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## Audit of the Dallas Police Department's Complaint Process

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November 25, 2019

Mark S. Swann  
City Auditor

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# Executive Summary

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## Objective and Scope

The objectives of the audit were to evaluate whether: (1) the Dallas Police Department's complaint process is accessible; (2) internal and external complaints are processed consistently; and, (3) appropriate and consistent corrective actions are taken. The audit scope covered Fiscal Years 2016 through 2018. We also reviewed certain related transactions and records before and after that period.

## What We Recommend

We recommend the Chief of Police improve internal controls by:

- Preventing and detecting unauthorized deletion of complaints.
- Accepting all complaints.
- Ensuring unimpeded access to the complaint process.
- Developing comprehensive guidelines on how to apply disciplinary actions.

## Background

The Dallas Police Department conducts investigations of reported allegations of misconduct against its members. There are formal procedures in place to accept, investigate, and resolve allegations of misconduct, and to administer appropriate corrective action.

The Dallas Police Department's *General Order 500.00 Internal Investigations* regulates the complaint process.

## What We Found

There are opportunities for the Dallas Police Department to improve in the following areas: (1) ensure all complaints are accepted and accounted for; (2) remove unnecessary obstacles to reporting allegations of police misconduct; and, (3) ensure officer accountability is consistent. The following observations identify where additional measures are needed to improve the complaint process:

- Controls for prevention and detection of unauthorized access and deletion of complaints are insufficient.
- Some complaints are not accepted.
- Unimpeded access to the complaint process is not ensured.
- There are no comprehensive guidelines on how to apply disciplinary actions.

The observations and associated recommendations resulting from this audit are discussed in more detail on the following pages. Please [see Appendix A](#) for background information related to the audit.

**Note:** Throughout the report, the Office of the City Auditor repeatedly makes reference to several key terms for the purposes of consistency and clarity:

### Key Terms Explained

**Allegation** – An accusation of wrong-doing.

**Complaint** – A formal or informal report that contains allegations against Dallas Police Department officers. Formal reports are documented, signed complaint forms that are submitted to the Dallas Police Department and accepted for review by the Dallas Police Department's Internal Affairs Division. Informal reports are complaints that the Dallas Police Department may not accept or investigate as described in [Observation B](#) on pages 7-8.

**Incident** – A case or instance of something occurring. An incident may include complaints of police misconduct by a community member, or other reportable events such as: officer commendations, use of force, firearm discharge, vehicle pursuit, and Dallas Police Department supervisor reports of police procedural violations.

**Violation** – a behavior that goes against procedures, ethics, protocol, or law. If an allegation is substantiated, a violation has occurred.

**Source:** Office of the City Auditor

## Audit Results:

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### **Observation A:** Prevent and Detect Unauthorized Access or Deletion of Complaints

Dallas Police Department controls for prevention and detection of unauthorized access and deletion of complaints are insufficient. As a result, the Dallas Police Department cannot ensure all complaints are accounted for.

During the period of October 1, 2015, through September 30, 2018, the department recorded a total of 21,000 incidents, of which 2,007, or approximately ten percent, were allegations of police misconduct received by the Internal Affairs Division.<sup>1</sup> Complaints are stored in the following media:

- Locked Storage Room: location where hard copy internal investigation files are retained.
- IAPro: a computer-based incident management system used by Internal Affairs Division to store images of the internal investigation files and to track various incidents that include complaints about police misconduct.
- Blue Team: an incident logging and tracking program used by police officers which links to the IAPro system.

An audit analysis of the IAPro system showed that there were 471 unexplained gaps in the sequence of computer-generated incident numbers resulting in at least 776 missing incidents. According to the Internal Affairs Division, the computer system audit trail shows 531 incidents were deleted from Blue Team because the incidents were entered in error. The Internal Affairs Division is unable to account for the remaining 245 incidents. The unaccounted incidents may include complaints, officer commendations, use of force, firearm discharge, vehicle pursuit, Dallas Police Department supervisor reports of police procedural violations, vehicle accident, discipline, foot pursuit, consent to search, non-consent search, and system generated alerts.

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<sup>1</sup> The 2,007 allegations were classified under the following incident types: Division Referral, Request for Control Number, Investigation, and No Investigation. (Refer to [Complaint Intake and Investigation](#) description in Appendix A on page 18).

The Dallas Police Department cannot prevent or detect deletion of incidents, which may include complaints, because security controls are not in place to:

- **Prevent officers from deleting incidents from IAPro or Blue Team.**  
According to the Internal Affairs Division, in some instances, police officers deleted rather than voided “*erroneous*” incidents, which may include complaints, before they were received and reviewed by the Internal Affairs Division. Deleting incidents prior to such review prevents Internal Affairs Division staff from determining the validity of the complaints and the details of the incidents.
- **Detect missing complaints.**  
The Dallas Police Department does not segregate the processes of accepting complaints, investigating the complaints, custody of complaints, and reconciling the complaints about police misconduct; but instead, concentrates all these processes at the Internal Affairs Division. Without segregating these processes, missing complaints may not be readily detected.

Further, the Internal Affairs Division does not:

- **Perform regular reviews of Blue Team and IAPro data integrity,** such as analysis of gaps in the sequence of incident numbers to detect deleted incidents including deleted complaints. In addition, the Internal Affairs Division assigns a separate file number to each complaint. However, this file number changes depending on which Division will investigate the complaint, and the file number can be reused and duplicated. This practice could allow some deleted incidents to go unidentified.
- **Have controls to prevent or detect unauthorized access to complaint data.**  
A review of user access privileges in IAPro and to the Internal Affairs Division’s locked file storage room shows the following access control weaknesses (see Exhibit 1):

**Exhibit 1:**

| System            | Condition Observed   |
|-------------------|--|
| IA Pro System     | Out of 47 user accounts, 13 user accounts had not accessed the system in over 90 days. Seven of these users were terminated employees whose access was not disabled. |
| File Storage Room | Out of 24 staff with access to the file storage room, 4 staff did not work for the Internal Affairs Division.  |

Upon being notified of security weaknesses related to user access, the Internal Affairs Division management deleted user accounts of terminated employees and updated its standard operating procedures to include a requirement to conduct quarterly audits of IAPro user access privileges. Additionally, at the request of the Internal Affairs Division, the Facilities Management Division deleted three of four access profiles of staff that had no legitimate business reason to enter the file storage room.

