

<b>Police Standards and Training Council</b>	
<b>Performance Audit</b>	
<b>February 2019</b>	
<b>August 22, 2019</b>	

Summary of Audit Observations/Findings					
Number	Observation Title	Status [place X in status column]			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
1	Require Psychological and Drug Screenings		X		
2	Improve Application and Certification Forms.	X			
3	Ensure Audits are Periodically Conducted.				X
4	Improve Complaint and Disciplinary Process.		X		
5	Ensure Consistent Management of Instructors.			X	
6	Incorporate Job Task Analysis Into Curriculum Development.	X			
7	Develop Performance Measurement System and Strategic Plan.	X			
8	Improve Process Efficiency.		X		
9	Comprehensive Risk Management Needed.	X			
10	Improve Administrative Rules.		X		
11	Evaluate Efficiency of Internal Maintenance Crew.			X	
12	Define Role in Reviewing County Corrections Academy Curriculum.				X
13	Ensure Proper Authority to Enter Non-Public Session.				X

14	Disclose Financial Interests and Ensure Quorum Requirements are met.				X
15	Formerly Adopt PSTC Recusal Practices.				X
16	Ensure Corrections Advisory Committee Complies with Statute.				X

Observation No.1:       Require Psychological and Drug Screenings.

*Recommendation: We recommend the PSTC ensure all State-employed law enforcement officers are screened as required by law;*

- *Ensure all officers employed by political subdivisions are appropriately screened according to whether the subdivision has funds budgeted for such testing;*
- *Develop rules to describe acceptable psychological and drug screening tests;*
- *Develop methods to ensure local hiring authorities either conducted required testing or demonstrated exemption.*

*The Legislature may wish to consider whether the two different standards for law enforcement officers is acceptable or whether some other resolution is necessary.*

**Current Status: Partially Resolved.**

We are consulting with the Department of Justice regarding requirements for psychological and drug testing and have drafted proposals to amend Pol 301.07 to require all uncertified officers pass psychological screening, and an amendment to Pol 301.04 to require all uncertified officers to pass drug screening.

Observation No. 2:       Improve Application and Certification Forms.

*Recommendations: We recommend PSTC management improve its forms to ensure the application and certification processes are efficient and collect all the required information. The PSTC should ensure all the forms are complete upon receipt and only accept complete and compliant forms.*

**Current Status: Unresolved**

Review of the many application and certification forms is in progress.

Observation No. 3:       Ensure Audits are Periodically Conducted.

*Recommendation: We recommend the PSTC develop policies and procedures defining the PSTC audit function and ensure they are periodically conducted.*

**Current Status: Fully Resolved.**

PSTC has adopted protocol defining circumstances under which council staff will audit law enforcement agencies for compliance with Council Administrative Rules, including audits whenever a new chief law enforcement officer has been appointed or elected; when the council, the director, or the director's

designee, receives information from a source deemed credible, outlining a potential violation of council rules. Three audits have been conducted since May of this year.

Observation No. 4: Improve Complaint and Disciplinary Process.

*We recommend PSTC management improve the complaint and disciplinary processes by:*

- *increasing authority in administrative rule to allow for the disciplining of non-terminated officers and officers found not-guilty of criminal offenses; and*
- *develop mechanisms and procedures to ensure unreported criminal misconduct is addressed.*

**Current Status: Partially Resolved.**

We have attended county police chief's association meetings and reminded agency heads regarding the requirements in administrative rules to report the arrests of officers to the council within 15 days. In addition, we have provided training to members of the NH Law Enforcement Administrative Professionals regarding the PSTC administrative rules. We are reviewing the administrative rules to consider amendments that may be appropriate to address potential discipline of non-terminated officers and officers that have been found not guilty for alleged criminal behavior, when the alleged behavior may have violated council administrative rules.

Observation No. 5: Ensure Consistent Management of Instructors.

