

KAY IVEY
GOVERNOR



KENNETH W. BOSWELL
DIRECTOR

STATE OF ALABAMA

August 25, 2021

The Honorable Merceria Ludgood
Commissioner
Mobile County Commission
Post Office Box 1443
Mobile, AL 36533

RE: Mobile County Sheriff's Office Review

Dear Commissioner Ludgood:

A review of the Mobile County Sheriff's Office overtime enforcement grants and interviews with project staff were conducted July 15, and July 21-22, 2021. Staff tracked enforcement shift activity using copies of citations and warnings given throughout the time period and identified patterns of irregular behavior that are often indicators of program abuse and misuse of the grant funds. A singular outlier in activity is typically not a cause for concern, but when there are multiple factors consistently seen together, it is ADECA's responsibility to perform a more focused review.

At the conclusion of the review, staff held an exit conference with Sheriff Cochran, Chief Deputy Burrow, and Sergeant O'Brian. As it was stated in the meeting, the expectations, and best practices of the overtime enforcement program, along with certain internal policies of the agency, were not being met with the current behaviors of participating officers. However, because we did verify visible enforcement was conducted during the shifts submitted for reimbursement, the matter of questioning or disallowing costs on the ADECA programs is not being considered at this time. Future actions of noncompliance could result in the suspension of agency participation in enforcement campaigns. Additional repercussions include the identification of disallowed costs due back to ADECA, either through reduction of pending reimbursement claims or direct payment from Mobile County Commission.

As a reminder, our staff monitored the pertinent and pressing projects that are within our scope of authority and concern. Any recommendations or resolution resulting from our conclusions do not extend to cover the Mobile County Sheriff's Office as a whole, nor does it bar any other reviewer or auditor from reaching a different conclusion or taking alternative actions.

Based on the review, our staff did identify four Issues and four Management Considerations. Issues are areas of project administration that must be changed to comply with applicable rules and policies. Management Considerations are areas that do not involve noncompliance but have the potential to hinder the effectiveness or efficiency of grant programs. Please see below:

Issue 1: Traffic Stop Validations

Traffic stops made by deputies while working overtime shifts on ADECA grants should have a means of validating the contact occurred and was conducted in full compliance with agency policies and best practices.

Issue 2: Sustained Enforcement throughout Overtime Shifts

Leadership and deputies should be clear that an acceptance of an overtime shift means to reasonably establish enforcement for the entire length of the shift agreed to work. Contacts with motorists should be made throughout the length of time claimed for reimbursement.

Issue 3: Enforcing Internal Policies

All active employees should adhere to department policies and standard operating procedures.

Issue 4: Impaired Driving Enforcement Grant Expectations

Enforcement of the grant programs should lead to arrests when drivers are understood to be impaired. Shifts should be worked on impaired driving grant projects during hours shown to have a higher concentration or probability of motorists driving while under the influence.

Management Consideration 1: Equal Distribution of Overtime Shifts

Supervisors must be aware of the amount of overtime shifts deputies are allotted during pay periods. There should be a concerted effort to ensure the opportunity to work overtime shifts is offered equally among deputies.

Management Consideration 2: Deputies Cannot Share the Outcomes of Each Individual Traffic Stop or Contact

Deputies will designate themselves as primary or secondary/backup unit regarding traffic stops or contacts, this includes any situation where deputies ride in the same patrol vehicle.

Management Consideration 3: On Site Reviews

Mobile County Sheriff's Office should be prepared for increased periodic reviews by the Project Director and ADECA staff in the upcoming fiscal year. All reimbursement requests will be

carefully reviewed for patterns and indicators of program irregularities. Any on site review will serve as oversight and a tool for ongoing technical assistance.

Management Consideration 4: Shift Documentation and Review

It is strongly recommended that the Mobile County Sheriff's Office consider instituting a policy that establishes the confirmation and review of shift paperwork by an outside party.

We request that you respond to all the matters cited above and institute corrective action as noted on the enclosed Corrective Action Plan (CAP). Please submit documentation to this office no later than 15 business days from the date of this letter, supporting and explaining the corrective actions taken. Until these items are addressed to the satisfaction of ADECA/LETS program management, no activity on overtime projects will be resumed. Once an approved CAP is completed, any funds being held for reimbursement will be released, and activity can proceed for future campaigns.

Please do not hesitate to contact your Project Director, Dawn Wilhelm at (251) 574-8659 or by e-mail at dawnwilhelm@bellsouth.net, or Program Supervisor, Sam Meriwether at 334-353-5708 or by email at sam.meriwether@adeca.alabama.gov if you have any questions.

