

STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS (GOHSEP) AND THE LOUISIANA STATE POLICE (LSP)

Date Released:

June 4, 2008

File No. 1-08-0011

Table of Contents

Letter to the Governor

Executive Summary..... 1

Background..... 2

Scope and Methodology..... 2

Findings, Conclusions, and Recommendations

 Finding # 1 Special Officer’s Commissions..... 3

 Finding # 2 Wearing Handgun Into GOHSEP’s Offices..... 4

 Finding # 3 Badges Obtained From LSP..... 5

 Finding # 4 Commuting In Agency Vehicles..... 6

Appendix A – Responses



BOBBY JINDAL
GOVERNOR

STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

May 1, 2008

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Case No. 1-08-0011

Dear Governor Jindal:

This report addresses concerns raised about the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Louisiana State Police (LSP). The report includes six recommendations that if implemented would improve the operations of the agencies. It should be noted that the activities described in this draft report occurred prior to your administration.

We provided drafts of the report to GOHSEP Director Mark Cooper and LSP Superintendent Michael Edmonson. Their written responses are included as Appendix A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written over the typed name and title.

Stephen B. Street, Jr.
State Inspector General

SBS/dm
Enclosure

Executive Summary

The Office of State Inspector General received information alleging improper actions by employees in the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP). The allegations were as follows:

1. Some GOHSEP employees have been commissioned as special officers through the Louisiana State Police (LSP) and possibly have not received proper training in the use of a firearm.
2. Steve Wilson, Assistant Deputy Director of Homeland Security, commissioned as a special officer, wears his handgun at work.
3. Mr. Wilson ordered LSP badges for the commissioned employees costing approximately \$2,000.
4. Several executives of GOHSEP commute to and from home daily in agency vehicles without proper approval.
5. GOHSEP did not include the value of the use of the vehicles (\$750 per year) on any of the employees W-2's for tax years 2006 and 2007. The additional taxable income was not included in most of the W-2's because the executives were commissioned as special officers through the Louisiana State Police (LSP).

The objective of our investigation was to determine if the alleged actions occurred, and if so, did they violate any state law, rule, and/or regulation.

Our investigation revealed that in 2006, eight (8) GOHSEP employees applied for and were granted commissions as special officers under the authority granted to the Superintendent of the LSP in LSA R.S. 40:1379.1. All the commissioned GOHSEP employees had received weapons training through the military and/or law enforcement academies. When Mr. Wilson received his commission, he did carry his weapon into the GOHSEP offices on at least a couple of occasions. This issue was addressed by GOHSEP management at that time and resolved.

In 2007, GOHSEP obtained badges, similar to LSP badges, from the LSP for the GOHSEP commissioned employees at a cost of \$1,844.50. By allowing its employees to wear the badges, GOHSEP violated LSA R.S. 40:1376. By providing, furnishing, and selling the badges to GOHSEP, LSP also violated LSA R.S. 40:1376.

The GOHSEP employees commuting in agency vehicles have obtained approval from the Louisiana Property Assistance Agency (LPAA) for home storage of agency vehicles. However, the taxable value of the use of the vehicles was not included in the employees W-2's for tax years 2006 and 2007, as required by federal tax laws.

Background

The Governor's Office of Homeland Security and Emergency Preparedness' responsibilities include, but are not limited to, managing federal disaster declarations and coordinating state disaster declarations. Over the years, the mission has evolved to include the spectrum of natural, man-made disasters, and as of 2003, the duties and responsibilities for supporting Louisiana's Homeland Security needs. Governor Bobby Jindal appointed Mark A. Cooper as Director of the agency in January 2008. Mr. Cooper replaced former Acting Director Jeff Smith.

The GOHSEP consists of the following sections:

- Disaster Recovery
- Executive
- Information Technology
- Operations
- Preparedness
- Support Services
- Regional Support

The Louisiana State Police (LSP) is a statutorily mandated, statewide law enforcement agency. The LSP was created in 1936. The LSP emerged from a highway commission in 1922 with a force of 16 men patrolling the highways on motorcycles to its current status of a state police force of 1,022 men and women responsible for all elements of criminal and highway safety interdiction in the state.

