

**POLICE
INTERNAL AFFAIRS AUDIT
AUD20-05**



WEST PALM BEACH

Internal Audit

March 29, 2022

**City of West Palm Beach
Internal Auditor's Office**

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Chief Internal Auditor

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Executive Summary

POLICE INTERNAL AFFAIRS AUDIT

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Internal Audit

OVERVIEW

- The Internal Affairs Unit (IAU) is a division of the City's Police Department (PD) that serves as a mechanism for internal accountability. The goal of the IAU is to ensure all citizen and internal complaints of improper conduct against sworn members of the PD are systematically, objectively, and impartially investigated.
- Internal complaints of a serious nature are typically investigated by the IAU. The IAU is composed of one IA Commander and three investigators, including one Lieutenant and two Sergeants. Investigations are classified as Citizen Complaints, Administrative Departmental Investigations, Internal Affairs Investigations, and Critical Incident Team Investigations.
- The Internal Affairs Unit uses the IPro system to store pertinent information necessary to manage, oversee, and control the receipt, processing, and investigation of complaints. The IAU also uses the Blueteam program, which interfaces with IPro, and was designed to facilitate electronic filing of incidents while in the field.

SUMMARY FINDINGS

1. **Complete and Accurate Data:** We found data issues in the sample that prevented some analyses such as:
 - 53% - Complainant's racial data missing,
 - 57% - Turnaround time for closing citizen complaints was greater than the 60-day internal requirement,
 - 22% - Turnaround time for issuing discipline was greater than the 180-day external requirement, and
 - 18% - Creation date was older than the received date.
2. **Policy Compliance:** An in-depth policy review found a total of 122 instances of noncompliance with policy requirements such as properly gathering and interviewing witnesses, investigating ancillary violations, and accurately documenting cases.
3. **Quality Review of Investigations:** We reviewed the investigation process for a judgmental sample of 15 IA investigations from the 109 above. We found concerns in 13 of 15 (87%) cases such as insufficient/missing support for decisions, incomplete/missing forms, and records that did not list all officers identified.
4. **Monitoring Use of Force Incidents:** We requested all use of force incidents during the audit period from IAU and received 14 incidents. However, a query of IPro identified 348 incidents. 334(96%) incidents were deemed minor or justified and were not subject to IAU review. However, data fields related to the 334 incidents were not entered and other violations that occurred were not captured for comprehensive reporting/monitoring.
5. **Undocumented Key Control Procedures and Training:** We found that: there was no process in place for citizens to receive updates on case progress; PD had not created a comprehensive outreach program aimed at reaching all community members and organizations that cater to high-risk populations; and the complaint intake document was only available online in English.
6. **Administrative Department Investigations:** We found that a procedure for administrative investigations conducted by line supervisors, is not specifically documented. Instead, these investigations are conducted using the Internal Affairs investigation procedures that have different requirements.

SUMMARY RECOMMENDATIONS

1. PD should develop policies and procedures for IA case management data. PD should also ensure the accurate calculation of the 60-day turnaround time for closing citizen complaints and the 180-day statutory requirement to impose discipline on an officer by adding and entering data fields into IPro. Further, PD should create a procedure to review the IPro audit trail report and research exceptions.
2. PD should conduct regular ongoing reviews and/or periodic audits of case files to identify trends and ensure consistent application of policies. PD should implement a chronological log in which investigators make entries as they advance their investigations.
3. PD should ensure that investigations are properly documented and have sufficient oversight by conducting periodic quality reviews and training officers when issues are identified.
4. PD should assign a tracking number to all Use of Force incidents in IPro and record all violations documented in the Use of Force reports for each involved officer, including the resolution. PD should also develop a detailed procedure for the collection, tracking and systematic analysis of all use of force data.
5. PD should create an online citizen complaint form available in other relevant languages. PD should also create a process to inform complainants of the investigation status when the 60-day time requirement expires and formalize an outreach program that builds upon current initiatives.
6. PD should develop and implement a section within its SOPs that describes the procedures for AD investigations and provide training on the new procedures.

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March 29, 2022

Audit Committee
City of West Palm Beach
401 Clematis Street
West Palm Beach, Florida

RE: Police Internal Affairs Audit, AUD20-05

Dear Audit Committee Members:

Attached is the City of West Palm Beach's Internal Auditor's Office report on the Police Internal Affairs Audit. We thank our contract auditors and specialists (Monica Sanchez and Elena Gonzalez) for the work performed.

We also thank the management and staff of the Police Department for their time, assistance, and cooperation during this audit.

Respectfully Submitted,

/s/ Beverly Mahaso
Chief Internal Auditor

cc: Keith James, Mayor
Faye Johnson, City Administrator
Franklin Adderley, Police Chief

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Background

The Internal Affairs Unit (IAU) is a division of the City's Police Department (PD) that serves as a mechanism for internal accountability. The goal of the IAU is to ensure all citizen and internal complaints of improper conduct against sworn members of the PD are systematically, objectively, and impartially investigated.

Complaints of inappropriate PD member behavior can be filed anonymously, in person, by telephone, letter, or online. Citizen complaints are typically investigated by field supervisors. However, depending on the nature of the complaint the Chief of Police assigns the IAU to conduct the investigation. Internal complaints of a serious nature are typically investigated by the IAU. The IAU is composed of one IA Commander and three investigators, including one Lieutenant and two Sergeants. Investigations are classified into four types:

1. **Citizen Complaints (CCIF)** are generated when a citizen initiates a complaint against a PD member, alleging a violation of a specific departmental or City rule/policy.
2. **Administrative Departmental Investigations (AD)** are initiated from within the PD against a PD member, alleging a violation of a specific departmental or City rule/policy.
3. **Internal Affairs Investigations (IA)** are generated when the Chief of Police designates the citizen or internal complaint as an internal affairs investigation conducted by the IAU.
4. **Critical Incident Team Investigations (CIT)** are conducted by the Florida Department of Law Enforcement (FDLE) when the allegations involve firearm discharges or police vehicle pursuits with serious bodily injury. The IAU works in conjunction with FDLE to determine if any internal policies were violated.

