



OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE

REPORT OF INVESTIGATION
CASE NUMBER: 2017-0004
ISSUE DATE: DECEMBER 12, 2017

"Enhancing Public Trust in Government"

James R. Hoffman
Inspector General

SUPERVISOR OF ELECTIONS EMPLOYEE MISUSED COJ VEHICLES AND ELECTRONIC RESOURCES

EXECUTIVE SUMMARY

On May 10, 2016, the Office of Ethics, Compliance and Oversight forwarded an anonymous complaint regarding Robert Phillips (Phillips), Chief Elections Officer, Supervisor of Elections (SOE), to the Office of Inspector General (OIG). The anonymous complaint alleged Phillips used City of Jacksonville (COJ) vehicles assigned to the SOE for personal use (i.e. non-business related). During his interview with the OIG, Phillips admitted that on **16** occasions he likely used a COJ-owned vehicle, Chevrolet Equinox (Equinox), assigned to the Duval County SOE, to commute to and from his residence because his personal vehicle had broken down (Attachment 1). Further, Phillips admitted the use of the vehicle to commute to and from work was not related to official business. The OIG determined the cost to the COJ for the unauthorized personal use of the COJ-owned vehicle was approximately **\$529.68**.

During a review of evidence in support of the OIG investigation, the OIG discovered Phillips misused COJ electronic resources in support of his 2015 City Council campaign. A review of Phillips' COJ e-mail account, along with Phillips' own admission, revealed he used his COJ computer, e-mail account, and a COJ photocopier to support his City Council campaign. The OIG referred this matter to the Office of the State Attorney, Fourth Judicial Circuit (SAO) on June 2, 2017, for review. On this same date (June 2, 2017), the SAO declined the matter and advised it was best handled administratively.

During the investigation, the OIG identified two issues pertaining to internal control weaknesses within the SOE. First, the OIG identified the SOE had stopped using vehicle usage logs for the Chevrolet G3500 Van (Van). Additionally, the SOE was not retaining the Van's vehicle usage logs (public records) as required by Florida Statute. The Duval County Supervisor of Elections, Mike Hogan (Hogan), resolved this issue during the OIG investigation by assigning a SOE employee to review and retain the vehicle usage logs.

Second, the OIG identified four SOE employees (current and former) were sharing their COJ computer passwords with other co-workers in order to have another co-worker access their COJ computer accounts. This practice is in violation of two *COJ Information Technology Division policies*. The OIG concluded the employees accessed their co-workers' accounts with the knowledge and permission of the co-workers.

INVESTIGATIVE REPORT

ALLEGATION

Robert Phillips (Phillips), Chief Elections Officer, Supervisor of Elections (SOE), misused City of Jacksonville (COJ) vehicles for personal use without authorization.

GOVERNING DIRECTIVES

Ordinance Code of the City of Jacksonville:

- § 122.301, *Private use prohibited;*
- § 601.111, *Private use of City vehicle prohibited; and*
- § 601.101, *Use of public property*

Executive Order of the Mayor:

- Number 2015-4 – *Motor Vehicle Safety Policy* (Effective April 3, 2015)

INVESTIGATIVE FINDINGS

Records Review

OIG reviewed applicable sections of the Ordinance Code and COJ policy, procedures, and Executive Orders and found the following:

§ 122.301, Ordinance Code, Private use prohibited

“No City officer or employee or any other person shall operate or use any motor vehicle owned or leased by the City or its independent agencies for private purposes or for any purpose other than the performance of City business, duties or functions. The Mayor shall determine in writing, by executive order or otherwise, what constitutes the performing of City business, duties or functions within the meaning of this Section.”

§ 601.111, Ordinance Code, Private use of City vehicle prohibited

“... all officers and employees of the City are prohibited from operating or using vehicles, owned or leased by the City, for private purposes.”

§ 601.101, Ordinance Code, Use of public property

“It is unlawful for an officer or employee of the City or an independent agency to knowingly use property owned by the City or an independent agency for his or her personal benefit, convenience or profit, except in accordance with policies promulgated by the council or by the governing body of the independent agency owning the property.”

Executive Order 2015-4, Motor Vehicle Safety Policy (Effective April 3, 2015)

The executive order specifies that all COJ, Constitutional Officer, and Independent Agency employees must acquire a COJ Driver Certification if their job description or employing agency's operational policies require them to drive regularly. The COJ Driver Certification expires four years from the date of issuance. (Of note, prior to the adoption of Executive 2015-4, Motor Vehicle Safety Policy; per Executive 92-161, Public Motor Vehicle Safety, Certification, and Operation, the COJ Driver Certification expiration date coincided with the expiration date of the employee's State of Florida Driver License.)

The executive order also provides in part for the private usage of a COJ-owned vehicle under the following circumstances:

- (1) When the using Public Driver¹ is required to be on call for duty for a twenty-four (24) period; **and**
- (2) The Department Executive² or participating Member Executive³ provides written authorization; **or**
- (3) The City or participating Member has specifically furnished the Public Employee a Public Vehicle as part of the Public Employee's contract for employment with the City or participating Member. (emphasis added).

Review of COJ Automatic Vehicle Locator (AVL) records

During the course of the investigation, the OIG identified two COJ-owned vehicles assigned to the SOE – a Chevrolet Equinox and a Chevrolet G3500 Cargo Van. Both the Equinox and the Van were equipped with the AVL system that periodically recorded each vehicle's location.

The OIG reviewed AVL records from August 24, 2015 through September 30, 2016 for the Equinox. Equinox AVL records revealed the Equinox was at or near Phillips' residence on 36 separate days from August 25, 2015 through April 14, 2016. However, no AVL records existed for the Equinox after April 14, 2016. The OIG was unable to determine why the AVL system stopped recording.

Besides the AVL system, the SOE maintained a vehicle usage log for the Equinox. A review of the Equinox's vehicle usage logs revealed the Equinox was possibly at Phillips' residence on 23 additional occasions between April 11, 2016 and August 16, 2016, which were not captured by the AVL system. These records reflected Phillips departed in the Equinox on one day and returned with it one or two days later (or at least appeared to do so).

¹ Defined as "a Public Employee who is required to have a City Driver Certification to drive a Motor Vehicle pursuant to [Executive Order 2015-4, Motor Vehicle Safety Policy]."

² Defined as "the person appointed by the Mayor to exercise control over a department of City government."

³ Defined as "in the case of an Independent Agency, the governing body thereof or, if authorized by the governing body, the chief administrative officer thereof; in the case of a Constitutional Office, the elected official..."

A review of the AVL records for the period of September 1, 2015 through September 30, 2016 for the Van did not reveal the Van had been at or near Phillips' residence. No AVL records existed for the Van after December 30, 2015, and the OIG was unable to determine why the AVL system stopped recording. No vehicle usage logs for the Van existed for the period of September 1, 2015 through September 30, 2016.

Review of Phillips COJ e-mail records

On October 14, 2015 (one occasion when AVL records placed the Equinox at or near Phillips' residence), Phillips sent an e-mail to Hogan requesting to take the Equinox home that evening in order to go directly to the St. Johns County Supervisor of Elections the following morning (October 15, 2015). Phillips relayed his personal vehicle was inoperable. Hogan approved Phillips' request via e-mail later that same day.

(Note: The OIG reviewed all available e-mails exchanged between Phillips and Hogan between August 2015 and August 2016. With the exception of the above e-mail, the OIG could not find any additional emails where Phillips requested or Hogan granted permission for Phillips to use either the Equinox or Van in order to drive to and from his residence.)

