

Department of Safety
April 2004

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STATE OF TENNESSEE
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John G. Morgan
Comptroller

April 12, 2004

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
The Honorable Thelma M. Harper, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Department of Safety. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the department should be continued, restructured, or terminated.

Sincerely,

John G. Morgan
Comptroller of the Treasury

JGM/dww
03104

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Department of Safety
April 2004

AUDIT OBJECTIVES

The objectives of the audit were to review the department's statutory responsibilities in, and evaluate specific areas of, Commercial Vehicle Enforcement, Driver License Enforcement, Title and Registration, the Professional Standards Division, the Tennessee Highway Patrol, the Tennessee Law Enforcement Training Academy, and Title VI and to develop possible alternatives for legislative and administrative action that could result in more efficient and effective operations of the department.

FINDINGS

As Noted in Audits Published in 1990 and 1997, Violations Are Still Not Posted Timely to Drivers' Records*

The department's driver point system is designed to identify those drivers whose records reflect a continuous disrespect for traffic laws and a disregard for the safety of other persons on the highway. Points are assessed to drivers for moving traffic violations or for contributing to the occurrence of an accident. Because of delays in posting points for violations, the department may not be promptly identifying unsafe drivers, assessing points for driving violations, and taking action, when necessary, to suspend or revoke their driving privileges (page 8).

Posting of Citations to Commercial Drivers' Records Is Hindered Because Dispositions Are Not Received in a Timely Manner From Courts†

State law requires courts to notify the department of violations by holders of commercial driver's licenses within ten days of convictions relating to motor vehicle traffic control. Our review indicated that courts do not always meet this requirement. As a result, the department cannot ensure that all points are assessed against commercial driver's licenses in a timely manner and (in some instances) that licenses are suspended or revoked when appropriate (page 11).

It is Unclear How the Commercial Vehicle Enforcement Division or the Tennessee Highway Patrol Ensure Adequate Coverage on a Statewide Basis 24 Hours a Day

Department policy requires that the Commercial Vehicle Enforcement Division and the Tennessee Highway Patrol provide adequate coverage on a statewide basis 24 hours a day. Department policy also requires that the department adequately staff each division having commissioned officers with an appropriate workforce based upon an annual needs assessment of workloads and functions in order to ensure efficient and effective operations. Without workload assessment studies, the department cannot determine where and how much additional manpower is needed to maintain appropriate coverage and ensure the most efficient and effective use of patrol officer resources (page 13).

Verification of the Successful Completion of the Cooperative Driver Testing Program Is Lacking

The cooperative driver testing program was designed to help students obtain the skills needed to obtain a non-commercial driver's license. It is offered to public school systems, public institutions of higher learning, and commercial driver training schools with driver education courses for non-commercial driver's licenses. Students who meet the testing standards of the program are exempted from the knowledge and/or driving skills examinations required for a driver's license. Although students are required to present a Third Party Driver Examiner Testing certificate to the department, the department does not verify with their instructors that they have met these standards. Failure to verify that each individual submitting a certificate has successfully completed the driver education program may result in individuals falsely claiming to have met the testing standards of the program (page 18).

Formal Road Skills Training for Examiners Is Lacking

Driver's license examiners have not received training in conducting the road skills examination since November 1999. The

purpose of administering a road skills test to driver's license applicants is to evaluate the applicant's knowledge of traffic regulations and ability to safely operate a motor vehicle. Without formal training, the department cannot ensure that the road skills test is being administered consistently throughout the state (page 20).

The Department Does Not Have a System in Place to Track School Bus Inspections

State law requires the department to inspect public school buses at least annually to determine whether they can be used to safely transport school children. School bus inspectors submit inspection forms to the central office, but the information in these forms is not summarized in a central database. Without a tracking system, the department cannot determine whether buses have been inspected timely or at all (page 21).

The Commercial Vehicle Enforcement Division Does Not Have an Organized Plan to Assess Terrorism Threats During Truck Inspections

The department uses procedures issued by the federal government for responding to potential or actual terrorist threats or incidents. The department is impeded in providing information to the FBI about terrorist threats concerning trucks because it has not implemented a formal process to detect such threats. Although the division has cooperated with other agencies in safety and security inspections at weigh stations, these inspections do not appear to be part of a systematic effort to deter terrorism (page 23).

Successful Completion of Handgun Safety Courses at Approved Handgun Safety Schools Is Not Verified

State law requires applicants for handgun permits to submit proof of successful completion of a department-approved handgun safety course. The department relies on a certificate from the school for proof of the successful completion of the handgun safety course. When a permit applicant presents a certificate, department staff determine whether

the school and instructor were approved at the time of the certificate's issuance. However, the department does not verify with the handgun safety school whether the individual has successfully completed the course. Failure to verify that the each individual applying for a handgun permit has successfully completed an approved course may potentially result in individuals falsely claiming to have successfully completed such a course through a fake certificate (page 24).

It Is Unclear Whether Handgun Permit Application Timelines Established by Tennessee Code Annotated Are Being Met or Whether a Backlog Exists*

The department is required to issue handgun permits within 90 days from the date the department receives the application. The department's method for tracking permit applications is inadequate for determining the existence and extent of a backlog in order to determine compliance with the 90-day requirement and prioritize applications accordingly (page 26).

The Department Continues to Have Large Backlogs in the Processing of Title and Registration Applications as Previously Noted in the 1997 Performance Audit*

Vehicle owners must have a title and registration in order to operate their vehicle. For fiscal year 2003, the average monthly backlog of title and registration applications waiting to be processed was over 60,000 applications. The department does not track application processing times (page 28).

The Implementation of TRUST Continues to be Beset by Many Delays and Other Problems, Resulting in Potential Cost Overruns

In 1999, the department began development of the Title and Registration User System of Tennessee (TRUST) to improve title and registration application processing. There are several areas of concern: adequacy of the funding of the system's operational costs, the number of sites counties will need, and missed deadlines for completing the project (page 32).

Weigh Stations Continue to Have Substantial Amounts of Downtime*

The hours of downtime (when scales are closed) have increased since the 1997 performance audit. Downtime impedes the department's ability to enforce weight and size regulations, and collect revenue through assessments (a tax paid to the state for vehicles with weights or lengths greater than the registered amount) (page 35).

Security Measures at Driver's License Stations Need Improvement

The security measures at driver's license stations vary widely. Most stations do not have security systems, fire alarms, or safes although most did have either secure file cabinets or locked supply cabinets available for the storage of sensitive material and money. Strengthening security measures would help better protect persons and property (page 39).

The Department Does Not Assess the Quality of Service at Driver's License Stations*

The department does not measure service or wait times or track complaints. Although the department tracks customer volume, it does not use this information to formally evaluate staffing needs and allocate staff accordingly. Therefore, the department's ability to identify where customers have lengthy delays is limited and resources may not be allocated according to stations' needs (page 41).

Delays in Accident Postings Have Increased Significantly*

State law authorizes the department to analyze accident reports to determine the cause of highway accidents. For October 2002 through September 2003, the department took, on average, 131 days to post accidents to drivers' records, up from an average of 48 days in 1996. Delays in posting this information hinders the department's ability to analyze this information and use it in accident prevention programs (page 43).

The Department's Training Information System Is Cumbersome and Does Not Allow Adequate Monitoring of Each Commissioned Officer's Training, Which Is Incomplete in Several Cases

Without a comprehensive, user-friendly training database with consistent detailed employee training histories, the department cannot document compliance with training requirements. Nor can it ensure that each commissioned officer receives high quality, job relevant training (page 47).

*This issue was also discussed in the 1997 audit of the Department of Safety.

♦This issue was also discussed in the 1999 audit of Commercial Vehicle Enforcement.

The Tennessee Law Enforcement Training Academy Did Not Evaluate the Adequacy of Fees for Fiscal Years 2002 and 2003

The academy attempts to recover between one-third and one-half of the costs of training through fees charged for tuition. Without a documented analysis and evaluation of training fees, the academy cannot determine whether it is recouping an appropriate amount of the costs (page 49).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider amending state law to require county clerks to submit title and registration application data in a standardized format to reduce errors, and to require county clerks to implement the TRUST system as it becomes available (page 51).

**Performance Audit
Department of Safety**

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
Purpose and Authority for the Audit	1
Objectives of the Audit	1
Scope and Methodology of the Audit	2
Organization and Responsibilities	2
Revenues and Expenditures	7
FINDINGS AND RECOMMENDATIONS	
1. As noted in audits published in 1990 and 1997, violations are still not posted timely to drivers' records	8
2. Posting of citations to commercial drivers' records is hindered because dispositions are not received in a timely manner from courts	11
3. It is unclear how the Commercial Vehicle Enforcement Division or the Tennessee Highway Patrol ensure adequate coverage on a statewide basis 24 hours a day	13
4. Verification of the successful completion of the Cooperative Driver Testing Program is lacking	18
5. Formal road skills training for examiners is lacking	20
6. The department does not have a system in place to track school bus inspections	21
7. The Commercial Vehicle Enforcement Division does not have an organized plan to assess terrorism threats during truck inspections	23

TABLE OF CONTENTS (CONT.)

	<u>Page</u>
8. Successful completion of handgun safety courses at approved handgun safety schools is not verified	24
9. It is unclear whether handgun permit application timelines established by <i>Tennessee Code Annotated</i> are being met or whether a backlog exists	26
10. The department continues to have large backlogs in the processing of title and registration applications as previously noted in the 1997 performance audit	28
11. The implementation of TRUST continues to be beset by many delays and other problems, resulting in potential cost overruns	32
12. Weigh stations continue to have substantial amounts of downtime	35
13. Security measures at driver's license stations need improvement	39
14. The department does not assess the quality of service at driver's license stations	41
15. Delays in accident postings have increased significantly	43
16. The department's training information system is cumbersome and does not allow adequate monitoring of each commissioned officer's training, which is incomplete in several cases	47
17. The Tennessee Law Enforcement Training Academy did not evaluate the adequacy of fees for fiscal years 2002 and 2003	49

RECOMMENDATIONS

Legislative	51
Administrative	51

APPENDICES

A Title VI Information	55
B Schedule of Point Values for Moving Violations or Contributing to Accidents	57

Performance Audit Department of Safety

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Department of Safety was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-225, the department is scheduled to terminate June 30, 2004. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the department and to report the results to the Joint Government Operations Committee of the General Assembly. This performance audit is intended to aid the committee in determining whether the department should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit were

1. to determine the authority and responsibility mandated to the department by the General Assembly in the areas of Commercial Vehicle Enforcement, Driver License Issuance, Title and Registration, the Professional Standards Division, the Tennessee Highway Patrol, the Tennessee Law Enforcement Training Academy, and Title VI;
2. to evaluate Commercial Vehicle Enforcement Division operations to determine
 - if there is excessive downtime at weigh stations,
 - if there is a formal plan for road patrol coverage,
 - whether the posting of citations to commercial drivers' records is timely,
 - whether there is a formal system to inspect trucks for terrorist threats, and
 - if the inspection of school buses is timely;
3. to evaluate Driver License Division operations to determine
 - whether the division properly tests driver's license applicants,

- if the division adequately assesses quality of service at driver's license testing stations,
 - the adequacy of security at driver's license testing stations,
 - if the division properly tests handgun permit applicants, and
 - if the processing of handgun permits is timely;
4. to assess whether the Professional Standards Division posts accidents and violations in a timely manner;
 5. to assess Tennessee Highway Patrol operations to determine
 - if there is a formal plan for road patrol coverage and
 - if commissioned officers meet training requirements;
 6. to determine whether the Tennessee Law Enforcement Training Academy evaluates training costs as part of the process of setting training fees;
 7. to evaluate Title and Registration Division operations to determine if the processing of title and registration applications is timely;
 8. to determine whether the department adheres to Title VI requirements; and
 9. to recommend possible alternatives for legislative or administrative action that may result in more efficient and effective operation of the department.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the department's activities and procedures focusing on procedures in effect during fiscal years 2002 and 2003. The audit was conducted in accordance with the standards applicable to performance audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. The methods used included

1. review of applicable legislation and department policies and procedures;
2. examination of the department's records, reports, and information summaries;
3. examination of prior performance audit and financial and compliance audit reports;
4. review of audit reports from other states; and
5. interviews with department staff and staff of other state and non-state agencies that interact with the Department of Safety.

ORGANIZATION AND RESPONSIBILITIES

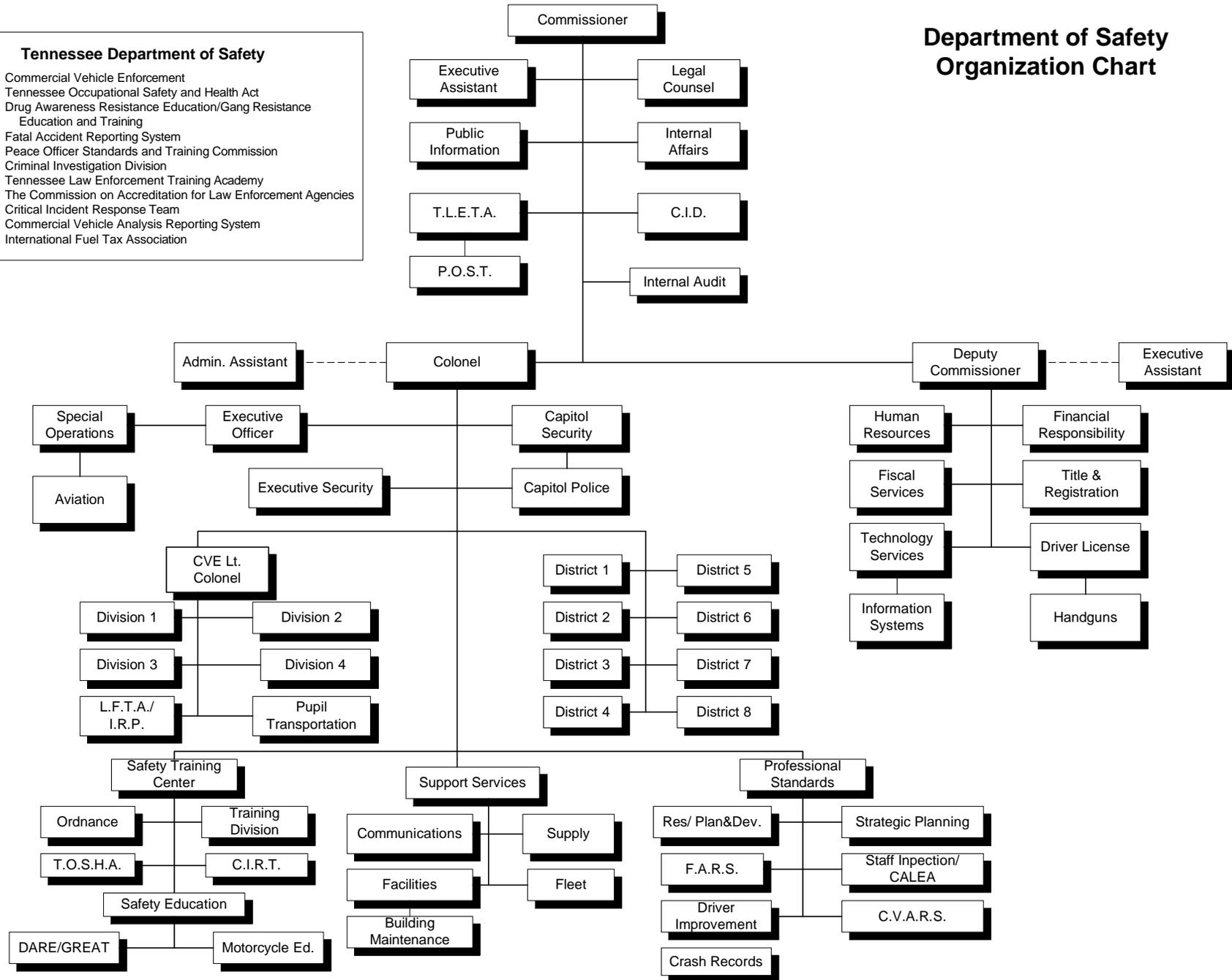
The Tennessee Department of Safety is responsible for safety on more than 150,000 miles of state and federal highways. Other responsibilities include the issuance of driver's licenses, issuance of vehicle titles, investigation of accidents, conducting school bus inspections, administration of forfeitures in DUI and drug cases, investigation of auto thefts, and the enforcement of commercial vehicle laws and regulations. (See organizational chart on the following page.) The vast majority of the department's expenditures and personnel are associated with law enforcement efforts (the Capitol Security, Commercial Vehicle Enforcement, and Criminal Investigations Divisions; Executive Security; Special Operations; and the Tennessee Highway Patrol), the Driver License Issuance Division, and the Title and Registration Division.

