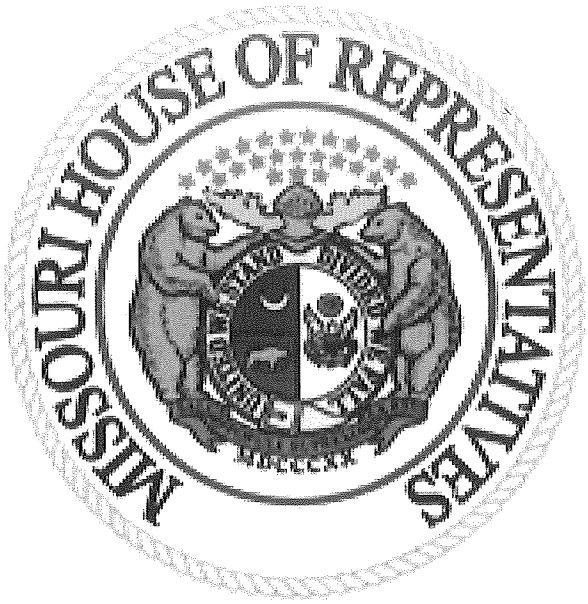
REPORT

OF

THE INTERIM HOUSE REVIEW COMMITTEE

ON

THE 2011 MISSOURI WATER PATROL DIVISION MERGER



December 31, 2014

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ON THE 2011 MISSOURI WATER PATROL DIVISION MERGER

December 31, 2014

Prepared by

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MISSOURI HOUSE OF REPRESENTATIVES

Diane Franklin

State Representative
District 123

December 31, 2014

The Honorable Timothy W. Jones
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Dear Mr. Speaker:

The Interim House Review Committee on the 2011 Missouri Water Patrol Division Merger, acting pursuant to your charge, has met, taken testimony from the officers of the Missouri State Highway Patrol, former officers of the Missouri State Water Patrol, and various emergency personnel, both current and retired, as well as concerned citizens; and concluded its review of the Water Patrol Division merger that was passed legislatively in 2010 and went into effect on January 1, 2011. The committee held five public hearings throughout the state: October 1, 2014 in Jefferson City; October 14, 2014 in Osage Beach; November 5, 2014 in Jefferson City; November 19, 2014 in Hollister; and December 4, 2014 in St. Joseph. Summaries of the witness testimonies are included in the report.

The undersigned members of the Committee are pleased to submit the attached report.

Representative Diane Franklin, Chair

Representative Don Phillips, Vice Chair

Representative Rocky Miller, District 124

Representative David Wood, District 058

Representative Todd Richardson, District 152

Representative Pat Conway, District 010

Representative Jeff Roorda, District 113

Representative Clem Smith, District 085

Interim House Review Committee on the 2011 Missouri Water Patrol Division Merger

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I. INTRODUCTION AND OVERVIEW

The Interim House Review Committee on the 2011 Missouri Water Patrol Division Merger was charged with the task to examine, review, and report on the cost effectiveness, training, and management, and overall operations of the Water Patrol Division since it was merged within the Missouri State Highway Patrol on January 1, 2011 to provide any subsequent recommendations.

The Missouri Boat Commission was enacted in 1959 for the purpose of making Missouri waters safe for boating and water-related recreational activities. Its functions included law enforcement, registration, and education. In 1974, the Missouri Boat Commission was transferred to the Department of Public Safety and named the Division of Water Safety. The name was changed to the Missouri State Water Patrol in 1989. As of January 1, 2011, the Water Patrol became the Water Patrol Division within the Missouri State Highway Patrol under the command of its Field Operations Bureau. This merger was enacted in House Bill 1868 during the 95th General Assembly in 2010.

II. SUMMARY OF TESTIMONY AND INFORMATION RECEIVED

a. October 1, 2014: Public Hearing in Jefferson City, Missouri

1. Colonel Ronald K. Replogle, Superintendent, Missouri State Highway Patrol.

The merger was passed the last day of session in 2010. The Highway Patrol started taking steps to merge with Water Patrol after the legislation passed but prior to January 1, 2011. In October 2010, the Water Patrol dispatching operation was transferred. The Water Patrol building was closed and staff was moved to the Highway Patrol Headquarters. Marine operations are enforced via troop commanders around the state. There have been many benefits of the merger to consider including:

a. An increased amount of officers under one command;
b. More vehicles, equipment, and manpower ready for response;
c. Instances where response was more effective due to merger such as;
    i. Levy imploded causing flooding in northwest Missouri in June 2011;
    ii. Snowstorm of February 2011;
    iii. Tornadoes and floods in 2011 (specifically NW Missouri);
    iv. Waynesville flood of 2012 – two officers responded and made seven life-saving rescues; and
    v. Ferguson violence of 2014;
d. Officer flexibility – officers can make BWI and DWI arrests in one shift;
e. Enhanced enforcement on the roadway;
f. Advances in technology and communications;
g. Better marine operations facility in Jefferson City; and
h. Ability to reopen the training tank.

Responses to inquiries produced the following testimony: The amount of compensatory time has been decreased with the increase of manpower.

2. Major Bret Johnson, Field Operations Bureau, Missouri State Highway Patrol

The Field Operations Bureau assigns the number of troops. When the merger occurred, there were 89 full time employees and there are now 87, including staff positions. There are 24 vacancies and the process for filling them is as follows: (1) Submit posting to all highway patrol; if someone with three years in the patrol wants a lateral transfer, he or she may ask for it. The most senior person gets first pick. (2) If no one requests a lateral transfer, a recruit will be assigned to a road position four to six weeks prior to graduation. That graduate will be considered on probation for one year and until the next possibility for transfer. If a graduate is assigned to a water patrol position, he or she will receive additional training.

Responses to inquiries produced the following testimony: Many of the zone commanders are former water patrol officers, experienced with the unique skills required for marine operations. None of the current troop commanders are former water patrol officers. More than 15 former water patrol officers transferred permanently to road work and about 35 moved from road to marine enforcement. All transfers but one to marine enforcement were voluntary.

There are 18 zones within Troop F and more than two zones covering the Lake of the Ozarks. Troopers live in the zones where they work. Training is traditionally held in the spring prior to the busy water season, but it can be done at any time if necessary.

The merger eliminated several Water Patrol positions including Colonel, Lieutenant Colonel, Lieutenant Major, and 10 civilian staff. Six people retired in conjunction with the merger. Water Patrol insider knowledge was preserved by assigning former Water Patrol officers to leadership positions in Troops B, F, G, and I.

3. Captain Mark Richerson, Water Patrol Division Director, Missouri State Highway Patrol

The Water Patrol Division has numerous responsibilities including the management of buoys and regattas. Field Operations manages the dive team for the state, which consists of 13 divers and two specialists, half of whom are also road officers. The team assists with law enforcement all over the state and is managed from a more central location now that Field Operations directs it. The Highway Patrol sends marine enforcement officers to the National Association of State Boating Law Administrators (NASBLA) training operations.

Responses to inquiries produced the following testimony: Half of the marine enforcement troopers are also road patrolmen, but it is not a requirement to be on the team. All officers share responsibilities when necessary.

Boater Education has become more efficient since the merger as the online version has reduced the number of hours needed in schools. The Highway Patrol is proud of the program.

4. Captain Vince Rice, Training Division Academy Director

Captain Rice was promoted to his current position in July 2013. Water Patrol training is at least 1,000 hours. It was 1,177 hours prior to the merger. Currently, recruits receive 36 hours of marine enforcement training and attend a four-week course before becoming marine enforcement patrolmen. The Highway Patrol considered former Water Patrol suggestions when creating the current training scheme. Water Patrol recommended a five-week course, but they are currently requiring four weeks of training. The current schedule of basic training consists of 36 hours as follows:

a. 20 hours of basic swimming;
b. 6 hours of Boating While Intoxicated investigation training;
c. 6 hours of boater education courses; and

d. 4 hours of introduction to marine enforcement law.

The current Marine Enforcement Training schedule can be broken down into:

a. Orientation;
b. 17 hours of watercraft laws;
c. 36 hours of survival swimming;
d. 4 hours of marine enforcement;
e. 16 hours of tactical water survival;
f. 1 hour of side sonar training;
g. 12 hours of watercraft accident investigation;
h. 24 hours of boat and motor theft training;
i. 4 hours of noise level measurement instruction;
j. 20 hours of basic boat operations;
k. 10 hours of patrol boat operations; and
l. 8 hours of boat stop and approach practicals.

Responses to inquiries produced the following testimony: The training pool was closed in 2003. Since the merger, funding has been secured for renovating the facility and a reopening is pending for July 2015.

There is no mandatory training for command staff at the troop level. However, command staff have ridden with marine enforcement officers and gone to training conferences.

The Highway Patrol has not been denied funding that was necessary for training via any decision line items. The legislature has never been obstructive with regard to funding training.

5. Sergeant Randy Henry, Zone Sergeant, Missouri State Highway Patrol

Sergeant Henry is a former water patrol sergeant and has served his entire 29 year career in the Lake of the Ozarks area. He is the current Zone Sergeant at Zone 16 within Troop F. At the time of the hearing, there were five officers in his zone, but it is slotted for six.

The current structure utilizes part-time marine enforcement troopers, which was intended to supplement the extra need in water zones during the busy season. These troopers were originally referred to as "hybrid," but are now called "supplemental" and they all received the four-week training course in Jefferson City.

Responses to inquiries produced the following testimony: The road zone supervisor determines whether an officer is ready to be a supplemental officer.

Supplemental officers are required to ride along on three separate shifts with current marine enforcement officers as part of their field training. Seven full-time marine officers would be ideal for Zone 16.

6. Colonel Rad Talburt, Former Water Patrol Commander, Retired

Colonel Talburt commanded the Water Patrol from 2000 to 2009 and served 20 years before becoming commander. He retired in conjunction with the merger. Prior to his tenure as commander, he was Director of Training and a patrolman on Current River.

After retiring, Colonel Talburt testified against the merger in 2010 and was not in favor of combining Water Patrol and the Highway Patrol, nor did he believe three million dollars would be saved.

The former Water Patrol was better as a stand-alone agency for the following reasons:

a. Manpower – The Water Patrol system was seasonal, but they worked year round. Instead of overtime, they accrued compensatory time, which could be used during the colder months. They were on the water extra hours on the weekends during the summer, and the added manpower was beneficial. This worked for over 50 years.
b. Reputation – Missouri was known as having the best water patrol officers in the nation. For over a decade, Missouri led the nation in drug and BWI arrests.
c. Training – The academy lasted six months prior to the merger. Two of those months were training from highway patrol instructors regarding law enforcement, and the rest was done by water patrol officers. Trainers from NASBLA would ask Missouri Water Patrol leaders for ideas because Missouri was always on the cutting edge.

Water Patrol was a passion. Some of its accomplishments were amazing. Water patrol officers were sent to Louisiana after Hurricane Katrina. One of the water patrol officers in the affected area saw the Branson, Missouri Ducks nearby and asked the drivers why they were there. The driver said they had come to assist. The officer went to the command post there and informed them of that vital resource they were not utilizing.

In the flood of 1993, many water patrol officers were away from their families for weeks protecting people and performing less glamorous tasks such as collecting disinterred caskets. The officers did not like leaving their families, but they were proud. It's sad that it only took one man's opinion to take that all away. The merger has not saved money or shown that training is better, which is sad.

Responses to inquiries produced the following testimony: For the most part, Water Patrol worked closely with the Highway Patrol. It is not clear if the Highway Patrol even wanted the merger. It was always a great relationship.

7. Lieutenant Colonel Mike Smith, Former Water Patrol, Retired

Colonel Mike Smith retired after 29 years of service in the Water Patrol and worked at the Lake of the Ozarks and Central Missouri. He found out about the merger at the last minute. The lack of communication worried him.

The events mentioned in previous testimony were not benefited by the merger. The Water Patrol helped with floods and major events prior to merging. When a Major was added to the command table, the position was given to a capable officer, but not one with a water patrol background. There was competition between the Water Patrol and the Highway Patrol, but the working relationship was still great. Colonel Replogle has done a great job with what was given to him.

The Water Patrol has lost its identity.

8. Captain Gary Haupt, Former Water Patrol, Retired

Captain Gary Haupt retired after 33 years with the Water Patrol. During his career, he was in charge of the dive team and the boating accident investigation course. In retirement, he is the head instructor for NASBLA.

When the merger process was occurring, he was apprehensive. The Water Patrol was nationally recognized for cultivating and refining methods of marine enforcement. The Water Patrol officers were worried about the merger too. The first meeting was in the fall of 2010 as the administrative functions were being dismantled. Prior to the merger, Water Patrol had six districts and now they would be taken down to two.

Oklahoma was the most recent state to have gone through this type of situation, and they were able to articulate the problems to Captain Haupt. He was assured the new leaders would take this into consideration and a plan would be followed. The captain was also assured that no one would lose rank, but within nine months, there was motivation to retire and move on. His as well as other former Water Patrol leaders' institutional knowledge was discounted and forfeited. He told his officers at the time that it would be okay.

Responses to inquiries produced the following testimony: In the off-season, there was still a lot of activity albeit not as much as the summer. Officers worked many hours of overtime in the summer and were able to make up for that in the winter, but the areas were still adequately covered. The off-season waters were still utilized by duck hunters, fishermen, and others. The officers also conducted boater safety education classes at the schools where face time with students was invaluable.

9. Captain William "Bill" Swineburg, Former Water Patrol, Retired

Captain Bill Swineburg worked for the Missouri Water Patrol for 27 years. He retired in 2000. A graduate of the Federal Bureau of Investigations Academy, he performed his water patrol duties in the Lake of the Ozarks area.

Responses to inquiries produced the following testimony: Captain Swineburg originally thought the merger would be positive. Now, he's disappointed in how it has turned out. The officers want to work, and they want to work efficiently. Adjustments need to be made with regard to policies that worked for over 50 years but might not comply with Missouri State Highway Patrol standards. It can work, but everyone needs to work together. He hopes this investigative committee helps the process.

10. Major Jody Hughes, Former Water Patrol, Retired

Major Hughes began his tenure with the Missouri Water Patrol in 1980. He stayed one year after the merger and retired in 2012. During his career, the major was a diver, dive team supervisor, a member of SWAT and K-9. He still lives in the Lake area.

The governor's reasons for the merger were to reduce overtime and save money. Now there are fewer officers on the Lake than prior to the merger. The fiscal note said it would save one million dollars. Pay parity already existed, but it was wrong from the bottom officer to the top.

Major Hughes still lives on the Lake and he does not see patrolmen. The Water Patrol lost a colonel, a lieutenant colonel, other staff, and the lease on the building. That was the only savings. After the merger, they had to renovate Troop F's building and buy new guns and uniforms. There were positive changes like more resources such as manpower and technology. A disadvantage was less likelihood for promotion of former water patrol officers.

The number one industry in Missouri is tourism. Safety is very important. Missouri waterways need to be safe.

