

Department of Safety

September 1997

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September 15, 1997

The Honorable John S. Wilder
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Speaker of the House of Representatives
The Honorable Kenneth N. (Pete) Springer, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

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

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

Very truly yours,

W. R. Snodgrass
Comptroller of the Treasury

WRS/tp
96/152

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Department of Safety
September 1997

AUDIT OBJECTIVES

The objectives of this audit were to review the department's legislative mandate and the extent to which the department has carried out that mandate efficiently and effectively, and to make recommendations that might result in more efficient and effective operation of the department.

FINDINGS

Accidents and Violations Not Posted Timely to Drivers' Records

In fiscal year 1995, posting accidents to drivers' records took, on average, 12 weeks and in fiscal year 1996, seven weeks. As a result of this delay and the department's policy of waiting until the accident is recorded before assessing points for driving violations, the department may not be promptly identifying unsafe drivers and taking action, when necessary, to suspend or revoke their driving privileges (page 9).

Submission of Court Convictions Not Monitored

The department does not monitor the courts' submission of conviction information for traffic violations to determine whether courts are submitting information in a timely manner and whether all fines due the state are submitted (page 12).

Vehicle Titles Not Always Issued Timely

In fiscal year 1996, the department took an average of 3.29 weeks to issue titles from the time of the application date, up from 2.94 weeks in fiscal year 1995. Contributing to the delay are flawed data from some county clerks and data submitted which are incompatible with the department's computer system and must be entered manually. Delays are inconvenient to the vehicle owner and require the department to direct extra resources to correct problems (page 13).

No Recent Assessment of Quality of Service at Driver's License Testing Stations

The department's ability to identify testing stations where customers experience lengthy delays is limited, and resources may not be allocated to station's needs (page 16).

No Standardized Driving Test Used for Driver's License Applicants

Without a standardized driving test, the department cannot ensure the consistency and objectivity of tests taken across the state and may be hindered in determining whether applicants have demonstrated the knowledge and abilities to be safe drivers. The department's policy for testing driving skills requires applicants to demonstrate only one skill—a backing maneuver. The skills applicants must demonstrate and the route driven during the test are left to the examiner's discretion, although stations generally establish one to two routes for examiners to use (page 18).

No Written Policy Requiring Annual Training for the Tennessee Highway Patrol

The Highway Patrol may be hindered in its ability to ensure that its 625 officers are adequately trained and kept up-to-date on departmental policies and law enforcement procedures without a policy requiring training (page 20).

Fees Charged for Training at the Law Enforcement Academy Do Not Cover Costs

State law allows the academy to charge reasonable fees to cover costs for training state and local law enforcement officers and criminal justice students. Even with the July 1997 fee increase, the fees will cover less than 50 percent of the full cost of training state and local officers at the academy (page 21).

OBSERVATIONS AND COMMENTS

The audit discusses the following issues that affect the operations of the department and the citizens of Tennessee: the backlog in the approval of handgun permits and the lack of recent updates of school bus standards (page 6).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider (1) amending Section 55-10-108, *Tennessee Code Annotated*, to require law enforcement authorities to submit accident reports within one week as opposed to 24 hours and (2) changing state law to require the statewide use of the uniform traffic citation by all law enforcement agencies to improve the administration of the Driver Improvement Plan.

"Audit Highlights" is a summary of the audit report. To obtain the complete audit report which contains all findings, recommendations, and management comments, please contact

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Performance Audit Department of Safety

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Performance Audit Department of Safety

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This audit of the Department of Safety was conducted pursuant to the Tennessee Government Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-219, the department is scheduled to terminate June 30, 1998. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the department and to report the results to the Joint Government Operations Committee of the General Assembly. The audit is intended to aid the committee in determining whether the department should be abolished, continued, or restructured.

OBJECTIVES OF THE AUDIT

The objectives of the audit of the Department of Safety were

1. to determine the authority and responsibility mandated to the department by the General Assembly;
2. to determine the extent to which the department has met its legislative mandate;
3. to evaluate the efficiency and effectiveness of the department's program administration; and
4. to develop possible alternatives for legislative or administrative action that might result in more efficient and effective operation of the department.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the Department of Safety's activities and procedures and focused on calendar years 1994, 1995, and 1996 and on procedures in effect at the time of field work (June 1996 through January 1997). The audit was conducted in accordance with generally accepted government auditing standards and included

1. review of applicable statutes and executive orders;
2. an examination of the department's records, reports, and internal reviews;

3. examination of prior performance audit and financial and compliance audit reports;
4. review of department rules, regulations, policies, and procedures;
5. interviews with department administrators and staff, and site visits to six driver's license testing stations and four Tennessee Highway Patrol stations;
6. interviews with personnel from the Departments of Revenue and Education;
7. interviews with personnel from other states' safety, driver's license, titling and registration, and law enforcement departments; with staff of the Federal Highway Administration; and with professional organizations, including American Association of Motor Vehicle Administrators and the National Association of Governors' Highway Safety Representatives; and
8. review of files of titles and registrations and of the accident records database.

ORGANIZATION AND RESPONSIBILITIES

The Department of Safety works to provide safe highways for all citizens and visitors by strictly enforcing the laws governing the use of state and federal roads. The department also educates the public by promoting driver safety and assisting local law enforcement officers in special operations and training. Although the number of accidents per vehicle mile traveled in Tennessee increased slightly (.19 percent) from 1990 to 1994, the number of injuries associated with these accidents decreased 3.59 percent, and the number of deaths, 9.05 percent during the same period. The 1997 budget for the department totals \$106,807,200. Responsibilities of the department include the following areas: (See organization chart on the following page.)