- Capitol Security is responsible for patrolling and securing state buildings and grounds surrounding Tennessee's capitol as well as assisting visitors to these areas.
- The Commercial Vehicle Enforcement Division (CVE) is responsible for the enforcement of all laws and rules and regulations pertaining to the safe operation of commercial vehicles, including school buses, on the roads and highways of Tennessee. Officers enforce size, weight, and safety laws at permanent interstate weigh stations and on other roadways with the utilization of portable scales. The division is also responsible for the registration and enforcement of interstate motor carriers with respect to licensing, fuel taxes, and insurance filings. Commercial Vehicle Enforcement, by means of the Pupil Transportation Section, provides instruction for all school bus drivers and conducts safety inspections on school and other buses.
- The Criminal Investigations Division is responsible for the investigation of auto thefts, stolen vehicle parts, and odometer fraud. Driver License Fraud is also part of this division.
- The Driver License Issuance Division is responsible for the administration of oral, written, and road tests in addition to the issuance and renewal of driver licenses to qualified applicants. The division is also responsible for handgun permits and voter registration.
- Executive Security provides security for the Governor, Lieutenant Governor, Speaker of the House, Attorney General, and other associated parties, with members of the Tennessee Highway Patrol.
- Special Operations is composed of the Tactical Squad and Aviation Section. Members of this division are responsible for special assignments such as bomb threats, VIP security, and drug searches and seizures.

Tennessee Department of Safety

C.V.E. Commercial Vehicle Enforcement
T.O.S.H.A. Tennessee Occupational Safety and Health Act
D.A.R.E./G.R.E.A.T. Drug Awareness Resistance Education/Gang Resistance Education and Training
F.A.R.S. Fatal Accident Reporting System
P.O.S.T. Peace Officer Standards and Training Commission
C.I.D. Criminal Investigation Division
T.L.E.T.A. Tennessee Law Enforcement Training Academy
C.A.L.E.A. The Commission on Accreditation for Law Enforcement Agencies
C.I.R.T. Critical Incident Response Team
C.V.A.R.S. Commercial Vehicle Analysis Reporting System
I.F.T.A. International Fuel Tax Association

Department of Safety Organization Chart



The Tennessee Highway Patrol (THP) is responsible for the enforcement of all federal and state laws relating to traffic and the investigation of accidents involving personal injury, property damage, and fatalities. Serving the entire state of Tennessee with substations in each of its 95 counties, the THP has district headquarters in the following locations: Chattanooga, Cookeville, Fall Branch, Knoxville, Jackson, Lawrenceburg, Memphis, and Nashville. When personal injury or fatal accidents involve drugs or alcohol, the Tennessee Highway Patrol is responsible for the prosecution in the courts and working with the Attorney General's Office. The THP is also active in criminal interdiction, which involves the suppression of narcotics on the roads, highways, and interstate systems in Tennessee. A riot squad is maintained in each district to respond to any emergencies that may arise.

- The Title and Registration Division is responsible for all aspects of the coordination and issuance of motor vehicle registrations, titles, and related activities for all motor vehicles. The division's warehouse coordinates the manufacture and delivery of license plates, validation decals, and forms and documents necessary to appropriately register vehicles within the state to each county clerk.

Other Department of Safety divisions and sections are described below.

- The Financial Responsibility Division is responsible for the coordination of cancellations, revocations, and suspension actions against driving privileges arising from incidents including crashes and moving traffic convictions.
- Fiscal Services is responsible for the preparation of the annual budget and for maintaining, processing, and accounting for all revenues and expenditures within the Department of Safety.
- Human Resources maintains employee records, implements associated programs, and oversees the hiring of new employees.
- The Internal Affairs Division receives and investigates complaints in regard to the performance and conduct of employees of the department.
- Internal Audit is responsible for safeguarding the department against fraud, waste, and unauthorized use or misappropriation of funds or property.
- The Legal Division is responsible for conducting and overseeing all administrative hearings and monitoring new legislation to determine its effect upon departmental policies and procedures. The division also acts in an advisory capacity on legal issues for all sections within the department. Through the Internal Affairs Division, the Legal Division receives and investigates complaints regarding the performance and conduct of employees of the department.
- The Peace Officers Standards and Training Commission (POST) is responsible for the establishment and administration of minimum standards for the employment and

training of police officers. POST is recognized as a clearinghouse for information and files are maintained on all certified law enforcement officers in Tennessee.

- The Professional Standards Division is responsible for the maintenance of professionalism throughout the department. Units of this division include Planning, Research, and Development; Fatality Analysis Reporting System; Driver Improvement; Crash Records; Strategic Planning; Staff Inspection/Commission on the Accreditation for Law Enforcement Agencies; and Commercial Vehicle Accident Reporting System.
- The Public Information Office controls the issuance and coordination of news, information, and publicity involving, or affecting, the department.
- The Safety Training Center is responsible for the coordination of various personnel necessary for the ongoing support of the Department of Safety. Areas within the Safety Training Center include the Training Division, the Critical Incident Response Team, the Tennessee Occupational Safety and Health Act, Safety Education, Ordnance, Motorcycle Education, and the Drug Abuse Resistance Education and Gang Resistance Education and Training units.
- Support Services is responsible for assisting all Department of Safety personnel. Specialized areas within Support Services include Fleet, Supply, Communications, and Facilities Management and Building Maintenance.
- The Technology Services Division is responsible for the coordination of resources and expertise between information systems and telecommunications systems.
- The Tennessee Law Enforcement Training Academy has objectives including providing a service to government agencies through police science and administrative education programs for officers at all levels of responsibility, updating officers who attend training programs and increasing their capabilities to better serve their departments and the citizens of Tennessee, and being the center of law enforcement training for all law enforcement officers.

The department has provided information regarding its current compliance with Title VI of the Civil Rights Act of 1964, and this information can be found in Appendix A.

REVENUES AND EXPENDITURES

The Department of Safety had a budget of \$167,047,400 for fiscal year 2003. During fiscal year 2002, the department had revenues and expenditures of \$138,472,700. The department revenues were derived from state appropriations (70.9%), federal funding (2.7%), and other sources (26.4%). The major categories of expenditures were as follows:

Category of Expenditure	Percent of Total Department Expenditures
Administrative and Support Services	9.5%
Driver's License Issuance	12.1%
Enforcement	52.5%
Education	6.9%
Technical Services	6.3%
Titling and Registration	12.7%

FINDINGS AND RECOMMENDATIONS

1. As noted in audits published in 1990 and 1997, violations are still not posted timely to drivers' records

Finding

The department has not posted violations to driver records in a timely manner. As a result of this delay, the department may not be promptly identifying unsafe drivers, assessing points for driving violations, and taking action, when necessary, to suspend or revoke their driving privileges.

The department has designed a driver point system to identify those drivers whose records reflect a continuous disrespect for traffic laws and a disregard for the safety of other persons on the highway. Points are assigned to drivers, based on the severity of the violation, for moving traffic violations or for contributing to the occurrence of accidents. For example, a driver found to have exceeded the speed limit by 46 or more miles per hour is assessed eight points. (See Appendix B for a complete list of points assigned for specific violations.) Individuals found to be frequent traffic violators (12 or more points) are sent a notice of proposed suspension and given an opportunity to request a hearing. If they fail to request a hearing, their driving privileges are suspended for a period of 6 to 12 months.

In most cases when drivers request a hearing, they are given the opportunity to attend a defensive driving class in lieu of suspension or a reduction in suspension time. Drivers who complete the defensive driving class are placed on probation for one year. If two or more violations and/or chargeable accidents are received within this 12-month period, the driver is suspended. The department suspended 5,665 licenses in fiscal year 2002 and 5,718 in fiscal year 2003. The department did not have information on suspensions by type of license (e.g., commercial and non-commercial Class D). However, department staff estimated that the vast majority of suspensions were related to non-commercial license holders.

Department policy 1340-1-4-.04(6) requires that points be assessed to a driver's record based on the date the department processed the violation, rather than on the date of the violation or the date of the court conviction. Each time a violation is posted to the driver's record, the computer scans back a period of 24 months from the posted date to determine whether the driver has accumulated 12 or more points within any 12 month period to warrant a proposed suspension notice. As a result of this policy and delays in posting violations, unsafe drivers could avoid having their licenses suspended. For example, a driver who had eight points posted in his record in January could have an accident in December of that same year resulting in the assessment of four points. If these four points are not processed until February of the next year, the driver could avoid suspension because the points posted in January would have been removed (since

more than 12 months would have passed since they were posted). This finding appeared in the department's September 1997 performance audit.

In response to the 1990 performance audit of the Department of Safety, the department set a goal of decreasing the turnaround time in posting accidents to within 30 days of receiving reports. The department also discussed improvements it hoped would reduce the time to post accidents in its response to the 1997 audit. In a sample of 25 accidents and moving violations drawn from the period of August 1, 2001, to June 1, 2002, 19, or 76 percent, of the sampled accidents and moving violations were not posted to the driver's record on a timely basis. For violations that were submitted electronically, the average number of days from the court conviction date to the posting of the violation was 180.6 days. Information regarding when these tickets were received by the department was not available. For violations that were not submitted electronically, the average number of days from the film date of the violation, which occurs immediately following department receipt of the violation, to the posting of the violation was 103.4 days.

Contributing to the delay in the timely posting of violations to a driver's record appears to be backlogs experienced in the processing of received violations. The department began tracking Tennessee Highway Patrol citations and dispositions received and processed and local law enforcement violation convictions on a weekly basis in July 2003. An auditor analysis of the Tennessee Highway Patrol citation and disposition-related work received and completed and the resulting backlogs of work to be processed by department staff for the period of July 28 through September 19, 2003, determined that, on average, the backlog at the end of each week was 10,604, with a high of 12,862 and a low of 7,824. (See Chart 1.) Auditor analysis of work related to local law enforcement violation convictions received and completed and the corresponding backlogs of work to be processed for the same period determined that, on average, the backlog at the end of each week was 6,226 with a high of 13,170 and a low of 902. (See Chart 2.)

Chart 1
Weekly Backlog for Tennessee Highway Patrol Work to Be Processed

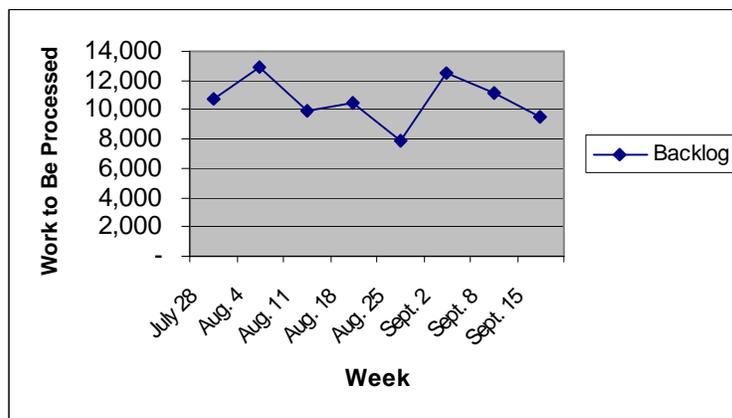
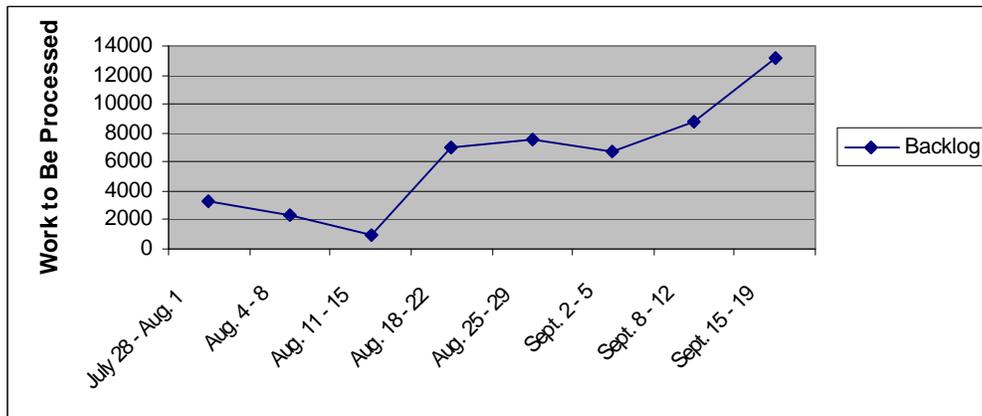


Chart 2
Weekly Backlog for Local Law Enforcement Work to Be Processed



Timely posting of violation convictions is essential to the success of the Driver Improvement Program’s point system. Lack of timely posting increases the likelihood that problem drivers will continue to drive despite accumulating sufficient points to warrant suspension of driving privileges. Late posting ultimately affects the department’s ability to fulfill its primary mission to provide safer highways for the citizens of Tennessee. In addition, the state could perhaps be held liable if an individual is harmed by a driver that should have had his or her license suspended or revoked.

Recommendation

The department should ensure the timely posting of violations to driver records, including establishing a goal for posting these violations within a specific time frame, at least within 30 days. The department should explore and implement processes by which to reduce backlogs associated with the processing of violations.

The department should change its policy for its Driver Improvement Program and assess points based on the conviction date of the violation, rather than on the date the violation was posted to the driver’s record.

Management’s Comment

We concur. The Director of Financial Responsibility has taken the following actions to address the delay in posting traffic law violations to the driver records. One additional position has been shifted to the Unit that processes these convictions to help expedite the processing. The processing of convictions requiring mandatory revocation action (DUI, etc.) has been made a priority. These convictions are posted within two weeks of receipt of the conviction from the Courts. Non-mandatory convictions reported electronically are posted within 24 hours of receipt from the Courts. We are able to have non-mandatory manually processed convictions ready to

be keyed in approximately two weeks. Currently, these convictions are being posted within thirty-six days of receipt from the courts.

We have worked with the Information Systems Division and TRICOR to reduce the delay in keying the convictions to be entered on the driver records. We have contacted all the Courts that report convictions to us and encouraged them to report the convictions within thirty (30) days of the conviction date, as required by state statute (*TCA 55-10-306*). It appears part of the delay addressed in the audit was due to the Courts not reporting the convictions to us in a timely manner. We have worked with the Internal Audit Division and the Information Systems Division to develop a method to identify Courts that routinely delay reporting convictions to us. We will ask the Courts to begin including a court identifying number on each conviction. This identifier will assist us in this project and in other issues dealing with the Courts.

We are continuing to encourage the Courts to report the convictions electronically. This would eliminate the manual processing by us and expedite the posting of the convictions to the driver records. In 2003, we worked with the Administrative Office of the Courts to provide information regarding electronic reporting to the Court Clerks at their conferences. We will continue to offer this process to the Courts in our contacts with them. We believe the steps we have taken and our ongoing efforts will result in a more efficient and timely posting of convictions to the driver records.

The conviction date was not available to use on some violations because until the summer of 2002 some courts had not given the department the conviction date on non-mandatory dispositions. Because of this lack of data the department has used the posted and event date in calculating points. Since the summer of 2002 we have captured the conviction date on most all dispositions.

2. Posting of citations to commercial drivers' records is hindered because dispositions are not received in a timely manner from courts

Finding

Section 55-50-409, *Tennessee Code Annotated*, requires courts to notify the department of violations by holders of commercial driver's licenses within ten days of convictions relating to motor vehicle traffic control. However, our review of this process indicates that courts are not meeting this requirement. As a result, the department cannot ensure that all points are assessed against commercial driver's licenses in a timely manner, and (in some instances) that licenses are suspended or revoked when appropriate. Although there are no civil or criminal penalties for lack of compliance, the state could be held liable if an individual is harmed by a driver that should have had his or her license suspended or revoked.

The department does not monitor the timeliness of the submission of conviction data by the courts (however, department staff estimated that submissions tend to be late). As a result, we

evaluated the timeliness of court submissions for specific days in July 2003 for all four Commercial Vehicle Enforcement divisions (i.e., regions). (See Table 1.) On average, court submissions did not meet the ten-day deadline for cases reviewed, with submission times ranging from 6 days after conviction to 439 days. As of October 2003, there were 4,581 open moving violation citations that had been issued in calendar year 2002.

Table 1
Timeliness of Court Submissions

<i>Division</i>	<i>Date Received</i>	<i>Number of Cases</i>	<i>Average Days</i>	<i>Low</i>	<i>High</i>
1	7/24/03	55	46.0	14	197
2	7/23/03	10	14.4	14	16
3	7/25/03	9	33.1	30	38
4	7/21/03	50	82.3	6	439

The 1999 performance audit of the Commercial Vehicle Enforcement Division also had a finding on late court submissions of citation dispositions. In that audit, a random sample of 38 citation dispositions for moving violations received between July 1 and September 18, 1998, revealed that the length of time between the court hearing date and Commercial Vehicle Enforcement's receipt of the disposition ranged from 16 days to 582 days, the median being 75 days. None of the dispositions were received within ten days.

In response to that audit, department management stated that division offices were being linked with court systems to allow officers to check dispositions via desktop workstations. In addition, management stated that officers assigned to the Alternative Commercial Enforcement Strategies (ACES) program were being used to educate judges and clerks about the importance of timely and accurate submission of dispositions. However, current department management stated that neither effort has been implemented. Division staff interviewed indicated several reasons why courts are late with submissions, including lack of court staff, paper submission of data, and uncooperative court staff.

Recommendation

The Division of Commercial Vehicle Enforcement should develop and implement an electronic tracking system to determine which courts are consistently late in submitting citation disposition data on moving violations against holders of commercial driver's licenses through regular monitoring of the system. The division should use this information to target education efforts to the judges and staff of these courts, emphasizing the need to comply with Section 55-50-409, *Tennessee Code Annotated*. The division should also determine why prior proposed efforts to deal with this problem were never implemented and proceed with their implementation.