In January 2008, Governor Jindal appointed Colonel Mike Edmonson as Superintendent of State Police. Colonel Edmonson replaced Colonel Stanley Griffin as Superintendent who was appointed by Governor Blanco after Colonel Henry Whitehorn retired in July 2007.

We appreciate the full cooperation provided by GOHSEP Director Mark Cooper and LSP Superintendent Mike Edmonson during this investigation. Their actions were a clear indication of their desire to help Louisiana achieve national respectability and an atmosphere free of corruption.

Scope and Methodology

We conducted our audit in accordance with Principles and Standards for Offices of Inspector General as promulgated by the Association of Inspectors General.

The scope of our investigation centered on the specific allegations received by the OIG.

Our investigation included the review of state laws, rules, and regulations, and the review of GOHSEP, LSP, and LPAA records. Interviews were also conducted with employees of each agency.

Special Officer's Commissions

In 2006, eight GOHSEP employees applied for and were granted commissions as special officers under the authority granted to the Superintendent of the LSP in LSA R.S. 40:1379.1. All the commissioned GOHSEP employees have received weapons training through the military and/or law enforcement academies.

LSA R.S. 40:1379.1 authorizes the Superintendent of State Police to issue, at his discretion, a special officer's commission. Any person who receives a special officer's commission must display need for statewide police power and power to arrest and must be bonded. The special officer commission gives individuals the same powers and duties as a peace officer. Special officer's commissions are valid only when performing the tasks requiring the special officer's commission. When not performing these tasks directly related to the special officer's commission, the individual shall be regarded as a private citizen and his commission shall not be in effect.

LSP records show that GOHSEP currently has seven employees commissioned as special officers. Former GOHSEP Director Jeff Smith was also commissioned while he served as acting director. In August 2006, Mr. Smith made a written request for special officer's commissions to Colonel Henry L. Whitehorn, Superintendent of State Police at the time. The letter states that key decision-makers in GOHSEP need assurance of unfettered access to the scene of any natural or man-made disaster. These GOHSEP employees then submitted applications for special officer's commissions to the LSP. According to Lt. Charron Leachman, the Lieutenant in charge of the Concealed Handgun Permit Section at the time, the applications were reviewed by her office and approved by Colonel Whitehorn. Lt. Leachman stated the applicants met the firearm's training requirement through their military background and/or separate weapons' training. She stated the commissions are only valid for GOHSEP employees during the time they are on site in emergency/disaster locations.

Conclusion:

1. Louisiana law gives the Superintendent of State Police the authority to issue, at his discretion, special officer's commissions from the LSP. The GOHSEP employees' applications for special officer's commissions were reviewed by LSP which concluded the applicants met the training and need requirements.

Recommendation:

1. GOHSEP Director Mark Cooper should evaluate the need for special officer's commissions on a case by case basis. If he determines the need for the commissions truly exists, each individual retaining a special officer's commission should be educated in the stipulated restrictions associated with the commission.

Wearing Handgun Into GOHSEP's Offices

In 2006, having been commissioned as a special officer by the LSP, Steve Wilson, Assistant Deputy Director of Homeland Security, began wearing his handgun into GOHSEP's offices. Mr. Wilson acknowledged he wore the weapon into the offices on a couple of occasions.

The approval of the special officer's commissions for GOHSEP employees was based on GOHSEP's need to have unrestricted access to areas affected by emergencies and/or disasters. Based on the restrictions outlined in the statute and GOHSEP's need for the special officer's commissions, the special officer's commissions held by GOHSEP employees are only valid during the time the individual is working in the field during an emergency and/or disaster. Therefore, at the time Mr. Wilson wore his weapon into GOHSEP's offices, his special officer's commission was not valid and did not give him authority to carry the weapon into the offices.

Mr. Wilson stated he believed his special officer's commission authorized him to carry a concealed weapon at all times.

