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Missouri State Auditor

FOLLOW-UP REPORT ON
AUDIT FINDINGS

PUBLIC SAFETY

Missouri State Highway
Patrol

November 2013
Report No. 2013-117



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Department of Public Safety
Missouri State Highway Patrol
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*Includes selected findings



THOMAS A. SCHWEICH

Missouri State Auditor

Honorable Jeremiah W. (Jay) Nixon, Governor
and
Jerry Lee, Director
Department of Public Safety
and
Colonel Ronald K. Replogle, Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

We have conducted follow-up work on certain audit report findings contained in Report No. 2013-50, *Department of Public Safety, Missouri State Highway Patrol (MSHP)*, issued in June 2013, pursuant to the Auditor's Follow-Up Team to Effect Recommendations (AFTER) program. The objectives of the AFTER program are to:

1. Identify audit report findings that require immediate management attention and any other findings for which follow up is considered necessary at this time, and inform the MSHP about the follow-up review on those findings.
2. Identify and provide status information for each recommendation reviewed. The status of each recommendation reviewed will be one of the following:
 - Implemented: Auditee fully implemented the recommendation, either as described in the report or in a manner that resolved the underlying issue.
 - In Progress: Auditee has specific plans to begin, or has begun, to implement and intends to fully implement the recommendation.
 - Partially Implemented: Auditee implemented the recommendation in part, but is not making efforts to fully implement it.
 - Not Implemented: Auditee has not implemented the recommendation and indicates that it will not do so.

Our methodology included working with the MSHP, prior to completion of the audit report, to develop a timeline for the implementation of corrective action related to the audit recommendations. As part of the AFTER work conducted, we met with MSHP officials, received a written status to select findings, and reviewed documentation related to the actions taken by the MSHP to implement the recommendations. This report is a summary of the results of this follow-up work, which was substantially completed during October 2013.

A handwritten signature in black ink that reads "Thomas A. Schweich".

Thomas A. Schweich
State Auditor

Department of Public Safety

Missouri State Highway Patrol

Follow-Up Report on Prior Audit Findings - Status of Findings

| | |
|-----------------------------|---|
| 1. Airplane Purchase | <p>The Missouri State Highway Patrol (MSHP) did not perform a formal written analysis to justify the need to purchase an additional airplane, or to purchase a new airplane instead of a much less expensive used airplane. Our analysis of flight usage data indicated existing state airplanes were underutilized prior to the purchase of the additional new airplane. Further, while the purchase of the new airplane appeared to fall within the legal authority of the MSHP, and the use of a sole source purchasing process appeared appropriate, the MSHP could have been more transparent regarding its intent to purchase an additional airplane.</p> |
| 1.1 Airplane fleet usage | <p>MSHP officials did not prepare a formal analysis to determine the necessity of an additional new airplane for the state's fleet. MSHP officials stated an additional airplane was necessary due to frequent use of the existing airplane by elected officials. The majority of the flights logged were by the governor, whose usage was given priority over MSHP flight needs. However, the MSHP did not track instances of when a flight was requested but an airplane was not available.</p> <p>State airplane flight usage records for the state's five passenger airplanes indicated these airplanes were underutilized even before the purchase of an additional airplane. In addition, a formal cost/benefit analysis justifying the need for the purchase of a new airplane instead of a used one was not prepared.</p> |
| Recommendation | <p>The MSHP conduct a formal written analysis of airplane fleet needs and usage before any future airplane purchases are made, and conduct a cost/benefit analysis of purchasing new or used airplanes.</p> |
| Status | <p>In progress</p> <p>The MSHP indicated that since the time of the audit there has been no need for any additional aircraft. However, when the need arises again, the MSHP will consider additional evaluation methods as it conducts its analysis of needs and usage, including a cost/benefit analysis of purchasing new or used airplanes.</p> |
| 1.2 Appropriation authority | <p>While the purchase of the airplane appeared to fall within the legal authority of the MSHP, and although not required, the MSHP did not inform the legislature of its intent to purchase a new airplane during the 2013 budget process.</p> |
| Recommendation | <p>The MSHP consider including significant anticipated purchases as budget decision items in the future.</p> |



Status

In progress

In May 2013, the 97th General Assembly passed Senate Bill No. 236 revising Section 43.265, RSMo, effective August 28, 2013, to require the MSHP to submit any future purchases exceeding \$100,000 for aircraft, watercraft, motor vehicles, and trailers as decision items in the annual budget process. MSHP officials indicated they would submit any such funding requests as required.