During the audit period, there were a total of 291 investigations as shown in the table below, broken down by type.

Investigation type	2018	2019	Jan. – Oct. 2020	Total
CCIF	31	39	22	92
AD	66	50	51	167
IA	9	9	6	24
CIT	2	5	1	8
Total	108	103	80	291

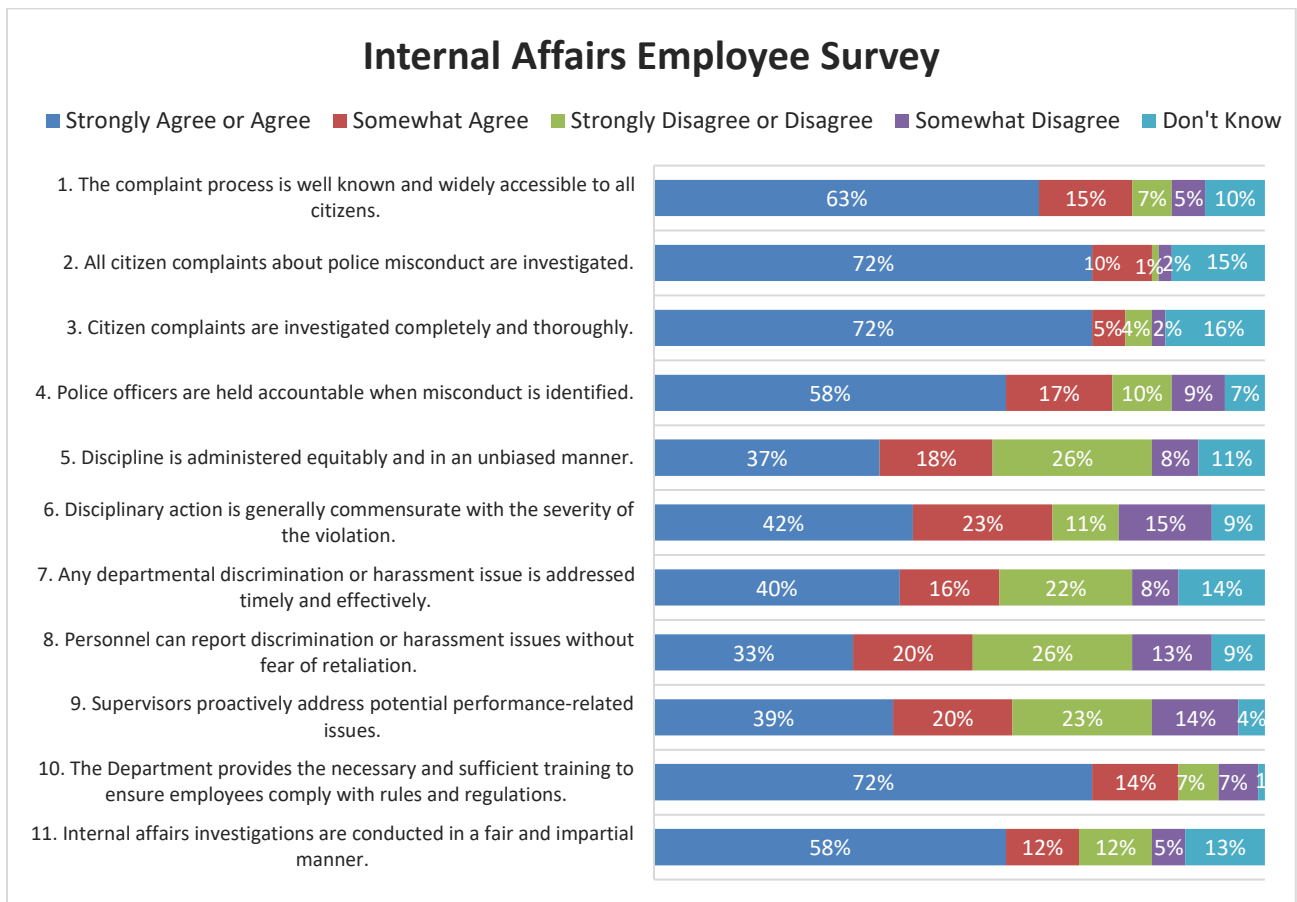
The IAU uses the IAPro system to store pertinent information necessary to manage, oversee and control the receipt, processing, and investigation of complaints. The IAU also uses the Blueteam program, a web-based tool that interfaces with IAPro, that was designed to facilitate electronic filing of incidents while in the field.

Internal Affairs Employee Survey

We conducted a survey of all PD members to capture views and opinions on various aspects of the internal affairs function. A total of 104 surveys were received of 338 surveys distributed (31% responded).

Overall, as shown in the graphic below, survey participants had a positive perception of the internal affairs function. A large majority opined that internal affairs investigations are conducted fairly and impartially (question 11). Also, positive views were shared on the department’s response to citizen complaints and the thoroughness of such investigations (questions 2 and 3).

Some less favorable results related to equity in the administration of disciplinary action and the appropriateness of the disciplinary action (questions 5 and 6). Another area where concern was noted related to management’s effectiveness in addressing harassment or discrimination, as well as a lack of trust in the system in place to report such concerns (questions 7 and 8).



The recent revisions to the Internal Affairs Policies and Procedures, along with enhanced training and other recommendations provided in this report, will have a positive impact on the overall perception of the quality and impartiality of both internal and external

investigations.

Statement of Scope

The scope of the audit included all investigation types during the audit period, which was from January 2018 to October 2020.

Statement of Objectives

The objectives of this audit were to:

1. Determine if there were any patterns of inconsistencies or disproportionate issues within the complaint process.
2. Determine whether internal and external complaints were processed in compliance with applicable policies.
3. Conduct a comprehensive quality review of investigations to determine if there were deviations from policy and procedures.
4. Determine the adequacy and effectiveness of citizen communications and community outreach efforts.

