



Audit of the City's Open Records Request Process – Dallas Police Department

February 26, 2020

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Table of Contents

Executive Summary	1
Audit Results: Section 1 - Compliance	2
Observation A: User Accounts.....	2
Observation B: Training.....	3
Observation C: Procedures.....	4
Observation D: Notification	5
Audit Results: Section 2 – Cost Recovery and Efficiency.....	6
Observation E: Cost Recovery.....	6
Observation F: Efficiency.....	8
Appendix A: Background and Methodology	10
Background.....	10
Methodology	10
Major Contributors to the Report.....	11
Appendix B: Management’s Response.....	12

Executive Summary

Objective and Scope

The audit objective was to evaluate the effectiveness of the City's compliance with State law and identify cost-saving opportunities. The audit scope included the Dallas Police Department's open record request activities and transactions from January 1, 2018, through June 30, 2019.

What We Recommend

Compliance

- Conform to the City's information security standards.
- Complete and retain evidence of training.
- Update City procedures.
- Validate notification of delay.

Cost Recovery

- Identify costs to fulfill requests and determine cost-recovery options.

Efficiency

- Determine information patterns for open data posting.

Background

The Texas Public Information Act gives the public the right to request access to government information. The requests must be written and must ask for records of information already in existence.

The Dallas Police Department Open Records Unit coordinates all open record requests involving the Dallas Police Department. The Dallas Police Department requests require additional review and redaction verification to meet State and Federal considerations to protect Criminal Justice Information Service information.

The City Secretary's Office coordinates requests for all other City departments. A separate report addresses observations and associated recommendations for the City Secretary's Office.

What We Found

The Dallas Police Department is meeting its compliance obligations with minimal exceptions. The observations for noncompliance are related to:

- (1) User Access
- (2) Training
- (3) Procedures
- (4) Notification

The City's compliance costs will continue to rise as more entities seek information. The City can recover costs from individuals, per the Texas Public Information Act; the cost recovery and other efficiency opportunities should be evaluated.

Audit Results: Section 1 - Compliance

Observation A: User Accounts

Due to sensitive information in this observation, the distribution was limited to responsible City management in accordance with Government Auditing Standards 9.61: *Requirements: Reporting Confidential or Sensitive Information* and the Texas Public Information Act – 5 Texas Government Code § 552.139: *Confidentiality of Government Information Related to Security or Infrastructure Issues for Computers*.

Observation B: Training

Evidence of City personnel completing a required, one-hour educational course was not retained or available. Nonfulfillment of training within the appropriate timeframe increases the chances of releasing personally identifiable information or State-approved exclusions, such as criminal history.

The Texas Public Information Act requires a one-hour educational course be completed within 90 days after assuming open records request processing responsibilities. Review of 52 open records processors with privileged access in the GovQA System determined that 29 percent, or 15 personnel, did not complete the required training. In addition, for those open records processors who did complete training, information was not readily available to conclude if the training was completed within the 90-day timeframe.

A contributing factor to noncompliance is the high level of personnel turnover in the Dallas Police Department Open Records Unit.

Criteria

- ❖ 2018 Public Information Act Handbook, Part One, *Open Records Training*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principle 4.05*

Assessed Risk Rating:

Moderate

We recommend the **Dallas Police Department:**

B.1: Complete training within 90 days of position verification and retain evidence in a centralized location.

Observation C: Procedures

The City procedures for open record request processing are incomplete. Incomplete procedures could result in misinterpretation of requirements and inadvertent release of information that is private and/or is an exclusion as defined by the Texas Public Information Act.

The Dallas Police Department Records Unit Standard Operating Procedures do not explain how City employees should handle requests received outside of normal channels or the use of formal letters and notices to ensure consistency. Also, the Dallas Police Department Records Unit's Standard Operating Procedures do not explain how consistency, redaction, and exclusions are processed uniformly.