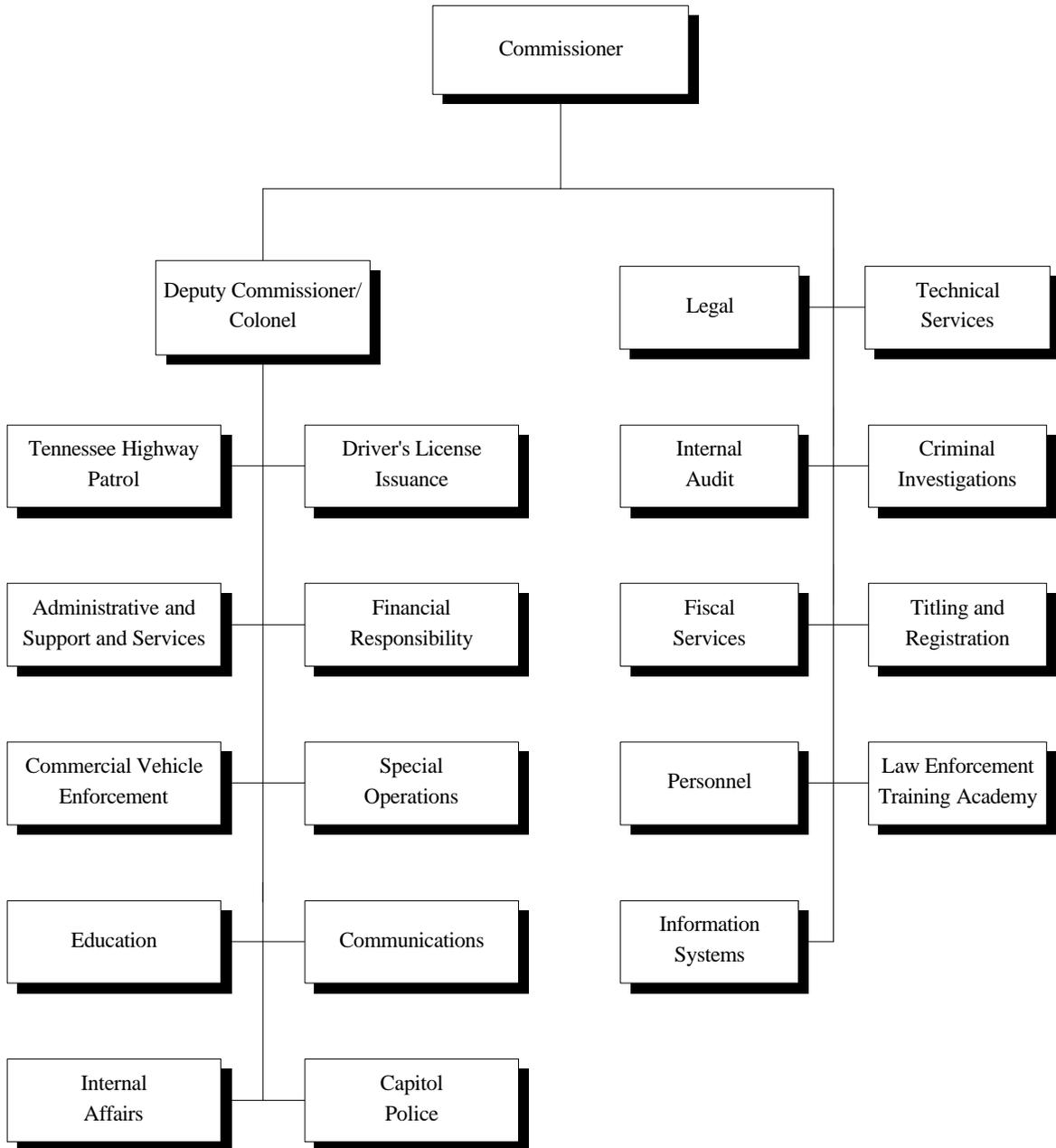
Administrative and Support Services

Administrative and Support Services is responsible for the overall administration of the department and for provision of basic support services for departmental operations including fiscal, personnel, supply, and internal audit functions. The Legal Section provides general legal counsel and administers provisions of the Drug Control Act and the Altered Vehicle Identification Number laws.

Driver's License Issuance

Driver's License Issuance is responsible for issuing licenses to all persons who qualify under the Classified and Commercial Driver's License Act. The division is responsible for issuing standard operating licenses, motorcycle licenses, and commercial licenses through 110 driver's

DEPARTMENT OF SAFETY ORGANIZATION CHART



license testing stations throughout the state. The department issued approximately 1.4 million licenses in fiscal year 1996.

Enforcement

The Tennessee Highway Patrol (THP) enforces the laws governing the use of state and federal roads in Tennessee. The department employs 625 highway patrol officers. The THP carries out its duties through the following divisions:

Patrol enforces motor vehicle laws, investigates accidents, provides assistance to motorists in an effort to create safer highways, and assists other police organizations in unusual assignments.

Criminal Investigation Division (CID) provides investigative support on felony cases primarily through its activities in drug enforcement, auto theft, odometer fraud, and inspection of rebuilt motor vehicles. It also trains local law enforcement agencies in identifying and investigating such crimes.

Capitol Police provides special security for the State Capitol and all state office buildings in Davidson County.

Commercial Vehicle Enforcement enforces statutes and regulations governing the operation of commercial vehicles on Tennessee roadways, placing priority on dimension and weight limits, inspection, licenses, permits, and motor vehicle tax requirements. This division was created July 1, 1996, when the department absorbed the responsibilities of the Public Service Commission.

Pupil Transportation inspects all buses used to transport school children and trains school bus drivers.

Communications provides for radio contact between all field officers and dispatch centers in the state, thereby providing emergency service to motorists and enabling officers to request support when needed.

Training conducts training for THP and Commercial Vehicle Enforcement recruits and officers.

