigate the identified risks. The CHP's Audit and Inspection Plan is approved by the Commissioner.

RISKS AND CONTROLS

Risk: Assistant Chief Command Assessment

The CHP is geographically divided into eight field Divisions overseeing approximately 103 Area offices, 36 resident posts, and 17 Commercial Vehicle Enforcement Facilities, which in turn, brings various internal challenges to each Division and potentially inconsistent outcomes. The CHP strives to provide effective leadership, direction, guidance, and control on a consistent basis statewide. Because of potential risk for inconsistencies, the CHP initiated a standardized command assessment process to be conducted by assistant chiefs, whose responsibility is to provide leadership and ensure accountability to the commands they oversee. Absence of the command assessment process directly affects the CHP's ability to carry out the mission to provide the highest level of Safety, Service, and Security and hinders the ability to achieve the goal of providing superior service to the public and the goal of enhancing public trust as stated in the CHP's current strategic plan.

Control: Command Assessment Form

The CHP developed the Assistant Chief Command Review; a form for Division assistant chiefs to utilize to inspect each of their assigned commands. The Command Review requires the assistant chief to take an in-depth look at a wide variety of topics at a command including command assumption, facility appearance, fleet maintenance, occupational safety, employee relations, Program 10 statistics, strategic plan, key-contact program, community relations, leadership development, employee feedback, trend analysis, overtime, uniform appearance, and command engagement. After completing the inspection at the command, the assistant chief reports their completion and findings to the Division Chief, which is then forwarded to the appropriate Office of Assistant Commissioner. This activity reduces the risks by requiring each assistant chief to directly engage with each of their assigned commands on a regular basis and hold those commands accountable. The Command Review is to be submitted for the CHP's Executive Management approval prior to be utilized statewide.

Risk: State Property Response Investigation and Tactics

Government Code 14615(b) states the CHP has jurisdiction over those matters related to the security of state officers, property, and occupants of state property. To mitigate the risk of Government Code noncompliance, the CHP Central Division created the **State Property Response Investigation and Tactics** team (SPRINT) as a pilot program to provide a regional resource to Central Division Commanders for a uniformed mid-level tactical response to emergencies and critical incidents on State properties and areas within the CHP's jurisdiction.

There is a demonstrated need to fill the void between the tactical abilities of a patrol officer and that of a Special Weapons and Tactics team. A mid-level tactical response team with a higher level of training will mitigate critical/threshold incidents with a greater frequency of success with reduced uses of force and appropriately manage potential compliance and reputational risks to the CHP.

Control: Training and Standard Operating Procedures

The SPRINT team members receive quarterly training on tactical solutions to mitigate critical/threshold incidents which occur on State properties and areas within the CHP's jurisdiction. The

quarterly SPRINT training is documented on a training report, captured in the Electronic Training Record System, and submitted to Central Division for review. The SPRINT team pilot is commanded by the Central Division Special Operations Commander with oversight by the respective sector assistant chief. The Special Operations Lieutenant is the Executive Officer for the SPRINT team. Each deployment of the SPRINT team is documented with an after-action report and submitted to Central Division for review. Standard Operating Procedures (SOP) are being developed to provide protocol for implementation of the SPRINT team and to serve as regional policies and procedures.

Risk: Crisis Negotiation Team Pilot Program

The mission of the CHP is to provide Safety, Service, and Security to the people of California. The risk was identified due to the CHP's limited ability to respond to and resolve crisis incidents requiring negotiations. To reduce potential risk and the negative impact of not meeting the CHP's mission, the CHP Golden Gate Division created the Crisis Negotiation Team (CNT) as a pilot program to provide competent, well organized teams of negotiators who are capable of responding effectively to critical incidents, including but not limited to hostage situations, barricaded/trapped suspects, high-risk suicide threats, and other situations where negotiations and/or other de-escalation techniques might save lives. The CNT is available to respond, when requested, by operational/incident commanders within the Golden Gate Division jurisdiction.

Control: Training and Standard Operating Procedures

The Golden Gate Division drafted an SOP for the CNT. The SOP identifies and establishes the necessary training for the CNT, as well as a quarterly reporting memorandum, which will be forwarded to the Office of the Assistant Commissioner, Field. The memorandum will report information including the number of allied agency call outs, CHP call outs, number of regular and overtime hours expended, equipment expenses, number of personnel trained, hours spent training, expense breakdowns, synopsis of incidents, infrastructure impact and challenges encountered. The SOP will be submitted to Executive Management for approval prior to implementation. In addition, all CNT members, supervisors, and managers recently received basic negotiations training during initial implementation phase of the CNT.

Risk: Departmental Property (Uniformed Staff Badges)

The risk was identified due to the current departmental contract for badge repair and ribbon replacement for CHP issued badges provided to sworn law enforcement of the CHP set to expire in January 2020. The badge enhances the visibility of the wearer as a uniformed member of the CHP. Without a contract in place, there is no vendor for the CHP to rely upon to repair or replace ribbons on badges provided to sworn staff. Newly graduated cadets are issued a badge upon successfully completing their Academy training. Current CHP law enforcement members who damage an existing badge are issued a temporary replacement badge while repairs take place. Therefore, the CHP must have an executed contract to ensure its sworn law enforcement members have a CHP issued badge in their possession to identify the individual as a law enforcement officer as required by the California Penal Code 830.10.a that states any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer. An executed contract mitigates the risk of noncompliance with the California Penal Code.

Control: Departmental Contract

The CHP Business Services Section (BSS) is currently reviewing the specifications of CHP issued badges. Additionally, the BSS will begin the process to invite prospective bidders to review and respond to the request for badge repair and ribbon replacement. It is anticipated this new contract will be executed in early 2020.

Risk: Fire Related Safety Training for Uniformed Staff

The risk was identified due to the increased frequency of departmental response to major wildland fire incidents throughout the state. Over the past several years, large scale wildland fires have increased in both number and severity. In order to more effectively protect life and property and to ensure the health and safety of CHP employees, it was determined additional training is needed to specifically address the risks associated with wildland fire response.

As a result of prior wildland fire related incidents and with the recent adoption of emergency regulations regarding the protection of workers from wildfire smoke, the CHP must ensure its employees are adequately protected. The CHP conducted a study, identified the personal protective equipment that will meet the needs of the CHP, and issued a Comm-Net to notify the CHP commands of the requisition process. Therefore, to reduce the potential risk of life or safety, at a minimum, the CHP must address the necessity for eye and respiratory protection and the potential need for fire resistant clothing and shelters. Additionally, training is being developed to address several key concerns regarding wildland fire response. This includes the role of law enforcement at fire incidents, fire behavior, and the use of personal protective equipment.

Control: Training

The CHP Personnel and Training Division established a working group which consists of CHP representatives with wildland fire experience and subject matter experts from the California Department of Forestry and Fire Protection. The CHP Commercial Vehicle Section was established as the office of primary interest and is continuing to enhance the training curriculum and establish policy regarding wildland fire response. The CHP Commercial Vehicle Section will provide training statewide at various locations, including but not limited to, classroom, field, and online courses. It is anticipated this training will begin in early 2020.

CONCLUSION

The Department of the California Highway Patrol strives to reduce the risks inherent in our work and accepts the responsibility to continuously improve by addressing newly recognized risks and revising risk mitigation strategies as appropriate. I certify our internal control and monitoring systems are adequate to identify and address current and potential risks facing the organization.

Warren Stanley, Commissioner

CC: California Legislature [Senate (2), Assembly (1)]
California State Auditor
California State Library
California State Controller
Director of California Department of Finance
Secretary of California Government Operations Agency