Management's Comment

We concur. Currently, all convictions of moving violations involving drivers from other states in commercial vehicles are processed and sent to the Problem Driver Pointer System Help Desk to be sent through the Commercial Driver License Information System within seven days of receipt of the conviction from the Court. The Director of Financial Responsibility is developing procedures to allow the department to reduce the time required to post such convictions to the records of Tennessee drivers. We hope to be able to have these violations posted within ten days of receipt of the conviction. This finding will be addressed at the Court Clerk's Conference and the Director of Financial Responsibility will encourage the Court Clerks to report the convictions involving commercial vehicles to the department within the ten day period as required by law.

We are continuing to stress to the court systems the importance of submitting these dispositions in a timely matter. Our Alternative Commercial Enforcement Strategies (ACES) officers routinely meet with the General Sessions courts throughout the state to educate and answer questions and hopefully maintain a good working relationship with the court systems in order to speed up this process.

3. It is unclear how the Commercial Vehicle Enforcement Division or the Tennessee Highway Patrol ensure adequate coverage on a statewide basis 24 hours a day

Finding

Commercial Vehicle Enforcement Division

Currently, senior patrol officers determine at the regional level what sections of the state's road system should be patrolled by officers. Division management and patrol officers indicated that senior officers use their judgment and experience in developing schedules. Officers take into consideration such factors as the risk for accidents, truck traffic, and citizen complaints.

Department policy requires that the department adequately staff each division having commissioned officers with an appropriate workforce based upon an annual needs assessment of workloads and functions (workload assessment) in order to ensure efficient and effective operations. In establishing staffing, the department should take into consideration factors influencing workload demands such as the number and nature of tasks, the complexity of tasks, the location of tasks, and the time required for the completion of tasks. The division has not conducted an annual workload assessment to determine workforce needs. Nor has it performed any studies on the proper allocation of personnel similar to those performed by the Tennessee Highway Patrol.

Department policy also requires that in order to achieve viable and effective traffic enforcement programs, shift rotation of commissioned personnel should be consistent and administered uniformly statewide and should ensure adequate coverage on a 24-hour basis statewide. However, division management and patrol officers stated that a lack of manpower would not allow 24-hour coverage. For low-traffic rural counties, the division assigns one officer to two or three counties, while high-traffic urban counties each have one officer assigned. Each officer works an eight-hour shift. Outside that shift, no officer usually patrols that officer's patrol area.

Division staff stated that more patrol cars would allow the assignment of weigh station staff to patrol duties. However, weigh stations already have significant amounts of downtime, because of, among other factors, lack of manpower. (See Finding 12.) Without workload assessment studies, the division cannot determine where and how much additional manpower is needed. Without a formal system to allocate and assign staff, the division cannot ensure the most effective use of existing patrol officer resources.

Tennessee Highway Patrol

The Department of Safety is mandated with the responsibility of enforcing all laws regulating and governing traffic, travel, and public safety upon the public highways of Tennessee. To fulfill this mandate, the department uses selective enforcement activities to target specific violations contributing to traffic crashes or otherwise endangering the lives of the motoring public. In order to develop and maintain viable and effective traffic enforcement programs, department policy requires that shift rotation of commissioned personnel for the Tennessee Highway Patrol (THP) should be consistent and administered uniformly statewide and should ensure adequate coverage on a 24-hour basis statewide. Scheduling should be based upon, at the least, availability of manpower; traffic crash experience; traffic density by the day of week, time of day, and location; and other calls for service.

Policy allows the scheduling of commissioned personnel to vary by district and by county based upon the needs of individual geographic areas. However, policy also requires the department to adequately staff each THP division with an appropriate workforce based upon an annual workload assessment in order to ensure efficient and effective operations. Consideration should be given to factors which influence workload demands. Some of these factors include: the number and nature of tasks, the complexity of tasks, the location of tasks, and the time required for the completion of tasks.

The THP does not perform an annual workload assessment. However, the THP does perform a Manpower Allocation Report upon the imminent graduation of a cadet class to serve as a guideline for allocating trooper positions within the THP with the objective of minimizing the number of traffic accidents occurring within the main patrol area. The motivating idea underlying the report is the Selective Enforcement Principle, which states that the location of traffic enforcement activity should coincide with the location of traffic accidents. The number of traffic accidents and the number of traffic citations issued are proportional, if manpower is allocated accordingly. These reports generate suggestions for the allocation of trooper positions

on both a county and district level. The department issued reports in both 2000 and 2002, but no report was issued in 2001.

The manpower allocation report makes two suggestions for the allocation of trooper positions on both a county and district level. The first suggested allocation system is based on the number of accidents worked by the THP per county as a percentage of the state total with trooper positions allocated accordingly. However, this may result in a recommended allocation of zero or one trooper in certain counties, which may not be feasible or desirable. The second suggested allocation system follows the format of the first but with a minimum of three trooper positions allocated to each county.

Auditors analyzed the allocation of troopers prior to the 2002 Manpower Allocation Report (issued in March 2002), the suggestions made for trooper allocation in the report, and the actual allocation of troopers following the report. The analysis indicated that the department may not routinely use the suggestions made by this type of report. In the actual allocation of troopers following the 2002 Manpower Allocation Report, 72.6% of the counties had allocation levels that met the minimum levels recommended by the first suggested allocation system. (See Table 2.) Only 53.7% of the counties had an allocation of troopers that met the minimum levels recommended by the second suggested allocation system, which had a minimum of three troopers per county. Twenty-one of the 95 counties in the state, 22.1%, had an allocation of less than three troopers.

Table 2
Analysis of Trooper Allocation by County Following 2002 THP
Manpower Allocation Report

	Number of Counties	Percentage of Total
Counties with a trooper allocation that meets minimum levels of first suggested allocation (based on crash data)	69	72.6%
Counties with a trooper allocation that meets minimum levels of second suggested allocation (minimum of three troopers)	51	53.7%
Counties with a trooper allocation of less than three troopers	21	22.1%

Total Number of Counties = 95

THP management indicated that a reliance solely on the use of traffic crash data may result in skewed results for the allocation of troopers which favors counties with major interstates in them and does not take into account other factors. These factors include road use volume, traffic citations issued, average daily traffic counts, miles of interstate highway, HELP truck calls for service (where applicable), interstate calls for service, number of licensed drivers and number of registered vehicles within the county, seasonal tourist traffic, military base location and activity, industrial and residential buildup, and unusual terrain or road layout.

The department did issue a report in June 2003 that took into consideration factors other than crash data. *Personnel Needs Assessment: Assume Primary Law Enforcement Responsibility for Highways in Davidson County* determined the personnel needs and costs associated with the THP assuming sole responsibility for answering calls for service on all interstate highways in Davidson County. The analysis performed took into account average daily traffic counts, miles of interstate highway, HELP truck calls for service, interstate calls for service, and the number of interstate crashes. Further, officer availability was determined taking into account regular days off, average annual and sick leave, average time spent in training, average time spent in court, and average compensatory time taken off.

The report determined a relief factor of 1.62. In other words, to keep one full-time equivalent trooper working one shift, 1.62 troopers need to be allocated. While the resulting cost and need for additional personnel made the assumption of sole responsibility not feasible in Davidson County, the analysis provided a more accurate assessment of the allocation of manpower necessary to provide desired levels of service since it was based on several relevant factors.

The eight THP districts also do not perform workload assessments or analyses to determine the method by which adequate coverage will be established. In addition, the department does not provide the districts with a formal plan to rationally distribute THP resources to accomplish adequate coverage on a 24-hour statewide basis. To ensure that officer coverage meets the specific priorities of each district, scheduling is determined at the district level. As already indicated, department policy requires scheduling to be based upon, at the least, availability of manpower; traffic crash experience; traffic density by the day of week, time of day, and location; and other calls for service.

The department does collect information on a monthly basis, statewide and by district, regarding THP activity, including moving violations, non-moving violations, total citations, warnings issued—moving and non-moving, felony arrests, services (e.g., persons assisted), time accountability, and overtime hours. This information is not used by the THP to assess workload or determine allocation levels to provide desired levels of service. Failure to perform an annual workload assessment limits the department's ability to rationally distribute on a 24-hour basis THP resources to efficiently and effectively enforce laws regulating and governing traffic, travel, and public safety upon Tennessee's public highways, and ensure that the maximum number of traffic law violators are caught, accidents are minimized, and response times are kept to a reasonably low level.

Recommendation

The Commercial Vehicle Enforcement Division should develop and implement a formal plan to distribute patrol officer resources after conducting a workload assessment to determine where these resources are most needed. Any plan should take into consideration the needs of individual regional divisions and counties, as allowed by policy, and should allow officers to quickly react to changing circumstances.

The Commercial Vehicle Enforcement Division should establish 24-hour patrol coverage in all counties or amend *General Order 215-2*, restricting this requirement to the Tennessee Highway Patrol if financial resources do not permit such coverage. However, the department should take into consideration the impact such a change will have on the public's general welfare, and on its accreditation by the Commission on Accreditation for Law Enforcement Agencies.

The Tennessee Highway Patrol should determine the desired level of service to be provided and perform an annual workload assessment for the purpose of determining the most efficient allocation of personnel which includes, but is not limited to, the following factors: traffic crash data, road use volume, traffic citations issued, average daily traffic counts, miles of interstate highway, HELP truck calls for service, interstate calls for service, number of licensed drivers within a county, number of registered vehicles, seasonal tourist traffic, military base location and activity, industrial and residential buildup, unusual terrain or road layout, and officer availability.

THP districts should contribute to the workload assessment by performing on an annual basis, and submitting to the THP central office, analyses to determine the methods best suited for each county and district to ensure that adequate coverage on a 24-hour basis is achieved, and implementing coverage plans based upon the results of the analyses.

Management's Comment

Commercial Vehicle Enforcement

We concur. The Commercial Vehicle Enforcement Division will review the plan to distribute patrol officers. This review will take into consideration the needs of individual regional divisions and counties, as allowed by policy, and will allow officers to quickly react to changing circumstances.

The Commercial Vehicle Enforcement Division will review the patrol coverage of all counties along with a review of General Orders 215-2 to make sure we are in compliance with our own policy as well as the Commission on Accreditation for Law Enforcement Agencies. We will ensure that any change implemented in patrol coverage will benefit the general public.

Tennessee Highway Patrol

We concur. At this time, we are unable to conduct in-depth annual workload assessments due to the lack of timely and complete data. Once a statewide Computer Aided Dispatch system, and an improved electronic traffic crash system are fully funded and operational, the Department of Safety anticipates having the capability to fully comply with the audit recommendation.

During the latter part of 2003, the Tennessee Highway Patrol (THP) implemented a requirement that each District Captain submit a 90-day enforcement plan to the central office.

The enforcement plan is to be based on localized events, increased seasonal traffic, current traffic crash incidents, and other similar criteria. Captains are encouraged to utilize saturation (assigning additional Troopers from adjoining counties) of all counties within their districts, along with Sobriety Checkpoints, Driver License Checkpoints, aggressive line patrols, etc. This was begun in response to our monitoring of traffic fatality preliminary counts on rural state and U.S. highways. Since these are the Tennessee Highway Patrol's primary calls-for-service areas, the THP moved to place greater emphasis (assignments) in these areas.

4. Verification of the successful completion of the Cooperative Driver Testing Program is lacking

Finding

The Cooperative Driver Testing Program (CDTP) is a program offered to public school systems, public institutions of higher learning, and commercial driver training schools with driver education and training courses for Class D (non-commercial) driver's licenses. The program was designed to help students obtain the skills needed to receive a Class D driver's license. Students in the program who meet the testing standards of the program are exempted from the knowledge and/or driving skills examinations required for a Class D driver's license and from the knowledge examination required for a learner permit. The knowledge examination administered by the CDTP was designed by the Board of Education in conjunction with the Department of Safety in 1992 and substitutes for the examination given at the driver's license stations. The examination has not been updated since that time. Students enrolled in the CDTP, with the exemption from the Class D knowledge and/or driving skills examination administered by the Department of Safety, must present a Third Party Driver Examiner Testing Certification form at a driver's license station within 90 days of completing the driver education and training course to obtain a Class D driver's license.

Upon receipt of the Third Party Driver Examiner Testing Certification form, staff determine whether the third-party tester is an active and authorized third-party tester. As the list of active and authorized third-party testers is updated, e-mail updates are sent to the driver's license stations in the field. Although driver education instructors are required to maintain accurate driver test records for all students who have been administered an examination for a period of one year, the department does not verify with the third-party tester that the individual submitting the certification form to obtain a Class D driver's license has successfully completed and met the testing standards of the Cooperative Driver Testing Program.

The department is required by policy to conduct spot checks on a random sample of the exempted driver population and may administer either the knowledge examination or the driving skills examination to any individual so selected. However, these spot checks are only performed as needed on certifications from specific schools in which problems may exist or investigations are underway, according to department staff. The department does not track which or how many individuals obtain a Class D driver's license by submitting third-party certification forms.

Failure to verify that each individual submitting a Third Party Driver Examiner Testing Certification form has successfully completed a Cooperative Driver Testing Program may result in individuals falsely claiming to have successfully completed and met the testing standards of an approved and active program by presenting a false certificate. Lack of verification inhibits the department's ability to determine that all applicants have a basic knowledge of standard driving rules, techniques, safety procedures and specific Tennessee laws as well as the ability to safely operate a motor vehicle.

Recommendation

The department should verify that each individual submitting a Third Party Driver Examiner Testing Certification form has successfully completed and met the testing standards of an approved and active program by checking each person against a pass/fail list of candidates provided by his or her third-party tester. Further, the department should comply with its policy requiring routine spot checks of the exempted driver population and the administration of either the knowledge examination or the driving skills examination, to verify that individuals meet Cooperative Driver Testing Program and state testing standards. The department should also update the knowledge examination administered by the Cooperative Driver Testing Program.

Management's Comment

We concur. We are currently auditing all Cooperative Driver Testing Program schools (which was successfully done in 2003 and will be completed by June 1, 2004) and we compare the certification forms to the class rosters of the school. Also, the auditors make an effort to verify that the student receives 30 hours in the classroom and 6 hours behind the wheel.

We have used spot checks when there was a problem area. We are contemplating using spot checks once a month statewide for a week and having the supervisor key in the information on an Excel spreadsheet, then submit the findings to Driver License headquarters by GroupWise.

As of September 2003, we are requiring that an activity sheet be prepared monthly for each student tested and whether the student passed or failed. Previously, the contact person was only required to submit the number of students tested without having to indicate the student's name or other identifying information.

The knowledge exam was updated in 1999 and was reviewed earlier this year, with only one question regarding seatbelts that needed to be changed. In May 2004 renewal applications will be sent out to all Cooperative Driver Testing Programs and once the renewal applications have been received back, two revised test versions will be sent to each of the programs.

5. Formal road skills training for examiners is lacking

Finding

The purpose of the administration of the road skills examination to an individual seeking a Tennessee driver's license is to evaluate the applicant's knowledge of traffic regulations and his or her ability to safely operate a motor vehicle as well as to determine whether the applicant is able to drive safely before being allowed to operate a vehicle without supervision. Applicants are tested on backing maneuvers, lane changes and/or merges, and general driving behaviors both through intersections and on straight sections. Each driver's license station has approved driving routes, meeting minimum requirements, on which the road skills examination is administered.

Consistency and objectivity in administering the road skills examination are achieved, according to department staff, through the uniform training of all driver's license examiners and the use of a score test for grading errors on the road skills examination, creating specific pass/fail criteria. Each driver's license station is responsible for providing guidance and training to new examiners hired at that station. Branch supervisors at each driver's license station have provided examiners hired since November 1999 with a copy of an examiner guide to the administration of the road skills examination. However, no formal training has been provided to driver's license examiners on the administration of the road skills examination since that time. The department has hired 103 examiners since November 1999, 42 of whom were still on duty in October 2003. Without formal training, the department cannot ensure that the road skills examination is being administered in a consistent manner throughout the state.

Recommendation

The department should provide driver's license examiners with routine formal training with emphasis on consistent compliance with road skills examination standards across the state. The department should also evaluate whether the examiner guide needs to be updated.

Management's Comment

We concur. The Director of Driver License Issuance acknowledges that formal after hours training (training conducted outside regular business hours on Saturday or Monday) on the road test examination standards has not been conducted statewide since the initial training in the Fall of 1999. The Director of Driver License Issuance will evaluate the feasibility of providing formal training sessions with regards to manpower availability and the cost effectiveness of such training sessions. We will also evaluate whether the examiner's guide needs to be updated.

6. The department does not have a system in place to track school bus inspections

Finding

Section 49-6-2109, *Tennessee Code Annotated*, requires state officials to inspect each school bus at least annually “in order to determine whether it can be used safely to protect properly the lives of school children.” Section 49-6-2115 mandates that each school bus “meet national minimum school bus standards and all applicable federal motor vehicle safety standards.” The department is not required to inspect school buses belonging to private schools, although it will, upon request, as inspectors’ schedules permit. There are over 8,000 public schools buses in the department’s inspection system.