## Criteria

- ❖ Standards for Internal Control in the Federal Government by the Comptroller General of the United States (Green Book), *Principle 11 – Design Activities for the Information System*, states:

*Management designs control activities for security management of the entity's information system for appropriate access by internal and external sources to protect the entity's information system. Objectives for security management include confidentiality, integrity, and availability.*

- ❖ National Association for Civilian Oversight of Law Enforcement's *Civilian Oversight of Law Enforcement – A Review of the Strengths and Weaknesses of Various Models* states that civilian oversight increases accountability of law enforcement and helps: (1) improve public trust; (2) ensure accessible complaint processes; (3) promote thorough, fair investigations; (4) increase transparency; and, (5) deter police misconduct.
- ❖ City of Dallas *Enterprise Information Security Standard* requires: (1) all user accounts for various City systems be reviewed annually for user accesses, appropriate roles, staff employment statuses, and other log-on activities; and, (2) employee accounts not used at least once in the last 90 days be disabled.

We recommend the **Chief of Police** develop and implement procedures that include standards for:

- A.1.** How to request, review, authorize, and document the voiding of incidents in Blue Team and IAPro. The procedures should limit deletions and require documentation of the reasons for the deletion of incidents, such as court ordered expungements, etc.
- A.2.** Conducting annual monitoring of IAPro/Blue Team data accuracy and completeness, e.g. gaps in the incident numbering.
- A.3.** Performing a quarterly review of user access in IAPro to ensure user privileges are commensurate with the job descriptions.
- A.4.** Performing a quarterly review of user access in IAPro to: (1) determine whether user accounts not accessed within a consecutive 90-day period should be disabled; and, (2) revoke access of terminated employees.

We recommend the **Chief of Police**:

**A.5:** Use only the computer-generated incident numbers to track complaints (eliminating the practice of creating complaint file numbers).

We recommend the **City Manager** ensure segregation of duties by requiring:

**A.6.** The Director of the recently created Office of Community Police Oversight to annually reconcile the numbers of all received, investigated, and adjudicated citizen complaints.




## Observation B: Acceptance of Complaints

Intake personnel at Dallas Police Department patrol stations may not record certain citizen complaints. As a result, some legitimate complaints with valuable information about police misconduct may not reach the Internal Affairs Division. In a series of interviews with station sergeants, auditors learned that station sergeants:







- (1) Question community members about the circumstances and the nature of a complaint.
- (2) Decide whether the complaint is valid and whether it should be documented and forwarded to the Internal Affairs Division.
- (3) Attempt to investigate complaints on the spot without documenting them.

The Dallas Police Department's *General Order 500.00 Internal Investigations* allows for certain exceptions to investigating complaints (see Exhibit 2). According to the Dallas Police Department, the Internal Affairs Division should review all citizen complaints and determine which complaints to investigate.

### Exhibit 2:



#### The Dallas Police Department's *General Order 500.00 Internal Investigations* allows for certain exceptions to investigating complaints:

-  Complaints may not be forwarded to the Internal Affairs Division for investigation if complaint allegation(s) are 'minor' and police patrol station staff can handle it at the patrol station.
-  Complaints filed more than 60 days after the alleged incident are generally not investigated, unless the complainant has a reasonable excuse for not reporting the incident within the 60 days.
-  Complaints made by a third-party who does not have direct knowledge of the incident are not investigated.
-  Anonymous complaints are not investigated unless there is an allegation of a criminal activity.
-  Complaints describing a difference of opinion on the issuance of a traffic ticket, or the difference of opinion on the fault in a car accident will not be investigated.
-  Complaints describing the difference of opinion between a police officer and a community member regarding guilt or innocence will not be investigated.

## Criteria

- ❖ Commission on Accreditation for Law Enforcement Agencies' Standards for Law Enforcement Agencies Standard 26.2.1, *Complaint Investigation* promotes reviewing "each complaint for validity before disregarding it for lack of a credible complaint" and supports investigating anonymous complaints.
- ❖ Texas State Government Code, *Section 614.022* requires a complaint to be signed by the complainant, Texas State Government Code, *Section 614.021, 4b* allows the City to create its own rules for complaint acceptance including the acceptance of anonymous complaints. In particular, this subchapter states that a local government can create its own provisions relating to investigations of complaints in its meet and confer agreement with the local police associations.
- ❖ *Consent Decree between the United States Department of Justice and the Police Department of Baltimore City* supports accepting and investigating all complaints despite how they were received, including those received anonymously or from someone acting on a complainant's behalf.
- ❖ Standards for Internal Control in the Federal Government by the Comptroller General of the United States (Green Book), *Principle 10 – Design Control Activities* states, "Management should design control activities to achieve objectives and respond to risks".

We recommend the **Chief of Police**:

**B.1.** Ensure that Patrol Station personnel accept all citizen complaints (without exceptions), document them, and forward them to the Dallas Police Department's Internal Affairs Division for evaluation of validity and feasibility of an investigation.

## Observation C: Unimpeded Access to the Complaint Process

The Dallas Police Department does not ensure all community members have unimpeded access to the complaint process. As a result, complainants could encounter unnecessary obstacles to filing a complaint.

According to the Dallas Police Department, the complaint filing process offers a variety of ways to file a complaint. To obtain a complaint form, community members can:

- Visit the [Internal Affairs Division Office](#) at the Dallas Police Department Headquarters.
- Visit any [Dallas Police Department Patrol Station](#).
- Access the Internal Affairs Divisions [website](#).

In addition, the Internal Affairs Division reported that they provided complaint forms to:

- Dallas Public Library branch [locations](#).
- League of United Latin American Citizens ([LULAC](#)) and National Association for the Advancement of Colored People ([NAACP](#)) locations in the City.

To file a complaint, community members can:

- Visit the [Internal Affairs Division Office](#) at the Dallas Police Department Headquarters.
- Visit any [Dallas Police Department Patrol Station](#).
- Email, Mail, or Fax a completed [complaint form](#) to the Internal Affairs Division Office.

The Internal Affairs Division, however, does not have a structured outreach program with a systematic approach aimed at reaching all community members. For example, information about the complaint process available from these sources was not always accessible, accurate, or complete (see [Exhibit 5](#) below and [Exhibit 6](#) on page 10):

**Exhibit 5:**

Accessibility, Accuracy, and Completeness of Information  
About the Complaint Process

Unannounced auditor visits and inquiries at the identified locations showed that complete and accurate information about the complaint process is not always available or accessible.