11. Captain Gregory Kindle, Command Officer, Troop F, Missouri State Highway Patrol

Captain Greg Kindle is the Command Officer for Troop F.

There is a new zone in Miller County, and Troop F covers more than just the Lake. Miller County has a lot of fatalities. Most of the supplemental officers in that area are former water patrol officers; there are three in Zone 18, one in Zone 11, and one in Morgan County. There will be 17 boats on the water during summer 2015, which is comparable to before the merger. Troopers work eight-hour shifts, not 12 to 15-hour shifts like the Water Patrol used to do. No one goes alone on the water unless he or she is trained.

Captain Kindle provided the following statistics during his testimony:

YEAR	DROWNINGS	FATAL ACCIDENTS	BOAT STOPS	CALLS FOR SERVICE
2008	8	4		
2009	4	0		
2010	6	2		
2011	5	2		
2012	4	2	764	2,376
2013	4	3	894	2,303
2014	3	5	904	2,112

b. October 14, 2014: Public Hearing at Osage Beach City Hall, Osage Beach, Missouri

1. Lieutenant David Wall, Missouri State Highway Patrol

Lieutenant Wall testified at this hearing on his own behalf and expressed that his views were not those of the Missouri State Highway Patrol. He had worked for the former Water Patrol for 30 years before the merger and was a district commander when the merger took place. Wall graduated from the Water Patrol Academy in 1981 and of his 11-person class, two were assigned to the Lake of the Ozarks. At that time, the lake only included two condominium developments and the largest boat was a 30-foot cruiser. However, 12 officers were needed to patrol the waters.

The 1990s brought an increased need of 20 officers. In 1999, Lieutenant Wall was promoted to Team Leader. In the past three years, he has taught at the four-week boating course. Lieutenant Wall also teaches for NASBLA which allows him to give instruction all over the country.

Prior to the merger, the Water Patrol occupied its own marine shop and employed its own mechanics. At one point, the organization opened its headquarters building. Most districts had their own storage facility where they could store boats, equipment, and supplies,

With regard to staff hours prior to the merger, Water Patrol officers worked 12 hour shifts on weekends if necessary. Staff hours were spent year round, and there was always someone available for calls. In previous years, the busy season was usually from Memorial Day to Labor Day. Currently, it can begin as early as mid-March and last until late fall. In the winter, the patrol prepared and presented boater safety education programs at different schools around the state. Lieutenant Wall still believes human interaction in a physical classroom is more effective than taking courses online.

Lieutenant Wall reiterated that he is a team player and does not want his statements to be perceived as sour grapes. He is concerned about the direction the patrol has taken. The former Water Patrol operated successfully for 50 years and now the Highway Patrol has control of the box. It does not seem as though Water Patrol protocol fits in the new box.

Florida merged its water patrol in 1999 and now officers are only enforcing marine law 25% of the time. They are an example of how merging is negative.

In 2011, Lieutenant Wall heard at staff meetings that no one really wanted this merger. The money spent to make this merger happen exceeded the money saved. However, Wall still thinks the merger can work; it just needs help. Water Patrol and Highway Patrol missions need to be blended.

Responses to inquiries produced the following testimony: Lieutenant Wall's position changed after the merger; he is still ranked as a lieutenant, but he has been assigned to Troop F staff where he supervises vehicle inspectors and public information officers, the fit test for gas masks, and works as the seaman liaison for the troop. He does not supervise the marine operations, and the officer who does so does not have a water patrol

background. Lieutenant Wall was reassigned after the merger and has done what he was told, but he has given input about marine enforcement operations.

Lieutenant Wall answered a question regarding the Port of St. Louis, stating that a Coast Guard threat assessment was quite high. They would have no way to take back a barge should it be overpowered by terrorists. The Troop C SWAT team handles it now. He also thinks a plan has been in development, but he was unaware of any training that took place last summer.

For training in 1981, the Water Patrol used the Highway Patrol academy facility and were trained by both highway and water patrol personnel. Constitutional Law and those type classes were taught by Highway Patrol staff while marine enforcement and boating law were taught by Water Patrol instructors.

The recruits in Water Patrol Academy started each day at 4:00 a.m. by swimming in the pool. Academy lasted 17 weeks. In the evenings, if the recruits couldn't run, they spent that time doing more training in the pool. When Lieutenant Wall graduated, he was assigned to an officer, and he rode along with him from May to August of that year. As his field training progressed, he was slowly allowed to drive the boats. After completing field training, each Water Patrol officer was on probation for three more months. Officers were unofficially still on probation for a couple more years. It takes officers two to three years to get their feet under them.

After the Highway Patrol's pool closed, the Water Patrol swim training took place in other pools, usually the Missouri School for the Deaf in Fulton. The Academy was operated in the winter off season, and the trainers would return to their regular duties during the summer months once the graduates began their field training.

The uniqueness of the different bodies of water around the state affected how officers were trained. The field training took place in the area in which an officer had been assigned so he or she could become familiar with the water. The field trainers would spend a lot of time in the areas where the graduate would eventually be patrolling alone.

Training had to be completed in all phases that were developed by a team of experienced water patrol staff. A recruit had to pass a swimming test to even begin his or her academy training. Training included self-defense tactics in both water and on land.

The training academy was not simply going to a class and taking notes. Recruits were taught tradition, history, and a respect for what they were going to be doing.

2. Sergeant Randy Henry, Zone Sergeant, Missouri State Highway Patrol

Sergeant Henry stated that on October 2, he was advised that when he is on state time, he must support Missouri State Highway Patrol views. He told the committee that he was before them on this day on his own time and would be willing to answer any questions.

Responses to inquiries produced the following testimony: Sergeant Henry has not personally seen any changes since the last hearing, but he has heard that some were occurring.

Sergeant Henry did not recall anyone quitting or dropping out of training when he was an officer in the former Water Patrol. The recruits were there because they wanted to be in the Water Patrol.

After May 31, 2014, the training halted for a while, but then it resumed. Currently, field training involves "shadow time" and a checklist. There is a minimum of 25-30 days of required for riding along with the field training officer. There are specific general orders for marine enforcement.

When Sergeant Henry was a recruit, training included 15 minutes of treading water while fully clothed and one mile of fully clothed swimming that was not timed. Recruits also had to dive into the deep end of the training pool, retrieve a weighted object, and swim with it to the side. If a recruit did not pass the proficiency test, he or she did not graduate. Skills were maintained via year-round service training that all officers were required to take. Some officer chose to swim instead of run for the endurance part of certification.

Sergeant Henry stated the boater education in schools still occurs post-merger, but many school districts do not request the class due to time constraints. The Highway Patrol offers three adult boater safety courses per year, and turn-out can be anywhere from two or three people to more than 30. Some students appreciate human interaction and having their questions answered based on experience specific to certain waterways.

When the Water Patrol was still an autonomous agency, calls were dispatched via the local sheriff's office or from the dispatch center in Jefferson City. Currently, calls are dispatched from Troop F. The current dispatchers do a great job, but they probably are not as familiar with the Lake area. It is the supervisor's responsibility to monitor calls and make sure the most efficient procedure is being followed. Dispatch training is sufficient.

When the two agencies merged, positions were restructured. A former Water Patrol captain came over to the Highway Patrol as a captain. However, since there can only be one captain, the former Water Patrol captain is doing lieutenant assignments. The Water Patrol colonel and lieutenant colonel positions were removed. The Water Patrol also had three mechanics but when one retired, his position was filled with an automotive mechanic. The merger also cost the Water Patrol administrative staff positions.

Captain Richerson was a former Water Patrol Captain, and he is now director of the division. He has two clerical staff, and his office oversees the dive team, buoys, and regattas. Specific area marine operations are under the supervision of the local troop staff.

Prior to the merger, every Water Patrol office received a boat which was his or her sole responsibility. The Patrol owned three rescue-and-recover boats for rivers and fast current waters. These boats were kept in storage ready for use. Every district had its own unique needs. For instance, the Lake of the Ozarks had different boats than other parts of the state. Each district commander knew what his or her area needed as far as equipment.

3. Byron Grimes, Captain, Lake Ozark Fire Protection District, Retired

Captain Grimes has been involved in some capacity at the Lake of the Ozarks for over 40 years. He owns property in the area and was formerly a news reporter as well as a member, and later captain, of the fire protection district.

As a fireman, Grimes worked hundreds of automobile accidents with the highway patrol. He witnessed absolute and total cooperation between the fire protection district and the highway patrol officers.

The last 20 years of his career, he was captain of Station 219. During that time, Captain Grimes worked many wrecks with the Water Patrol and developed a friendly professional relationship with many of its officers. Captain Grimes said they would refer to them as "our water patrolmen." Captain Swineburg had the respect of the entire water patrol. Grimes said it seems as though the situation has changed.

Captain Grimes had many personal experiences with the Water Patrol on the lake and in training. Water Patrol officers were well respected and helped bring down a number of dangerous criminals.

Grimes also stated that he would like to see the Highway Patrol organize its leadership so that those with marine enforcement experience supervise the Lake area. An officer must have experience in operating boats if he or she is going to be on the lake.

The water patrol duties used to be more than just law enforcement. They were out there to help. Water patrol officers handed out water safety booklets, towed stalled boats, and directed lost boaters. The officers knew where the closest ambulance district was located. It takes years to learn these things.

It is unrealistic to take a water patrol officer and put him or her in a cruiser. The idea, at least in the beginning, seemed worthwhile. The Highway Patrol has done everything in its power to make this work and the officers have put their hearts into it. Both sides tried to make this work, but Captain Grimes does not see how it can. The lake captain should know the lake.

At one time, Missouri had the finest water patrol in the nation. Many officers from other states travelled to learn from the Water Patrol trainers. Marine enforcement takes a unique individual to be successful. The relationship aspect of the water patrol has been lost.

4. Jim Divincen, Administrator, Tri County Lodge Association

Camden, Miller, and Morgan Counties are home to over 250 facilities and 6000 homes. The area brings in about 1.3 billion dollars in sales tax. Tourism is by far the number one industry at the Lake of the Ozarks. His mission is to bring more visitors, and it is vital that those visitors are safe.

5. Rebecca Green, Co-Chair, Lake of the Ozarks Water Safety Council

The council was formed in 2007 for promoting water safety. The lake needs to be safe, and part of that is everyone should wear a life jacket. It is paramount that the lake be safe not only in perception but also in reality.

6. John Page, Director, Camden County Emergency Management
Former Camden County Sheriff

Page moved to the Lake area in 1981 after vacationing there for five years. He was Sheriff of Camden County for 16 years and is now the emergency management director for Camden County. He was skeptical about the merger from the beginning.

Traditions in each group are different. Party Cove has become a problem and highway patrol troopers were told to patrol the area. They were in blue uniforms out in boats in July. The Water Patrol and Highway Patrol deal with different types of situations. When someone is on the road, they are travelling from Point A to Point B. Out on the lake, people are there to have fun. Neither administration wanted this change. It was forced on them.

Page provided two anecdotes that represent the former Water Patrol reputation. One involved his neighbor who was fishing one time when it got late and he discovered his boat lights were not functioning. The neighbor was near the shoreline trying to find his way home in the dark when a water patrolman found him. The water patrolman fixed his boat lights and sent him home. The other story involved a man who was on the lake in his boat when a water patrolman found him and let the boater know his (the boater's) wife had suffered a stroke and he needed to get to the hospital. Page said those types of situations do not happen anymore.

Responses to inquiries produced the following testimony: The former Water Patrol made use of its time during the winter. Some officers were part of the Camden County SWAT team. The Water Patrol performed investigations and took part in training during the winter months. If a snowstorm occurred and Page needed extra people, he would call the Water Patrol first. They were always helping. Water patrol officers also taught boater education school programs. Time during the off season was utilized effectively.

7. Members of the public

Various citizens from the Lake also testified. Concerns voiced most often were that the current troopers are not seen as frequently patrolling the water, and visibility has decreased since the merger. It is also more difficult to call in a marine enforcement officer since the merger. Another sentiment expressed at the hearing is that the infrastructure has crumbled and citizens can tell the new water officers are not trained as well. Many are concerned about the safety of residents and tourists on and around the Lake area for ethical and economic reasons. Current troopers are not friendly and do not have the same reputation as the former Water Patrol. It was reiterated that operating a boat and enforcing marine law takes a special skill set and training. Citizens and visitors should feel comfortable with the level of law enforcement and protection.

c. November 5, 2014: Public Hearing in Jefferson City, Missouri

1. Captain Matt Walz, Troop F, Missouri State Highway Patrol

While Captain Walz is currently employed by the Missouri State Highway Patrol, he testified at this hearing on his own behalf and expressed opinions that were solely his own and not those of the agency.

Captain Walz was an officer with the water patrol prior to the merger. He worked as a former water patrol officer for 21 years at the Lake of the Ozarks, Table Rock Lake, Meramec and Mississippi Rivers south of St. Louis. Captain Walz noted that the merger had several positive effects such as:

a. Support structure;
b. Information/technology;
c. Improved radio operators and clerical staff;
d. Vehicle and boat needs;
e. Quality and professionalism of reports; and
f. Renovation of the training pool for a July 2015 opening.

Captain Walz provided a timeline of the merger for the committee and noted dates in 2011 specific to training. He mentioned Trooper Guthrie who died in the line of duty working alone in flood waters. Walz mentioned he would not have made the decision to let an officer work flood waters alone and K-9s had no purpose in flood incidents. He could not speak on what training the current highway patrol leaders in the area had received.

Walz noted that he had significant concern with how the merger went into effect. The intent was for all the duties of water patrol to be taken on by the highway patrol. Water patrol was never given the opportunity to succeed before it was disbanded. If HB 1868 had stated what was actually going to occur, Walz does not think it would have passed. Some troops took water patrol funded positions and made them highway trooper positions. Water patrol was one of the smallest. It should have been able to maintain its primary focus of safety on the waterways. He emphasized that oversight and commitment are necessary to maintain the services of the previous water patrol. Half of the boats on the lake are from other states and belong to tourists coming to Missouri for recreation and vacation.

The captain mentioned that former Missouri State Representative Cooper helped dramatically with funding water patrol salaries and effectively utilizing boat registration fees. Walz noted that the Missouri State Water Patrol used to be a leader in marine law enforcement.

According to Captain Walz, there are some fundamental differences between water and road officers. The Highway Patrol bases much of its manpower on numbers. On

the water, water patrol officers are the primary responders. It is not the same on the highway. Multiple resources are available to assist.
Outside of summer months, the water patrol officers still worked by providing boater safety education, investigating boat thefts, auditing buoy permits, and training.

Walz stated that a window is closing as there are only six former water patrol officers in the current structure. He acknowledged that former water patrol field managers are not being utilized as the resources they are. These men trained Captain Walz when he was in the Academy, and their lessons should be expanded upon rather than reinvented.