*Recommendations: We recommend the PSTC improve policies and practices to ensure the consistent management of instructors by:*

- *developing credential verification and instructor approval processes for non-PSTC instructors with some degree of parity to the treatment of PSTC staff instructors,*
- *setting a minimum level of instructor training required and ensuring those standards are consistently met with written evaluations, and*
- *reducing the level of monitoring activities of non-PSTC instructors after instructional proficiency has been demonstrated and documented by the PSTC.*

**Current Status: Substantially Resolved.**

The PSTC has adopted amendments to our Instructor Certification and Approval protocol to include:

Approval process for non-PSTC instructors;

Defining the minimum level of instructor training and experience required;

The use of written instructor evaluations to ensure delivery of quality instruction.

Reducing the level of monitoring of instructors once instructional proficiency has been demonstrated and documented.

Observation No. 6: Incorporate Job Task Analysis Into Curriculum Development.

*Recommendation: We recommend PSTC seek funding to ensure an updated job task analysis is completed and the results integrated into their curriculum.*

**Current Status: Unresolved.**

Need to seek funding. We have inquired with Systems Design Group, the entity that conducted the last job task analysis for PSTC, and received an unofficial estimate of \$50,000 for a basic JTA. We need to seek funding for a job task analysis as it is not included in the FY20 – FY21 budget request.

Observation No. 7: Develop Performance Measurement System and Strategic Plan.

*Recommendation: We recommend PSTC complete a comprehensive strategic plan which identifies goals and objectives for the PSTC and then design performance measures which can be tracked to determine the organization's achievement of these goals and objectives.*

**Current Status: Unresolved.**

Observation No. 8: Improve Process Efficiency.

*Recommendation(s): We recommend PSTC work with the Department of Information Technology to reengineer its processes for efficiency and identify or develop suitable software to assist PSTC in achieving its primary responsibilities efficiently.*

**Current Status: Partially Resolved.**

We submitted a capital improvement budget request to purchase an up-to-date database system that would be supported by DoIT, to include electronic submission and acceptance of required information and forms, with built-in controls to assure accuracy and completeness. The funding has been approved and we are working with DoIT to draft a Request for Information from potential vendors.

Observation No. 9: Comprehensive Risk Management Needed.

*Recommendation: We recommend the PSTC fully implement a risk management policy which includes a comprehensive written risk assessment.*

**Current Status: Unresolved.**

Observation No. 10: Improve Administrative Rules.

**Recommendations: We recommend the PSTC improve administrative rules by ensuring:**

- rules are consistent with statute,
- updated timely, and
- all forms requiring information from external parties are properly adopted.

**Current Status: Partially Resolved.**

We are reviewing our rules in consideration of the recommendations of this audit. We have drafted an Initial Proposal for amendment to Pol 102.06 to increase the number of council members required to constitute a quorum. We are consulting with the Department of Justice regarding requirements for psychological and drug testing and have drafted proposals to amend Pol 301.07 to require all uncertified officers pass psychological screening, and an amendment to Pol 301.04 to require all uncertified officers to pass drug screening. We are reviewing the administrative rules to consider amendments that may be appropriate to address potential discipline of non-terminated officers and officers that have been found not guilty for alleged criminal behavior, when the alleged behavior may have violated council administrative rules.

Observation No. 11: Evaluate Efficiency of Internal Maintenance Crew.

**Recommendation:** We recommend PSTC management explore opportunities to combine maintenance services with DAS and determine whether to keep its internal maintenance crew independent. Its assessment should be reported to the relevant legislative oversight committees for their review.

**Current Status: Substantially Resolved.**

We met with DAS Bureau of Plant and Property Management officials at PSTC. We toured the facility, and discussed the potential operational advantages of shared services with DAS. After consideration of several aspects of the maintenance function at PSTC, we determined that overall, shared services with DAS would not provide operational advantages to PSTC, and PSTC should keep its internal maintenance crew.

PSTC Plant Engineer viewed a demonstration of the Work Order software system in use by the Bureau of Plant and Property Management. He learned there may be benefits of the system but there is

administrative time involved with initial setup, then about a ½ hour each day to maintain the status of projects.

DAS personal advised that they employ very limited specialized personnel and would be unable to provide shared services to PSTC. DAS did offer assistance and guidance in the event of an emergency.

