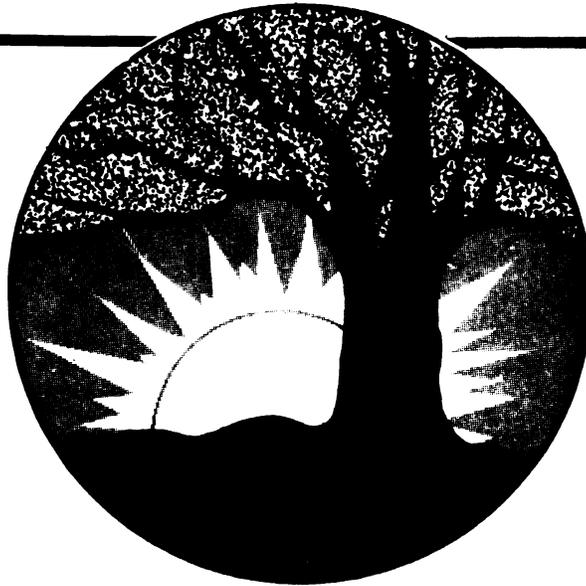


PERFORMANCE AUDIT

Department of Safety
Follow-up Report
August 2010



Justin P. Wilson
Comptroller of the Treasury



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August 9, 2010

The Honorable Ron Ramsey
Speaker of the Senate
The Honorable Kent Williams
Speaker of the House of Representatives
The Honorable Bo Watson, Chair
Senate Committee on Government Operations
The Honorable Susan Lynn, 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,

Arthur A. Hayes, Jr., CPA
Director, Division of State Audit

AAH/dww
10-028

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Department of Safety
Follow-up Report
August 2010

AUDIT OBJECTIVES

The objectives of the audit were to review performance measures and to follow up on the findings in the previous performance audit of the Department of Safety issued in May 2008.

FINDINGS

Though some improvements have been made to the available reports, due to the limitations of a 32-year-old driver license information system and the reduction of the department's funding due to state and national budget crises, the Driver License Issuance Division continues to have an inadequate driver license information system and problems with driver license station wait times

The department's data collection system, which dates to 1978, cannot supply management with complete, useful, and accurate customer services data for management and oversight purposes. While the department collects a great deal of information, it does not collect it in an efficient manner and cannot extract much of the information for management purposes.

The department's 32-year-old data collection system cannot supply complete, useful, and accurate customer service data about the process for issuing driver licenses. An electronic queuing software does not capture all of a customer's time spent in a driver license station. The department's information systems cannot provide information on wait and transaction times for specific services. 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 8).

As found in the 2008 performance audit, the Driver License Issuance Division has not ensured the driver license exam is statistically reliable and valid

As of March 2010, the department has not analyzed and/or revised the current driver exam or interfaced the testing system because, according to department management, interfacing the current testing machines would be cost prohibitive and the driver license exam will be one module of a new driver license system that has yet to be sent out for Requests For Proposals (RFPs). The Driver License Issuance Division has a draft RFP for a driver license testing system that has not yet been approved by department management (page 11).

As reported in the 2004 and 2008 performance audits, the Handgun Permits Office does not verify that handgun safety course certificates provided by applicants are the department-provided certificates assigned to a particular school or instructor prior to issuing a handgun carry permit

State law requires applicants for handgun carry permits to submit proof of the successful completion of a department-approved handgun safety course. However, while office staff verify that the school and instructor listed on the certificate were approved as of the date of the class, staff do not verify that the barcode and number on the office-provided certificate are those assigned to that school or instructor. Without procedures to verify the validity of class completion certificates, the department increases the risk that handgun carry permits may be issued to unqualified and untrained persons based on fraudulent documentation (page 15).

Despite initial improvements following the 2008 performance audit, as found in the last three performance audits, weigh stations continue to have substantial amounts of downtime, primarily due to budget reductions, that limit the effectiveness of commercial vehicle enforcement

Initial improvements made in 2008 following the last performance audit were completely lost in 2009 in the wake of state funding reductions. Downtime in calendar year 2009 reached an all-time high. The main reasons for downtime are still manpower (closed due to lack of personnel) and scheduling (closed due to personnel being scheduled for other duties) (page 16).

Though improvement has been made, problems highlighted in the 2008 performance audit continue as the department is not ensuring that all contractors and grantees submit the required Title VI self-survey and is not conducting random on-site visits to ensure these facilities serving the public are operating in compliance with Title VI guidelines

Title VI of the Civil Rights Act of 1964 prohibits programs receiving federal funds from discriminating against participants or clients on the basis of race, color, or national origin. None of the motorcycle rider education program instructors were surveyed, and only 75% of county clerks' offices submitted their self-survey to the department. In addition, the random on-site audits for Title VI compliance that management stated would be conducted have not begun (page 21).

OBSERVATIONS AND COMMENTS

The audit also discusses the following issues: the REAL ID Act, Handgun Permitting Requirements, Capitol and Legislative Plaza Security, Resolved Findings of the 2008 Department of Safety Performance Audit, Performance Measures, and the Results of Additional Audit Work (page 23).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly, in light of the seeming surety of implementation of some level of REAL ID, may wish to consider appropriating the necessary and appropriate level of funding to replace the 32-year-old driver license information system, inadequate for current needs, with a more functional and efficient system that can also handle the requirements of REAL ID.

The General Assembly may wish to review and revise conflicting statutes regarding handgun carry permit eligibility requirements and the Department of Safety's responsibility to ensure that applicants meet all statutory requirements. If the commissioner of the Department of Safety determines that certain requirements would be impossible to verify or are not feasible given the cost and current limited resources, the commissioner should communicate this to the General Assembly and work with them to determine which prerequisites are absolutely necessary. Following discussions with the Department of Safety, the General Assembly may wish to revise the statutory prerequisites, in light of costs and feasibility, for obtaining a handgun carry permit.

**Performance Audit
Department of Safety
Follow-up Report**

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
History and Organization	2
Revenues and Expenditures	6
FINDINGS AND RECOMMENDATIONS	8
1. Though some improvements have been made to the available reports, due to the limitations of a 32-year-old driver license information system and the reduction of the department’s funding due to state and national budget crises, the Driver License Issuance Division continues to have an inadequate driver license information system and problems with driver license station wait times	8
2. As reported in the 2008 performance audit, the Driver License Issuance Division has not ensured the driver license exam is statistically reliable and valid	11
3. As reported in the 2004 and 2008 performance audits, the Handgun Permits Office does not verify that handgun safety course certificates provided by applicants are the department-provided certificates assigned to a particular school or instructor prior to issuing a handgun carry permit	15
4. Despite initial improvements following the 2008 performance audit, as reported in the last three performance audits, weigh stations continue to have substantial amounts of downtime, primarily due to budget reductions, that limit the effectiveness of commercial vehicle enforcement	16
5. Though improvement has been made, problems highlighted in the 2008 performance audit continue as the department is not ensuring all contractors and grantees submit the required Title VI self-survey and is not conducting random on-site visits to ensure these facilities serving the public are operating in compliance with Title VI guidelines	21

TABLE OF CONTENTS (CONT.)

OBSERVATIONS AND COMMENTS	23
The department continues to attempt to implement the federal REAL ID program	23
The General Assembly may wish to review and revise conflicting statutes regarding handgun carry permit eligibility requirements and the Department of Safety’s responsibility to ensure applicants meet all statutory requirements	25
Security of access to the State Capitol, War Memorial Building, Legislative Plaza, and its attached garage	28
Performance Measures	29
Resolved Findings from the 2008 Department of Safety Performance Audit	29
Results of Additional Audit Work	31
RECOMMENDATIONS	33
Legislative	33
Administrative	33
APPENDICES	36
Appendix A – Minority Information	36
Appendix B – Performance Measures	39
Appendix C – Department of Safety’s Comments in Response to Observation and Comment Regarding REAL ID	46
Appendix D – Department of Safety’s Comments in Response to Observation and Comment Regarding Handgun Permitting Requirements	50

Performance Audit Department of Safety Follow-up Report

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 4-29-229, the Department of Safety is scheduled to terminate June 30, 2011. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the agency and to report to the Joint Government Operations Committee of the General Assembly. The audit is intended to aid the committee in determining whether the Department of Safety should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit were to review performance measures and to follow up on the May 2008 findings and observations regarding

1. weaknesses in Driver License and THP data management systems;
2. the timeliness of driver license issuance and analysis of driver license test questions;
3. the impact of the federal REAL ID Act;
4. the extent and cause of the continuing backlog in posting crash data;
5. the sufficiency of Capitol Security;
6. whether weigh station downtimes have improved;
7. the timeliness of inspections of school buses, child care vehicles, and handgun schools; and
8. compliance with Title VI of the Civil Rights Act of 1964.

SCOPE AND METHODOLOGY OF THE AUDIT

The activities of the Department of Safety were reviewed for the period July 2007 to May 2010. We conducted this performance audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Methods used included

1. review of applicable state and federal legislation and policies and procedures;
2. review of studies conducted on the department by state, federal, and private entities;
3. examination of the department's records, reports, and information summaries; and
4. interviews with department staff.

HISTORY AND ORGANIZATION

Created in 1939, the Tennessee Department of Safety is responsible for safety on more than 150,000 miles of state and federal highways. The vast majority of the department's expenditures and personnel are associated with the Tennessee Highway Patrol and the Driver License Issuance Division. First accredited in 1999, the Commission on Accreditation of Law Enforcement Agencies fully reaccredited the Department of Safety in 2008.

Key dates in the expansion and contraction of the department's responsibilities include the following:

- 1971 – Driver License Issuance established as a function separate from the Highway Patrol
- 1983 – Tennessee Law Enforcement Training Academy brought under the Department of Safety
- 1990 – Title and Registration moved from Department of Revenue to Department of Safety
- 1996 – Commercial Vehicle Enforcement incorporated Public Service Commission function and staff related to commercial vehicle regulations
- 1996 – Handgun Carry Permits moved from local sheriff departments to Department of Safety
- 1998 – Remaining commercial vehicle title and registration functions moved to Department of Safety from the Department of Revenue
- 2004 – Commercial Vehicle Enforcement Division merges into the Highway Patrol
- 2006 – Title and Registration moves back to the Department of Revenue

- 2006 – Tennessee Law Enforcement Training Academy and Peace Officers Standards and Training Commission transferred to the Department of Commerce and Insurance
- 2007 – Governor’s Office of Homeland Security merged into Department of Safety

The agency’s major programs are the Tennessee Highway Patrol; Driver License Issuance; Financial Responsibility; Professional Standards; Research, Planning, and Development; and the Office of Homeland Security. (See organization chart on the following page.)

Tennessee Highway Patrol

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. The THP is also active in criminal interdiction, which involves the suppression of narcotics on the roads, highways, and interstate systems in Tennessee. The THP has eight district headquarters—Chattanooga, Cookeville, Fall Branch, Knoxville, Jackson, Lawrenceburg, Memphis, and Nashville. The remainder of duties and support services are handled by eight specialized units.

Capitol Security is responsible for the external and internal security of the State Capitol, Legislative Plaza, the War Memorial Building, the Supreme Court Building, and the John Sevier Building. Responsibilities include protection of state legislators, legislative staff, other governmental officials, visiting dignitaries, state employees, and citizens visiting or conducting business on state property. Other duties include enforcing parking regulations, investigating crashes, conducting investigations of reported criminal activities, conducting physical checks of state owned/leased buildings, conducting surveillance activities to spot incidences of criminal activity, and providing bank escorts for state office staff.

The *Commercial Vehicle Enforcement Administration* (CVE) is responsible for the enforcement of all laws, 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 use of portable scales. The division is also responsible for the 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 buses and child care vehicles.

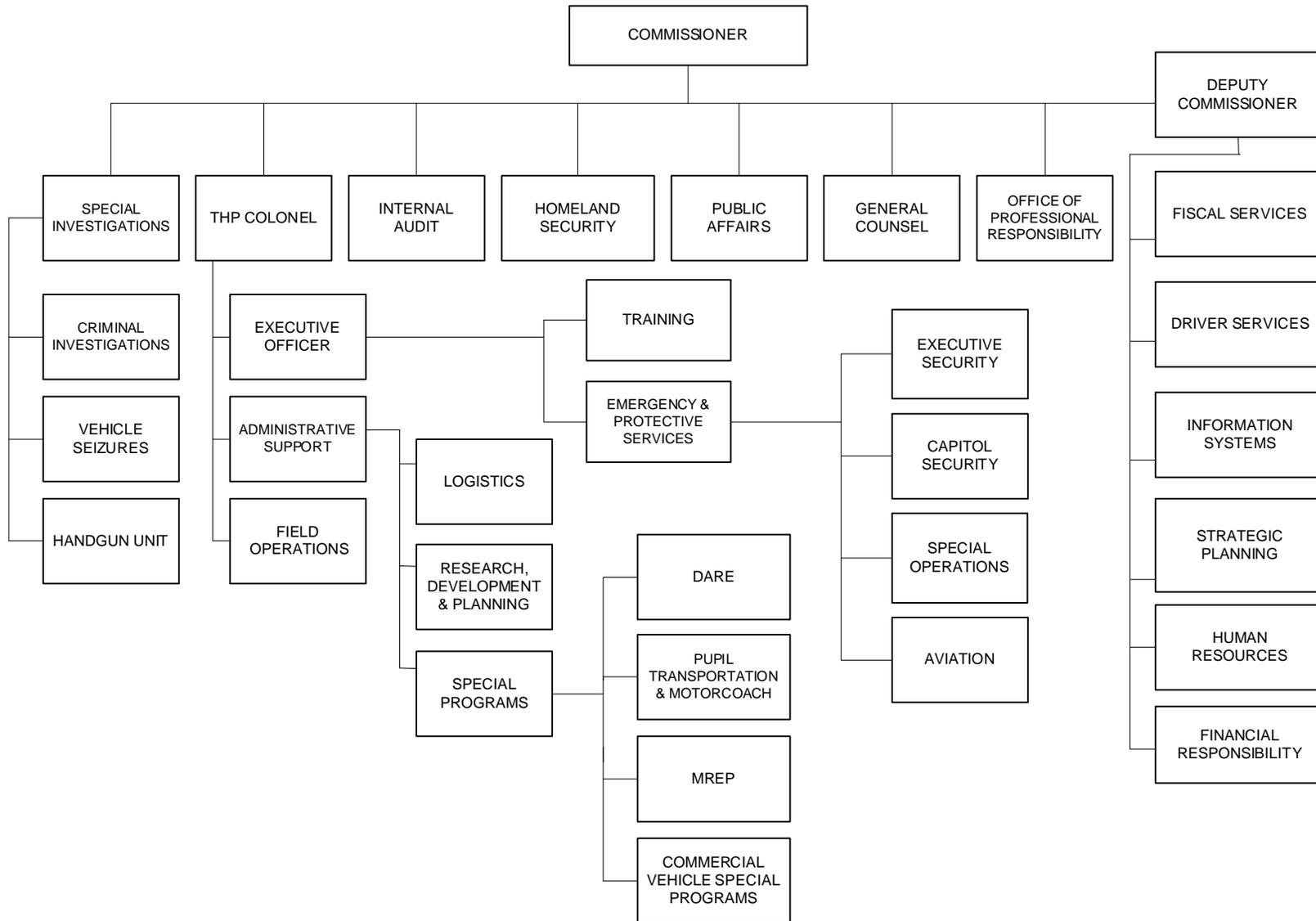
Special Operations is charged with handling situations outside the normal duties of the Department of Safety. This section consists of four specialized units: the Tactical/Bomb Squad, Aviation, Canine, and the Governor’s Task Force on Marijuana Eradication. The specialized units are based in Nashville to allow for rapid deployment throughout the state.