The captain noted that he saw positive changes in the weeks since the committee formed and it appears the highway patrol is aware of the need for consistency in oversight. Walz admitted that the former water patrol made some mistakes in the early years, one of them being too many management positions within the structure.

Captain Walz stated that the differences between the two jobs were not realized until it was too late. He takes pride in putting on his highway patrol uniform in the morning. If the highway patrol would take the same pride in marine enforcement that they do in road enforcement, there would be no need for the committee in the first place.

Responses to inquiries produced the following testimony: When asked about training between highway patrol and water patrol. Walz acknowledged that it exists, but he is not aware of how consistently it has been used. He built a system of 40 shift days of training, but he is not aware that the system is being followed. Positive changes with regard to documentation have occurred since the summer.

Captain Walz stated that prior to the merger he was Commander of District 2, and he is currently involved in his troop's firearms training and communications. He also assists Troop Y with training, supervises three road zones, and is the statewide buoy chairman. He does not have extensive road knowledge, but he is a good manager and has a great system already developed by the Highway Patrol. He

Walz revealed that members of the Highway Patrol did consult him on some marine enforcement issues, but other important decisions were made without his knowledge or input.

He responded to a question about presence on the water by stating that he is confident that boats are not patrolling as much as they did prior to the merger. However, technology has improved and communications are performed by a very dedicated group of radio operators.

Regarding swift water rescue, the training still takes place, but the last few times were postponed due to lack of water in the usual training area. This training is usually optional unless a supervisor thinks it is critical.

Captain Walz ended his testimony by highlighting fundamental differences between the jobs of highway patrol and water patrol.

2. Major Kemp Shoun, Chief of Staff, Missouri State Highway Patrol

Major Shoun testified regarding the financial aspect of the merger. He stated that once the merger was approved, the Highway Patrol took over the Water Patrol's finances. In order to learn what was most efficient, they enlisted the help of the water patrol's accountant. Funds came from general revenue, the Coast Guard Fund, and the Water Patrol Fund. An early success of the merger was using highway patrol funds to supplement water patrol funds when they were necessary to receive grant money for a safe boat.

3. Captain Lance McClaughlin, Missouri State Highway Patrol

Captain McClaughlin also discussed the financial implications of the merger. He stated that a cost benefit analysis of the average budgets from 2009 and 2010 to those thereafter showed a budget savings of 1.4 million dollars. However, the cost of retirement increases was 1.9 million dollars. He noted that a savings in officer salaries totaled over 800,000 dollars. Other savings included 250,000 dollars a year, including the marine shop, refurbishment of the training tank and new boats and equipment for troopers. The fleet facilities were burned this summer, so that set the patrol back in mechanical operations.

Responses to inquiries produced the following testimony: Captain McClaughlin stated the funding is the same as prior to the merger, but the highway patrol operates differently. He mentioned some decreases occurred such as the loss of the former water patrol's support staff.

He specified that a major advantage the highway patrol now has a marine operations division working side by side and a more of a unified local command.

Captain McClaughlin stated that the highway patrol probably needed to have a discussion to clarify some aspects of operation when he was asked if management lacked dedication and whether the current protocol was conducted loosely when compared to the highway patrol's normally tight standards.

When asked about promotions, McClaughlin answered that several former water patrol officers have been promoted since the merger, but he is not sure if any have reached a rank higher than lieutenant.

He concluded by saying the highway patrol has been very pleased with the personnel that transferred over from the water patrol following the merger.

d. November 19, 2014: Public Hearing at Ozarks Technical College, Hollister, Missouri

1. Lieutenant Eldon Wulf, Former Water Patrol, Retired

Lieutenant Wulf retired as Assistant Director of Training at the Missouri State Highway Patrol Academy on September 1, 2014. He transferred to the Highway Patrol from the former Water Patrol with the merger in 2011.

He gave the committee background information regarding training when he was a recruit. Lieutenant Wulf started academy training with the former Water Patrol in January 1984. During his academy training, swimming was a large portion of his education. He did not feel confident in the water when he began at the Academy, but he did by the time he graduated. Problems swimmers had to participate in extra swimming or "shark school." He does not feel the current marine enforcement swim training is or will be the same as that of the former water patrol.

In 1996, Wulf was promoted to Sergeant and transferred to Smithville Lake where he was the Assistant District 6 Supervisor for 10 years. He was promoted to Lieutenant in 2008 and transferred to the Water Patrol General Headquarters in Jefferson City where he was the Director of Training for the entire organization.

During his career with the former Water Patrol, Lieutenant Wulf was an academy instructor for 19 years. He assisted in numerous flooding emergencies and rescued about 100 people from swift water and flood conditions. With the help of other water patrol officers, Wulf developed the swift water rescue program which he says is still in use.

In October 2010, he was transferred to the Highway Patrol Academy as an instructor. He did not feel as though he had a choice in this decision and the alternative was to resign. In July 2013, Wulf was promoted to Assistant Director of Training for the Highway Patrol.

According to Lieutenant Wulf, the merger was a terrible mistake for many reasons including the following:

a. Costs actually increased due to retirement;
b. Pay equity did not cross over with the merger;
c. The highway patrol troopers do not have the same passion for water patrol;
d. The importance placed on recovering a body as quickly as possible decreased;
e. Working the road is prioritized over working the water; and
f. Field training has decreased so much that troopers have gotten lost on the water in their areas.

When the merger occurred, former water patrol experts made four major recommendations for training road troopers for marine enforcement. The highway patrol disregarded three of those recommendations.

Lieutenant Wulf stated that he does not believe former water patrol officers who are now Highway Patrol troopers are treated the same within the organization. An example he gave was that the water patrol commanding officers were not given appropriate badge numbers when they transferred over as lieutenant, captain, or major.

Wulf also told the committee that he only completed ten days of field training to be a road trooper and he did not feel that was enough. The same problem occurred when road troopers were trained for the water. He noted that a road trooper working three or four days a month as a supplemental marine enforcement trooper would not be effective as an officer. A trooper cannot learn or remember a body of water unless he is navigating it on a regular basis. According to Lieutenant Wulf, the Highway Patrol has not taken field training seriously.

Another problem Wulf called attention to was the lack of troop commander training. He informed the committee that the highway patrol did not require any of the troop commanders to go through marine enforcement training even though they would be making crucial decisions in the area. Wulf blamed the lack of water patrol management and experience for certain preventable water-related deaths that have occurred since the merger. He expressed the belief that Captain Matt Walz and Lieutenant Dave Wall should have held more supervisory positions when it came to water patrol and marine enforcement.

In the spring of 2014, the marine operations training was reduced from four weeks to three weeks. Lieutenant Wulf argued against this decision, but it came from the Field Operations Bureau.

Lieutenant Wulf mentioned multiple decisions made by highway patrol staff that are not as effective as former water patrol protocols such as refusing to tow boats, storing boats in troop headquarters, and scheduling. The mission of the water patrol was not continued after the merger.

Another point on which Lieutenant Wulf focused was the lack of swimming skills and training. He told the committee that in the first three training cycles after the merger, 47 out of 88 troopers were evaluated as "very poor" or "poor" swimmers. According to the swim standards utilized between 2012 and 2014, the highway patrol allowed six troopers onto the water who scored as "very poor" swimmers and 12 who were "poor." Wulf does not believe these troopers should have been allowed to work the water. He noted that he petitioned for a swim test and recommended that the Highway Patrol follow Red Cross lifeguard standards. He did not feel that the leaders heeded his suggestions.

Lieutenant Wulf put forth three options for the committee:

(1) Return the Missouri State Water Patrol to separate, autonomous existence;

(2) Turn the water patrol function over to the Missouri Department of Conservation since they work the same areas and already conduct vigorous training; or
(3) Allow the Missouri State Highway Patrol to continue its control over the marine enforcement function.

According to Lieutenant Wulf, the third option would be least desirable. In that case, he asked that the legislature set strict guidelines for training and oversight.

2. Sheriff Jim Russell, Taney County

Sheriff Russell has been in law enforcement for 20 years. In his career, his department has had always had a good working relationship with the Highway Patrol. He clarified that he was not testifying in front of the committee to speak ill of the Highway Patrol; he only wanted to relay his observations.

Taney County has three lakes and water patrol presence has decreased since the merger. Russell personally fished on Lake Taneycomo. He stated he has not seen a marine enforcement trooper patrolling that area. A conversation officer told him that a trooper has been seen patrolling Bull Shoals Lake since the merger. Sheriff Russell told the committee about a time he called for marine enforcement assistance and he was told it would be a four hour wait. He said that was unacceptable. In that instance, Troop D sent someone from Taney County and he arrived an hour later.

Sheriff Russell remembered before the merger when there were many experienced water patrol officers on the water. He said those officers knew how to handle various situations. As for water patrol presence, the Highway Patrol has concentrated most of its manpower on Table Rock Lake which has the most traffic. However, Sheriff Russell stated that the other two lakes need marine enforcement boats patrolling their waters. He said it is going to be a while before marine enforcement is built back to the old standard, but it can be corrected and he hopes this has been a learning experience for those involved.

Responses to inquiries produced the following testimony: When asked what expectations he has for marine operations, Russell responded that visibility is the greatest deterrent to crime. He stated that marine enforcement officers should be well trained and visible. Some residents have accepted that the service of the former Water Patrol is no longer available to them. Boat thefts have increased, and it is difficult for deputies to patrol docks, which is more easily done from the water.

He concluded by repeating that he did not want to say anything negative about the Highway Patrol, but he would like to see more presence and better training in his area.

3. Sheriff Doug Rader, Stone County

Sheriff Rader has been in law enforcement for 25 years and has worked in the Lake of the Ozarks, Hannibal, and on the Mississippi River. He also made it clear to the committee that he has a positive working relationship with the Highway Patrol and did not want to insult them.

The Sheriff stated that he did not think the merger was a good idea. Prior to 2011, Water Patrol was more visible in his area. He heard from citizens and business owners that troopers are not patrolling the waters. Since the merger, boat thefts have increased and it has affected his department as well.

4. Michelle Lambeth, Executive Director, Missouri Canoe and Floaters Association

Floating is a popular pastime and Missouri contains more than 3,347 miles of river. The former Water Patrol officers were in an elite category that was nationally recognized. After the merger, marine enforcement presence on the water seems to have ceased. The condition of waterway safety has deteriorated, and this past season was one of the most violent floating seasons ever. According to Lambeth, the current troopers lack the equipment and training to properly address public safety and that has become public knowledge. She noted the need for an experienced Water Patrol division.

Ms. Lambeth noted that multiple fights, assaults, and beatings have been occurring on the float streams, some of them ending in serious injury. The recreational activity occurring on the rivers has become less family friendly and more infused with drugs, alcohol, and sexual misconduct. According to her, Water Patrol officers used to make their presence known, ask for identification from alcohol drinkers, and respond to incidents quickly. The decrease in marine enforcement has negatively impacted tourism. Lambeth concluded by stating that the community held the former Water Patrol in high esteem and what the officers did was incredible.

5. Bob and Johnny Burns, Owners, Campground and Floating Company

Bob Burns and his son, Johnny, testified about their experiences owning a campground and canoe rental company. They have seen the amount of drugs, alcohol, violence, and sexual misconduct increase exponentially since they began in 1977. Prior to the merger, they saw Water Patrol officers regularly and credit the organization with a decrease in the aforementioned illicit activities. When Bob learned that the Highway Patrol was taking over marine enforcement, he did not think it would be an issue as he had/has a lot of respect for the organization. He later found out the colonel was fired and other staff had lost their jobs.

Bob Burns told the committee that the summer of 2014 brought serious violence to the floating rivers. He said one incident escalated to the point of using paddles as weapons.

Johnny Burns noted that someone was stabbed on the river, and another incident occurred where a man brandished a gun on a raft. Response time was slow for the incidents and they never caught the man with the gun. More fights are occurring among floaters and the Burnses have hired off-duty deputies to patrol the campground as security. They want their customers to feel safe.

6. Kelly Swanson, Kimberling City

Kelly Swanson owns a marina, campground, three boat dealerships and operates a hotel. She was appointed by Matt Blunt to the Division of Tourism. She never thought the merger was going to save money. She testified that the Highway Patrol has a zone office in her hotel so she knows when they are there. She remembered when she worked with Representative Cooper to put funding in place for the former Water Patrol. She noted that Water Patrol officers did their jobs with passion even though they were the stepchildren of law enforcement. Swanson relayed that marine enforcement presence has definitely decreased since the merger. She stated that the marine enforcement division has become reactive instead of proactive. Ms. Swanson does not think the agencies can be separated again, but she does believe major changes need to occur.

Responses to inquiries produced the following testimony: According to Swanson, safety on the water should be the number one priority followed by safety in general. Following safety should be recreational responsibilities. The Highway Patrol should draw from the experiences of retired former Water Patrol officers.

7. Jerry Dodd, Southern Commissioner, Stone County and reserve Sheriff's Deputy

Jerry Dodd has worked with both the Highway Patrol and former Water Patrol and is close with both agencies. Since the merger, Dodd noted that area has lost some services should be reinstated for the county, citizens, and visitors. He believes the merger is not working and a change is necessary.

8. Michael Hunter, Independent Marine Investigator

Michael Hunter is an independent marine investigator who has worked all over the world, but resides in the Lake area. He noted that the former Missouri State Water Patrol was in the top five of all law enforcement agencies for thoroughness and effectiveness. He was never worried that he would need to redo a report from them as they were always accurate. Training has not been as thorough, and he noticed it when he was discussing a boat accident with a current marine enforcement trooper. The trooper did not know what terminology to use; he wanted to say "right of way", but that does not apply to boating. It is impractical to put a highway patrol trooper in a 600-horsepower boat and expect him or her to operate it without proper training. Mr. Hunter told the committee his business is up 25 to 30 percent since the merger.

9. Captain Juan O. Villanueva, Command Officer, Troop D, Missouri State Highway Patrol

Captain Villanueva commands Troop D currently. He told the committee that the Highway Patrol is committed to making this work. After listening to the previous testimony at this hearing and at others, Captain Villanueva noted concern that troop commanders do not know what decisions need to be made concerning marine enforcement. Two of his captains and two of his lieutenants were former Water Patrol officers and taught him from their experiences. According to him, there are still many good former Water Patrol officers in the patrol.

Captain Villanueva made sure the committee was aware that he understands the difference between the two jobs and he has dragged for bodies personally because he wants to know how to do his job.

Responses to inquiries produced the following testimony: When asked where the boats are located, Captain Villanueva responded that they are stored centrally, some in Forsythe and some in Cape Fair at MoDot facilities.

10. Sergeant Terry Sanders, Missouri State Highway Patrol

Sergeant Sanders supervises the marine zone in Troop D and says while it has changed in some ways, it has also remained the same in certain aspects. For instance, the boats are in the same locations as they were in the former Water Patrol. Only one or two have changed. He told the committee they were moved closer to officers. Most of the troopers are assigned to patrol Table Rock Lake and they operate five Donzis and three smaller boats. If a trooper is assigned to patrol Lake Bull Shoals, he or she will pull a boat from storage nearby.