Pupil Transportation Division bus inspectors currently submit to the central office the results of each bus inspection using a paper form, *Safety School Bus Inspection Report, Form RDA-1006*. However, the information in these forms is not summarized in a central database to enable division management to track and ensure that each bus has its annual inspection. The division director stated that there was no master inspection list guiding inspectors on which buses to inspect and when. He said that he tried to get his inspectors to inspect each bus the same month each year. He stated that two possible disadvantages of not having a tracking system, in addition to untimely inspections, were school officials or contractors hiding buses from inspections, and not detecting odometers that had been rolled back (i.e., showing mileage readings that were lower than found in last year’s inspections). Sections 39-14-132 and 47-18-104, *Tennessee Code Annotated*, in addition to federal law, forbid tampering with odometers.

In order to get some idea of the extent of untimely inspections, auditors reviewed small, judgmental samples of bus inspections performed in three counties, one in each grand division of the state in the 2001-2 and 2002-3 school years. (See Tables 3, 4, and 5.) Shelby County was originally chosen for the West Tennessee sample, but the county switched to a private contractor in 2002-3.

Table 3
Davidson County Bus Inspections

Davidson County					
Bus Number	2001-2 Inspection Date	2002-3 Inspection Date	2001-2 Mileage	2002-3 Mileage	Difference in Mileage
9,502	9/26/2001	9/19/2002	87,133	97,880	10,747
9,514	10/2/2001	9/24/2002	92,165	106,122	13,957
9,611	10/9/2001	10/8/2002	76,991	86,775	9,784
9,720	9/28/2001	9/24/2002	55,547	68,038	12,491
9,813	10/11/2001	9/9/2002	52,360	45,677	-6,683
9,818	10/5/2001	9/10/2002	40,729	51,066	10,337
94,219	10/8/2001	10/8/2002	117,760	132,307	14,547
88-66	9/20/2001	9/18/2002	235,339	245,260	9,921
89-40	10/12/2001	10/2/2002	207,247	216,438	9,191
94-1024	9/18/2001	9/16/2002	124,034	139,185	15,151

**Table 4
Johnson County Bus Inspections**

Johnson County					
Bus Number	2001-2 Inspection Date	2002-3 Inspection Date	2001-2 Mileage	2002-3 Mileage	Difference in Mileage
1	1/29/2002	3/24/2003	138,940	147,101	8,161
3	1/29/2002	3/25/2003	81,810	97,155	15,345
7	1/28/2002	3/24/2003	54,489	66,260	11,771
8	1/29/2002	3/25/2003	119,805	134,561	14,756
12	1/29/2002	3/24/2003	100,284	106,152	5,868
20	1/28/2002	3/25/2003	101,667	124,069	22,402
26	1/28/2002	3/24/2003	121,698	128,011	6,313
27	1/29/2002	3/24/2003	52,278	65,275	12,997
33	1/29/2002	3/24/2003	18,884	28,044	9,160
36	1/29/2002	3/25/2003	23,624	34,081	10,457

**Table 5
Madison County Bus Inspections**

Madison County					
Bus Number	2001-2 Inspection Date	2002-3 Inspection Date	2001-2 Mileage	2002-3 Mileage	Difference in Mileage
15	7/15/2002	7/7/2003	181,114	200,932	19,818
54	7/15/2002	7/7/2003	84,679	103,484	18,805
60	7/15/2002	7/7/2003	89,947	107,797	17,850
67	7/15/2002	7/8/2003	73,513	90,763	17,250
80	7/15/2002	7/8/2003	86,406	111,938	25,532
82	7/16/2002	7/8/2003	57,836	67,674	9,838
105	7/16/2002	7/8/2003	130,706	35,481	-95,225
118	7/16/2002	7/8/2003	104,482	102,252	-2,230
162	7/16/2002	7/9/2003	49,021	67,342	18,321
169	7/16/2002	7/9/2003	40,038	61,963	21,925

All twenty buses in Davidson and Madison Counties had timely inspections in the 2002-3 school year. However, the ten buses in Johnson County were inspected two months late. In addition, three buses (one in Davidson County and two in Madison County) had odometer readings that were lower than were recorded in their 2001-2 school year inspections. Without a computerized tracking system, the department cannot determine exactly how many school buses did not get inspected, and thus are potentially unsafe, and whether they were inspected in a timely manner. Nor can the department determine all the buses with incorrect odometer readings.

Recommendation

The department should develop and implement a computerized system to track the timely inspections of school buses, and bus characteristics that may indicate illegal acts (e.g., incorrect odometers) to refer for possible prosecution.

Management's Comment

We concur. The Director of Pupil Transportation states that in November 2003 the test run of the new electronic school bus inspection program was implemented in Middle Tennessee. This test had positive results and was implemented statewide in January 2004. Pupil Transportation now has the capability to capture school bus inspection data and odometer mileages electronically. The data received from the inspectors is being electronically stored in a database at our headquarters. Pupil Transportation Division is also making strides toward electronic transmission of data to and from Headquarters and inspectors.

7. The Commercial Vehicle Enforcement Division does not have an organized plan to assess terrorism threats during truck inspections

Finding

According to department management, the department uses procedures issued by the federal government for responding to terrorism. The procedures provide guidance for government agencies in how to respond to a potential or actual terrorist threat or incident in the United States. The procedures place an emphasis on threats or events that involve weapons of mass destruction and lay the groundwork for a unified national, regional, State, and local plan of prevention and response. Regarding terrorist threats, the procedures make it the responsibility of the government entity to notify the FBI upon receipt of the threat. However, the department is impeded in providing that vital information link on terrorist threats regarding trucks to federal authorities because it has not implemented a formal process to detect such threats. Commercial Vehicle Enforcement Division management indicated that in April 2003 the division, acting as lead agency, cooperated with the National Guard, Office of the Attorney General, the Office of Homeland Security, the State Fire Marshall, the Tennessee Department of Transportation, and local sheriff departments, in conducting "safety and security" inspections of trucks at designated weigh stations throughout the state.

These inspections do not appear to be part of a systematic effort to deter terrorism. Officers indicated that the basic inspection process, including procedures, had not changed other than an increased awareness about the terrorist threat. They did not perform any specialized anti-terrorist inspections nor did they use specialized checklists to detect threats. Although officers indicated some interagency cooperation on anti-terrorism efforts, none was as extensive in terms of the number of involved agencies as in April 2003. While some officers stated that they got

information on terrorist threats from the central office, others stated that the flow of such information had slowed.

Recommendation

The Commercial Vehicle Enforcement Division should develop and implement specific procedures for assessing security threats from trucks. These procedures should include what to check for during truck inspections, how information on threats should flow to and from the central office, and the types of interagency cooperation needed to reduce the threats. These procedures should not be excessively intrusive on the normal truck inspection process. The department should ensure that these procedures comply with the applicable federal guidelines and procedures.

Management's Comment

We concur. However, the department believes we have an adequate plan to assess terrorism threats during truck inspections. Our weak point is in the documentation of the specific procedures used during these inspections. We will work to improve the documentation process so as to properly reflect the quality of our plan to assess terrorism.

8. Successful completion of handgun safety courses at approved handgun safety schools is not verified

Finding

Section 39-17-1351, *Tennessee Code Annotated*, requires applicants for handgun carry permits to submit proof of the successful completion of a department-approved handgun safety course. Such courses shall include both classroom hours and firing range hours. Approved handgun safety schools are required to use the course outline, lesson plan, and tests for handgun safety provided by the Department of Safety. Any additional information offered in the course must be pre-approved by the department.

There are two classifications of handgun safety schools: public and private. Any Tennessee sheriff's department or police department is certified by the Department of Safety as a public handgun safety school. This certification is valid indefinitely. Any private agency, organization, corporation, individual, or public entity (other than sheriff's and police departments) that agrees to comply with department rules and makes application to the department may be certified as a private handgun safety school. The department certifies private handgun safety schools for a period that is determined by the Handgun Permit Program Director, based on their application and financial responsibility information. There are 120 such schools.

Department staff indicate that private handgun safety schools, unless identified in past inspections by the department as being an excellent school with an indoor range, are inspected by the department annually. Six weeks prior to the expiration date of the school's approval, the school is sent a renewal letter. Upon receipt of a renewal application and fee, an inspection for the school is scheduled.

Inspections include observations of both the classroom and the firing range by an inspector. Inspectors also determine whether the school is maintaining adequate insurance coverage; the current state certificate is displayed; all department rules have been complied with; the instructor possesses valid state certification; classroom and range sites are secured and maintained; and accurate records of program costs, student participation, and accident and incident reports are maintained. When areas are determined, by the inspection, not to be in compliance, the school is alerted to the deficiency, given the opportunity to remedy the area in need of improvement, and another inspection is made.

Department staff reported that, in the past, troopers would perform surprise inspections by attending classes to ensure that the material being taught was material provided by or approved by the department. However, this practice was discontinued in 1999 with schools being "trusted" to teach the material provided by the department.

Successful completion of a department-approved handgun safety course is determined through the submission of a certificate of completion by the applicant. Upon receipt of a certificate of completion for a handgun safety course, staff will determine whether the school and instructor were approved at the time of the certificate's issuance. However, while schools maintain lists of individuals who have taken the course for five years, the department does not verify that the individual applying for the permit has successfully completed the course with the handgun safety school.

Failure to verify that each individual applying for a handgun carry permit has successfully completed a course with an approved handgun safety school may potentially result in individuals falsely claiming to have successfully completed an approved handgun safety course through a fake certificate. Lack of verification inhibits the department's ability to determine that all applicants have met the minimum, uniform, and statewide standards established by the state.

Recommendation

The department should verify that each individual applying for a handgun carry permit has successfully completed a handgun safety course with an approved handgun safety school. This verification can be done by checking a pass/fail list sent by the applicant's school. The department should periodically inspect schools exempted from annual inspections to ensure they continue to meet state standards. The department should also, through spot checks, verify that the material taught, and the way it is taught, at these schools meets state standards.

Management's Comment

We concur. All handgun safety certificates are now pre-numbered and logged out to the instructors. We are currently working with our Information Systems Division to implement a database table whereby our approved instructors can enter the certificate number and applicant information for their students into the database which can then be accessed by our examiners in the field for evaluation.

We hope to also be able to restart our surprise class audits; however, this is totally dependent upon personnel availability.

9. It is unclear whether handgun permit application timelines established by *Tennessee Code Annotated* are being met or whether a backlog exists

Finding

Section 39-17-1351, *Tennessee Code Annotated*, grants the citizens of the State of Tennessee the right to keep and bear arms for their common defense. However, the wearing of those arms may be regulated for the purpose of preventing crime. Applicants are required to submit, along with an application for a handgun permit, proof of the successful completion of a handgun safety course approved by the Department of Safety, a fee of \$115, and two full sets of classifiable fingerprints. The application serves as an affidavit that the applicant has met the qualifications for a permit as required by *Tennessee Code Annotated*.

Upon receipt of the permit application, the department is required to send a copy of the application to the sheriff of the county in which the applicant resides and forward the fingerprints to the Tennessee Bureau of Investigation (TBI). The TBI is responsible for conducting computer searches to determine the applicant's eligibility based solely upon the applicant's name, date of birth, and social security number and conducting a criminal history record check based upon one set of the fingerprints received. The other set of fingerprints is sent to the Federal Bureau of Investigation (FBI) for a federal criminal history record check.

Section 39-17-1351, *Tennessee Code Annotated*, allows the department to issue a permit prior to its receipt of the TBI and FBI criminal history record checks based upon the applicant's fingerprints. If the information received from either the TBI and/or FBI criminal history record checks reveals that the applicant is not eligible for a permit, the permit is subject to immediate revocation.

The department is required to issue handgun permits to all applicants not prohibited from obtaining a permit within 90 days from the date the department receives the application. If an application is denied, the department must notify the applicant in writing within ten days of the denial and include the specific factual basis for the denial. In fiscal year 2003, the department received 34,735 permit applications and issued 34,551 permits.

The department maintains a list, which is generated daily, of all handgun permit applications over 90 days old. However, it is impossible to determine, from the list, the length of time each record has been on the list. Because of this, it is difficult for the department to prioritize, for immediate action, those applications which have been on the list for the longest time. Also, staff reported that the system had “bugs” in it, resulting in individuals being placed on this list who did not belong there. As of August 4, 2003, 223 handgun permit applications were listed as being over 90 days. Further, the department does not track how long, on average or for each application, the permit application process takes, making it difficult to determine whether the department is meeting the 90-day timeline established by state law or to what extent a backlog exists. Staff indicated that incomplete applications and lack of fingerprint results are two major reasons for delays in processing.

Failure to track the application process inhibits the department’s ability to ascertain whether it is complying with timelines established by state law and to ensure that applications are prioritized accordingly. Further, the failure to track the application process inhibits the department’s ability to ascertain the existence and extent of a backlog of handgun permit applications over the statutory timelines.

Recommendation

The department should monitor the handgun permit application process and the corresponding time frames, and take steps to remove computer system “bugs” that might impede such monitoring. Doing so will enable the department to identify any bottlenecks in the process, allow the department to react accordingly or adjust the process, and ascertain that statutory timelines are being met. Further, the monitoring of the process will allow the department to ensure that older applications on the list of application over 90 days are prioritized and expedited accordingly.

Management’s Comment

We concur. We are submitting a request to our Information Systems Division to expand the format of our 90 Day Report to include application date. This will allow division personnel to be able to immediately recognize the applications that need priority handling.

10. The department continues to have large backlogs in the processing of title and registration applications as previously noted in the 1997 performance audit

Finding

The department's Title and Registration Division is responsible for the administration of motor vehicle laws, with county clerks acting as agents. The certificate of title to a vehicle is designed to authenticate the ownership of a vehicle, protect lienholders by providing a central recording agency for the filing of a lien on a motor vehicle used for collateral, and deter auto theft by protecting innocent purchasers from buying a stolen vehicle. The registration of vehicles is a related but separate matter, allowing vehicle owners to operate their vehicles in the state. The owner must register the vehicle, pay the proper fees, and obtain a registration certificate and registration plate before he or she can use the vehicle.

County clerks, as authorized agents of the state, accept applications for motor vehicle title and registration. Sixty counties are authorized to issue titles from their offices. These counties are able to print titles but cannot issue a title until the application information has been verified with the state database. Counties are provided with a list of applications which the department has determined contain errors (e.g., incorrect vehicle identification numbers and differences in data submitted by counties and data stored in the department's computer system). The county is responsible for either correcting the error and resubmitting the application for processing or voiding the title number assigned to the application and submitting the paperwork to the division for processing. However, staff indicated that around 20% of the counties do not correct information. Counties that do not issue titles send all applications and supporting documents to the division for processing.

During fiscal year 2003, the department received more applications than it processed in 7 out of 12 months. Further, the department does not appear to have a reliable method by which to determine an accurate assessment of incoming and outgoing applications for titles and registrations. During fiscal year 2003, the average monthly ending balance of applications waiting to be processed statewide, or backlog, was 60,828 applications. Backlogs at the end of each month of the year ranged from a low of 48,997 in July 2002 to high of 73,933 in May 2003. (See Chart 3.) The monthly average for incoming applications was 90,240, while the statewide monthly average for outgoing applications was 89,305. (See Chart 4 on monthly incoming and outgoing applications.) As a result, the statewide backlog grew on average by 935 applications a month during the fiscal year. The year had a beginning balance of 40,591 applications and an ending balance of 49,959. Auditors detected, and alerted the division to, three instances when the end balance of applications did not match the beginning balance of the next month. Division staff was able to correct two of these three discrepancies.

Chart 3
Title and Registration Applications: Ending Balance by Month for Fiscal Year 2003

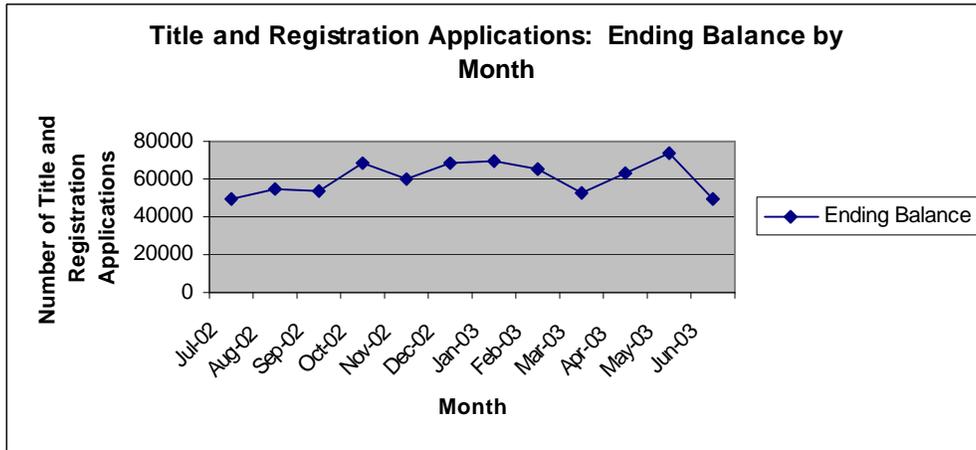
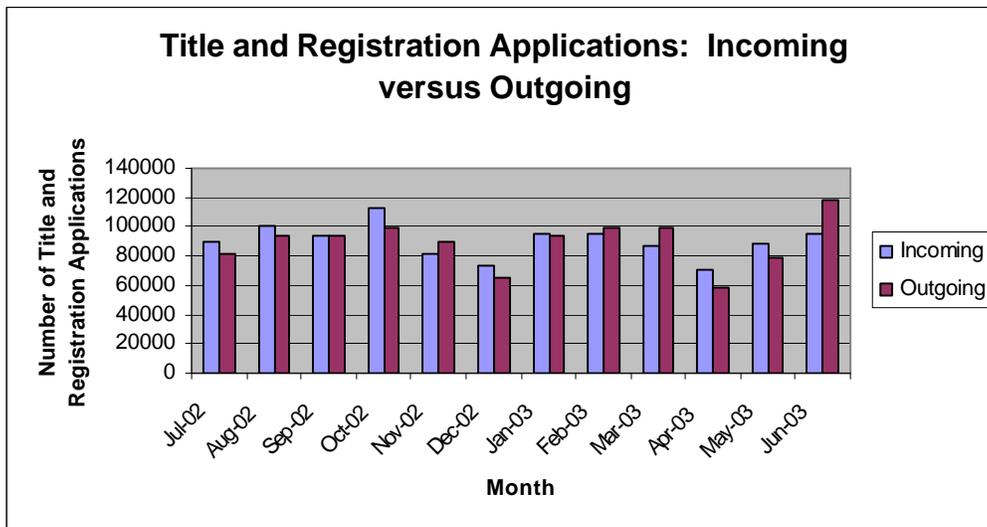


Chart 4
Title and Registration Applications: Incoming Versus Outgoing



While there are no statutorily mandated requirements regarding timelines for the processing of titles and registrations by the department, the Title and Registration Division has established, as a goal and in response to the 1997 Performance Audit finding that vehicle titles were not being issued in a timely manner, a target turnaround time of 30 days. However, during the current audit, division staff stated that this is not a realistic goal because of an inefficient computer system and staffing shortages.