According to GOHSEP Deputy Director Fred Palmer, shortly after GOHSEP employees received special officer's commissions, he witnessed Mr. Wilson wearing the weapon into the GOHSEP offices. Mr. Palmer stated he met with Mr. Wilson and directed him to leave the weapon in his vehicle. Mr. Palmer stated he has not witnessed Mr. Wilson wearing the weapon since that time.

Mr. Wilson stated he did not recall being instructed to cease bringing the weapon into the GOHSEP offices. He stated he stopped bringing it into the offices because he realized he did not need it.

Conclusions

2. In 2006, Mr. Wilson did wear his handgun into GOHSEP's offices on at least a couple of occasions. At the time he wore the handgun into the offices, his special officer's commission was not valid, and, therefore, the commission did not authorize him to commit the act. However, since GOHSEP had no written policy prohibiting the carrying of a weapon into the offices and it was not established that Mr. Wilson wore the handgun concealed, no law, rule, or regulation was violated.

3. The issue of Mr. Wilson wearing his handgun into GOHSEP's offices was addressed by GOHSEP management at the time, and there is no indication that Mr. Wilson continued to wear the handgun into the offices.
4. Mr. Wilson does not fully understand the restrictive stipulations set forth in the special officer's commission, specifically as they pertain to when the commission is valid.

Recommendation:

2. GOHSEP should establish written policy regarding the carrying of firearms in GOHSEP offices.

Badges Obtained From LSP

In May 2007, GOHSEP obtained badges, costing \$1,844.50, from LSP for its employees who had been granted special officer's commissions. The badges, similar in appearance to LSP badges, were ordered by LSP and sold to GOHSEP. The actions by GOHSEP and LSP violated LSA R.S. 40:1376.

LSA R.S. 40:1376 (F) states that, "No department, office, or agency of the state or of any municipality, parish, or other political subdivision of the state charged with law enforcement or the apprehension of violators of any state laws or any municipal or parochial ordinances shall provide, furnish, sell, or permit its employees to wear a badge of the same design or markings as that worn by a law enforcement officer employed by the Department of Public Safety and Corrections,... or which is so similar in appearance as to confuse, tend to confuse, or not be clearly distinguishable from the badge used and worn by such officer or employee."

Although the invoice from LSP, dated May 15, 2007, to GOHSEP for the badges contains the approving signature of Lt. Colonel Stanley Griffin, he states that Colonel Henry Whitehorn, Superintendent of State Police at the time, approved the badges for GOHSEP. Lt. Colonel Griffin stated he did not become aware that GOHSEP had requested the badges until Kelli Smith, LSP Administrative Program Specialist, advised him of such in early 2007. He said he was not even aware at that time that some GOHSEP employees had been granted special officer's commissions. He said he did not feel GOHSEP should have the badges so he met with Colonel Whitehorn to discuss the matter. Lt. Colonel Griffin said that during this meeting, Colonel Whitehorn verbally approved the badges for GOHSEP. Lt. Colonel Griffin said he then directed Christina Dayries, Executive Management Officer in the Chief of Staff's Office, to advise Ms. Smith to proceed with the order.

According to Colonel Whitehorn, he approved the special officer's commissions for the GOHSEP employees but does not recall discussing the issue of GOHSEP receiving badges. He stated he would have been reluctant to approve badges for GOHSEP. Colonel Whitehorn did concede that Lt. Colonel Griffin's recollection of the events is probably more accurate than his.

Conclusions:

5. By allowing employees to wear badges similar in appearance to those worn by LSP officers, GOHSEP is in violation of LSA R.S. 40: 1376 (F).
6. By providing, furnishing and selling badges to GOHSEP that are similar in appearance to those worn by LSP officers, LSP violated LSA R.S. 40:1376 (F).

Recommendations:

3. GOHSEP Director Mark Cooper should prohibit its employees from wearing the badges obtained from LSP. Mr. Cooper should take possession of the badges and store them in a secure location.
4. LSP Superintendent Mike Edmonson should take steps to ensure LSP does not provide, furnish, or sell badges similar to those worn by LSP officers which would violate Louisiana law.