Criteria:

- ❖ 2018 Public Information Act Handbook, *Part[s] One and Three*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principles 12.02 – 12.05*

Assessed Risk Rating:

Low

We recommend the **Dallas Police Department:**

- C.1:** Update the Dallas Police Department Records Unit Standard Operating Procedures to incorporate the missing items and clarify requirements.
- C.2:** Provide annual training to Dallas Police Department personnel to reinforce their roles.

Observation D: Notification

The City did not formally notify three requestors of additional time needed to fulfill the request. If the City does not formally communicate additional time needed, requestors may believe that the City is hindering citizen's access to information.

The City met its obligation to formally notify and provide information for 93 percent of the 44 requests that were tested. Out of the 44 tested requests, three requests, or seven percent, did not receive formal notification of delay and were fulfilled after the tenth business day. The Dallas Police Department has a greater backlog of open records requests and takes longer (due to redaction and video review time restraints and high employee turnover) to respond to a request.

Criteria:

- ❖ 2018 Public Information Act Handbook, *Part Eight*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principles 10.03, 10.10*

Assessed Risk Rating:

Low

We recommend the **Dallas Police Department**:

- D.1:** Validate formal notification of delay is sent to the requestor before the tenth business day.

Audit Results: Section 2 – Cost Recovery and Efficiency

Observation E: Cost Recovery

The City incurs on-going costs to process open record requests. With the increasing number of requests, the ability to service requestors free of charge and minimize the loss of employee productivity may not be attainable. The Dallas Police Department received over 50,000 open record requests for the 18-month audit period with an estimated salary cost of \$2.1 million for full-time records processors. Additional costs not tracked are:

- Direct and indirect costs. For example, direct costs associated with requests are research, collection, review and redaction. Indirect costs include legal review and opportunity cost. The City loses productivity when employees must transition between primary duties and responding to requests.
- Recurring time of City Attorney's Office and Information Technology Services leadership and personnel, who are almost always included in processing requests.
- Level of effort and time to process various types of requests. The City incurs an estimated average salary cost of \$40 per request received by the Dallas Police Department Open Records Unit.

In addition, the Dallas Police Department Open Records Unit incurs significant time to review dash cam and body cam video footage and police radio recordings for redaction purposes. Per Dallas Police Department, management review time could require over eight hours depending on the request, the number of officers and their associated cameras for each incident. The City invoices requestors for the physical costs of DVD's, cassette's, or copies of information. However, the labor cost to review and redact recordings is not included in the final invoice to the requestor. The Dallas Police Department estimates that a review of camera footage alone can cost the City upwards of \$2,000 per incident.

The Texas Public Information Act allows the City to recover costs within specific limitations as prescribed by the State of Texas Office of the Attorney General for charges such as copies, labor, and overhead. Charges of labor can include the actual time to locate, compile, manipulate data, and reproduce the requested information.

[Refer to Exhibit 1](#) on page 7 for an example of how one City estimates the time and cost by open request type.

Exhibit 1:

City of Albuquerque, New Mexico, Example of Cost and Time by Request Type

	Simple	Typical	Complex
Type of Request/ Description	A recurring request that involved running a query and attaching a report to an email	Involves one or more departments and significant review/redaction are not needed	Involves multiple departments, multiple levels of review, high ranking resources needed, review/redaction time is significant.
Estimated Time to Fulfill Request	15 minutes	2.5 hours	32 hours
Estimated Cost to Fulfill Request	\$7	\$67	\$1, 295

Source: City of Albuquerque, New Mexico, Inspection of Public Records Act, Report No 14-101, Finding #1

Criteria

- ❖ 2018 Public Information Act Handbook, Preface to the Handbook: *Rights of Requestors; Rights of Governmental Bodies*
- ❖ 1 Texas Administrative Code §70.3: *Charges for Providing Copies of Public Information*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principles 10.10 – 10.11*

Assessed Risk Rating:

Moderate

We recommend the **City Manager:**

E.1: Identify costs and cost trends to fulfill requests and determine cost recovery options that support the City's values.