The *Safety Training Center* is responsible for the coordination of various personnel necessary for the ongoing support of the Department of Safety. The center serves as the operations hub for the Training Division, Ordnance, Safety Education, Drug Abuse Resistance

DEPARTMENT of SAFETY

JULY 2010

ORGANIZATION CHART



Education (DARE), Gang Resistance Education and Training (GREAT), the Motorcycle Rider Education Program (MREP), civilian training, the Media Production Unit, and Dispatch Communications.

Executive Security provides security for the First Family, Lieutenant Governor, Speaker of the House, and Attorney General. This detail is comprised of commissioned members from the Tennessee Highway Patrol, whose duties include the transportation of Governors from other states and/or their families. However, the primary responsibility of this detail is the protection and transportation of the First Family. Personnel assigned to the Governor and First Lady provide 24-hour security and travel with them at all times.

Support Services is responsible for fleet operations, supply, facilities management, communications, and building maintenance.

Safety Education develops, promotes, and coordinates a wide range of activities that have in common the advancement of public safety, including annual inspections of the private driving schools and their vehicles.

The *Special Investigations Bureau* provides investigative and technical support to the Highway Patrol, Driver Services Division, and the Professional Responsibility Office. It also has authority to conduct overt and covert criminal investigations relating to the theft of motor vehicles, boats, airplanes, and parts therefrom; the operation of chop shops; identity theft; odometer fraud; vehicular homicides and assaults; and insurance fraud relating to motor vehicles. This bureau conducts background investigations for prospective Department of Safety employees and provides specialized training to other law enforcement agencies when requested. The bureau is also responsible for handgun carry permits, schools, and instructors.

Driver Services

The Driver Services Division is responsible for the administration of oral, written, and road tests in addition to the issuance and renewal of commercial and regular driver licenses to qualified applicants and voter registration. Services are offered at over 80 offices (driver testing stations, express driver license offices, and county clerks' offices) across the state. This division also administers the Financial Responsibility Law, which involves canceling and restoring driving privileges, as well as maintaining all driver records.

Professional Responsibility

The Office of Professional Responsibility is charged with managing the investigative and disciplinary processes for the Department of Safety. The Office of Professional Responsibility investigates all allegations of misconduct on the part of Department of Safety employees. The Staff Inspection Unit conducts inspections of all organizational components within the department, ensuring compliance with national accreditation standards and departmental policies and procedures.

Research, Planning, and Development

The Research, Planning, and Development Section is responsible for analytical studies, report preparations and presentations, policy and procedure development, and grant procurement and management. The section also assists with the development and design of public safety announcements, brochures, posters, forms, press releases, and informational documents. In addition, the unit tracks various trends in fatality data including alcohol-indicated fatal crashes, fatal crashes involving teens, safety belt use in fatal crashes, contributing geographic factors, and other statistical indicators.

Office of Homeland Security

The Tennessee Office of Homeland Security, merged into the department in 2007, has the primary responsibility and authority for directing statewide activities pertaining to the prevention of, and protection from, terrorist-related events. This responsibility includes the development and implementation of a comprehensive and coordinated strategy to secure the state from terrorist threats and attacks. Further, the Office of Homeland Security serves as a liaison between federal, state, and local agencies and the private sector on matters relating to the security of our state and citizens.

REVENUES AND EXPENDITURES

Statement of Revenues and Expenses Estimated Revenues by Source For the Fiscal Year Ending June 30, 2009

<i>Source</i>	<i>Amount</i>	<i>% of Total</i>
State	\$121,059,200	68.2%
Federal	9,535,800	5.4%
Other*	46,850,600	26.4%
Total Revenue	\$177,445,600	100.0%

*Other sources include current services and interdepartmental revenues and carry forward of reserves. Includes revenue from Motor Vehicle reports, reinstatement fees, driver license application fees, handgun permit fees, highway safety grants, and carry forward reserves from the Motorcycle Rider Education Program and the Driver Education Program. Source: *The Budget: Fiscal Year 2010-2011*.

**Statement of Revenues and Expenses
Estimated Expenditures by Account
For the Fiscal Year Ending June 30, 2009**

<i>Account</i>	<i>Amount</i>	<i>% of Total</i>
Administrative	\$8,418,900	4.7%
Motor Vehicle Operations	10,051,200	5.7%
Major Maintenance	199,600	0.1%
Technical Services	8,352,100	4.7%
Driver License Issuance	43,964,000	24.8%
Highway Patrol	99,279,400	55.9%
Auto Theft Investigations	350,100	0.2%
Homeland Security	5,904,000	3.3%
Motorcycle Rider Education	552,400	0.3%
Driver Education	373,900	0.2%
Total Expenses	\$177,445,600	100.0%

Source: *The Budget: Fiscal Year 2010-2011.*

**Budget and Anticipated Revenues
For the Fiscal Year Ending June 30, 2010**

<i>Source</i>	<i>Amount</i>	<i>% of Total</i>
State	\$106,934,500	63.9%
Federal	9,535,800	5.7%
Other	50,969,700	30.4%
Total Revenue	\$167,440,000	100.0%

Source: *The Budget: Fiscal Year 2010-2011.*

**Budget and Anticipated Revenues
For the Fiscal Year Ending June 30, 2011**

<i>Source</i>	<i>Amount</i>	<i>% of Total</i>
State	\$111,605,100	66.0%
Federal	9,535,800	5.6%
Other	47,953,300	28.4%
Total Revenue	\$169,094,200	100.0%

Source: *The Budget: Fiscal Year 2010-2011.*

FINDINGS AND RECOMMENDATIONS

- 1. Though some improvements have been made to the available reports, due to the limitations of a 32-year-old driver license information system and the reduction of the department's funding due to state and national budget crises, the Driver License Issuance Division continues to have an inadequate driver license information system and problems with driver license station wait times**

Finding

Most of the problems identified in the 2008 audit about the Driver License Issuance Division continue to exist. (See the May 2008 Department of Safety Performance Audit.) While some additional management data reports have been developed, the current 32-year-old data collection system cannot supply management with complete, useful, and accurate customer service data for management and oversight purposes.

While the department collects a great deal of information, much of it is difficult to access for management purposes and/or not collected efficiently. Most reports now available had to be developed by Information Technology (IT) staff on an ad hoc basis. Reports are posted to a shared network drive for access by driver license stations and district supervisors. IT staff developed the report, Service Visit Time Report, which interfaces with the Driver License System time report. It is a generic wait time report; wait times for a particular service cannot be produced from data collected in the current system. The following reports have been developed by the department:

1. Service Center Visit Time – measures length of time a customer is in a driver license station for any type of services provided, from the time the customer receives a ticket until the transaction is complete.
2. Q-Matic Non-Test Customers served under 30 Minutes – provides total counts and percentages for each location of customers served in less than 30 minutes compared to the total number of non-test customers served; compares the time the customer receives a ticket to the time the customer is called to the counter.
3. Service Interval Time – average length of time the customer is with an examiner for non-test transactions. Statewide average and by driver license station.
4. L1-Digimarc Consumables Report – inventory.
5. L1-Digimarc Service Calls – equipment problems and service related outages.
6. 3rd Quarter Customer Comment Cards – typewritten collection of comments.
7. 4th Quarter Customer Comments (Oct.) – online results and charting.

Staffing issues may continue to contribute to wait time issues due simply to the volume of transactions occurring. As of the end of April for calendar year 2010, average wait times at driver license stations had already slightly increased to 43.32 minutes from the calendar year 2009 average of 42.09.

The division contracted with S3 Consulting, at a cost of \$120,000, to prepare a Business Process Analysis and the Request For Proposal (RFP) for a new driver license information system, which the department estimated would cost around \$30 million. The commissioner of the department has signed off on the RFP. However, the Department of Finance and Administration has not yet approved the RFP as the General Assembly has only approved contingent funding for this system. In June 2010, the General Assembly approved \$30 million for the system in non-recurring appropriations for fiscal year 2011 contingent on the amount of federal funding received for Medicaid programs.

Recommendation

While the division anticipates replacing the Driver License System in the near future with a system capable of achieving compliance with the federal REAL ID Act (discussed on page 23), the current 32-year-old system lacks the ability to properly collect, track, and manage data necessary for efficient and effective operations. The future system should include the ability to track all necessary information in unique fields; it should seamlessly interface with a testing system to track scores and test dates; and the reporting component should allow for real-time reports and a user-friendly report-writing tool.

Ideally, customers will be tracked from the time they enter a driver license station until they fully complete their transaction. Until the General Assembly appropriates funding and the Driver License System is replaced, the department should consider designing a database(s) to capture and track information. Management should also consider developing reports where such information is already available to summarize information for inclusion in manually prepared external reports or write a program that automatically feeds already available information directly into an external Excel report. Management should make efforts to ensure that Q-Matic tickets are issued as soon after the customer enters the facility as possible. Additional measures should be developed to capture information on wait times that develop for customers when there is a line to get a Q-Matic ticket. By capturing complete wait times and tying this information to specific transaction information, the department will have more accurate and complete information from which to make key management decisions.

Management's Comment

Management concurs with the finding. In May 2008, the Department contracted with S-3 Services to create a comprehensive business process analysis and information systems needs requirement for a new Driver License Information System. The system would replace the current

32-year-old data collection system. The documentation and the recommendations made by S-3 created a plan that outlines the Department's future needs related to:

- driver license issuance,
- driver license management,
- driver historical records,
- financial responsibility,
- financial management,
- cashiering,
- handgun permit issuance,
- handgun schools and instructors,
- filing,
- storage,
- retrieval,
- release and issuance of driver licenses,
- driver photo images,
- records management,
- editing, and
- reporting and generation of statistical data.

In addition to the analysis, S-3 also prepared recommendations for system implementation in the form of a Request for Proposal (RFP). This new driver license system should also interface with any new or existing knowledge test or queuing system to make the overall process more efficient.

On October 9, 2009, the Driver Services Division submitted a funding proposal to the Governor's office. As part of its legislative package, a plan was included to replace the 32-year-old Driver License System by increasing the current driver license fees. It was decided by the General Assembly that raising the fees was not the best option so an alternate plan was adopted. The plan would fund a new driver license system that would correct the audit findings in 2008 and the current audit findings outlined in this audit. As stated in the findings section of this audit, the General Assembly approved \$30 million for the systems replacement, but it was contingent on federal funding received for the Medicaid programs.

In February 2009, the Director of the Driver Services Division began monthly compliance meetings with the management team that included the Deputy Director, Assistant Director-Eastern Bureau, Assistant Director-Western Bureau, Compliance Officer, Commercial Driver License Program Manager, and the Hazmat Program Manager to review the reports as outlined in the Audit Report. The reports included:

1. Service Center Visit Time – Measures length of time a customer in a DL Center for any type of services provided; from the time the customer in a DL Center receives a ticket until the transaction is completed.

2. Q-Matic Non-Test Customers served under 30 Minutes – provides each location total counts and percentages of customers served in less than 30 minutes compared to total of non-test customers served.
3. Service Interval Time – average length of time the customer is with an examiner for non-test transactions. Both statewide and by Driver Service Center.
4. L-1 Digimarc Consumables Report – Inventory.
5. L-1 Digimarc Service Calls – equipment problems and service related outages.
6. Quarterly Customer Comment Cards – typewritten collection of comments.
7. Quarterly Customer Comments – online results and charting.

Until funding for the new driver license system is available, the management team will continue utilizing the current reports that are produced by the system and any other reports that may be developed by the Information Resources staff. All will assist the management team in making decisions to improve the operation of the program. As recommended in this audit, management will continue to work with the Information Resources staff to develop reports that are more “user friendly” for analyzing the data. The extent of developing and designing reports and databases from the current driver license system will be dependent upon cost, complexity of project/redesign, and staff resources.

To ensure the customer’s wait time is captured upon entering the building, management will make sure the employee(s) at the information counter review the customer’s documents in an expeditious manner so that those waiting for a Q-Matic ticket will be served in the timeliest manner possible. Once the Q-Matic ticket has been issued, the system captures the wait time for each ticket issued and the service requested by the customers. The branch managers will continue using the information from the Q-Matic system to manage the service time at the stations.