Commuting In Agency Vehicles

GOHSEP records indicate that during 2006, five employees were approved for home storage of an agency vehicle. During 2007, eleven employees were approved. Home storage approval authorizes an employee to commute daily in an agency vehicle. With few exceptions, federal tax law requires that the value (\$750 per year) of this fringe benefit be included as taxable income on employees' W-2's. For tax years 2006 and 2007, GOHSEP did not report the taxable income on employees' W-2's.

According to Beth Sigler, GOHSEP Assistant Deputy Director over Administration & Finance, in early 2007, she advised GOHSEP administration that since the value of the fringe benefit had not been included in W-2's for tax year 2006, W-2 C's (corrected W-2's) needed to be issued. Ms. Sigler stated that Jeff Smith, GOHSEP Acting Director at the time, questioned the requirement that the value be reported as income because of his belief that the GOHSEP employees were exempt because they were first responders and that some of the employees were commissioned as special officers. Ms. Sigler stated she consulted with the Division of Administration's Office of Statewide Reporting & Accounting Policy (OSRAP) and they confirmed the fringe benefit was taxable. She said she advised Mr. Smith and he said he was going to have Deputy Director Fred

Palmer research the matter. Ms. Smith stated she never heard back from Mr. Smith so she did not report the fringe benefit as income for tax years 2006 and 2007.

According to Mr. Palmer, Mr. Smith asked him to research the tax laws to see if they were exempt from the taxes on the fringe benefit. Mr. Palmer stated he determined through his research that there were no exemptions that applied to them and he advised Mr. Smith of his determination in writing. Mr. Palmer stated that was the last he heard regarding the issue.

Conclusion:

7. GOHSEP did not include the value of commuting in an agency vehicle as taxable income in employees W-2's for tax years 2006 and 2007.

Recommendations:

5. GOHSEP should immediately issue W-2 C's to employees who were approved for home storage of an agency vehicle during tax years 2006 and 2007.
6. GOHSEP should take steps to ensure that the proper taxes are withheld throughout the current year for employees who have approval for home storage of an agency vehicle. GOHSEP should also submit the required reports to OSRAP associated with fringe benefits.

APPENDIX A

Responses



State of Louisiana

BOBBY JINDAL
GOVERNOR

GOVERNOR'S OFFICE OF HOMELAND SECURITY
AND
EMERGENCY PREPAREDNESS

MARK A. COOPER
DIRECTOR

April 25, 2008

Mr. Stephen B. Street, Jr.
State Inspector General
P.O. Box 94095
Baton Rouge, LA 70804-9095

Dear Stephen:

We are in receipt of your letter dated April 10, 2008 which included a draft audit report relating to State Inspector General's case number 1080011. The Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) has reviewed the draft and would like to provide the following statements.

Special Officer's Commissions: GOHSEP has reviewed the report and concurs with the findings of the State Inspector General in reference to Special Officer's Commissions. GOHSEP does agree with the Inspector General- "Special Officer's Commissions are only valid when performing the tasks directly related to the special commission. At all other times the individual holding the special commission is considered and treated as a private citizen."

Action being taken: I will evaluate the need for Special Officer's Commission on a case by case basis. If he determines that a member of the staff needs a Special Officer's Commission, he will advise the State Police Commander that he is requesting a Special Officer's Commission for the particular staff member. The Director will insure the person receiving the Special Officer's Commission is educated in the purpose, use and restrictions that are associated with the commission.

Badges Obtained from LSP: GOHSEP agrees with the conclusion as stated in relation to LSA R.S.40: 1376 (F). GOHSEP has been made aware of the LSA R.S. 40:1376 (F) as stated above. The second part of which indicates the wearing of a badge similar to LSP is not accepted.