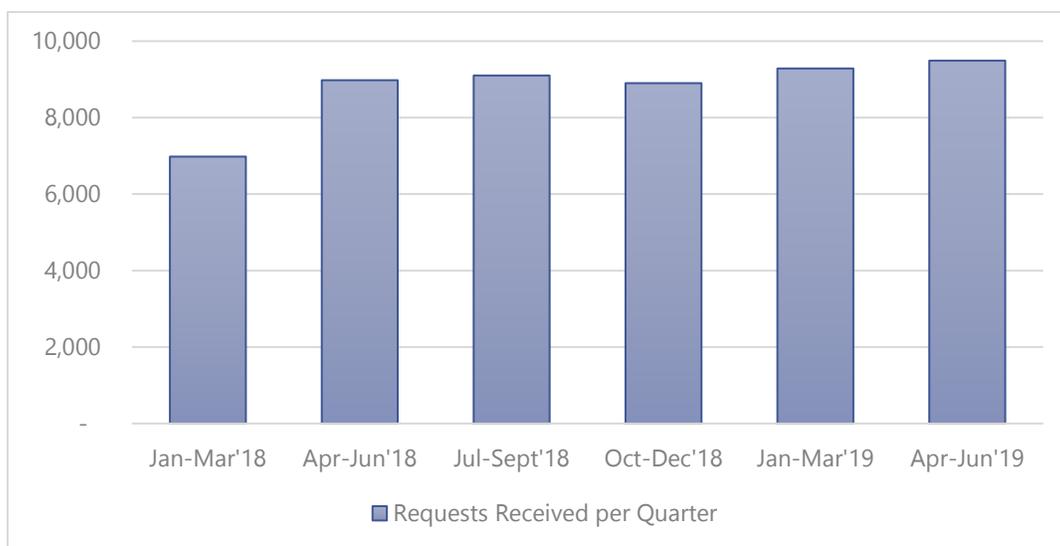
Observation F: Efficiency

The City is not maximizing its open data policy to make information readily available and minimize employee productivity loss. Not applying an open data policy could negatively impact employees' productivity.

During the audit period, the Dallas Police Department received over 50,000 requests at an average of 8,790 per quarter. See [Exhibit 2](#) below. The City might be responding to requests that are repetitive, already addressed in other City sources, or pre-approved legal exclusions.

Exhibit 2:

Dallas Police Department Open Records Requests Received by Quarter



Source: GovQA System

Processing efficiencies could be gained if word analysis tools are applied. For example, a word cloud analysis of the requests submitted from January 1, 2018, through August 26, 2019, showed that there are certain recurring themes in the requests. [Exhibit 3](#) on page 9 shows the most frequently used words in requests and provides an idea of what type of information could be used for open data.

Appendix A: Background and Methodology

Background

The Texas Public Information Act was adopted in 1973, codified at chapter 552 of the Texas Government Code, and gives the public the right to request access to government information. The Texas Public Information Act is triggered when a person submits a written request. The request must ask for records of information already in existence as governmental bodies are not required to create new information or perform legal research. Governmental bodies are also provided with a pre-approved list of exclusions so that privacy and confidentiality are maintained.

A governmental body may impose financial charges for access to information under certain limited circumstances. All employees and public officials (or a coordinator designated by the public official) with open record request responsibilities must complete the online training within 90 days of position verification. The training covers background information, interpretation for exclusions, and penalties for noncompliance.

The City uses a third-party web-based portal, GovQA System, to track request activities. The Dallas Police Department Open Records Unit coordinates open record requests for only the Dallas Police Department. The City Secretary's Office coordinates requests for all other City departments. The review and redaction process for the Dallas Police Department involves additional State and federal considerations (Criminal Justice Information Services-Federal Bureau of Investigation).

