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January 7, 2013

Ms. Bridget G. Brennan,  
Special Narcotics Prosecutor  
Office of the Special Narcotics Prosecutor  
for the City of New York  
80 Centre Street, 6<sup>th</sup> floor  
New York, New York 10013

**Re: Letter Report on the Office of the Special Narcotics Prosecutor's Monitoring of Its Employees Using City- or Personally -Owned Vehicles to Conduct City Business (Audit Number 7R13-065AL)**

Dear Ms. Brennan:

We are sending you this Letter Report regarding the audit of the Office of the Special Narcotics Prosecutor's (OSNP) monitoring of its employees who drive City-owned or personally-owned vehicles on City business.

The objective of this audit is to determine if the OSNP is effectively monitoring its employees who drive City-owned or personally-owned vehicles on City business.

### **Conclusion**

We found that OSPN effectively monitors the driving behavior of its authorized drivers. OSPN uses the New York State DMV Dial- In- Inquiry to receive its updates and revoke the privileges of those drivers who have a suspended or revoked license in a timely manner as prescribed by regulations. OSPN also verifies that its employees who drive their personal vehicles for City business have insurance. In addition, OSNP employees are provided with a required safety awareness program.

We also found that OSPN monitors the use of E-ZPasses and permits by its authorized drivers in accordance with applicable rules and regulations

### **Background**

As you are aware, New York City requires that only those employees who exercise reasonable care in operating City- or personally-owned vehicles be allowed to use them to conduct City

business. This requirement is outlined in the City of New York's "City Vehicle Driver Handbook" (Regulations). All agency heads, through the Agency Transportation Coordinator (ATC), must ensure that all employees assigned a City-owned vehicle either for full-time use or temporary use are authorized to drive. It is also the ATC's responsibility to ensure that these drivers have valid licenses and insurance (if they are driving their personal vehicles). The driver's license should be a New York State License unless the employee is exempt from City residency requirements. If this is the case, then the authorized driver must have a valid license from the state where he/she resides and must have the appropriate classification for the vehicle which he/she is driving on City business. The Regulations further specify that City agencies must establish programs that promote safety along with proper training in the use of motor vehicles.

In following these criteria, City agencies use the New York State Department of Motor Vehicles (DMV) License Event Notification System (LENS). The ATC is responsible for notifying DMV of all agency-authorized drivers. This enables the DMV's LENS program to notify the ATC of any event that affects the driver's license. This includes: if a license is expiring; points accrued; accidents; driving while impaired; or driving while under the influence. This enables the ATC to ensure that only employees with valid licenses are driving on City business. The City's policy recommends that agencies participate in LENS to monitor the driving behavior of their employees.

In the event that an agency does not use the LENS program to monitor the driving behavior of its employees, the agency must use the DMV Dial-In-Inquiry to ensure that the license is valid and to monitor its employees.

E-ZPasses should be issued only to authorized drivers, thus allowing said Agency personnel to perform their responsibility in an effective manner. E-ZPasses are issued by the Metropolitan Transportation Authority/Bridges and Tunnels (MTA). All E-ZPass usage must be reported to the ATC. Drivers are allowed to use a City-sponsored E-ZPass only when conducting official City business and in connection with the approved use of a City government vehicle. Subsequently, the driver must fill out a vehicle trip log detailing what the vehicle was used for and why it needed to be used so that accurate agency vehicle trip log books can be maintained. The MTA sends detailed summary reports on travel to the designated agency E-ZPass representative for review.

Drivers must be aware of their agency's in-house procedures regarding the use of parking permits, including areas where City government vehicles are permitted to park. Parking permits must be properly displayed to ensure visibility through the windshield. Permits may only be used for official City business in connection with the assigned City government vehicle and only as described by the parking permit and any other accompanying instructions.

### **Scope and Methodology**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions



based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93 of the New York City Charter.

The scope period of this audit was from January 1, 2010, through December 5, 2012. Our audit reviewed all 198 drivers in the scope period and 4,740 E-ZPass transactions from January 1, 2011, through July 25, 2012.