Division staff process applications manually. The staff hand-count the applications upon receipt and manually check and track application information. The staff then manually enter the information into the division's computer system. Division management stated that the process is

further complicated by the antiquated computer system currently in use by the department (according to staff, it frequently breaks down), the lack of standardization among the 95 counties in the submission of title data to the department, and counties not correcting data errors. Another reason for the backlog could be a loss of 41 positions in fiscal year 2003. The division had 189 positions in fiscal year 2002.

The division does not track the processing times for title and registration applications or the division's workload. According to the director of the Title and Registration Division, a manager has conducted "spot checks" of the length of time to process titles and registrations by randomly selecting a few transactions to determine the processing time. Records are not maintained of these "spot checks." Management estimated that it takes between 45 to 60 days to process titles and registrations.

In order to improve application processing, the department is planning to implement a computerized system. A web-based system, the Title Registration User System for Tennessee (TRUST), is being developed to protect the integrity of the title document, deter fraud, improve customer service, decrease processing times, improve quality (i.e., reduce rejected data and returned mail), provide better data, and improve accountability with an inventory and cash system. TRUST will provide on-line and real-time access at the division, 144 county sites, and to the public. Implementation of the system is scheduled for the department and five counties in the fourth quarter of 2004. The system is scheduled to be implemented in the remaining 90 counties from the fourth quarter of 2004 to the third quarter of 2005.

While there is an implied mandated use of TRUST since county clerks are "agents of the state" and the system will provide services that are in demand by county clerks' constituencies, the division does not statutorily have the authority to compel county clerks and their staff to transition to the system once it is operational. Further, the provision of training on TRUST for division staff, county clerks, and their staff both during system implementation and on a continued basis is an area of concern to division management. County clerks are elected officials and could conceivably be replaced, along with their staff, every four years. The success of the system will not only be based on the design phase of the software/hardware systems but will also depend on training efforts and support to ensure county clerks feel comfortable with the system and that any weaknesses are identified and remedied as quickly as possible.

Section 55-6-105, *Tennessee Code Annotated*, requires that county clerks submit data and fees within a certain time (five working days if they do not issue titles, ten working days if they do issue titles). The department has the authority to impose fines on county clerks who are delinquent in forwarding title and registration information in a timely manner. However, according to division management, the department has not exercised this authority. Instead, the division sends warning letters to the delinquent county clerks, on average once a quarter.

Recommendation

The department should explore ways to accurately determine and reduce the backlog of title and registration applications, including reducing data errors by county clerks. The TRUST

system should help reduce some of these errors. The department should also set realistic goals for issuing titles and continually track processing times instead of relying on “spot checks” at present and once TRUST is implemented. The department should ensure that training and support are offered to its staff and that of county clerks upon implementation of TRUST and on a continuing basis. The department should monitor the implementation and use of the TRUST system and remedy any identified weaknesses as soon as possible. The department should impose fines on county clerks who are delinquent in submitting accurate data and fees in a timely manner as provided by state law.

The General Assembly may wish to pass legislation to require county clerks to submit title and registration application data in a standardized format to reduce errors, as well as legislation to require county clerks to implement the TRUST system as it becomes available.

Management’s Comment

We concur. The Director of Titling and Registration states the division is exploring possible ways to track the status of pending title and registration transactions, which will be more accurate than current procedures and that will allow more controls of backlog management of work until such time as the new TRUST computer system is delivered. Emphasis has been placed on error corrections and correspondence management.

It is important to note that not all work “in queue” is backlogged but in part, represents “work in process.” Errors and correspondence management result in extended delays to transaction processing. Those areas are specifically being addressed at the present time. Plans are underway to (1) create a correspondence unit, which does not currently exist, and (2) address the renewal error rates. Both have been set as priorities. As part of the ongoing TRUST project initial inquiry steps have been taken within this calendar year to move forward with redesigning the mailroom function which is the critical link to tracking and controlling distribution of work in process and backlog totals. It is anticipated that the implementation of the TRUST computer system will alleviate many of the problems associated with tracking and backlog. Until such time, all possible opportunities for improvements are being explored including increased attention to balancing reports, expanding spreadsheets and advancing mailroom improvement efforts. The goal of the division continues to be to return titles and process registrations in the most expeditious manner possible. Likewise, obstacles to the goal continue to be errors, both computer and human, compatible systems between clerks who input the data to the division’s system, and a shortage in human resources, magnified by a reduction of 41 total staff members in 2003/2004 budget year. The increase to backlog totals was stabilized primarily by overtime compensation and increased reliance on county clerk partnerships.

One training officer within the division is addressing training at present. In preparation for the implementation of TRUST, basic computer, internet and scanning skills are being taught in part by intern instructors. The division has placed a strong emphasis on recruiting and developing a quality intern program to off-set the shortage of needed staff. However once TRUST is implemented, and the division is confronted with operating dual systems, TRUST and the current Legacy system, intern staff will no longer be able to support the training needs of the

division. The current budget as detailed by the Governor's office, if passed in total along with companion legislation, will address the training staff needs.

In regard to county clerk training needs, an interim computer lab has been created within the division to address systems training needs by both clerks and division staff. Regional meetings are being planned to take the classroom to the clerks.

Monitoring of the progress and needs of staff and county clerks will be critical to the success of the TRUST system upon implementation. The budget presented by the Governor's office includes audit positions, which will function as monitors to the implementation to "identify weaknesses" and bring about resolutions and/or compliance as quickly as possible. A late reporting procedure has already been developed within the division to address late reporting matters related to the county clerk submission of work and fees. The audit positions will also be able to monitor these activities for compliance not only for internal control purposes but also externally as agents in the field.

Regarding the matters of standardization of data formatting of clerks and mandatory use of the TRUST system and the need for legislative action, the division wishes to defer to the wisdom of the General Assembly.

11. The implementation of TRUST continues to be beset by many delays and other problems, resulting in potential cost overruns

Finding

A finding in the 1997 Performance Audit of the Department of Safety noted that "The department's Titling and Registration Division (T&R) does not always issue vehicle titles in a timely manner." The finding went on to cite problems with data received from the county clerks as well as the then 22-year-old computer system. Management concurred with the finding and noted that "The department and division are exploring the available alternatives for a motor vehicle computer system that would be used by the state and connected to all county clerks, providing uniform requirements and results for all, eliminating paper handling and processing and ultimately making the turnaround time on most titles one or two days." In that same year, the Department of Finance and Administration, Center for Effective Government, initiated a study to investigate the backlog in the mainframe Title and Registration System, and out of that study came the recommendation to obtain funding for a new Title and Registration System for Tennessee.

Chapter 459 of Public Acts of 1999, which imposed an additional \$1 charge to be added to registrations and renewals for a five-year period, was passed on May 28, 1999. The revenues were "earmarked for use solely for the development, acquisition and updating of a computerized titling and registration system." The act took effect on July 1, 1999, and will expire on June 30,

2004. In that same year, the Department of Safety began a project to define the requirements for a new system.

In April 2001, a Request for Proposal was released by the Department of Finance and Administration's Office for Information Resources (OIR), to obtain contracted services to develop the Title and Registration User System of Tennessee (TRUST). Five bids were received in response to the RFP; three of the five were rejected because they did not comply with format or mandatory financial requirements. Representatives from both OIR and the Department of Safety, as well as representatives from the Center for Effective Government, evaluated the bids and scored the bid from Covansys Corporation notably higher than the other remaining bid, and in August 2001, the contract was awarded to Covansys with a start-up date of mid-September 2001. In April 2002, Covansys completed the Pre-Design kickoff phase.

According to the Request for Proposal (RFP), the Design Phase Kick-off should have resulted in ensuring that the project working environment was ready, that hardware had been installed and configured, and that commercial software design tools necessary for design were in place and ready for use. At the time the original contract was let, the contractor agreed to accept payment upon completion of the project. However, between January and April 2003, the state renegotiated the Covansys contract so that pieces of functionality would be designed and coded in sequence until the application is complete, and payments would be made to the vendor based on completion of each iteration. Progress on the project was limited during the contract renegotiation. In April 2003, Covansys completed Iteration 1 of the TRUST project, which included the functionality to issue a title for a new passenger vehicle for a new customer, and provided basic integration of a cash drawer package.

As of August 2003, the project was 10% complete and had accumulated \$3,058,723 of an estimated \$25 million budget. In addition, the original estimated completion date of November 29, 2002, had been changed to September 30, 2004, and that date represented only the beginning of pilot implementation. According to the schedule, complete implementation could last until September 30, 2005.

Areas of Concern

The department is unable to manage the current volume of title, registration, and renewal transactions using the existing system as evidenced by the growing backlog. Therefore, the development of an effective system for managing titles and registrations is critically important to the efficient and effective operation of the department's responsibilities under Sections 55-4-101 et seq., *Tennessee Code Annotated*. However, auditors' review of the development of the TRUST system has raised several areas of concern.

- As of July 31, 2003, the annual cost to support the system was estimated to be \$10.8 million, which is about 38% of the projected initial development cost. However, only \$3.4 million (less than 37%) of that annual cost is currently funded as a result of cost savings from eliminating the existing system.

- Total cost to implement is projected as of July 31, 2003, to be \$28-30 million; however, this cost could change based on updated county needs assessments. According to the existing proposals, the state, either through the department or the contractor, will provide the county clerks' offices with all hardware and software necessary to operate the TRUST system. However, there has not been a comprehensive study of each county's needs regarding the number of stations issuing titles and registrations or their geographical distribution. As of July 31, 2003, the plan was to have TRUST operating in 144 county sites. This number allows for each county to have at least one site, with 49 additional sites to be distributed among the 95 counties. However, larger metropolitan areas may have five to ten sites each, meaning that the majority of counties will be restricted to no more than one issuance location.
- The development has been in progress since 1999, with an initial deadline of November 29, 2002. That deadline was missed, and as of October 31, 2003, the project was estimated at 10% complete. The revised timeline is to implement the project at a limited number of sites, including five county clerk offices, between October and December 2004, and complete implementation by September 30, 2005.

Recommendation

The department and the Office for Information Resources should review the operating cost estimates to ensure that they are necessary and appropriate and should continue carefully monitoring the project's process. In addition, the department should consider pursuing legislation to continue funding for operating costs.

Management's Comment

Department of Safety

We concur. The department will continue to work with the Office for Information Resources to review the operating cost estimates to ensure they are necessary and appropriate. We will carefully monitor the project's progress until the system is complete.

Legislation is currently pending to provide funding for the operational costs of TRUST. The Governor's Fiscal Year 2004-05 recommended budget includes funds to enable the Titling and Registration division staff to provide the necessary training of county clerks and their staff on TRUST.

Department of Finance and Administration

The Office for Information concurs that the annual costs to operate TRUST, within the scope that was originally planned, is estimated to be in the \$10-\$13 million range (see the Department of Safety's Cost Benefit Analysis submitted in its 2003 Information Systems Plan). All costs are constantly under review during the development of an information system. These

costs are refined as a development effort progresses and nears implementation. The actual operating costs for this system will be dependent on the number of counties that elect to use the system.

We concur that an updated county needs assessment could increase the total initial cost estimate of the project. The initial estimates of the counties' needs were determined based on the 1999 average volume of registration by counties times a factor representative of the number of locations. Since that time, there has been growth that could not have been anticipated at the time the RFP was developed both in volume and the number of county locations. The actual county needs will also be dependent on the number of counties that elect to use the system.

We concur that the project, begun in 1999, had an initial deadline of November 29, 2002. The development effort has taken longer than estimated originally. The project management team has taken several specific actions to aid in successfully completing this project:

- a. The contract was restructured so that similar pieces of functionality could be developed, reviewed, and tested. This should provide better management oversight as well as produce a better quality product.
- b. The state has assigned a testing manager to the project.
- c. The state has expanded representation of the Project Steering Committee.

12. Weigh stations continue to have substantial amounts of downtime

Finding

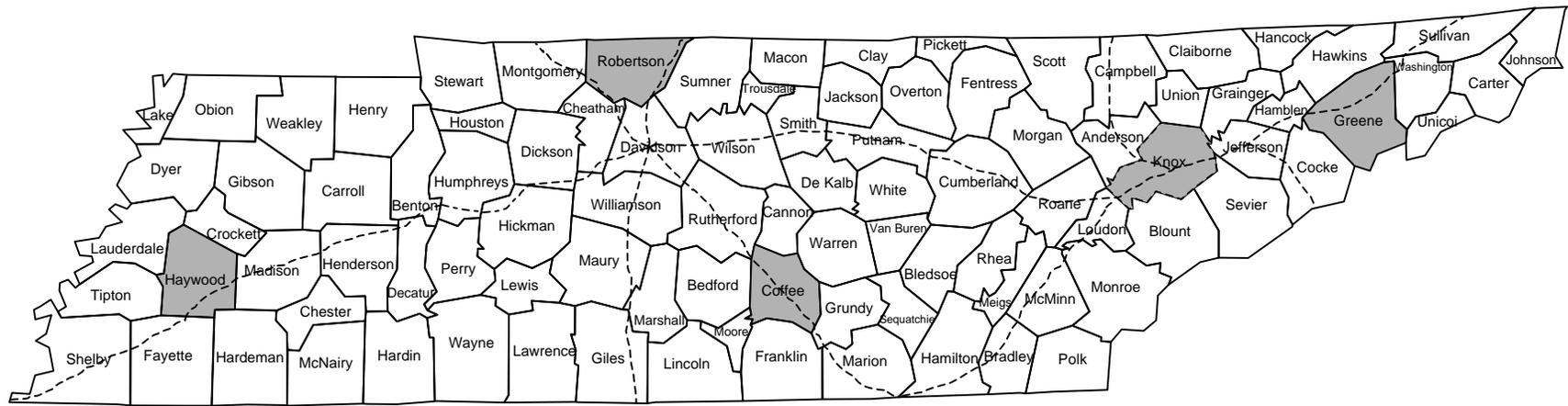
The 1999 performance audit of the Commercial Vehicle Enforcement Division found extended periods of downtime at weigh stations for calendar years 1997 and 1998. This downtime impedes the department's ability to enforce weight and size regulations, and collect revenue through assessments (a tax paid to the state for vehicles with weights or lengths greater than the registered amount). We reviewed downtime data for calendar years 2001 and 2002, which indicate that this problem has not been resolved since the last audit. (See Table 6, and Chart 5 on downtime hours.) In fact, the amount of downtime has increased, despite no new stations having been opened since 1999. (See Exhibit 1 on the location of the weigh stations.)

Table 6
Amount of Downtime by Year

Calendar Year	Amount of Downtime (Hours)
1997	13,022
1998 *	17,042
2001	17,981
2002	20,164

* First seven months of the year.