Thank you for the courtesies extended to ADECA staff during this review.

Sincerely,



William M. Babington, Division Chief
Law Enforcement and Traffic Safety Division

WMB:lw:kh

cc: Dawn Wilhelm, Program Director
Dana Foster-Allen, Financial Officer
Sheriff Sam Cochran
Chief Deputy Eddie Burrow
Sergeant Matt O'Brian
ADECA File



Corrective Action Plan

Subgrantee: Mobile County Commission

Grant No.: 20-SP-PT-004, 20-SP-PT-008, 20-ID-M5-004,
20-ID-M5-008, 21- FP-PT- 004, 21-ID-M5-004

Monitor: Lynne Wilman, Sam Meriwether, Doni Obi

Corrective Action Due Date: Within 15 business days

Issue 1:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's <i>Required</i> Course of Action
Traffic stops made by deputies while working overtime shifts on ADECA grants should have a means of validating the contact occurred and was conducted in full compliance with agency policies and best practices.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian			In order to participate in overtime enforcement on ADECA-funded projects, Mobile County Sheriff's Office must have a measure that validates traffic stops were conducted as reported

Issue 2:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's <i>Required</i> Course of Action
Leadership and deputies should be clear that an acceptance of an overtime shift means to reasonably establish enforcement for the entire length of the shift agreed to work. Contacts with motorists should be made throughout the length of time claimed for reimbursement.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian			Mobile County Sheriff's Office should ensure stops are conducted throughout the entirety of overtime shifts. This can be communicated verbally to deputies, and then reviewed by checking roll up paperwork and citation time.
Issue 3:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's <i>Required</i> Course of Action
All active employees should adhere to department policies and standard operating procedures.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian			ADECA requires Mobile County Sheriff's Office to ensure internal policies are followed by active employees through regular review of grant activities and backup documentation.

Issue 4:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's Required Course of Action
<p>Enforcement of the grant programs should lead to arrests when drivers are understood to be impaired. Shifts should be worked on impaired driving grant projects during hours shown to have a higher concentration or probability of motorists driving while under the influence.</p>	<p>Chief Deputy Eddie Burrow, Sergeant Matt O'Brian</p>			<p>Mobile County Sheriff's Office should follow guidelines on when enforcement on impaired driving grants is to take place.</p>
Management Consideration 1:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's Required Course of Action
<p>Supervisors must be aware of the amount of overtime shifts deputies are allotted during pay periods. There should be a concerted effort to ensure the opportunity to work overtime shifts is offered equally among deputies.</p>	<p>Chief Deputy Eddie Burrow, Sergeant Matt O'Brian</p>	<p>Mobile County Sheriff's Office should consider either capping overtime hours deputies are able to work in a given time period, or a system where more deputies are able to work shifts on the various grant projects.</p>		

Management Consideration 2:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's Required Course of Action
Deputies will designate themselves as primary or secondary/backup unit regarding traffic stops or contacts, this includes any situation where deputies ride in the same patrol vehicle.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian	Mobile County Sheriff's Office should consider limiting the use of ride along shifts on grant projects or disallowing altogether.		
Management Consideration 3:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's Required Course of Action
Mobile County Sheriff's Office should be prepared for increased periodic reviews by the Project Director and ADECA staff in the upcoming fiscal year. All reimbursement requests will be carefully reviewed for patterns and indicators of program irregularities. Any on site review will serve as oversight and a tool for ongoing technical assistance.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian	Mobile County Sheriff's Office should work with the Project Director to schedule times to review grant paperwork, payroll records, etc. in order to continue improving the overtime enforcement program.		

Management Consideration 4:	Title of Staff Responsible for Compliance	ADECA's Suggested Course of Action	Subgrantee's Actual Course of Action <i>(attach documentation, as necessary)</i>	ADECA's Required Course of Action
It is strongly recommended that the Mobile County Sheriff's Office consider instituting a policy that establishes the confirmation and review of shift paperwork by an outside party.	Chief Deputy Eddie Burrow, Sergeant Matt O'Brian	Mobile County Sheriff's Office is encouraged to institute a policy that establishes the confirmation and review of shift paperwork by an officer who was not working that particular detail.		

The signature below certifies that all information provided to the ADECA monitoring staff in response to the Corrective Action Plan is correct and complete.

Subgrantee Designee's Signature

Date

Subgrantee Designee's Printed Name and Title

ADECA Staff Only:

Documentation has been reviewed, verified and approved.

Monitor's Signature

Date