Risk Management Driver Certification Records

A review of COJ Risk Management records revealed Phillips submitted an application for his COJ Driver Certification dated February 25, 2016. A review of Phillips' COJ Driver Certification records indicated Phillips' COJ Driver Certification expired in 2009; however, there were no records found by the OIG that indicated Phillips was notified of this issue until he received an e-mail in December 2015 from Fleet Management.

A review of the Fleet Management e-mail revealed that on December 4, 2015, Phillips received an e-mail from Fleet Management in response to his request for a vehicle. The vehicle request form attached to the e-mail had "N/A CANNOT DRIVE" handwritten above Phillips' name. According to the AVL reports for the Equinox, the Equinox was located at or near Phillips' residence on December 4, 2015; December 6, 2015; and December 7, 2015.

Additionally on February 29, 2016, Phillips forwarded an e-mail received from Fleet Management to Hogan. The Fleet Management e-mail informed Phillips that his COJ Driver Certification card was being sent to the SOE. In his forwarded e-mail to Hogan, Phillips wrote "I am legal again."

Testimony

Statement of Beth Fleet, former Assistant Elections Officer, SOE

Beth Fleet (Fleet) stated that in approximately February or March 2016, she became aware Phillips may have been using COJ-owned vehicles for personal use. According to Fleet, she overheard complaints from some SOE employees about trash being left in the Equinox prior to their use of it. Fleet was unable to recall any of the employees by name. In addition, Fleet stated there was unaccounted for additional mileage in the Equinox's vehicle usage log. According to

Fleet, some SOE employees believed the unaccounted mileage was from Phillips' use of the Equinox.

Fleet did not know where Phillips was going in the COJ-owned vehicles but believed he was using the COJ-owned vehicles to drive to and from work. Fleet advised that Phillips' personal vehicle "broke down" but she did not recall when this occurred. Fleet did not know how Phillips had been getting to work as he had not had his personal vehicle repaired as of July 5, 2016, when Fleet was interviewed by the OIG.

Around May 11, 2016, Fleet spoke with Phillips towards the end of the workday about his usage of the COJ-owned vehicles. According to Fleet, Phillips alluded to Hogan giving him permission to drive the COJ-owned vehicles for personal use but she did not ask him (Phillips) where he was taking the COJ-owned vehicles. Fleet reported when she left the office later that same day, the Equinox was gone.

Statement of Jean Atkins, Elections Assistant III, SOE

Jean Atkins (Atkins) stated from September 2015 to approximately August 26, 2016, Phillips regularly took the Equinox after the SOE Main Office, 105 East Monroe Street, Jacksonville, Florida (SOE Main Office) had closed and most employees had left for the day (typically between 5:00 p.m. and 5:45 p.m.). Atkins stated Phillips returned the vehicle to the SOE Main office the following morning.

Atkins observed Phillips on multiple occasions from September 2015 through February 2016 take the unsecured Equinox keys from a co-worker's workspace after the SOE Main Office had closed.⁴ The unsecured keys were routinely maintained in a co-worker's workspace. According to Atkins, there was no specific individual at the SOE Main Office responsible for the Equinox.

Atkins indicated she did not know where Phillips was taking the Equinox. She said in the fall of 2015, she overheard Phillips tell someone his personal vehicle had broken down. However, she also advised she was aware that on a couple of occasions between September 2015 and February 2016, Phillips was attending conferences on behalf of Hogan.

Atkins explained she spoke directly with Phillips in February 2016 about his usage of the Equinox, as its absence was affecting her subordinate employees' ability to complete their work due to the unavailability of the vehicle. According to Atkins, she asked him where he was taking the Equinox one evening. Atkins said that Phillips replied, he was "heading out" and that the Equinox "would be back in a while" without specifically noting where he was going.

Statement of Violet Hall, Election Aide Senior, SOE

Hall reported the Equinox's keys were unsecured and on a hook in her cubicle for the last five years. According to Hall, she was able to see if anyone ever took the keys from this location. Hall advised she had seen Phillips leave with the Equinox keys in the evening on approximately five occasions, between August 2015 and August 2016, and stated on those occasions the Equinox would not be at the office when she came to work the next morning. Hall thought

⁴ Atkins could not recall how many times she observed Phillips taking the Equinox after the SOE Main Office had closed. However, she described it as a regular occurrence.

Phillips had on-going problems with his personal vehicle during the period when he took the Equinox.

Hall had no personal knowledge of where Phillips was taking the vehicle after work hours. She also did not know if Phillips had permission to take the vehicle after work.

Statement of James Joyner, Elections Assistant II, SOE

James Joyner (Joyner) believed Phillips had taken the Van to his (Phillips') residence on more than two occasions. Joyner specifically recalled two occasions, one in March 2014 and the other within six months of his OIG interview (May 11, 2017), when Phillips had taken the Van. Joyner advised that on both occasions when he arrived at work the Van was not at the Elections Center, located at One Imeson Park Boulevard, Jacksonville, Florida 32218 (Elections Center). However, on both of those occasions, Phillips arrived at the Elections Center with the Van prior to 8:00 a.m.

Joyner added on both occasions, he subsequently drove Phillips to the SOE Main Office. According to Joyner, on the first occasion in March 2014, his supervisor, George "David" Hester (Hester), Warehouse Manager, SOE, requested he drive Phillips to the SOE Main Office. Hester said Phillips had taken the Van home since Phillips' personal vehicle had broken down. Joyner added that this was the only occasion Hester directed him to take Phillips to the SOE Main Office as after that he "just knew" to take Phillips to the SOE Main Office.

He reported he did not know why Phillips took the Van home on the most recent occasion in 2017. Joyner stated he did not speak with Phillips or anyone else about Phillips taking the Van home. Joyner did not know whether Phillips had permission to take the Van home.

Statement of George "David" Hester, Warehouse Manager, SOE

Hester said he was aware of Phillips taking the Van home on two occasions, both occasions occurred approximately six months prior to his OIG interview (May 16, 2017). According to Hester, on both occasions when he arrived at the Elections Center in the morning the Van was not parked there. Hester advised Phillips subsequently arrived in the Van sometime between 8:00 a.m. and 8:30 a.m. and asked that he be taken to the SOE Main Office. Hester said he did not know why Phillips had taken the Van home but added Phillips had issues with his (Phillips') personal vehicle around the same time Phillips had taken the Van home.

Statement of Robert Phillips, Chief Elections Officer, SOE

During his interview, Phillips initially stated his personal vehicle broke down sometime between January and February 2016. Phillips stated approximately one or two days after his personal vehicle broke down, he asked Hogan if he could drive the Equinox for a "little while." After being shown the October 14, 2015 e-mail he sent to Hogan asking to use the Equinox to go to St. Johns County, Phillips stated that this might have been around the time when his personal vehicle broke down.

Phillips advised that when he initially discussed his personal vehicle situation with Hogan, he (Phillips) did not give Hogan a specific timeframe as to how long he would need to use the Equinox. Phillips added he did not recall Hogan setting a specific time limit during which he

could use the Equinox. According to Phillips, Hogan agreed to his request and told him to report to the Elections Center for the time being. Phillips said Hogan might have thought he was requesting to use the Van.