Exhibit 1
Location of Weigh Stations
October 2003



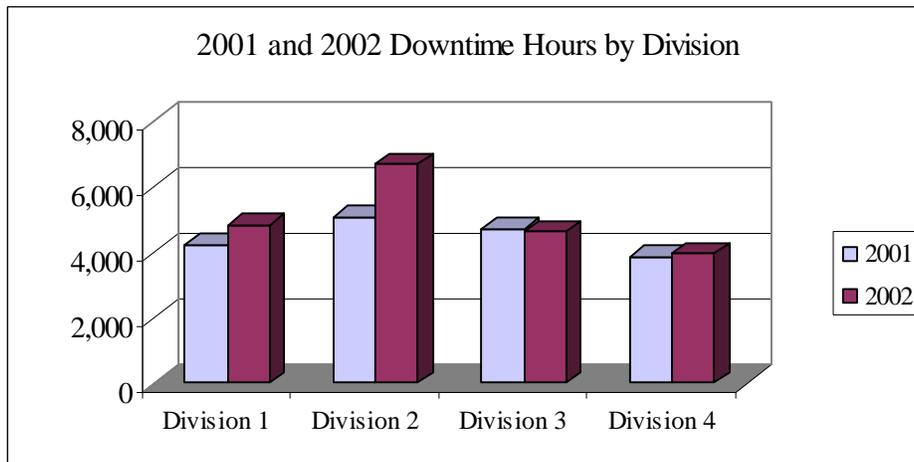
 County with Weigh Station

----- Interstate Highway

<u>County</u>	<u>Location</u>
Coffee	I-24 East/West
Greene	I-81 South
Haywood	I-40 East/West
Knox	I-40 East/West
Robertson	I-65 North/South

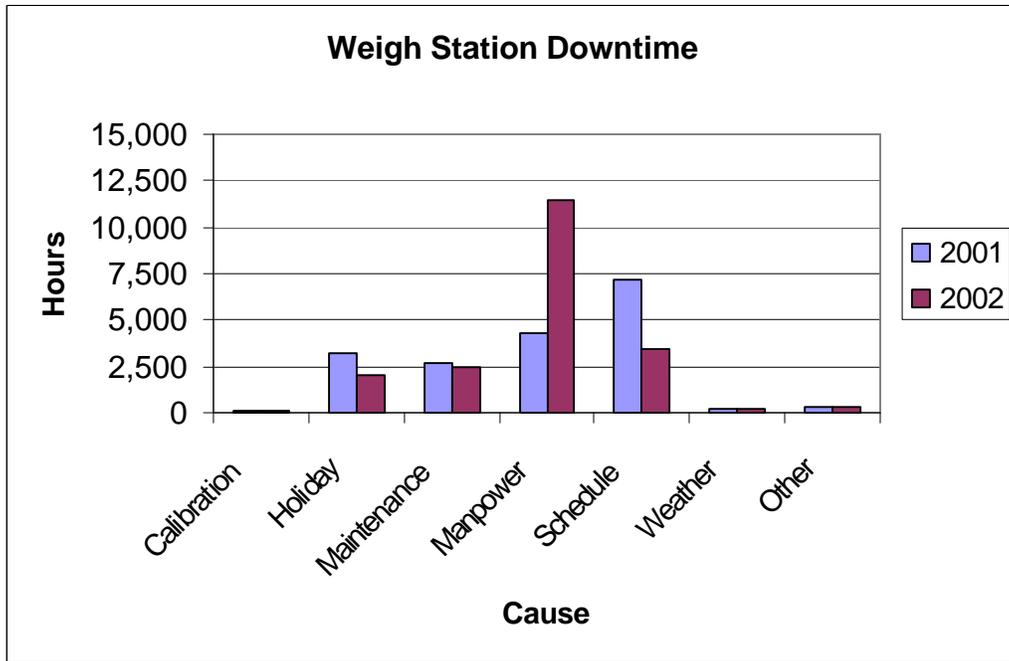
Source: Department of Safety.

Chart 5
2001 and 2002 Downtime Hours by Division



Department staff gave numerous reasons for weigh scales being closed, including maintenance, manpower shortages (e.g., scale staff pulled off for road patrol duties), road construction (when scales are closed for the safety of the motoring public), scale calibration (the Department of Agriculture inspects and certifies each scale every month), and holidays. Chart 6 shows the numbers of hours of downtime by cause of downtime. “Manpower” and “Schedule” contributed significantly to this problem. “Manpower” means that no staff was available to work the scales while “Schedule” means that officers were scheduled for other work such as road patrol to check for commercial vehicle violations or to work on a special project.

**Chart 6
Number of Hours of Downtime by Cause**



Commercial Vehicle Division officers indicated a need for weigh-in-motion sensors to compensate for when permanent scales are not in operation. These sensors “pre-weigh” trucks on the ramps to the weigh stations, allowing the trucks, if they are not overweight, to take an outside lane at the station, avoiding the scales. Portable scales, which are used by the division’s patrol officers, are not good substitutes for permanent scales because the amount of time to weigh each truck (15 to 20 minutes), is not suitable for the heavy traffic situations found at the stations.

Commercial Vehicle Division management have expressed a need for new weigh stations. A new station is scheduled to be opened on Interstate 65 in Giles County in 2005. However, new stations could compound the downtime problem if efforts are not taken to reduce the amount of downtime at existing stations.

Recommendation

The department should take steps to reduce downtime, including repairing or replacing existing equipment in a timely manner and installing weigh-in-motion sensors. As part of these steps, the department should review major causes of downtime (e.g., manpower shortages or scheduling conflicts) and determine solutions (e.g., redistribution of staff).

Management's Comment

We concur. We have repaired all the scales facilities and currently all inspection stations are open. The Commercial Vehicle Enforcement Division replaced electronic load cells with hydraulic load cells at both the southbound Robertson County Station and the westbound Haywood County Station in 1998-99. Since that time we have had NO downtime because of load cell failure. We are now exploring the possibility of retrofitting all other static scales with these hydraulic load cells. This would virtually eliminate the downtime and associated costs due to equipment failure.

We are also exploring the feasibility of installing "virtual weigh station" equipment at fixed sites to allow us to make improvements in both downtime AND manpower allocation (Reference Response to Finding #3). Using weigh-in-motion equipment coupled with detection cameras and vehicle identification technology, we would be able to monitor a fixed site even when there was insufficient manpower to have it open and fully operational. We would also be able to collect size and weight data on these sites 24 hours per day 7 days per week and be in a better position to determine what times were more suited to deploying these officers to road patrol or other duties.

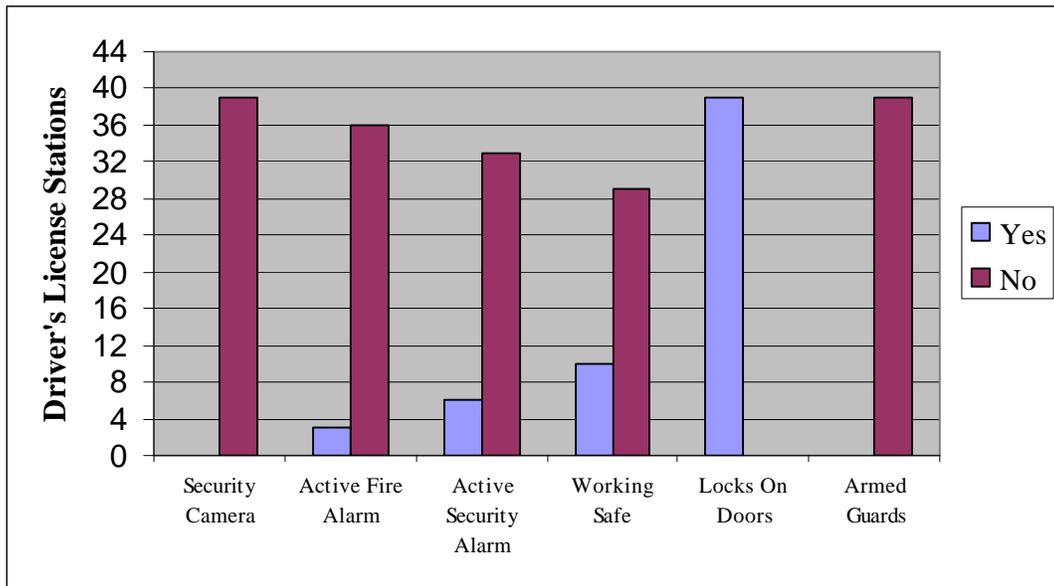
13. Security measures at driver's license stations need improvement

Finding

Security measures at most driver's license stations need to be strengthened to protect both persons and property. The security measures in place at stations vary widely and, while Driver License Issuance staff acknowledge security at driver's license stations as a concern, the department does not appear to have a strategy to deal with this problem.

Auditors reviewed the security measures in place at 39 of the 43 driver's license stations across the state. The most common security measure in place by driver's license stations was the use of locks on the doors. The majority of stations did not have security systems, fire alarms, or safes at the station although most of the stations did have either secure file cabinets or locked supply closets available for the storage of sensitive material and/or money. Four stations reported recent break-ins (resulting in theft of items including petty cash, camera, and computer equipment) and another station reported a lack of any "real security" as it could easily be broken into. Two stations had requested safes, which had not been provided, and two stations reported that not all cash registers in the station were in working condition. According to department staff, each station has an amount of petty cash for daily start-up money, but either the full amount or the majority of the daily revenue collected is deposited in the bank night drop at the end of the day.

**Chart 7
Security Measures in Place at Driver's License Stations**



Recommendation

The department should examine security measures in place at driver's license stations and develop a security strategy for the stations. Security measures at driver's license stations should be strengthened as soon as possible with stations that have had break-ins given priority.

Management's Comment

We concur. A contract has been awarded for the purchase of safes to be added to all Driver License Offices that currently are not equipped with safes (approximately 33 sites). The safes should be in place by the end of May 2004. These safes will be used to secure the daily change fund, partial daily revenue receipts collected during the final 2 to 3 hours of business after the office's daily bank drop or armored car pick-up service, as well as other sensitive camera materials, etc.

A contract for armored car pick-up service has been awarded and began serving 11 of our highest volume, higher security risk locations as of March 1, 2004. This contract requires the armored car service to pick up the office's revenue collections for a partial deposit drop into the local bank branch at approximately 3:00 p.m. daily. This means that the vast majority of revenue collected at these locations will be dropped at the bank and only the revenue collected from 3:00 p.m. until closing (5:00 p.m., 6:00 p.m., or 6:30 p.m. depending on the location) will then be kept in the office safe overnight until the full deposit for the day can be completed in person at the bank the following business morning by approximately 11:00 a.m.

Funding has been secured for the installation of video and audio surveillance cameras and monitors to be installed at all full-time driver license facilities. This security system will monitor both the interior and the exterior of the facility including the CDL Test Pad area. Site surveys are currently being conducted at the eight CDL testing sites with additional non-CDL sites to follow.

The contract vendor is in the final stages of completing the cashiering system. Installation of a server, user acceptance testing, pilot testing and final rollout of the cashiering system is currently scheduled to occur during March, April, and May with anticipated full deployment of the cashiering system at all 44 driver license stations by June 1, 2004. This system will eliminate the need for cash registers.

14. The department does not assess the quality of service at driver's license stations

Finding

The department has not conducted any analyses to assess the quality and timeliness of service provided at driver's license stations. Therefore, the department's ability to identify stations where customers have lengthy delays is limited, and resources may not be allocated according to stations' needs. This problem was also noted in the 1997 performance audit.

Statewide in calendar year 2003, on average, 8,577 customers were served each day by 250 driver's license examiners. The department tracks volume by having each station send in a monthly report to the Driver's License Issuance Division detailing volume experienced at that station. This information is then summarized statewide. Although the department tracks customer volume on a daily, monthly, and yearly basis, it does not use that information to formally evaluate staffing needs and allocate staff accordingly.

Driver's License Issuance Division management stated that wait times in metropolitan areas can range from one to two hours and in smaller, rural areas can range from less than 30 minutes to over an hour. According to the Driver License Issuance Manager, factors that may make wait times fluctuate dramatically from station to station include computer or network problems, staffing shortages, volume of customers, inexperienced staff, and customer problems such as improper documentation or driver record issues (e.g., suspensions).

Although the Driver's License Issuance Division has been using an electronic queuing system, Frisco Bay, since June 1999 to sort customers in line according to the type of service being requested, and has the capability of giving hourly, daily, weekly, and monthly time statistics including both service and wait times, this system has not been fully implemented and neither service nor wait times are currently being measured. A standardized complaint and comment card is available at all driver's license stations. These cards may be filled out by a customer and either turned in to the office supervisor or mailed directly to the central office by the customer. However, these complaints and comments are not routinely tracked although central office staff stated that they contacted the district supervisor when many complaints are

received concerning a specific location. The division does not have staff dedicated to do such tracking.

Recommendation

The department should periodically assess the quality and timeliness of service provided at driver's license stations. Information generated from the complaint and comment cards should be tracked and routinely summarized. The department should use the results of the assessments and complaint summaries to address problems and identify causes. The department should fully implement the electronic queuing system, Frisco Bay, and set goals for timeliness of service at driver's license stations and monitor progress toward these goals.

Management's Comment

We concur. During the current Fiscal Year of 2003-2004 the department has developed Performance Based Budgeting measures that track the length of service time for those customers seeking services that do NOT include testing. The first year benchmark that was established included the goal of ensuring that at least 82% of all customers who do not need tests are served within a total of 15 minutes from the time they are called to the counter for service to begin to the time they are handed their finished driver license photo document at the end of their service.

In order to prepare for meeting the challenge of tracking customer wait times the division is currently in the process of refining a Request for Proposal (RFP) to be submitted through the Department of Finance and Administration for a more thorough and compressive queuing system that can provide wait-time statistics in both real-time for the office employees and customers and in standard and pre-programmed report formats for evaluation purposes for strategic planning and performance based budget processes. With the requested new queuing system it is our goal, based on the availability of funds, to have a customer traffic management system in all 44-driver license offices instead of the limited number (27) in which we currently have this system installed.

The division does consider the above information when determining whether or not to fill vacant positions and keep those positions at the same location or if transferring a vacant position to another location would be more beneficial to our staffing and customer service needs. The division is constantly reviewing customer service needs compared to available human resources. The division has made several position transfers and position reclassifications; this includes additional personnel as budget improvement requests.

The assessment of comment cards has also received a renewed emphasis under the current administration. We recently completed a one-week saturation period where we had each office hand a comment card directly to every customer and request that they complete the card and return it to the department. Once the cards from this one week period were received in central office, the director had them individually reviewed by temporarily assigning the local District Supervisor the responsibility of compiling the results. The cards were sorted according to ratings with those given a score of three or higher considered as positive comments and those showing a score of two or less considered as problem areas that need to be addressed.

Overwhelmingly positive responses were the majority of those received, thereby allowing the division to redirect the negative cards back to the individual district supervisors for review. A summary of the findings was submitted to the commissioner's office via the chain of command. There are plans to conduct similar saturation periods at routine intervals annually.

Additionally the division will be revising a previous request with our own Information Systems to develop a program or database for the routine keying or scanning of comment cards received throughout the year. While there will still need to be periodic times when saturations are conducted in order to review the specific comments noted by customers, the development of a database program should provide the division with routine statistics regarding the overall ratings and other scanable information provided by the cards.

15. Delays in accident postings have increased significantly

Finding

The department has not posted accidents to drivers' records in a timely manner. Posting took, on average, over 18 weeks (131 days) from the date of the accident to the date the department posted the accident to the driver's record for the period of October 2002 through September 2003. Delays in the posting of this information hinder the department's ability to tabulate and analyze statistical information on the cause and location of highway accidents, to fully determine the cause and control of highway accidents, and to assess the practicability of various ideas advanced in traffic control and accident prevention as authorized by Section 55-10-115, *Tennessee Code Annotated*.

Auditors compared, for all accident records submitted between October 21, 2002, through September 23, 2003, the date of the crash and the date the information was keyed into the department's system. Information for 18,713 records was entered into the department's system an average of 131 days from the date of the crash. (See Table 7.) Entry times ranged from three to 263 days.

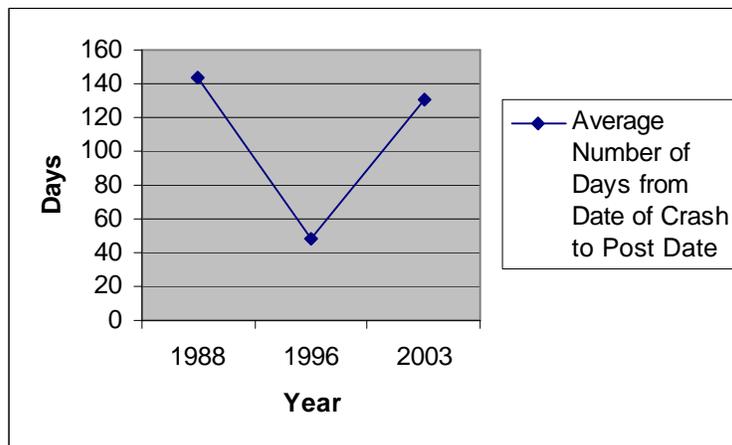
Table 7
Accident Records Submitted Between October 21, 2002 Through September 23, 2003

Number of Records	Average Number of Days From Date of Crash to Date Keyed	Minimum Number of Days From Date of Crash to Date Keyed	Maximum Number of Days From Date of Crash to Date Keyed
18,713	131	3	263

The problem of timely posting of accidents has been a continuing one for the department and was noted in prior performance audits. (See Chart 8.) The Crash Analysis Section receives approximately 800 to 1,000 crash reports daily, according to department management, and keys approximately 500 crash reports daily. In late September 2003, management acknowledged a backlog of over 150,000 crash reports. The 1990 performance audit of the department found a backlog of 144,000 reports in April 1989. During that period, the delay in posting the accidents was 6 to 12 months.

In response to the 1990 audit, the department set a goal of decreasing the turnaround time in posting accidents to 30 days of receiving reports. However, in the 1997 performance audit, the time between accident to posting took from 20 days to 119 days (average 48 days) in fiscal year 1996 and from 26 days to 218 days (average 86 days) in 1995. Based on the current review, the time between the date of an accident to the posting of the accident has increased significantly since the 1997 performance audit.