Statement of Methodology

We utilized several audit methodologies to gather evidence and achieve the objectives. These techniques included, but were not limited to:

- Interviews to document the processes in place for recording, investigating, and disposing complaints.
- Advanced data analytics to identify trends and determine the correlation between key variables of the complaint process (i.e. race, gender, years of experience, allegation and disposition types.)
- In-depth review of case file documentation to determine compliance with rules, policies, and procedures.
- Research of national best practices for internal affairs procedures.

We utilized a statistically valid sample size (225 of 291 cases) to analyze Internal Affairs cases that represented a 97% confidence level and a 3.45% margin of error. The results from this sample may be extrapolated to the entire population. However, for more labor-intensive analyses, we utilized smaller random or judgmental samples taken from the statistically valid sample, but these results may not be extrapolated to the entire population. To the extent that there are differences in the sampling methodology, we note the differences within the report.

Statement of Auditing Standards

We conducted this audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). 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.

Audit Conclusions and Summary of Findings

Our assessment of the internal affairs function, including the internal controls, indicated that the PD would benefit from implementing measures to address areas of improvement as follows:

- **Data collection, review, and analysis.** While the PD uses a comprehensive system (IAPro) to support the complaint and investigation activities, the system is not used at full capacity. Additionally, not all the information available is recorded in the system and some of the data that is collected is incomplete or inaccurate. Therefore, the PD should create detailed procedures to enhance its use of IAPro and ensure uniformity in the way the data is collected, analyzed, and used. This will help the PD conduct in-depth analyses for identifying patterns and trends before critical issues occur, and to assist with making data driven decisions regarding officer performance.
- **Policy compliance.** Complaints are not always processed in compliance with policy requirements or investigated in a consistent manner. To ensure completeness and consistency in the investigative process, the IAU should implement the use of a comprehensive log to ensure that due diligence is recorded. The PD should also expand investigator training to incorporate a section related to proactively identifying other factors that may contribute to noncompliance. These actions will help the PD arrive at investigative results that are accurate and eliminate inconsistencies in the adjudication of complaints. This can also help eliminate potential perceptions of bias or inequality.
- **Community engagement and community outreach.** The PD has opportunities to enhance community relations such as providing additional avenues for the public to report complaints and for providing citizens with updates on case progress, particularly when the cases are paused or delayed. Further, the PD can benefit from a strategic outreach program aimed at reaching all community members and organizations that cater to high-risk populations. Through these initiatives, the PD has opportunities to showcase increased transparency and further enhance a positive perception of the Police Department and ultimately, strengthen public trust.

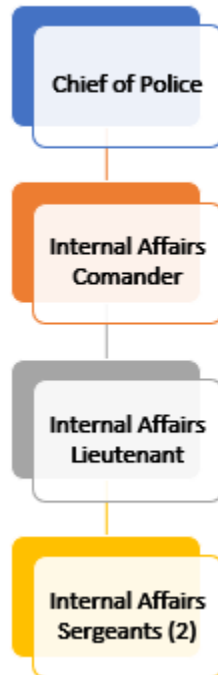
Noteworthy Accomplishments

In November 2019, the PD created an independent Use of Force Review Board (the Board) in an effort to build transparency and hold officers accountable. The Board discusses new laws and updates training practices. At the discretion of the Police Chief, the Board also reviews use of force incidents within the department.

The IAU has recently made efforts to enhance its procedures and forms; they have also strengthened and increased training around all Internal Affairs processes. It is expected that these efforts will reduce the instances of noncompliance going forward.

Police Department Organization Chart

Internal Affairs Unit Organizational Chart



Opportunities for Improvement

1. Complete and Accurate Data

Condition

There is no formal policy that states when and how the data in IAPro should be entered and reviewed to ensure uniformity, consistency, and completeness. Data analytics¹ performed of Internal Affairs case information stored in IAPro disclosed issues related to the completeness and accuracy of the data in the following areas:

1. **COMPLAINANT RACIAL DATA – 53% of the complainant’s racial data was missing and prevented analyses related to inconsistent treatment.** An analysis of allegations by complainant race can be helpful in showing patterns of disproportionate treatment by race.
2. **INVESTIGATION TURNAROUND TIME - The data necessary to calculate investigation turnaround time was not accurate or complete.** State law and internal policies establish timelines to complete investigations. Based on the data, some allegations would appear to have exceeded the 180-day statutory requirement to render a decision to proceed with disciplinary action which would have triggered union action. However, according to the Internal Affairs Commander, none have exceeded the 180-day turnaround time during the audit period. We were unable to corroborate this statement because the data available to calculate the turnaround time was inaccurate and incomplete. Similar challenges were encountered for the calculation of the 60-day internal requirement for completing citizen investigations. The following table provides a summary of the data issues we identified.

Data Issue	Count ²	Percent
Turnaround time was greater than 60 days	303	57%
Turnaround time was greater than 180 days	115	22%
Creation date was older than the received date	94	18%
Turnaround time was zero or a negative number	85	16%
Missing occurred date	60	11%
Missing completed date	35	7%

3. **OFFICER YEARS OF EXPERIENCE: Data related to the Officer’s years of experience was missing and prevented an analysis to determine the impact of experience when compared to the number of allegations made against an Officer.**

- Hire date field for involved officers left blank (68 instances or 13% in the sample).

We also noted that although Internal Affairs sets the IAPro access level and an audit trail

¹ We selected a statistically valid sample of 225 cases from the 291 cases formally accepted for investigative review during the audit period. The sample included all case types (CCIFs, ADs, IAs, CITs) and represents a 97% confidence level and 3.45% margin of error.

² Each of the 225 sampled cases includes one or more officers and/or allegations.

exists in IAPro for file modifications or deletions, a process is not currently in place to periodically review the audit report for changes made and by whom.

Criteria

Collecting, tracking, and reporting accurate and complete data is a necessity for law enforcement agencies in today's environment. When utilized at their full capability, data systems like IAPro can be used to enhance public safety, improve officer performance and transform organizational culture. A recent study by the U.S. Department of Justice found that technology is having a positive impact on U.S. law enforcement agencies by increasing efficiency, providing communication capabilities, enhancing information-sharing practices, and improving informational and analytical capacities³.