Phillips said he did not drive the Equinox every day because either his wife drove him or he took the bus to and from work. Phillips reported that after the March 2016 Presidential Preference Primary, he discontinued driving the Equinox home because the need for him to report to work quickly, if needed, diminished. Additionally, Phillips advised he had purchased a new vehicle at some point prior to May 2016.

Phillips stated there were likely several days when he took the Equinox home only because he did not have a working vehicle. He advised he could not recall any SOE official business reason for taking the Equinox home on these occasions. Phillips indicated he might have been operating on Hogan's initial permission to take the Equinox home on these occasions.

After reviewing the relevant August 24, 2015 through August 15, 2016 Equinox AVL reports, e-mails, and vehicle usage logs with the OIG investigators, Phillips advised he would have likely taken the Equinox home and commuted to work the following morning because he did not have a personal vehicle (and not as a result of any official business) on the following **16** occasions:

- October 20, 21, 22, 23, 26, and 27, 2015
- November 2, 3, 5, 9, and 10, 2015
- December 2, 3, 4, 6, and 7, 2015

Regarding the 23 other occasions documented in the Equinox AVL reports and/or the Equinox's vehicle usage logs, Phillips advised he took the Equinox home for either official business reasons or stated he could not recall why he took the Equinox home. Phillips also said that three entries in the Equinox's vehicle usage logs, which indicated he had the Equinox, did not appear to be in his handwriting.

Phillips advised he did not remember specifically asking Hogan for permission to use the Equinox each time he took it home. He advised other than two occasions (when his personal vehicle initially broke down, as well as the occasion documented in the October 14, 2015 e-mail); he was unsure how many times he asked permission to take the Equinox home. Phillips advised the only record of Hogan giving him permission to take the Equinox home was the October 14, 2015 e-mail.

Phillips stated his failure to ask Hogan for permission to take the Equinox home on each occasion was because he implied blanket permission from Hogan's prior permission to take the Equinox home. Phillips reported he might have told Hogan about his use of the Equinox on a few occasions to keep him aware he was still taking it home. Phillips stated it was his fault for assuming Hogan had provided him blanket permission.

Phillips stated he was not trying to deceive anyone about the use of the Equinox and he documented his trips in the vehicle usage logs when he took the Equinox home. Phillips added he may have failed to record some trips in the Equinox vehicle usage logs but attributed this to

an unintentional oversight, not an effort to conceal his usage of the Equinox. (Of note, Phillips failed to record any travel in the Equinox on 15 days when the AVL system recorded the Equinox was at or near his residence.)

Phillips recalled his COJ Driver Certification had expired but he had obtained a new COJ Driver Certification approximately one to one and half months later (exact dates unknown). According to Phillips, he learned his COJ Driver Certification had expired after he submitted a request for a vehicle to go out of town with some co-workers. Phillips subsequently received a notice that he could not drive the provided vehicle. (Phillips confirmed the notice he referred to was the attachment to an e-mail dated December 4, 2015, as noted in the Records Review section of this report). According to Phillips, it was possible he had not opened the e-mail dated December 4, 2015 until after December 7, 2015. (Note: After this e-mail was received on December 4, 2015, Phillips drove the Equinox to and/or from home on December 4, 2015; December 6, 2015; and December 7, 2015). Phillips denied he drove the Equinox after he was aware his COJ Driver Certification had expired.

Phillips advised he also took the Van home on a few occasions from January through March 2016, especially when he was at the Elections Center because he lived nearby. Phillips said he thought Hogan had implied he could take the Van home as well. However, Phillips stated Hogan never specifically gave him permission to take the Van home. Phillips said he felt since he asked Hogan for permission to take the Equinox home the permission given would cover both vehicles. Phillips advised he would have taken the Van home because he did not have a personal vehicle at the time.

Phillips stated he was willing to pay restitution for his personal use of the COJ-owned vehicles.

Statement of Mike Hogan, SOE

Hogan advised he gave Phillips permission to take COJ-owned vehicles home on no more than three occasions based on Phillips' request, all of which included an official business-related task. Hogan added Phillips was given permission to take COJ-owned vehicles home for one night on each occasion, except for one occasion when he gave Phillips permission to use a COJ-owned vehicle for a few days.

Hogan reviewed the August 24, 2015 through April 14, 2016 AVL reports as well as the April 11, 2016 through August 16, 2016 Equinox's vehicle usage logs with the OIG Investigators. Hogan stated he was unable to recall whether he gave Phillips permission to take the Equinox home on the occasions recorded in the AVL reports from October 2015 through December 2015, and on the AVL report for April 14, 2016. Hogan added he would remember if he had given Phillips permission to drive the Equinox "day-in, day-out."

Hogan said he could not specifically recall when Phillips would have had permission to take the Equinox home and could only provide an approximate timeframe. Between August 25, 2015 and April 14, 2016, Hogan stated he would have given Phillips permission to take the Equinox home for around two to two and one half weeks before each election cycle in 2016 (March and/or August). In addition, Hogan said he could have provided Phillips permission to take the Equinox home during the period of April 11, 2016 through August 2016, (the timeframe noted in the

aforementioned Equinox vehicle usage logs) but could not remember any specific dates he would have done so.

Hogan stated he never gave Phillips permission to take a COJ-owned vehicle home based purely on Phillips' lack of a personal vehicle. Hogan stated he did give Phillips permission during either the March 2016 or August 2016 elections to take a COJ-owned vehicle home as Phillips was integral to the SOE's operations and needed transportation to assist with the relevant election. Hogan's permission on these occasions was based on the official purpose of Phillips' use.

Hogan advised he never implied Phillips could take home COJ-owned vehicles on an ongoing basis. Rather, Hogan indicated permission was only given in response to a specific request by Phillips. Hogan also reported he was not aware Phillips drove the Equinox after COJ Fleet Management had sent him (Phillips) notification that his COJ Driver Certification had expired. (Note: According to Risk Management, Phillips' certification expired back in 2009.)

CONCLUSION

Based upon the records reviewed and the statements obtained, the **OIG substantiated** the allegation that Phillips was misusing COJ-owned vehicles for personal use without authorization.

A review of the COJ AVL system reports for the Equinox assigned to the SOE revealed the Equinox was at or near Phillips' residence on 36 days between August 25, 2015 and April 14, 2016. During his interview, Phillips admitted he took the Equinox to his residence on **16** days between October 20, 2015 and December 7, 2015 (Attachment 1). Phillips admitted that on these 16 occasions he likely took the Equinox home only because his personal vehicle was inoperable, and not as a result of any official purpose or need. Phillips could only specifically recall asking Hogan for permission to take the Equinox home on two occasions. On the first occasion, Hogan gave him verbal permission. On the second occasion, Hogan gave permission through an e-mail. Both of these approvals occurred prior to October 20, 2015. From these two approvals, Phillips inferred he had Hogan's permission to take the Equinox home on subsequent occasions.

During his interview, Hogan stated he never implied Phillips could take the Equinox home without receiving permission on each occasion. Hogan advised he allowed Phillips to take the Equinox home on occasion during the elections in either March 2016 or August 2016 in part because Phillips did not have a working personal vehicle. Hogan explained he allowed Phillips to take the Equinox home due to election-related travel the next day. Although Hogan understood Phillips did not have a working personal vehicle, Hogan's permission was based on the official business of needing Phillips to travel for election-related issues. Hogan stated he was unable to recall whether he gave Phillips permission to take home the Equinox from October 2015 through December 2015. Although, Hogan added he would remember if he had given Phillips permission to drive the Equinox on a regular basis.