Education

The Driver and Motorcycle Education Programs use the news media, pamphlets, films, videotapes, and other instructional materials to educate the motoring public in the safe operation of its vehicles. The Tennessee Law Enforcement Training Academy provides training for state and local law enforcement officers and recruits. Specialized training for academy graduates is

offered in Criminal Investigations, Management Training, Radar, Drug Trafficking, Traffic Control, and Survival Techniques. The academy staffs the Tennessee Peace Officer Standards and Training Commission, which is responsible for enforcing standards and training requirements for all local police officers.

Titling and Registration

Titling and Registration processes and issues ownership titles and regulates the sale and distribution of vehicle license plates and registration renewals through the county clerks. The division processed approximately 6.2 million registrations and approximately 1.9 million titles in fiscal year 1996 and issued over 200 types of plates and registrations.

Technical Services

Technical Services is responsible for ensuring Tennessee drivers meet the requirements of the Financial Responsibility Law, operating the Driver Improvement Program, maintaining drivers' histories, managing all the department's databases and information systems functions, providing all departmental mail service, and providing departmental planning and research functions.

OBSERVATIONS AND COMMENTS

The issues discussed below did not warrant findings but are included in this report because of their effect or potential effect on the operations of the Department of Safety and on the citizens of Tennessee.

Backlog in the Approval of Handgun Permits

In accordance with *Tennessee Code Annotated*, Section 39-17-1351, the department assumed responsibility for processing handgun permits on October 1, 1996. Prior to this date, the sheriff in the county where the applicant resided issued the permits and set the fees. Applicants were required to post a \$50,000 liability bond.

The department accepts applications at all driver's licenses testing stations and charges a \$100 application fee. Incorporating this new responsibility, though, has not been problem-free. Apparently, inadequate training, poor communication of policies to field personnel, and the volume of applicants have led to processing delays. As of May 31, 1997, permits had been issued to 10,419 of 27,101 applicants.

Department personnel cited several factors as contributors to the delay. The department implemented the new handgun program without properly training employees. Driver's license examiners said the training received was ill-timed and inadequate. Station supervisors said that they were given four hours of training the week the program was to go into effect, and another supervisor reported that examiners did not receive fingerprinting training until six weeks after the program was implemented. One district supervisor attributed the 100% rejection rate of the initial batch of applications to the inadequate training.

State law (effective October 1, 1996) requires the department to take fingerprints for each applicant for use in conducting Tennessee Bureau of Investigation (TBI) and Federal Bureau of Investigation criminal history record checks. Management initially instructed examiners to obtain one set of fingerprints. According to management, TBI later informed the department that two sets were needed only after the program was in place. Individuals who had already submitted applications were asked to return to the testing stations to be fingerprinted a second time, furthering the delays.

In addition, the sheer volume of applications has apparently added to the delays. Driver's license examiners stated that because they have been overwhelmed by the number of applicants, some stations recommend that individuals schedule appointments. As of November 1996, one station was booked through March. Some of the stations have opened on Saturdays to handle the volume of applications.

A final factor in the delays was the failure to properly communicate to testing station personnel a change in federal law making it illegal for anyone convicted of a misdemeanor crime of domestic violence to possess firearms or ammunition. To screen for this type of conviction, the department requires applicants to sign a form indicating if they have been convicted of this type of misdemeanor. Although this federal provision took effect September 30, 1996, Driver's License Issuance personnel were not notified of the change until December 1996. All individuals who applied between October and December were mailed a supplementary application form to be completed and returned to the department before the application could be approved. Thus, the applications could not be processed until these forms were returned.

Legislation effective June 13, 1997, requires the department to issue permits within 30 days for any application at least 90 days old. And as of July 1, 1997, all new applications must be processed within 90 days. The permits must be issued even if TBI and FBI fingerprint checks have not been completed. Applicants are still checked in the TBI data system by name, date of birth, and social security number.

No Recent Updates of School Bus Standards

Minimum standards for school buses in Tennessee, contained in *The State Board of Education Rules & Regulations, Minimum Standards*, have not been updated since 1992. As a result, Department of Safety school bus inspections may not be based on current national standards and on the state's specific needs.

Criteria for inspections which determine whether school buses are safe to transport students are based on federal and state standards. Section 49-6-2115, *Tennessee Code Annotated*, requires school buses to meet federal minimum bus standards and applicable federal motor vehicle safety standards. Federal standards are less stringent than state standards, and in the past, the State Board of Education, based on proposals by the Department of Education, has gone beyond the federal standards to meet the needs of the state. For example, because of the large number of rural and gravel roads in Tennessee, the state standards for front axle loads are more stringent than related federal standards.

According to Department of Education (DOE) staff, the Commissioner of Education is responsible for proposing new standards to the board. DOE's Office of Local School Finance is responsible for developing these standards to propose to the board, upon request of the Commissioner of Education. According to DOE staff, no such request has been made in the last several years.

According to management in the Department of Safety's Pupil Transportation division, which is responsible for conducting school bus inspections, the last comprehensive update of the standards was completed by DOE in 1986. In subsequent years, DOE has periodically notified the department of specific modifications in inspection standards. However, according to department management, no such updates have been received since 1992. Management is concerned that standards are not updated periodically to meet the state's needs.

While inspection standards are established by the Board of Education, actual inspections are conducted by personnel in the Department of Safety's Pupil Transportation division. According to the Executive Director of the State Board of Education, it would be logical for Department of Safety staff to be involved in standard setting since they have more knowledge in this area. The Department of Safety should work with the Department and Board of Education to ensure that school bus standards meet the state's needs.

FINDINGS AND RECOMMENDATIONS

1. Accidents and violations are not posted timely to drivers' records

Finding

The department has not posted accidents to drivers' records in a timely manner. Posting took, on average, 12 weeks (86 days) in fiscal year 1995, and seven weeks (48 days) in fiscal year 1996, from the date of the accident to the date the department posted the accident to the driver's record. As a result of this delay and the department's policy of waiting until the accident is recorded before assessing points for driving violations, the department may not be promptly identifying unsafe drivers and taking action, when necessary, to suspend or revoke their driving privileges.