3. School Bus Inspection Program

The MSHP did not have procedures to periodically observe school bus inspections and did not analyze the results of spot inspections to ensure inspections were properly performed. The MSHP is required by Section 307.375.2, RSMo, to conduct an inspection after February first of each school year of all vehicles required to be marked as school buses. The MSHP also conducts spot inspections of school buses as authorized under Section 307.375.4, RSMo.

The National Transportation Safety Board (NTSB) investigated an August 2010 collision involving four vehicles, including two school buses, and subsequently issued a report on its findings. The report identified the probable causes of the accident to be driver distraction, inattention, and following too closely. The report also noted that the lack of forward warning systems on the two school buses contributed to the severity of the accident. Additionally, the report cited inadequate state school bus inspection regulations and procedures as one of several safety issues identified in the investigation and made recommendations regarding Missouri's school bus inspection program.

3.1 NTSB findings

The MSHP did not have procedures to periodically observe school bus inspections performed by both the MSHP and state inspection stations. The NTSB report concluded safety inspections conducted in March 2010 by the MSHP and in July 2010 by a state inspection station of the two school buses involved in the August 2010 accident were inadequate. The NTSB identified defects in both buses that, in its opinion, existed at the time of the private inspection and likely existed at the time of the MSHP inspection in March 2010. Subsequent to the accident, the MSHP performed inspections of the 20 remaining school buses used to transport students of the school. The MSHP identified eight buses with defects with five of the buses taken out of service until the defects were corrected. It is likely that at least some of the buses had defects that were not identified during the March 2010 inspection. In addition, the July 2010 state inspection station inspections reports identified no defects in the buses involved in accidents or the five buses taken out of service by the MSHP during the August 2010 inspections. The MSHP suspended the inspection permits of the state inspection station and the inspector who performed the July 2010 inspections on the school district's buses. It appeared the MSHP had taken corrective action and implemented NTSB recommendations.



Recommendation

The MSHP establish and periodically perform oversight procedures to ensure school bus inspections are performed in accordance with state regulations.

Status

In progress

MSHP officials indicated that subsequent to the August 2010 collision, the MSHP submitted suggested changes to the Code of State Regulations (CSR) to improve the school bus inspection program; those changes are pending approval. Subsequent to the 2013 audit report, the MSHP established a school bus committee in June 2013. The committee is comprised of inspectors from the MSHP's Motor Vehicle Inspection Division. The purpose of the committee is to develop rules, policies, training, and CSR changes that will require inspector mechanics and MSHP personnel to pass a written and practical test before being authorized to inspect school buses. As of now, the committee has met three times, and is scheduled to meet again in November 2013. To date, the committee has addressed training needs, proposed changes to rules and policies, and coordinated an updated school bus inspection training film that will be produced in December 2013. In lieu of an endorsement program, the MSHP is working to establish a separate secondary license for inspector mechanics. Such a license is expected to allow the MSHP to better ensure that mechanics have the technical knowledge and ability to properly inspect a school bus.

3.2 School bus inspection results

The MSHP did not use the results of spot inspections to identify state inspection stations that may not have been effectively identifying defective school buses. Spot inspections determined significantly more deficiencies than the annual inspections, an indication that school districts and/or school bus contractors may be lax in maintaining school buses in accordance with school bus safety regulations, and/or the required annual pre-school year bus inspections performed by state inspection stations may not effectively identify defective school buses.

Recommendation

The MSHP analyze spot inspection results to identify state inspection stations that may not be performing adequate school bus inspections and require those inspectors attend training on proper school bus inspection procedures.

Status

Implemented

MSHP officials indicated that their agency is utilizing the spot inspection process to identify buses with deficiencies, to compile information on the bus and the inspection station, and to conduct follow-up reviews to ensure that inspector mechanics are properly trained and inspections are properly conducted.