Responses to inquiries produced the following testimony: When asked about staffing, Sanders responded that nine officers work in his area; five transferred from the former Water Patrol and four are from the road.

He told the committee that boats are assigned to patrol Table Rock Lake in the off season due to bass fishermen.

Both Sergeant Sanders and Captain Villanueva were unsure as to why visibility seems to have decreased. They indicated that troopers were patrolling the waters of the area.

e. **December 4, 2014: Remington Nature Center, Saint Joseph, Missouri**

1. Captain James McDonald, Command Officer, Troop H, Missouri State Highway Patrol

Captain McDonald has been in the St. Joseph area since April 2014. He was on the command staff during the merger. The area includes a major river small lakes, and multiple smaller rivers. After the merger, the marine enforcement personnel increased by one trooper and according to Captain McDonald, the level of public service improved.

Responses to inquiries produced the following testimony: When asked about part time troopers on the water, McDonald replied that they spend the majority of their marine enforcement shifts patrolling the rivers.

The marine enforcement officers in Troop H were prior highway patrol troopers who transferred after the merger due to their interest in marine enforcement. They went to marine operations training in Jefferson City in March 2012 and McDonald has been "very satisfied" with their coverage. As the troop evolves and learns more about marine enforcement, they spend more time on the water, but they try to manage overtime as efficiently as possible by Highway Patrol standards. Compensatory time is calculated at time and a half.

2. Sergeant Christopher Wilson, Troop H, Missouri State Highway Patrol

Sergeant Wilson has been in law enforcement for over 33 years. He handles marine operations for Troop H. His training was four weeks of courses with subjects focusing on boating operations, rescue and recovery, marine law, scenario based events and water awareness. He told the committee that former Water Patrol officers provided a portion of the field training. Initial training lasted a full month in Jefferson City and the practical training was at the Lake of the Ozarks and in the Missouri School for the Deaf pool in Fulton. Wilson noted that open water swim training would have been helpful.

Responses to inquiries produced the following testimony: When asked about equipment, Sergeant Wilson said they have an excellent riverboat which he brought to the hearing. He said boats are kept at troop headquarters and can take up to three or three and one half hours to get to a location sometimes.

There is a cross section of a number of recreational activities on the water in Troop H territory. According to Wilson, the area lacks float streams, but there is a major river which can be very dangerous. Fishermen utilize the river and local lakes year round when weather permits.

The major duties of marine enforcement in the area are education, recovery, enforcement and service, in that order. They have uncovered six bodies in his tenure. Drug activity, BWIs, and violence are very limited in the area.

Sergeant Wilson told the committee that seasonal flooding occurs in his territory and trees were left in place when the lake was flooded, which can be hazardous for boating. They recently had dealt with flash flooding, and the Department of Conservation used large equipment to rescue six people. Wilson did not know the level of training that those in the Department of Conservation have received, but he said they have been very helpful in the area.

3. Sheriff Mike Strong, Buchanan County

Sheriff Strong has worked in law enforcement for almost 40 years. He told the committee that his department, the local police, troopers, and conservation agents have a positive professional work relationship. Strong mentioned that the waters in the St. Joseph area are not like those at the Lake of the Ozarks or other bodies of water around the state. Most of the people who use the water are fishermen, duck hunters, and a few recreational boaters. A periodic problem is flooding and he told the committee he hopes to receive swift water rescue training from the Highway Patrol in addition to the general rescue training the Patrol has already provided. Strong stated that six of his deputies have been trained by marine enforcement troopers and he thought the training was respectable. He concluded by articulating to the committee that he has not noticed a change since the merger.

4. Chris Connally, Chief of Police, St. Joseph Police Department

Chief Connally echoed Sheriff Strong's sentiment that the local agencies and troop all work together and maintain a great relationship. He said the agencies share resources and meet frequently. The city police department does not work on the water very often, but he was the first one to arrive at the site of a suicide who had jumped from the bridge. He told the committee that marine enforcement arrived within ten to fifteen minutes from the call and his department is fortunate to be able to rely on them. Chief Connally noted that he forgot a merger even occurred until the establishment of this committee. His department sees no issues related to the transition.

5. Chief Mike Dawson, St. Joseph Fire Department

Chief Dawson told the committee his department acquired a boat when the city had a floating casino. For his department, a call on the water would result in a low frequency/high risk situation. Rarely, the fire department would get a call about a boat that ran out of fuel. He also mentioned suicides, though he said they are rare. During flooding, the fire department boat might be utilized in stopping to rescue someone if the boat was out and the opportunity arose. For the most part, he concluded that his department depends on marine enforcement officers.

6. Kenneth Reeder, St. Joseph Resident

   Mr. Reeder raised questions for the committee from his understanding of the hearing and the merger.

7. George Bayless, International Game Fish Association

   Mr. Bayless informed the committee that he had never interacted with a former Water Patrol officer or current marine enforcement trooper who was rude. He noted that a more distinct separation between the divisions would make it easier to identify the types of troopers.

III. ISSUES PRESENTED

a. Training

After receiving copious amounts of written and oral testimony and reviewing curricula from both former Water Patrol and current marine enforcement, the committee submits that training, particularly water-related, has decreased since the merger.

Prior to merging with the Missouri State Highway Patrol, the Missouri State Water Patrol operated a mandatory yearly academy for all recruits lasting approximately 24 weeks. The Water Patrol Academy required 1,123 hours of training for graduation, including the hours as shown in *Table 1.

Table 1

CURRICULUM	TOTAL HOURS
Administrative Procedures	51
Legal Studies	98
Interpersonal Perspectives (Domestic Violence/Human Behavior)	71
Patrol (POST required)	66
Patrol (Water Patrol Specific)	120
Criminal Investigation	96
Report Writing	47
Juvenile Justice Procedures	9
First Aid (First Responder)	41
Defensive Tactics	95
Firearms	111
Physical Fitness	213
Driver Training	25
Defensive Boat (Driver) Operation & Training	32
Survival Swimming	38
Graduation Activities (in Skill Development)	10
TOTAL	**1,123**

*Information in Table 1 taken from Missouri State Water Patrol 33rd Recruit Academy Curricula, 2005.
For more detailed information including courses within each category, see Appendix B.

Recruits had to pass multiple exams and practical tests to be eligible for graduation. This included a swimming exam. (Appendix B)

Field Training played a vital role in Missouri State Highway Patrol recruit education prior to the merger in 2011. Upon graduation from Water Patrol Academy, water patrol officers completed 12 weeks of field training with certain requirements to be confirmed and documented by the field training officers. Officers were not permitted to patrol the water unaccompanied until they passed all requirements of field training.

Since the merger, marine enforcement training has been under the direct control of the Missouri State Highway Patrol. Marine enforcement recruits must complete the Missouri State Highway Patrol Academy, and marine enforcement training is in addition to those hours. The total hours of training including highway education is approximately 1,200 hours. All recruits must complete 36 hours of basic marine enforcement education. Marine enforcement troopers are then provided additional training specific to water duties. The training as of October 1, 2014 provided to marine enforcement recruits is detailed in Table 2*:

Table 2

TYPE of RECRUIT	CURRICULA	TOTAL HOURS
MSHP	Basic Swimming	20
MSHP	Boating While Intoxicated Investigation	6
MSHP	Basic Boater Education	6
MSHP	Marine Enforcement Laws	4
Marine	Orientation	1
Marine	Survival Swimming	36
Marine	Swim Test/Final Exam	4
Marine	Tactical Water Survival	16
Marine	Side sonar/boater education orientation	16
Marine	Watercraft Accident Investigation	12
Marine	Boat and Motor Theft Investigation	4
Marine	Boating While Intoxicated Detection/Seated Battery	8
Marine	Noise Level Measurement	4
Marine	Basic Boat Operation (on LOZ and Missouri River)	20
Marine	Patrol Boat Operations (LOZ – includes night exercises)	10
Marine	Boat Stop and Approach Practicals	8
	TOTAL	**175**

* Information in Table 2 taken from written testimony provided by the Missouri State Highway Patrol – Appendix C

Once a trooper has finished marine enforcement training, he or she must complete a minimum of 85 days of field training.

The committee was provided more detailed schedules of the first and last weeks of certain years of training prior to the merger and after. The former Water Patrol training schedule for the first week (January 3-7, 2005) and last week and a half (June 6-10 and June 13-15, 2005) can be found in Appendix D.

The Missouri State Highway Patrol marine enforcement training schedules for the first week (October 8-12, 2012) and last week (March 25-29, 2013) can be found in Appendix E.

b. Cost

In 2010, when the legislation that brought about the merger was passed, it was estimated that approximately three million dollars would be saved yearly. According to an audit report* completed by State Auditor Thomas A. Schweich's office in September 2011, that is not the case. The citizens summary of the report describes the fiscal impact of the merger as follows:

> Although press releases issued by the Department of Public Safety and the Governor's office indicated the transfer would save the state approximately $3 million, it appears it will actually cost the state an extra $900,000 each year. Although the state will save money from cutting support staff, not filling vacancies, and terminating a lease, the merger will cost the state nearly $1.8 million more in increased retirement and health care costs each year. Also, the savings estimates claimed the state would save $2.4 million by reassigning water patrol officers, but the state will still have to pay these officers; it will just pay the $2.4 million out of some other state funds.

The Auditor's office rated the overall performance of the Water Patrol Division as "fair" meaning "the audit results indicate this entity needs to improve operations in several areas. The report contains several findings, or one or more findings that requires management's immediate attention, and/or the entity has indicated several recommendations will not be implemented. In addition, if applicable, several prior recommendations have not been implemented."

The Highway Patrol responded to the audit with a statement, a portion of which is as follows:

> Since the MSWP and MSHP were consolidated in January 2011, the two agencies have been focused on realigning their workforce to better respond to Missouri citizens. Because of the timing of the audit, insufficient time has passed since the consolidation to fully realize all of the anticipated savings and efficiencies...While acknowledging some of the cost savings realized by the consolidation, the audit does not address the positive impact the consolidation has had on the combined agencies' ability to serve the public.

An audit has not been completed since September 2011 to determine if any other anticipated savings have accrued due to the merger.

* For more detailed information regarding the 2011 audit, see Report No. 2011-60, Appendix F

c. Management

Prior to the merger in 2011, the Missouri State Water Patrol was divided into six distinct districts (Image 1). Districts were controlled by officers who had been promoted to a supervisory rank within the water patrol.

Image 1

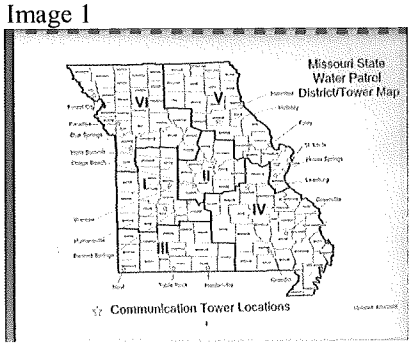
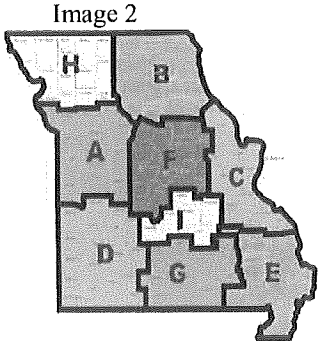


Image 2



The Highway Patrol operates by dividing Missouri into nine troops each supervised by a troop commander (Image 2). Each troop commander has been promoted to the rank of Captain and is responsible for overseeing and managing that troop's zones, including marine enforcement for the area's bodies of water.

Another notable concern following investigation and witness testimony, were the length of response times and the ability for the Patrol to fulfill all of the needs of those who participate in recreational activities on Missouri's waterways. Under its current zone structure, these concerns are a reality.

Following the water patrol merger to replicate this structure, a decrease in Patrol visibility was discovered through public testimony to be a predominant reoccurring concern. Subsequent investigation revealed the purported lack of visibility is substantiated by decreases in marine motorboat hours (Table 3) and fuel expenditures (Tables 4 and 5).

Table 3

TOTAL MOTOR BOAT HOURS (BY YEAR AND TROOP)			
TROOP	**2012**	**2013**	**2014**
A	1,231	1,188	961
B	485	527	603
C	287	412	452
D	2,024	1,854	1,657
E	228	247	157
F	4,815	3,652	3873
G	390	375	328
H	54	105	91
I	331	512	253
TOTAL HOURS	**9,845**	**8,872**	**8,375**

Table 4

PRE-MERGER MOTOR FUEL COSTS						
	1999	***2000***	***2001***	***2002***	***2003***	***2007***
By WP Boat & Year	$97,923.82	$100,135.65	$98,628.65	$73,210.82	NA	NA
By WP Vehicle & Year	$84,999.95	$84,401.51	$55,473.11	$46,105.85	NA	NA
Total Costs	**$182,923.77**	**$184,537.16**	**$154,101.76**	**$119,316.67**		
	Dollar to Gallon Conversion (Pre-figured)					
Total Gallons	**151,452.10**	**138,581.30**	**129,077.41**	**126,052.45**	NA	NA

Table 5

POST-MERGER MOTOR FUEL COSTS				
Fund	***2011***	***2012***	***2013***	***2014***
0152 (Coast Guard)	$284,982.59	$424,023.01	$436,308.44	$376,960.76
0400 (Water Patrol)	NA	$79,622.79	$4,654.72	NA
Total Costs	**$284,982.59**	**$503,645.80**	**$440,963.16**	**$376,960.76**
	Dollar to Gallon Conversion ($3.95)			
Total Estimated Gallons	**72,148**	**127,505**	**111,636**	**95,433**

IV. RECOMMENDATIONS

(1) A thorough internal review to be conducted by Captain Matt Walz;
(2) Training, certification, and recertification of Marine Operations Officers and Command Officers
    a. Establish a swimming standard for its marine enforcement training;
    b. Conduct an annual recertification of all marine officers for swimming and pertinent training in the off season;
    c. Establish a specialized marine field training program throughout the agency and ensure that all troopers have met the required standards;
    d. Develop a command officer marine operations training course;
(3) Foster improved relationships with community stakeholders and those who enjoy Missouri's waterways
(4) Promote boater safety and education courses within local schools and communities.
(5) Zone Realignment
    a. Establish specialized marine operation zones whereby marine officers will maximize time on water duties;
    b. Begin cultivating specific recruitment for marine operations officers;
    c. Distinctly mark patrol boats so they are visible and easily recognizable;
(6) Finances and Activity
    a. Establish a method of data collection that can be readily measured, analyzed, and reported when necessary; and
(7) Utilize the knowledge and training of the remaining incumbent Water Patrol managers.
(8) Provide the committee with an extensive update in six months to examine the progress on the recommendations
(9) In two years a legislative overview to inspect the implementation and results stemming from the committee's recommendations

Appendix A

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Appropriations-Education
Joint-Child Abuse & Neglect
MO Sportsmen Issue Development
Professional Registration & Licensing

MISSOURI HOUSE OF REPRESENTATIVES

Diane Franklin

State Representative
District 123

December 31, 2014

Dear Speaker Jones:

First, I want to express my sincere gratitude for the formation of the House Review Committee on the 2011 Water Patrol Division Merger. The hearing process afforded the stakeholders of Missouri's waterways to have their voices heard concerning the enactment of the merger and its subsequent results.