2. As reported in the 2008 performance audit, the Driver License Issuance Division has not ensured the driver license exam is statistically reliable and valid

Finding

In the previous audit, department management stated that they would interface all current driver license exam testing machines so that limited management data could be captured and used to address this finding. As of March 2010, the department has not analyzed, and/or revised the current driver exam or interfaced the testing system because, according to department management, interfacing the current testing machines would be cost prohibitive and the driver license exam will be one module of a new driver license system that has yet to be sent out for

Requests For Proposals (RFP). The Driver License Issuance Division has a draft RFP for a driver license testing system that has not yet been approved by department management.

In the May 2008 performance audit, we reported that the Driver License Issuance Division had taken no actions to ensure that the driver license exam was statistically reliable and valid. We also reported and confirmed a 2006 FedEx study that found 50% of first-time testers and 48% of retesters fail the driver license written exam. Using the same data the department provided FedEx, we found that roughly the same number, 51%, of all testers failed the written exam regardless of whether it was their first, second, or third time, etc. This translates into an average 221 retesters per week in each of the eight districts, a considerable addition to the customer volume of a station. We stated that potential explanations for testing difficulties were numerous. Applicants may simply not have been studying adequately to pass the exam. However, if it were simply a matter of studying, test scores should have dramatically improved for the retesting group, as they should have learned from taking the test before. Another possibility was that the written exam itself was unreliable in its ability to consistently distinguish between those with an adequate knowledge of driving and those without such knowledge. At the time of the 2008 audit, the driver license testing system was unable to generate analytical reports on driver testing because the system operated independently at each driver license station, did not capture and store individual test item responses, and was not centrally integrated to allow for data collection and analysis.

Management concurred with the 2008 finding, agreeing that the current testing system did not interface with the mainframe and did not provide adequate data. The department stated it had requested funds for a new driver license system and would coordinate a new knowledge testing system with a newly designed driver license system. Department management also stated that they would ensure that the exam is certified as statistically reliable and valid and that the system would provide management reports on pass/fail rates by demographics, and over time, which questions are being missed most often by demographic groups. Department management stated that, in the interim, they would interface all current testing machines so that at least limited management data could be captured and used. In December 2008, the department stated in its six-month follow-up on the May 2008 findings that it had determined that interfacing all current testing machines was cost prohibitive but that it would continue to explore ways to interface the testing system. The department has since abandoned any attempt to interface the system.

However, as of March 2010, the same conditions found in the 2008 performance audit continue, and the department does not know the current driver license exam failure rate. The current electronic driver license testing system that dates from the early 1990s operates independently at each driver license station and is not centrally integrated to allow for statewide data collection and compilation. For the 2008 audit and during fieldwork for the 2010 audit, department management stated that the testing system did not capture and store individual test item responses and, therefore, the exam questions could not be statistically analyzed to ensure their reliability and effectiveness. In August 2010 when presented with this finding, the department stated that the information given to the auditors for the 2008 and 2010 audits was incorrect and that the system does store individual test item responses for the overwhelming majority of tests, which are taken on the testing machines; individual test item responses are not

available for tests administered on paper. However, if this data has been available to the department all this time, albeit not centralized, the department should have been able to obtain and use the data to conduct item analysis on test questions to ensure the driver license exam was statistically reliable and valid.

Item choice statistics help to determine if each question and answer choice is valuable to the test in terms of separating the knowledgeable from the unknowledgeable. For example, if an item choice is never selected, perhaps it is too obvious. Likewise, if the correct item choice is always selected, the question is too easy. Neither helps distinguish between levels of knowledge. Without such an analysis, there is a potential for questions to exist on the exam that are not fair indicators of knowledge.

Recommendation

Our recommendations remain the same as given in the May 2008 performance audit. Because of the high failure rate, the Driver License Issuance Division should increase its efforts to ensure that the written exam is fair and reliable and that failure rates are not due to problems with the test as opposed to the knowledge of the test takers. Furthermore, a fair and reliable exam would provide a level of confidence that applicants who fail do not have the requisite knowledge to be safe drivers; applicants who have properly prepared will be more likely to pass the test, thus serving to reduce the number of applicants who need to take the exam multiple times.

To make improvements to the exam, the division should consult testing experts and implement a new testing system that incorporates the ability to store applicant responses in a database so that item analysis of each question can be performed. Testing experts have the necessary skills to assist the division in constructing and validating a proper test. Item analysis is a tool offered by many measurement services or software packages and is used for the improvement of multiple-choice tests. Item analysis includes a measure of overall test reliability and other measures that determine the extent to which items discriminate between the knowledgeable and the unknowledgeable. Item analysis should identify difficulty levels for each item and provide the ability to gauge the effectiveness of distractors (wrong options). It should also correlate items with the total test score to show that the items are measuring the same thing.

Management's Comment

Management concurs with the finding. As stated in the 2008 audit, the driver license testing system is unable to generate analytical reports on driver testing because the system operates independently at each station and is not centrally integrated to allow for data collection and analysis. In response to that 2008 audit, management initially planned to interface all the current testing machines. However this was determined to be cost prohibitive. As a result of the systems limitations and the high cost to interface the machines, management decided to replace the knowledge testing system with a modernized system that would not only provide the

statistical data needed but also provide management with the ability to construct and validate a test properly.

In the 2008 audit, management stated that the system could not store data. Upon consultation with the vendor this past year, management was advised that the system did in fact retain the test results of the computerized test. However, the information is not stored in a standard format that can be easily extracted and placed into a format that can be analyzed. It is also not accessible from a centralized location where management can extract the results for all fifty (50) driver license stations. It will be inefficient and not cost effective to extract the raw data from each station and have it sent to an independent tester to conduct the recommended “item analysis.”

Until the new knowledge testing system can be purchased, management will extract data from the four (4) highest volume driver license service centers located in the state’s four metropolitan cities. The locations of the stations are Shelby, Davidson, Knox, and Hamilton Counties. The data will be collected for three months and sent to an independent “testing expert” and/or an organization for statistical analysis of the data. The customer volume at the four driver license station centers will provide a good sample pool for analysis by the testing expert. If this analysis is determined to not be cost effective, we will reconsider our options.

Management will also have the 200 exam questions that make up the knowledge test reviewed by a company that specializes in test validation. Management will consult with the vendor of the current testing system for assistance in choosing a company. The selection of the company and the validation will be completed by December 2010. The steps outlined above are temporary until the new system can be purchased.

Finally, the new knowledge testing system will be a component of the new driver license system that was proposed in the 2009-2010 General Assembly. It will provide the tools to generate analytical reports and data in a centrally integrated format that management can access via a web portal which will contain data from all 50 driver license stations. For example, the system will contain features that provide pass/fail data for each question on the knowledge test, the four sections of the exam, and the location of where the exams were administered. Also, the exam questions in the system will be from the American Motor Vehicle Administration (AAMVA) pool of questions which have been tested to be fair and reliable and are currently being used by other states.

- 3. As reported in the 2004 and 2008 performance audits, the Handgun Permits Office does not verify that handgun safety course certificates provided by applicants are the department-provided certificates assigned to a particular school or instructor prior to issuing a handgun carry permit**

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. As of April 2010, there were approximately 280,000 handgun carry permit holders, 260 handgun safety schools, and over 800 handgun safety school instructors. In the 2004 audit, the department concurred with the finding and stated that all handgun safety certificates were now bar-coded, prenumbered, and logged out to specific instructors. However, in the 2008 performance audit and again in May 2010, central office staff stated that, while they check other aspects of the application, they do not check the certificates presented against the list of certificate numbers issued to each school/instructor unless they are already aware of a problem. Also, while the Handgun Permits Office now requires schools to file class rosters with the office, management states that they do not check the rosters unless they are already aware of a problem. In the 2004 and 2008 audits, management also stated that they were working with their Information Systems Division to implement a database table whereby approved instructors could enter the certificate number and applicant information for their students into the database that could then be accessed by departmental examiners in the field for evaluation. In May 2010, program staff stated that they expect a new handgun information system that will handle all aspects of permitting and safety school oversight to be up and running by the end of calendar year 2010.

Without procedures to verify that persons have completed handgun safety courses required for a handgun carry permit and that the certificate of completion they present is valid, the department increases the risk that handgun carry permits may be issued to unqualified and untrained persons based on fraudulent documentation.

Recommendation

The commissioner should determine why the department has failed to implement the measures that it stated it was already taking in the last audit. The office should also verify that the certificate presented with the application for a handgun carry permit is a valid certificate assigned to an approved school or individual instructor.

Management's Comment

Management concurs in part with this finding. The Handgun Unit does perform verifications that the certificate presented by the applicant is from an approved school and

instructor. This Unit receives original permit applications and certificates from the Driver Service Centers. These documents are reviewed and the school that issued the certificate and the instructor that signed the certificate are verified to ensure they were approved schools and instructors at the time the certificate was signed. The Handgun Unit also ensures that the certificate is not over six months old on the date of the application.

Since the 2008 performance audit, the Handgun Unit has posted on the share drive a list of all handgun schools and instructors. This list shows the current status of all schools and instructors and is updated daily. If a school or instructor has a status other than valid, the date of this action is noted on the list. This is available to all driver license examiners to ensure that they have access to the most current information.

Handgun Training Certificates are issued by the Handgun Unit to approved training schools in blocks of 250. The control numbers and corresponding school information are maintained in the Handgun Unit on the share drive. Each school is also required to send in monthly rosters listing the students that have successfully completed the handgun course and the number of the Handgun Training Certificate issued to that student. These rosters are submitted in a manual format and include thousands of names. The Unit does not verify a specific certificate back to that school's specific roster as this verification would further delay the issuance of permits. The most viable solution to this level of detailed verification is automation.

The Department received project approval from Information Technology on May 2, 2008, to begin working with the National Information Consortium (NIC), the state's web-based service provider, to automate the handgun permitting process. Using this system, the handgun schools or instructors will enter successful completion of the Handgun Safety Course directly into the system, thus eliminating the Department from purchasing/issuing Handgun Safety certificates. Only valid schools and instructors will have access to this system.

Funding was not available for this project until 2009. A federal grant has been obtained to fund the automated system and is in development. Due to the complexity of this project, it has taken longer than originally planned to implement. Once operational, the Department will also have to train participating sheriff agencies and handgun school personnel located across the state on how to use this system. The Department's goal is to have this system operational in 2011.

4. Despite initial improvements following the 2008 performance audit, as reported in the last three performance audits, weigh stations continue to have substantial amounts of downtime, primarily due to budget reductions, that limit the effectiveness of commercial vehicle enforcement

Finding

The Tennessee Highway Patrol and its Commercial Vehicle Enforcement Division is responsible for the enforcement of all laws, rules, and regulations pertaining to the safe operation

of commercial vehicles on the roads and highways of Tennessee, including enforcement of licensing, fuel tax, and insurance laws applying to interstate motor carriers. The division operates five commercial vehicle inspection sites throughout the state. Other major commercial vehicle enforcement activities include inspecting commercial vehicles and driver logs, patrolling highways with a focus on truck traffic violations, and weighing the commercial vehicles both at Interstate Inspection Stations and with portable scales along the highway. The amount of downtime impedes the division'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) that go into the state's general fund.

Downtime Has Not Improved

Initial improvements in reducing weigh station downtime (the number of hours in a 24-hour day that a weigh station is closed for any reason) made in 2008 following the last performance audit were completely lost in 2009 in the wake of state funding reductions. (See Chart 1.) The Commercial Vehicle Enforcement Division's goal is no longer having its five weigh stations open 24 hours a day, 7 days a week, 365 days a year as it was during the last audit. Since the 2008 audit, the division has revised its goal to keeping the in-bound side of two-sided weigh station operations open all the time; all but Greene County operations are two-sided. However, according to THP management, even this is not attainable with current staffing levels.

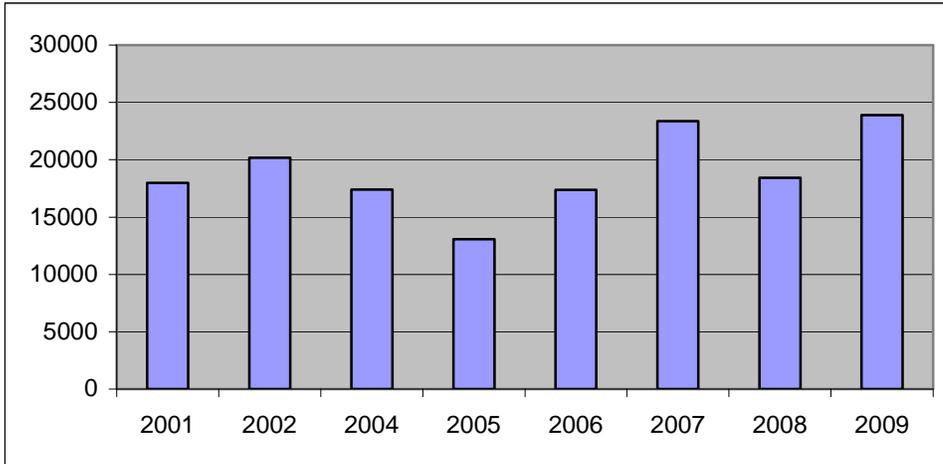
- In the 2008 performance audit, as of June 2007 there were 45 positions, 6 of which were vacant.
- As of December 2009, there were 44 positions, 14 of which were vacant and could not be filled.

An additional one-sided facility is scheduled to open in Giles County no earlier than December 2010 and possibly not until next year. According to the Department of Transportation, only some of the equipment has been installed; the installation of the remaining equipment must wait for a contract to be let for the buildings that will protect the equipment. The fiscal year 2011 budget passed in June 2010 provided for 13 additional positions for the Giles County facility. According to Commercial Vehicle Enforcement management, the state's voluntary buy-out, failures and resignations from the December 2008 cadet class, and the 2009 and 2010 budget reductions are making staffing even more difficult and have caused initial progress toward decreasing weigh station downtime to be lost. (See Charts 2 a and b.) To help keep scales open as much as possible during peak traffic times, the federal Motor Carrier Safety Administration Program has paid \$361,984 for 11,573 hours of overtime in calendar years 2008 and 2009.