ADDITIONAL FINDING

Robert Phillips (Phillips), Chief Elections Officer, Supervisor of Elections (SOE), misused City of Jacksonville (COJ) electronic resources.

GOVERNING DIRECTIVES

Florida Statute:

- §104.31(2), *Political activities of state, county, and municipal officers and employees*

Ordinance Code of the City of Jacksonville:

- § 350.301. *Political activities of certain officers and employees during duty hours; and*
- § 601.101, *Use of public property*

COJ Information Technology Division Policy:

- COJ Electronic Communications, Equipment, and Media Policy (Effective July 1, 2010)⁵

INVESTIGATIVE FINDINGS

Records Review

A review of SOE records disclosed Phillips was initially a candidate for the City Council District Two election in 2015. Phillips withdrew prior to the election.

The COJ Electronic Communications, Equipment, and Media Policy (effective July 1, 2010) specified that it is prohibited to use COJ-owned technology resources for political campaigning.

A COJ Electronic Communications, Equipment and Media Policy Acknowledgement and Acceptance Form, incorporated with the policy, bears the signature of “Robert Phillips” and was dated July 22, 2010. A review of Phillips’ COJ e-mail correspondence revealed the following relevant e-mails:

- On April 25, 2014, Phillips received an e-mail from LinkedIn, a social networking site, which alerted him to a response he received from an individual who described themselves in their LinkedIn page as a “Seasoned Government Affairs Professional.” The e-mail detailed a screen shot of the message originally sent by Phillips to this individual, as well as the individual’s response to Phillips. It noted that on April 25, 2014 at 10:57 a.m., Phillips wrote the following message:

⁵ The OIG notes that an updated version of the City of Jacksonville Electronic Communications, Equipment and Media Policy was issued on October 14, 2015. Given the timeframe of the investigation and the acknowledgment by Phillips of the 2010 version, the OIG has utilized the 2010 version for its report.

“... I had no idea you had moved to West Palm, just when I need you the most up here. I am running for City Council, District 2. Any advice or help you can give me to open some doors, or anyone you can put in a good word for me with?”

- On November 6, 2014, Phillips received via e-mail a scanned document from a COJ photocopier, which contained a completed North Florida Building and Construction Trades Council endorsement request questionnaire signed by Phillips. Phillips subsequently forwarded this e-mail later on the same day to another e-mail address (which was confirmed by Phillips to be his personal e-mail address).
- On November 18, 2014, Phillips received via e-mail a scanned document from a COJ photocopier, which contained a completed North Florida Central Labor Council candidate questionnaire signed by Phillips.

Testimony

Statement of Beth Fleet, former Assistant Elections Officer, SOE

Beth Fleet (Fleet) advised she served as the SOE’s Candidate Director during the 2015 campaign election year. According to Fleet, she had a meeting in 2014 with several SOE employees who were running for political office. Fleet recalled Phillips attending this meeting. Fleet said she reinforced to each of these individuals the need to obtain and use a campaign e-mail account and telephone number for campaign business.

Statement of Robert Phillips, Chief Elections Officer, SOE

Phillips advised he was a candidate for City Council District Two in the 2015 election. Phillips indicated he began campaigning in 2014. However, Phillips stated he dropped out of the race prior to the election because he could not raise enough money.

Phillips stated that at one point his personal LinkedIn account was connected to his COJ e-mail account. He connected his LinkedIn account to his campaign e-mail account after it was established. Regarding a COJ e-mail dated April 25, 2014, Phillips advised he would have accessed his personal LinkedIn account on this occasion by using his COJ computer to send the message noted in the e-mail. Phillips advised he was familiar with the individual he was exchanging messages with as the individual had previously worked with other candidates. Phillips said he must have sent this message when he was on a break.

As it pertains to the e-mails dated November 6, 2014 and November 18, 2014 (both contained scanned copies of endorsement questionnaires completed by Phillips), Phillips guessed he used the office photocopiers for convenience. Phillips advised he would have completed the questionnaires at his residence and most likely brought them into the SOE office to scan and e-mail them to his personal e-mail address.

Phillips said he did not do any other work on his campaign during his work hours. Phillips explained that although he “may have slipped up a couple of times [he] tried to be . . . above board and keep the two worlds separate as possible.”

CONCLUSION

Based upon the records reviewed and the statements obtained, including by Phillips own admission, the OIG **substantiated** that Phillips misused COJ electronic resources. During the course of the investigation, the OIG discovered e-mails indicating Phillips appeared to be using COJ electronic resources (computer, e-mail, and photocopier) in support of his campaign for City Council.

ADDITIONAL INFORMATION

Lack of Internal Controls relating to SOE Vehicle Usage

During the course of the investigation, the OIG attempted to obtain vehicle usage logs for the Van assigned to SOE. The OIG discovered through interviews with SOE employees that vehicle usage logs were not being regularly retained or used for the Van. The SOE employees interviewed were unable to explain why the vehicle usage logs were not regularly retained or used for the Van. Additionally, several SOE employees advised the OIG that there was no individual responsible for oversight of the Equinox, such as checking it out to SOE employees who needed to use it.

The Supervisor of Elections, Mike Hogan, advised that after he was initially interviewed by the OIG in September 2016, he tasked an SOE employee with the responsibility of ensuring all of the vehicle usage logs were reviewed and retained.

Violations of COJ Information Technology Division Policies

In addition, the OIG identified through testimony and SOE employee e-mails that since at least 2010, four SOE employees (current and former) shared passwords to their COJ accounts and had (or at least requested) other SOE employees use these passwords to access their COJ accounts in violation of both the *COJ Electronic Communications, Equipment and Media Policy* (effective since at least July 1, 2010) and the *Password Policy* (effective since at least August 18, 2014). According to the SOE employees interviewed by the OIG, employees would share passwords with co-workers when the employee needed to access information from their COJ account while out of the office. The OIG did not uncover any information that indicated any SOE employee had obtained and/or used another employee's password to access COJ account without the knowledge and consent of the account owner.

Failure to Retain Public Records

§119.011, Florida Statutes (F.S.), define a public record as being:

“all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

In addition, §257.36, F.S. states that

“A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the [Division of Library and Information Services, Florida Department of State].”

According to the Division of Library and Information Services, Florida Department of State, vehicle usage records shall be maintained for one calendar year.

During interviews with the OIG, some SOE employees advised that on occasion some of the Van vehicle usage logs were thrown away or lost during the normal course of business.

RECOMMENDED CORRECTIVE ACTIONS

The OIG recommends the following corrective actions to the Duval County Supervisor of Elections:

1. Ensure Executive Order Number 2015-4 – Motor Vehicle Safety Policy (Effective April 3, 2015) is reviewed and acknowledged by all employees to advise them of the requirements for the usage of COJ-owned vehicles.
2. Determine if the SOE should adopt a written policy providing guidance on when SOE employees are authorized to take COJ-owned vehicles home overnight. This policy should comply with Executive Order Number 2015-4 – Motor Vehicle Safety Policy (Effective April 3, 2015), which only allows COJ-owned vehicles to be taken home if (1) the employee is on-call and written authorization has been provided, or (2) if the provision of a vehicle is part of the employee’s employment contract. Any policy adopted should ensure it requires all authorizations to be in writing and retained for a prescribed period of time.
3. Determine if an automated vehicle location device, such as a Global Positioning System, would be appropriate to install on COJ vehicles assigned to the SOE for oversight and accountability.
4. Ensure Chapter 119 – Public Records, Florida Statute and COJ Ordinance, Title V – Administration and Personnel, Chapter 124 – Public Records, Part 2. – Records Retention and Disposition, §124.201 – Public Records Required to be Retained, is reviewed and acknowledged by all senior leadership and/or applicable employees to advise them of their responsibilities to retain all applicable records. If deemed appropriate, establish a written internal records retention policy.
5. Seek recovery of **\$529.68** from Phillips for the unauthorized personal use of a COJ-owned vehicle on 16 occasions, and provide verification of such repayment.

