



Performance Audit of Police Public Records Request Process Audit No. 22-04 August 24, 2022

Report Highlights

Page(s)

- Notification letter to requester is not always documented 5
- Police public records request is a manual process 9
- No guidance on Police website as to how to submit a public record request regarding Police files 12



The Council
City of Shreveport

Leanis L. Steward, CPA, CIA
City Internal Auditor
P.O. Box 31109
Shreveport, LA 71130-1109

E-Mail Address:
Leanis.Steward@shreveportla.gov
Phone: 318.673.7900
Fax: 318.673.7911

August 24, 2022

Councilman James Green
Chairman, Shreveport City Council

Dear Councilman Green:

Subject: Audit No. 22-04 - Performance Audit of Police Public Records Request Process

Attached please find the report mentioned above. Management comments are included in the report.

Sincerely,

A handwritten signature in blue ink that reads "Leanis L. Steward".

Leanis L. Steward, CPA, CIA
City Internal Auditor

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EXECUTIVE SUMMARY

Performance Audit of Police Public Records Request Process

Why We Did This Audit

We have completed an audit of the Police Public Records Request Process. This audit was conducted as one of our regularly scheduled audits included in the Annual Audit Plan developed by the City Internal Auditor. Our objectives were to answer the following questions: Are processes in accordance with Louisiana State Law and any other applicable policies and procedures? Are adequate controls and monitoring procedures in place for public records request? Are the processes of the Police Public Records Request transparent to the public?

What We Recommended:

- Document written notification letter to requester
- City Attorney's Office create a written policy for the public records request process
- Police update their General Order 402.02 (*Index: Release of Records; Criminal History; Mugshots; Photographs*)
- Police develop and implement a written strategy for staff to fulfill request in a timely manner
- Purchase secondary video evidence equipment in event of equipment failure
- Automate the public records request process by implementing software
- Review the City Ordinances to see if the fees are comparable to what other cities and parishes charge
- Police provide guidance regarding submitting public records requests on their website

What We Found

Per management, the Police Planning and Research Division receives anywhere between 800-1,000 public records requests yearly. Email, mail, fax, and telephone are all acceptable methods of making a request. The Police Planning and Research Division is responsible for processing the requests and sending the information to the City Attorney's Office for review and response to the requesters. The City Attorney's Office also uses a contract attorney to assist in the public records request process.

In conducting this audit, we noted positives in the Police Planning and Research public records request processes, including ensuring that the City Attorney's Office receives the request for review. However, operations can be improved. We have identified the following areas that need improvement:

- Lack of supporting written notification letter to the requester
- No written policies for the City Attorney's Office
- Police General Order 402.02 (*Index: Release of Records; Criminal History; Mugshots; Photographs*) needs to be updated
- Lack of a strategy to fulfill request in a prompt manner
- There is only one video evidence equipment
- Police public records request is a manual process
- The City Ordinances fee schedule was last updated in 2016 and 2009, respectively
- No guidance on the Police website about submitting public records requests

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Introduction

The Public Records Law is codified in Louisiana Revised Statutes 44:1, et seq., and regulates the preservation and release of public records. According to Louisiana Law R.S. 44:1 the custodian of a public record is “the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to request to inspect any such public records.” The Police Planning and Research Division is the central process unit for Police Public Records Request. A requester can request public records via email, mail, phone, or fax. The type of Police Public Records Request varies such as job descriptions, policies, Police video footage, or crime statistics. Only one custodian within the Planning and Research Division is responsible for contacting the Police Divisions (e.g., videos, crime analysis, personnel...) to collect the requested information. After the division(s) retrieves the requested record, they will submit it to the Planning and Research custodian. Once the custodian receives the requested record, the custodian will send it to the City Attorney's Office. The City Attorney's Office responsibility is to determine if the requested record can be released by reviewing the information gathered and redacting any confidential information; once completed, the City Attorney's Office responds to the requester. The City Attorney's Office also uses a contract attorney to assist in the public records request. Below is a brief illustration of the Police Public Records Request process:



For this audit, we focused on Police Public Records Request and fulfillment of request through the City Attorney's Office. The scope of this audit does not include Police Information Services Bureau-Records accident reports. This report contains five findings with seven recommendations. [Appendix A](#) contains the risk descriptions for the recommendation risk levels throughout the report.