Information about the complaint process was not posted in the lobby of patrol stations.

Pre-printed complaint forms were not available in the lobby of patrol stations.

Front desk staff provided inaccurate or insufficient information about the complaint process.

None of the Dallas Public Library branch locations had pre-printed complaint forms.

In addition, at five of eight patrol stations, the auditors were unable to obtain a pre-printed complaint form even after requesting it from the front desk staff.

For instance, staff directed auditors to file the complaint at the Internal Affairs Division's Office located at the Dallas Police Department Headquarters but did not offer to immediately take the complaint at various patrol stations.

Telephone calls to 12 local LULAC Councils confirmed that four did not have pre-printed complaint forms. The remaining calls to the eight LULAC Councils and five local NAACP Chapters went unanswered.

**Exhibit 6:**

**The Internal Affairs Division's website does not:**

- 1) Include a written description of the complaint process from intake to imposition of discipline.
- 2) Have an audio or video recording explaining the complaint process and duties of the Internal Affairs Division.

**Dallas' 3-1-1 Call Center Operators did not provide complete information about the complaint process.**

For instance, a call taker did not realize that the Internal Affairs Division Office existed and that complainants could file a complaint with the Internal Affairs Division.

**Dallas' 3-1-1 website does not provide an access point for the Dallas Police Department's complaint process.**

While the 3-1-1 website provides access points for department information, processes, or service requests related to other city services such as water, sanitation, and bike share, there is no access point that will direct a community member to information about the Dallas Police Department's complaint process.

**The Community Police Oversight Board's website provides information related to the complaint appeals process but does not:**

- 1) Make complaint process information available.
- 2) Provide a link to the Internal Affairs Division's complaint information.

Other obstacles to filing a complaint are:

- **The Dallas Police Department does not have a 24-hour complaint hotline.** Such a hotline is recommended by the United States Department of Justice and has been instituted in Baltimore City as a result of the *Consent Decree between the United States Department of Justice and the Police Department of Baltimore City*.
- **Spanish language complaint forms were not provided when requested at two patrol stations.**

- **The pre-printed complaint form includes references to complaints that will not be accepted**, such as language stating:
  - *"The person who was wronged must file a signed complaint for an investigation to be conducted."* This language implies that the complaint is unacceptable when the complainant is not the person wronged. This language is misleading because Texas State Government Code, *Section 614.022* only requires a complaint to be signed by the complainant.
  - *"...complaints must generally be made within 60-days of the incident unless special circumstances exist."* This wording may dissuade complainants from filing at all if they are outside of the 60-day window, regardless of whether special circumstances exist.

Upon being notified that the pre-printed complaint form implies that certain complaints are not acceptable, the Internal Affairs Division updated the complaint form to remove the statement regarding the requirement for the wronged person to file and sign the complaint form. However, the form still states that complaints must be filed within 60 days of the incident.

### Criteria

- ❖ United States Department of Justice, *Consent Decree between the United States Department of Justice and the Police Department of Baltimore City* requires:
  - Complaint forms should be made *"widely available at public buildings and locations and... to community groups."*
  - Police organizations should *"ensure that the complaint intake process is open and accessible for individuals who wish to file complaints about officers' conduct."*
- ❖ Standards for Internal Control in the Federal Government by the Comptroller General of the United States (Green Book), *Principle 10.07 – Design Control Activities* states Management should *"design control activities at the appropriate levels in the organizational structure."*

We recommend the **Chief of Police**:

- C.1.** Ensure that accurate information about the complaint process and pre-printed complaint forms are accessible to visitors in the lobby of all Dallas Police Department patrol stations.
- C.2.** Ensure that the Dallas Police Department's police patrol station staff are adequately trained to provide accurate information about the complaint process.
- C.3.** Ensure that the Internal Affairs Division's website provides: (1) a written description of the complaint process from intake to imposition of discipline; and, (2) a video or audio recording explaining the complaint process and duties of the Internal Affairs Division.

**C.4.** Ensure that complaint forms: (1) do not include references to complaints that will not be accepted; and, (2) are available in both English and Spanish at police patrol stations.

**C.5.** Incorporate the United States Department of Justice’s best practices, such as: (1) creating a 24-hour hotline; and, (2) updating and distributing informational materials such as brochures that describe: (a) the investigation and disciplinary process; (b) how and where to file a complaint; (c) how and where to check the status of a complaint; and, (d) contact information for the Community Police Oversight Board, and the Office of Community Police Oversight.

We recommend the **City Manager**:

**C.6.** Ensure that complaint information and pre-printed complaint forms are available at all designated public outreach locations.

**C.7.** Ensure that Dallas' 3-1-1 operators are adequately trained to refer callers to the Internal Affairs Division for information about the complaint process.

**C.8.** Ensure that Dallas' 3-1-1 website provides an access point to the Dallas Police Department’s complaint process.

**C.9.** Ensure that the Community Police Oversight Board's website provides information related to filing a complaint.

## **Observation D: Comprehensive Guidelines on How to Apply Disciplinary Actions**

The Dallas Police Department’s *General Order 500.00 Internal Investigations* does not include comprehensive guidelines for supervisors on what disciplinary action applies to each type of procedural violation, and how the accompanying mitigating or aggravating circumstances should weigh on disciplinary decisions. As a result, the current Dallas Police Department’s discipline policy may not equip supervisors with the guidance needed to ensure that sustained allegations result in appropriate and consistent corrective action.

The Dallas Police Department has been working on developing disciplinary guidelines, and has prepared guidelines to-date for procedural violations related to:

- Body-worn cameras, DVR recordings, and body microphones.
- Undocumented sick leave.
- Failure to report to court.
- Failure to sign in and out of court.

However, the guidelines:

- **Are not formalized as part of General Orders.**
- **Do not describe how to address multiple sustained violations in one incident.**  
For example, in a judgmental sample of five sustained Camera/DVR/Body Microphone violations, officers were investigated for multiple violations in the same incident, one of which was a Body Camera/DVR/Body Microphone violation. However, without guidelines for other violations, it is not clear how the Dallas Police Department supervisors arrived at the final disciplinary decision.
- **Sometimes use vague and unclear language.**  
For example, the *Undocumented Sick Leave* guidelines state, “An investigation will be conducted, and discipline assessed for instances of undocumented sick leave in excess of six (6) incidents and/or fifteen (15) days each six-month period.” According to the guideline, the first violation should result in a “written reprimand;” however, a judgmental sample of twenty sustained sick leave policy violations show that police supervisors differ in their understanding of what constitutes a “first” violation of the policy.