Through the process of conducting five hearings across the state, the committee was able to formulate a comprehensive review of the management process of the division, the training received by troopers, and the overall cost benefit the state has realized since the merger. Contained within the committee report are summaries of testimony, and research and statistical data, culminating in recommendations developed in collaboration with the Missouri State Highway Patrol. The following information serves as a summation of the topic of concern and a general timeline of events.

House Bill 1868 was presented to the legislature with the intent of providing savings by eliminating the duplicative costs of operating and maintaining two law-enforcement agencies, and to provide the state with a singular and unified law-enforcement agency. The language of the legislation created a "Division of Water Patrol" within the MSHP to take effect on January 1, 2011 thereby combining the powers and duties of each organization. The appreciable differences, however, of these two complex law-enforcement agencies and their specific missions was not fully identified during the legislative process. The General Assembly assumed the necessary degree of autonomy for any organization to function properly would be granted, and subsequently, the long-standing success of the Water Patrol would remain intact.

However, following a pilot program conducted in July 2011, which the MSHP deemed a success, the MSHP expanded the pilot program statewide in October 2011, and disseminated Water Patrol duties among the nine troops of the existing Missouri State Highway Patrol. The title of Water Patrol officer was changed to Marine Operations officer, and nine MSHP troop commanders were assigned the responsibility of enforcing public safety on their respective geographical waterways. Each of these troop commanders were charged with the oversight of cross-training highway patrol troopers who would be patrolling on both Missouri's roadways and waterways. Troopers were offered three to four week academy training to familiarize themselves with law enforcement on the various types of waterways in Missouri.

Specifically, within each MSHP troop, field training was left to the individual discretion of each troop commander. As a result of this individualized discretion, field training was not consistent or standardized, and was discovered to be executed irregularly and largely undocumented with unclear standardized protocols. While some discretion within each troop is necessary, the implications of excessive individualized discretion are compounded in that the MSHP commanders lacked the specialized marine experience and knowledge necessary to meet the lofty demands of the Missouri Water Patrol in its service to the people of Missouri.

Moreover, several Water Patrol command staff, when merged, were assigned other duties within the structure of the MSHP, many of which did not utilize their specialized training and expertise. The pilot program put into place did not allow for maximization of skills and knowledge of the Water Patrol command staff. No matter how respected and successful each entity had been through the years, the appreciable differences between the two law enforcement agencies' missions had not been preserved and unity was suffering.

Subsequently, the Interim House Review Committee on the 2011 Water Patrol Division Merger was impaneled to begin its investigation into the success of the merger. While some concerns were expected, the members did not anticipate the extensive volume of public input offered during each of the five committee hearings. A reappearing concern was the lack of law-enforcement visibility on the water. Witnesses proclaimed that the increasing lack of visibility and patrol of the state's waterways was not only a danger to public safety, but also a detraction from the state's vital tourism.

This lack of consideration of Missouri's waterways comes as a great disappointment, especially since in 2006 legislation was passed that tripled boater registration fees. These fees were necessary, and were vital to the continued well-being of the Water Patrol. Nevertheless, the additional monies this law created were expected to be used solely for law enforcement and public safety on the state's waterways. Our committee's research indicated that marine operation boating hours and fuel expenses had declined since the merger. This trade-off was not fair to the people of Missouri, as an increase in marine usage costs should have also translated into the continued superior excellence of marine patrol service.

The driving rationale behind HB1868 and the subsequent merger was a cost savings and the unification of state law-enforcement agencies. The analysis by the committee was that it could not be certain that either of these ideals have been met. A cause for great concern in regard to cost-effectiveness can most succinctly be illustrated in the Missouri State Auditor's report numbered 2011-60 and published in September of 2011. The report estimated that the merger actually costs the people of Missouri $900,000.00 a year. With the cost savings portion now disproved, the justification for the merger becomes less apparent.

The committee, however, did note some positive benefits that were identified during the committee hearing process. Many of these benefits arc contained within witness testimony, but include enhanced information and data access through improved technology, increased support on marine operations boats and vehicles, and the unique support structure of the MSHP offered to incoming Marine Operations officers, along with the capability to renovate the swim training pool. However, state-wide implementation of the pilot program presented several departures from the pre-merger Water Patrol procedures and operations in training, field training, visibility, and interaction with the boating community.

With a solid understanding of these issues and others contained within the committee report, recommendations were erected. One of the committee's recommendations is for the MSHP to develop and foster improved relationships with community stakeholders and local schools by promoting boater safety and education. The committee now recognizes that the MSHP is moving forward and making advancements in order to fulfill the committee's recommendations encapsulated at the end of the committee report.

The members of the committee have requested an extensive update in six months to examine the progress and success in protecting and serving through law enforcement and education so that our citizens and visitors alike may safely enjoy the waterways of Missouri. In addition, there will also be a review in two years to inspect the implementation and results stemming from the committee's recommendations.

On behalf of the committee members, thank you for its formation and the duties and responsibilities charged to its members. As a result of this comprehensive review, great strides are being made to positively impact public safety for the citizens of Missouri, as well as the visitors to our state.

It has been a true pleasure and honor to chair this committee and serve the needs of our citizens. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Diane Franklin
District 123

CC: Speaker-Elect John Diehl

MISSOURI STATE WATER PATROL

33rd RECRUIT ACADEMY

ACADEMY CURRICULA
P.O.S.T REQUIRED COURSE LIST
COURSE DESCRIPTIONS
COURSE SCHEDULE

	MSWP 33RD RECRUIT ACADEMY CURRICULA	11/15/2004	
CODE	CURRICULA	COURSE HOURS	INSTRUCTOR(S)
100	**ADMINISTRATIVE PROCEDURES**	**51 HRS**	
101	Orientaton/Rules & Regs/Employment Forms	12	Payne/Wulf/Gottman
102	Basic Study Skills	2	Payne or Walz
EXAMS	Exams (Term Comprehensive & POST Certification)	8	Payne & Staff
WP	Historical Perspective of MSWP	1	Payne
WP	MSWP Operations, Policy & Procedures	18	Gottman
EXAM	MSWP Operations, Policy & Procedures Exam	1	Gottman
WP	Equipment Issue & Familiarization	8	Roam & Shop Staff
WP	Mineral Area College Credit Program	1	Dr. G. Kennon
	LEGAL STUDIES	**98 HRS.**	
200	**Constitutional Law (31 hrs.)**		
201	Introduction to Legal Blocks	2	Bruce
202	The Criminal Process	1	Bruce
203	Rules of Evidence	2	MSHP (Frazier)
204	Admissions/Confessions/Miranda	5	Bruce
205	Contact/Detention/Arrest	4	Bruce
206	Prisoner Rights & Privileges	2	MSHP (Cummings)
207	Searches, Seizures & the Search Warrant	2	Bruce
208	Non-Fourth Amendment Seizures	2	Bruce
209	Stop & Frisk	1	Bruce
210	Search Incident to Arrest	3	Bruce
211	Searches & Seizures Without A Warrant	4	Bruce
212	Peace Officer Liability	2	Bruce
EXAM	Constitutional Law Exam	1	Flanigan (MSHP)
300	**Missouri Statutory Law (33 hrs.)**		
301	Criminal Code Overview	1	Horvath
302	General Provisions	2	Horvath
303	Justification - Use of Force	4	Horvath
304	Civil Process	4	MSHP (Cummings)
305	Criminal Statutes	21	Horvath
EXAM	Missouri Statutory Law Exam	1	Flanigan (MSHP)
WP	**State/Federal Watercraft Law (30 hrs.)**		
WP	Introduction to Watercraft Law	1	Walz
WP	Federal Watercraft Acts/Vessel Documentation	3	Walz
WP	State Boating Statutes/Enforcement Procedures	13	Walz
EXAM	State/Federal Watercraft Law Exam	1	Walz
WP	Citation/Warning/Inspection Procedures	11	Campbell
WP	Basic Vehicular Traffic Law	4	Campbell
EXAM	Citation/Warning/Inspection Procedures Exam	1	Campbell

CODE	CURRICULA	COURSE HOURS	INSTRUCTOR(S)
	INTERPERSONAL PERSPECTIVES	**71 HRS.**	
500	**Ethics & Professionalism (4 hrs.)**	4	MSHP (Biram)
600	**Domestic Violence (31 hrs.)**		
601	Crisis Intervention/Domestic Violence	26	MSHP
EXAM	Crisis Intervention/Domestic Violence Exam	1	MSHP
602	Child Abuse & Neglect	4	MSHP
700	**Human Behavior (36 hrs.)**		
701	Tactical Communications (Verbal Judo)	8	Hoff
702	Communications Obstacles	6	MSHP (Cummings)
703	Cultural Diversity (includes Exam)	4	Hoff
704	Community Problem Solving	2	MSHP (Biram)
705	Crime Prevention	2	Bledsoe
706	Dealing with Aggressive Behavior	4	Gottman
707	Dealing With Death	2	Sawyer
708	Stress Management	2	Campbell
709	Health, Fitness & Nutrition	2	Payne
WP	Basic Spanish for Law Enforcement	4	Martin
	TECHNICAL STUDIES	**379 HRS.**	
800	**Patrol (POST Required) (66 hrs.)**		
801	Introduction - Preparation for Duty	3	Barborek
802	Service Duties of the Peace Officer	3	Humphrey
803	Radio Communications Procedures	5	Haskamp
804	Preventive Patrol	2	Barborek
805	Field Inteviews	4	Wulf
806	Mechanics of Arrest & Control	6	Gottman & Shelton
807	Search of Persons/Vehicles	6	Wulf
808	Vehicle Stops	8	Wulf & Staff
809	Day vs. Night Patrol	1	Humphrey
810	Emergency Response/Building Search	8	Hutton
811	Gangs, Transients & Organized Crime	4	MSHP (Land)
812	Civil Disturbance Response	4	West (MSHP)
813	Survival Mentality	2	Wulf
814	Hazardous Materials	7	Barborek
EXAM	Hazardous Materials Exam	1	Barborek
EXAM	Patrol (POST Required) Review & Exam	2	Barborek
	Patrol (Water Patrol Specific) (120 hrs.)		
WP	Radiological Monitoring	2	SEMA (Kammerer)
WP	Breath Alcohol Content Training/Certification	31	Bledsoe
EXAM	Breath Alcohol Content Exam	1	Bledsoe
WP	Incident Command System	12	Barborek

CODE	CURRICULA	COURSE HOURS	INSTRUCTOR(S)
	Patrol (Water Patrol Specific) continued		
WP	Boating While Intoxicated Detection	16	Campbell & Bledsoe
EXAM	Boating While Intoxicated Exam	1	Campbell & Bledsoe
WP	Boating Safety Education Instructor Course	10	Campbell & Bledsoe
EXAM	Boating Safety Education Instructor Exam	1	Campbell & Bledsoe
WP	Public & Media Relations	4	Humphrey
WP	Watercraft RADAR Operation	7	Sellers
EXAM	Watercraft RADAR Operation Exam	1	Sellers
WP	Noise Measurement & Sound Meter Operation	8	Walz
WP	Drowning Investigation/Body Recovery	4	R. Talburt
WP	Drug Detection/Enforcement on Waterways	6	R. Talburt/Walz
WP	Patrol Equipment Maintenance/Care Procedures	8	Roam & Shop Staff
WP	Dive Team Familiarization & Procedures	4	W. Talburt
WP	Racial Profiling	2	Barborek
WP	Diplomatic Immunity	2	Barborek
1100	**Criminal Investigation (96 hrs.)**		
1101	Introduction to Basic Invesitgation	2	Bledsoe
1102	Crime Scene Processing & Investigation	12	Bledsoe
1103	Fingerprint Evidence	7	MSHP (Louk-Denney/Kliethermes)
EXAM	Fingerprint Evidence Exam	1	MSHP (Louk-Denney/Kliethermes)
1104	Interrogation Process	5	Bledsoe
1105	Informant Use	1	Bledsoe
1106	Case & Trial Preparation	2	Bledsoe
1107	County & Municipal Offense Investigations	16	Bledsoe
EXAM	Criminal Investigations Review & Exam	2	Bledsoe
WP	Boat/Motor Theft, Seizure & Serial Numbers	10	Smith
WP	MSWP Criminal Investigation Section Procedures	8	Smith
WP	Watercraft Accident Investigations	23	Haupt & Sanders
EXAM	Watercraft Accident Investigations Exam	1	Haupt & Sanders
WP	Basic Photography Procedures	2	Bledsoe
WP	Liquor Law Investigations	2	Liquor Control (Mure)
WP	Bomb Investigations	2	MSHP (Martin)
1200	**Report Writing (47 hrs.)**		
1201	Memorandum	1	Parrott
1202	Introduction to Report Writing	4	Parrott
1203	Interviewing Skills	4	Parrott
1204	Report Writing Exercises (& MSWP Forms)	34	Parrott
1205	Criminal History Reporting	2	Smith
EXAM	Report Writing Courses Review & Exam	2	Parrott

CODE	CURRICULA	COURSE HOURS	INSTRUCTOR(S)
1300	**Juvenile Justice Procedures (9 hrs.)**		
1301	Introduction, Jurisdiction & Certification	2	Campbell
1302	Judicial Custody	2	Campbell
1303	Juvenile Interrogation/Interviews	1	Campbell
1304	Fingerprinting/Line-Ups	1	Campbell
1305	Related Missouri Statutes	2	Campbell
EXAM	Juvenile Courses Review & Exam	1	Campbell
	First Aid (First Responder) (41 hrs.)		
1400	Approved First Responder/CPR Course	40	MSHP - Skiles
EXAM	First Responder Exam	1	MSHP - Skiles
	SKILL DEVELOPMENT	**524 HRS.**	
1500	**Defensive (Police) Tactics (95 hrs.)**		
1501	Concepts of Defensive Tactics	13	Gottman, Shelton & Daniels
1502	Handcuff & Restraining Devices	6	Gottman & Shelton
1503	Control Techniques	6	Gottman & Shelton
1504	Active Defense Measures	14	Gottman, Shelton & Daniels
1505	Intermediate Weapons (includes 10 hrs. practical)	18	Wulf & Daniels
1506	Weapons Retention/Disarming (includes 8 hrs. practical)	16	Gottman, Shelton & Daniels
1507	Ground Fighting Techniques (includes 2 hrs. practical)	8	Gottman & Shelton
1508	Use of Force Scenarios	4	Gottman, Wulf, Shelton & Daniels
WP	Practical Exercises/Practical Exams	8	Gottman, Wulf, Shelton & Daniels
EXAM	Written Exam	2	Gottman
1600	**Firearms (111 hrs.)**		
1601	Legal Aspects/Fundamentals of Marksmanship	7	Sederwall
1602	Shooting Stance/Loading/Dry Fire	5	Sederwall
1603	Skill Development - Handgun	22	Sederwall
1604	Handgun Qualifications	6	Sederwall
1605	Shotgun Introduction	4	Sederwall
1606	Skill Development - Shotgun	14	Sederwall
1607	Shotgun Qualifications	4	Sederwall
1608	Stress Combat Courses	8	Sederwall
1609	Night Fire - Handgun/Shotgun	4	Sederwall
1610	Shooting Decisions (FATS)	2	Sederwall
WP	Active Shooter Response	8	Land (MSHP)
WP	Shooting Decisions (Red Handle Gun)	10	Sederwall/Gottman/Walz/Allen
WP	Impact Munitions	3	Sederwall
WP	Practical Exercises	12	Sederwall
EXAM	Review & Written Exam	2	Sederwall
1700	**Physical Fitness (213 hrs.)**		

