

December 31, 2021

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

Dear Secretary 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, 2021.

Should you have any questions please contact Sean A. Duryee, Deputy Commissioner, at (916) 843-3001, SDuryee@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 four Strategic Plan goals:

- Protect life and property
- Enhance public trust through superior service
- Invest in our people
- Anticipate public safety and law enforcement trends and provide assistance to allied agencies

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 to service through 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 its basic command structure. Internally, the CHP employs well established policies for every operational aspect of the

Department, including 119 General Orders (GOs), 77 Highway Patrol Manuals (HPMs), 9 Highway Patrol Guides (HPGs), 8 Highway Patrol Handbooks (HPHs), 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, Inc. (CALEA). In 2013, the CALEA awarded accreditation to the CHP Academy. In 2014, the CALEA bestowed accreditation to the CHP Communications 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 crashes, 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, administering 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 professional 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 and communities 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, Administrative Services Division, and Personnel and Training Division). There are also offices such as Employee Relations, Inspector General, Special Representative, Community Outreach and Media Relations, Internal Affairs, Legal Affairs, and Equal Employment Opportunity, 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 (CVEF). Each Area office is commanded by either a captain or lieutenant, and each CVEF is commanded by a lieutenant. Each Division is 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 its employees through departmental

policies, duty statements, operating principles, CHP's GOs, 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 back to the employee, and then 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 the productive exchange of ideas.

To assist hiring managers with recruiting qualified personnel and to ensure recruitment efforts are consistent across the Department, HPMS were 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 to reflect the communities the CHP serve. 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 the Department and hiring managers are in compliance with 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 professional employees at all ranks. There are mandatory training classes CHP uniformed staff are required to complete on an annual and quarterly basis to stay in compliance with both departmental and Commission on Peace Officer Standards and Training (POST) standards. Additionally, the mandatory training classes ensure hiring and training of competent and professional individuals which serves to effectively accomplish the CHP's Mission. Furthermore, the CHP ensures employees assigned to commercial, financial, auditing, information technology, and other positions requiring specialized training are provided and complete the necessary training in a timely manner and maintain applicable certifications. Professional 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 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 that report directly to the CalSTA. The CHP's Executive Management communicates daily and discuss ongoing operations, internal controls, and other issues. Top Management meetings, which includes Executive Management and all departmental Chiefs, is held quarterly, or as needed, to discuss major activities and operations within the CHP. Additionally, the status of implementing and achieving departmental goals and objectives specified in the CHP's Strategic Plan are reviewed and discussed. After each Top Management meeting, the CHP conducts the Division All Commander Conference (DACC). The DACC is attended by all Division Chiefs, Assistant Chiefs, and commanders and is a forum to discuss the action necessary to mitigate risks and communicate ongoing planning strategies. The information from the DACC will be relayed by each commander to their command staff. Each Division commander has the authority to conduct a DACC on a monthly or quarterly basis. The CHP also has an internal communication medium called Communications Network (Comm-Net) message, which are used to communicate activities, updates on policies and procedures, as well as emergency and field operations to departmental staff. Department-wide Comm-Net messages are approved by Executive Management, Divisions Chiefs, and/or the appropriate level.

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 the commander and carbon copying the appropriate 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. All CHP employees are reminded to report any information technology and cyber security issues and concerns to 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, 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, 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: Amanda L. Ray, Commissioner; and Sean A. Duryee, Deputy Commissioner.

The CHP conducts quarterly, or as needed, 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 meetings as needed. Depending upon the impact of the risks to the CHP, a task force can be established to evaluate departmental activity and recommend a corrective action plan to mitigate all material risk to Top Management. The task force will be responsible 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 the 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.

In addition to the internal auditing and monitoring activities conducted by the CHP, the CHP is audited by various external control entities throughout the year 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 and should the final report identify findings, the CHP will draft a response specifying the corrective actions the CHP has taken or will take to correct and resolve the identified findings. Prior to submitting a 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 2021, a risk assessment survey was disseminated to all departmental Chiefs, Assistant Chiefs, and commanders. The questionnaire consisted of four questions, which asked the respondent to comment on areas of concern specific 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 departmental efficiency. The results from the risk assessment survey were compiled; prioritized based on the number of times each topic areas of risks were identified by the respondents; and compared with the current Audits and Inspections Plan results and current law enforcement liability trends identified across the nation. Each topic area of risks in the risk assessment survey 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 survey.

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 2022-2023 Audits and Inspections Plan will serve as the ongoing control medium to evaluate and mitigate the identified risks. The CHP's Audits and Inspections Plan is approved by the Commissioner.

RISKS AND CONTROLS

Risk: Transition to Public Safety First Aid

Per Title 22, Division 9, *Pre-Hospital Emergency Medical Services*, the State of California does not recognize the Emergency Medical Responder (EMR) rating. The CHP adopted the EMR rating when it stopped training cadets as Emergency Medical Technicians (EMT) in the mid 1990's. Afterward, the CHP began training cadets EMR curriculum informally approved by the Emergency Medical Service Authority (EMSA). However, EMSA does not recognize or offer certification for the EMR classification. In 2017, when discussing curriculum with the EMSA, it was discovered the CHP was training cadets to operate at the level of an EMR, without an approved certification for this level from the EMSA. There are no regulations against teaching cadets to a higher level of care; however, they would not be able to administer that level of care without the EMR classification. Continuing to offer and train staff at the level of EMR without certification from EMSA, places the CHP at risk of liability, and not in compliance with the Title 22, Division 9, regulation.