Shift coverage: The auditors suggest that the larger (DAS) maintenance crew had opportunity to provide shift coverage more easily. DAS maintenance personnel work daytime shifts only, which would not be beneficial to PSTC.

Fleet Maintenance: The auditors note that PSTC maintains an internal garage to perform inspections and minor repairs to vehicles, and suggests that it may be more efficient to send PSTC vehicles to a larger state garage or a private vender. PSTC currently sends vehicles to private vendors for inspections and major repairs. Our mechanic performs basic and minor repair work. Most vehicles in the fleet are used as emergency driver training vehicles. The driving course includes intensive emergency driver training on an 800 foot driving pad involving quick starts and stops, tight corners with rapid acceleration and hard braking. The nature of the course results in extreme tire and brake wear. The driving course is conducted for two solid weeks during three full time police academies and on weekends during two part time academies each year. An on-site mechanic is important to reduce interruption to the program. Outsourcing vehicle maintenance while the driving course is in session is not feasible.

Observation No. 12: Define Role in Reviewing County Corrections Academy Curriculum.

*Recommendations: We recommend the PSTC adopt rules defining the approval and oversight of the county corrections academy curriculum, including: the frequency and scope of review, and the degree of autonomy delegated to the NHAC to implement an approved curriculum.*

**Current Status: Fully Resolved.**

The PSTC has adopted protocol for consistent annual review of the County Corrections Academy curriculum and allows that the NHAC may make non-consequential modifications to the Council approved curriculum, including modifications to the order courses are presented, and minor changes in the length of specific courses, without prior Council approval.

Observation No. 13: Ensure Proper Authority to Enter Non-Public Session.

*Recommendations: We recommend PSTC management work with DOJ to develop policies and procedures to ensure proper authority is cited when entering into non-public session for the frequent scenarios before the PSTC.*

*The Legislature may wish to clarify whether exemption from a public setting under RSA 91-A:3, II(a) is for the protection of any public employee before any public body or whether an employer-employee relationship is required.*

**Current Status: Fully Resolved.**

The PSTC has reviewed and updated their Non-Public Session Worksheet which serves as a guide for members to assure proper authority is cited when entering into non-public sessions. Council staff and the DOJ have reviewed minutes of all non-public sessions entered into during the audit period to assure proper authority is cited. The DOJ review found that none of the non-public sessions were entered contrary to law.

Observation No. 14: Disclose Financial Interests and Ensure Quorum Requirements are met.

*We recommend the PSTC management:*

- *develop policy and procedures to ensure compliance with the financial disclosure statute and periodically review members' compliance; and*
- *only eligible members conduct PSTC business.*

*We also suggest the Legislature consider clarifying RSA 15-A:6 regarding whether failure to file annual financial disclosures should prohibit public officials from serving in their appointed capacity.*

**Current Status: Fully Resolved.**

Council members have been reminded of their obligation to file the disclosures in a timely manner. Each December, members will be provided with a financial disclosure form for the following year and reminded of the deadline. Members will not be allowed to vote on any council action unless they have filed the disclosure. Council staff will review the Secretary of State web site to verify that disclosures have been filed and will advise the Council Chair of any delinquent filing. Also, the non-State employee member of the Corrections Advisory Committee has been informed of his obligation to file a Financial Disclosure Form and he has filed the form with the Secretary of State.

Observation No. 15: Formerly Adopt PSTC Recusal Practices.

*Recommendation: We recommend PSTC adopt formal recusal practices in policy by defining potential conflicts of interest for PSTC members and determining when a recusal from the meeting or abstention from voting is the appropriate remedy to avoid a potential conflict.*

**Current Status: Fully Resolved.**

PSTC has consulted with the DOJ and has adapted a recusal protocol to include a recusal guide available to members during Council meetings.

Observation No. 16: Ensure Corrections Advisory Committee Complies with Statute.



*Recommendation: Develop policies and procedures to ensure the Corrections Advisory Committee consistently complies with statute and continues its efforts to utilize the Committee.*

**Current Status: Fully Resolved.**

The committee membership has been updated and includes only individuals authorized by statute.

The PSTC has adopted protocol governing committee membership and practice, consistent with statute.