	Aerobics/Calisthenics/Weightlifting	205	Academy Staff
	Physical Fitness Progress Tests	8	Academy Staff
CODE	CURRICULA	COURSE HOURS	INSTRUCTOR(S)
1800	**Driver Training (25 hrs.)**		
1801	Emergency Maneuver Techniques	8	Bourg (MSHP)
1802	Skill Development - Day/Night	8	Bourg (MSHP)
1803	Fundamentals of Law Enforcement Driving	8	Bourg (MSHP)
EXAM	Driver training Course Written Exam	1	Bourg (MSHP)
WP	**Defensive Boat (Driver) Operation & Training (32 hrs.)**		
WP	Fundamentals & Techniques - Patrol Boat	24	Gottman
WP	Fundamentals & Techniques - Rescue Boat	4	Barborek or Bair
WP	Fundamentals & Techniques - Jet Boat	4	Barborek or Bair
WP	**Survival Swimming (38 hrs.)**		
WP	Stroke Development/Rescue Methods/Survival Skills	32	Barborek
WP	Practical Exercises	4	Barborek
EXAM	Practical Tests/Certifications/Written Exam	2	Barborek
WP	**Graduation Activities (10 hrs. in Skill Development)**		
WP	Graduation Preparation & Rehearsal	6	
WP	Graduation Banquet & Awards	2	
WP	Graduation Ceremony	2	
	TOTAL ACADEMY HOURS	**1, 123 hrs.**	

Interim House Review Committee on the 2011 Water Patrol Division Merger
Committee Question for MSHP Water Patrol Division

Hearing date October 1, 2014

- How was highway and water patrol officer training conducted *prior* to the merger, and how has that officer training been altered *since* the merger?

Prior to the Merger-Highway Patrol and Water Patrol had separate academies with a minimum of 1000 training hours. Both academies operated under the basic 600 hour core curricula as mandated by Chap. 590, POST, the balance of the 1000+ hours were supplemental academy specific courses. The Water Patrol utilized Highway Patrol facilities (dormitory, classroom, and instructors) during their academies.

-Final Water Patrol recruit class, the 35th, 6 recruits, 23 1/2 Weeks-1217 hours Dec. 2007-May 2008. (12 week FTO-*with potential release to work alone at 10 weeks)*

-Current MSHP class, is at 32 recruits, 25 weeks-1253 hours (minimum of 85 day FTO)

Following the merger, Marine Enforcement training was developed utilizing former Water Patrol officers, including Lt. Eldon Wulf. Lt. Wulf was assigned to the academy and coordinated the Highway Patrol Marine Enforcement training until his retirement in 2014.

Current MSHP Recruits: 36 hrs. Recruits			2006 WP Last class 12/2/07-5/21/08
Basic Swimming	20 hrs.		
BWI Investigation	6 hrs.		
Basic Boater Education	6 hrs.		
Marine Enforcement Laws	4 hrs.		
Marine Enforcement Training: 142 hrs.			
Orientation	1 hr		
Watercraft law/ federal acts	17 hrs.		17 hrs.
Survival swimming hrs.	36 hrs.	- Stroke development/ rescue methods/survival skills.	32
Swim test /final exam	4 hrs.	-practical exercises/tests/ exams	6 hrs.

Tactical water survival	16 hrs.		8 hrs.
Side sonar/boater ed. orientation	1 hr		
Watercraft accident investigation	12 hrs.		24 hrs.
Boat & Motor theft investigation	4 hrs.		10 hrs.
BWI detection/seated battery	8 hrs.		25 hrs.
Noise level measurement	4 hrs.		
Basic boat operation (Lake of the Ozarks and Missouri river)	20 hrs.	Defensive boat operations (rescue boat, jet boat)	8 hrs.
Patrol boat operations (Lake of the Ozarks-includes night time)	10 hrs.	Patrol boat	24 hrs.
Boat stop and approach practicals	8 hrs.		

MISSOURI STATE WATER PATROL
33RD RECRUIT ACADEMY

WEEK #1
Revised 11-22-04

Time	Monday January 3, 2005	Tuesday January 4, 2005	Wednesday January 5, 2005	Thursday January 6, 2005	Friday January 7, 2005
6:00	**Calisthenics**	**Calisthenics**	**Calisthenics**	**Calisthenics**	**Calisthenics**
7:00	**Breakfast**	**Breakfast**	**Breakfast**	**Breakfast**	**Breakfast**
8:00	History of MSWP 1-1 (Walz)	MSWP Policy, Operations & Procedures 6-19 (Gottman)	MSWP Policy, Operations & Procedures 10-19 (Gottman)	MSWP Policy, Operations & Procedures 14-19 (Gottman)	MSWP Policy, Operations & Procedures 18-19 (Gottman)
9:00	MSWP Employment Forms				
10:00	3-3				
11:00	(Payne & Love)				
12:00	**Lunch**	**Lunch**	**Lunch**	**Lunch**	**Lunch**
1:00	MSWP Policy, Operations & Procedures 2-19	Interpersonal Perspectives Stress Management 2-2	Juvenile Justice (Introduction, Jurisdiction & Certification) 2-2	Juvenile Justice (Juvenile Interrogation, Interviews, Fingerprints, Lineups) 1-1 & 1-1	Juvenile Justice Test (Campbell)
2:00	(Gottman)	(Campbell)	(Campbell)	(Campbell)	Operations & Policy Test 19-19 (Gottman)
3:00	**ENTRY PHYSICAL FITNESS TEST** **(Weight Room)**	Interpersonal Perspectives Health, Fitness & Nutrition 2-2	Juvenile Justice (Judicial Custody) 2-2	Juvenile Justice (MO Related Statutes) 2-2	Interpersonal Perspectives Dealing With Aggressive Behavior 2-4
4:00	(Payne & Staff)	(Payne)	(Campbell)	(Campbell)	(Gottman)
5:00	**Aerobics**	**Aerobics**	**Aerobics**	**Aerobics**	
6:00	**Dinner**	**Dinner**	**Dinner**	**Dinner**	
7:00	**Battle Uniform Company Measuring for Uniforms**				

NOTES: Gottman OIC Sunday-Friday

MISSOURI STATE WATER PATROL
33RD RECRUIT ACADEMY

WEEK #23

Time	Monday June 6, 2005	Tuesday June 7, 2005	Wednesday June 8, 2005	Thursday June 9, 2005	Friday June 10, 2005
6:00	**Calisthenics**	**Calisthenics**	**Calisthenics**	**Calisthenics**	**Calisthenics**
7:00	**Breakfast**	**Breakfast**	**Breakfast**	**Breakfast**	**Breakfast**
8:00	Defensive Boat Operation Patrol Boats & Trailering	S.T.R.E.S.S. Red Handle Gun (Simunition Used)	Survival Swimming Swimming Rescues, Psychological Training	Survival Swimming Swimming Skills Review & Practical Exam	**TERM #3 COMPREHENSIVE EXAM**
9:00	Lake of the Ozarks 20-24	(River / Marine Shop) 4-10	32-38	36-38	**(Walz)**
10:00			(Pool)	(Pool)	
11:00	(Gottman & LO Staff)	(Allen/Sederwall/ Gottman/Shelton/ Daniels/Wulf)	(Barborek)	(Barborek)	
12:00	**Lunch**	**Lunch**	**Lunch**	**Lunch**	
1:00	Defensive Boat Operation Patrol Boats & Trailering	S.T.R.E.S.S. Red Handle Gun (Simunition Used)	MSWP Equipment Maintenance & Care Procedures	Survival Swimming Swimming Skills Review & Written Exam	
2:00	Lake of the Ozarks 24-24	(River / Marine Shop) 8-10	(Marine Shop) 4-8	38-38 (Barborek)	
3:00				**TERM #3 PHYSICAL FITNESS TEST** **(Weight Room)**	
4:00	(Gottman & LO Staff)	(Allen/Sederwall/ Gottman/Shelton/ Daniels/Wulf)	(Roam & Staff)	**(Walz)**	
5:00	**Aerobics**	**Aerobics**	**Aerobics**		
6:00	**Dinner**	**Dinner**	**Dinner**	**Dinner**	
7:00		S.T.R.E.S.S. Red Handle Gun 10-10 (Allen/Sederwall/Gottman /Shelton/DanielsWulf)			

NOTES: Gottman OIC Monday-Tuesday; Walz OIC Tuesday-Friday

MISSOURI STATE WATER PATROL
33RD RECRUIT ACADEMY

WEEK #24

ne	Monday June 13, 2005	Tuesday June 14, 2005	Wednesday June 15, 2005	Thursday June 16, 2005	Friday June 17, 2005
6:00					
7:00	**Breakfast**	**Breakfast**	**Breakfast**		
8:00	MSWP Equipment Maintenance & Care Procedures	MSWP Equipment Issue	MSWP Graduation Preparation & Practice		
9:00	(Marine Shop) 8-8	(Marine Shop) 8-8	(Gym) 6-6 (Walz & Staff)		
10:00			MSWP 33rd Recruit Class Graduation Ceremony (Gym)		
11:00	(Roam & Staff)	(Roam & Staff)			
12:00	**Lunch**	**Lunch**			
1:00	MSWP Equipment Issue	MSWP Graduation Preparation & Practice			
2:00	(Marine Shop) 4-8	(Gym) 4-6			
3:00					
4:00	(Roam & Staff)	(Walz & Staff)			
5:00					
6:00	**Dinner**	**Dinner**			
7:00		**RECRUIT BANQUET**			

NOTES: Walz/OIC

Appendix E

Missouri State Highway Patrol
Law Enforcement Academy
8th Basic Boat Operation

October 9-11, 2012

	Monday October 8	Tuesday October 9	Wednesday October 10	Thursday October 11	Friday October 12
0600					
0700					
0800			OPERATION DRILLS OSAGE RIVER- MARI-OSA ACCESS	OPERATION DRILLS MISSOURI RIVER NOREN ACCESS	
0900			1. Launching & Loading 2. Porposing & Turning drill	1. Ferrying drill 2. Boarding drills in current	
1000			3. Planeing & Slalom course	3. Man overboard drill-2 turns	
1100		ORIENTATION **Wulf**	4. Boarding drills **Staff**	4. Docking drills 5. Follow the Leader **Staff**	
1200					
1300		BOAT OPERATION- Mechanical Components **Richardson**	OPERATION DRILLS 1. Man Overboard drills-1 turn	PRACTICALS & FOLLOW THE LEADER	
1400		Boating Operation Fundamentals **Richardson**	2. Backing Course 3. Serpentine Course	1. Finish Practical's 2. Operate 15 to 20 miles and back	
1500		OPERATING IN SWIFTWATER **Wulf**	4. Boarding drills		
1600		PRE-OPERATION CHECKLIST & SAFETY CHECK			
1700		Class goes till about 1730 **Richardson & Staff**	**Staff**	**Staff**	
1800					
1830					

March 4-March 29, 2013

Missouri State Highway Patrol
Law Enforcement Academy
2nd Marine Enforcement Training Class

	Monday March 25, 2013	Tuesday March 26, 2013	Wednesday March 27, 2013	Thursday March 28, 2013	Friday March 29, 2013
0600					
0700	Breakfast				
0800	TACTICAL WATER SURVIVAL COURSE 4/8	PATROL BOAT OPERATIONS 4/18			
0900	MSD (Fulton)	Lake of the Ozarks			SWIM TEST 2/2 MSD (Fulton)
1000			PATROL BOAT OPERATIONS 10/18	BOAT STOP & APPROACH 2/10	Mark Wilson/Staff
1100	Eldon Wulf/Staff	Eldon Wulf/Staff	Lake of the Ozarks Eldon Wulf/Staff	Lake of the Ozarks Eldon Wulf/Staff	
1200	Lunch				
1300	TACTICAL WATER SURVIVAL COURSE 8/8	PATROL BOAT OPERATIONS 8/18	PATROL BOAT OPERATIONS 14/18	BOAT STOP & APPROACH 6/10	FINAL EXAM 2/2
1400	MSD (Fulton)	Lake of the Ozarks	Lake of the Ozarks	Lake of the Ozarks	Eldon Wulf
1500			*Noise level measurement practicals during the afternoon	*Noise Level Measurement Practicals during the afternoon	
1600			*dragging operations during the afternoon	*dragging operations during the afternoon	
1700	Eldon Wulf/Staff	Eldon Wulf/Staff	Eldon Wulf/Staff	Eldon Wulf/Staff	
1800	Dinner				
1830			PATROL BOAT OPERATIONS 18/18	BOAT STOP & APPROACH 10/10	

Thomas A. Schweich
Missouri State Auditor

PUBLIC SAFETY

Missouri State Water Patrol

September 2011
Report No. 2011-60

http://auditor.mo.gov

Thomas A. Schweich
Missouri State Auditor

CITIZENS SUMMARY

Findings in the audit of the Department of Public Safety, Missouri State Water Patrol

Background	On January 1, 2011, the Missouri State Water Patrol (MSWP) was eliminated, and its powers and duties were transferred to the Water Patrol Division, within the Missouri State Highway Patrol (MSHP). This audit primarily focuses upon the 30 months preceding the transfer.
Missing Funds	The MSWP failed to transfer boater education fees of over $3,000 to the General Revenue Fund, and the money was missing. The audit staff discovered discrepancies between recorded cash receipts and deposit records and requested the MSHP investigate the matter further. In April 2011, a former MSWP clerk was charged with felony stealing. Weaknesses in the MSWP internal controls allowed this theft to go undetected.
Excess Boat Inventory	Twenty-eight boats worth a total of $250,000 remain unused in a warehouse with no clear plans for their future use or disposal. These boats should have been disposed of as surplus property, but we were told a miscommunication prevented them from being prepared/scheduled for surplus .
Fiscal Impact of Merger	Although press releases issued by the Department of Public Safety and the Governor's office indicated the transfer would save the state approximately $3 million, it appears it will actually cost the state an extra $900,000 each year. Although the state will save some money from cutting support staff, not filling vacancies, and terminating a lease, the merger will cost the state nearly $1.8 million more in increased retirement and health care costs each year. Also, the savings estimates claimed the state would save $2.4 million by reassigning water patrol officers, but the state will still have to pay these officers; it will just pay the $2.4 million out of some other state funds.