Chart 8
Comparison of Average Number of Days From the
Date of the Crash to the Post Date for 1988, 1996, and 2003 *



* Fiscal years for 1988 and 1996, and October 2002 to September 2003 for 2003.

Section 55-10-108, *Tennessee Code Annotated*, requires law enforcement authorities to submit accident reports to the department within seven days after investigations are completed. The department is not currently monitoring the timely submission of accident reports. Thus, the department does not identify the law enforcement authorities that do not submit timely accident reports or attempt to notify those entities to encourage timely submission.

Recommendation

The department should improve the timely processing of accident reports, attempting to process accident reports accurately within one month of the receipt of the accident reports, and

should take steps to reduce the significant backlog of accident reports to be processed. The department should also monitor accident report submission times and inform law enforcement authorities when reports are not submitted in a timely manner in accordance with Section 55-10-108, *Tennessee Code Annotated*.

Management's Comment

We concur. In 2002, the Department of Safety implemented a new traffic crash database and data entry system, to complete the conversion to a scanable crash report. The software for these new systems was designed by analysts and programmers, with little input from users and end-users in other areas of the department. As a result, the conversion to these new systems in the fall of 2002 created tremendous backlogs.

Under the previous system, Department of Safety personnel coded and evaluated all crash reports, and keyed all fatal crashes, crashes under the \$400 threshold and crashes reportedly occurring on private property. Some 75% of the crashes were then out-sourced to TRICOR to be keyed, because there were not enough data entry operator positions in the Department to key these reports in a timely manner.

The new system, which was previously called "Crash Analysis and Tracking System" (CATS), and which is now called "Tennessee Crash Analysis and Reporting System (*TennCARS*)" does not allow us to out-source any portion of the process. The reports are scanned to capture the bubbled information, and to store an 800K image of the original paper report. In order to key the text data, the data entry person must reside on the Department of Safety campus because data entry functions are tied directly to the 800K digital image. Current networked systems do not support the transmittal of these large images and the data entry function over long distances. It also does not "sync" very well with the Novell system currently used by the state network, and persons on campus are sometimes "locked-out" of *TennCARS* for 2 or 3 days at a time.

In an effort to improve the accuracy and timeliness of commercial vehicle crashes (CVCs), the Department received a grant from the Federal Motor Vehicle Safety Administration's *Commercial Vehicle Analysis and Reporting System*. This grant allowed us to establish and employ three (3) Administrative Services Assistants 2 (ASA 2) and one (1) Sergeant to concentrate efforts on crashes involving commercial vehicles.

Personnel for our CVARS staff were interviewed and we began hiring people to fill these positions in August 2003. Because of limitations in the "new" systems, we were unable to segregate CVCs from the other reports electronically. CVARS staff were keying "batches" of reports containing all types of crashes, just to "get to" and key CVCs. We began manually separating CVC crash reports before they were scanned, and identifying these separate "batches" so our CVARS staff could verify and key CVCs.

This method allowed us to key new CVC reports, but did not help alleviate the backlogged CVCs. As a result, the Federal Motor Carrier Safety Administration (FMCSA)

provided us with ten (10) temporary data entry operators who are employed and paid directly from a federal contractor. These additional 10 temporary personnel began keying backlogged reports in October 2003.

Our CVARS grant included funding for “Technical Assistance” to improve our crash data system. In October 2003, we were able to receive the services of an experienced systems analyst to determine the problems with the new systems’ programming, and to recommend and oversee programming solutions. As a result of this work, we were able, for the first time since converting to the new system, to see crash reports and data as individual reports. This new program was put into place the third week of February 2004.

As of March 10, 2004, we now know (as a result of the new program changes) that 15,200 crashes from 2002 are backlogged, 122,000 crashes from 2003, and 20,500 from 2004 are backlogged and waiting to be keyed. Our ten temporary data entry people will be available for an unknown period of time. We do know that the funding source from FMCSA is not an infinite source, and will probably be expended within the next few weeks.

We have recently met with some of the major stake-holders in the crash data area: Governor’s Highway Safety Office; Department of Transportation’s Planning and Information Systems Divisions; the Division Administrator of the Federal Highway Administration; and the Division Administrator of the local office of Federal Motor Carrier Safety Administration. They are aware of our current problems, and were requested to assist in any way, including direct grants, assistance keying the backlogs, etc.

Each of the representatives from the above groups agreed with our proposal for a long-term “fix” of our crash system problems. Our current Traffic Crash Analysis and Reporting System (database and data entry system) is very labor-intensive. The only way to reduce the backlog of approximately 157,000 reports (March 10, 2004 data) and keep up with the average weekly number of reports received, would be to employ an additional 20-25 permanent employees to handle all data entry, *using our current system*. Since this is not fiscally possible, nor is it the recommended solution, our recommended solution is to continue to seek other sources of funding to design, build, and implement a browser based electronic reporting system to be used by law enforcement agencies throughout the state. We anticipate the costs for Safety to be between \$1.5-\$2 million for the hardware, software, and system design. This would be a one-time cost versus the recurring costs of 20-25 additional employees. The electronic enhancement would also alleviate almost all errors of the data entered, because the new system will have data edits built-in on the front end of the system.

On March 11, 2004 we received an up-load of 761 crash reports electronically from the Oak Ridge Police Department. All but 9 of these reports passed our 173 edits ensuring the data was accurate and complete. This was a major accomplishment, because it now appears we can receive electronic transmission of crash reports and data from local agencies, without having to scan and key paper forms. Working with the University of Tennessee Transportation Research Center, we have “opened the door” for this innovative approach to capture data.

There are approximately 45 additional law enforcement agencies who have stated they are ready to utilize this method to report crashes to the Department of Safety. The only problem with the software they are using is that it is not “owned” by the State of Tennessee, and the Department of Safety cannot ensure updates and changes will occur to the software of the individual agencies.

We have requested and received some additional assistance from the FMCSA, by virtue of their federal contract for temporary help. Two programmers have been allocated to assist us for an approximate eight-week period, to continue improving the data entry and database software. The same contractor is supplying a Database Administrator for approximately ten workdays, to assist with the organization and “trouble-shooting” of our existing database.

Current administrators are supportive of the efforts of the existing staff to seek funding and implement long-term solutions for this problem. We have made some tremendous strides over the past four or five months. With funding for the proposed electronic reporting and data system, our long-term goals could be realized. Even with the proposed system, some agencies will still use paper forms to report crashes for several years, and the Department of Safety still cannot force local law enforcement agencies to supply timely crash reports to the department. For this reason, we should continue to review our progress in this area based upon the date we receive the crash report, and not the date of the crash.

16. The department’s training information system is cumbersome and does not allow adequate monitoring of each commissioned officer’s training, which is incomplete in several cases

Finding

Department policy and the Commission on Accreditation for Law Enforcement Agencies, Inc., which accredits the department, require minimum levels of training for all commissioned members of the Tennessee Department of Safety. These minimum levels are required to ensure that all commissioned members will have uniform high quality training and are better prepared to act decisively and correctly in a broad spectrum of situations. Adequate training also results in greater productivity and effectiveness and fosters cooperation and a unity of purpose. Moreover, agencies are being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training. As of January 2004, the department had 881 commissioned employees.

The department’s *General Order 150: Commissioned Member Training* requires that any person seeking employment with the department as a commissioned law enforcement officer attend and successfully complete a prescribed course of training at either the Tennessee Highway Patrol Training Center or the Tennessee Law Enforcement Training Academy. In addition, all commissioned personnel, with the exception of Tennessee Law Enforcement Training Academy instructors, must attend a minimum of 32 hours of annual in-service training consisting of legal

and technical updates and/or refresher courses with 8 hours of firearms training. This mandatory retraining may also be designed to provide supervisory, management or specialized training to members.

A Training Committee established by the department determines curriculum, for both the basic cadet training and the in-service training. The Training Committee meets annually to determine what types of in-service training are needed for the following year. In setting the basic cadet training, the Training Committee took the syllabus and the curriculum developed by the Peace Officer Standards and Training (P.O.S.T.) Commission and ensured that the department met minimum standards established by the commission. Although the basic cadet training meets these standards, commissioned members of the department are not P.O.S.T.-certified, nor are they required to be, according to Section 38-8-110, *Tennessee Code Annotated*.

Department staff stated that compliance with training requirements by commissioned personnel is determined by comparing the roster of attendance generated from each training session with the manpower allocation list for each district or division. The department also has a training database for commissioned personnel in which all training is logged. However, the staff indicated that the system is antiquated, cumbersome, and does not allow for the generation of summary reports indicating specific individuals who have not completed the appropriate amount and types of training.

Auditors performed a file review of training records to determine compliance with annual and cadet training requirements for calendar year 2002. Basic cadet requirements were met in all 23 of the files tested.

However, in the 37 files we reviewed for annual training requirements, 24% did not indicate employee completion of the 32 hours of annual in-service training and 78% did not document employee completion of the required 8 hours of firearms training.

Without a comprehensive, user-friendly training database with consistent and detailed employee histories, the department cannot document compliance with the training requirements of department policy. Nor can it ensure that each commissioned employee receives high quality, job relevant training.

Recommendation

The Department of Safety should implement a training database to monitor compliance by commissioned personnel with appropriate training requirements and take action to correct any non-compliance detected.

Management's Comment

We concur. A request was made, at the first MAC committee meeting of 2003 to either purchase or develop an updated training database for all personnel. We are now operating on the 3270 system and have been since the early '80s. The department's Information System office is

working with our Human Resource Division and with the Criminal Investigation Division to consolidate a unified records system that will help all divisions within Safety.

The Department of Safety Information System office is hoping to receive approval from Finance and Administration for a Record's Management type system sometime this year.

We hope within calendar year 2004 to have a new records system for all training, for both commissioned and non-commissioned personnel. We will also be seeking the addition of a Record's Clerk for the backlog and transfer of existing records to the new system.

17. The Tennessee Law Enforcement Training Academy did not evaluate the adequacy of fees for fiscal years 2002 and 2003

Finding

In 1963, the General Assembly created the Tennessee Law Enforcement Training Academy (TLETA) for the purpose of training police and law enforcement officers in the methods of maintaining law enforcement services in state, municipal, county and metropolitan jurisdictions. In addition to attendance at the academy by law enforcement officers, students pursuing a degree with a major in law enforcement or police science in a college or university of this state are also eligible for enrollment in the academy. The academy provided training to 2,120 individuals in fiscal year 2002 and a total of 1,901 in fiscal year 2003.

Section 38-8-203, *Tennessee Code Annotated*, allows the academy "to charge reasonable fees to cover the costs of any food, lodging, instructional materials, equipment or services furnished to trainees." The process used by the academy for assessing the reasonableness of fees involves a training week analysis by trainee to determine what percentage of the budget is recouped from tuition. Although academy management stated that they perform an annual analysis of the cost of training for the purpose of determining fees for tuition, they did not perform these analyses for fiscal years 2002 or 2003.

Effective July 1, 2000, the department increased the fees for training provided by TLETA by \$100 per week for each classification of trainee. Each type of fee is described in the table below. The fee structure has not changed since that date.

TLETA Fees Per Week as of July 2003

	Fees Per Week
Local Officers (City and County)	\$200
State Officers	\$250
Out-of-State Officers	\$300
Criminal Justice Majors	\$300

Although there are no specific statutory requirements concerning how much the academy should charge (although the academy is allowed to recover all costs), the academy's director indicated that traditionally, TLETA has attempted to recover between one-third and one-half of the cost of training through fees charged for tuition. According to documentation obtained from the Department of Safety's Fiscal Office, fees charged for tuition recouped slightly less than one-third of the cost of training in fiscal year 2001 and fiscal year 2002 (see table below). Without a documented annual analysis and evaluation of training fees, the academy cannot determine whether it is recouping an appropriate amount of the costs, as a percentage of training costs.

TLETA Funding for Fiscal Years 2001 and 2002

Fiscal Year	Total Funding	Tuition Received (Fees)	Percent of Total Funding
2001	\$2,885,900	\$928,300	32.2%
2002	\$2,778,300	\$826,300	29.7%

Recommendation

The academy should perform analyses and evaluations of training fees at least annually, and adjust these fees as needed to cover enough training costs to allow it to effectively carry out its mission.

Management's Comment

We concur. The Director of Tennessee Law Enforcement Training Academy has instructed the academy's accountant to perform man week cost analyses and evaluation of training fees beginning January 2004 so that fees may be adjusted as needed to cover training costs in order to effectively carry out the mission of the Tennessee Law Enforcement Training Academy.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified the following area in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Department of Safety's operations.

1. The General Assembly may wish to consider amending state law to require county clerks to submit title and registration application data in a standardized format to reduce errors and to require county clerks to implement the TRUST system as it becomes available.

ADMINISTRATIVE

The Department of Safety should address the following areas to improve the efficiency and effectiveness of its operations.

1. The department should ensure the timely posting of violations to driver records, including establishing a goal for posting these violations within a specific timeframe, at least within 30 days. The department should explore and implement processes by which to reduce backlogs associated with the processing of violations.
2. The department should change its policy for its Driver Improvement Program and assess points based on the conviction date of the violation, rather than on the date the violation was posted to the driver's record.
3. The Division of Commercial Vehicle Enforcement should develop and implement an electronic tracking system to determine which courts are consistently late in submitting citation disposition data on moving violations against holders of commercial driver's licenses through regular monitoring of the system. The division should use this information to target education efforts to the judges and staff of these courts, emphasizing the need to comply with Section 55-50-409, *Tennessee Code Annotated*. The division should also determine why prior proposed efforts to deal with this problem were never implemented and proceed with their implementation.
4. The Commercial Vehicle Enforcement Division should develop and implement a formal plan to distribute patrol officer resources after conducting a workload assessment to determine where these resources are most needed. Any plan should take into consideration the needs of individual regional divisions and counties, as allowed by policy, and should allow officers to quickly react to changing circumstances.

5. The Commercial Vehicle Enforcement Division should establish 24-hour patrol coverage in all counties or amend *General Order 215-2*, restricting this requirement to the Tennessee Highway Patrol if financial resources do not permit such coverage. However, the department should take into consideration the impact such a change will have on the public's general welfare, and on its accreditation by the Commission on Accreditation for Law Enforcement Agencies.
6. The Tennessee Highway Patrol should determine the desired level of service to be provided and perform an annual workload assessment for the purpose of determining the most efficient allocation of personnel which includes, but is not limited to, the following factors: traffic crash data, road use volume, traffic citations issued, average daily traffic counts, miles of interstate highway, HELP truck calls for service, interstate calls for service, number of licensed drivers within a county, number of registered vehicles, seasonal tourist traffic, military base location and activity, industrial and residential buildup, unusual terrain or road layout, and officer availability.
7. Tennessee Highway Patrol districts should contribute to the workload assessment by performing on an annual basis, and submitting to the THP central office, analyses to determine the methods best suited for each county and district to ensure that adequate coverage on a twenty-four basis is achieved, and implementing coverage plans based upon the results of the analyses.
8. The department should verify that each individual submitting a Third Party Driver Examiner Testing Certification form has successfully completed and met the testing standards of an approved and active program by checking each person against a pass/fail list of candidates provided by his or her third party tester. Further, the department should comply with its policy requiring routine spot checks of the exempted driver population and the administration of either the knowledge examination or the driving skills examination, to verify that individuals meet Cooperative Driver Testing Program and state testing standards. The department should also update the knowledge examination administered by the Cooperative Driver Testing Program.
9. The department should provide driver's license examiners with routine formal training with emphasis on consistent compliance with road skills examination standards across the state. The department should also evaluate whether the examiner guide needs to be updated.
10. The department should develop and implement a computerized system to track the timely inspections of school buses, and bus characteristics that may indicate illegal acts (e.g., incorrect odometers) to refer for possible prosecution.
11. The Commercial Vehicle Enforcement Division should develop and implement specific procedures for assessing security threats from trucks. These procedures

- should include what to check for during truck inspections, how information on threats should flow to and from the central office, and the types of interagency cooperation needed to reduce the threats. These procedures should not be excessively intrusive on the normal truck inspection process. The department should ensure that these procedures comply with the applicable federal guidelines and procedures.
12. The department should verify that each individual applying for a handgun carry permit has successfully completed a handgun safety course with an approved handgun safety school. This verification can be done by checking a pass/fail list sent by the applicant's school. The department should periodically inspect schools exempted from annual inspections to ensure they continue to meet state standards. The department should also, through spot checks, verify that the material taught, and the way it is taught, at these schools meet state standards.
 13. The department should monitor the handgun permit application process and the corresponding time frames, and take steps to remove computer system "bugs" that might impede such monitoring. Doing so will enable the department to identify any bottlenecks in the process, allow the department to react accordingly or adjust the process, and ascertain that statutory timelines are being met. Further, the monitoring of the process will allow the department to ensure that older applications on the list of application over ninety days are prioritized and expedited accordingly.
 14. The department should explore ways to accurately determine and reduce the backlog of title and registration applications, including reducing data errors by county clerks. The TRUST system should help reduce some of these errors. The department should also set realistic goals for issuing titles and continually track processing times instead of relying on "spot checks" at present and once TRUST is implemented." The department should ensure that training and support is offered to its staff and that of county clerks upon implementation of TRUST and on a continuing basis. The department should monitor the implementation and use of the TRUST system and remedy any identified weaknesses as soon as possible. The department should impose fines on county clerks that are delinquent in submitting accurate data and fees in a timely manner as provided by state law.
 15. The department and the Office for Information Resources should review the operating cost estimates to ensure that they are necessary and appropriate and should continue carefully monitoring the project's process. In addition, the department should consider pursuing legislation to continue funding for operating costs.
 16. The department should take steps to reduce downtime, including repairing or replacing existing equipment in a timely manner, and installing weigh-in-motion sensors. As part of these steps, the department should review major causes of downtime (e.g., manpower shortages or scheduling conflicts) and determine solutions (e.g., redistribution of staff).