The objectives of this audit were to answer the following questions:

- Are processes in accordance with Louisiana State Law and any other applicable policies and procedures?
- Are adequate controls and monitoring procedures in place for public records request?
- Are the processes of the Police Public Records Request transparent to the public?



Scope and Methodology

The scope of this audit was limited to the Police Public Records Request process. The period reviewed was January 2019 to March 2022. To answer our objectives, we reviewed relevant internal controls and developed audit procedures that included, but were not limited to, the following:

- Interviewing staff to enhance understanding of the process
- Reviewing State laws and City Ordinances pertaining to public records
- Reviewing and performing test work on files and any other applicable documentation
- Reviewing a sample of public records request to determine compliance with policies and procedures and applicable rules and regulations

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

The Internal Audit Office expresses appreciation to the management and personnel of the Police Department and City Attorney's Office for their cooperation and assistance provided during the audit.





Objective: Are processes in accordance with Louisiana State Law and any other applicable policies and procedures?

Finding: Lack of Documentation and Timeliness of Gathering Records

Generally, the public record should be made immediately available. According to Louisiana Law RS 44:33 et seq., if the public record is not immediately available, the custodian must provide written notification to the requester for the following reasons:

- The record is in active use; the custodian shall promptly certify this in writing to the applicant within three business days.
- The requested record is absent from custody or control of the custodian.
- A person has been denied the right to inspect or retrieve the record.
- It will take more than five business days to produce the record.

The City Attorney's practice is to release all public records requests per Louisiana Law through their office after reviewing the request and redacting sensitive information. The custodian of the Police Planning and Research Division is responsible for gathering the requested information from other divisions and delivering it to the City Attorney's Office. If it takes more than five business days to collect the requested record(s), the Police Planning and Research Division's custodian will contact the requester in writing.

We assessed 30 Police public records requests and found that 9 out of 30 (30%) record requests took 6 to 20 business days for the Police custodian to acquire the requested information, which should have resulted in a written letter to the requester. Due to the lack of documentation, we could not confirm if the nine requesters received written notification regarding the status of their request. There are several reasons for delays in fulfilling requests such as if the request is received by mail, rerouting of requests, or delays from other departments retrieving the information. The Planning and Research Division custodian must coordinate with departmental staff, and staff within those departments must retrieve the records in addition to their regular duties. For example, Shreveport Police Department record requests can range from simple (personnel records) to extensive searches (crime statistics). If someone requests a police video, there is only one Video Evidence Clerk that is responsible and only one machine to create that video. If that person is absent or the equipment malfunctions, there will be a delay in processing the request. Failure to provide documents promptly can result in a loss of public confidence and noncompliance with the law.

Recommendation 1: The Police Planning and Research custodian document written notification to the requester and include it in the public request folder to ensure compliance with Louisiana Law.

Risk: Medium



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Recommendation 2: To fulfill the request promptly, develop and implement a written strategy to help staff within the various departments (e.g., personnel, records, video...) to adapt to the evolving demands of public records requests. We also recommend cross training an additional employee for video evidence and purchasing secondary video evidence equipment in the event of equipment failure.

Risk: Low

Management Response:

Recommendation 1: We have moved the video burning to my office which will assist in a quicker response, and we are looking at the software you requested to send out notifications to the requestor.

Due Date: In Progress

Recommendation 2: We have made a change in the video requests and have moved the video clerk position up to Planning & Research where we are now filling the requests every day and little to no waiting like before. There are 4 Administrators now that process the video requests so that has taken care of that end of the problem. Staffing Nationwide is the other issue that slows down the process, but several staffing changes are coming in the near future that will assist in speeding up the requests.