Untimely Posting of Accident Records

Accident Record Submittal. We reviewed a random sample of accident records submitted to the department in fiscal years 1995 and 1996 and found that law enforcement authorities generally took an excessive amount of time to submit records. In fiscal year 1995, on average the department did not receive the accident report from law enforcement authorities until 24.5 days after the accident. The number of days from accident to receipt of report ranged from two days to 84 days. The average decreased to approximately 20 days in fiscal year 1996, ranging from one day to 97 days.

The department does not monitor the submission of over 200,000 accident reports local authorities submit annually. Thus, the department does not identify the law enforcement authorities that do not submit timely reports nor attempt to notify those entities to encourage timely submission. Even if it could identify these agencies, the department has no enforcement authority. Section 55-10-108, *Tennessee Code Annotated*, requires law enforcement officers to submit accident reports to the department within 24 hours of completing the investigation. However, the statute contains no provisions for enforcement or incentives for timely submission.

The department does not believe accident reports need to be submitted within 24 hours but believes the ideal time frame depends on the size of the entity and the number of records it submits. For example, management stated one month should be the maximum time allowed for smaller entities, and one week would be more appropriate for larger entities like Nashville/Davidson County or Memphis/Shelby County.

Accident Posting. The department has shown improvement in posting reports once they are received. In fiscal year 1995, it took approximately 61 days from the date the department received the accident report to the posting date. The number of days from receipt to posting

ranged from five to 164 days. This average decreased in fiscal year 1996 to approximately 28 days—with a range of five to 56 days.

The problem of timely posting of traffic accidents has been a continuing one for the department and was noted in prior performance and financial audits. The prior performance audit of the department, released in April 1990, found a backlog of 144,000 reports in April 1989. The ensuing delay in posting the accidents to drivers' records was six to 12 months. In response to the audit, the department set a goal of decreasing the turnaround time in posting accidents to within 30 days of receiving reports. Although the department has reduced the time it takes to post accidents after the reports have been received, the time between accident and posting dates still seems excessive. Within the audit sample, accident posting took from 20 days to 119 days in fiscal year 1996 and from 26 days to 218 days in 1995.

Delays in Assessing Violation/Accident Points

Points are assessed to a driver's record based on the date the department processed the accident report or court conviction, rather than on the date of the accident or violation. Since the department sometimes takes more than three months to process some accidents (and in previous years even longer), this policy could allow drivers whose licenses should be suspended to continue driving.

Section 55-50-505, *Tennessee Code Annotated*, requires the department to conduct a Driver Improvement Program, the purpose of which is to take appropriate action, including license suspension, against drivers who frequently contribute to accidents or are convicted of traffic violations. The department updates driving records based on accident reports law enforcement authorities submit. The department assesses points, based on the severity of the offense, to identify drivers whose records reflect a continuous disrespect for traffic laws and the safety of other drivers. For example, contributing to an accident involving property damage results in a three-point assessment, and contributing to an accident resulting in another's death results in an eight-point assessment.

When a driver has accumulated 12 or more points in a 12-month period, or has been deemed accident prone (three or more avoidable accidents within one year), the driver's license is suspended, subject to appeal. Points remain on drivers' records for 12 months after they are posted.

Department policy 1340-1-4-.04 (6) requires that points be assessed to an individual's driving record for cumulative purposes based on the date the accident report or traffic violation conviction is processed, rather than on the date of the accident or conviction. Because of this policy and delays in processing accident reports, unsafe drivers could avoid having their licenses suspended. For example, a driver who had eight points on his record in January could have an accident in December of the same year resulting in the assessment of four points. If these points were not processed until February of the next year, the driver could avoid suspension because the points placed on his record in January would have been removed.

Timely posting of accidents and violation convictions is essential to the success of the Driver Improvement Program's point system. Lack of timely posting increases the likelihood that problem drivers will continue to drive despite accumulating sufficient points to warrant suspension of driving privileges. Late posting ultimately may affect the department's ability to fulfill its primary mission to provide safer highways for the citizens of Tennessee.

Recommendation

The department should continue efforts to improve the timely processing of accident reports, including establishing goals for time frames for processing reports and posting points to drivers' records. The department should attempt to process accident reports within one month of the accidents.

The General Assembly should consider amending Section 55-10-108, *Tennessee Code Annotated*, to require law enforcement authorities to submit accident reports within one week as opposed to 24 hours. The department should then monitor the submission times and inform the law enforcement authorities when they violate the law.

The department should change its policy for its Driver Improvement Program and assess points based on the date of the accident and/or offense, rather than on the date the accident and/or offense was posted to the driver's record.

Management's Comment

We concur. During the past year, we have had difficulty keeping the Accident Records Unit and the Ticket Evaluation Unit properly staffed. However we have been able to reduce the backlog in each of these areas as noted in the finding. We believe that when we are able to reach full staffing, we will be able to reduce the time needed to post the accident and/or violation to the driving records.

We are in the process on a pilot basis of developing a scannable accident report. The report should be in production within the next few months. This should enable us to process the reports more efficiently and thereby further reduce the time lapse between the date of the accident and the date it appears on the driving records.

We are revising the Driver Improvement Program, and in that revision we will consider adjusting the manner by which points are assigned. We believe we would need to have a specified time period for the accident or violation to be posted to the driving record in order for that accident or violation to be considered in determining if some licensing sanction should be taken.

We foresee no objection if the General Assembly amended Section 55-10-108, *Tennessee Code Annotated*, to require law enforcement authorities to submit accident reports within one week as opposed to 24 hours.

2. The department does not monitor submission of court convictions

Finding

The department does not monitor the courts' submission of conviction information for traffic violations to determine whether courts are submitting information in a timely manner. For example, based on the population and numbers of drivers in a county or city, the department could project the numbers of violations and ultimate court convictions for any locality for a given period. In this way, the department can identify localities which do not submit information timely. Failure to monitor submission of court convictions can ultimately limit the department's ability to identify unsafe drivers. Also, the department cannot determine whether all fines due the state are submitted.