Methodology

The audit methodology involved developing an understanding of processes and controls for receiving, tracking, and responding to requests. The audit procedures included review of key City, State and Federal guidance documents, walk-throughs, interviews, inspection for documentation, detailed tests of controls by analyzing the transactions.

Audit sampling software (IDEA) was used to generate statistical and random attribute test samples to accomplish audit objectives. Population data was derived from the department records of the GovQA System.

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 on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusion based on our audit objectives.

Major Contributors to the Report

Bob Smith, CPA – Project Manager

Mamatha Sparks, CIA, CISA, COSO, CRISC – Audit Manager

Rory Galter, CPA – Quality Control Review

Appendix B: Management's Response

Memorandum



DATE: February 21, 2020
TO: Mark S. Swann, City Auditor
SUBJECT: Response to Audit of the City's Open Records Request Process – Dallas Police Department

This letter acknowledges the City Manager's Office received the *Audit of the City's Open Records Request Process – Dallas Police Department* and submitted responses to the recommendations in consultation with the Dallas Police Department.

City Management and the Dallas Police Department believe it is important to provide transparency and accountability to our citizens. One way we accomplish this is through the Dallas Police Department's open record process.

While the audit found minimal exceptions, we recognize there are opportunities to improve the Dallas Police Department's open records process.

To further improve the open records process, the Dallas Police Department will:

- Enhance user access internal controls
- Ensure staff receive adequate training
- Enhance existing Standard Operating Procedures
- Promptly notify requestors when additional time is needed to fulfill a request

In addition, the Dallas Police Department will research equitable solutions for increasing efficiency in fulfilling open records requests, while maintaining transparency and accountability.

Sincerely,



T.C. Broadnax
City Manager

C: Kimberly Bizer Tolbert, Chief of Staff

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

M. Elizabeth Reich, Chief Financial Officer
Jon Fortune, Assistant City Manager
Chief U. Renee Hall, Chief of Police, Dallas Police Department

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

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Assessed Risk Rating	Recommendation	Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date
Recommendations – Section 1: Compliance				
Moderate	We recommend the Dallas Police Department:			
	B.1: Complete training within 90 days of position verification and retain evidence in a centralized location.	Agree: DPD will ensure employees complete training within 90 days of position verification. DPD will ensure documentation is retained in a central location.	9/30/2020	3/31/2021
Low	We recommend the Dallas Police Department:			
	C.1: Update the Dallas Police Department Records Unit Standard Operating Procedures to incorporate the missing items and clarify requirements.	Agree: DPD will include procedures on handling open record requests received outside of normal channels in the Record's unit's SOPs. The SOPs will also incorporate tools to ensure consistency and provide guidance on processing redactions and exclusions.	12/31/2020	06/30/2021
	C.2: Provide annual training to Dallas Police Department personnel to reinforce their roles.	Agree: DPD will ensure DPD employees responsible for processing open records requests receive annual training.	12/31/2020	06/30/2021
Low	We recommend the Dallas Police Department:			
	D.1: Validate formal notification of delay is sent to the requestor before the tenth business day.	Agree: DPD will ensure formal notifications of delay are sent to the requestor by the 10 th day.	12/31/2020	06/30/2021

Assessed Risk Rating	Recommendation	Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date	
Recommendations – Section 2: Cost Recovery and Efficiency					
Moderate	We recommend the City Manager:				
	E.1: Identify costs and cost trends to fulfill requests and determine cost recovery options that support the City's values.	Agree:	The City Manager will ensure DPD researches the cost associated with open records requests and evaluates cost recovery options.	12/31/2020	06/30/2021
Low	We recommend the Dallas Police Department:				
	F.1: Determine information request patterns using word analysis tools for open data posting.	Agree:	DPD will perform a word analysis to identify potential open data postings that could improve efficiency.	12/31/2020	6/30/2021