Cause

IAPro is used as a repository of case data, not as a tool to proactively and continually analyze the data to identify opportunities to improve the process or officer performance. Further, without a policy for data administration, oversight to ensure complete and accurate data entry is not provided. Other contributing factors were limited resources and not having a dedicated person to perform data analytics.

Effect

Incomplete and inaccurate data hinders the department's ability to conduct in-depth analyses and make data driven decisions regarding officer performance. Using data to assess officer performance more closely can help identify patterns that may be contributing to citizen allegations of substandard officer performance.

Recommendation 1a:

The Police Department should ensure uniformity, completeness, and accuracy in the way data is collected, analyzed, used, and monitored, by developing policies and procedures for the administration of internal affairs case management data. Such policies should describe what data should be captured, when the data should be entered, and how the data should be entered. The policies should indicate that all data fields must be accurately and completely populated. The policies should also describe the process for continually monitoring the data to ensure completeness and accuracy. Training on the policies should be provided.

Recommendation 1b:

The Police Department should ensure the accurate calculation of the 60-day turnaround time for closing citizen complaints and the 180-day statutory requirement for rendering a decision to impose discipline on an officer. This can be accomplished by adding a field in IAPro to document the date the citizen is notified of the disposition of his/her case and by using the existing Completed Date field to document the date the subject member is notified of disciplinary action.

³ [U.S. Department of Justice. 2019. Law Enforcement Best Practices: Lessons Learned from the Field. Washington, DC: Office of Community Oriented Policing Services. Page 112.](#)

Recommendation 1c:

The Police Department should develop a procedure to periodically (i.e. monthly) generate and review the IAPro audit trail report and research exceptions. The procedure should be documented in the Internal Affairs policy. Additionally, IAPro users should take advantage of IAPro's free form narrative section to document any changes made to the file.

Recommendation 1d:

Once data collection has improved, the Police Department should conduct in-depth reviews of the data to include the study of co-dependency of variables such as complainant and officer demographics, allegation and disposition types, training, education and officer performance. The results should be utilized to help improve officer performance and identify emerging trends. For example, analyzing officer training and education data with the officer's years of service and career milestones can help identify areas where improvement in officer performance can be achieved.

Management Response 1

The Police Department Management agrees with the recommendations:

1a & 1b:

Supervisors must capture all data and information when reviewing or investigating incidents. In many cases, due to the availability of the complaint process, collection of data can be hindered by how the inquiry is received. The West Palm Beach Police Department makes no distinction between an in-person complaint with full cooperation and an anonymous on-line complaint. Both complaints will be addressed regardless of cooperation or information known at the time.

The Internal Affairs Unit can work with IAPro to implement additional data fields within the IAPro framework. Management will train with IAPro in an effort to add an additional date field in IAPro to capture additional data.

When the training budget provides, all supervisory personnel responsible for conducting investigations will train with IAPro Technologies. IA will explore the possibility of incorporating training and education data in IAPro.

1c:

In 2008 due to budget cutbacks, Internal Affairs lost the administrative assistant. It is the industry standard to have a full-time administrator to monitor and maintain the program. It is imperative to have a constant source of knowledge and experience in this field. By not having an exclusive administrator, sworn police supervisors must be educated at the time of assignment to Internal Affairs.

1d:

Management can work with IAPro training staff to adopt best practices regarding data entry while cases are open and active. Members of the internal affairs Unit will be training with IAPro in November 2021. IA will explore the adoption of a bi-annual process to generate and review the IAPro audit trail report and research exceptions.

Target Implementation Date: June 2022

2. Policy Compliance

Condition

Internal and external complaints are not always processed in compliance with key requirements of the Internal Affairs policy (SOP IV-22). An in-depth review of 109 (48%) of the 225 cases in our sample showed a total of 122 (9%) instances of noncompliance with policy requirements⁴. The review consisted of the inspection of all available case file records⁵ as well as IAPro data to evaluate compliance with key policy requirements.

As shown in the table below, most of the exceptions found related to:

- Forms that were inaccurate, not signed, or incomplete (19%)
- Lack of verification by the supervisor of disciplinary/remedial action (14%)
- Timeliness issues (12%)
- Inconsistent application of disciplinary matrix (11%)
- Inconsistent witness gathering and interviewing (10%)

Result of Policy Compliance Analysis

No.	Key Requirements of SOP IV-22 Tested	No. of Exceptions	Percent
1	Supervisor accepted and appropriately documented citizen's complaint	4	3%
2	Subject member was notified of complaint	10	8%
3	The assigned investigator was a chain of command supervisor or an Internal Affairs investigator	6	5%
4	Disciplinary matrix was applied consistently	13	11%
5	Consistent gathering of witnesses and conducting interviews	12	10%
6	Consistent collection of evidence	5	4%
7	Other ancillary violations pertinent to the case were investigated	11	9%
8	Case forms and reports were accurate, signed, and complete	23	19%
9	Disciplinary/remedial actions were verified by the supervisor	17	14%
10	Disciplinary/remedial actions were routed to HR when applicable	2	2%
11	Closeout letters were issued to complainant. Closeout letter dispositions were consistent with final disposition.	4	3%
12	Timeliness issues	15	12%
Total		122	-

⁴ The maximum possible number of instances of noncompliance (1,308) was calculated by multiplying the number of cases (109) by the number of key requirements analyzed (12).

⁵ Case file records included forms, documents, audio, and visual files.

Criteria

The following table provides the rule or policy applicable to the compliance requirements that were tested.

Applicable Rule or Policy	
SOP IV-22	<ul style="list-style-type: none">▪ Supervisor accepted and appropriately documented citizen's complaint▪ Subject member was notified of complaint.▪ Other ancillary violations pertinent to the case were investigated.▪ Case forms and reports are accurate, signed, and complete.▪ Disciplinary/remedial actions were verified by supervisor.▪ Disciplinary/remedial actions were routed to HR when applicable.▪ Closeout letter was issued to complainant.▪ Closeout letter finding dispositions were consistent with final disposition.▪ Investigations completed within sixty (60) days of receiving the complaint.
SOP I-9	<ul style="list-style-type: none">▪ Disciplinary matrix was consistently applied.
Florida Statute 112.532	<ul style="list-style-type: none">▪ Sufficient witness gathering and interviewing; complete collection of evidence.▪ Disciplinary action was imposed within 180 days after the date the agency receives notice of the allegation or complaint.