Upon receiving a traffic citation, offenders have the option of paying the fine or appearing in court. If the offender pays the fine, the ticket is submitted to the department and points are then assessed to the driver's record under the Driver Improvement Program. If the offender opts for a court appearance, the court is responsible for submitting to the department an abstract of the final adjudication of the hearing. If the hearing results in a conviction, points for the offense are assessed to the driver's record.

Section 55-10-306, *Tennessee Code Annotated*, requires courts to submit to the department an abstract of the resolution of the hearing within 30 days of conviction. Because the department does not monitor submission, it cannot identify jurisdictions that do not submit abstracts in a timely manner or do not submit all court abstracts or fines.

A solution to this problem is the statewide use of a uniform traffic citation form. Section 55-10-208, *Tennessee Code Annotated*, authorizes all law enforcement officers in the state to use a uniform traffic citation prescribed by the department. The original legislation required statewide use of the citation, but the statute was then amended prior to implementation to make use of the citation optional. According to management, use of the uniform citation would create an audit trail that would enhance monitoring of all tickets written in the state and would reduce the likelihood of fraud by ensuring that all tickets issued were accounted for. According to department staff, a study committee required by state law and formed by the commissioner met in the early 1990's and recommended use of the uniform citation.

Four of six contiguous states contacted currently require the use of a uniform citation. Although none of the professional law enforcement and motor vehicle organizations contacted have taken an official position on the use of the citation, representatives from the National Association of Governors' Highway Safety Representatives and the American Association of Motor Vehicle Administrators cited the following advantages to a uniform citation: improved monitoring of data and fine submission, reduced likelihood that tickets are destroyed for personal reasons before reaching the court system, enhanced revenue collection, improved credibility of Driver Improvement Program, and acceleration of administrative and hearing processes.

Recommendation

The department should monitor the submission of court conviction abstracts to identify courts that are not routinely submitting court abstracts on time. The department should contact these jurisdictions and encourage prompt submission.

The General Assembly should consider changing Section 55-10-208, *Tennessee Code Annotated*, to require the statewide use of a uniform traffic citation by all law enforcement agencies to improve the administration of the Driver Improvement Program.

Management's Comment

We concur. At the present time, the only monitoring program in place applies to citations issued by the Tennessee Highway Patrol. It would be difficult to monitor citations issued by other agencies since we do not know when a citation has been issued. The only monitoring we could do would be to review the convictions as they are reported to determine the amount of time that has elapsed since the conviction.

As stated in the Comptroller's report, a possible solution to the problem would appear to be a statutory change to require that a uniform citation be used by all law enforcement agencies. There was a statutory requirement that this be accomplished but that portion of the statute was amended and is no longer in effect.

We could foresee no objection if the General Assembly were to mandate the statewide use of a uniform traffic citation by all law enforcement agencies to improve the administration of the Driver improvement Program. It would allow us to track the citation from the time it was issued until the conviction appears on the driving record. The mandated use of a uniform traffic citation would also enable the department to monitor the submission of court conviction abstracts in identifying courts that are not routinely submitting court abstracts in a timely manner. This procedure would require local law enforcement agencies to use these standard forms.

3. Vehicle titles are not always issued timely

Finding

The department's Titling and Registration Division (T&R) does not always issue vehicle titles in a timely manner. Contributing to the delay are flawed data submitted by some county clerks and data submitted which are incompatible with the department's computer systems and must be entered manually. Delays are inconvenient to the vehicle owner and require the department to direct extra resources to correct problems, resources that could be better used elsewhere by the department.

The department's title-issuing process involves a number of steps and depends on the documentation submitted; the effectiveness of the 95 county clerks' offices and of the staff at Title and Registration; and the computer systems at county clerks' offices and at Title and Registration. Although all county clerks take title applications, 42 are authorized to issue titles from their offices. Although those authorized counties can print a title, they cannot issue a title to the owner until application information has passed computer system checks. These checks confirm vehicle identification number (VIN) information and ensure that the vehicle has not been reported stolen or totaled. If applications do not clear these checks, the county clerk is instructed not to mail the title certificate to the customer. T&R then works with the county clerk to obtain the information necessary to issue the title. If there are no problems, the title can usually be issued within two days. The other 53 county clerks simply send title applications and documentation to T&R in either paper or electronic form for processing and issuance.

Although staff at T&R and the American Association of Motor Vehicle Administrators (AAMVA) reported that there is no industry standard for the length of time it takes to issue titles, T&R management stated that three weeks is "probably a good goal." Staff reported that they receive very few complaints when titles are issued within four weeks. However, a review of a sample of title files shows that T&R did not meet its informal three-week goal in fiscal year 1996, averaging 3.29 weeks from the date of the application to the date the title was issued—up from 2.94 weeks in fiscal year 1995. Within the sample, the time to issue titles in fiscal year 1996 ranged from two days to as long as 101 days.

The review also indicated that in fiscal year 1995, the division took longer than four weeks to issue 27.7 percent of titles and longer than six weeks for 8.5 percent. These percentages increased in fiscal year 1996 when 30.2 percent took longer than four weeks to issue, and 12.6 percent took longer than six weeks.

The increase in the number of days between application and issuance is not, according to the file review, due to delays in receiving work from county clerks but to delays after the department receives the work. The number of days between receipt and issuance increased 2.06 days from fiscal year 1995 to fiscal year 1996, and the number of days between application and issuance increased 2.43 days. Over the same period, the number of days between application and the date the paperwork was received at T&R actually decreased slightly by .16 days.