Due Date: Less Than 6 Months





Objective: Are adequate controls and monitoring procedures in place for public records request?

Finding: Policies and Procedures

Policies and procedures help establish a standard of performance and consistent practices for the department and provide guidance for employees. As previously stated, The Police Planning and Research Division submits the requested information to City Attorney's Office for review, and the City Attorney's Office is responsible for releasing public records requests.

We identified no written policies and procedures for the City Attorney's Office addressing the public records request process. Additionally, the Police General Orders 402.02 (Index: Release of Records; Criminal History; Mugshots; Photographs) policy does not define the responsibilities for specifically handling public records requests. For instance, if the Police Planning and Research custodian was terminated, there are no procedures to act as a guide for handling public record requests to answer at a minimum:

- How do I gather the information?
- What should I do now that I've received the requested information?
- When should I send a letter of notification?

We also noted that General Order 402.02 (Index: Release of Records; Criminal History; Mugshots; Photographs) is outdated; it was revised in 2011 and reviewed in 2016. The fee schedule included in the General Order 402.02 does not correspond to the fee schedule contained in City Ordinance 26-106. General Order 402.02 also omits the requirement that all Public Records Requests through Planning and Research be released through the City Attorney's Office.

City Attorney's Office Recommendation 3: Create formalized written policies and procedures for the public records request process. **Risk: Low**

Police's Recommendation 4: Creating formalized procedures for the Planning and Research custodian position. We also recommend updating General Orders 402.02 and including that the City Attorney's Office requires releasing all public records requests through their office. **Risk: Low**

City Attorney's Office Management Response:

Recommendation 3: The City Attorney's Office will prepare and implement a Policy concerning the handling of Public Records Requests.

Due Date: In Progress



Police’s Management Response:

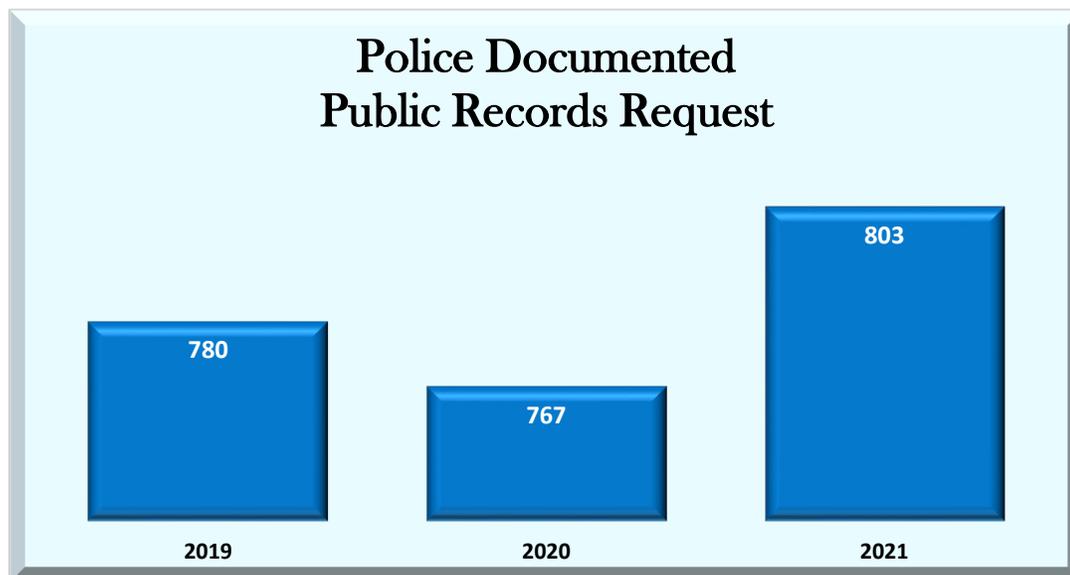
Recommendation 4: We have updated the procedures of how to do the job of Information request filler. There is no current job description for this job, but whoever goes into this position is instructed by state law as how to fill information requests and what can be released. 402.02 has been updated and the current fee schedule is included in the updated General Order. We do not release any information; it goes through the City Attorney’s Office.