In addition, the OIG requests the Duval County Supervisor of Elections advise the OIG if any personnel action(s) (including all outcomes) are taken as a result of this investigation.

The OIG also recommends the following corrective actions to the Administration:

1. Review Executive Order Number 2015-4 – Motor Vehicle Safety Policy (Effective April 3, 2015) to determine whether any updates are necessary.
2. Ensure Executive Order Number 2015-4 – Motor Vehicle Safety Policy (Effective April 3, 2015) is reviewed and acknowledged by all COJ resource users to include employees of the Independent Agencies and Authorities, Constitutional Officers, and any other individual or entity that has access to COJ-owned resources.
3. Clarify ambiguous language in the *COJ Electronic Communications, Equipment and Media Policy*⁶ concerning (1) from whom the explicit authorization is obtained in order to use or access another employee's COJ computer and/or email account, or any other ITD resources; (2) merge the existing COJ Password Policy Procedure into the *COJ Electronic Communications, Equipment and Media Policy*; and (3) strengthen the disciplinary language for any violations of the policy. Ensure the updated policy is reviewed and acknowledged by all COJ resource users to include City agencies, Independent Agencies and Authorities, Constitutional Officers, and any other individual or entity that has access to COJ-owned resources.
4. Review all COJ Driver Certifications issued to employees (including Independent Agencies and Authorities and the Constitutional Officers) to ensure the certifications are current. Review and/or establish a written COJ Driver Certification procedure to ensure that employee driver certifications are current. The procedure should also address notifying the employees of any upcoming expirations and/or temporary suspension of driving privileges to ensure compliance with Executive Order Number 2015-4, or any superseding executive order or City policy.

IDENTIFIED, QUESTIONED, AND AVOIDABLE COSTS

Identified Costs/Recoverable Funds: \$529.68

Identified Costs/Recoverable Funds are defined as losses from disbursements or activities associated with fraudulent or negligent activity, or mismanagement, which have a substantial likelihood of recovery.

The OIG used the following methodology to determine the Identified Costs/Recoverable Funds:

Cost of Vehicle Usage

Based upon the records provided by the COJ, the total purchase cost (including upgrades and interest) of the Equinox was \$23,770.80 to be paid in full within 60 months, which was then charged internally to the SOE. The OIG determined the daily cost of the Equinox to the SOE as

⁶ References to corrective action are to the current version of the City of Jacksonville Electronic Communications, Equipment and Media Policy dated October 14, 2015.

\$13.21 by dividing the total purchase cost (\$23,770.80) by the time frame the Equinox had to be paid in full (60 months) then dividing that amount (a monthly payment of \$396.18) by 30 (average days per month). By multiplying the daily cost of \$13.21 by 16 (the number of days Phillips took the vehicle home by his own admission for non-official business), the total cost for Phillips using the Equinox (similar to a rental car fee) was calculated as **\$211.36**.

Mileage Expense Reimbursement Calculation

In addition, the OIG determined the costs for the additional fuel and maintenance as a result of Phillips personal use by using the 2015 Internal Revenue Service (IRS) standard mileage rate of \$0.575 per mile. According to Mapquest.com, the average distance of the three possible routes from the SOE Main Office to Phillips' residence was 17.3 miles or 34.6 miles roundtrip. Therefore, by multiplying the roundtrip mileage of 34.6 miles by 16 (the number of days Phillips took the vehicle home by his own admission for non-official business) and then multiplying it by the 2015 IRS standard mileage rate of \$0.575, the additional costs were calculated as being **\$318.32**.

The Cost of Vehicle Usage (\$211.36) combined with the Mileage Expense Reimbursement Calculation (\$318.32) respectively totals **\$529.68**.

PHILLIPS' RESPONSE

On October 26, 2017, the OIG forwarded via certified mail a copy of the draft Report of Investigation to Phillips' residence address on file. The OIG verified Phillips received the draft report on November 3, 2017. Phillips was provided the opportunity to submit a written explanation or rebuttal to the findings in the draft Report of Investigation within ten (10) calendar days, due on or before November 6, 2017. No response was submitted by Phillips.

SUPERVISOR OF ELECTIONS MANAGEMENT COMMENTS AND CORRECTIVE ACTIONS

On October 26, 2017, the Duval County Supervisor of Elections (SOE) was provided the opportunity to submit a written explanation or rebuttal to the findings in the draft Report of Investigation within twenty-one (21) calendar days, due on or before November 16, 2017. On November 16, 2017, the SOE sent an email advising the SOE's response would not be submitted to OIG until December 4, 2017, which the Inspector General acknowledged. On November 30, 2017, the Office of General Counsel advised the OIG that the SOE's response would not be finalized until December 8, 2017. On December 8, 2017, The OIG received the SOE's written response. The SOE's response is attached to this report in its entirety (Attachment 2). The SOE took the following corrective actions:

As a result of this investigation, the SOE has strengthened internal controls related to vehicle usage by SOE employees. The SOE now requires SOE employees to obtain approval from a senior SOE manager prior to using an SOE vehicle for official use. In addition, the SOE now requires SOE employees to document vehicle usage on a vehicle authorization form. SOE management will conduct quarterly reviews of vehicle usage by employees. Additionally, the SOE will equip all assigned SOE vehicles with a Global Positioning System by the

end of December 2017. Finally, the SOE has officially adopted the City of Jacksonville's Electronic Communications, Equipment and Media Policy.

The SOE acknowledged Phillips used City property/resources for personal and non-business related tasks. As such, Phillips will receive a written reprimand, a reduction in pay in the amount of \$529.68, and a forfeiture of one hundred (100) hours of annual leave effective January 2018.

**CITY OF JACKSONVILLE ADMINISTRATION
MANAGEMENT COMMENTS AND CORRECTIVE ACTIONS**

On October 27, 2017, the Chief Administrative Officer, Office of Mayor Lenny Curry (Administration), was provided a courtesy copy of the draft Report of Investigation for review and consideration. This investigation did not identify any wrongdoing or misconduct by any City employees or departments. However, the OIG forwarded a draft copy for comments related to City policies and procedures reviewed as part of the investigation. The Administration was provided the opportunity to comment on the findings in the draft Report of Investigation within twenty-one (21) calendar days, due on or before November 16, 2017. On November 15, 2017, the OIG received a written response from the Administration. The Administration's response is attached to this report in its entirety (Attachment 3).

Per the Administration's response, a review of Executive Order 2015-04 is currently in progress. The annual review of the City's Electronic Communications, Equipment and Media Policy is scheduled for the second quarter of fiscal year 2018. The City also acknowledged that the procedures outlined in Executive Order 2015-04 extend to the SOE. Additionally, the Administration advised that the current policy in the event an employee has deficient license information is to notify the employee, the employee's supervisor, and Fleet Management until the deficiency has been corrected.