T&R staff and management attribute many of the delays to missing or incorrect data from county clerks' offices and to problems with the division's computer system. According to management, some of the data contain errors, including incorrect county codes, vehicle identification numbers, and body types. Division staff estimated that examiners spend 80 to 85 percent of their time correcting these errors. However, the division does not track these problems or their causes and could not identify counties which repeatedly submit problematic data. Also, staff must manually key some information into the system because some counties cannot electronically transmit data in a form the department's system can use. Management believes some problems are caused by the 22-year-old computer system (e.g., updates for statutory changes result in other problems). According to management, when a computer problem occurs,

the department's Information Systems Division is often unable to determine the origin or nature of the problem.

Section 55-6-105, *Tennessee Code Annotated*, requires that county clerks submit data and fees within a certain time (five working days if they do not issue titles, ten working days if they do issue titles), but there are no requirements regarding the quality or format of the data submitted. There are also no written agreements, according to division management, between the state and county clerks requiring that the data be submitted in a standard format and be correct. As a result, county clerks may send in work which T&R staff must redo, yet the county clerk is still entitled to the full \$2.50 per title application submitted. (Under Section 55-6-104, *Tennessee Code Annotated*, the clerks' offices receive \$3.00, \$.50 of which must be applied to the contributions the county clerk makes to the Tennessee Consolidated Retirement System.) Therefore, there is no incentive for county clerks' offices to provide quality, standardized data, and no penalty if they do not.

Recommendation

The department should explore ways to improve the timeliness of issuing vehicle titles. Management should track the cause of problems with its computer system, county clerks' computer systems, and human error so that these problems may be handled more readily and avoided in the future. The department may wish to request legislation requiring the submission of data in a standardized format.

Management's Comment

We concur. There has been a considerable backlog of title applications and subsequent delays in issuance for the past several years. This backlog continues to grow annually with the increase in both Tennessee's population and the number of vehicles titled here.

The department and division are continually exploring ways to improve the timeliness of issuing vehicle titles. Problems with the State's motor vehicle computer system are addressed whenever they are recognized. However, the age of the motor vehicle computer system and associated software makes changes difficult, if not risky. Incompatibilities between the State's computer system and the nearly 50 different computer systems in county clerks' offices are also not always resolvable with the technologies currently available to this division.

In the best effort to deal with inadequate resources (technological or human), the division has been partially reorganized to avoid the possible duplication of effort and to place the most capable personnel where they are most needed in reducing the backlog of the oldest title applications. All available overtime money is utilized to reduce the backlog of title applications. Any unnecessary and non-value added activities are being evaluated and eliminated. The steps to processing title applications have been shortened where possible to allow for quicker turnaround while still maintaining the quality and integrity of the title document.

The department and the division are exploring the available alternatives for a motor vehicle computer system that would be used by the state and connected to all county clerks, providing uniform requirements and results for all, eliminating paper handling and processing and ultimately making the turnaround time on most titles one or two days. The latest cost estimate for such computer system is approximately \$20,000,000.

4. The department has not recently assessed the quality of service at driver's license testing stations

Finding

The department has not conducted any recent analysis to assess the quality and timeliness of service provided at the driver's license testing stations. Therefore, the department's ability to identify testing stations where customers experience lengthy delays is limited, and resources may not be allocated according to stations' needs.

The department operates 110 driver's license testing stations across the state that provide the public driver's licenses, commercial driver's licenses, voter registration, and as of October 1, 1996, handgun permits.

The department's internal audit division designed and conducted a survey of customers who had visited a driver's license testing stations between November 19, 1987, and January 13, 1989. Staff selected certain dates within this 14-month period and mailed a survey card to all individuals who renewed their driver's licenses on these dates. However, department staff could not remember the results of the survey or how the results were used to improve services. The department also could not provide auditors a copy of the report on the survey. The department has not conducted another customer service survey since that time.

Individual testing stations also have not assessed service quality. None of the six stations contacted by auditors had recently assessed service quality or monitored waiting times. Only one of the stations provides customers a comment/complaint form. Staff at this station follow up complaints and maintain files of the complaints, but they are not summarized in report form, nor does the central office use the results.

Although the department has no standard or policy regarding average waiting times, department management would like applicants to receive a renewal license within 20 minutes of entering a station. However, management stated that the wait can be up to two hours in stations serving more populated areas. Causes for delays, according to management and testing station staff, include inadequate staffing, equipment problems, and increased services offered, including handgun permits and voter registration.

Recommendation

The department should periodically assess the quality and timeliness of service provided at driver's license testing stations. It should set goals for timeliness and monitor progress toward those goals. The department should require stations to implement a complaint-handling process and report a summary of complaints to the central office. The department should use the results of the assessments and complaint summaries to address problems and identify causes.

Management's Comment

We concur in part. We have not conducted any formal assessments of quality of service at driver license testing stations recently, and will take the steps outlined below to do so. However, we do not concur entirely with the finding because we do have the means in place to assess quality differentials and identify areas needing further resources. For example, our activity reports and work sessions with supervisors led to the recent reconfiguration of stations around Knox and Hamblen Counties.

First, to correct the lack of a formal assessment, we plan to provide both customers and field staff a more readily available means of submitting comments to the administrative office through

- comment cards at all driver license locations,
- mid-monthly surveys of customers by local supervisors (periodic blitzes),
- quarterly mailings of comment cards to randomly selected customers, and
- an employee survey eliciting their assessments and suggestions.

Second, establishing and monitoring goals for timeliness is a little more problematic. To have an accurate means of determining how long the customer waits seems to require either objective observers and/or the "Q-Matic" type of queuing/take-a-number system. In the early 1990's the division developed a "time survey" to record service time at driver license stations, but found that asking staff to do it even for short periods of time during limited days interfered with service too much. We can envision recruiting graduate students, for example, to perform such a survey, but whether this is practical solution, or not, remains unknown. In short, we agree that monitoring service times is important, and will at least commit to exploring non-intrusive ways to accomplish such a goal.