The main reasons for downtime are still manpower (closed due to lack of personnel) and scheduling (closed due to personnel being scheduled for other duties). Other contributing factors for downtime reported by division staff include time for scale calibration, holidays, maintenance, weather, and other conditions (road construction, assisting disabled vehicles, etc.). (See Chart 3.) The west-bound scales in Knox County have been closed almost continuously since June 2008 for the installation of a new system that has not worked properly. The Department of Safety,

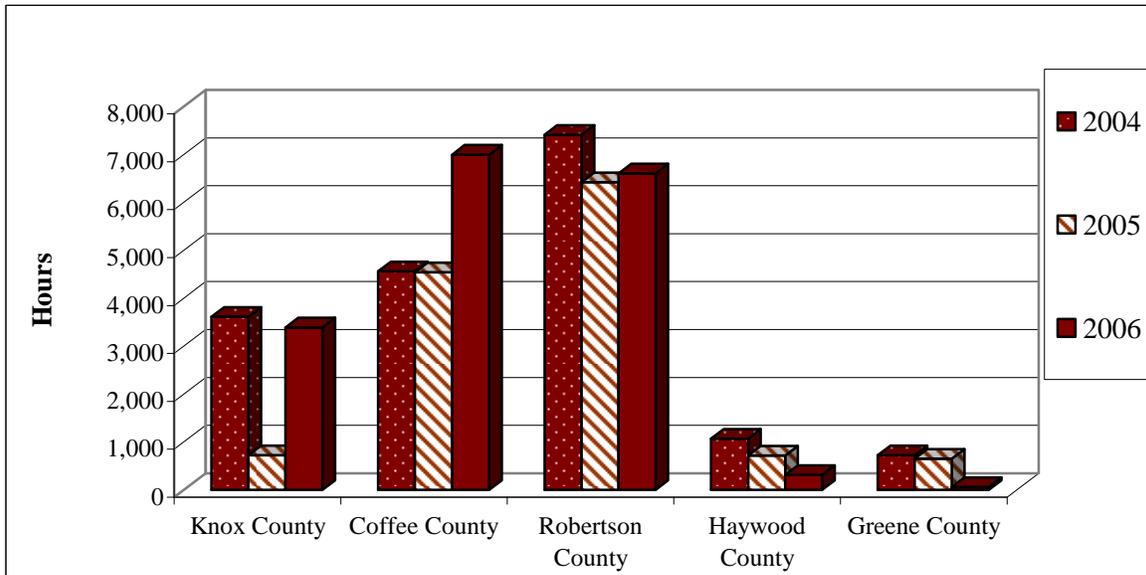
though, has little control over this individual circumstance. The Department of Transportation is responsible for the structures and grounds of weigh stations, as well as new scale system installation. The Department of Safety is responsible for staffing and scale maintenance and repair.

Chart 1
Total Downtime Hours by Calendar Year



Note: Pre-2004 numbers were taken from the 2004 audit. 2003 hours were not available at the time of the 2004 audit. Numbers from 2004 through 2006 were taken from the 2008 audit.

Chart 2a
Total Downtime Hours by District and Calendar Year
As Reported in 2008 Audit



*Breakdown of hours by operating side (east, west, north, or southbound) was not available in the 2008 performance audit.

Chart 2b
Total Downtime Hours by District and Operating Side Per Calendar Year
Current 2010 Audit

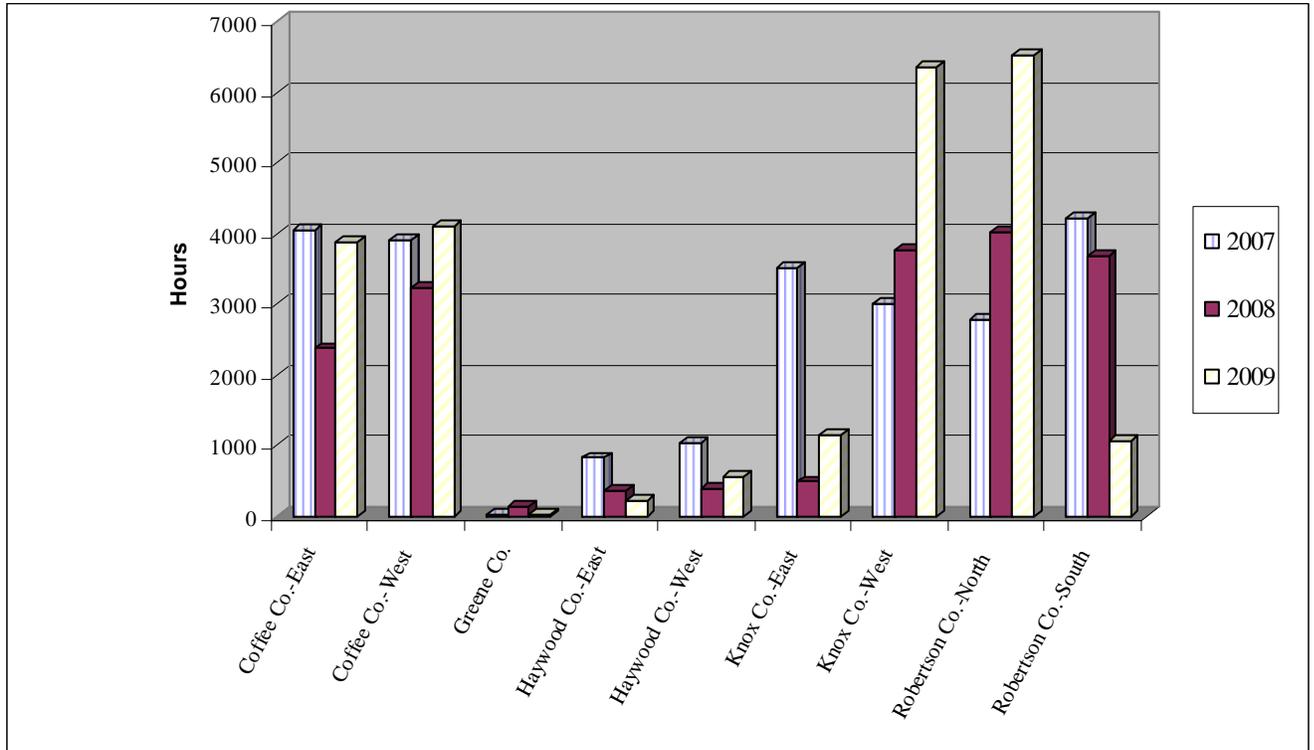
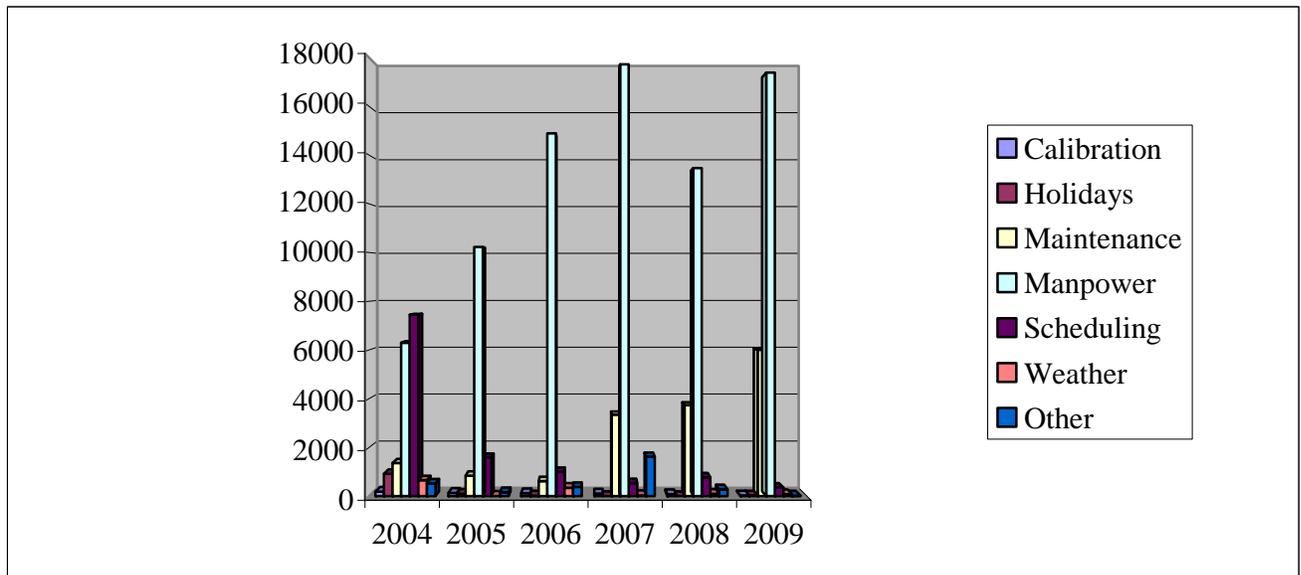


Chart 3
Total Downtime Hours by Calendar Year and Cause



*Numbers for 2004 through 2006 were taken from the 2008 audit.

Management Data and Its Usage Have Improved

While the 2008 audit reported the division was not using available information to manage the division, manage weigh station staffing, reduce the amount of station downtime, or identify solutions for reducing downtime, the division has made considerable improvements in this area. The Commercial Vehicle Administration unit in conjunction with the Statistical Analysis Unit has conducted reviews of commercial vehicle count numbers and crashes as well as TDOT and PrePass truck count data to determine traffic and crash peaks for commercial vehicles over the previous years to prioritize staffing and scale operation times.

Recommendation

The department should continue its efforts to obtain additional state and/or federal funding for personnel to staff weigh stations for longer periods.

Management's Comment

Management concurs with the finding. We would like to express how seriously this THP Administration has taken this problem. In 2008, we made great improvements with our scheduling and use of overtime to reduce downtime. During the first 10 months of that year, we saw a 23.6% decrease in overall downtime. The scale facilities were open nearly 4,700 additional hours in 2008 compared to 2007. However, we were not able to maintain this improved level of operation.

In January 2008, a federal grant was specifically devoted to paying troopers overtime to fill shifts in order to keep the scales open. Federal overtime has given us assistance in keeping the scales open but it is not the final answer. With dwindling troopers and budget restrictions, it has become more difficult to maintain full shift coverage.

In 2008, we anticipated more gains with a new recruit class that did not materialize due to resignations of cadets slotted for those positions and disciplinary actions that resulted in firing. This actually lowered our staffing levels.

The 2008 buyout also reduced supervisor positions in each district. Some supervisor positions from the scales were lost by the actual buyout, the subsequent district realignment, and the creation of the Special Programs Division.

The trooper staffing levels at the scales have steadily declined since 2008.

- In 2008, there were a total of 45 trooper positions with 6 vacant.
- In December 2009, there were a total of 44 trooper positions with 14 vacant.
- In July 2010, there were a total of 43 trooper positions with 16 vacant.

We have adjusted our goals to monitor commercial traffic traveling into our state during peak travel times, which are determined every six months by the examination of Free-Pass and TDOT data provided to the Department. Even then, the manpower, special assignments, training, military deployment, and repair prevent us from operating to our specified goals. Maintenance is an ongoing issue as the average age of the complexes is 30 years plus, and they do not hold up to the usage.

The Department's Budget Director has advised that 60 positions may be filled from approximately 120 current vacancies and still pay our reversion amount. Out of those 60 positions, 13 new positions (includes 10 troopers and 3 supervisors) were funded by this year's budget for the new Giles County Scales which will open in June 2011. The other 47 positions will come from our vacancy list. Our goal is to fill every open scale facility position, which includes 16 currently vacant trooper positions at existing scale facilities and 10 new trooper positions for Giles County Scale, from this upcoming Trooper Cadet class which begins October 31, 2010.

Twenty-six troopers out of this new class will be assigned to a scale facility to fill the current vacancies, and these positions are assigned as they are hired. The washout rate of a cadet class with the many contingencies (polygraph, psychological, physical, agility test, and background investigation) is high at approximately 40%. Not everyone hired for a scale position will graduate and actually work as a State Trooper. There will be vacancies even after the graduation of this class. There should be fewer vacancies, which would give us the opportunity to lower the downtime rate in the scale facilities. We will remain committed to this improvement and monitor our progress during the coming months and years. As economics improve during future years, we are hopeful that we will be able to consistently hire classes of Trooper Cadets and keep our scale facilities fully staffed.

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- 5. Though improvement has been made, problems highlighted in the 2008 performance audit continue as the department is not ensuring all contractors and grantees submit the required Title VI self-survey and is not conducting random on-site visits to ensure these facilities serving the public are operating in compliance with Title VI guidelines**

Finding

In fiscal years 2008 and 2009, the department received approximately \$5.7 and \$9.5 million in federal funds, respectively. 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. As of October 2009, in addition to contracts with 34 county clerks' offices for issuance of driver licenses, the department had five contracts with other state agencies, ten contracts with motorcycle rider education program (MREP) instructors, nine contracts with court reporters, four contracts for computer system services, one contract to provide for physical exams, one contract for civil service examinations, one contract for police management training, and one contract for food service.

Outside of the county clerks and motorcycle program instructors, most of the contractors are not obviously offering services directly to the public. (See Appendix A for additional information on Title VI.)

While the department has begun requiring annual Title VI self-surveys by its contractors and agents (primarily MREP instructors and county clerks' offices), it is not ensuring that all contractors and agents complete and submit the self-survey; none of the motorcycle rider education program instructors (10 contracts) were surveyed until January 2010, and only about 75% of county clerks' offices (34 contracts) returned the survey to the department in 2009. Also, in the 2008 performance audit, management stated that they would begin conducting random on-site visits to the department's contractors and agents to ensure they are operating in accordance with Title VI guidelines. However, as of May 2010, no on-site visits had been conducted with the exception of the MREP instructors' annual on-site inspection.

