

# Memorandum



DATE: August 7, 2015

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Dallas Fire-Rescue Internal Affairs**

On Monday, August 10, 2015, you will be briefed on Dallas Fire-Rescue Internal Affairs.

The briefing materials are attached for your review.



Eric D. Campbell  
Assistant City Manager

## Attachment

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Dallas Fire-Rescue Internal Affairs

*Our Mission  
is to protect  
the vision*



**Public Safety Committee  
August 10, 2015**





**Internal Affairs**  
positions or teams  
began developing in  
the large police  
agencies in the 1970's

Due to the sensitive nature  
of this responsibility, in  
many departments, officers  
working internal affairs  
report directly to the  
agency's chief



# Dallas Morning News October 31, 1976

- Chief Dodd Miller states the time may have arrived for a full time Internal Affairs Division
- Department had been using Arson Investigators due to police certification and investigative training, but the arson case workload was increasing
- Internal Affairs would report directly to the Fire Chief

## Internal affairs

### Fire department's division proposed

Dallas Fire Chief Dodd Miller said the time may have arrived for the fire department to have a fulltime internal affairs division reporting directly to him on misconduct allegations.

Miller said the command staff has been instructed to work up recommendations for such a division.

Miller acknowledged that the department is experiencing a number of disciplinary problems," but would not elaborate.

Miller said the chief of any major fire department should be concerned about getting all the facts.

For that reason, Miller said he conferred recent-

ly with Police Chief Don Byrd on the methods the police follow in investigating internal matters, and that data is being collected from the police internal affairs division.

The police IAD was established in 1968 as a separate division and is presently staffed by a captain, one lieutenant and eight investigators. IAD officers are responsible only to the police chief.

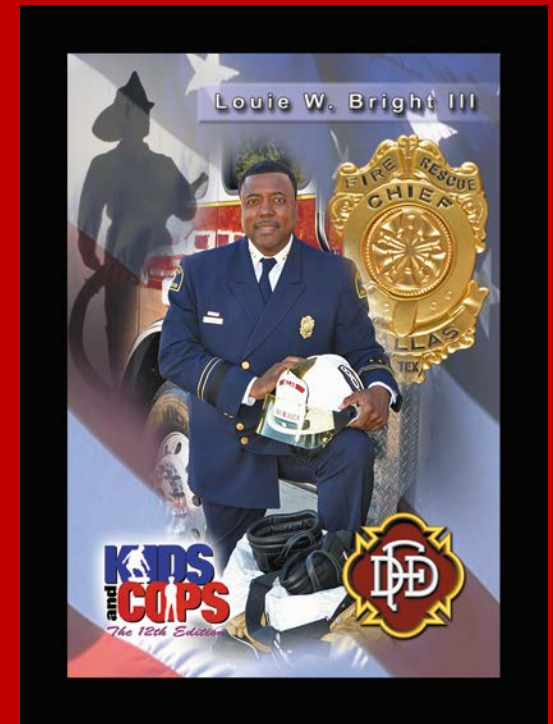
Miller said the fire department has relied on arson squad investigators to conduct internal investigations for the chief. But Miller questioned whether that was wise in view of the rising number of arson cases confronting the squad.

- A Dallas fireman who was arrested last June for possession of four pounds of marijuana (discovered in his garage attic) remained on the job until the Dallas Police Association got wind of it recently and complained of double standards. Any policeman similarly charged, the DPA asserted, would have been fired immediately. The fireman resigned.



# History in Dallas Fire-Rescue

- 1977 Assigned a Battalion Chief  
Titled: Administrative Aide  
Reported directly to the Fire Chief
- 1980 Assigned a Section Chief from Arson  
(due to law enforcement capability)
- 1988 Added a Captain position  
Titled: Administrative Affairs Unit
- 1991 Added an Office Assistant  
Added a Lieutenant position



- 1997 Upgraded the Lieutenant to Captain
- 1999 Titled: Internal Affairs Division  
Began Reporting to Assistant Chief
- 2014 Obtained Internal Affairs Software "IAPro"

# Internal Affairs

Primary investigative unit for the Department with respect to rule violations and complaints

Exists to protect the rights of our members and the citizens we serve

- Protects employees from unjust allegations
- Ensures an avenue of redress for citizens and members and their reasonable expectation for the delivery of fair, legal and courteous service

# Responsibility

Complete, objective, thorough and prompt investigations to:

- Clear the innocent
- Establish guilt
- Facilitate suitable disciplinary action

Based on the premise that discipline is a function of command and a well disciplined department is one which voluntarily and ungrudgingly conforms to rules and orders





Through the complete objective investigation of employee conduct, the Fire Chief is provided with sufficient information to assist in the making of decisions relative to the continued delivery of professional fire-rescue services to the citizens of Dallas