Finally, to enhance the complaint handling process that stations now use, we will explore formats stations may use to more easily and more consistently report to central office the complaints handled locally. Here we are initially envisioning a simple "incident report" which would cover both complaints and compliments.

None of the above can be developed meaningfully without the active participation of our field staff. Thus our first step will be simply the establishment of a Quality Assessment Steering Committee, to be composed of a cross-section of field staff and key central office resource staff.

The Quality Assessment Steering Committee will be established by October 1, 1997, and comment cards will be in place by January 1998. Further steps to be implemented depend on the findings and recommendations of the committee.

We recognize implementation of the above proposals is contingent upon obtaining additional funding and/or the reallocation of limited existing resources.

5. No standardized driving test is used for driver's license applicants

Finding

The department does not use a standardized driving skills test for driver's license applicants. Without a standardized test, the department cannot ensure the consistency and objectivity of tests taken across the state and also may be hindered in determining whether applicants have demonstrated the abilities and knowledge required to be safe drivers.

Driver's license applicants are tested at 110 testing stations and 60 roving sites. Applicants must pass vision and written tests before they can take the driving skills test. Although a standardized driving test is administered to applicants for a commercial driver's license, no such standardized test is given to applicants for a noncommercial license.

The department's policy for testing driving skills requires applicants to demonstrate only one skill—a backing maneuver. The policy does not require other specific driving skills and maneuvers, including left- and right-hand turns, lane changes, signaling, braking, and controlled stops. The skills applicants must demonstrate and the route driven during the test are left to the examiner's discretion, although individual testing stations generally establish one to two routes for examiners to use.

Applicants are not scored for skills demonstrated in the course of the driving test. Rather, they are given a grade of pass or fail. Though skills are not scored, the policy does address actions that result in automatic failure, including violation of traffic laws and causing an accident.

According to the division director, station supervisors are directed through informal policy to ride once a month with license examiners during driving skills testing, and district supervisors are to ride with examiners quarterly to ensure consistency in testing. A standardized driving skills test seems a much better method to ensure that all applicants are evaluated on similar criteria.

Seven of the eight southeastern states contacted use a standardized driving skills test addressing specific skills that applicants must demonstrate. AAMVA (the American Association of Motor Vehicle Administrators), a voluntary, nonprofit association comprised of motor vehicle,

safety, and law enforcement administrators, in conjunction with the U.S. Department of Transportation, is currently developing a model test similar to the commercial driver's license test used by many states, including Tennessee. AAMVA anticipates the test to be ready for release to the states by mid-1997.

AAMVA and the U. S. Department of Transportation recommend the use of a standardized test because it promotes consistent testing and scoring within states and across state lines. Neither has the authority to require the use of the standardized test. Rather, AAMVA plans to promote the use of the new test by providing training for state examiners who administer it.

In 1990, the department implemented the "Tennessee R.O.A.D.S." pilot program, which included a standardized driving skills test at four driver's license testing stations (Jackson, Clarksville, Nashville, and Chattanooga). The test included specific driving skills to be demonstrated and a scoring system for objectively evaluating performance. Although examiners stated that the program was a good method of ensuring applicants had a clear knowledge of driving skills, the program was discontinued in September 1990, two months after it was implemented. The primary reason management and the examiners cited for discontinuance was public complaints about the additional 10 to 15 minutes needed to take the standardized exam. Also, examiners said that it would be difficult to design one standardized test for the state as a whole because of differences in geography, population, and traffic conditions at testing sites.

According to management, the department's Driver's License Issuance division plans to propose the use of a standardized test. However, as of February 1997, no proposal had been formalized.

Examiners expressed confidence that the current system identifies applicants who may lack the necessary driving skills. However, the absence of a standardized driving test can limit the department's ability to ensure that all applicants who receive a Tennessee driver's license have knowledge of the same basic driving skills and that applicants are evaluated objectively.

Recommendation

The department should develop and administer a standardized driving skills test for all driver's license applicants.

Management's Comment

We concur. There is a need for establishment of a more consistent form of administering the driving skills test and revisions to our current policy and procedures.

Under our current policy, the backing maneuver required is a "basic control skill" to help determine if one should proceed with the actual road skills test. The road skills test does include right and left turns, intersections, lane changes, etc. However, driving maneuvers are often

limited by the geographical location of the testing facility. Some of our more rural areas are unable to provide for observance of traffic signals, lane changes, etc.

Our proposed plan of action includes the following:

- Revision of the policy to include more details regarding the driving maneuvers expected to be demonstrated during the actual road skills test.
- Development of a scoring sheet to ensure objective and consistent scoring of the test results.
- Assessment of the feasibility of a road test by appointment system for noncommercial vehicles.

The projected implementation date for the above proposals is July 1, 1998, subject to funding availability.

6. The department has no written policy requiring annual training for the Tennessee Highway Patrol

Finding

The department has no written policy concerning the number of training hours officers of the Tennessee Highway Patrol (THP) must complete annually. As a result, the department may be limited in its ability to ensure that all 625 officers are adequately trained and that they are kept up-to-date on departmental policies and law enforcement procedures.

The Tennessee Highway Patrol strives to ensure that all its officers complete 40 hours of training annually, which (THP personnel stated) is in line with the national norm. (For example, the Tennessee Peace Officer Standards and Training Commission's policy requires 40 hours for city and county officers.) However, the number of training hours required can be constrained by budget, manpower availability, and workload.

According to THP management and staff, all officers completed 40 hours of training in 1995 by attending a week-long training session at the Tennessee Law Enforcement Training Academy. In 1996, sergeants and lieutenants completed 16 hours of supervisor training. However, there were no training requirements for non-supervisors (troopers) because THP was overloaded with work for the Bicentennial Celebration and the Summer Olympics (Ocoee River).

Recommendation

The department should develop a written policy concerning training requirements for the Tennessee Highway Patrol. This policy should specify the number of training hours that must be completed annually.