In addition, *General Order 501.02C* encourages supervisors to take into consideration aggravating and mitigating circumstances but does not provide guidelines of how to apply them. This results in inconsistent corrective action for sustained allegations of misconduct when multiple violations occur during the same incident.

Research into other police departments’ disciplinary guidelines shows robust and comprehensive guidelines for applying disciplinary actions with better guidance for dealing with scenarios of multiple violations for one incident and how to weigh mitigating and aggravating circumstances when making disciplinary decisions:

- **The Austin Police Department’s written policy provides clear guidance on applying discipline levels.**  
Austin’s policy lists seven discipline levels for corrective action that include guidance on when to apply each level. For example, the Austin policy provides guidance on which circumstances warrant a written reprimand or suspension. Conversely, *General Order 500.00 Internal Investigations* only defines these terms.
- **The Fort Worth Police Department’s guidelines include an extensive list of possible policy violations and resulting disciplines for multiple occurrences.**  
Additionally, according to the Fort Worth Police Department, when there are multiple violations in one incident, supervisors are required to use the most severe of the violations to make a disciplinary decision and use the less severe as aggravating factors. Conversely, *General Order 500.00 Internal Investigations* is less restrictive as it gives supervisors the latitude to consider other factors for all violations but, does not dictate

specific circumstances (e.g. multiple violations in one incident) under which a supervisor can consider them.

- **The Houston Police Department utilizes a discipline matrix in conjunction with a written policy.**

Houston Police Department's policy guidelines define five disciplinary categories, which include progressive degrees of severity. The guidelines instruct supervisors how to consider mitigating or aggravating circumstances. This is in contrast to *General Order 500.00 Internal Investigations* in that it allows supervisors to consider mitigating or aggravating circumstances, but there is no comprehensive discipline matrix to guide the decisions of supervisors.

### Criteria

- ❖ Commission on Accreditation for Law Enforcement Agency's disciplinary standards support a disciplinary system that is *"based on fairness ... and that strives to enhance consistency in punitive actions."*
- ❖ Standards for Internal Control in the Federal Government by the Comptroller General of the United States (Green Book), *Principle 5 – Enforce Accountability*, states:

*Management enforces accountability of individuals performing their internal control responsibilities. Accountability is driven by the tone at the top and supported by the commitment to integrity and ethical values, organizational structure, and expectations of competence, which influence the control culture of the entity.*

### We recommend the **Chief of Police**:

**D.1.** Develop and implement comprehensive disciplinary guidelines and include them into the General Orders.

**D.2.** Update *General Order 500.00 Internal Investigations* to include specific guidance on how to apply discipline for sustained multiple violations in one incident.

**D.3.** Clarify *Undocumented Sick Leave* guidelines to clearly define the number of instances of undocumented sick leave allowed before the first violation occurs.

**D.4.** Update *General Order 500.00 Internal Investigations* to clarify when and how to use mitigating and aggravating circumstances in disciplinary decisions.



## Appendix A: Background and Methodology

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### Background

The Dallas Police Department's *General Orders 500.00 Internal Investigations* regulates the complaint process used to address internal and external allegations of misconduct against members of the Dallas Police Department. The Dallas Police Department's Internal Affairs Division has the responsibility of conducting investigations of the reported allegations. The Dallas Police Department's Chain-of-Command, as delegated by the Chief of Police, is responsible for any resulting corrective action. According to the last duty roster provided by the Internal Affairs Division, the division has 33 total positions.

According to both the *Internal Affairs Division 2017 Yearly Summary* and the *Internal Affairs Division 2018 Yearly Summary* (see Exhibit 7), the number of citizen complaints received by the Dallas Police Department has been trending down from a high of 495 in 2009 to a low of 185 in 2017.

#### Exhibit 7:

Number of Citizen Complaints by Year

| Year         | Total       |
|--------------|-------------|
| 2008         | 406         |
| 2009         | 495         |
| 2010         | 334         |
| 2011         | 346         |
| 2012         | 346         |
| 2013         | 374         |
| 2014         | 285         |
| 2015         | 217         |
| 2016         | 240         |
| 2017         | 185         |
| 2018         | 244         |
| <b>Total</b> | <b>3472</b> |

To help with administering the complaint process, in April 2018, the City Council passed *Ordinance 31192* directing the City Manager to create an Office of Community Police Oversight to monitor the Internal Affairs Division's investigations and divisional referrals, review evidence collected by the Police, and initiate their own investigations of citizen complaints. The Office of Community Police Oversight will provide functional support to the Community Police Oversight Board (an advisory board to the City Council). The Community Police Oversight Board is tasked

with ensuring that the process of accepting and processing citizen complaints is accessible and fair.

The Community Police Oversight Board now has the authority to:

- Conduct community outreach to raise awareness of the complaint process.
- Accept written complaints from community members.
- Review the evidence of investigations conducted by the Internal Affairs Division.
- Conduct investigations, subpoena witnesses, and take sworn witness testimony independently from the Internal Affairs Division.
- Request the City Manager to review disciplinary actions decided by the Chief of Police.
- Recommend improvements in Police Department practices and training.

## Complaint Intake and Investigation

Community members filing a complaint against a Dallas Police Department officer can do so by accessing a PDF form online that may be submitted by email, fax, and mail, or delivered to any police supervisor at any City of Dallas police facility. Community members can also visit any Dallas Police Department patrol station or the Internal Affairs Division Office and file a complaint. Regardless of the method used, Texas State Government Code *Sections 614.022 and 614.023* require that complaints be in writing, signed by the person making the complaint, and provided to the accused officer. Unless there is an allegation of police misconduct, the Internal Affairs Division does not have to accept anonymous complaints; complaints more than 60 days after the alleged incident; and complaints relative to differences of opinion between a police officer and a community member regarding a traffic ticket, guilt or innocence; the contributing factors listed on an accident report; or regarding a community member's misunderstanding of Departmental policy.

Officers filing a complaint against the Chain-of-Command can do so directly with the Internal Affairs Division. Supervisors filing a complaint against an officer reporting to them must enter the allegation as an incident through BlueTeam, the Dallas Police Department's incident tracking program.