On November 16, 2017, the OIG had a follow-up conversation with the Director, Risk Management, to confirm how Risk Management verifies driver's license information on an annual basis and how Constitutional Officers are notified of any adverse driver's license information for their employees. During this conversation, the Director informed the OIG that written procedures will be strengthened to ensure communications concerning Constitutional Officer employees with adverse driver's license information is communicated to the Constitutional Officers. On December 1, 2017, the OIG received a copy of Risk Management's updated Standard Operating Procedures relating to conducting and notifying the Constitutional Officers on adverse driver's license checks for Constitutional Officer employees.

Attachments:

- 1 - Timeline of Phillips' SOE Vehicle Usage
- 2 - Supervisor of Elections' Response, dated December 8, 2017
- 3 - City of Jacksonville Management's Response, dated November 15, 2017

cc: IG Distribution C

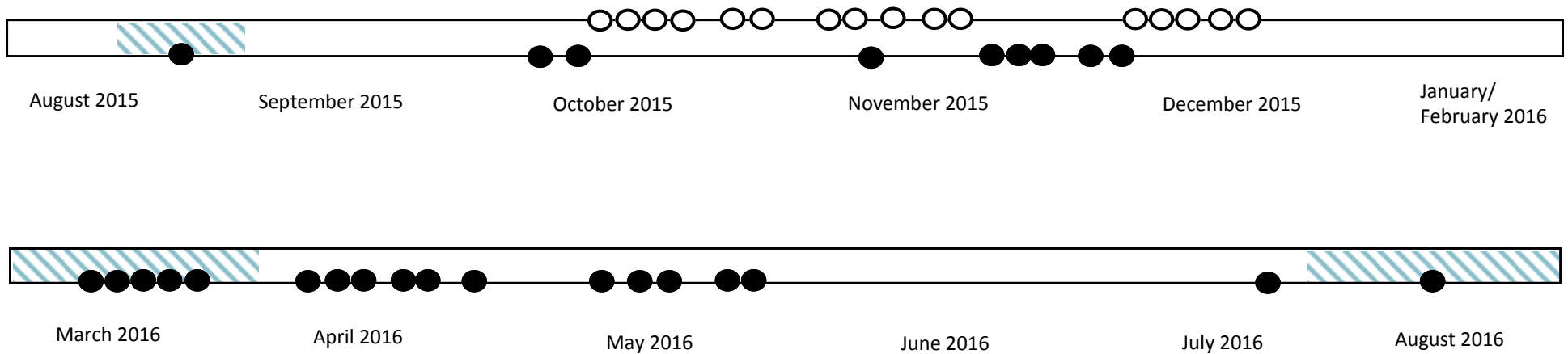
**This investigation has been conducted in accordance with the ASSOCIATION OF
INSPECTORS GENERAL Principles & Quality Standards for Investigations.**



James R. Hoffman
Inspector General

OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE

TIMELINE OF PHILLIPS' SOE VEHICLE USAGE REPORT OF INVESTIGATION 2017-0004



Key

- Non-Business Vehicle Usage
- Business-Related or Unknown Vehicle Usage
- ▨ Elections (according to SOE website)

December 8, 2017

Inspector General James Hoffman:

Dedicated to ensure the citizens of Duval County are provided the most efficient and fair opportunities to exercise their rights to effectively participate within each election, the Office of the Supervisor of Elections has and will continue to endeavor to be proactive in anticipating and providing the needs of the community. However, to the extent such anticipation led to overreaching efforts, this Response shall document the necessary corrections.

The policy of the Office of the Supervisor of Elections (the Office) has been, and unequivocally remains, that City property is intended to be used for official business-related tasks. City property and resources should never merely be used for personal purposes and not business-related uses.

The Report of Investigation, Case Number 2017-0004 (the Report) focuses on the use of City equipment and resources for personal benefit and not business-related tasks by an Office staff member. Having thoroughly reviewed the Report, I became concerned with the ambiguous interpretation of my directions, and am alarmed by the insufficient operational warnings leading to the occurrence of such activities. To ensure such is not repeated within my tenure, the following measures are being taken:

I. Access to Office vehicles only by Assignment

The Supervisor of Elections has designated a senior staff member to memorialize the authorization of each employee to operate an Office vehicle assigned to their Office site (Authorizations). See Attachment A. Currently, the Office possesses two (2) vehicles: a Chevrolet G3500 Cargo van and Chevrolet Equinox. No one will be authorized to use either Office vehicle without prior senior staff authorization. The senior staff member shall maintain the vehicle keys and mileage logs and only provide an employee access to an Office vehicle following having obtained such authorization. The senior staff member shall memorialize, not only the identity of the employee, but will identify the vehicle, the dates of use and business-related task to be performed. Similarly, the memorialization will document the mileage incurred during the assigned use.

II. Office vehicles will be monitored by GPS

The Supervisor of Elections has implemented the application of Global Positioning System (GPS) to its assigned vehicles. As of this Response, the Supervisor has instigated the installation of GPS to the Office's assigned vehicles to avoid future unverifiable use. The installation has been reported to be completed following verification of the necessary equipment for both Office vehicles. The Information Technology Division has advised this may be completed as early as the end of December, 2017.

III. Quarterly Vehicle Usage log reviews

The Supervisor of Elections has designated an executive staff member to quarterly review Office vehicle use logs (logs). Such reviews will verify any discrepancies between the logs and authorizations, as well as operations of the GPS. The executive staff member shall provide quarterly updates of any discrepancies commencing January, 2018.

IV. Adoption of the Electronic Communications, Equipment and Media Policy

The Supervisor of Elections officially adopts the City of Jacksonville's Electronic Communications, Equipment and Media Policy (Electronic Communications policy). See Attachment B. While the referenced personal and campaign activities within the Report preceded this administration taking office in July 2015, the procedures provided therein illustrate a clear and streamlined protocol as to how City equipment/resources should be used by employees and will be beneficial for all.

In order to ensure Office employees understand their expected conduct, the Office personnel will individually be issued the Electronic Communications policy with the anticipation of their being held to its standards. After slight modifications of the Acknowledgement and Acceptance form to conform to the Office's structure, the Electronic Communications Policy shall effectively guide the Office as of February 2018. Further, the Office has engaged the Information Technologies Division to address information access without sharing passwords. The resulting information management changes are anticipated to be completed by the end of December, 2017.

V. Corrective Action for Mr. Phillips

Through his various admissions, Mr. Phillips used City property/resources for personal and non-business related task. His actions were contrary to my instructions, Section 601.101, Municipal Ordinance and Executive Order 2015-4. During both early and regular elections, Mr. Phillips was responsible for attending polling locations during early hours of the two weeks immediately in advance of elections. As opposed to returning downtown to retrieve his personal vehicle as the conclusion of some evenings, only to have to pass by polling sites the next morning in his personal vehicle needing his attention to obtain the Office vehicle, I authorized Mr. Phillips to use the Office vehicle to attend to these business-related tasks. However, when such responsibilities were not envisioned, the Office vehicles should not have been used as such authorization was not given. Knowingly or otherwise, personal use was never condoned and cannot go without correction.

As of the submission of this Response, I have counselled Mr. Phillips regarding his errors, including his need to verify any ambiguity he may perceive when questions or doubts arise. I also illustrated that the consequences of any further such conduct may include, but not be limited to, his immediate separation from employment with the Office. That being said, he shall

thereafter receive a written reprimand documented within his official personnel file with a one-time reduction of pay pursuant to the Report, i.e., \$529.68, and a forfeiture of one hundred (100) hours of annual leave. All herein shall be effective as of January, 2018.