Recommendation

The department should ensure that 100% of contractors and agents complete and submit the Title VI self-survey for inclusion in the departmental Title VI implementation plan and that the department conducts random on-site audits for Title VI compliance.

Management's Comment

Management concurs with the finding. While the Department has sent out self-surveys to the contractors and grantees the previous two years, 100% of the agencies did not complete and submit the forms to the Department. However, with a 75% return rate, the Department has made strides toward substantial compliance. The Department will continue development of procedures and policies that will ensure that every contractor and grantee is in compliance with Title VI on an annual basis.

For those programs that utilize contractors or agents that act on behalf of the department (county clerks and Motorcycle Rider contractors), an agent of the Department will conduct a visit to each facility on an annual basis to ensure that the facility is serving the public in compliance with Title VI. These visits may be conducted as part of other regular business that the agency has with the contractor or agent (e.g., site inspections, delivery of DL supplies, etc.).

All contractors and agents that serve the public on the Department's behalf will also be given a Title VI compliance self-survey each year. The Department will ensure that 100% of the forms sent out are completed and returned. All surveys and audit forms will be included in the Department's annual Title VI Compliance Report that is now submitted to the Tennessee Human Rights Commission.

OBSERVATIONS AND COMMENTS

The topics discussed below did not warrant a finding but are included in this report because of their effect on the operations of the Department of Safety and on the citizens of Tennessee.

The department continues to attempt to implement the federal REAL ID program

In 2005, in an effort to prevent terrorism, reduce fraud, and improve the reliability and accuracy of identification documents that state governments issue, the U.S. Congress passed the REAL ID Act that requires states to adopt certain standards, procedures, and requirements for issuing driver licenses and identification cards if they are to be accepted as identity documents by the federal government for admission to federal facilities, boarding of commercial aircraft, etc. The U.S. Department of Homeland Security issued proposed rules in early March 2007, presented plans to implement the act to the U.S. House and Senate Appropriations committees in June 2007, and promulgated final rules in early January 2008. The rules then stated that the deadline for compliance with REAL ID was May 11, 2008. However, states could request an initial extension until December 31, 2009, and, if making progress toward compliance, a second extension until May 10, 2011. The May 2011 deadline for full compliance remains in effect.

Under the REAL ID Act,

- driver licenses and identification cards must contain certain basic information and security features;
- certain documentation regarding identity, residence, and lawful status must be presented and verified with the issuing agency prior to the issuance of a driver license and identification card;
- identity source documents must be digitally captured;
- facial image capture must be performed on all persons applying for driver licenses and identification cards;
- driver licenses and identification cards are to be valid for no more than eight years;
- the physical security of locations where driver licenses and identification cards are produced and the security of document materials and papers from which such licenses and cards are made must be ensured; and
- states must provide to all other states electronic access to their motor vehicle database, which must contain all information printed on the driver license/identification card and motor vehicle drivers' histories.

According to *Federal Computer Week* magazine, some experts have estimated that nationwide costs of the program could reach \$11-14 billion. Governing.com states that verifying the validity of documents with the various federal agencies and states is expected to cost \$408 million, primarily in programming time to design, connect, and test systems. In fact, as of June 2010, only two of the five verification systems needed (Social Security On-line Verification system and System Alien Verification for Entitlement) are in place and fully functioning. There is no evidence that the other three systems to verify (1) whether applicants are licensed in other states or carry several fraudulently obtained licenses, (2) passport data, and (3) birth certificates will be operational any time soon.

In June 2006, the National Governors' Association, National Conference of State Legislatures, and American Association of Motor Vehicle Administrators presented a document to the Department of Homeland Security detailing their concerns and recommendations. In addition to concerns about the enormous implementation costs, these groups are concerned that

- visits to state motor vehicle agencies will increase 75% a year;
- additional staff, facilities, training, and equipment will be needed;
- because driver licensing is a state function, each jurisdiction must approach implementation from a different demographic, operational, legislative, technological, and fiscal status; and
- there is insufficient time to implement the act, particularly in light of the absence of timely regulations, systems, and resources.

According to Stateline.org, as of November 2009, 13 states had passed laws prohibiting participation in the REAL ID program. This means these states' citizens will not be able to use driver licenses to board airplanes or enter secure federal facilities and the states will not receive any federal funding made available for driver license system upgrades. While voicing concerns, most state officials across the country are assuming implementation will go forward. Tennessee's Department of Safety may not be able to meet the May 2011 deadline due to the lack of certain state and national resources but is working toward eventual compliance. The ultimate consequences of not meeting the May 2011 deadline that will actually be put into practice by the Department of Homeland Security are unclear.

The Department of Safety established a proposed implementation schedule for 11 projects consisting of 5 required for REAL ID, as well as another 6 for general enhancements to the driver license system. Three projects were to begin implementation in the fourth quarter of 2009; five, in the second quarter of 2010; one, in the third quarter of 2010; one, in the fourth quarter of 2010; and one, in the second quarter of 2011. As of March 2010, only one, the establishment of a web interface with the System Alien Verification for Entitlement (SAVE) federal database has been completed at a cost of \$0.50 per transaction (\$2,080 as of May 31, 2010). Additional costs for system programming, verification screen development, and usage transaction costs will be incurred when this interface is integrated into the new driver license system.

The department is also focusing on a more basic need—the replacement of its driver license information system that is 32 years old and does not properly meet today’s needs, much less those that will be required by REAL ID. The department estimates the new driver license system will cost between \$25-30 million. For fiscal years 2008 and 2009, the General Assembly appropriated \$1 million and \$10 million, respectively, of state funds for REAL ID/Systems Development that went into the Department of Finance and Administration’s Systems Development Fund. In fiscal years 2008, the federal Department of Homeland Security provided a demonstration grant of \$694,060, and in 2009, a driver license security grant of \$833,717, for implementation of REAL ID. The department has developed and approved a Request for Proposal for the new driver license system; however, the General Assembly has only approved \$30 million in non-recurring appropriations contingent on the amount of federal funding received for Medicaid programs.

The General Assembly, in light of the seeming surety of implementation of some level of REAL ID, may wish to consider appropriating the necessary and appropriate level of funding to replace the 32-year-old driver license information system, inadequate for current needs, with a more functional and efficient system that can also handle the requirements of REAL ID.

Management’s Comment: See Appendix C where the Department of Safety’s response provides more detail regarding implementation of the REAL ID program.

The General Assembly may wish to review and revise conflicting statutes regarding handgun carry permit eligibility requirements and the Department of Safety’s responsibility to ensure applicants meet all statutory requirements

Section 39-17-1351(c), *Tennessee Code Annotated*, and Rule 1340-2-4-.03 state:

- (1) To be eligible to apply for a handgun carry permit, applicants are required to be a resident of Tennessee and either a United States citizen or lawful permanent resident thereof.
- (2) Applicants must be at least twenty-one (21) years of age.
- (3) Applicant must not be prohibited from purchasing or possessing a firearm in this state pursuant to T.C.A. §§39-17-1316, 39-17-1307(b), 18 U.S.C. 922(g) or any other state or federal law.
- (4) The applicant must meet all other requirements regarding the proper submission of an application pursuant to T.C.A. §39-17-1351 and this rule, submit proof of the successful completion of a department approved handgun safety course or any of the exceptions as provided in T.C.A. §39-17-1351 and pay all appropriate fees.
- (5) The applicant must not have been convicted of a criminal offense punishable for a term exceeding one year which does not include any federal or state offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices.

- (6) The applicant must not be currently under indictment or information for any criminal offense punishable by a term exceeding one year, which does not include any federal or state offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices.
- (7) The applicant must not be currently subject to any order of protection and, if so, the applicant must provide a copy of such order.
- (8) The applicant must not be a fugitive from justice.
- (9) The applicant must not be an unlawful user of or addicted to alcohol or any controlled substance and the applicant must not have been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application.
- (10) The applicant must not have been convicted of the offense of driving under the influence of an intoxicant in this or any other state two or more times within ten (10) years from the date of the application, and that none of such convictions must have occurred within five years from the date of application or renewal.
- (11) The applicant must not have been adjudicated as a mental defective; and not have been committed to or hospitalized in a mental institution; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in Section 33-6-104, because of mental illness.
- (12) The applicant is not an alien and not illegally or unlawfully in the United States.
- (13) The applicant has not been discharged from the Armed Forces under dishonorable conditions.
- (14) The applicant has not renounced his or her United States citizenship.
- (15) The applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. §921(33). Such crime means an offense that is a misdemeanor under federal or state law; and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shared a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the defined parties.

(16) The applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability.

(17) The applicant has not been convicted of the offense of stalking.

However, Section 39-17-1351(i), *Tennessee Code Annotated*, states that

The department shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subsection (h), from information received from the clerks of court regarding individuals adjudicated as a mental defective or judicially committed to a mental institution pursuant to title 33, or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of this section. **The department shall not be required to confirm the applicant's eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation, the clerks of the court and the sheriffs, if any. [emphasis added]**

Tennessee has approximately 280,000 handgun carry permit holders. The Department of Safety's Handgun Permit Office is not confirming, nor is required to confirm, any of the statutorily required eligibility prerequisites for a handgun carry permit that would not show on a criminal background check and must rely on self-assertions by applicants on the application form. While the office requests master query criminal background checks on all applicants that, in addition to arrests and convictions, shows if the person is on the sex offender registry, has orders of protection against them, is a wanted person, or has court-adjudicated mental health issues, there are several statutory requirements that cannot be confirmed by a criminal history background check.

Statutory prerequisites 1-4, 9, 12-14, and 16 would not be revealed in a master query criminal background check. Driver license station staff already perform certain checks on social security numbers and look for security features on birth certificates when a handgun carry permit application is submitted. However, the office's assistant director states that most of these non-criminal prerequisites would be impossible to check. While it would not be impossible to check most of these non-criminal requirements, we do acknowledge that it might be difficult or unfeasible given the cost and limited resources. The Handgun Unit staff would have to check multiple sources of information such as other states' handgun carry permitting offices and federal immigration, social security, and State Department offices. The hardest prerequisite to check would be (10) as it might entail drug and alcohol testing and checks of hospital and rehabilitation program records. There might also be problems involved in accessing applicants' personal health information.

Beginning in 1996, the General Assembly chose to specifically enumerate in statute 18 eligibility requirements for obtaining a handgun carry permit to protect public safety. However, it then states that the Department of Safety does not have to confirm whether an applicant meets

all eligibility requirements except in regards to those that would appear on a state and federal criminal background check. The General Assembly may wish to review and revise conflicting statutes regarding handgun carry permit eligibility requirements and the Department of Safety's responsibility to ensure applicants meet all statutory requirements. If the commissioner of the Department of Safety determines that certain requirements would be impossible to verify or are not feasible given the cost and current limited resources, the commissioner should communicate this to the General Assembly and work with them to determine which prerequisites are absolutely necessary. Following discussions with the Department of Safety, the General Assembly may wish to revise the statutory prerequisites, in light of costs and feasibility, for obtaining a handgun carry permit.

Management's Comment: See Appendix D where the Department of Safety's response provides more detail regarding handgun permitting requirements.

Security of access to the State Capitol, War Memorial Building, Legislative Plaza, and its attached garage

The 2008 performance audit stated that access security to the State Capitol, War Memorial Building, Legislative Plaza, and its attached garage needed improvement to prevent potentially harmful unauthorized access to these structures and the people working in them. The Capitol Security, part of the Highway Patrol, stated that an informal arrangement existed with the Legislative Administration director's office that allowed state and legislative employees and lobbyists displaying the appropriate identification badge and assembly members wearing the appropriate lapel pin to pass through security without challenge when the magnetometers alarmed. Auditors were able to obtain access, or watched others gain access, without showing any identification or displaying false identification because the troopers were not taking notice of persons or looking closely enough to actually see it. This access was also obtained despite magnetometer alarms. The department concurred with the finding, stating that troopers would be more vigilant in the observance of everyone that enters the Legislative Plaza and Capitol complex and troopers have been advised to closely observe individuals who enter these complexes and have been cautioned to examine IDs closely enough to determine their validity.

Currently, there are approximately 20 people to staff 17 fixed security posts in and around the Capitol from 6 a.m. to midnight, with one position staffed 24 hours. According to Capitol Security management, they are trying to do the best they can with limited resources. Capitol Security troopers must also spend part of their time performing about 30 truck inspections a year, as all troopers in the THP must do, as well as attending yearly in-service training. Part of the problem is that there are too many doors in Legislative Plaza and the Capitol complex—for example, 11 doors in Legislative Plaza/War Memorial (all but one locked from the outside), 6 doors in the Capitol (all locked from the outside except Motlow Tunnel, west ground-level, and west first-floor entrances). Management states that too often Legislative Plaza personnel compromise the security of the facility by their actions. Capitol Security management state that they could make Legislative Plaza a secure building that does not limit public access, but their limited resources and the instructions of General Assembly leaders make that impossible.

Performance Measures

As stated in the Tennessee Governmental Accountability Act of 2002, “accountability in program performance is vital to effective and efficient delivery of governmental services, and to maintain public confidence and trust in government.” In accordance with this act, all executive branch agencies are required to submit annually to the Department of Finance and Administration a strategic plan and program performance measures. The department publishes the resulting information in two volumes, published annually, of *Agency Strategic Plans: Volume 1 - Five-Year Strategic Plans* and *Volume 2 - Program Performance Measures*. The Department of Safety began submitting strategic plans and performance-based budget requests effective for fiscal year 2006.

However, a review of performance measure targets and actual performance from fiscal year 2006 through 2010 revealed several problems:

- the department was not achieving certain performance measures;
- some performance measure targets and actual results were reported differently in strategic plans, annual budgets, and annual reports;
- some performance measures do not measure performance (e.g., a measure of the number of communication sites maintained by the department does not measure performance when the standard is to maintain communication sites so that reliable radio coverage is provided); and
- some performance measures are not wholly within the control of the department (e.g., the performance standard to reduce highway fatalities in the state and the performance measure that only reports the number of highway fatalities)

See page 40 in the Appendix for specific performance measure data.