Once filed, the Dallas Police Department's Chain-of-Command and the Internal Affairs Division review each allegation of misconduct and determine the type of investigation required to address the allegation, including:

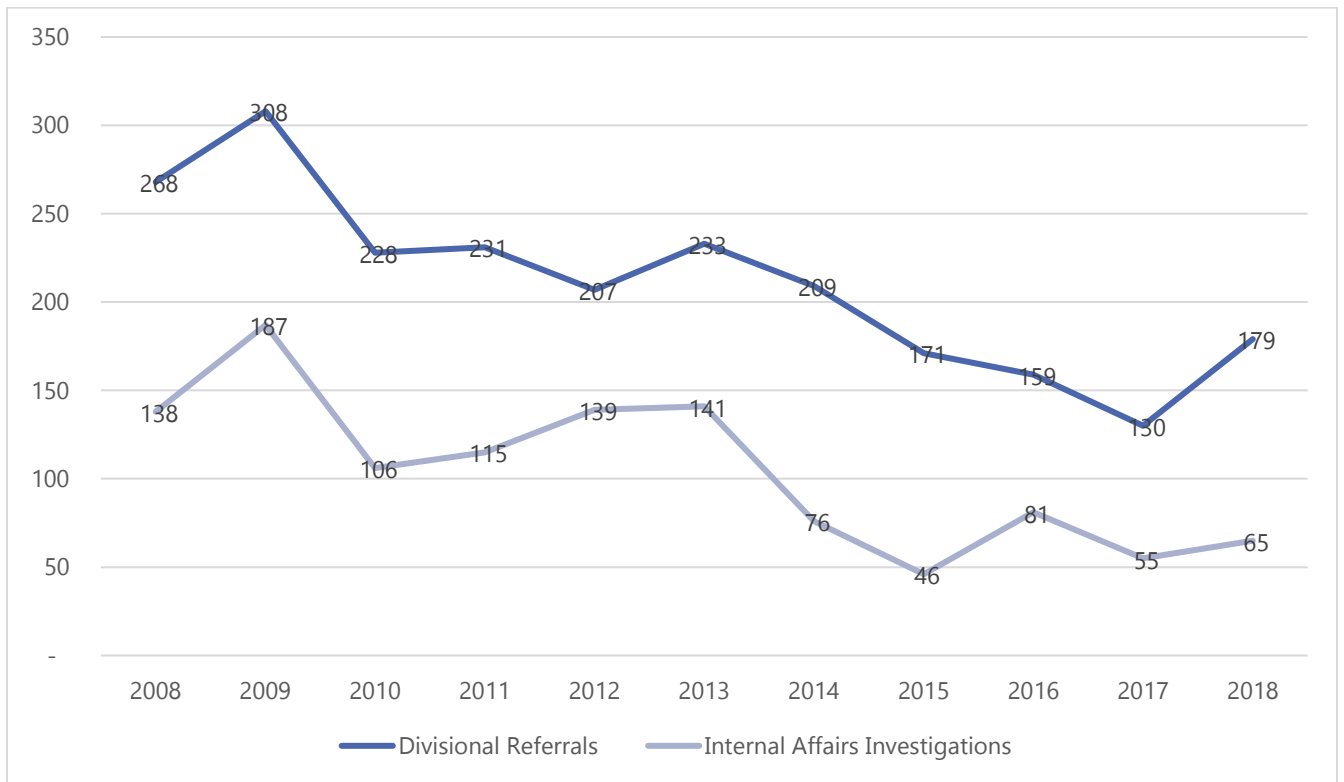
- Control Number (CN) investigations are for allegations that could result in a written reprimand or higher. These complaints are investigated by the Internal Affairs Division.

- Division Referral (DR) investigations are for allegations that could result in corrective action of Advice and Instruction, Documented Counseling, or a Supervisors Report of Correction. These complaints are investigated by the accused officer's division.
- Not Investigated (NI) are cases that the Internal Affairs Division will not investigate. For example, allegations of misconduct received after 60 days.
- Public Integrity (PI) are allegations of criminal conduct by police officers. These complaints are investigated by the Public Integrity Unit.

According to the Internal Affairs Division, since 2008, both Divisional Referrals and Internal Affairs Division investigations have been trending downward (see Exhibit 8).

**Exhibit 8:**

Number of Citizen Complaints by Investigation Type



**Sources:** Internal Affairs Division 2017 Yearly Summary and Internal Affairs Division 2018 Yearly Summary

## Complaint Resolution

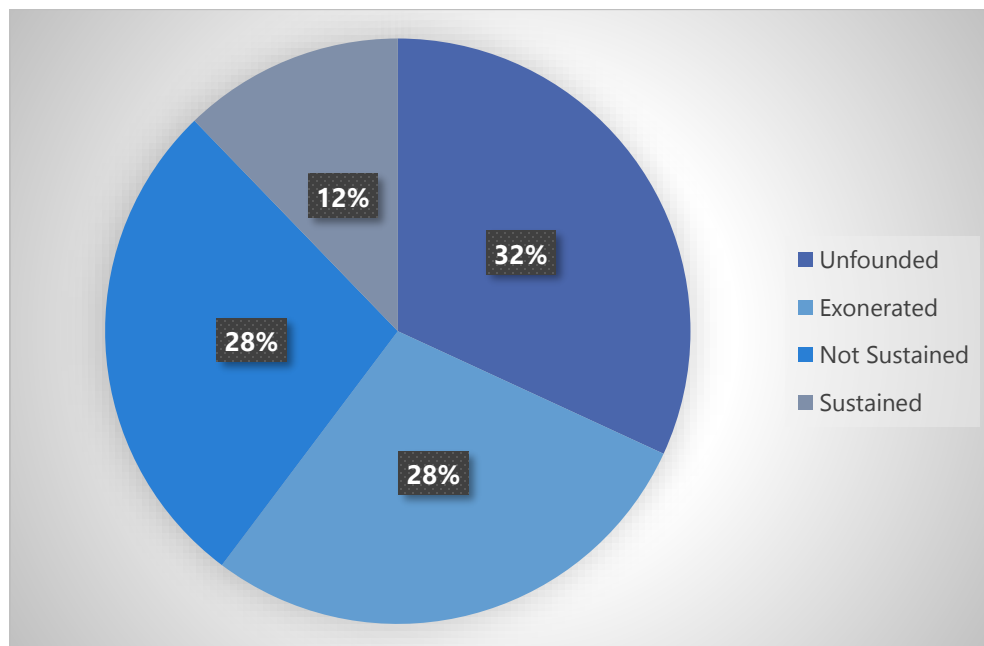
At the conclusion of an Internal Affairs Division investigation, the Internal Affairs Division Commander will develop a finding based on the evidence obtained during the investigation process. For Division Referrals, the officer's Division Commander will develop the finding. Possible findings for investigations and Division Referrals include:

- Unfounded – the acts alleged in the complaint did not occur.
- Exonerated – the acts alleged in the complaint occurred but were justified, lawful, and proper.
- Not Sustained – there is not sufficient evidence to prove or disprove the allegations.
- Sustained – there is a preponderance of evidence in support of the allegations made in the complaint.