In the areas audited, the overall performance of this entity was **Fair.***

American Recovery and Reinvestment Act 2009 (Federal Stimulus)	The Department of Public Safety, Missouri State Water Patrol did not receive any federal stimulus monies during the audited time period.

*The rating(s) cover only audited areas and do not reflect an opinion on the overall operation of the entity. Within that context, the rating scale indicates the following:

Excellent: The audit results indicate this entity is very well managed. The report contains no findings. In addition, if applicable, prior recommendations have been implemented.

Good: The audit results indicate this entity is well managed. The report contains few findings, and the entity has indicated most or all recommendations have already been, or will be, implemented. In addition, if applicable, many of the prior recommendations have been implemented.

Fair: The audit results indicate this entity needs to improve operations in several areas. The report contains several findings, or one or more findings that require management's immediate attention, and/or the entity has indicated several recommendations will not be implemented. In addition, if applicable, several prior recommendations have not been implemented.

Poor: The audit results indicate this entity needs to significantly improve operations. The report contains numerous findings that require management's immediate attention, and/or the entity has indicated most recommendations will not be implemented. In addition, if applicable, most prior recommendations have not been implemented.

All reports are available on our website: http://auditor.mo.gov

Missouri State Water Patrol
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THOMAS A. SCHWEICH
Missouri State Auditor

Honorable Jeremiah W. (Jay) Nixon, Governor
and
John M. Britt, Director
Department of Public Safety
and
Colonel Ron K. Replogle, Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

We have audited certain operations of the Department of Public Safety, Missouri State Water Patrol, in fulfillment of our duties under Chapter 29, RSMo. The scope of our audit included, but was not necessarily limited to, the 6 months ended December 31, 2010, and the years ended June 30, 2010, and 2009. The objectives of our audit were to:

1. Evaluate the agency's internal controls over significant management and financial functions.

2. Evaluate the agency's compliance with certain legal provisions.

3. Evaluate the economy and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, and other pertinent documents; interviewing various personnel of the agency, as well as certain external parties; and testing selected transactions. We obtained an understanding of internal controls that are significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

The accompanying Organization and Statistical Information is presented for informational purposes. Because this agency became part of the Missouri State Highway Patrol (MSHP) effective January 1, 2011, this information was obtained from the MSHP's management and was not subjected to the procedures applied in our audit of the agency.

For the areas audited, we identified (1) deficiencies in internal controls, (2) significant noncompliance with legal provisions, and (3) the need for improvement in management practices and procedures. The accompanying Management Advisory Report presents our findings arising from our audit of the Department of Public Safety, Missouri State Water Patrol.

Thomas A. Schweich
State Auditor

The following auditors participated in the preparation of this report:

Deputy State Auditor:	Harry J. Otto, CPA
Director of Audits:	John Luetkemeyer, CPA
Audit Manager:	Gregory A. Slinkard, CPA, CIA
In-Charge Auditor:	Gayle A. Garrison
Audit Staff:	Richard Mosha, MBA
	Wayne Kauffman, MBA

Missouri State Water Patrol
Management Advisory Report
State Auditor's Findings

1. Missing Funds

Over $3,000 in boater education fees received by the Missouri State Water Patrol (MSWP) were not properly transmitted to the state General Revenue Fund and are missing. Weaknesses in the controls over cash receipts allowed this situation to occur and remain undetected until the audit.

Sections 306.127 and .128, RSMo, require boaters born after January 1, 1984, and persons convicted of serious boating violations to pass a written examination and carry a boater safety identification card when operating boats and other watercraft on Missouri waterways. Prior to the issuance of cards to individuals, the MSWP collected a fee of $15 for each original boater safety identification card and $10 for temporary, replacement, or duplicate cards. The MSWP deposited these fees into the state General Revenue Fund.

1.1 Missing receipts

A review of boater education fees collected by the MSWP disclosed some monies received were not properly remitted to the state treasury for deposit and are missing.

A detailed comparison of the MSWP receipts register to deposit records disclosed numerous instances where recorded receipts could not be traced to deposits. Most of these missing receipts were recorded as cash. Another comparison of receipts recorded on the MSWP receipts register to boater education revenues reported as received by the state accounting system[1] for the period from July 2008 through December 2010, determined undeposited receipts totaled over $3,000. We also determined the discrepancies ended by early calendar year 2010, approximately a year before the agency became a division of the Missouri State Highway Patrol (MSHP).

In March 2011, we requested the MSHP investigate this matter further. The MSHP subsequently performed an investigation and reported the results to the Cole County Prosecuting Attorney. On April 8, 2011, a former MSWP clerk was charged with felony stealing. According to information filed with the felony complaint, the MSHP determined cash receipts totaling $3,195 were not deposited between January 4, 2008, and December 15, 2009.

1.2 Controls over collections

Weaknesses in MSWP controls over boater education receipts allowed this situation to occur and not be detected.

During the period under review, one clerk received monies and recorded the receipts on a register. The monies were then forwarded to another clerk who prepared the deposit records. However, the MSWP did not perform an independent review to ensure recorded receipts agreed to the monies remitted to the state treasury for deposit. In addition, receipts were not

[1] Statewide Advantage for Missouri (SAM II)

always deposited in a timely manner. For example, we noted some boater education fees totaling $1,495 received in April 2008 were not deposited until July 2008.

While timely depositing was implemented by the time the MSWP merged with the MSHP, as of March 2011, an independent review of recorded receipts to amounts deposited was still not being performed.

To help ensure monies are handled properly, an independent reconciliation of recorded receipts to amounts deposited should be performed.

Recommendations

The Missouri State Highway Patrol:

1.1 Continue to work with the prosecutor related to the prosecution of this matter and the recovery of the missing funds.

1.2 Perform an independent reconciliation of recorded receipts to monies remitted to the state treasury.

Auditee's Response

1.1 When the State Auditor's Office discovered this situation and brought it to the Highway Patrol's attention, the Highway Patrol was able to make a criminal case within a week. The Highway Patrol will continue to work with the prosecuting attorney to prosecute and recover funds to the fullest extent of the law.

1.2 With the merger now in place, the Highway Patrol has worked with the newly created Water Patrol Division to develop proper procedures for handling boater education fees. Even prior to the merger, the Water Patrol was instructed to no longer accept cash, and since the merger, the Water Patrol Division has had a new process established for receiving and depositing revenue. One employee opens the mail and records the receipt, a second employee deposits the fee into the state treasury, a third employee issues the boater safety identification card to the requesting individual, and a supervisor independently reconciles the process on a regular basis. This has been implemented and will continue to be monitored.

2. Excess Boat Inventory

MSWP management of its boat inventory was in need to improvement, and that agency had a significant number of boats in storage which should have been sold or surplused. The current estimated market value of these excess boats totaled over $250,000 (based on average NADA[2] retail values).

In March 2011, we discovered 28 boats were stored in a Jefferson City warehouse with no clear plans for future use. These boats were 11 to 17 years old (based on model year) and the MSHP considered the boats to be serviceable. Three of these boats had been in storage 4 to 5 years and 12 boats had been in storage for at least a year, with 7 more boats put in storage for most, if not all, of the previous boating season (April through September 2010).

Former MSWP officials (who currently work at the MSHP Water Patrol Division) told us these boats had reached an age/usage level where they would begin to require significant repair and should have been disposed of through the State Agency for Surplus Property (SASP); however, we were told a miscommunication apparently occurred regarding which boats should be prepared/scheduled for surplus. At the time of our review only three boats had been designated for disposal with the SASP.

Even though these unassigned boats are not currently used by the Water Patrol Division, they still have value. To ensure the boat inventory of the Water Patrol Division is properly managed, the MSHP should ensure any excess or surplus boats are identified and disposed of in a timely manner.

A similar condition was noted in a previous report.

Recommendation

The Missouri State Highway Patrol ensure the boat inventory of the Water Patrol Division is properly managed and dispose of any boats not needed in a timely manner.

Auditee's Response

Of the 28 boats addressed in this finding, the Highway Patrol has initially identified 20 that are not needed, and is in the process of removing equipment from them and preparing them for disposal. To avoid flooding the market and potentially lowering the sale price, these 20 boats will be sent to Surplus Property at the rate of three or four per month. A schedule has been worked out with Surplus Property, and it will take approximately six months to complete the process, with the final few boats being sent to Surplus Property by approximately December 2011. After that, the Patrol will evaluate the remaining 8 boats and determine the best course of action. Some of those boats are not high value, and may be useful in emergency

[2] The National Automobile Dealers Association (NADA) prepares guides annually with pricing and information on new and used cars, motorcycles, boats, and other items.

situations (e.g., floods, rescues, etc). This could mean that 8 of the 28 may be needed, or some portion of them, and that determination should be made by early 2012. The Highway Patrol will continue to monitor the Water Patrol Division's boat inventory on an ongoing basis.

3. Fiscal Impact of Merger

Press releases issued by the DPS in January 2011, and by the Governor's office when legislation to merge the MSWP with the MSHP was signed in June 2010, indicated the merger should save the state about $3 million. However, our analysis indicates the merger will actually cost the state about $900,000 annually. The press releases presented cost savings associated with the General Revenue Fund, but the cost savings amount did not include some costs the General Revenue Fund would incur, and did not include increased costs that other state funds would incur.

In addition, legislative testimony presented by DPS officials focused on increased efficiency and cost savings related to the General Revenue Fund, but did not provide information concerning increased costs of other affected state funds. Department of Public Safety (DPS), Office of Director personnel testified before the House of Representatives' Public Safety Committee on April 7, 2010, regarding pending legislation (House Bill 1868) to merge the MSWP into the MSHP. That testimony indicated, over time, through attrition, the state General Revenue Fund would save between $2 million and $3 million dollars.

Information in the fiscal note associated with House Bill 1868, estimated savings to the state General Revenue Fund to be between $2.9 million and $3.74 million annually for state fiscal years 2011, 2012, and 2013. Included in the fiscal note cost estimates is a savings of about $500,000 to the General Revenue Fund by eliminating ten support staff positions. Also potential savings to the General Revenue Fund ranging from $0 to $840,000 was included in the fiscal note. These savings would result from possibly vacating a leased building ($0 to $180,000), and potential reductions to the Water Patrol command structure ($0 to $660,000) through future attrition.

Funding shift

Included in the savings estimate for the General Revenue Fund was $2.4 million that resulted from reassigning water patrol officers to other duties and paying them from other state funds during their off season. As a result, the state will not save the $2.4 million but will simply pay those costs from other funds.

MSHP officials testified before the legislature in April 2010 they anticipated reassigning water patrol officers to primarily highway related activities during the off season. MSHP officials indicated it is still their intent for the upcoming boating off season. Therefore, it appears the State Highway and Transportation Fund will bear most of the costs due to the funding shift.

Staffing savings

MSHP officials indicated, as of July 1, 2011, 10 positions were eliminated from the Water Patrol Division budget and that the persons employed in these positions had been terminated from the MSWP staff on or before the January 1, 2011, merge date. As a result, it appears the state saved approximately $403,000 annually due to the elimination of support staff positions.

As of July 1, 2011, two high ranking water patrol officers have left state employment. The MSHP has not promoted remaining officers to these positions but is realigning the rank and duties performed to be consistent with the MSHP rank structure. As a result, the duties formerly performed by the high ranking MSWP officers are now performed by lower ranking MSHP individuals. Annual cost savings for payroll and fringe benefits related to the reduction of the water patrol command structure currently totals $250,000. The MSHP anticipates further savings resulting from additional retirement of former MSWP highly ranked officers within the next few years.

Rent savings

The MSWP terminated the lease of the building it formerly occupied on June 30, 2010, eliminating annual lease payments totaling $144,000. Additional cost savings will occur through reduced utility costs for the leased building which were the responsibility of the state. Total estimated annual savings of $250,000 are anticipated by the DPS as a result of terminating the lease and reduced utility payments.

Increased retirement costs

The fiscal impact due to employees electing to transfer between retirement plans was not included in the fiscal note prepared by the Committee on Legislative Research Oversight Division. The enabling legislation allowed former MSWP employees the option of transferring to other state employee retirement and health care systems. The narrative contained in the fiscal note indicated estimated annual cost increases totaling as much as $2.1 million could occur if all eligible MSWP employees elected to transfer from the Missouri State Employees' Retirement System (MOSERS) to the Missouri Department of Transportation and Patrol Employees Retirement System (MPERS) because the required state contribution rate to the MPERS is higher than MOSERS. MSWP employees were not required to make the election until April 1, 2011. However, the Oversight Division indicated it did not include a cost estimate of the fiscal impact in the calculation total of the fiscal note because it had no way of knowing how many employees would transfer to the MPERS. Current annual estimated retirement system contribution cost increases for former MSWP employees who elected the transfer to the MPERS benefit system total approximately $1.7 million.

Increased health care costs

The fiscal note did not consider the difference in cost to the state for the employees that elected to transfer from the Missouri Consolidated Health Care Plan (MCHCP) to the Missouri Department of Transportation and

Missouri State Highway Patrol Medical and Life Insurance Plan (MHPML). Due to the varying levels of coverage as of June 2011, the state's monthly contribution amounts for active employees under the MCHCP plan were $688 per employee while the contribution amounts under the MHPML plan ranged from $383 to $1,008 per employee. In total, the annual contributions made for former MSWP employees increased approximately $65,000 annually.

Estimated net cost of merger

Based on the information above, it appears savings realized due to the reduction of command and support staff and the elimination of rental costs total approximately $900,000. However, additional costs due to increased contributions for retirement and health care contributions totaled about $1.8 million. As a result, the MSWP merger with the MSHP has actually increased costs to the state by about $900,000 rather than generating a $3 million savings.

To help ensure the legislature makes well-informed decisions concerning pending legislation, it is imperative for state agencies to provide complete and accurate information concerning the fiscal impact to the Committee on Legislative Research Oversight Division. Every effort should be made to ensure information provided to state officials presents a sufficiently comprehensive analysis and fully discloses all information that should be considered by those state officials.

Recommendation

The DPS work with the Committee on Legislative Research Oversight Division to ensure future fiscal notes as well as other information or testimony provided to state officials and the public is as comprehensive, complete, and accurate as possible.