Cause

According to the IAU Commander, a main factor contributing to instances of noncompliance was insufficient investigators. High call volume and prioritizing policing over administration and paperwork were other cited factors. Further, the investigative process is not supported by a check list to ensure that all necessary steps and associated forms are completed.

Effect

In most cases, not complying with key policy requirements carries a risk of civil liability for both internal and external complainants. Other potential effects of this condition include:

- Delays in the identification of potential critical incidents or delays in the identification of patterns of improper behaviors that can lead to critical incidents.
- Increased risk of noncompliance with the Officer's Bill of Rights and the preservation of a subject member's due process rights.
- Perceptions of bias, partiality, and unfairness, which creates a lack of trust in the process and impacts morale.
- Missed opportunities to take corrective action before the statutory timeline expires.
- Inaccurate investigation results, which can cause corrective action to be misapplied.
- Reduction in the department's ability to defend itself against civil action.

- The officer's performance history and remedial action taken are not complete which may hinder adequate monitoring of performance.
- Lack of transparency issues and community mistrust.

Recommendation 2

The Police Department should ensure consistency, transparency, and comprehensive investigations conducted by the Internal Affairs Unit by:

- a. Conducting regular ongoing reviews and/or periodic audits (i.e. quarterly) of case files to identify trends, needed updates, and ensure consistent application of policies.
- b. Implementing a chronological log in which investigators make entries as they advance their investigations. This log should have entries of the dates, times, and contact information of each person the investigators called, interviewed, or attempted to call or interview. It should include dates/times/contact information of when items were sent for analysis. Any event that demonstrates investigative due diligence should be logged, particularly where investigations are subject to discovery in legal proceedings.

Management Response 2

The Police Department Management agrees with the recommendation:

- 2a. The IAU can adopt an internal audit process to verify compliance with key requirements of SOP IV-22. The agency is audited by The Police Accreditation Coalition for Law Enforcement Agencies, which includes Internal Affairs functions and policies.
- 2b. The members of the West Palm Beach Internal Affairs Unit strive towards being professional and consistent in how employee investigations are completed and documented. Comprehensive investigations traditionally document dates and times regarding interviews and evidence gathering. At the conclusion of the investigation, the complete product is entered in to IAPro for preservation. The Internal Affairs Unit can explore options provided by IAPro to improve workflow product. Management will also explore best practices as outlined by the Florida Internal Affairs Association during the next training session. Management agrees with the adoption of a chronological log to ensure compliance with IA policy.

Target Implementation Date: June 2022

3. Quality Review of Investigations

Condition

We performed a quality review of a judgmental sample of 15 completed Internal Affairs investigations from the 109 cases that we evaluated for policy compliance (see Finding 2). The cases were selected based on complexity and the seriousness of the circumstances.

The quality review focused on the investigation process and included related deviations from policies and procedures. As a result, we identified opportunities to improve the quality of investigations in 13 of the 15 selected cases. Examples of areas of concern included:

1. Delays in recording citizen complaints (2)
2. Lack of investigator independence/subject officer conducted the investigation (1)
3. Investigations conducted by officers of the same rank (1)
4. Incomplete/missing forms in some files (4)
5. Some records did not list all officers identified by complainants (3)
6. Insufficient/missing support for decisions made (7)
7. Not all policy violations were entered into IAPro as allegations⁶ (2)

To ensure the quality and accuracy of our assessment, we reviewed our results with management. However, it should be noted that according to applicable laws and regulations, these cases do not appear eligible to be reopened⁷. Therefore, the findings from this review should be used for training purposes and to strengthen officer and department performance. **Exhibit A** provides summaries of the cases reviewed.

Criteria

The accuracy of investigations is critical to determining the level of integrity and transparency within a police agency. A thorough review of complaints is necessary to determine the appropriateness of an officer's conduct and the level at which a police agency is providing direct and effective supervision and training to its employees.

Cause

According to the IA Commander, the main factors that contributed to instances of noncompliance were volume of work and a limited number of investigators. Other cited factors were high call volumes and prioritizing policing over administration and paperwork.

Effect

When investigations are incomplete or the results are inaccurate, it can cause inconsistencies in the adjudication of complaints. There can also be a loss of transparency and community trust, as well as an increased threat of legal action against the department. Such conditions can also contribute to officers' perception of bias and inequality, which negatively impacts morale. Ultimately, there may be missed

⁶ Ancillary violations are documented in the Police Department's employee file.

⁷ [Section 112.532\(6\)\(b\) Florida Statutes, Limitation period for disciplinary actions.](#)

opportunities for early detection of deficiencies in officer performance, retraining, and properly administering corrective action.

Recommendation 3

The Police Department should ensure that investigations are properly documented and have sufficient oversight by:

- a. Conducting periodic quality control reviews of cases to ensure consistency in investigations and documentation.
- b. Incorporating training for investigators to identify other factors, aside from policy compliance, that may be contributing to the issues identified.

Management Response 3

The Police Department Management agrees with the recommendation. Over the course of the past few years, the agency has had its challenges with respect to operating at full staffing levels. The supervisory staff is no exception. Due to mandatory retirements and unexpected supervisory vacancies, supervisors are expected to operate efficiently and in a timely manner when capable. There are times when supervisors must prioritize daily police activities over administrative responsibilities. The West Palm Beach Police Department has made it a mission to improve staffing levels in all areas. In 2019, the department added a legal adviser, this has greatly improved policy oversight and training issues that may arrive during administrative investigations. The legal adviser's role continues to expand and assist in the training and policy revisions. Management will attempt to expand training for internal investigators and mid-level managers that conduct internal investigations.