In 2018 (see [Exhibit 9](#)), 12 percent of investigations resulted in a "Sustained" finding, while 88 percent of investigations resulted in a finding other than "Sustained."

### Exhibit 9:

Investigation Findings in 2018



Source: Internal Affairs Division 2018 Yearly Summary

The accused officer's Chain-of-Command decides on corrective action. Each investigation must receive a final review and approval by the Chief of Police. The Internal Affairs Division maintains the investigative file and uses a computer-based case management system, IAPro, to store images of the internal investigation files and to track various incidents that include complaints about police misconduct.

## Methodology

The audit methodology included reviewing relevant Administrative Directives, *General Order 500.00 Internal Investigations*, and other relevant City documents and Council briefings. The auditors also:

(1) interviewed personnel from the Dallas Police Department; (2) interviewed the Chair of the Community Police Review Board and administrative staff; (3) interviewed complainants who filed appeals before the Community Police Review Board; (4) contacted local League of United Latin American Citizens Councils and National Association for the Advancement of Colored People Chapters; (5) researched disciplinary guidelines of Austin, Fort Worth, and Houston Police Departments; (6) visited Dallas Police Department patrol stations and Dallas Public Library branches; (7) reviewed a judgmental sample of sustained police procedure violations between October 1, 2015, and September 30, 2018; (8) analyzed IAPro data for the period between October 1, 2015, and September 30, 2018; (9) reviewed the *Consent Decree between the United States Department of Justice and the Police Department of Baltimore City*, and, (10) reviewed the *Settlement Agreement between the United States Department of Justice and the City of Cleveland*.

This performance audit was conducted 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 upon our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## Major Contributors to the Report

Julia Webb-Carter, MPA, CIA – Project Manager  
Anatoli Douditski, MPA, CIA, ACDA – Audit Manager

## Appendix B: Management's Response

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### Memorandum



**DATE:** November 19, 2019  
**TO:** Mark S. Swann, City Auditor  
**SUBJECT:** Response to Audit of the Dallas Police Department's Complaint Process

This letter acknowledges the City Manager's Office received the *Audit of the Dallas Police Department's Complaint Process* and submitted responses to the recommendations in consultation with the Dallas Police Department, 311, and the City Controller's Office.

City Management and the Dallas Police Department believe it is crucial for the complaint process to be accessible, transparent, consistent, and ensure officer accountability.

That is why I have made improving the Dallas Police Department's already strong complaint process a priority. In partnership with the City Council, we have expanded the scope of the Community Police Oversight Board and empowered the Board through the creation of the Office of Community Police Oversight. The Office of Community Police Oversight provides full-time City staff to assist the Community Police Oversight Board, allowing independent reviews, investigations, and monitoring activity of the Dallas Police Department and complaint process.

To ensure accessibility, complaint forms are available online at the Dallas Police Department's website, or in person at numerous, convenient community locations including patrol stations and public libraries. In addition, the Dallas Police Department's community outreach program provides complaint forms to local community advocacy groups. To better serve our diverse citizens, complaint forms are available in both English and Spanish. Complaints may be submitted by mail, fax, electronically, or in person at Dallas Police Headquarters, patrol stations, or the Office of Community Police Oversight at City Hall.

The Dallas Police Department provides transparency to the community by providing educational materials describing the complaint process and publishing metrics on external complaints and internal investigations.

The Dallas Police Department's formal procedures help ensure a consistent process for accepting, investigating, and resolving allegations of misconduct.

Officer accountability is provided by the unbiased investigations of the Internal Affairs Division and through the independent Community Police Oversight Board.

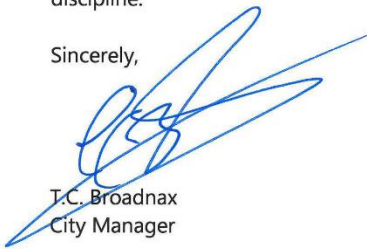
"Our Product is Service"  
Empathy | Ethics | Excellence | Equity

In addition, the Dallas Police Department will further strengthen the complaint process by:

- Enhancing data integrity and system controls,
- Accepting and documenting all citizen complaints,
- Ensuring a more convenient and accessible complaint process,
- Developing comprehensive disciplinary guidelines, and
- Continuing to support the Community Police Oversight Board with meaningful resources.

However, the Dallas Police Department will accept the risk associated with four recommendations. We believe the risk associated with these recommendations is low. Further, we fundamentally believe it is in the the best interest of justice for the Chief of Police to continue evaluating complex incidents on the individual facts of the case when dispensing discipline.

Sincerely,



T.C. Broadnax  
City Manager

C: Kimberly Bizer Tolbert, Chief of Staff  
M. Elizabeth Reich, Chief Financial Officer  
Jon Fortune, Assistant City Manager  
Nadia Chandler-Hardy, Assistant City Manager  
Chief U. Renee Hall, Chief of Police, Dallas Police Department  
John Johnson, Director, 311

