

# FOLLOW-UP REPORT

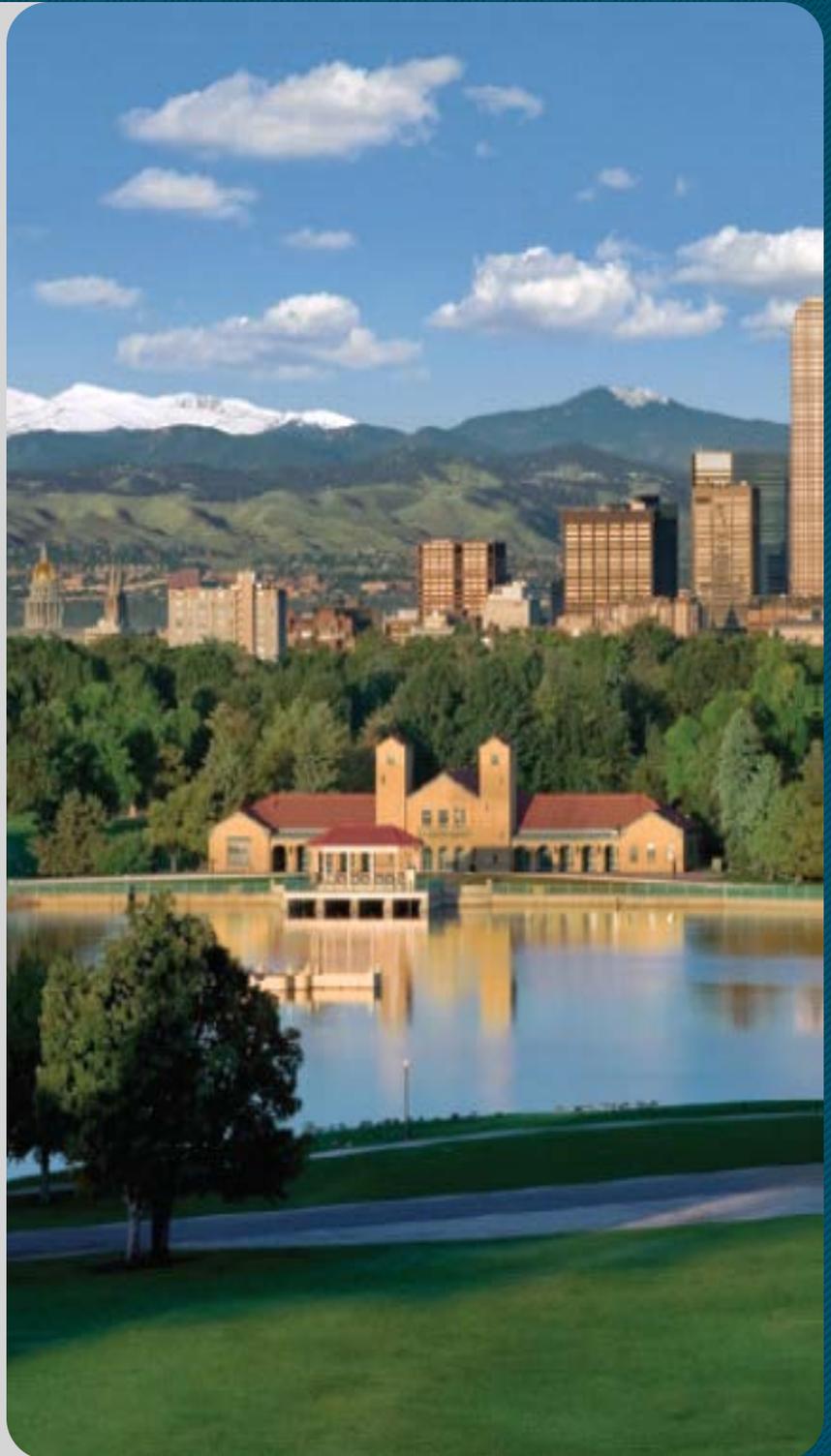
## Denver Sheriff Department Jail Operations

December 2016

**Office of the Auditor  
Audit Services Division  
City and County of Denver**



**Timothy M. O'Brien, CPA  
Denver Auditor**



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**Timothy M. O'Brien, CPA**  
Auditor

# City and County of Denver

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December 30, 2016

Ms. Stephanie O'Malley, Executive Director of Safety  
Department of Safety  
City and County of Denver

Re: Audit Follow-Up Report

Dear Ms. O'Malley:

In keeping with generally accepted government auditing standards and the Audit Services Division's policy, as authorized by D.R.M.C. § 20-276, our Division has a responsibility to monitor and follow-up on audit recommendations to ensure that audit findings are being addressed through appropriate corrective action and to aid us in planning future audits.

This report is to inform you that we have completed our follow-up effort for the Denver Sheriff Department Jail Operations performance audit issued March 19, 2015. Our review determined that the Denver Sheriff Department has not implemented most of the agreed upon recommendations made in the audit report due to continuous reform efforts.