Resolved Findings From the 2008 Department of Safety Performance Audit

Despite initial system implementation two years ago, the Highway Patrol still lacks a fully integrated and complete data system because of poor departmental planning and a lack of commitment to using the system by management and troopers statewide. Since the last audit, the department has made many improvements resulting in the better utilization of the system from the trooper/dispatcher level to THP management. The improvements include AVL (Auto Vehicle Locator) and GIS Mapping Upgrades and System and Network Upgrades.

Since the previous audit, THP management has collaborated with the Research, Planning, and Development Division to develop reports and informational resources using the iCAD (Computer-Aided Dispatch) data. In addition, the division is developing GIS-based applications that will be accessible to troopers and supervisors in the field. These applications will allow the

user to quickly access and analyze historical data to be used in making decisions about personnel deployments and effectiveness.

To address the issue of having inaccurate and reliable data, the department has updated general orders to require all troopers to either radio dispatch or use iMobile to log each “event” into the dispatch system. Statistics pulled from the iCAD data can be considered more reliable because the system is capturing every event. In addition to the general order, the Operations Division implemented an iCAD evaluation team to test the accuracy of the data input into the system. Dispatch supervisors and the Operations Coordinator conduct audits, both quarterly and annually, of the logged data.

As previously found in the 2004 performance audit, the department is not tracking and managing school bus and child care vehicle inspection data, which impedes its ability to ensure the safety of children in school buses and child care vehicles. The Department of Safety has decided to take the lead and ensure school buses and child care vehicles are inspected as required, despite the ambiguity in statute pointed out in the 2008 performance audit over whether the Department of Safety, Education, or Human Services has responsibility for this. The Department of Safety has also established new rules in 1340-03-03, “Rules and Regulations for School Bus Inspection Procedures,” to guide its actions.

The department started using Microsoft Office’s InfoPath in February 2009. Database training was completed in February 2009 for all inspectors. This upgraded system addresses and corrects most of the system concerns outlined in the 2008 performance audit report.

The department met with the Department of Human Services (DHS) in October 2008, at which time DHS agreed that the agencies would share information from their respective databases. Safety currently receives a nightly download of all child care providers (not just ones that transport children). This download is maintained by and received from the DHS and is maintained in the electronic inspection database. Beginning November 20, 2009, this database has been used as the department’s verification source for the information received by the inspectors from the child care providers.

The department also met with the Department of Education. The Department of Education now collects annually a county-by-county list containing all school buses and their vehicle identification numbers that each county offers for transportation. The Department of Education sends this list to the Department of Safety, which makes it available to its inspectors/troopers.

Oversight and timeliness of the inspection phase of the Handgun Safety School certification program are made more difficult by staffing levels, inadequate policies, and inconsistent and labor-intensive processes. Problems with the oversight and timeliness of the inspection phase of the Handgun Safety School certification program have been largely resolved, and operations should continue to improve with a new information management system expected to go online in a year.

The backlog of crash reports waiting to be posted into various databases has grown since the 1990 and 2004 performance audits to over 400,000 as of July 2007, creating significant limits and delays regarding the Departments of Safety's and Transportation's accessibility to statistical data needed to effectively manage public safety and highway planning efforts. Through continued use of a federally funded contract with the Tennessee Rehabilitative Initiative in Correction (TRICOR) for data entry personnel, the backlog of crash reports has been eliminated.

The department is not providing specific Title VI training and guidance to the Highway Patrol. Beginning in 2008, THP annual in-service and cadet schools have specifically included Title VI training, first as part of the Ethics and Core Values course, and then in conjunction with SALTS (Safe & Legal Traffic Stops) training. A specific lesson plan was drawn up with the objectives that the student will:

1. Have a better understanding of what Title VI is.
2. Know what Title VI legislation is.
3. Know what federal assistance is.
4. Know what discrimination is prohibited by Title VI.
5. Know what discrimination is.
6. Know what programs and activities are covered by Title VI.
7. Know two theories of discrimination.

General Orders need to be revised to reflect current organizational structures and practices. General Orders have been updated and revised.

RESULTS OF ADDITIONAL AUDIT WORK

The following topic is included in this report to provide additional information on the activities of the Department of Safety.

Motorcycle Rider Education Program

In the course of conducting performance measure reviews on the Department of Safety in 2008, separate from the scope of the 2008 sunset performance audit, auditors discovered maintenance and security weaknesses with regard to the application and Microsoft Access database used to manage course and enrollment information for the Motorcycle Rider Education Program (MREP). The application, using Microsoft Access, had been created and was being maintained at no cost by the spouse of a department employee, working under the auspices of his own company. However, the application was not licensed to the department and there was no contract between the spouse or his company and the department to ensure the security of the program participants' private information. Until brought to their attention by auditors, the department's information systems director and information technology director were not aware of the existence of this program and database, which resided solely on one desktop computer in the

offices of MREP, but outside of the department's network. In September 2008, the department informed the Comptroller's office in writing that the department had informed the spouse that it would be suspending use of the program (i.e., the application), had extracted the data, and was deleting it from the department's systems. However, in 2010, auditors discovered that this was not the case.

In early 2010, auditors discovered that MREP was still using the same application and database as developed by the spouse and that data had not been extracted and the application deleted. Instead, the application had been moved onto the department's network as a means to provide secure, limited access. Also, contrary to what the department's IT director believed had been established as proper procedure, MREP staff stated that they would call the spouse, rather than the OIR Help Desk, if they encountered any problems. Concerned that the spouse or his company without a contract might still have or have the potential to have access to the program data, auditors informed the department's internal auditor of the situation and asked that the matter be looked into.

In April 2010, the director of internal audit informed the Comptroller's auditors that

- the application and database had been moved to a network shared site with appropriate limited access,
- THP management had spoken with the spouse and determined that he had not had any access to the program since September 2008,
- the spouse had been told he would no longer be used to maintain the system,
- MREP staff had been verbally advised to never use the spouse or his company to perform any maintenance on the MREP Access database, and
- the IT director was ready to begin testing a new MREP program that would track program data.

It appears that this issue has been resolved.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified the following areas 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, in light of the seeming surety of implementation of some level of REAL ID, may wish to consider appropriating the necessary and appropriate level of funding to replace the 32-year-old driver license information system, inadequate for current needs, with a more functional and efficient system that can also handle the requirements of REAL ID.
2. The General Assembly may wish to review and revise conflicting statutes regarding handgun carry permit eligibility requirements and the Department of Safety's responsibility to ensure applicants meet all statutory requirements. If the commissioner of the Department of Safety determines that certain requirements would be impossible to verify or are not feasible given the cost and current limited resources, the commissioner should communicate this to the General Assembly and work with them to determine which prerequisites are absolutely necessary. Following discussions with the Department of Safety, the General Assembly may wish to revise the statutory prerequisites, in light of costs and feasibility, for obtaining a handgun carry permit.

ADMINISTRATIVE

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

1. While the division anticipates replacing the Driver License System in the near future with a system capable of achieving compliance with the federal REAL ID Act (discussed on page 23), the current 32-year-old system lacks the ability to properly collect, track, and manage data necessary for efficient and effective operations. The future system should include the ability to track all necessary information in unique fields; it should seamlessly interface with a testing system to track scores and test dates; and the reporting component should allow for real-time reports and a user-friendly report-writing tool.

Ideally, customers will be tracked from the time they enter a driver license station until they fully complete their transaction. Until the General Assembly appropriates funding and the Driver License System is replaced, the department should consider designing a database(s) to capture and track information. Management should also consider developing reports where such information is already available to summarize information for inclusion in manually prepared external reports or write a program that automatically feeds already available information directly into an external Excel report. Management should make efforts to ensure that Q-Matic tickets are issued as soon after the customer enters the facility as possible. Additional measures should be developed to capture information on wait times that develop for customers when there is a line to get a Q-Matic ticket. By capturing complete wait times and tying this information to specific transaction information, the department will have more accurate and complete information from which to make key management decisions.

2. Because of the high driver license exam failure rate, the Driver License Issuance Division should increase its efforts to ensure that the written exam is fair and reliable and that failure rates are not due to problems with the test as opposed to the knowledge of the test takers. Furthermore, a fair and reliable exam would provide a level of confidence that applicants who fail do not have the requisite knowledge to be safe drivers; applicants who have properly prepared will be more likely to pass the test, thus serving to reduce the number of applicants who need to take the exam multiple times.

To make improvements to the exam, the division should consult testing experts and implement a new testing system that incorporates the ability to store applicant responses in a database so that item analysis of each question can be performed. Testing experts have the necessary skills to assist the division in constructing and validating a proper test. Item analysis is a tool offered by many measurement services or software packages and is used for the improvement of multiple-choice tests. Item analysis includes a measure of overall test reliability and other measures that determine the extent to which items discriminate between the knowledgeable and the unknowledgeable. Item analysis should identify difficulty levels for each item and provide the ability to gauge the effectiveness of distractors (wrong options). It should also correlate items with the total test score to show that the items are measuring the same thing.

3. The commissioner should determine why the department has failed to implement the measures that it stated it was already taking in the last audit. The office should also verify that the certificate presented with the application for a handgun carry permit is a valid certificate assigned to an approved school or individual instructor.
4. The department should continue its efforts to obtain additional state and/or federal funding for personnel to staff weigh stations for longer periods.

5. The department should ensure that 100% of contractors and agents conduct and submit the Title VI self-survey for inclusion in the departmental Title VI implementation plan and that the department conducts random on-site audits for Title VI compliance.

APPENDIX A

MINORITY INFORMATION

Title VI

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.

In fiscal years 2008 and 2009, the department received approximately \$5.7 and \$9.5 million in federal funds, respectively.

The Department of Safety's Title VI Coordinator is the Director of Strategic Planning. Administrative responsibilities are assigned to each program director of individual federal grants for the purpose of monitoring compliance. The Legal Division and Human Resources Division of the department serve as advisors to the Title VI Coordinator and project directors of programs that receive federal funds. The Title VI Coordinator compiles an annual compliance report that includes a summary of monitoring activities and complaint processing and a report of the department's findings and recommendations concerning compliance with Title VI.

The department reports it did not receive any Title VI complaints in fiscal years 2008 and 2009.

Title VII

All programs or activities receiving federal assistance must comply with Title VII of the Civil Rights Act of 1964 that prohibits employment discrimination based on race, color, religion, sex, or national origin. In fiscal years 2008 and 2009, the department received approximately \$5.7 and \$9.5 million in federal funds, respectively.

Department of Safety Staff Ethnicity and Gender by Job Position As of April 30, 2010

Title	Male	Female	Asian	Black	Hispanic	Indian	White	Other
Account Clerk	1	1	0	0	0	0	2	0
Accountant 2	0	1	0	0	0	0	1	0
Accountant 3	1	4	0	2	0	0	1	2
Accounting Technician 1	0	6	0	2	0	0	4	0
Accounting Technician 2	0	4	0	0	0	0	4	0
Admin Assistant 1	2	19	0	3	0	0	18	0
Admin Secretary	0	41	0	7	0	0	34	0

Title	Male	Female	Asian	Black	Hispanic	Indian	White	Other
Admin Services Assistant 2	4	28	0	3	0	1	27	1
Admin Services Assistant 3	1	5	0	1	0	0	5	0
Admin Services Assistant 4	4	6	0	3	0	0	7	0
Admin Services Assistant 5	2	3	1	0	0	0	4	0
Admin Services Manager	1	1	0	0	0	0	2	0
Aircraft Mechanic 1	1	0	0	0	0	0	1	0
Assistant Commissioner 2	1	0	0	0	0	0	1	0
Attorney 2	1	1	0	0	0	0	2	0
Attorney 3	2	3	0	2	0	0	3	0
Attorney 4	2	0	0	0	0	0	2	0
Audit Director 1	0	1	0	0	0	0	1	0
Auditor 3	2	3	0	1	0	0	4	0
Auditor 4	1	1	0	0	0	0	2	0
Building Maintenance Worker 2	1	0	0	0	0	0	1	0
Capitol Police Officer	2	0	0	0	0	0	1	1
Capitol Police Sergeant	1	0	0	0	0	0	1	0
Capitol Security Officer	1	0	0	1	0	0	0	0
CDL Examiner	6	12	0	5	0	0	13	0
CDL Program Manager	1	0	0	0	0	0	1	0
CID Assistant SAC	4	0	0	0	0	0	4	0
CID Special Agent	11	1	0	1	0	0	11	0
Clerk 2	4	12	0	5	0	0	11	0
Clerk 3	1	11	0	3	0	0	9	0
Commissioner 1	1	0	0	0	0	0	1	0
Communications Dispatcher 1	0	3	0	0	0	0	3	0
Communications Dispatcher 2	33	39	0	3	0	0	69	0
Communications Dispatcher Supervisor	5	3	0	0	0	0	8	0
Data Entry Operator	0	6	0	5	0	0	1	0
Data Entry Ops Supervisor 2	0	1	0	0	0	0	1	0
Data Processing Operator 1	0	4	0	1	0	0	3	0
Deputy Commissioner 1	0	1	0	0	0	0	1	0
Driver Control Manager 1	0	1	0	0	0	0	1	0
Driver Control Manager 2	0	1	0	0	0	0	1	0
Driver's License Branch Supervisor 1	5	31	0	6	1	0	29	0
Driver's License Branch Supervisor 2	2	6	0	3	0	0	5	0
Driver's License District Supervisor 1	1	3	0	1	0	0	3	0
Driver's License District Supervisor 2	0	4	0	1	0	0	3	0
Driver's License Examiner	55	181	1	62	1	0	171	1
Driver's License Issuance Assistant Director	0	3	0	0	0	0	3	0
Driver's License Issuance Director	1	0	0	1	0	0	0	0
Driver's License Issuance Manager 2	1	0	0	0	0	0	1	0
Equipment Service Worker	1	0	0	1	0	0	0	0
Executive Admin Assistant 2	4	7	0	1	0	0	10	0
Executive Admin Assistant 3	5	6	0	0	0	0	11	0
Executive Secretary 1	0	1	0	0	0	0	1	0
Facilities Manager 2	1	0	0	0	0	0	1	0
Fiscal Director 1	1	1	0	0	0	0	2	0
Fiscal Director 2	1	0	0	0	0	0	1	0
General Counsel 3	1	0	0	0	0	0	1	0