"Our Product is Service"  
Empathy | Ethics | Excellence | Equity

| Recommendation   | Concurrence and Action Plan   | Implementation Date | Maturity/<br>Follow-Up Date |
|--|---|---------------------|-----------------------------|
| We recommend the <b>Chief of Police</b> develop and implement procedures that include standards for:   |   |                     |                             |
| <p><b>A.1:</b> How to request, review, authorize, and document the voiding of incidents in Blue Team and IAPro. The procedures should limit deletions and require documentation of the reasons for the deletion of incidents, such as court ordered expungements, etc.</p> | <p><b>Agree:</b> DPD will develop and implement procedures for requesting, reviewing, authorizing, and documenting the voiding of incidents.</p> <p>In addition, DPD directed the vendor to remove standard user's permission to delete incidents in BlueTeam. Thus, only BlueTeam administrators (e.g. Internal Affairs division) will have permission to delete incidents in BlueTeam. This will help to limit deletions and ensure the reason for the deletions are documented, except as described below.</p> <p>Court-ordered expunctions are governed by law (CCP 55.03) and it is not possible in some cases to retain a record of deletions resulting from Court-ordered expunctions.</p> | 09/30/2020          | 03/31/2021                  |
| <p><b>A.2:</b> Conducting annual monitoring of IAPro/Blue Team data accuracy and completeness, e.g. gaps in the incident numbering.</p>  | <p><b>Agree:</b> DPD will develop and implement procedures for conducting periodic monitoring of the accuracy and completeness of system data.</p>  | 09/30/2020          | 03/31/2021                  |
| <p><b>A.3:</b> Performing an annual review of user access in IAPro to ensure user privileges are commensurate with the job descriptions.</p>   | <p><b>Agree:</b> DPD revised the Internal Affairs' Standard Operating Procedure to assign responsibility for periodic reviews of the IAPRO system's user privileges.</p> <p>DPD will draft additional Standard Operating Procedure detail to provide guidance on the process for ensuring access is appropriate for the job duties.</p>   | 09/30/2020          | 03/31/2021                  |



| Recommendation   | Concurrence and Action Plan |  | Implementation Date | Maturity/<br>Follow-Up Date |
|--|-----------------------------|--|---------------------|-----------------------------|
| <p><b>A.4:</b> Performing a quarterly review of user access in IAPro to: (1) determine whether user accounts not accessed within a consecutive 90-day period should be disabled; and, (2) revoke access of terminated employees.</p> | <p><b>Agree:</b></p>        | <p>DPD revised the Internal Affairs' Standard Operating Procedure to assign responsibility for quarterly reviews of the IAPRO system's user access.</p> <p>DPD will draft additional Standard Operating Procedure detail to provide guidance on the process for ensuring access privileges are:</p> <ul style="list-style-type: none"> <li>(1) Reviewed for accounts not accessed within a consecutive 90-day period; and,</li> <li>(2) Revoked for terminated employees.</li> </ul> | <p>09/30/2020</p>   | <p>03/31/2021</p>           |
| <p>We recommend the <b>Chief of Police:</b></p>  |                             |  |                     |                             |
| <p><b>A.5.</b> Use only the computer-generated incident numbers to track complaints (eliminating the practice of creating complaint file numbers).</p>   | <p><b>Accept Risk:</b></p>  | <p>DPD will begin evaluating replacement systems that simplify categorizing and reconciling incidents, including complaints.</p> <p>In the interim, DPD will continue using BlueTeam, which automatically generates incident numbers in sequential order. DPD will also continue using case file numbers so multiple complaints resulting from the same event are reviewed or investigated in the appropriate context.</p>   | <p>N/A</p>          | <p>N/A</p>                  |
| <p>We recommend the <b>City Manager</b> ensure segregation of duties by requiring:</p>   |                             |  |                     |                             |
| <p><b>A.6.</b> The Director of the recently created Office of Community Police Oversight to annually reconcile the numbers of all received, investigated, and adjudicated citizen complaints.</p>                                    | <p><b>Agree:</b></p>        | <p>The Office of Community Police Oversight will reconcile all received, investigated, and adjudicated citizen complaints annually.</p>  | <p>6/30/2020</p>    | <p>12/31/2020</p>           |

| Recommendation  | Concurrence and Action Plan   | Implementation Date | Maturity/<br>Follow-Up Date |
|---|---|---------------------|-----------------------------|
| We recommend the <b>Chief of Police:</b>  |   |                     |                             |
| <p><b>B.1.</b> Revise <i>General Order 500.00 Internal Investigations</i> to ensure that all allegations of misconduct (without exception) are accepted, documented on complaint forms, and forwarded to the Dallas Police Department's Internal Affairs Division for evaluation of validity and feasibility of an investigation.</p> | <p><b>Agree:</b> General Order 500 revisions have been drafted to ensure compliance with the amendments to Chapter 37 of the Dallas City Code and the creation of the Office of Community Police Oversight. These revisions provide that complaints can be made directly to the Office of Community Police Oversight, and that the Director of the Office of Community Police Oversight has access to information regarding all external complaints. Other than revisions made to implement Dallas City Code Chapter 37 amendments, any changes to General Order 500 require compliance with Article 17, Section 2, of the Meet and Confer Agreement effective October 1, 2019, including notice to applicable employee groups.</p> | 03/31/2020          | 09/30/2020                  |
| We recommend <b>the Chief of Police:</b>  |   |                     |                             |
| <p><b>C.1.</b> Ensure that accurate and complete information about the complaint process and pre-printed complaint forms are accessible to visitors in the lobby of all Dallas Police Department patrol stations.</p>   | <p><b>Agree:</b> Internal Affairs will ensure complaint forms and information are accurate and complete and distributed to all patrol stations. Patrol station commanders will ensure forms and information are accessible to visitors in the lobby.</p>  | 06/30/2020          | 12/31/2020                  |
| <p><b>C.2.</b> Ensure that the Dallas Police Department's police patrol station staff are adequately trained to provide accurate information about the complaint process.</p>   | <p><b>Agree:</b> Internal Affairs will provide information and training to department personnel on the complaint process.</p>   | 06/30/2020          | 12/31/2020                  |

| Recommendation  | Concurrence and Action Plan  | Implementation Date | Maturity/<br>Follow-Up Date |
|---|--|---------------------|-----------------------------|
| <p><b>C.3.</b> Ensure that the Internal Affairs Division's website provides: (1) a written description of the complaint process from intake to imposition of discipline; and, (2) a video or audio recording explaining the complaint process and duties of the Internal Affairs Division.</p>  | <p><b>Agree:</b> The Internal Affairs' website will be updated to provide a description of the complaint process from intake to the issuance of disciplinary action.</p> <p>In addition, DPD will produce short videos explaining the complaint process and the role of Internal Affairs in both English and Spanish. The videos will be linked to the Internal Affairs' website.</p>  | 06/30/2020          | 12/31/2020                  |
| <p><b>C.4.</b> Ensure that complaint forms: (1) do not include references to complaints that will not be accepted; and, (2) are available in both English and Spanish at police patrol stations.</p>  | <p><b>Agree:</b> Internal Affairs will ensure complaint forms and information are accurate and complete and do not reference complaints that will not be accepted. Complaint forms will continue to be available in both English and Spanish and available at DPD patrol stations.</p>   | 06/30/2020          | 12/31/2020                  |
| <p><b>C.5.</b> Incorporate the United States Department of Justice's best practices, such as: (1) creating a 24-hour hotline; and, (2) updating and distributing informational materials such as brochures that describe: (a) the investigation and disciplinary process; (b) how and where to file a complaint; (c) how and where to check the status of a complaint; and, (d) contact information for the Community Police Oversight Board, and the Office of Community Police Oversight.</p> | <p><b>Agree:</b> DPD will collaborate with the newly created Office of Community Police Oversight to ensure a 24-hour hotline is created.</p> <p>In addition, DPD will collaborate with the Office of Community Police Oversight to ensure that the recommended information listed in Recommendation C.5. is included in the informational materials distributed.</p> <p>DPD will not incorporate any additional practices included in the Dept. of Justice's Consent Decree with the City of Baltimore, other than those specifically listed in Recommendation C.5.</p> | 06/30/2020          | 12/31/2020                  |