This completes my Response to the Report. Should any questions or concerns arise, feel free to contact me at a time most convenient.

Cordially,

A handwritten signature in blue ink that reads "Mike Hogan". The signature is written in a cursive style with a large, stylized "M" and "H".

MIKE HOGAN, Supervisor
Office of the Supervisor of Elections

“Attachment A”

Supervisor of Elections
Vehicle Authorization

Vehicle: _____ ;
License Plate: _____ ;
Office Location: _____ ;

Senior Staff authorizing	Employee authorized	Task	Date Checked Out	Mileage Out	Date Checked In	Mileage In

“Attachment B”

CITY OF JACKSONVILLE
ELECTRONIC COMMUNICATIONS, EQUIPMENT AND MEDIA POLICY

Responsible Division\Dept.:	Information Technologies Division
Last Updated:	October 14, 2015
Last Reviewed:	October 14, 2015

Purpose	2
Applicability	2
Internet/Email/Online Usage/Equipment/Media	2
City Resources are for City Business	2
Confidentiality	2
Limited Personal Use	2
Limited use of external e-mail services	2
Music/Video	2
Specific Prohibitions and Limitations	2
Exception Process	3
Employee Responsibilities	4
Management Responsibilities	4
Policy Enforcement	4
Exception Process	5
Definitions	5
Acknowledgement and Acceptance Form	6

ELECTRONIC COMMUNICATIONS, EQUIPMENT AND MEDIA POLICY

Purpose

This policy defines the appropriate use of technology resources that are owned by the City of Jacksonville and provided for employee use. Departments are encouraged to issue their own policies that augment or adopt this policy through reference, but not to supersede or contradict it. Each department based on operational need may need to further define terms such as "Limited Personal Use" in terms that are appropriate, clear, and concise for their work force.

Applicability

This policy applies to anyone who uses City technology resources including employees, temporary employees, contractors, vendors, and all others.

Internet/E-mail/Online Usage/Equipment/Media

City Resources are for City Business

City-owned technology resources shall serve the business needs of the City of Jacksonville.

Confidentiality

City-held information on the constituents of the City of Jacksonville may not be disclosed without a clear business need, or public disclosure request.

Limited Personal Use

City-owned technology resources may be used for personal purposes on a limited basis, providing the following requirements are met:

- No marginal cost to the City
- No interference with work responsibilities
- No disruption to the workplace
- Supervisor is aware of use and approves

Limited use of external e-mail services

The limited use of an external e-mail service is allowed, providing that the service applies anti-malware controls in a manner equivalent to that provided by the City.

Music/Video

City computers must not be used to store music/audio/video files for personal use.

Specific Prohibitions and Limitations

City policies regarding acceptable behavior and communication will apply to the use of the Internet and messaging. Specifically prohibited use includes, but is not limited to:

- Political campaigning;
- Conducting a private business;
- Accessing sites which promote exclusivity, hatred, or positions which are contrary to the City's policy of embracing cultural diversity;
- Accessing inappropriate sites including adult content, pornographic material, online gambling, and dating services;
- Accessing sites that promote illegal activity, copyright violation, or activity that violates the City's ethical standards;
- Using the internet to obtain or disseminate language or material which would normally be prohibited in the workplace;
- Making unauthorized general message distributions to all users (everyone);
- Sharing or storing unlicensed software or audio/video files;

- Using security exploit tools (hacking tools) to attempt to elevate user privileges or obtain unauthorized resources;
- Using a City e-mail address when posting to public forums (example: blogs, wikis and discussion lists for personal use);
- Accessing sites that distribute computer security exploits ("hacking" sites);
- Excessive use of online shopping;
- Excessive use of streaming media for entertainment during work hours;
- The use or installation of unauthorized Instant Messaging, (example: AIM, Yahoo Instant Messenger, Meebo, IRC, etc.);
- Using recreational games;
- Using unauthorized peer-to-peer networking, (example: E-Mule, Kazaa, Limewire, Warez, etc.); this includes all torrent drivers and sites (example: Bittorent, utorrent);
- The Use of "soft" VoIP phones (example: Skype, Vonage, etc.)
- Using unauthorized social media includes personal websites and all types of online communities (example: Facebook[®], Yelp[®], YouTube[™], Twitter[™], blogs, message boards, and chat rooms).
- Creating or forwarding a chain letter, joke, solicitation, offer to buy or sell goods, or other non-business material of a trivial or frivolous nature;
- Working on behalf of organizations without any professional or business affiliation with City of Jacksonville;
- Monitoring or intercepting files or electronic communications of employees or third parties;
- Using another employee's account or identity without explicit authorization;
- Permitting unauthorized persons to access the City's e-mail system;
- Using personal storage devices on City-owned personal workstations and laptop computers. These devices include, but are not limited to, USB storage & smart phones.

If any of the above prohibited uses is required for a legitimate business reason, it is management's responsibility to follow the exception process as referenced below.

Additional Cost to the City

Resources that incur a cost to the City, whether accessed via the Internet, mobile/PDA, e-mail or other applications, must not be accessed or downloaded without prior approval. It is the supervisor's responsibility to assure the business need, applicability, and safety of any new resource.

No Expectation of Privacy

Nothing in this policy confers an individual right or be construed to provide an expectation of privacy. Employees must not expect privacy in the use of City communications and digital equipment.

Conflicts

If any component of this policy conflicts with any applicable collective bargaining agreement, the collective bargaining agreement shall control. The remaining non-conflicting features of this policy shall remain in effect.

Use Standard Resources Only: Digital equipment and all applications must be authorized and installed by appropriate personnel. Only software, hardware, and communication protocols that meet the City's defined standards will be installed unless an exception has been documented in writing.

Asset Management: Documentation must be established and maintained regarding the electronic communications equipment asset, its location, and the user responsible for its care by ITD. All reassignments or relocations of electronic communication equipment must be requested through the ITD Service Desk for proper tracking and asset management. Users must surrender their portable electronic communications equipment within five business days upon request from ITD.

Theft of City of Jacksonville-provided equipment and information: Employees are prohibited from taking unauthorized pieces of the City's-provided electronic communications equipment with them from City facilities. The City conducts audits of electronic communications systems and devices to ensure that employees have all appropriate pieces of equipment according to the equipment assigned to them and the division/department. The unauthorized removal of equipment, technology assets, or devices from City facilities is considered to be theft, and employees are subject to discipline, up to termination, according to the City's discipline policy for any such actions. Employees also may be subjected to appropriate legal action.

Employee Responsibilities

- Monitor personal use of the internet, messaging, and other applications, to ensure that the City is being appropriately served.
- Adhere to City standards as discussed in the policy language above.
- Read and adhere to relevant policies.
- Obtain authorization from his/her supervisor before incurring charges (example: downloading data or accessing a paid service).
- Request ITD Service desk to download and install software unless express consent has been granted for employees to download and install software.
- Ensure all work files are stored on the employee's assigned network "F: drive".
- No files of a personal or work nature are to be stored on the employee's local "C: drive".

Management Responsibilities

- Support enterprise-grade technology to enforce this policy, to ensure that the primary purpose of that use is to meet City business needs, and that relevant City standards are met.
- Review and make decisions regarding the approval of all non-work related broadcast announcements. Acceptable uses for non-work related broadcast announcements would include arrival or departure of a department employee or a departmental charitable campaign event.

