

STATE OF NORTH CAROLINA

OFFICE OF THE STATE AUDITOR
BETH A. WOOD, CPA



NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY STATE HIGHWAY PATROL

RALEIGH, NORTH CAROLINA

INVESTIGATIVE REPORT
SEPTEMBER 2016



NC OSA
The Taxpayers' Watchdog

EXECUTIVE SUMMARY

PURPOSE

The Office of the State Auditor received an allegation through its Hotline concerning a State Highway Patrol officer commuting from his home in Elizabethtown to his office in Raleigh.

BACKGROUND

The State Highway Patrol is administratively located within the North Carolina Department of Public Safety. The State Highway Patrol employs approximately 1,600 troopers that patrol more than 78,000 miles of roadways in North Carolina.

KEY FINDING

- Approximately \$9,400 inappropriately spent in unauthorized commuting

KEY RECOMMENDATIONS

- Management should enforce the residence policy and/or re-write the policy to add exceptions for certain administrative positions.
- Management should consider disciplinary action against the First Sergeant for knowingly violating policy and the Lieutenant for not adequately enforcing policy.
- Management should consider obtaining reimbursement from the First Sergeant for the \$9,444.95 inappropriately spent by commuting from/to Elizabethtown.
- Management should consider placing GPS devices on all State Highway Patrol vehicles to monitor proper vehicle usage.



Beth A. Wood, CPA
State Auditor

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AUDITOR'S TRANSMITTAL

The Honorable Pat McCrory, Governor
Members of the North Carolina General Assembly
Frank L. Perry, Secretary, Department of Public Safety
Colonel William J. Grey, Commander, State Highway Patrol

Ladies and Gentlemen:

Pursuant to *North Carolina General Statute §147-64.6(c)(16)*, we have completed an investigation of allegations concerning the North Carolina Department of Public Safety, State Highway Patrol. The results of our investigation, along with recommendations for corrective action, are contained in this report.

Copies of this report have been provided to the Governor, the Attorney General and other appropriate officials in accordance with *G.S. §147-64.6(c)(12)*. We appreciate the cooperation received from the management and employees of the Department of Public Safety during our investigation.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Beth A. Wood'.

Beth A. Wood, CPA
State Auditor



Beth A. Wood, CPA
State Auditor

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BACKGROUND

The Office of the State Auditor received an allegation through its Hotline concerning a State Highway Patrol officer commuting from his home in Elizabethtown to his office in Raleigh.

Our investigation of this allegation included the following procedures:

- Review of applicable State Highway Patrol policies and procedures
- Interviews with employees of the State Highway Patrol
- Examination and analysis of available documents and records related to the allegation

The North Carolina Department of Public Safety (Department) is charged with reducing crime and enhancing public safety for North Carolinians. The Department has over 26,000 sworn law enforcement and civilian employees, along with 11,000 North Carolina National Guard soldiers.

The North Carolina State Highway Patrol is administratively located within the Department. The State Highway Patrol employs approximately 1,600 troopers that patrol more than 78,000 miles of roadways in North Carolina.

This report presents the results of our investigation. The investigation was conducted pursuant to *North Carolina General Statute § 147-64.6 (c) (16)*.



FINDING AND RECOMMENDATIONS

APPROXIMATELY \$9,400 INAPPROPRIATELY SPENT IN UNAUTHORIZED COMMUTING

An administrative First Sergeant in the State Highway Patrol's Inspections and Compliance Unit violated agency policy by living in Elizabethtown and commuting to his duty station in downtown Raleigh without proper authorization. As a result, the First Sergeant unnecessarily incurred more than \$9,400 in excess fuel and maintenance costs due to the excess mileage.

Unauthorized Commuting

The First Sergeant commuted in his State Highway Patrol vehicle between 86 and 89 miles one-way from Elizabethtown to his Raleigh duty station. He drove the excess distance on an almost daily basis from January 2015 through December 2015.

The First Sergeant completed and submitted a "*Request to Reside Outside County of Assigned Duty Station*" form when he was transferred to the Raleigh duty station (Archdale Building downtown) in July 2014. On that form, he listed an address for a house he rented in Johnston County. That request was appropriately approved in accordance with the State Highway Patrol's procedures.

However, the First Sergeant admitted to living in Elizabethtown and told investigators, "The majority of the time I do that." The First Sergeant said that he stays at his ex-wife's house in Wake County sometimes when their children have activities such as soccer games.

Analysis of the First Sergeant's fuel and maintenance logs provided evidence that he regularly commuted between Elizabethtown and Raleigh including:

- The First Sergeant recorded 18 instances of re-fueling and/or having maintenance performed on his vehicle in Elizabethtown during 2015.
- The First Sergeant traveled 34,282 miles from January 2015 through December 2015. Mileage between the approved Johnston County house and his duty station would only account for 17,856 miles during that period.