Control: Policy Update

Following the EMSA's audit, the CHP discontinued the EMR Program and transitioned into training its uniform staff to the level of the Public Safety First Aid (PSFA) classification. To comply with the state regulations, the CHP is revising HPM 70.2, *Emergency Medical Services Manual*, to reflect the transition from EMR to PSFA provider classification.

Risk: Administration Checklist

The CHP, through the OIG, conducts inspections to identify potential departmental risks. In recent years, the OIG has been requested by various commands to conduct a voluntary inspection of their Area office, particularly to assess the administrative function of the Area office. The CHP recognizes the need to develop a centralized administrative checklist containing administrative tasks consolidated from various departmental policies and procedures. Without a centralized administrative checklist, Area offices might not be able to carry out its public duties and may also hinder the overall ability of the CHP to operate in an efficient and effective manner. Moreover, without utilizing the checklist, many Area offices may not be in compliance with departmental policies and procedures.

Control: Standardized Checklist Form

The CHP developed a checklist titled Chapter 36, *Administration*, which contains administrative tasks consolidated from numerous departmental policies and procedures. The purpose of this checklist is to serve as a tool to assist clerical staff in performing multiple administrative tasks at a command. If needed, the checklist can also be utilized by the command to assess its compliance with the departmental policies and procedures. In addition to the checklist, the CHP will develop a new departmental policy, titled HPM 22.1, *Command Inspections Program Manual*, Chapter 36, *Administration*, to further strengthen and provide guidance on the implementation of the checklist. The effectiveness of the checklist will be evaluated through testing at a small, medium, and/or large CHP commands before submitting the checklist to CHP Executive Management for approval and statewide implementation.

Risk: Command Standard Operating Procedures Checklist

The CHP is geographically divided into 8 field Divisions, overseeing 103 Area offices, 36 resident posts, and 17 CVEFs, which in turn brings various internal challenges, including maintaining standard day-to-day operational consistency amongst the Area offices. The CHP's policies and procedures consist of 119 GOs, 77 HPMs, 9 HPGs, 8 HPHs, and numerous Information Bulletins and Management Memorandums. Each Area office is required to comply with the Standard Operating Procedures (SOP) requirements spread across the aforementioned CHP policies and procedures. Currently, the CHP does not have a tool in place that identifies all the processes and requirements to be included in a command's SOP as mandated by the departmental policies and procedures.

To promote consistency and ensure the command's SOP addresses the required elements, the CHP has developed a consolidated SOP checklist. The checklist provides and identifies the minimum SOP requirements, which are considered high risk for the Department. This checklist is to be utilized by commands to ensure compliance with CHP policies and procedures. To meet its specific needs, each Division or command can utilize the consolidated SOP checklist and add additional elements/processes based on the requirements specific to each Division and/or program (e.g., Air Operations, Investigative Services Unit, Mobile Road Enforcement, and Fuel Dispensing Facilities). Through utilization of a consolidated SOP checklist, the CHP objective is to fulfill its mission to provide the highest level of Safety, Service, and Security, with a goal of enhancing public trust through superior service as stated in the CHP's current Strategic Plan.

Control: Standardized Checklist Form

The CHP is developing a consolidated SOP checklist, titled *Command Standard Operating Procedures*, for commands to utilize when conducting an assessment of the command's SOP. The SOP checklist contains questions derived from departmental policies and procedures considered as high-risk topics. The SOP checklist also establishes the minimum required components to be included in a command's SOP. The SOP checklist includes a variety of topics including, but not limited to, evidence, firearms, fuel service station, information security, emergency medical services, injury and illness case management, risk management, pursuits, mobile video and audio recording systems, and critical incident investigations.

The effectiveness of the checklist will be evaluated through the OIG's internal review process whereby SOPs from various commands across the state will be assessed and tested for compliance. Once the SOP checklist is finalized and approved by OIG management, it will be submitted to CHP Executive Management for review and approval prior to statewide implementation. The SOP checklist will be evaluated periodically by the OIG to ensure the topics in the checklist remain relevant and align with the CHP's Strategic Plan objectives.

Risk: Officer Vacancy

Recruitment of law enforcement personnel has been on the decline for over seven years, and never more so than the last two years. The current law enforcement agency environment includes negative media/press, public protests, Coronavirus 2019 lockdowns, uncertainty regarding regulation and policies for law enforcement, and increased competition from the private sector and other agencies due to a reduction of available workforce, this forces all law enforcement agencies to become more

competitive. Currently, the CHP is facing approximately a 15 percent vacancy of officer positions. Should the vacancy rate continue to increase in the future, the CHP may not be able to maintain the highest level of Safety, Service, and Security to the public. Therefore, the CHP will be focusing on the officer recruitment efforts, the background process, and Academy training in-line with the CHP's Strategic Plan to recruit and hire the best qualified workforce from all segments of society.

Control: Enhance Officer Recruitment

To enhance current recruitment efforts, the CHP plans to continue utilizing a programmatic digital marketing campaign that began in FY 2019/2020. Also, the CHP is streamlining the current background process to increase cadet recruitment into the Academy. In addition, the CHP is revising the training curriculum at the Academy. Lastly, the CHP will continue to explore ways to broaden its officer recruitment efforts by utilizing existing resources with the goal to reduce the need for expensive overtime and increasing statewide coverage.

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.

Amanda L. Ray, 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