

# Department of the California Highway Patrol

## 2015 SLAA REPORT

---

December 31, 2015

Brian Kelly, Secretary  
California Transportation Agency  
915 Capitol Mall, Suite 350-B  
Sacramento, CA 95814

Dear Mr. Kelly,

In accordance with the State Leadership Accountability Act (SLAA), the Department of the California Highway Patrol submits this report on the review of our systems of internal control and monitoring processes for the biennial period ended December 31, 2015.

Should you have any questions please contact Warren Stanley, Deputy Commissioner, at (916) 843-3001, [wstanley@chp.ca.gov](mailto:wstanley@chp.ca.gov).

### **BACKGROUND**

The mission of the California Highway Patrol (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 others; Fairness; Ethical practices; and Equitable treatment for all. Additionally, CHP employees clearly understand the expectations and commitment to service of the CHP 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, 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 125 General Orders, 72 Highway Patrol Manuals, 19 Highway Patrol Guides, 10 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, and in 2014, the CALEA bestowed accreditation to the CHP Communication Centers.

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 nonuniformed 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.

## **RISK ASSESSMENT PROCESS**

In 2015, a risk assessment questionnaire was disseminated to Division and Area/Section commanders ranging from the rank of lieutenant to the rank of chief, as well as nonuniformed managers of the same rank equivalency. The questionnaire consisted of five questions, which asked the respondent to comment on areas of concern to their command. The completed questionnaires were organized, analyzed, summarized into topical areas, and compared with current audit and inspection plan results as well as current law enforcement liability trends identified across the nation (e.g., mental illness awareness, use of force, etc.). Once the list of topical areas was compiled, the list was reviewed and evaluated by Executive Management for suitable risk prioritization and final approval. 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 completed questionnaires were organized, analyzed, and summarized into topical areas, and incorporated into the CHP's 2016-2017 Audits and Inspections Plan.

## **EVALUATION OF RISKS AND CONTROLS**

### **Operations- External- Technology—Incompatibility**

The CHP is required to enter sensitive law enforcement information into the California Law Enforcement Telecommunications System (CLETS) in the form of a Master Case File Record for all cases originating by the CHP. This record is required to confirm a CLETS computer match on a person or property for law enforcement officers to establish probable cause for enforcement action or arrest. The California Department of Justice (CA DOJ) requires the Master Case File Record be available at all times for confirmation purposes. The CHP possess various decentralized means of recording and retrieving this information, but does not have a system in place to uniformly provide such information. This is considered a risk since the CHP currently does not meet CA DOJ requirements, which could affect CHP field operations regarding CLETS access of information for CHP generated law enforcement actions.

The CHP Information Technology Section is in the process of creating a CLETS Electronic Record Tracking (CERT) System. The CERT System will provide Communications Centers and Area offices with a system that will track stolen vehicle and other information vital to law enforcement. The CERT System will contain information documented within the Master Case File Record. It is anticipated the CERT System will be completed in 2016.

### **Operations- Internal- Oversight, Monitoring, Internal Control Systems**

The CHP does not analyze property classification/categories for excessive shrinkage, and if such shrinkage is identified, the CHP does not have a process to determine whether additional physical

controls are needed. Controls such as implementing separation of duties over accounting and control of property at the local command level and placing property tags on minor property are steps to effectively manage CHP property and assess shrinkage. This is considered a risk due to the potential for theft and waste of departmental resources.

The CHP is in the process of revising departmental property control policies. The revision will consider the useful life of property and acquisition cost thresholds utilized to determine which minor property to tag. The policy will also establish procedures to determine property which is not tagged. Lastly, the policy revision will address separation of duties and add physical control procedures to analyze shrinkage trends. It is anticipated the policy revision and implementation of physical control procedures will be completed in 2016.

### **Reporting- Internal- Information Collected—Inadequate, Inaccurate, Misinterpreted, Untimely**

The CHP property register is not updated timely with property disposal information (within 60 days of the disposal). This is considered a risk because it decreases the ability of the CHP to adequately track property disposals and overall inventory of departmental property.

The Inventory Control Unit (ICU) is implementing a suspense system to ensure the follow-up of unprocessed STD. 152, Property Survey Report, forms for timely posting to the property register. Additionally, the ICU has been processing a backlog of STD. 152 forms. It is anticipated the backlog of reports will be processed in early 2016 which will resolve existing delays in updating the property register.