For your reference, this report includes a Highlights page that provides background and summary information on the original audit and the completed follow-up effort. Following the Highlights page is a detailed implementation status update for each recommendation.

This concludes audit follow-up work related to this audit. I would like to express our sincere appreciation to you and to department personnel who assisted us throughout the audit and follow-up process. If you have any questions, please feel free to contact me at 720-913-5000 or Rudy Lopez, Lead Auditor, at 720-913-5082.

Denver Auditor's Office

A handwritten signature in black ink, appearing to read "Timothy M. O'Brien".

Timothy M. O'Brien, CPA  
Auditor



## Jail Operations July 2016

### Status

The Denver Sheriff Department (DSD) has not implemented a majority of the recommendations that were agreed upon in the March 2015 audit report, due to on-going department reform efforts.

### Background

The mission of the Denver Sheriff Department (DSD) is to provide public safety and security by ensuring care, custody, transportation, and reentry services for detainees and by operating safe, secure, efficient, and humane detention facilities. DSD manages two secure jail facilities: the Van Cise-Simonet Detention Center and the Denver County Jail. The Detention Center is the initial intake facility for all individuals arrested in the City of Denver and houses persons who have not yet been sentenced in court, whereas the County Jail holds individuals who have been sentenced.

### Purpose

The purpose of the audit was to determine how the Department of Safety and DSD oversee and manage the City's jail operations. To accomplish this objective, we evaluated tone at the top, the complaint and discipline processes and procedures, and hiring and training practices.

## REPORT HIGHLIGHTS

### Highlights from Original Audit

The audit found that the City's management of jail operations was poor, which harms the City's reputation, increases risk to sheriff deputies and inmates, and wastes taxpayer resources. Specifically, we found three areas contributing to poor jail operations: the Department of Safety's failure to provide vision for and proper oversight of DSD; DSD's jail management practices; and, undue risk related to internal investigations and the disciplinary process.

The Department of Safety is responsible for providing strategic vision for and overseeing the operations of the City's public safety agencies, including DSD. Therefore, DSD and the Department of Safety are jointly responsible for making and carrying out the public policy decisions that affect the success of DSD and jail operations. The Executive Director of Safety stated that the Departments have taken steps to address issues facing jail operations, including consideration of approximately 130 recommendations made by various entities. However, the policy decision was made to await input from a study being conducted jointly by industry consultants Hillard Heintze and the OIR Group.

With regard to DSD's jail management practices, we found several that contributed to negative conditions. For example, DSD was using a flawed tool to estimate staffing needs, leading to chronic understaffing of DSD facilities. Additionally, DSD did not have a data collection strategy, which impacts the ability to manage jail operations and plan for the future.

Regarding internal investigations and the disciplinary process, we found that DSD's Internal Affairs Bureau conducted limited data analytics and thus was unable to identify important trends. Additionally, DSD postponed implementing an Early Intervention System until the consultants completed their review. This system could monitor patterns of problematic employee performance and address serious incidents in a timely manner. Further, we found inconsistent compliance with a Departmental Order regarding TASER usage as well as limited video retention capabilities, both of which exposed the City to undue risk.

### Findings at Follow-up

Of the 18 recommendations made, 4 have been fully implemented. DSD updated their Budget Post Matrix to reflect a 24-hour, 365-day relief factor and signed a memorandum of understanding with the Budget and Management Office to review staffing together, at least annually. DSD also updated its video retention department order to establish minimum retention standards. All other recommendations are in-progress as the reform DSD is undergoing is extensive and expected to be a multi-year effort. However, the Department of Safety and DSD implemented a systematic implementation and validation process that captures all recommendations, which have been assigned to implementation Action Teams. The Hillard Heintze and OIR Group report was issued May 21, 2015.

For a complete copy of this report, visit [www.denvergov.org/auditor](http://www.denvergov.org/auditor)  
Audit Contact Person: Rudy Lopez | 720.913.5082 | [rudy.lopez@denvergov.org](mailto:rudy.lopez@denvergov.org)