Auditee's Response

Since the MSWP and MSHP were consolidated in January 2011, the two agencies have been focused on realigning their workforce to better respond to Missouri citizens. Because of the timing of the audit, insufficient time has passed since the consolidation to fully realize all of the anticipated savings and efficiencies. Nonetheless, efficiencies have already been realized by having a single agency positioned to respond to public safety needs and deploy officers when and where they are needed. While acknowledging some of the cost savings realized by the consolidation, the audit does not address the positive impact the consolidation has had on the combined agencies' ability to serve the public.

One of the initial positive impacts realized from the consolidation has been the combined response to the unprecedented disasters that have occurred in Missouri during the last eight months. Beginning with the snowstorm in February 2011, the agency was able to assign water patrol officers, along with their four-wheel drive vehicles, to augment road patrols along snowbound highways. This resulted in an additional force of 41 officers

able to respond to impacted motorists during the historic closure of I-70. During the flooding along the Mississippi and Missouri Rivers, the agency was able to assign highway patrol officers alongside water patrol officers conducting boat patrols. This allowed the agency to double the number of boat patrols in the flooded areas. In Joplin, troopers from the combined agency responded to one of the worst disasters in Missouri history. A total of 24 MSWP officers were assigned alongside other troopers to handle security, body recoveries, identifications, and death notifications, as well as investigating the reports of missing persons. This massive task was accomplished through one command structure with the combined resources and assets of the two agencies. Overall, the ability to more efficiently and fluidly assign officers to impacted areas has been a significant benefit to disaster response and recovery.

Going forward, the ability to deploy water patrol officers to other law enforcement duties during the winter months will result in better utilization of these highly skilled and trained personnel and increase the protection afforded to the public. Prior to the consolidation, water patrol officers accrued significant regular-duty overtime during the months of May through September. That overtime was then expended by taking mandatory leave during the winter months. If the officer left employment, the overtime resulted in a liability that the state was required to payout upon their departure. The audit fails to include the anticipated reductions to regular-duty overtime and the benefits that will be realized from those reductions.

During the winter months, water patrol officers can now be assigned to other law enforcement duties as public safety needs dictate. While it is not known exactly how many water patrol officers will be assigned to a particular law enforcement duty during the winter months, the public clearly benefits from officers performing law enforcement duties instead of expending their overtime by taking mandatory leave.

To that end, information provided to the legislature was clear that the law enforcement duties associated with winter assignments would be paid out of other funds. Both testimonial and written information provided to the legislative committees explained that allocating water patrol officers to other assignments during the winter months, such as gaming or highway enforcement, would allow the state to use non-general revenue funds to support officers' salaries when they are assigned to those functions.

Although the consolidation has been in effect less than a year, other efficiencies have been gained by consolidating facilities and equipment. The elimination of the water patrol headquarters has already resulted in the cost savings noted in the auditor's report. Further facility consolidations are underway to combine remote offices in four other locations. These are small remote offices, but will allow for joint use of telephone and data services.

The MSHP is also analyzing functions that has been performed by the MSWP that were similar to the MSHP. The MSWP operated a statewide special weapons and tactics team (SWAT). Those members have been merged into the MSHP regional teams, reducing duplicate training and improving joint response capabilities.

With regard to the cost savings, the auditor's report correctly acknowledges that many of the long-term cost savings predicted have already occurred. Reducing redundant administrative staff has resulted in cost savings of approximately $403,000. Elimination of the headquarters facility has resulted in savings of approximately $250,000. And, through attrition, salaries to high-ranking water patrol officers have already been reduced by approximately $250,000. It is anticipated that further cost savings will be realized as additional high-ranking officers are replaced with lower ranking officers through attrition.

The Department of Public Safety and the MSHP are committed to continuing the core mission of boating safety through its Water Patrol Division. The transition is still underway and the unified agency continues to identify efficiencies and realign assignments during the winter months. While many of these efficiencies may not be able to be quantified initially, a unity of command model is the nationally recognized approach to major disasters and terrorist attacks and has proven particularly successful during the catastrophic events impacting Missouri in 2011. The combined efforts of the MSHP and Water Patrol Division have better served the public and can be expected to create continued benefits.

Missouri State Water Patrol
Organization and Statistical Information

In 1959, the 70th General Assembly enacted legislation for the regulation of boating in Missouri. The resulting agency was called the Missouri Boat Commission, and its purpose was to provide boating safety for the state through registration, inspection, education, and law enforcement. The Omnibus State Reorganization Act of 1974 transferred the Missouri Boat Commission to the Department of Public Safety, and the agency was renamed the Division of Water Safety. In 1989, the Division of Water Safety was renamed the Missouri State Water Patrol (MSWP). During the 2010 legislative session, the General Assembly passed House Bill 1868 which transferred, effective January 1, 2011, the powers and duties of the MSWP to a newly-established division within the Missouri State Highway Patrol (MSHP). The new Water Patrol Division was assigned to MSHP's Field Operations Bureau.

The purpose of the MSWP was to make the waters of the state safe for boating and other water-related activities through law enforcement, registration, inspection, and educational programs. The MSWP was a statewide law enforcement agency that operated in a quasi-military fashion with authority being delegated by rank. For control purposes, the state was divided into six districts with a captain or lieutenant in charge of each district. As of December 31, 2010, the agency had a total of 104 employees. The superintendent of the MSHP now determines policy for the Water Patrol Division, and the division is currently commanded by a major located at the MSHP General Headquarters in Jefferson City. Currently the division is divided into four geographic districts with a captain in charge of each district, with those officials being responsible for supervision of all patrol officers and related field activities in the respective districts. Through attrition, the districts will eventually be commanded by lieutenants. As of January 1, 2011, 83 water patrol officers and 3 civilian employees transferred into the Water Patrol Division. In addition, 6 former water patrol officers and 11 civilian employees transferred to other divisions within the MSHP.

Colonel Radnell Talburt served as Commissioner of the Missouri State Water Patrol until his retirement on April 30, 2009. Lieutenant Colonel Michael Smith served as Acting Commissioner until his retirement on November 1, 2010. Major Tommy Roam then served as Acting Commissioner through December 31, 2010, and was subsequently appointed Commander of the Water Patrol Division.

American Recovery and Reinvestment Act 2009 (Federal Stimulus)

The MSWP did not receive or spend any American Recovery and Reinvestment Act of 2009 monies during the period from July 1, 2008, through December 31, 2010.

Financial information follows.

Appendix A

Missouri State Water Patrol
Combined Statement of Receipts, Disbursements, and Changes in Cash and Investments - Missouri State Water Patrol Fund

	6 Months Ended December 31, 2010	Year Ended June 30, 2010	Year Ended June 30, 2009
RECEIPTS			
Motorboat registration fees	$ 574,150	509,252	2,309,982
Disaster assistance	0	18,679	51,149
Interest	5,350	30,648	56,549
Total Receipts	579,500	558,579	2,417,680
DISBURSEMENTS			
Personal service	296,819	1,664,336	1,527,257
Employee fringe benefits	122,324	652,392	562,400
Expense and equipment	15,227	38,878	211,941
Cost allocation	14,514	22,089	9,671
Total Disbursements	448,884	2,377,695	2,311,269
RECEIPTS OVER (UNDER) DISBURSEMENTS	130,616	(1,819,116)	106,411
TRANSFERS			
Transfers from:			
General Revenue Fund	0	0	959,762
Total Transfers	0	0	959,762
RECEIPTS OVER (UNDER) DISBURSEMENTS AND TRANSFERS	130,616	(1,819,116)	1,066,173
CASH AND INVESTMENTS, BEGINNING BALANCE	1,224,830	3,043,946	1,977,773
CASH AND INVESTMENTS, ENDING BALANCE	$ 1,355,446	1,224,830	3,043,946

Appendix B

Missouri State Water Patrol
Comparative Statement of Receipts

	6 Months Ended December 31, 2010	Year Ended June 30, 2010	Year Ended June 30, 2009
GENERAL REVENUE FUND			
Boater education fees	$ 90,430	168,497	153,030
Disaster assistance	0	8,088	128,097
Vendor refunds - state	5,332	0	0
Miscellaneous	2,362	4,465	7,453
Total General Revenue Fund	$ 98,124	181,050	288,580
DEPARTMENT OF PUBLIC SAFETY FUND			
Federal grants	$ 2,166,662	2,402,702	2,358,962
Fuel tax refunds	2,843	24,225	21,682
Disaster assistance	0	20,926	0
Miscellaneous	3,204	2,921	6,490
Total Department of Public Safety Fund	$ 2,172,709	2,450,774	2,387,134
FEDERAL DRUG SEIZURE FUND			
Federal grants	$ 4,740	6,279	0

Appendix C-1

Missouri State Water Patrol
Statement of Appropriations and Expenditures
6 Months Ended December 31, 2010

	Appropriation Authority	Expenditures	Encumbrances	Uncommitted Appropriations
GENERAL REVENUE FUND				
Personal Service	$ 5,435,620	2,508,670	0	2,926,950
Expense and Equipment	257,081	21,548	104,975	130,558
Total General Revenue Fund	5,692,701	2,530,218	104,975	3,057,508
DEPARTMENT OF PUBLIC SAFETY FUND				
Personal Service	555,725	279,579	0	276,146
Expense and Equipment	2,304,504	975,706	470,417	858,381
Total Department of Public Safety Fund	2,860,229	1,255,285	470,417	1,134,527
FEDERAL DRUG SEIZURE FUND				
Expense and Equipment	20,000	11,012	0	8,988
Total Federal Drug Seizure Fund	20,000	11,012	0	8,988
MISSOURI STATE WATER PATROL FUND				
Personal Service	1,665,244	296,819	0	1,368,425
Expense and Equipment	600,000	0	0	600,000
Total Missouri State Water Patrol Fund	2,265,244	296,819	0	1,968,425
Total All Funds	$ 10,838,174	4,093,334	575,392	6,169,448

Appendix C-2

Missouri State Water Patrol
Statement of Appropriations and Expenditures
Year Ended June 30, 2010

	Appropriation Authority	Expenditures	Lapsed Balances
GENERAL REVENUE FUND			
Personal Service	$ 5,053,644	4,472,507	581,137
Expense and Equipment	421,246	258,426	162,820
Total General Revenue Fund	5,474,890	4,730,933	743,957
DEPARTMENT OF PUBLIC SAFETY FUND			
Personal Service	555,725	528,140	27,585
Expense and Equipment	2,304,504	1,877,145	427,359
Total Department of Public Safety Fund	2,860,229	2,405,285	454,944
FEDERAL DRUG SEIZURE FUND			
Expense and Equipment	20,000	1,689	18,311
Total Federal Drug Seizure Fund	20,000	1,689	18,311
MISSOURI STATE WATER PATROL FUND			
Personal Service	1,665,244	1,664,336	908
Expense and Equipment	600,000	0	600,000
Total Missouri State Water Patrol Fund	2,265,244	1,664,336	600,908
Total All Funds	$ 10,620,363	8,802,243	1,818,120

The lapsed balances include the following withholdings made at the Governor's request:

	Year Ended June 30, 2010
General Revenue Fund	
State Water Patrol - Personal Service	$ 573,928
State Water Patrol - Expense and Equipment	162,819
Total General Revenue Fund	$ 736,747

Appendix C-3

Missouri State Water Patrol
Statement of Appropriations and Expenditures
Year Ended June 30, 2009

	Appropriation Authority	Expenditures	Lapsed Balances
GENERAL REVENUE FUND			
Personal Service	$ 5,221,644	4,805,040	416,604
Expense and Equipment	918,619	918,619	0
Total General Revenue Fund	6,140,263	5,723,659	416,604
DEPARTMENT OF PUBLIC SAFETY FUND			
Personal Service	483,725	482,574	1,151
Expense and Equipment	2,304,504	1,918,182	386,322
Total Department of Public Safety Fund	2,788,229	2,400,756	387,473
FEDERAL DRUG SEIZURE FUND			
Expense and Equipment	20,000	17,553	2,447
Total Federal Drug Seizure Fund	20,000	17,553	2,447
MISSOURI STATE WATER PATROL FUND			
Personal Service	1,665,244	1,526,622	138,622
Expense and Equipment	600,000	181,646	418,354
Total Missouri State Water Patrol Fund	2,265,244	1,708,268	556,976
Total All Funds	$ 11,213,736	9,850,236	1,363,500

The lapsed balances include the following withholdings made at the Governor's request:

	Year Ended June 30, 2009
General Revenue Fund	
State Water Patrol - Personal Service	$ 409,899
Total General Revenue Fund	$ 409,899

Appendix D

Missouri State Water Patrol
Comparative Statement of Expenditures (From Appropriations)

	6 Months Ended December 31, 2010	Year Ended June 30, 2010	Year Ended June 30, 2009	Year Ended June 30, 2008	Year Ended June 30, 2007
Salaries and wages	$ 3,085,068	6,664,983	6,814,236	6,546,069	5,356,697
Travel, in-state	18,577	26,978	64,735	80,420	89,127
Travel, out-of-state	552	15,351	31,635	31,474	21,853
Fuel and utilities	12,936	25,677	25,107	22,620	22,971
Supplies	463,797	835,299	1,140,129	1,023,668	898,657
Professional development	12,235	25,187	50,942	62,595	38,559
Communication services and supplies	36,751	120,552	106,349	62,889	86,488
Services:					
Professional	21,106	114,434	59,636	80,542	96,243
Housekeeping and janitorial	4,661	5,939	7,783	3,490	6,436
Maintenance and repair	55,167	186,221	171,672	148,274	191,974
Equipment:					
Computer	698	0	4,935	0	726
Boats and motors	168,519	372,073	524,328	134,577	900,877
Vehicles	0	108,414	462,980	404,865	465,729
Office	0	0	5,004	16,013	13,674
Other	62,643	69,747	122,822	96,056	180,508
Real property rentals and leases	149,860	229,692	256,925	237,354	236,737
Equipment rental and leases	512	989	935	1,589	1,255
Miscellaneous	252	707	83	248	2,720
Total Expenditures	$ 4,093,334	8,802,243	9,850,236	8,952,743	8,611,231

Appendix E

Missouri State Water Patrol
Statement of Changes in General Capital Assets

GENERAL CAPITAL ASSETS	Motor Vehicles	Boats and Motors	Office and Other Equipment	Radio Towers and Related Infrastructure	Total
Balance, July 1, 2008	$ 3,151,354	5,066,535	3,583,725	365,291	12,166,905
Additions	478,926	592,913	333,632	0	1,405,471
Dispositions	(798,106)	(56,739)	(215,312)	0	(1,070,157)
Balance, June 30, 2009	2,832,174	5,602,709	3,702,045	365,291	12,502,219
Additions	233,154	362,083	156,055	0	751,292
Dispositions	(176,161)	(106,655)	(370,961)	0	(653,777)
Balance, June 30, 2010	2,889,167	5,858,137	3,487,139	365,291	12,599,734
Additions	0	231,763	32,479	0	264,242
Dispositions	(212,619)	0	(38,708)	0	(251,327)
Balance, December 31, 2010	$ 2,676,548	6,089,900	3,480,910	365,291	12,612,649