Target Implementation Date: June 2022

4. Monitoring Use of Force Incidents

Condition

Background: All incidents involving the use of force are investigated at the platoon level (Shift Commander) whether or not any misconduct occurred. All results of the investigations are submitted to the Police Chief to determine whether the incident a. warrants an additional investigation by Internal Affairs, b. if the incident is justified, or c. if it is a minor violation. The documentation is stored within software that is managed and controlled by Internal Affairs.

Internal Affairs Investigation Software: Internal Affairs uses the IAPro software to enter, maintain, and manage its investigations. Access to the system must be granted by Internal Affairs and it maintains control over the access that an individual is permitted to have in the system. All Internal Affairs investigations are entered into IAPro and data fields are captured which enable the system to generate various comprehensive reports as well as individual reports per officer. Some of the data fields include

- | | |
|--------------------|---------------------|
| a. Officer Name | e. Disposition |
| b. Supervisor Name | f. Disposition Date |
| c. Allegation Type | g. Action Taken |
| d. Open Date | |

Empty Data Fields: During our review, we found that the Use of Force incidents that are not escalated to an Internal Affairs investigation are stored within the IAPro system as written narrative style reports with attachments of supporting documentation. They are not assigned an Internal Affairs tracking number in the system, as such, data fields such as the disposition or action taken are not captured. While the system is set up to capture the incident as a use of force incident, the remaining data that Internal Affairs typically enters is not captured and cannot be easily queried for comprehensive reporting and/or monitoring. Management advised that this occurs because these use of force incidents were deemed to be minor or were justified.

Total Use of Force Incidents and Other Violations: When we requested a list of all use of force incidents during the audit period of January 2018 thru October 2020, we received a total of 14 incidents. Upon further queries in IAPro, we found a report that showed a total of 348 incidents. We were advised that these incidents were all investigated at the lower ranks. The Police Chief at the time of the incident, received the results of the investigations and per policy, determined that 334 of the 348 incidents were minor or justified (this is a common practice in law enforcement). These incidents did not warrant an investigation by Internal Affairs and were not part of their total. As a result,

- Data fields listed in C-G above, were not entered for 334 (96%) of the 348 use of force incidents, and
- Other violations that occurred during the use of force incident by the primary officer or other officers present, were not captured for comprehensive reporting or monitoring, but remained in a written narrative style report which requires individual queries.

We acknowledge that within the process, it is important to have progressive discipline which includes verbal counseling. This should be balanced with ensuring that available data is captured in a format that is readily accessible in order to identify trends and to ensure that the data used for early intervention analyses is complete. We found that the written narrative reports were already in the system and the additional step would have been to enter the data from the report into the data fields. This would include the resolution field that could be used to state whether or not the incident was deemed to be minor or justified. Thus, when generating comprehensive reports, the recipient would have all the data on the use of force incidents whether or not misconduct occurred, or Internal Affairs conducted an investigation.

Criteria

The Department of Justice's Community Relations Service handbook recommends that each use of force incident by officers be comprehensively reviewed and investigated to determine compliance with law and department policy, and to ensure that appropriate action is taken when needed. The PD is generally adhering to this recommendation. However, because not all the violations identified by Shift Commanders are documented in the system, subsequent analyses are not conducted.

Cause

The decision to initiate an Internal Affairs investigation rests solely on the Police Chief. This is a common practice in police departments. Further, the PD has a Review Board⁸ that can review use of force reports if the Police Chief determines that a review is necessary. The Police Chief's decision to initiate an Internal Affairs investigation is the determining factor as to whether or not an Internal Affairs tracking number is issued. The creation of the tracking number leads to entering key data fields. Current policy does not require the assignment of a tracking number for all use of force incidents. Additionally, a detailed procedure to strategically collect all ancillary violations data in IAPro is not in place. Finally, the IAPro system is robust and users must be very well versed on how to use the system and the many reports that it can produce which may be challenging.

Effect

It is important for the PD to perform comprehensive and more frequent analyses of officer conduct and to monitor performance trends. When data fields for use of force incidents are not entered and other ancillary violations are not flagged, it may result in:

- Losing the ability to track officer performance or to identify officers that require early intervention,
- Missed opportunities to identify racial disparities,
- Biases may go undetected,
- Greater risk of errors and inefficiencies because the process to gather performance data is manual, and
- Obstacles to transparency.

⁸ Since inception in November 2019 through July 2021, the Board reviewed 39 use of force incidents. As with the incidents investigated at the platoon level, the results of these reviews are not entered as data fields in IAPro.

Recommendation 4

The Police Department should maximize its use of force data collection efforts to better understand police practices and proactively identify officer performance issues by:

- a. Assigning a tracking number to all Use of Force incidents in IAPro and entering the associated data. Incidents that are deemed minor or justified uses of force should be clearly marked including the resolution.
- b. Recording in IAPro all violations documented in the Use of Force reports for each involved officer including the resolution.
- c. Developing a detailed procedure for the collection, tracking, and systematic analysis of all use of force data.

This recommendation is not intended to escalate disciplinary action on minor or justified incidents, rather, the intent is to ensure that available data is captured to help identify trends that may need early intervention and would not be tracked otherwise.

Management Response 4

The Police Department Management agrees with the recommendation. The West Palm Beach Police Internal Affairs Unit uses the IAPro software. IAPro is the leading provider of Professional Standards software. This program captures and records all use of force data imported by investigating supervisors. As an agency, we follow best practices that are recommended by IAPro regarding capturing this information. The software is capable of tracking all use of force cases in a systematic layout.

- 4a. As part of the Internal Affairs continuing education with IAPro, we can inquire about assigning tracking numbers to each use of force case. This training will take place in November of 2021. Management will also leverage federal guidance on these topics wherever available.
- 4b. Police Department management will also explore a web-based software that collects data in relation to the officers working file. The web-based program will assist in identifying minor violations. This would give mid-level managers the ability to make corrective action in lieu of imposing discipline on employees.
- 4c. Management will make efforts to incorporate new data collection, tracking and analysis procedures into SOP 3-13, Use of Force. Members attending the IAPro conference will explore options to maximize the data collection, tracking and analysis mechanisms available within IAPro.