To meet our objectives, we obtained and reviewed the City of New York “City Vehicle Driver Handbook” issued February 2009 and the subsequent addendum. To determine whether the OSNP monitors its drivers in accordance with the City’s Regulations, we obtained and reviewed the following: 1) list of all employees for each agency who were authorized to drive on City business during our scope period, which included whether a license was necessary to maintain employment; 2) copy of the agency’s annual LENS Report, which should list all the individuals that the agency has authorized to drive on behalf of City business (if applicable); 3) documentation that the agency periodically checks the driver’s license and insurance coverage of all employees who use a personally-owned vehicle; 4) documentation regarding disciplinary action (if necessary) for DMV notifications of change in driver’s license status; and 5) copy of policies and procedures concerning driving a City- or personally-owned vehicle on City business. We used the DMV Dial-In-Inquiry reports and agency documentation to determine if the agencies were appropriately notifying DMV of drivers who were authorized to drive for City business as well as to determine if agencies were monitoring those drivers’ DMV records.

To determine whether OSNP offered driver’s safety programs according to the Regulations, we requested documentation regarding its safety programs. We also accessed the DMV Dial-In-Inquiry to determine the driving status of those employees who resided outside of New York State. We also performed DMV searches for the driving records of those employees.

To determine whether the OSNP monitors its drivers’ E-ZPass usage and issued parking permits in accordance with the City’s Regulations, we obtained and reviewed the following: 1) list of all E-ZPasses issued to each agency and the associated license plate; 2) copy of the agency’s E-ZPass bills for the calendar year; (3) copy of all vehicle usage trip logs during our scope; (4) list of all parking permits and the vehicles they were assigned to; and (5) list of all employees for each agency who were authorized to drive on City business during the scope period.

To assess the reliability of the database of E-ZPasses received from each agency, we matched the MTA E-ZPass billing statements to the vehicle trip log.

To determine whether OSNP effectively monitored its E-ZPass usage, we determined whether the E-ZPass was used during normal agency business hours. We reviewed the E-ZPass bills and compared the dates to the 2011 calendar to determine if an E-ZPass was used on a weekend or holiday. If an E-ZPass was used, we determined whether proper authorization was given for its use. In addition, we checked the New York City Payroll Management System to determine whether the assigned driver was not on leave and, in addition, still an employee of the agency during the period of E-ZPass usage. In addition, we checked to ensure that each E-ZPass was

active during the scope period.

To determine whether OSPN effectively monitored its parking permits, we reviewed all parking permits to determine if each parking permit issued by the agency to the employer was attached to a City vehicle. If the parking permit was attached to a personally-owned vehicle, we reviewed the agencies' authorization to the employee with that parking permit.

Based on our positive conclusion, we have no recommendations and do not see the need for a formal exit conference. On December 14, 2012, we submitted a draft letter providing you with an opportunity to formally respond. We received a written response from OSNP officials on December 27, 2012. In their response, OSNP officials generally agreed with the report.

The full text of OSNP's response is included as an addendum to this report.

Sincerely yours,



Tina Kim

cc: Kristine Hamann, Executive Assistant District Attorney  
Lei Yuan, Financial Director  
Elizabeth Weinstein, Director, Mayor's Office of Operations  
George Davis III, Mayor's Office of Operations  
Vincent Liquori, Director of Financial Audit



**Office of the  
Special Narcotics Prosecutor  
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

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December 27, 2012

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NYC Office of the Comptroller  
Municipal Building  
One Centre Street, Room 1100  
New York, N.Y. 10007

**Re: 2012 Car Audit**

Dear Ms. Kim,

Thank you for your December 14, 2012 letter advising us of the conclusion of your audit of this agency's use of city-owned or personally-owned vehicles to conduct city business. We were very pleased with your finding that "OSNP effectively monitors the driving behavior of its authorized drivers." As we have done in the past, we will continue to follow the city regulations governing driving conducted for city business.

It was a pleasure doing business with your staff.

Yours Sincerely,

A handwritten signature in blue ink that reads "Kristine Hamann".

Kristine Hamann  
Executive Assistant District Attorney