

OVERVIEW

Audit of the Department of Public Safety, Sheriff Division

Report No. 10-06, June 2010

Summary

This is the first audit of the Department of Public Safety, Sheriff Division, by the Office of the Auditor. The audit was requested by the 2009 Legislature in Act 162 and House Concurrent Resolution No. 92, House Draft 1.

Our audit of the Sheriff Division began by focusing on the warrant process and examining the perception that a backlog of more than 50,000 outstanding traffic warrants represented a potential \$20 million in lost revenue to the State. Once fieldwork commenced, however, we found that the multi-million dollar figure associated with unserved traffic warrants was inflated and should be reduced by half. The perceived millions in lost revenue were a misconception as the amount of bail associated with unserved warrants does not equal the money ultimately collected from fines and fees associated with the service of those warrants. For example, in August 2009, deputy sheriffs served and arrested an individual with four outstanding warrants that totaled \$20,250. However, the defendant was unable to post bail or pay the fines assessed by the court and was ordered to perform community service and serve time in jail instead. In this case, despite the existence of the warrants, no money was ever collected on them. However, the backlog of warrants was a red flag that drew our attention to more pressing problems within the Sheriff Division as a whole.

The State Constitution gives the responsibility and power to the State to provide for the safety of its citizens from crimes against persons and property. State law tasks the Department of Public Safety with the responsibility of formulating and implementing state goals and objectives for law enforcement programs. However, our audit found that since the creation of the department in 1989, the Sheriff Division, saddled with an ill-defined role and a lack of mission clarity, has struggled to uphold its expanded law enforcement duties and responsibilities. As the State's law enforcement needs have expanded, confusion over the extent of the State's law enforcement responsibilities has grown. This confusion and uncertainty is the result of vague constitutional language, a broad interpretation of statutory authority, and the consolidation of functions previously deemed incompatible. As a result, the law enforcement responsibilities of the Sheriff Division have expanded beyond the service of process and the security of state buildings to now include drug enforcement, illegal immigration, homeland security, fugitive arrests, criminal investigations, eviction proceedings, and traffic enforcement.

The Sheriff Division is further hampered by ineffective leadership that has resulted in a law enforcement agency that lacks guidance and direction. Since the inception of the Department of Public Safety, a state law enforcement program or strategic plan defining the Sheriff Division's mission and setting boundaries based upon



its capabilities has never been fully developed. Inadequate law enforcement training, issues pertaining to equipment, and an absence of procedures related to the staffing and service of the courts have raised questions regarding the safety of the public, the courts, and the deputy sheriffs themselves. For example, the department began issuing ballistic protective vests to deputy sheriffs in 2004. Based upon the five-year manufacturer's warranty, 69 of the vests needed to be replaced at the end of 2009. Of this number, ten vests had already expired as of May 2009. As of March 2010, none of the 69 vests has been replaced.

In addition, PSD acknowledged that there are not enough deputy sheriffs to carry out its functions at many of the courts. Lacking a formal agreement with the courts, the Sheriff Division is without staffing standards for the safety of the deputy sheriffs, the custodies, and court personnel.

Recommendations and Response

We recommend that the Department of Public Safety perform a risk assessment of each section of the Sheriff Division in the course of developing a comprehensive strategic plan for the division that, at a minimum, meets the requirements of Act 100, SLH 1999. The department should also consider proposing statutory amendments to align with the division's duties and functions as indicated by the risk assessment. We also suggest that the department pursue accreditation for the Sheriff Division from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), to ensure that proper law enforcement policies and procedures are enacted and followed.

In its response, the department noted that it would address and/or implement solutions to some of the specific problem areas noted, acknowledging that some deficiencies are of long standing. The department indicated that it had concerns regarding the presentation of the findings; however, it did not provide any details to dispute our findings.

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