Target Implementation Date: June 2022

5. Undocumented Key Control Procedures and Training

Condition

An evaluation of key elements of the Internal Affairs function indicated that improvements can be made within the processes to communicate and interact with citizens and the community:

- **Complaint intake.** The Citizen Complaint form (CCIF) is available online but it is only in English and it is not available in printed form for the benefit of citizens that do not have a computer.
- **Complainant communication throughout investigations.** There is no process in place for citizens to receive updates on case progress, especially when the cases are paused or delayed. Lack of communication may cause the citizen to believe that their complaint was never investigated and may discourage them from making future complaints. Internal Affairs' current policy is to send a notification in writing to the complainant at the beginning of the complaint process and at the time a disposition has been reached.
- **Citizen outreach program.** The Police Department has not created an outreach program aimed at reaching all community members and organizations that cater to high-risk populations. The purpose of a strategic and comprehensive outreach program is to showcase transparency and further increase public trust and a positive perception of the Police Department.

Criteria

According to the Department of Justice's Community Relations Services handbook, an outreach program aimed at building strong relationships of mutual trust between police agencies and the communities they serve, is critical to maintaining public safety and effective policing.

Per Florida statute 112.533, every law enforcement agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints.

Other communities with significant non-English speaking populations provide instructions in relevant languages. Further, some police departments have enabled certain locations (i.e. police substations) to accept complaints or commendations by citizens that do not have transportation, cell phones, or a computer.

Cause

There is no standard format for the complaint intake process, communicating with the complainant, or designing an outreach program. Therefore, each law enforcement agency develops its own system to comply with the law and minimize risks.

Effect

Limited avenues for reporting complaints and not providing updates to citizens when the cases take a long time to close, negatively impacts the public's trust and raises concerns related to transparency, fairness, and accountability. Lack of a well-defined outreach program can limit community cooperation that may be needed to help deter crime.

Recommendation 5

The Police Department should enhance the procedures in place to serve the public and the community, by taking the following actions:

- a. Create an online citizen complaint form available in other relevant languages and in PDF format. The complaint form should also be made available in printed form and placed in multiple government locations.
- b. Create a brochure about Internal Affairs and the complaint and officer commendation process and place it in various City locations and patrol cars.
- c. Create a process to inform complainants of the investigation status when the 60-day time requirement expires. This step should be documented in the IA Control Checklist and added to the standard operating procedures.
- d. Determine the feasibility of using IAPro to automatically generate notices.
- e. Formalize an outreach program that builds upon current initiatives and incorporates best practices.
- f. Evaluate the existing budget or other resources that may be available to facilitate the recommended changes for operational and functional improvements.

Management Response 5

The Police Department Management agrees with the recommendation. The West Palm Beach Police Internal Affairs Unit will contact the Florida Internal Affairs Investigators Association to explore adopting a multi-language informational packet to assist any citizen that desires to make a complaint or inquiry. The members of the Internal Affairs Unit continue to train with IA Pro technologies. During the next course of training conferences, The IA unit can work with the trainers to see if the implementation of status notices is feasible.

Target Implementation Date: June 2022

6. Administrative Departmental Investigations

Condition

We found that a procedure for investigations conducted by line supervisors, known as Administrative Departmental investigations (AD investigations), is not specifically documented as a department procedure. Currently, AD investigations are conducted using the Internal Affairs investigation procedures, however, some of the procedures are not required for AD investigations. AD investigations have a lower level of complexity and formality as compared to Internal Affairs investigations. For example, AD investigations may or may not include recorded interviews with subject members or witnesses.

Criteria

Per Florida statute 112.533, every law enforcement agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints.

A best practice guide issued by the International Association of Chiefs of Police notes that there are distinct differences between an internal affairs investigation and an administrative investigation. Each involves specific procedures necessary to comply with the law and departmental policy and procedures.

Cause

There are various ways Florida statute 112.533 can be implemented; therefore, each agency develops a system tailored to comply with the law and minimize risks. While there was a disciplinary procedure for AD investigations rule violations in SOP I-9, there was no separate procedure detailing the steps for AD investigations.

Effect

The lack of a specific procedure for conducting Administrative Departmental investigations can cause inefficiency and inconsistency due to supervisors following procedures applicable to more complex investigations.

Recommendation 6

The Police Department should ensure consistency in AD investigations by:

- a. Developing and implementing a section within SOP IV-22 that describes the procedures for AD investigations.
- b. Providing training on the new procedures.
- c. Refer to Recommendation 2b related to periodic reviews of case files.

Management Response 6

The Police Department Management agrees with recommendation. The Internal Affairs Unit conducts annual training classes for new employees and newly promoted sergeants and lieutenants. Newly promoted sergeants and lieutenants are provided training templates and guidelines regarding internal employee investigations. Following the recommendations, the Internal Affairs Unit will contact the Florida Internal Affairs Investigators Association to explore adopting a more robust Administrative Discipline investigation procedure.

Target Implementation Date: June 2022

Exhibit A – Quality Review Case Summaries

To ensure the quality and accuracy of our assessment, we reviewed our results with management. However, it should be noted that according to applicable laws and regulations, the following cases do not appear eligible to be reopened⁹. Therefore, the findings from this review should be used for training purposes and to strengthen officer and department performance.

CASE SAMPLE 1

Reported allegation: An officer was alleged to have made inappropriate sexual comments and inappropriately touched another officer while working a special operations detail. This allegation originated from within the department.

Recorded policy violation(s):

- SOP II-24 Discrimination & Harassment Policy
- Violation of Department Policy/Procedures: Standard of Conduct

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Policy violations identified, but not listed within IAPro as an allegation.
- SOP IV-8 Informants.
 - Form used to request investigative funds incomplete.
 - Procedure for Use of Confidential Informants and for completing form not consistently followed.

CASE SAMPLE 2

Reported allegation: The Citizen accused an officer of using unnecessary force causing injury to the citizen while on the scene of a motor vehicle accident. In addition, the responding supervisor was accused of not intervening when force was applied.