17. The department should examine security measures in place at driver's license stations and develop a security strategy for the stations. Security measures at driver's license stations should be strengthened as soon as possible with stations with break-ins given priority.
18. The department should periodically assess the quality and timeliness of service provided at driver's license stations. Information generated from the complaint and comment cards should be tracked and routinely summarized. The department should use the results of the assessments and complaint summaries to address problems and identify causes. The department should fully implement the electronic queuing system, Frisco Bay, and set goals for timeliness of service at driver's license stations and monitor progress towards these goals.
19. The department should improve the timely processing of accident reports, attempting to process accident reports accurately within one month of the receipt of the accident reports, and should take steps to reduce the significant backlog of accident reports to be processed. The department should also monitor accident report submission times and inform law enforcement authorities when reports are not submitted in a timely manner in accordance with Section 55-10-108, *Tennessee Code Annotated*.
20. The Department of Safety should implement a training database to monitor compliance by commissioned personnel with appropriate training requirements and take action to correct any non-compliance detected.
21. The Law Enforcement Training Academy should perform analyses and evaluations of training fees at least annually, and adjust these fees as needed to cover enough training costs to allow it to effectively carry out its mission.

Appendix A

Title VI Information

All programs or activities receiving federal financial assistance are prohibited by Title VI of the Civil Rights Act of 1964 from discriminating against participants or clients on the basis of race, color, or national origin. In response to a request from members of the Government Operations Committee, we compiled information concerning federal financial assistance received by the Department of Safety, and the department's efforts to comply with Title VI requirements. The results of the information gathered are summarized below.

According to *The Budget: Fiscal Year 2003-04*, the Department of Safety was the recipient of \$3,749,500 in federal financial assistance during fiscal year 2002. The vast majority of this assistance, \$3,738,800, went to the Tennessee Highway Patrol's enforcement activities.

According to *The Title VI Plan for the Department of Safety*, submitted to the Comptroller of the Treasury on October 22, 2003, the department's Title VI Coordinator, its personnel manager, is responsible for overseeing Title VI efforts. Human Resource Division and Legal Division staff and directors of divisions that receive federal funds serve as advisors to the coordinator. The Title VI Coordinator compiles an annual compliance report which includes a report of the department's findings and recommendations concerning compliance with Title VI.

In addition, the department has established a Title VI compliance committee. Members of this committee represent upper level management from all divisions within the department. This committee meets as necessary to ensure that all Title VI guidelines are being followed, including the investigation of complaints. These members are also responsible for periodic Title VI compliance surveys of their respective divisions. According to the coordinator, upper management, including members of the committee, receive Title VI training. We determined, through a review of the plan and documentation provided by the coordinator, that the department does not track contracts given to minority vendors.

Self-Surveys

The department only provided one copy of a self-survey (that of the Commercial Vehicle Enforcement Division) conducted in November 2003. We requested copies of surveys in October 2003. The Title VI committee should ensure that self-surveys of divisions are done regularly on a specific frequency (e.g., annually).

Complaint Process

According to *The Title VI Plan for the Department of Safety*, a complaint alleging Title VI-related discrimination against a facility or division of the Department of Safety may be filed as internal complaint and/or as an external complaint. An internal complaint is filed with the Title VI Coordinator. An external complaint is filed at the federal level, which is the regional Office for Civil Rights of the U.S. Department of Justice.

Internal complaints must be filed in writing. The Title VI Coordinator has the primary responsibility for receiving, acknowledging, and investigating complaints, and for the findings. When the coordinator receives a complaint, a fact-finding investigation will be conducted within 30 calendar days from receipt of the complaint. The Title VI Coordinator will then issue a report in a timely manner. If the report finds a violation of Title VI, the coordinator should include any proposed remedial action in the report. Within five calendar days after the issuance of this report, the written findings will be given to the complainant. Information on the complainant's right to appeal, including instructions for filing, will also be provided at this time.

An appeal by a complainant regarding a finding made by the Title VI Coordinator may be filed with the Commissioner's designee. This appeal opportunity constitutes the second, and last, level in the department's internal complaint system. The Commissioner's designee has wide latitude to review the case and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant and the alleged offender, reviewing any documents or appropriate information, and interviewing the initial reviewer in order to ascertain the facts. The Commissioner's designee must conduct a complete fact finding within thirty days after receipt of the appeal. When an appeal is concluded, a copy of the findings will be sent to the Title VI Coordinator. The complainant will then be informed of the finding(s) in writing.

Once the Commissioner's designee has issued a written finding, a complainant who wishes to pursue the complaint may choose to appeal the charges to the federal level (i.e., U.S. Department of Justice). Appeal rights should be explained to the complainant at this time. If the complaint is filed both within the department and external to the department, the external federal complaint will supersede the internal complaint. Therefore, the internal complaint procedures of the Department of Safety will be suspended pending the outcome of the external, or federal, complaint investigation. An external appeal to the U.S. Department of Justice can be filed at any time within 180 days from the date of the alleged discrimination. According to the Title VI Coordinator, the department had not received any Title VI complaints within the last two years, as of October 2003.

Staff of the Department of Safety by Title, Gender, and Ethnicity

As of October 2003

Title	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Asian</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>
Account Clerk	2	2	0	0	0	4	0
Accounting Technician 1	3	15	0	5	0	13	0
Accounting Technician 2	1	6	0	2	0	5	0
Accountant 2	1	1	0	0	0	2	0
Accountant 3	2	3	0	1	0	3	1
Administrative Assistant 1	0	4	0	0	0	4	0
Administrative Assistant 3	0	2	0	0	0	2	0
Administrative Services Assistant 2	0	25	0	3	0	21	1
Administrative Services Assistant 3	1	5	0	0	0	6	0
Administrative Services Assistant 4	2	3	0	0	0	5	0
Administrative Secretary	0	63	0	11	0	52	0
Aircraft Mechanic 1	1	0	0	0	0	1	0
Attorney 3	3	2	0	1	0	4	0
Attorney 4	1	0	0	0	0	1	0
Audit Director 1	1	0	0	0	0	1	0
Auditor 2	1	0	0	0	0	1	0
Auditor 3	2	6	0	2	0	6	0
Auditor 4	2	0	0	0	0	2	0
Baker	0	1	0	0	0	1	0
Budget Analyst Coordinator	0	1	0	1	0	0	0
Commercial Driver's License Examiner	4	17	0	7	0	14	0
Capitol Police Officer	9	1	0	4	1	4	1
Capitol Police Sergeant	4	0	0	1	0	3	0
Clerk 2	7	20	1	5	0	21	0
Clerk 3	2	19	0	7	0	14	0
Commercial Driver License Program Manager	1	0	0	0	0	1	0
Commissioner 1	1	0	0	0	0	1	0
Communications Dispatcher 1	28	28	0	4	0	52	0
Communications Dispatcher 2	2	6	0	0	0	8	0
Cook 1	0	1	0	0	0	1	0
Criminal Investigations Director- Highway Patrol	1	0	0	0	0	1	0
Commercial Vehicle Enforcement Captain	4	0	0	0	0	4	0

Title	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Asian</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>
Commercial Vehicle Enforcement Lieutenant	9	0	0	1	0	8	0
Commercial Vehicle Enforcement Lieutenant Colonel	1	0	0	0	0	1	0
Commercial Vehicle Enforcement Officer	141	9	0	15	2	132	1
Commercial Vehicle Enforcement Sergeant	31	3	0	3	0	31	0
Data Entry Operator	0	10	0	5	0	5	0
Data Entry Operations Supervisor 1	0	1	0	1	0	0	0
Data Entry Operations Supervisor 2	0	1	0	0	0	1	0
Deputy Commissioner 1	1	0	0	0	0	1	0
Dietitian	0	1	0	1	0	0	0
Driver's License Branch Supervisor 1	3	28	0	1	0	30	0
Driver's License Branch Supervisor 2	2	7	0	3	0	6	0
Driver's License District Supervisor 1	0	4	0	0	0	4	0
Driver's License District Supervisor 2	0	4	0	1	0	3	0
Driver's License Issuance Assistant Director	0	1	0	0	0	1	0
Driver's License Issuance Director	1	0	0	0	0	1	0
Data Processing Operator 1	0	5	0	2	0	3	0
Driver Control Manager 1	0	1	0	0	0	1	0
Driver Control Manager 2	0	1	0	0	0	1	0
Driver' License Examiner	29	169	1	50	1	145	1
Driver's License Issuance Manager 2	1	0	0	0	0	1	0
Distributed Program/Analyst 3	1	0	0	0	0	1	0
Distributed Program/Analyst 4	4	0	0	1	0	3	0
Distributed Program Analyst/Supervisor	1	0	0	0	0	1	0
Equipment Service Worker	1	0	0	1	0	0	0
Executive Administrative Assistant 2	2	2	0	0	0	4	0
Executive Administrative Assistant 3	1	1	0	0	0	2	0
Executive Secretary 1	0	1	0	0	0	1	0
Facilities Manager 2	1	0	0	0	0	1	0
Food Service Supervisor 1	0	1	0	1	0	0	0
Food Service Worker	1	1	0	2	0	0	0
Fiscal Director 1	1	1	0	0	0	2	0
Fiscal Director 2	1	0	0	0	0	1	0
General Counsel 3	1	0	0	0	0	1	0

Title	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Asian</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>
Information Resource Support Specialist 2	1	1	0	0	0	2	0
Information Resource Support Specialist 3	1	2	0	0	0	3	0
Information Resource Support Specialist 4	6	0	0	0	0	6	0
Information Resource Support Specialist 5	2	0	0	0	0	2	0
Information Officer	0	1	0	0	0	1	0
Information Systems Analyst 2	0	1	0	1	0	0	0
Information Systems Analyst 3	1	2	0	2	0	1	0
Information Systems Analyst 4	2	2	0	1	0	3	0
Information Systems Analyst Supervisor	2	0	0	0	0	2	0
Information Systems Consultant	1	0	0	0	0	1	0
Information Systems Director 3	1	0	0	0	0	1	0
Information Systems Manager 1	1	0	0	0	0	1	0
Information Systems Manager 2	1	0	0	0	0	1	0
Information Systems Manager 3	2	0	0	0	0	2	0
K-9 Drug Training Coordinator	1	0	0	0	0	1	0
Law Enforcement Training Academy Assistant Director	1	0	0	0	0	1	0
Law Enforcement Training Academy Director	1	0	0	0	0	1	0
Law Enforcement Training Instructor	8	1	0	1	0	8	0
Law Enforcement Training Supervisor	1	0	0	0	0	1	0
Mail Clerk	1	0	0	1	0	0	0
Mail Technician 1	0	1	0	0	0	1	0
Media Producer/Director	1	0	0	0	0	1	0
Motor Carrier Director	0	1	0	0	0	1	0
Personnel Director 3	0	1	0	0	0	1	0
Personnel Manager 2	0	1	0	0	0	1	0
Personnel Technician 2	1	3	0	1	0	3	0
Personnel Technician 3	0	1	0	1	0	0	0
Procurement Officer 1	0	1	0	0	0	1	0
Procurement Officer 2	1	1	0	0	0	2	0
Property Officer 1	1	0	0	0	0	1	0
Property Officer 2	3	0	0	0	0	3	0
Radio Communication Technician 2	3	0	0	0	0	3	0

Title	Gender		Ethnicity				
	Male	Female	Asian	Black	Hispanic	White	Other
Radio Communication Technician 3	9	0	0	0	0	9	0
Radio Communication Technician Supervisor	1	0	0	0	0	1	0
Radio Systems Analyst	1	0	0	0	0	1	0
Revenue Processing Manager	0	1	0	0	0	1	0
Revenue Processing Supervisor 1	0	1	0	0	0	1	0
Revenue Processing Supervisor 2	0	1	0	0	0	1	0
Safety Examiner 1	2	16	0	11	0	7	0
Safety Examiner 2	3	29	0	13	0	19	0
Safety Examiner Supervisor 1	1	10	0	3	0	8	0
Safety Examiner Supervisor 2	0	1	0	0	0	1	0
Safety Hearing Officer	5	4	0	2	0	7	0
Safety Technical Services Director	1	0	0	0	0	1	0
Seamstress 1	0	1	0	0	0	1	0
Secretary	0	7	0	1	0	6	0
Security Guard 2	1	0	0	0	0	1	0
Special Agent In Charge - Criminal Investigations Division	4	0	0	0	0	4	0
Special Agent - Criminal Investigations Division	37	3	0	1	0	39	0
Statistician 3	0	1	0	0	0	1	0
Storekeeper 2	1	0	0	0	0	1	0
Stores Clerk	2	0	0	0	0	2	0
Stores Manager	1	0	0	0	0	1	0
Tax Audit Manager 1	1	0	0	0	0	1	0
Tennessee Highway Patrol Captain	17	0	0	4	0	13	0
Tennessee Highway Patrol Colonel	1	0	0	0	0	1	0
Tennessee Highway Patrol Lieutenant	69	2	0	4	0	67	0
Tennessee Highway Patrol Major	1	0	0	0	0	1	0
Tennessee Highway Patrol Sergeant	116	7	0	13	0	110	0
Title and Registration Director	0	2	0	0	0	2	0
Title and Registration Manager	0	1	0	0	0	1	0
Title and Registration Supervisor	0	1	0	0	0	1	0
Title and Registration Examining Clerk 2	8	88	0	56	0	39	1
Title and Registration Examining Clerk Supervisor 1	0	12	0	2	0	10	0
Title and Registration Examining Clerk Supervisor 2	0	6	0	1	0	5	0

Title	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Asian</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>
Title and Registration Information							
Assistant	0	19	0	11	0	8	0
Training Officer 1	1	0	0	0	0	1	0
Training Officer 2	0	1	0	0	0	1	0
Trooper	432	17	4	49	5	388	3
	1,079	734	6	321	9	1,468	9

Appendix B

Schedule of Point Values for Moving Violations or Contributing to Accidents

Violation	Points Assessed
Tickets and court abstracts where speed not indicated on source documents	3
Speeding 1 through 5 MPH in excess of speed zone	1
Speeding 6 through 15 MPH in excess of speed zone	3
Speeding 16 through 25 MPH in excess of speed zone	4
Speeding 26 through 35 MPH in excess of speed zone	5
Speeding 36 through 45 MPH in excess of speed zone	6
Speeding 46 MPH and above in excess of speed zone	8
Reckless driving as defined by Section 55-10-205, <i>Tennessee Code Annotated</i>	6
Signs and control devices - failing to obey traffic instructions	4
Improper passing - passing where prohibited	4
Wrong way, side or direction	4
Following improperly	3
Failing to yield the right-of-way	4
Making improper turn	3
Failure to signal intention to change vehicle direction	2
Passing school bus taking on or discharging passengers	6
Following emergency vehicles unlawfully	2
Speed less than posted minimum	3
Violation of bumper law conviction	4
Operating without being licensed or without license required for type of vehicle operated	3
Operating without being licensed or without license required for type of vehicle operated - under suspension, revocation, or cancellation	8
Careless or negligent driving	4
Violation of driver license restrictions	6
Reckless endangerment by vehicle (misdemeanor)	8
Miscellaneous traffic violations failing to maintain control, improper control, etc., or any offense involving the operation of a motor vehicle not herein specified	3
Leaving scene of an accident (property damage only)	5

Violation	Points Assessed
Failure to report an accident	4
Speeding in construction zone: Tickets and court abstracts where speed not indicated	3
Speeding in construction zone: Speeding 1 through 5 MPH in excess of posted speed	2
Speeding in construction zone: Speeding 6 through 15 MPH in excess of posted speed	6
Speeding in construction zone: Speeding 16 through 35 MPH in excess of posted speed	7
Speeding in construction zone: Speeding 36 MPH and above in excess of posted speed	8
Contributing to an accident involving property damage	3
Contributing to an accident resulting in bodily injury	4
Contributing to an accident resulting in another's death	8
Driving while license canceled	8
Fleeing Law Enforcement Officer (Misdemeanor)	8
Speeding in a commercial vehicle, speed not indicated	4
Speeding in a commercial vehicle, 1-5 MPH in excess of posted speed zone	2
Speeding in a commercial vehicle, 6-14 MPH in excess of posted speed zone	4
Speeding in a commercial vehicle, 15-25 MPH in excess of posted speed zone	6
Speeding in a commercial vehicle, 26-35 MPH in excess of posted speed zone	7
Speeding in a commercial vehicle, 36 or more MPH in excess of posted speed zone	8
Speeding in a commercial vehicle in a construction zone, speed not indicated	4
Speeding in a commercial vehicle in a construction zone, 1-5 MPH in excess of posted speed zone	2
Speeding in a commercial vehicle in a construction zone, 6-14 MPH in excess of posted speed zone	5

Source: Rule 1340-1-4-.03, Department of Safety.