Policy Enforcement

In order to safeguard City resources, violators of this policy may be denied access to City computing and network resources and may be subject to other disciplinary action within and outside the City. Violations of this policy will be handled in accordance with the City's established disciplinary procedures.

The City may temporarily suspend, block or restrict access to computing resources and accounts, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, confidentiality, or availability of City computing and network resources, or to protect the City from liability.

If violations of this policy are discovered, the City will take appropriate actions to resolve the issue and violators may be subject to disciplinary measures. If violations of this policy are discovered that are illegal activities, the City may notify appropriate authorities. The City reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

Questions regarding this policy or to report misuse of this policy, please contact the ITD Service Desk at 255-1818.

Exception Process

Exceptions to this policy will be requested through the ITD Service Desk at 255-1818. Exceptions will be documented in writing and retained according to existing retention schedules. The request must include these three key components:

- A clearly defined description of the exception including the time period for the exception.
- A business case for the exception.
- Approval by a Department Manager.

ITD shall review all exception requests for appropriateness. Upon approval of the exception, ITD will grant any necessary access.

Definitions

- **Internet:** the Internet is a worldwide "network of networks," including bulletin boards, World Wide Web (WWW), data servers, applications, messaging services, and other functions and features, which accessed via a computer, a BlackBerry, or other client devices.
- **Digital Equipment:** Includes but is not limited to computers, laptops, telephones, cellular telephones, Personal Digital Assistants (PDAs), digital cameras and combination devices such as Blackberries and iPhones[®]. Any technology provided by the City for communications, computing, printing, etc. is covered by this definition.
- **Data Files:** Information contained in files such as e-mail messages, database tables, telephone records, extracts from databases or output from applications.
- **Messaging:** Any technology used to facilitate digital communication, including but not limited to Instant Messaging (IM), electronic mail (e-mail, both City-provided and through external services for personal use), peer-to-peer networking (P2P), mobile, fixed, and software-based voice over Internet protocol (VoIP) telephones.
- **City-owned Technology Resources:** Technology resources paid for by city funds, including, but not limited to: Internet/Intranet/Extranet-related systems, computer equipment, software, operating systems, storage media, and network accounts providing electronic mail, and systems that enable web browsing, and file transfer.
- **Social Networking / Media:** Any Internet site that is focused on creating "networks" of individuals, online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content such as MySpace, Facebook, etc.
- **Hacking/Hacking Tools:** Behavior and tools designed to circumvent security measures, or to otherwise effect unauthorized changes to computer hardware or software.
- **Peer-To-Peer Networking:** Protocol or service for networking devices without a centrally managed server.
- **Communication protocol:** An agreed-upon method of communication used within networks.
- **Malware:** A general term for potentially hostile software; encompasses viruses, Trojans, spyware, etc.
- **Remote.coj.net:** Remote connections are maintained by the City and allow users to access their City workstation and certain City applications. Remote connections will be limited only to employees who are required to access City applications other than e-mail from remote locations.



City of Jacksonville, Florida

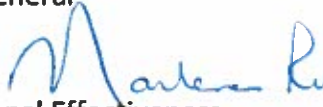
Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

ONE CITY. ONE JACKSONVILLE.

Date: November 15, 2017

To: Lisa Green
Deputy Inspector General

From: Marlene Russell 
Director Organizational Effectiveness

Subject: OIG Investigation Report Number 2017-0004

Reference is made to the Office of Inspector General Report 2017-0004, Supervisor of Election.

The Mayor's Office was provided a courtesy copy of the draft report for review and consideration. The Mayor's Office along with the Fleet Management and Information Technology Divisions reviewed the report and has provided the following responses.

1. Review Executive Order Number 2015-4 – Mayor Vehicle Safety Policy (Effective 4/1/15) to determine whether any updates are necessary.

Response: Risk Management is in the process of reviewing Executive Order 2015-04 (EO). A final draft is expected to be ready for Mayoral review and execution by the beginning of FY18 Q1.

2. Ensure Executive Order Number 2015-4 – Motor Vehicle Safety Policy (effective 4/1/15) is reviewed and acknowledged by all COJ resource users to include employees of the Independent Agencies and Authorities, Constitutional Officers, and anyone individual or entity that has access to COJ-owned resources.

Response: All City Departments, the Supervisor of Elections Office, the Property Appraiser's Office, the Clerk of Courts, the Tax Collector's Office and the Duval County Health Department all use the procedures contained in the EO. Risk currently employs several efforts to ensure the EO is acknowledged. Individually, as the driver's certification must be renewed, a driver completes an application acknowledging they have read and understand the EO. Furthermore, Risk has asked that all City Driver Certification Coordinators provide a copy of the EO at the time an application is submitted. Finally, since July 2015, all new City employees receive a copy and brief review of the EO as a part of their New Employee Orientation.

Note:

The Jacksonville Fire and Rescue Department and the Jacksonville Sheriff's Office have separate driver review boards and their drivers are not subject to the EO.

Also, the Independent Agencies and Authorities that participate in the City's Self-Insurance Fund (Jacksonville Aviation Authority, Jacksonville Electric Authority, Jacksonville Housing Authority and Jacksonville Port Authority) do not use City purchased vehicles and do not come under the provisions of the EO.

3. Clarify ambiguous language in the COJ Electronic Communications, Equipment and Media Policy concerning (1) from whom the explicit authorization is obtained in order to use or access another employees COJ computer and/or email account, or any other ITD resources; (2) merge the existing COJ Password Policy Procedure into the COJ Electronic Communications, Equipment and Media Policy; and (3) strengthen the disciplinary language for any violations of the policy. Ensure the updated policy is reviewed and acknowledged by all COJ resource users to include City agencies, Independent Agencies and Authorities, Constitutional Officers, and any other individual or entity that has access to COJ-owned resources.

Response:

ITD is revising the policy to address the concerns listed above. As a point of information, ITD reviews policies annually around the end of Q2 of the fiscal year to align with the initial electronic policy acknowledgement.

4. Review of all COJ Driver Certifications issued to employees (including Independent Agencies and Authorities and the Constitutional Officers) to ensure the certifications are current. Review and/or establish a written COJ Driver Certification procedure to ensure that employee driver certifications are current. The procedure should also address notifying the employees of any upcoming expirations and/or temporary suspension of driving privileges to ensure compliance with Executive Order Number 2015-04, or any superseding executive order of City policy.

Response: Executive Order 2015-04, section 3.07 Annual Driver License Check states “Risk Management shall perform, at a minimum, annual Driver License checks on all Public Drivers” – note this validity check is only for the applicable COJ resource users described in answer #2 above. The current procedures for notifications are as follows: If a driver has deficient license information then electronic notification is distributed to the driver’s supervisor advising there is a deficiency. Notification is also sent to Fleet Management to ensure the employee will not be able to secure a city vehicle for travel. The notification further advises that the employee is exposing themselves to potential discipline if the deficiency is not corrected immediately.

Please let us know if you have any additional questions.

cc: Sam E. Mousa, Chief Administrative Officer
Mike Weinstein, Chief Financial Officer
Twane Duckworth, Risk Manager
Ken Lathrop, Chief of Information Technologies
Diane Moser, Director of Employee Services
CJ Thompson, Chief Fleet Management
OIG File 2017-0004