Recorded policy violation(s):

- SOP III-3 Use of Force/Injured Person Incident
- SOP III-20 Body Worn Camera (BWC) Mobile Video/Audio Recording (MVR) Violation

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Delayed follow-up response to original citizen complaint.
 - Investigation of citizen complaint completed beyond prescribed 60 days.
 - Explanation missing for the pause/delay of the investigation.
 - Explanation missing for the Use of Force record added to IAPro 6 months after the incident occurred.

CASE SAMPLE 3

Reported allegation: The citizen accused an officer of improperly documenting the

⁹ [Section 112.532\(6\)\(b\) Florida Statutes, Limitation period for disciplinary actions.](#)

citizen as the at-fault driver and not obtaining witness statements while investigating a motor vehicle crash. Ancillary violation of the BWC/MVR policy were identified by the investigator.

Recorded policy violation(s):

- SOP III-31 Traffic Crash Investigation SOP III-20 BWC/MVR Violation

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Same rank officer assigned to conduct the investigation.
 - Investigative officer did not consider additional pertinent information provided by citizen.
 - Explanation for these actions is missing from the report.

CASE SAMPLE 4

Reported allegation: The citizen alleged that two officers did not help the citizen and were condescending and rude during a domestic violence call for service at the citizen's home.

Recorded policy violation(s):

- SOP IV-02 Improper Investigation
- Violation of Department Policy/Procedures: Standard of Conduct.

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - The first investigative officer reviewed BWC and confirmed the citizen's allegation.
 - The final disposition was listed as "unsubstantiated." The closeout letter stated that there was insufficient evidence to conclude a policy violation had occurred. Support for the final disposition of "unsubstantiated" was missing from the file.

CASE SAMPLE 5

Reported allegation: The citizen accused an officer of making a racial comment after being arrested during transport to the county jail.

Recorded policy violation(s):

- Violation of Department Policy/Procedures: Standard of Conduct.

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Investigator reviewed body worn camera footage and found the comment to be inappropriate, but determined that it was intended to be a joke.
 - Investigator counseled the officer to not make inappropriate comments when handling citizens in custody. The disposition was recorded as unfounded.
 - The accused officer was not interviewed.

CASE SAMPLE 6

Reported allegation: A third party accused several officers of using racial profiling to

conduct a motor vehicle stop.

Recorded policy violation(s):

- Racial Bias I-04 Racial/Ethnic Profiling/Biased Based Policing

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - The audit review found the names of six officers involved in the incident. However, the IAPro record shows “Officer Unknown.”

CASE SAMPLE 7

Reported allegation: Multiple citizens accused officers of using racial profiling to conduct a pedestrian stop of juveniles.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Supervisors were either unavailable, out of headquarters, or they advised the citizen to leave a message on a supervisor’s voicemail.
 - A supervisor directed a citizen to make a complaint with another supervisor because none of the officers in the supervisor’s unit were involved.
 - A citizen called to make a complaint that their child was mistreated by an officer and requested that Body Worn Camera video be reviewed. The Citizen Complaint Form (CCIF) for this call is missing from the file.

CASE SAMPLE 8

Reported allegation: A citizen accused officers of assaulting the citizen and transporting the citizen to a park instead of the citizen’s home.

Recorded policy violation(s):

- Violation of Policy/Procedures: I-01 Conduct and Ethics of Police Department Members
- SOP III-13 Use of Force/Injured Person Incident

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Investigator identified BWC violations ancillary to the initial complaint. IAPro does not list these violations as allegations against the offending officers.
 - Written reprimand forms for two officers are missing from the file.
 - The Notice of Complaint forms to subject members are missing from the file.

CASE SAMPLE 9

Reported allegation: The citizen accused an officer of being rude and for documenting the incorrect location of the motor vehicle crash on a report.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Investigator documented the review in summary only on the subject member's counseling form.
 - A formal report or memorandum documenting the investigative actions taken was missing from the file.
 - Documentation indicating whether officers/witnesses were interviewed was missing from the file.

CASE SAMPLE 10

Reported allegation: Two citizens accused officers of racial profiling, unlawful detention, and use of excessive force causing injury during a motor vehicle stop. The responding supervisor was accused of having an uncaring attitude, being rude, and racist.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - Supervisor in charge of investigating the citizen's complaint was one of the accused subject members.

CASE SAMPLE 11

Reported allegation: The citizen accused an officer of using unnecessary force while the officer was arresting another subject during a special operation.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - No exceptions found. The investigator's report was found to be in line with policy and procedure.

CASE SAMPLE 12

Reported allegation: The citizen accused officers of conducting a motor vehicle stop without cause.

Recorded policy violation(s):

- SOP I-4 Unbiased Policing
- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function

- The role of back up officers on a motor vehicle stop should have been reviewed/considered. The investigator missed an opportunity to inform the officers' supervisor of the need for additional training on the role of a backup officer or to take corrective action.

CASE SAMPLE 13

Reported allegation: The citizen accused an officer of making an inappropriate comment and not conducting a proper welfare check on the children involved during a call for service.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - No exceptions found. The investigator's report was found to be in line with policy and procedure.

CASE SAMPLE 14

Reported allegation: A third-party citizen alleged that an officer used excessive force on another citizen. The third-party citizen accused other officers on scene of failing to intervene and report the use of force.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
 - The citizen complaint form identifies one officer and states that the citizen reported another "unnamed officer." The letter from the citizen identifies two additional officers by name; however, the investigator did not provide reasoning for their exclusion from the report.
 - The report does not indicate that the complainant was contacted by the investigator.
 - The investigator identified other ancillary violations, but IAPro did not show that an entry was made to reflect these findings for the individual officers.

CASE SAMPLE 15

Reported allegation: The citizen accused an officer of having inappropriate relations with the citizen's spouse after having contact with both during a call for service.

Recorded policy violation(s):

- Violation of Department Policy/Procedures 09-07: Conduct Towards the Public

Improvement area(s) and policy reference:

- SOP IV-22 Internal Affairs Function
- The file provided by IAU does not list a reason for the removal of this case from IAPro.