| Recommendation  | Concurrence and Action Plan  | Implementation Date | Maturity/<br>Follow-Up Date |
|---|--|---------------------|-----------------------------|
| We recommend the <b>City Manager</b> :  |  |                     |                             |
| <b>C.6.</b> Ensure that complaint information and pre-printed complaint forms are available at all designated public outreach locations.                              | <b>Agree:</b> The Director of the Office of Community Police Oversight will ensure complaint information and pre-printed complaint forms are available at all designated public outreach locations.      | 03/31/2020          | 09/30/2020                  |
| <b>C.7.</b> Ensure that Dallas' 3-1-1 operators are adequately trained to refer callers to the Internal Affairs Division for information about the complaint process. | <b>Agree:</b> The Director of 311 will ensure 3-1-1 operators are trained to refer callers to Internal Affairs and the Office of Community Police Oversight for information about the complaint process. | 06/30/2020          | 12/31/2020                  |
| <b>C.8.</b> Ensure that Dallas' 3-1-1 website includes the Dallas Police Department's complaint process.  | <b>Agree:</b> The Director of 311 will ensure 3-1-1's website includes, possibly by reference, information on the complaint process.   | 06/30/2020          | 12/31/2020                  |
| <b>C.9</b> Ensure that the Community Police Oversight Board's website provides information related to filing a complaint.   | <b>Agree:</b> The Director of the Office of Community Police Oversight will ensure that the Community Police Oversight Board's website provides information on filing a complaint.                       | 06/30/2020          | 12/31/2020                  |

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| Recommendation   | Concurrence and Action Plan   | Implementation Date | Maturity/ Follow-Up Date |
|--|---|---------------------|--------------------------|
| We recommend <b>the Chief of Police:</b>   |   |                     |                          |
| <p><b>D.1.</b> Develop and implement comprehensive disciplinary guidelines and include them into the General Orders.</p> | <p><b>Agree:</b> DPD is currently working on revisions to General Order 500 in order to implement a disciplinary matrix for the following sustained rule violations: a. failure to appear in court; b. failure to sign in/out from court; and c. body camera/DVR/body microphone violations. These matrixes have previously been implemented and are in practice. Any changes to General Order 500 require compliance with Article 17, Section 2, of the Meet and Confer Agreement effective October 1, 2019, including notice to applicable employee groups.</p> <p>DPD will continue to work on implementing and/or clarifying procedures to ensure that discipline is issued in a fair and consistent manner, while also ensuring that the discretion of the Police Chief to evaluate each matter on its own facts and circumstances is maintained.</p> <p>Comprehensive disciplinary guidelines already in place include: DPD General Orders and Code of Conduct; City of Dallas Personnel Rules; Rules and Regulations of the Dallas Civil Service Board; Dallas City Charter; and City of Dallas Administrative Directives 3-3, 3-49, 3-61, 3-63.</p> | 6/30/2020           | 12/31/2020               |

| Recommendation   | Concurrence and Action Plan |  | Implementation Date | Maturity/<br>Follow-Up Date |
|--|-----------------------------|--|---------------------|-----------------------------|
| <p><b>D.2.</b> Update <i>General Order 500.00 Internal Investigations</i> to include specific guidance on how to apply discipline for sustained multiple violations in one incident.</p> | <p><b>Accept Risk:</b></p>  | <p>Typically cases involving multiple violations are the most complex and can often require more severe disciplinary measures. The best exercise of the Chief's authority to discipline employees as set forth in Chapter XII, Section 4 of the Dallas City Charter is to assess complex cases involving multiple violations on a case by case basis.</p>  | <p>N/A</p>          | <p>N/A</p>                  |
| <p><b>D.3.</b> Clarify <i>Undocumented Sick Leave</i> guidelines to clearly define the number of instances of undocumented sick leave allowed before the first violation occurs.</p>     | <p><b>Accept Risk:</b></p>  | <p>Existing DPD General Orders provide that sworn employees are allowed six incidents or 15 days of undocumented sick leave each six-month period before discipline may be imposed. We do not believe additional clarification is necessary.</p> <p>Pursuant to a settlement agreement, Article 17, Section 2 of the Meet and Confer Agreement, effective October 1, 2019, provides that DPD sick leave procedures may not be changed.</p> | <p>N/A</p>          | <p>N/A</p>                  |

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| Recommendation  | Concurrence and Action Plan |  | Implementation Date | Maturity/ Follow-Up Date |
|---|-----------------------------|--|---------------------|--------------------------|
| <p><b>D.4.</b> Update <i>General Order 500.00, Internal Investigations</i> to clarify when and how to use mitigating and aggravating circumstances in disciplinary decisions.</p> | <p><b>Accept Risk:</b></p>  | <p>DPD General Order 501.00 "Philosophy of Discipline," states corrective action taken will consider factors such as: the degree of severity of the offense, the record of the offender, and the seriousness of the consequences of the violation.</p> <p>Also, DPD General Order 501.02 provides that recommendations of discipline are to be made in a fair and consistent manner while also recognizing the need to consider the individual facts of each case. It also provides that factors to consider include: the nature of the offense/misconduct, the intent of the employee, the employee's past record and/or repetitive violations of the same nature. Furthermore, prior to discipline being taken, DPD's executive briefing summary includes detail of any mitigating and/or aggravating factors to consider in the decision.</p> | <p>N/A</p>          | <p>N/A</p>               |