Increased Costs to the State

The First Sergeant unnecessarily increased commuting miles on his State Highway Patrol vehicle. The exceptionally high commuting mileage ultimately resulted in higher fuel and maintenance costs and reduced the vehicle's useful life.

By commuting from Elizabethtown¹ rather than his approved residence in Johnston County, the First Sergeant drove an additional 16,426 miles during 2015. Using the Internal Revenue Service mileage rate,² the First Sergeant inappropriately spent \$9,444.95 by commuting from an unauthorized residence.

The First Sergeant filled an administrative position responsible for inspections and compliance for State Highway Patrol units across the state. His duties include ensuring that

¹ During the investigation, management re-assigned the First Sergeant to a State Highway Patrol unit office in Elizabethtown.

² Effective January 1, 2015, the Internal Revenue Service mileage rate became 57.5 cents per mile. That rate takes into consideration fuel, maintenance, and depreciation costs of a vehicle.

State Highway Patrol officers follow the rules. However, by knowingly misrepresenting his residence, the First Sergeant failed to comply with State Highway Patrol rules and policies.

Failure to Disclose Actual Residence

The First Sergeant intentionally failed to disclose that he lived in Elizabethtown. Although the First Sergeant submitted a “*Request to Reside Outside County of Assigned Duty Station*” form in July 2014 for his address in Johnston County, he did not submit a form in January 2015 for his address in Elizabethtown as required despite knowledge of that policy.

The First Sergeant admitted that he did not get the residence in Elizabethtown approved by his supervisor. When asked if he knew the State Highway Patrol’s residence policy, he said, “Oh, absolutely.” He said, “It’s one of those things that if I ask you about it, you’re going to tell me ‘no,’...but it’s not checked into.”

In addition, the Lieutenant (the First Sergeant’s supervisor) did not verify the First Sergeant’s address when the Lieutenant first became aware of the First Sergeant’s commuting. The Lieutenant admitted knowing that the First Sergeant violated policy by commuting from Elizabethtown. The Lieutenant said, “I knew that he was going back and forth from time to time....”

Highway Patrol Residence Policy

According to the State Highway Patrol policy, *Assignments, Transfers, Retirements, Resignations, and Residence Requirements*, “Members shall reside within North Carolina and **in the county of their assigned duty station or reside in an approved location within twenty (20) miles from the county line of their assigned duty station.**” [emphasis added] The policy also states, “...members wishing to reside outside their county of assignment must submit an HP-740 (*Request to Reside Outside County of Assigned Duty Station*)...”

RECOMMENDATIONS

- Management should enforce the residence policy and/or re-write the policy to add exceptions for certain administrative positions.
- Management should consider disciplinary action against the First Sergeant for knowingly violating policy and the Lieutenant for not adequately enforcing policy.
- Management should consider obtaining reimbursement from the First Sergeant for the \$9,444.95 inappropriately spent by commuting from/to Elizabethtown.
- Management should consider placing GPS devices on all State Highway Patrol vehicles to monitor proper vehicle usage.



RESPONSE FROM THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY



Pat McCrory, Governor

Frank L. Perry, Secretary

August 26, 2016

Beth A. Wood, CPA
State Auditor
20601 Mail Service Center
Raleigh, North Carolina 27699-0600

RE: Unauthorized Commuting in State Vehicle by Member of the State Highway Patrol

Dear Ms. Wood:

The Department of Public Safety and the State Highway Patrol appreciate your bringing this important matter to our attention. I have reviewed the factual allegations and recommendations as set out in your investigative report. Having done so, I am directing that the Highway Patrol take the following corrective action:

- Conduct an internal investigation on the affected employee(s) and take appropriate disciplinary action to include consideration of seeking any reimbursement that may be due to the state by the employee in question.
- Conduct a cost and feasibility study on the use of Global Positioning System technology on State Highway Patrol vehicles for the purposes of both tracking proper vehicle usage and maximizing officer safety for our uniformed members.
- Ensure Highway Patrol members are in compliance with current residency policy.
- Ensure current Highway Patrol policy provides both the accountability to the taxpayers as well as meeting the long term mission of our agency. To meet these goals, the Highway Patrol will conduct research and benchmark the residency policies of other North Carolina agencies as well as other state law enforcement agencies in the region.

Sincerely,

Frank L. Perry
Secretary

cc: Colonel William Grey

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For additional information contact:
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This investigation required 170 hours at an approximate cost of \$16,070