Action being taken: I have received Mr. Wilson's badge and commission and have both items secured. I have also instructed each of the other persons with special Officers Commissions not to exercise or use them unless he receives concurrence from the Louisiana State Police Deputy Secretary, Colonel Mike Edmondson. There is a need for Special Officers Commissions and the need for an official badge representing the individual as a GOHSEP official and not having the appearance of a Louisiana State Police badge.

GOHSEP did not include the value of commuting as taxable income in 2006 and 2007:

GOHSEP concurs on the 2006 statement. The internal audit division did make note to the accounting division the need to provide W-2 correction forms to each of the individuals who had commuting value from the benefit of a state take home vehicle. These forms were issued in a timely manner for tax year 2007.

Action being taken: The accounting division of GOHSEP will issue the state generated W-2 forms with the benefit included as a part of GOHSEP's standard procedure. I am reviewing the 2006 forms issue to see if the issuance of the corrected Forms would be a wise use of tax payer dollars. The amount that would be added to each of the employees with take home commuting privileges may not be adequate to support the cost of preparing amended tax returns. GOHSEP does agree that the amount for commuting value should be added to each employee W-2.

GOHSEP wants to thank you and your staff for the courteous and professional manner in which this investigation was conducted. If we can be of further assistance please feel free to call me at (225) 925-7345.

Sincerely,



for Mark Cooper

BOBBY JINDAL
GOVERNOR



MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

April 14, 2008
0155/2220/SG/0188
HQ-1-0188

Mr. Stephen B. Street, Jr.
State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

Re: Case Number 1080011

Dear Mr. Street:

I am in receipt of your correspondence, dated April 10, 2008, regarding your agency's inquiry of Louisiana State Police (LSP) purchasing breastplate badges for the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP). As mentioned in your correspondence, the purchase conflicts with LSA R.S. 40:1376 (F), due to the similarity in appearance to LSP breastplate badges.

I appreciate you graciously affording LSP the opportunity to review and respond to the Inspector General (IG)'s drafted audit findings before filing the final report. I acknowledge that Lieutenant Colonel Stanley Griffin, then Chief of Staff, authorized the purchase of the breastplate badges on the verbal approval from then Colonel Henry L. Whitehorn. I can only assume that LSP granted GOHSEP's petition in the spirit of cooperation between two sister agencies. LSP's action was not a purposeful infringement of LSA R.S. 40:1376 (F).

Since the IG's audit, I have instructed LSP supply personnel to adhere strictly to the provisions of all applicable laws and procurement regulations when processing requests from outside agencies. In addition, appropriate senior staff must sanction agencies' requests before processing.

On behalf of LSP, I appreciate the IG's pursuits in ensuring that agencies perform their public services with forthrightness and within the appropriate guidelines. I can assure you that LSP is committed to excellence and integrity in every aspect of performance. Please do not hesitate to contact me should you require additional information or communication regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Edmonson".

Colonel Michael D. Edmonson
Louisiana State Police

MDE/SG/lcb

COURTESY • LOYALTY • SERVICE
"An Equal Opportunity Employer"

P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Twenty-seven copies of this public document were published in this first printing at a cost of \$ 117.01. The total cost of all printings of this document, including reprints is \$ 117.01. This document was published by the Office of State Inspector General, State of Louisiana, Post Office Box 94095, 150 Third Street, Third Floor, Baton Rouge, LA 70804-9095 to report its findings under authority of LSA-R.S. 39:7-8. This material was printed in accordance with the standards for printing by state agencies established pursuant to LSA - R.S. 43:31.

A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at www.doa.louisiana.gov/oig/inspector.htm. Reference should be made to Case No. 1-08-0011. If you need any assistance relative to this report, please contact Bruce J. Janet, CPA, State Audit Director at (225) 342-4262.

REPORT FRAUD, WASTE, AND ABUSE

To report alleged fraud, waste, abuse, or mismanagement relative to state programs or operations, use one of the following methods:

- Complete complaint form on web site at www.doa.Louisiana.gov/oig/inspector.htm
- Write to Office of State Inspector General, P. O. Box 94095, Baton Rouge, LA 70804-9095
- Call the Office of State Inspector General at (225) 342-4262