Management's Comment

We concur. The Department of Safety has no written policy requiring annual training for the Tennessee Highway Patrol. Plans for 32 hours for 1997 and 1998 are well under way at this time for all Tennessee Highway Patrol Lieutenants, Sergeants, and Troopers. Thirty-two hours will be adopted annually with a goal eventually of 40 hours. This is the total amount required by Tennessee Peace Officer Standards and Training Commissions for city and county officers.

See Appendix for the Training Plan.

7. Fees charged for training at the Law Enforcement Training Academy do not cover costs

Finding

The fees charged for training at the Tennessee Law Enforcement Training Academy (LETA) are not sufficient to cover the cost of that training. Section 38-8-203, *Tennessee Code Annotated*, allows the academy to charge reasonable fees to cover training costs. Current academy training fees were established by the Board of Control and became effective July 1, 1988. In 1994, the board was abolished and the Commissioner of Safety was given the authority to set the academy's training fees.

City and county officers pay \$75 dollars per week for training; criminal justice students pay \$100 per week; and state officers pay \$125 per week. The cost per person per week for training at the academy for fiscal year 1996 was \$368. Thus, the state subsidized at least \$293 per week for city and county officers, \$268 for criminal justice students, and \$243 for state officers.

The training fees at the academy will be increased in July 1997, the first increase since 1988. This increase is intended to bring state subsidies back into a reasonable range. City and county officers will pay \$100 per week, criminal justice students will pay \$200 per week, and state officers will pay \$150 per week. Even with the increase, the fees charged will cover less than 50 percent of the full cost of training state and local officers at the academy. (See chart below.)

	Weekly Fees					
	<u>July 1988 to June 1997 Fee</u>	<u>1996 State Subsidy</u>	<u>State Subsidy Percent of Total Cost</u>	<u>July 1997 Fee</u>	<u>1997 Estimated. State Subsidy*</u>	<u>State Subsidy Percent of Total Cost</u>
Local Officers	\$75	\$293	79%	\$100	\$268	73%
CJ Students	\$100	\$268	73%	\$200	\$168	46%
State Officers	\$125	\$243	66%	\$150	\$218	59%

* Estimate assumes that the cost will be the same as 1996.

Recommendation

The academy should periodically assess the actual cost for training and raise fees for city and county officers, criminal justice students, and state officers accordingly. This assessment should be used to ensure that both the fees charged for training and the state funds received to subsidize that training remain within a reasonable range.

Management's Comment

We concur. The academy will annually monitor the cost of training and consider adjusting the fees accordingly. This assessment will be used to ensure that the fees charged and the state funds received to subsidize the training remain within a reasonable range.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified areas in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Department of Safety.

1. The General Assembly may wish to consider amending Section 55-10-108, *Tennessee Code Annotated*, to require law enforcement authorities to submit accident reports within one week as opposed to 24 hours. The department should then monitor the submission times and inform the law enforcement authorities when they violate the law.
2. The General Assembly may wish to consider changing Section 55-10-208, *Tennessee Code Annotated*, to require the statewide use of a uniform traffic citation by all law enforcement agencies to improve the administration of the Driver Improvement Program.

ADMINISTRATIVE

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

1. The Department of Safety should continue to improve the timely processing of accident reports, including establishing goals for time frames for processing reports and posting points to drivers' records. The department should attempt to process accident reports within one month of the accidents.
2. The department should change its policy for its Driver Improvement Program and assess points based on the date of the accident and/or offense, rather than on the date the accident and/or offense was posted to the driver's record.
3. The department should monitor the submission of court conviction abstracts to identify courts that are not routinely submitting court abstracts on time. The department should contact these jurisdictions and encourage prompt submission.
4. The department should explore ways to improve the timeliness of issuing vehicle titles. Management should track the cause of problems with its computer systems so that these problems may be handled more readily and avoided in the future. The department may wish to request legislation requiring the submission of data in a standardized format.

5. The department should periodically assess the quality and timeliness of service provided at driver's license testing stations. It should set goals for timeliness and monitor progress towards those goals. The department should require stations to implement a complaint-handling process and report a summary of complaints to the central office. The department should use the results of the assessments and complaint summaries to address problems and identify causes.
6. The department should develop and administer a standardized driving skills test for all driver's license applicants.
7. The department should develop a written policy concerning training requirements for the Tennessee Highway Patrol. This policy should specify the number of training hours that must be completed annually.
8. The Law Enforcement Training Academy should periodically assess the actual cost for training and raise fees for city and county officers, criminal justice students, and state officers accordingly. This assessment should be used to ensure that both the fees charged for training and the state funds received to subsidize that training remain within a reasonable range.

APPENDIX

Management's Comment to Finding 6

Tennessee Highway Patrol Annual Training Policy

Lieutenants: 32 hours **Sergeants:** 32 hours **Troopers:** 32 hours

Training will include, but not be restricted to, the following:

1. Officer Safety - Dealing with traffic and violator
2. Officer Survival
3. Firing Range
4. Law Up-Dates (Pursuits - shooting and court opinions)
5. Accident Investigation
6. Report Writing
7. Defensive Driving
8. Departmental Policies
9. Performance Evaluation
10. Law Enforcement Procedures

1997: In-Service for all Highway Patrol, Sergeants, and Lieutenants; September and October—32 hours.

1997: In-Service for all Highway Patrol Troopers; November, December, and January 1998—32 hours.

1998 Goal: 32 hours for all Troopers and Supervisors.

These hours are in addition to numerous other training programs such as Radar Instructor, Advance Accident Investigation, Accident Reconstruction, Intoximeter Certification, Level III Inspection, Officer Survival, Criminal Interdiction Training, DUI School, and DUI Instructor Training—along with other specialized schools throughout the year.

Training hours can be constrained by budget, manpower availability, and work load.

Future goal for the Tennessee Highway Patrol: To ensure that each member receives 40 hours of training annually.