### **Operations- Internal- Staff—Training, Knowledge, Competence**

As a result of potential contacts with persons with mental illness, the CHP assessed the need for additional Crisis Intervention Training (CIT). It was determined the CHP should increase training for sworn officers to effectively and safely handle law enforcement contacts with persons with mental illness. This was identified as a risk due to the potential use-of-force injuries and deaths that may occur without increasing the knowledge and training of sworn officers in mental illness awareness and response. This risk evaluation meets Strategic Planning Goal #5, Identify and Respond to Evolving Law Enforcement Needs; as well as Strategic Planning Goal #2, Provide Superior Service to the Public and Assistance to Allied Agencies.

Since identifying this risk, the CHP has developed a Mental Illness Response Program within the Personnel and Training Division (PTD). This Division is responsible for developing and coordinating all training associated with Crisis Intervention Teams, Mental Illness Awareness, and other associated training, along with policy development. The PTD has implemented a mandatory CIT training program as follows: CIT Introduction Training for all departmental personnel; CIT Leadership Training for all uniformed lieutenants and above; and CIT Resource Orientation Training and CIT Advanced Skills Training for all uniformed sergeants and officers. All phases of training are to be completed by December 2016.

### **Operations- Internal- Oversight, Monitoring, Internal Control Systems**

State Administrative Manual (SAM) Section 3520.2 requires state agencies to appoint a Property Survey Board (PSB) responsible for determining such action as when to dispose of surplus property and make decisions on how to do so while serving the best interest of the state. To the extent possible, a sufficient

number of members on the PSB are required to ensure representation by both business management and program responsibilities. The CHP currently has a PSB; however, the PSB is not duly appointed by the Commissioner. This is identified as a risk due to the CHP not meeting the SAM Board appointment requirement.

Since this risk was identified, Administrative Services Division is in the process of revising CHP policy to meet the requirement and have the Commissioner of the CHP duly appoint the members to the PSB. The policy revision is anticipated to be published in 2016.

### **Operations- Internal- Staff—Training, Knowledge, Competence**

Due to the natural risk of law enforcement work and the potential of use-of-force incidents, the CHP reevaluated the use-of-force training provided to sworn officers. Identified was the need to improve the documentation of certified training officers; statewide consistency in use-of-force training; and ensure the CHP meets Peace Officer Standards and Training (POST) training requirements. The risk evaluation of departmental use-of-force training is an ongoing assessment which meets the CHP Strategic Planning Goal #5 and Goal #2; and is essential in improving statewide use-of-force training continuity within the CHP.

The CHP established a use-of-force working group within the Office of Assistant Commissioner, Staff. The group evaluated certification of officer safety instructor training, including arrest and control training. It was determined departmental policy requires updating to improve documentation of officer safety instructors certified to instruct; and to obtain missing training course certifications from POST. The CHP has since trained and certified over 300 officer safety training instructors in arrest and control, baton and impact weapons, Simmunitions training, and obtained POST certification for the Officer Safety Training Instructor Course. The CHP is updating policy and certifying all officer safety instructors in the use and instruction of the Electronic Control Device (ECD) to be completed in 2016. The changes will ensure statewide consistency in use-of-force training and ensure the CHP meets POST training requirements.

### **Operations- Internal- Staff—Safety**

The CHP active shooter training curriculum does not include a tactical casualty care component to ensure sworn officers can care for themselves and others in the event they are injured during an active shooter incident. An evaluation of Assembly Bill (AB) 1598, (Chapter 668, filed September 27, 2014), and the CHP training curriculum identified areas of needed improvement. This is an identified risk due to the increased number of active shooter incidents and the need to address employee safety. This risk evaluation is in accordance with CHP Strategic Plan, Goals #5, #2, and #4A, Enhance Employee Safety and Wellness.

The CHP is developing a tactical casualty care component into the active shooter training courses. The CHP is also drafting new policy addressing departmental active shooter training requirements. The newly developed tactical casualty care component will be incorporated into the 2016 active shooter training courses and the policy is anticipated to be published in 2016.