- The Charter of the City of Dallas places sole authority for discipline on the Fire Chief
- The Chief is therefore the final authority on whether an employee violated a departmental rule or regulation



- The Chief delegates the responsibility of fully investigating allegations of inappropriate actions and accurately reporting the facts discovered



# Current Staffing of Internal Affairs

## Sworn (Uniformed) Members

Staffed by personnel from Arson Investigation

Commanded by a Section Chief and staffed by two Captains

- Peace Officer Certification
- Fire and Arson Investigation Certification
- Certified Breath Alcohol Technician (BAT)

## Non-Sworn (Civilian) Member

Office Assistant II D

Criminal Justice Information System (CJIS) clearance

# Requirements for Assignment to Internal Affairs

1. Employment history that does not reflect a history of recent disciplinary actions or excessive complaints
2. Interpersonal skills
3. Writing skills
4. Investigative experience
5. Possess an understanding of the Department's philosophy toward internal discipline and a general mental aptitude to conduct impartial investigations



# On Call Officer

1. A Duty Officer will be available 24/7 by cell phone to assist with any requests for Internal Affairs assistance outside normal working hours
2. Some situations where Internal Affairs may be needed include the following:
  - A. The scene of member involved shooting incidents
  - B. All requests for assistance relative to disciplinary matters
  - C. Reasonable suspicion or other alcohol or controlled substances related issues
  - D. Arrest of members

# Alcohol and Controlled Substance Programs Coordination

## *Random Testing*

Contract agency tests approximately 1,200 sworn members each year

## *Reasonable Suspicion Testing*

Supervisor requests test based on knowledge or observation of suspected substance abuse

## *Rehabilitative Testing*

*After first offense:*

- Chief may determine member will be placed in program due to history or disciplinary action.





## Random Testing Guidelines

- Medical Review Officer (MRO) confirms a positive test
- May require the member be placed on Administrative Leave pending the investigation
- Will initiate an IA investigation by order of the Chief
- Sustained allegation will result in disciplinary action

# Reasonable Suspicion Testing Guidelines

- Internal Affairs will be the Coordinator with the officer requesting the test and the contract company
- A confirmed positive test may require the member be placed on Administrative Leave pending the investigation
- A confirmed positive test will initiate an IA investigation by order of the Chief
- An officer must fill out a form articulating specific observable facts and reasons for requesting the test
- The Deputy Chief must observe the member and confirm the supervisors information for testing



# Rehabilitative Testing Guidelines



- The Chief may order a member into rehab testing in lieu of termination or in addition to other disciplinary measures
- A confirmed positive test may require the member be placed on Administrative Leave pending the investigation
- A confirmed positive test result will initiate an IA investigation by order of the Chief
- A sustained allegation usually results in termination





# Complaints

1. Incoming complaints are assigned by Incident types:

- A. Administrative Inquiry
- B. Internal Affairs Investigation
- C. Divisional Investigation (Training, EMS, etc.)
- D. No Investigation

## 2. Administrative Complaints

Originates from a member of this Department:

- A. Memo through channels requesting investigation
- B. Members following the city Grievance Procedures

## 3. Citizen Complaints

Complaining party is not a member of the Department:

- A. Must be made in writing and signed by the complainant
- B. Citizen subject to perjury charges for false reporting



# Records

Internal Affairs Maintains ALL investigative and disciplinary records for employees in accordance with City Records Retention Requirements

*Example:*

*Formal Discipline records must be maintained until employee separation, but for no less than 15 years*



# Department Disciplinary Statistics

## FY 2013 - 2014

**Termination** **12**

**Discharge / Resign / Retire Under Investigation**

**Suspension** **15**

Short Suspension (less than 10 days) 5

Long Suspension (10 days to 45 days) 10

**Letter of Reprimand** **26**

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Letter of Counseling 92

Oral Counseling 27

# Alcohol and Controlled Substance Testing Statistics

## FY 2013 – 2014

<b>Random Alcohol and Controlled Substance Tests</b>	<b>1,234</b>
Positive Tests	6
Alcohol	3
Controlled Substance (Marijuana / amphetamines)	3
<b>Rehabilitative Tests</b>	<b>227</b>
Members in Program	19
Members Completed	2
Members Failed	2

# Internal Affairs for the Future

Staff up to date on certifications and training:

- Compliant with: National Crime Information Center (NCIC)  
Texas Crime information Center (TCIC)  
Criminal Justice Information System (CJIS)
- Current industry standards and procedures
- Breath Alcohol Technicians
- Certified Peace Officers

Staff Educates:

- New employees
- Newly promoted Officers
- Civil Service Trial Board
- Administrative Law Judges

IAD Software:

- IAPro
- World Leader



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Questions?

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