Title	Male	Female	Asian	Black	Hispanic	Indian	White	Other
GIS Analyst 2	1	0	0	0	0	0	1	0
HR Analyst 1	0	1	0	0	0	0	1	0
HR Analyst 3	0	3	0	0	0	0	3	0
HR Director 3	0	1	0	0	0	0	1	0
HR Manager 1	0	1	0	0	0	0	1	0
HR Manager 2	0	1	0	0	0	0	1	0
HR Technician 2	3	1	0	1	0	0	3	0
HR Technician 3	0	1	0	0	0	0	1	0
Hwy Patrol Criminal Investigation Director	2	0	0	0	0	0	2	0
Info Resource Support Specialist 2	3	1	1	0	0	0	3	0
Info Resource Support Specialist 3	4	1	0	2	1	0	2	0
Info Resource Support Specialist 4	9	0	0	1	0	0	8	0
Info Resource Support Specialist 5	1	1	0	0	0	0	2	0
Information Systems Analyst 3	1	0	0	1	0	0	0	0
Information Systems Analyst 4	1	1	0	0	0	0	2	0
Information Systems Analyst Supervisor	1	0	0	0	0	0	1	0
Information Systems Associate	1	0	0	0	0	0	1	0
Information Systems Consult	1	0	0	0	0	0	1	0
Information Systems Director 3	2	0	0	0	0	0	2	0
Information Systems Manager 2	2	1	0	0	0	0	3	0
Information Systems Manager 3	2	0	0	0	0	0	2	0
Intelligence Analyst	2	2	0	1	0	0	3	0
K 9 Drug Trng Coordinator	1	0	0	0	0	0	1	0
Media Producer/Director	1	0	0	0	0	0	1	0
Procurement Officer 1	0	2	0	0	0	0	2	0
Procurement Officer 2	1	1	0	0	0	0	2	0
Programmer/Analyst 3	1	0	0	0	0	0	1	0
Programmer/Analyst 4	1	2	0	0	0	0	3	0
Programmer/Analyst Supervisor	1	0	0	0	0	0	1	0
Property Officer 2	2	0	0	0	0	0	2	0
Radio Communications Technician 2	2	0	0	0	0	0	2	0
Radio Communications Technician 3	8	0	0	0	0	0	8	0
Radio Communications Technician Supv	1	0	0	0	0	0	1	0
Radio Systems Analyst	1	0	0	0	0	0	1	0
Safety Examiner 1	2	14	0	10	0	0	6	0
Safety Examiner 2	2	30	0	14	0	0	18	0
Safety Examiner Supervisor 1	0	12	0	5	0	0	7	0
Safety Examiner Supervisor 2	1	1	0	1	0	0	1	0
Safety Hearing Officer	2	2	0	1	0	0	3	0
Safety Hearing Officer Supervisor	1	0	0	0	0	0	1	0
Safety Technical Services Director	1	0	0	0	0	0	1	0
School Bus Inspector 1	1	0	0	0	0	0	1	0
School Bus Inspector 2	3	0	0	0	0	0	3	0
Secretary	0	4	0	2	0	0	2	0
Senior Intelligence Analyst	1	0	0	0	0	0	1	0
Statistical Analyst 3	2	0	0	1	0	0	1	0
Statistical Programmer Specialist 2	1	0	0	0	0	0	1	0
Statistical Research Specialist	1	0	0	0	0	0	1	0
Storekeeper 2	1	0	0	0	0	0	1	0

Title	Male	Female	Asian	Black	Hispanic	Indian	White	Other
Stores Clerk	1	0	0	0	0	0	1	0
Stores Manager	1	0	0	0	0	0	1	0
THP Captain	12	2	0	2	0	0	12	0
THP Colonel	1	0	0	0	0	0	1	0
THP Lieutenant	71	7	0	5	0	0	73	0
THP Lieutenant Colonel	2	0	0	1	0	0	1	0
THP Major	3	0	0	0	0	0	3	0
THP Sergeant	123	7	0	12	0	1	117	0
Training Officer 2	0	1	0	0	0	0	1	0
Trooper	518	18	4	49	9	3	469	2
Website Developer 2	1	0	0	0	1	0	0	0
	984	585	7	233	13	5	1,304	7

Source: Employees assigned to Business Unit 34901 (Department of Safety) in Edison HCM (Human Capital Management.)

Minority Contracting

Contractor Gender and Ethnicity Totals As of October 30, 2009

<u>Contract Types</u>	<u>Minority</u>	<u>Non-Minority</u>	<u>Unknown</u>	<u>NA</u>	<u>Male</u>	<u>Female</u>	<u>Unknown</u>	<u>NA</u>
Government	0	0	0	39	0	0	0	39
Alternative Competitive	3	16	0	0	9	10	0	0
Single Source	0	1	1	0	1	0	1	0
RFP	0	1	4	1	1	0	5	0
Total	3	18	5	40	11	10	6	39

APPENDIX B

PERFORMANCE MEASURES

On the following pages are the Department of Safety's performance goals, standards, and measures for fiscal years 2006 through 2010 as reported in Volumes 1 and 2 of the state's 2006-2010, 2007-2008, 2009-2013, and 2010-2014 Strategic Plans; the state's budget documents for fiscal years 2009 through 2011; and the department's annual reports for 2007 through 2009. If multiple numbers are listed for a performance measure, that is a result of different targets and/or actual results being reported in strategic plans, budgets, or annual reports. Highlighted cells indicate where actual results achieved did **not** meet performance measure targets as reported by the department.

**Tennessee Department of Safety
FY 2006-2010 Performance Measure Results**

Note: Different source materials reported some numbers differently. Highlighted numbers fell short of Performance Measure Targets.

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Performance Measures for Agency-wide Goals									
Goal: By FY2010 and again by FY2011, the fatality rate on TN roadways will have an overall decrease of 10%									
Number of fatalities per 100 million vehicular miles traveled (may report under THP)	1.73	1.67	1.7 1.68	1.71	1.66 1.64	1.43 1.68 1.71	1.63 1.70	1.24 1.49	1.59 1.67 1.46 1.68
Goal: By FY2009, the department will gather baseline survey information from at least six key groups of TDOS customers regarding their satisfaction with our level of service, and use the information gained to achieve or maintain a high level of professional service									
Goal: By FY2011, improve the level of customer service provided to all customers by increasing the number of services available online, collecting baseline survey information from key customer groups, and enhancing the quality of resources available to the public via the department's website									
Number of key customer groups/stakeholders for whom baseline survey information has been collected	3	3	4	4	5 6	5	5		6
Goal: By FY2010 and FY2011, at least 50% and 80%, respectively, of crash and court records will be received electronically, rather than by paper, in an effort to improve the timeliness, completeness, and accuracy of vital traffic records									
Percent of crash and Tennessee court records transmitted electronically, rather than with paper	48%	61%	50% 72%	60%	52% 75%	49%	53% 78%	51%	55% 81%
Goal: Through FY2010 and again through FY2011, the department will maintain an employee turnover rate of no more than 10%									
Turnover rate for all TDOS employees, including voluntary and involuntary separations, as well as retirements	10%	10%	10%	15%	10%	17%	10%	7%	10%

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Performance Standard: none									
Percent of online survey respondents who reported their overall customer satisfaction rating as "Satisfied" or "Extremely Satisfied"						80%	81%	82%	82%
Administration									
Goal: By FY2011, improve the level of customer service provided to all TDOS customers by increasing the number of services available online, collecting baseline survey information from key customer groups, and enhancing the quality of resources available to the public via the department's website									
Performance Standard: Add further avenues for citizens to access the department's services without having to come to one of the offices									
Number of services available by Internet	11	11	12	11	12	9	11		
Yearly volume of Internet service transactions (in millions-rounded)	2.3	2.6	2.4	2.8	2.6	2.7	2.6		
Increase the number of online service transactions by a minimum of three percent annually							3%	-2.1%	3%
Percent of phone calls into the financial responsibility call center handled by the automated phone system.	45%	49%	46%	55%	49%	53%			
Performance Standard: Hold hearings for drivers whose licenses have accumulated suspension points within 60 days of mailing the proposed suspension letter									
Percent of hearings held within 60 days of point-suspension letter (may report in Technical Services)	82%	98%	82%	96%	82%	70%	93%		
Performance Standard: Investigate and resolve complaints concerning the department's employees									
Percent of complaints concerning TDOS employees resolved within 60 days					75%	95%	80%	93%	80%
Motor Vehicle Operations									
Performance Standard: Replace pursuit vehicles at 85,000 miles									
Percent of pursuit vehicles operating with mileage in excess of 85,000 miles	30%	20%	30% 25%	14%	25%	30%	25%	29%	25%

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Major Maintenance									
Performance Standard: Maintain communication sites so that reliable radio coverage is provided for TDOS law enforcement personnel									
Number of communication sites maintained and managed by TDOS	40	40	40	40	41	41	41	42 41	42
Ratio of communication sites to maintenance inspections	1:4	1:1.2 1:2	1:4	1:2 1:2	1:4 1:1	1:2	1:2		
Performance Standard: Maintain communication sites so that reliable radio coverage is provided for TDOS law enforcement personnel									
Percentage of communications sites inspected a minimum of three times per year							75%	100%	75%
Technical Services									
Performance Standard: Send mandatory license revocation letters to drivers convicted of DUI, manslaughter and other equally serious violations within 12 days after department receives the court conviction record									
Average elapsed time in calendar days between the department's receiving mandatory convictions from the court and mailing the letter revoking the driver license	10	9	8	8	8	8.5	8		
Performance Standard: Improve the timeliness, completeness and accuracy of vital traffic records by increasing the percentage received electronically rather than by paper									
Percent of Tennessee court records received electronically	61%	66%	61%	62%	70%	72.6%	70%	57%	75%
Percent of crash reports received electronically	17%	17%	20%	33%	25%	12%	45%	32%	50%
Driver License Issuance									
Performance Standard: Provide service to customers in a professional, efficient, and timely manner									
Percent of non-test applicants issued license within 15 minutes after examiner pulls record	88%	87%	88%	85%	90% 93%	82%	87%		
Percent of non-test applicants called for service within 30 minutes of being issued a ticket from the queuing system		57%	50%	60%	50% 55%	67%	60%		
Percent of stations that processed non-test applicants within 30 minutes of issuing a ticket from the queuing system.							45%	33%	48%

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Performance Standard: Increase the percentage of driver license transactions conducted without the customer having to come to a driver license office									
Percent of driver license issuance transactions conducted via Internet and mail	29%	36%	29%	30%	36%	30%			
Percent of non-test driver license field transactions conducted at county clerk offices	10%	25%	13% 18%	19%	26%	18%			
Percent of driver license issuance transactions conducted via Internet, mail, or at a county clerk office						30%	45%	41%	45%
Performance Standard: Issue handgun carry permits well before the statutory requirement of 90 days (including originals as well as duplicates and renewals)									
Average number of days to issue handgun carry permits	45	56 55	45	25	45	37	40		
Tennessee Highway Patrol									
Performance Standard: Reduce highway fatalities in Tennessee									
Number of highway fatalities in Tennessee	1,210	1,188 1,236	1,200	1,235	1,200	1,022	1,200		
Number of fatalities per 100 million vehicular miles traveled			see agy- wide	see agy- wide	see agy- wide	see agy- wide	1.7	see agy- wide	see agy- wide
Percent of time that THP is able to respond to crashes within 15 minutes	50%	49%	50%	49%	50%	48%	52%		
Percent of time that THP is able to respond to fatal/injury crashes within 15 minutes							50%	51%	50%
Number of DUI arrests	4,350	3,995	4,350 3,700	3,800	4,100	3,586	4,100		
Performance Standard: Reduce fatalities involving large trucks									
Fatalities involving large trucks	129	157	130	133	130	102	130		
Rate of fatalities involving large trucks per 100 million commercial vehicular miles traveled (CVMT)	2.1	2.46	2.1 2.2	2.05	2.2	2.05			
Average number of days to upload commercial motor vehicle inspection data to federal database	20	23	20	13	20	10			
Average number of days to upload commercial motor vehicle crash data to federal database	90	43	90	51	90	65			

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Performance Standard: Ensure statutory compliance for certification of school buses									
Ratio of school buses to school bus inspections	1.4	1:1.2	1:1.5	1:1.2	1:1.5	1:1.13			
Performance Standard: none									
Number of D.A.R.E. presentations held to promote drug-free schools					1,600	1,314			
Number of law enforcement officers receiving D.A.R.E. training and assistance					1,100	6,503			
Auto Theft Investigations									
Performance Standard: Offset operational expenses for auto theft investigations through proceeds obtained as the result of selling seized property									
Percent of operational expenses for auto theft investigations funded through the sale of seized property	13.5	24%	13.5%	20%	10.5%	8.3%	10.5%	11%	10%
Motorcycle Rider Education									
Performance Standard: Increase enrollment in the Basic Rider and Experienced Rider courses									
Number of students enrolled in a certified motorcycle rider education course	6,500	7,604	6,500	7,940	7,000	8,073	8,000	9,312	8,000
Performance Standard: Ensure the quality of program instruction through annual site visits									
Ratio of sites to site visits	1:1.5	1:1.7 1:1.2	1:2	1:2	1:2	1:1.17			
Percent of MREP training sites inspected a minimum of three times per fiscal year							75%	20%	75%
Driver Education									
Performance Standard: Increase public awareness of safe driving principles									
Number of safety education presentations held to promote safe highways	3,000	5,337	3,000 5,000	3,561	5,700	2,774	3,000	4,340	3,000
Performance Standard: Provide safety education training and assistance to law enforcement officers									
Number of law enforcement officers receiving safety education, training and assistance	2,000	1,447	2,000 1,000	881	1,000	436			

	FY06 Target	FY06 Actual	FY07 Target	FY07 Actual	FY08 Target	FY08 Actual	FY09 Target	FY09 Actual	FY10 Target
Homeland Security									
Performance Standard: Train public safety and private sector officials in terrorism awareness, prevention, protection, and response to terrorist-related events									
Number of public and private sector officials trained in awareness, prevention, protection and response to terrorist-related events						3,877	4,000	6,015	4,500
Performance Standard: Identify and develop risk/vulnerability reduction strategies for critical infrastructure in TN									
Cumulative number of public safety entities/private industries trained in risk/vulnerability assessment	200	213					300		
Performance Standard: Train public safety officials in terrorism awareness and prevention									
Number of public safety officials trained annually in terrorism awareness and prevention	250	973					275		
Performance Standard: Educate, train, organize, and involve citizens on emergency preparedness and homeland security efforts									
Cumulative number of volunteer Citizens Emergency Response Teams trained in TN	57	48			57		72		
Performance Standard: Improve information sharing and collaboration									
Cumulative number of trained registered users on the Homeland Security Info Network (HSIN)	1,500	2,643			1,500		2,000		

APPENDIX C

Department of Safety's Comments in Response to Observation and Comment Regarding REAL ID

The Department seeks to provide clarification to the observations and comments made by the auditor relative to its progress in implementing the provisions of the REAL ID Act of 2005. Several statements noted in this section do not accurately reflect the progress that has been made by the Department in complying with Public Law 109-13 (REAL ID Act of 2005) and its implementing regulations (6 C.F.R. part 37). Given that the comments are part of an official Departmental Audit Report, we offer the following observations for those who may not be totally familiar with the actual regulations promulgated by the U.S. Department of Homeland Security (U.S. DHS) for states to use in meeting compliance with REAL ID.