### **Operations- External- Collective Bargaining Constraints**

In agreement with Collective Bargaining Unit 5, California Association of Highway Patrolmen, the CHP provides Advanced Education Pay Differential to employees who obtain a college degree from an

accredited college/university. Since the bargaining unit contract does not define the criteria for an accredited college/university, it is unclear how to define an “accredited” college/university. As such, this risk may lead to the disbursement differential payments for educational/technical degrees that may not meet United States Department of Education accreditation requirements for post-secondary education.

A possible resolution is to define an “accredited” college/university when negotiating the next labor contract with Collective Bargaining Unit 5 in 2018.

### **Operations- Internal- Staff—Training, Knowledge, Competence**

Due to the changing climate of society and the increased law enforcement response to civil disturbance situations, the CHP identified civil disturbance response training for Special Response Teams (SRT) a potential risk. Currently, all officers are required to attend annual training for tactical formation and distraction technique proficiency, along with the quarterly review of civil disturbance written policy. Since the development of policy, the CHP has established an SRT in each field Division; however, policy does not address SRT training or the specifics of SRT response protocol. This risk assessment is in accordance with the CHP Strategic Plan, Goals #1, #5, #2, and 2G.

The CHP is in the process of drafting a new policy specifically to address SRTs. The policy will include new training requirements and response protocol. It is anticipated the policy will be completed in 2016.

### **ONGOING MONITORING**

Through our ongoing monitoring processes, the Department of the California Highway Patrol reviews, evaluates, and improves our systems of internal controls and monitoring processes. As such, we have determined we comply with California Government Code sections 13400-13407.

### **Roles and Responsibilities**

As the head of Department of the California Highway Patrol, Joseph A. Farrow, Commissioner, is responsible for the overall establishment and maintenance of the internal control system. We have identified Joseph A. Farrow, Commissioner, Warren Stanley, Deputy Commissioner, as our designated agency monitor(s).

### **Frequency of Monitoring Activities**

The CHP OIG conducts internal audits in accordance with The International Standards for the Professional Practice of Internal Auditing in addition to command inspections. Audit and inspection topics are generated by a risk assessment questionnaire every two years. The OIG conducts follow-up audits/inspections to verify corrective actions are fully implemented. All audit/inspection results and corrective action reports are routed through Executive Management for review and proper monitoring. Upon review of the reports, Executive Management may take action, give direction, and/or change the direction of the audit and inspection plan. The monitoring activities of Executive Management are continuous as four or more administrative and field Divisions are inspected/audited per year. This includes subordinate commands within the respective Divisions. In addition to the audit and inspection activities, Executive Management ensures a property inspector completes property inspections every three years to maintain compliance with State Administrative Manual Section 8652, and requires commands to conduct self-inspections at a minimum of once a quarter every calendar year.

### **Reporting and Documenting Monitoring Activities**

- o 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, which submits monitoring results to Executive Management, with a copy supplied to every commander along the chain-of-command.
- o All self-inspections are documented on specific checklists, which are submitted to the OIG through the appropriate chain-of-command, which includes Executive Management.
- o The OIG also submits program and policy evaluations to Executive Management, as an ongoing monitoring effort to increase departmental efficiency and operational effectiveness.

### **Procedure for Addressing Identified Internal Control Deficiencies**

- o Upon the issuance of an audit, performance review, or inspection report, the inspected entity has 60 days to respond to the OIG, through the appropriate chain-of-command, and report methods of control and/or internal system to achieve compliance.
- o A follow-up audit or performance review is conducted within 12 months after receiving the response from the audited/inspected entity. Subsequently, the OIG issues a follow-up report.
- o If the audit or performance review follow-up report indicates that any partial or noncompliance issues remain, the inspected entity's next level of chain-of-command is required to follow-up and provide a memorandum to the OIG, until all identified issues have been resolved.
- o Finally, the OIG submits a final report to Executive Management after all identified issues have been resolved, which closes the audit/inspection.

### **CONCLUSION**

The Department of the California Highway Patrol strives to reduce the risks inherent in our work through ongoing monitoring. The Department of the California Highway Patrol accepts the responsibility to continuously improve by addressing newly recognized risks and revising risk mitigation strategies. I certify our systems of internal control and monitoring processes are adequate to identify and address material inadequacies or material weaknesses facing the organization.

Joseph A. Farrow, Commissioner

cc: Department of Finance  
Legislature  
State Auditor  
State Library  
State Controller  
Secretary of Government Operations