Due Date: In Progress

Finding: Tracking of Public Records Requests

The use of technology can streamline the process of obtaining Police Public Records Requests. Tracking public requests, for example, allows for the efficient and secure administration of citizen requests for information from the time of receipt to the response process. Request tracking also enables for data analysis, such as the type of request, the type of requester, the amount of time spent, and the amount of fees collected.

We found that the Police Public Records Request has continued to increase over the years. According to Police Planning and Research Division, the number of public requests ranges between 800 and 1,000 and not all requests are documented due to an immediate response to the requester. For example, if someone calls to request 911 records from four years ago, the custodian may provide an answer immediately because the 911 data is no longer available. We were able to get an actual documented number of requests because the custodian added the information to their folder drive before delivering it to the City Attorney's Office. The chart below depicts the actual documented number of public records requests; however, as previously stated, not all requests are documented:



Source: Police Shared Drive



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We found there is no software in place to manage public records requests. Police Public Records Request is a manual process, for instance:

- There are no automated reminders sent to departments
- Manual delivery of requested records to the City Attorney's Office for review
- No tracking of request
- No key performance metrics
- No online submission portal for request

However, the City Attorney's Office started in 2020 manually tracking the public records request received by Police using an Excel spreadsheet that tracks the following:

Date Received	Department	Requester	Date to Attorney	Date from Attorney	Date Sent Out	Fax/M: Date Picked Up/Mailed)	Handled By

Furthermore, neither the Police nor the City Attorney's Office keep track of the time spent on the request or when a requester declines to collect the information for reasons such as fees associated with the record(s) or a change of mind. Also, the Police Public Records Request information is not analyzed to determine the impact it has on city staff or operations. As requests increase, it's imperative to have a process in place to manage and track them.

We reviewed some municipalities to identify what type of software they were using for their public records requests. The results are as follows:

City	Public Records Software Utilize
New Orleans, LA	Nextrequest
Baton Rouge, LA	GovQA
San Antonio, TX	GovQA
Dallas, TX	GovQA
Austin, TX	GovQA
Franklin, TN	JustFOIA
Memphis, TN	GovQA

Overall, adopting software can aid in the automation and tracking of the process. For example, implementing software can:

- Improve tracking of request
- Enhance responding to requests
- Route request electronically
- Establish an online portal
- Access the status of your request online
- Monitor time spent on request
- Send automatic notifications by emails to requesters and staff.

As a result, we encourage the following:



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Recommendation 5: The Police Department and City Attorney's Office collaborate to automate the process by contacting the IT Department to develop or identify a software provider that is suited to the City's needs for public records requests.

Risk: Low

City Attorney's Office Management Response:

Recommendation 5:

The City Attorney's Office will meet with SPD officials and IT to discuss implementation of a software system to track Public Records Requests to help ensure the request is responded to in a manner consistent with the Louisiana Public Records Act. La R.S. 44:1, et seq.

Due Date: In Progress

Police's Management Response:

We will investigate the software that was proposed and place it into the budget for next year's needs.

Due Date: Less Than 6 Months





Finding: Evaluate Fee Schedule

According to Louisiana Law RS 44:32 a custodian of public records, not of a state agency, may establish and collect reasonable fees for making copies of public records. The total revenue generated for Police Public Records Request between 2019-2021 was \$2,685. Fees are charged for copies of public records such as videos, audio, photos, paper documents... We reviewed other cities and parishes throughout Louisiana and compiled their fees for paper copies and CD or DVD below:

City/Parish	Description
Shreveport, LA	A charge of \$0.15 per standard or legal-size page. Audio Cassette \$25 Video Cassette \$50
Slidell, LA	For paper copies, the charge is \$10 for the first 20 pages and \$0.25 per page thereafter. For electronic information (video or audio), the cost is \$25 for one to five CDs or DVDs and \$5 per CD or DVD above five.
Hammond, LA	Fifty cents (\$0.50) per copied page...
Caddo Parish Sheriff's Office	Fees for records requests will be charged by fee schedule in accordance with R.S. 44:32 (c)
St. Tammy Parish, LA	Copies—Black and white, per page ... \$0.50 Copies—Color, per page \$1.00 CD/DVD reproduction based on time can range from \$15.00 to \$35.00
New Orleans, LA	Photostat...One through ten pages in length - \$25 More than ten pages in length, each additional page - \$1
Jefferson Parish, LA	Copies—Black and white, per page ... \$0.50 Copies—Color, per page \$2 CD/DVD \$25

Auditor Note: The custodian of public records of a state agency charges fees for copies according to the uniform fee schedule adopted by the Commissioner of Administration. Generally, paper copies are \$0.25 per page, per side. This list is not all inclusive and does not list every public record fee that the Cities or Parishes Charge.

The City of Shreveport charges less for copying, but a similar amount for CDs or DVDs in comparison to other cities and parishes. We also discovered that the City Ordinances 26-106, *Fee schedule for services rendered by the police department* and 26-107, *fee for copies of public records* were last updated in 2016 and 2009, respectively. There could be a potential loss of revenue to recover cost of materials and supplies used to fulfill requests if the ordinances are not evaluated.

Recommendation 6: Examine the City Ordinance to evaluate whether fees are comparable to those of other cities and parishes to determine if the City Ordinance needs to be updated. Risk: Low

Management Response:

Recommendation 6: We are currently in the process of changing fees and will have to get it approved through the city council.

Due Date: Less Than 6 Months



Objective: Are the processes of the Police Public Records Request transparent to the public?

Finding: Transparency of Police Public Record Request Process

One of the foundations of transparency is to foster community trust by making more information publicly accessible and easier to locate. According to Louisiana Law 44:33, the person's name who oversees fulfilling public records requests, along with contact information, should be listed on the website.

In this case, we found that the City Attorney's Office has general information regarding the public information request listed under frequently asked questions (FAQs). For instance, the FAQs states that any person of age can make a request to the department (custodian) regarding the public record request. However, the Police Department does not list the custodian contact information and does not provide guidance on its website about how the public can request records. Due to the lack of Police Public Record Request guidance, the requester may be unclear about the proper procedure for requesting a record. To improve transparency regarding the Police Public Records Request process, at a minimum, the Police website can include the following:

- Guidelines for submitting a request
- Fees schedule associated with the request
- Contact information
- Online submission form

Recommendation 7: Include information regarding public requests on the Police's website and, at a minimum, include guidelines for submitting a request and custodian contact information.

Risk: Low

Management Response:

Recommendation 7: We are currently in the process of changing our Police website through the City IT Department and will make these changes when it is complete.

Due Date: Less Than 6 Months



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May 17, 2022

Prepared by:

Nadia Dunams

Nadia Dunams, CIA
Staff Auditor

Approved by:

Leanis L. Steward

Leanis L. Steward, CPA, CIA
City Internal Auditor

nd:ts

- c: City Council
- Clerk of Council
- Mayor
- Chief Administrative Officer
- Carr Riggs and Ingram
- City Attorney
- Chief of Police



Appendix A: Findings Risk Ranking Criteria

The chart below summarizes our evaluation of risk for the recommendations outlined in the report. Each recommendation was assessed at a high, medium, or low risk level based on a qualitative assessment of exposure and/or corrective action priority.

Risk Levels	Risk Description
High Risk	Represents a significant level of risk exposure to city assets, public safety, or achievement of objectives or mission. Corrective action should have the highest priority.
Medium Risk	Represents a moderate level of risk exposure to the city from extensive operating inefficiencies or high-level non-compliance issues. Corrective action should occur expeditiously.
Low Risk	Represents a minimal level of risk exposure to the city from inefficiencies or low-level non-compliance issues. Corrective action should occur as appropriate.