The auditor's observations and comments fail to take in account the following facts:

1. The Department was performing several of the activities required by REAL ID law and regulations prior to the enactment of REAL ID.
2. The Department has met the overwhelming majority of the benchmarks outlined in the material compliance phase deadline of December 31, 2009, and is on-track to meet the remaining benchmarks for full compliance by the May 11, 2011, deadline.
3. Compliance with REAL ID consists of significantly more than 11 PROPOSED technology projects and/or a new system.
4. The Secretary of the U.S. Department of Homeland Security ultimately has the authority to deem a state compliant or non-compliant with the provisions of REAL ID and U.S. DHS has commented that states will not necessarily be deemed non-compliant if the federated hub is not operational by the full compliance date.

FACT 1 - The Department was performing several of the activities required by REAL ID law and regulations prior to the enactment of REAL ID. Several requirements the state was performing prior to the promulgation of the final rules include

- Performing electronic verification of an applicant's social security number with the SSA
- Requiring two proofs of Tennessee residency for the issuance of a license
- Allowing a resident to only hold one state license (either a DL or ID) at a time
- Requiring an applicant to present the same identity and/or immigration documents prescribed by REAL ID
- Providing fraudulent document recognition training to all staff issuing DL/IDs

- Having an applicant sign a declaration under penalty of perjury that the information presented to the Department is true and correct
- Printing all the demographic and transaction information prescribed by REAL ID on the card
- Permitting other states access to the information contained in the DMV database
- Conducting a background check on driver services employees
- Issuing temporary licenses to individuals with temporary lawful status and tying the validity of license to their authorized stay
- Retaining copies of the DL application and all documents submitted with the application.

FACT 2 - The Department has met the overwhelming majority of the benchmarks outlined in the material compliance phase deadline of December 31, 2009, and is on-track to meeting the remaining benchmarks for full compliance by the May 11, 2011, deadline.

The Department met 14 of the 18 benchmarks required for Material Compliance by the required December 31, 2009, deadline. The four remaining benchmarks were associated with the new driver license card contract that was being processed through the state's procurement process. The Department secured a card production vendor in March 2010 and is on target to begin issuing the new DL/ID card in January 2011. The new card production contract permits the agency to meet the four remaining benchmarks for material compliance and several of the remaining 21 benchmarks for full compliance. The Department is currently on target to meet the remaining 21 benchmarks that are not dependent on the federated hub.

FACT 3 - Compliance with REAL ID consists of significantly more than completion of 11 PROPOSED technology projects and/or a new system.

In the comments and observations, the audit references 11 Departmental proposed technology projects and notes the completion of only one of the projects. Such notation fails to accurately and fairly reflect the Department's performance on the remaining projects, enhancements to the DL/ID system that will aid in accomplishing REAL ID goals that occurred during the audit period, and those technology projects that are in the implementation stage. The technological interface and systems are a component or tools that will aid the state in complying with the federal law; completion of the 11 projects, however, is not the sole basis for compliance.

Since the promulgation of the final regulations relative to REAL ID in 2008, the Department has been working aggressively to comply with its provisions. U.S. DHS provided states with 39 benchmarks that, per their determination, would bring states into compliance and meet the full intent of the REAL ID Act of 2005. Pursuant to the federal law, regulations, and consistent feedback from the Senior Director of the U.S. DHS Office State-Issued ID Support, a REAL ID compliant license generally is one where the state has

- Verified that an applicant has lawful status in the U.S. (e.g. U.S. citizen, lawful permanent resident, or authorized stay)
- Verified the documents presented as identity (e.g., birth certificate, visa, passport)
- Verified the social security number with Social Security Administration
- Verified that the applicant resides in the state of application
- Verified that the applicant does not hold multiple licenses in multiple identities in Tennessee or another state
- Electronically maintained copies of the documents presented during application
- Printed the license on a card with three levels of security features
- Processed the application, issued the license, and printed the card in a secure facility
- Taken steps to protect the applicant's privacy and secure personal identifying information
- Required employees working in the license issuance positions to undergo a name-based and fingerprint background check, fraudulent document recognition training, and security awareness training

The U.S. Department of Homeland Security has outlined the following phases and dates for complying with REAL ID:

- Phase I (by January 2010) – Security upgrades to issuance process, personnel, and card
- Phase II (by May 2011) – Security upgrades to source documents, facilities, and system
- Phase III-A (by December 2014) – License holders born before 1964 obtain REAL ID license
- Phase III-B (by December 2017) – All license holders obtain REAL ID license

The Department continues to work toward implementation of technological projects that will aid the state in complying with the federal REAL ID Act. Such work on technology projects is evidenced by the Department's progress on 1) currently implementing the new card production contract that will print the security features on the DL/ID card; 2) currently expanding the capabilities of the Interactive Voice Response (IVR) system that will aid customers in obtaining REAL ID information via the telephone; 3) finalizing the plan for installation of upgraded security equipment in the driver license stations; and 4) submission of the ITB to implement an image verification system.

FACT 4 - The Secretary of the U.S. Department of Homeland Security ultimately has the authority to deem a state compliant or non-compliant with the provisions of REAL ID, and U.S. DHS has commented that states will not necessarily be deemed non-compliant if the federated hub is not operational by the full compliance date.

The audit comments that “Tennessee’s Department of Safety may not be able to meet the May 2011 deadline . . . the ultimate consequences of not meeting the May 2011 deadline that will actually be put in to practice by the Department of Homeland Security are unclear.” The audit further observes that there is no evidence the three remaining federated verification systems will be operational anytime soon. Department of Safety personnel has been working and communicating with U.S. DHS officials consistently regarding the implementation of the federated verification hubs. Based on feedback received from U.S. DHS, the state will not necessarily be deemed out of compliance for those items that rest on the federal government for implementation. Moreover, pursuant to the 6 CFR 37 (final REAL ID rules and regulations) the authority to deem a state compliant with the provisions of the REAL ID Act rests with the U.S. DHS. Subparts §37.03, §37.59, §37.61 and §37.65 of 6 CFR 37 (REAL ID Regulations) note the process for being deemed REAL ID compliant and the effects of failure to comply with the REAL ID regulations. Listed below are the aforementioned subparts.

- Definitions §37.03 – Certification – Means an assertion by the state to the Department of Homeland Security that the state has met the requirements of this Part.
- Subpart E §37.59 – DHS Reviews of State Compliance – (b)(2) – If DHS determines that the state meets the full requirements of subparts A through E, the Secretary shall make a final determination that the state is in compliance with the REAL ID Act.
- Subpart E §37.61 – Results of Compliance Determination – (a) A state shall be deemed in compliance with this part when DHS issues a determination that the state meets the requirements of this part.
- Subpart E §37.65 – Effect of Failure to Comply With This Part – (a) Any driver’s license or identification card issued by a state that DHS determines is not in compliance with this part is not acceptable as identification by federal agencies for official purposes.

It should further be noted that U.S. DHS has provided grant funds to the State of Mississippi to serve as the lead state for the planning and implementation of the federated hub. Mississippi along with four other states—Florida, Indiana, Kentucky, and Nevada—and a contractor have developed a hub program and execution schedule to bring the three existing systems used to verify birth certificates, U.S. passports, and state issued DL/IDs into a hub format making it more cost effective and user friendly for states to perform the verification requirements provided for in REAL ID.

APPENDIX D

Department of Safety's Comments in Response to Observation and Comment Regarding Handgun Permitting Requirements

This Department is clear on what is required and is in compliance with T.C.A. § 39-17-1351(i). This statute states that the Department shall not be required to confirm the applicant's eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation, the clerks of court, and the sheriffs, if any. This observation states that statutory requirements (1), (2), (3), (4), (9), (12), (13), (14) and (16) are not revealed in these criminal background checks. This Department does validate documents but cannot verify certain documents as there are no state or federal systems to obtain this verification.

The Department requests criminal background checks on all applicants that show

- any arrests,
- any convictions,
- if on sex offender registry,
- if order of protection against them,
- if a wanted person, and
- has court-adjudicated mental health issues.

To provide additional information and clarification to State Audit's observations and comments, we have outlined the procedures the Department currently follows regarding the nine statutory requirements that are not revealed in the criminal background checks.

- (1) To be eligible to apply for a handgun carry permit, applicants are required to be a resident of Tennessee and either a United States citizen or lawful permanent resident thereof.

This information is not revealed in the background check, but the Department does require the applicant to provide U.S. citizenship or legal presence at the time of original application for a handgun carry permit. These documents are reviewed and information collected and entered into the driver license mainframe system by the driver license examiners. The examiners have been trained on identification and document requirements and Driver License Policy 300 series provides policy and procedures for these requirements.

- (2) Applicants must be at least 21 years of age.

This information is not revealed in the background check but information on applicant's age is on the application and entered into the mainframe. Most applicants use an original birth certificate or certified copy of a birth certificate as proof of citizenship. The driver license system has an automatic stop and will not let allow issuance of a permit if someone is not 21 years of age. Even though T.C.A. § 39-17-1351(i) does not require this

department to verify age information, a computer control is in place to prevent underage issuance.

- (3) Applicant must not be prohibited from purchasing or possessing a firearm in this state pursuant to T.C.A. §§39-17-1316, 39-17-1307(b), 18 U.S.C. 922(g) or any other state or federal law.

The information referenced in the T.C.A. sections is provided by TBI/FBI on the criminal background checks from fingerprints. While the record does not state specifically that a person is prohibited from purchasing or possessing a weapon, Handgun Unit employees are trained to read the records to make this determination.

- (4) The applicant must meet all other requirements regarding the proper submission of an application pursuant to T.C.A. §39-17-1351 and this rule, submit proof of the successful completion of a department approved handgun safety course or any of the exceptions as provided in T.C.A. §39-17-1351 and pay all appropriate fees.

The Handgun Unit employees do review applications for proper submission, for fee paid, for handgun safety school completion and presence of certificate and any exemption when the original application and documentation is received at Central Office. As an additional control, the computer logic will not allow a permit to be issued if certain information is missing from the mainframe database.

- (9) The applicant must not be an unlawful user of or addicted to alcohol or any controlled substance and the applicant must not have been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application.

This type of information is considered medical and is protected by HIPPA regulations. This information is not provided on TBI/FBI background checks and, based on T.C.A. §39-17-1351(i), the Department is not required to verify this information.

- (12) The applicant is not an alien and not illegally or unlawfully in the United States.

As stated under (1), the Department does require the applicant to provide documentation of Tennessee residency and either U.S. citizenship or legal presence at the time of original application for a handgun carry permit. Sometimes the criminal records will have this information if the applicant is an illegal alien or unlawfully in the United States. T.C.A. §39-17-1351(i) does not require the Department to do additional confirmation beyond what is shown on the background checks.

- (13) The applicant has not been discharged from the Armed Forces under dishonorable conditions.

The fingerprint check/criminal background reports will usually indicate if that applicant has a dishonorable discharge. T.C.A. §39-17-1351(i) does not require the Department to do additional confirmation beyond what is shown on the background checks.

(14) The applicant has not renounced his or her United States citizenship.

T.C.A. §39-17-1351(i) does not require the Department to do additional confirmation beyond what is shown on the background checks.

(16) The applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability.

If an applicant were disabled, then we would need to know if they were disabled because of alcohol or drugs. The Social Security Administration does not provide this information as it is protected under HIPPA and it is not shown on the background checks. T.C.A. §39-17-1351(i) does not require this Department to do additional confirmation beyond what is shown on the background checks.

The Handgun Unit employees are doing additional confirmations other than what is shown on the background checks as outlined above. There have been computer controls implemented to prevent the improper issuance of a handgun permit. Every effort is made to confirm as many of the statutory requirements as possible. Of those that we cannot confirm and are not included on the background checks, T.C.A. §39-17-1351(i) does not require this Department to do additional confirmation beyond what is shown in the information from the Tennessee and federal bureaus of investigation, the clerks of court, and the sheriffs, if any.