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<b>FINDING: Poor Management of Jail Operations Harms the City’s Reputation, Increases Risk to Sheriff Deputies and Inmates, and Wastes Taxpayer Resources</b>		
<p><b>1. Third-Party Assessment</b>—Because the Department of Safety has deferred the more than 130 cumulative recommendations received from several entities until completion of the third-party assessment, the Mayor’s Office should ensure that the Executive Director of Safety publicly releases a formal response to each recommendation provided in the final report provided by Hillard Heintze and the OIR Group within thirty-one calendar days of completion of the assessments. At minimum, the City’s official response should specify:</p> <ul style="list-style-type: none"> <li>• 1.1 Agreement or disagreement with each recommendation promulgated by Hillard Heintze and the OIR Group and reasons for disagreement;</li> <li>• 1.2 Plans for implementing solutions to recommendations identified;</li> <li>• 1.3 A timeframe for complete implementation of solutions identified; and</li> <li>• 1.4 A central person or entity tasked with ensuring solutions to recommendations are fully implemented</li> </ul>	<p>The Department of Safety, in conjunction with the Denver Sheriff Department (DSD), has created an Implementation Team to oversee DSD reform efforts, which include developing a compliance plan to address all recommendations offered by the initial reform task forces, the Office of the Independent Monitor, the Auditor’s Office, and third-party consultants Hillard Heintze and OIR Group. Several Action Teams represented by community members, City employees, and other public safety stakeholders were established to evaluate the recommendations and to develop and prioritize appropriate action plans. A Project Manager has been assigned to ensure that the plans are completed and approved by the Implementation Team. A master list of all recommendations has been developed to ensure that each recommendation is accounted for and addressed. Once a recommendation is reported as implemented, validation and verification testing will be conducted by the Department of Safety. The Department of Safety provides updates on the reform efforts on a dedicated website, which includes meeting minutes from all Action Teams. However, minutes were last updated in May 2016. DSD is currently considering another way to inform the public on reform progress. No reform completion date has been identified, as the overall effort is extensive and expected to span years.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p>2. <b>Budget Post Matrix</b>—The Department of Safety should instruct the Denver Sheriff Department to update the Budget Post Matrix to account for a 24-hour, 365-day year. The updated Budget Post Matrix should be based on either a (365 days) x (24 hours) or (7 days) x (52.14 weeks) methodology to reflect the most accurate accounting of staff need for a 24-hour secure facility.</p>	<p>DSD’s Budget Post Matrix, a staffing model, was updated to reflect a 24-hour, 365-day year relief factor. Additionally, a Memorandum of Understanding was signed by DSD and the Budget and Management Office to ensure that an annual review and adjustment of the relief factor occurs each budget year to better assess staffing needs.</p>	<p><b>Implemented</b></p>
<p>3. <b>Staffing Reconciliation</b>—Once the Budget Post Matrix is updated, the Department of Safety should ensure that the Denver Sheriff Department reconciles actual staff need with the Department's approved budget. Based on this information, DSD should consult with the Department of Safety and the Budget and Management Office to determine whether an official supplemental budgetary request is required.</p>	<p>Since implementing a Memorandum of Understanding between DSD and the Budget and Management Office and updating the Budget Post Matrix, a continuous reporting and review process has been established to assess staffing needs. Quarterly, the Staffing and Performance Optimization Committee meet to review and discuss the Budget Post Matrix, Vacancy Reports, Overtime Reports, and Hiring Reports. The committee consists of members from the Budget and Management Office, DSD, and Denver Sheriff Department. In 2016, the Budget Post Matrix indicated a staffing need of 1,036 FTEs, which matches DSD’s overall 2016 authorized budget.</p>	<p><b>Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>4. Data Analytics</b>—The Department of Safety should instruct the Denver Sheriff Department to expand its assessments to begin conducting data analysis on intake data to determine the impact this data has on that other practices in the City, such as the expansion of the Denver Police Department's authorized strength and arresting practices, might have on the Denver Sheriff Department jail operations, with a focus on more immediate impacts at the Downtown Detention Center.</p>	<p>The 2016 Mayor's Budget included approval for five civilian positions to begin staffing the DSD Analytics Unit, and recruiting efforts are currently underway. As of November 2016, three of the five positions had been filled. DSD's goal is to have the remaining two positions filled in Q1 2017, at which time a data analysis strategy will be defined and implemented. The 2016 Mayor's Budget also includes funding to move forward with the acquisition and implementation of a new Jail Management System (JMS) to help DSD gather needed data for analytics, anticipated for 2018.</p>	<p><b>Not Implemented</b></p>
<p><b>5. Department-wide Data Analytics</b>— With support from the Department of Safety, the Denver Sheriff Department's Data Analytics Division, and the Research and Development Unit, the Denver Sheriff Department's data analysis framework should include an update to department orders and processes for data collection and use. This process should facilitate department-wide coordination and cooperation, assign clear responsibilities for various aspects of data management, and adopt mechanisms that encourage objectivity and independence in data collection and data management processes.</p>	<p>As noted above in the auditee action for Recommendation 4, the Denver Sheriff Department Analytics Unit has hired three of the five approved positions. The data analytic framework and roles and responsibilities are currently being drafted with the goal of having the draft completed before the end of 2016.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p>6. <b>Performance Statistics</b>—The Denver Sheriff Department should develop a coordinated and standardized approach for collecting and documenting operating performance statistics that will be included in the Mayor's Budget Book, which includes a quality control process to ensure completeness and accuracy of the data. Once such processes are established, the Denver Sheriff Department should be the entity responsible for maintaining this information in accordance with the City's official General Records Retention Schedule.</p>	<p>In conjunction with the auditee actions for Recommendations 4 and 5, DSD is enhancing its data collection as part of the data analysis framework. Additionally, the acquisition and anticipated 2018 implementation of a new Jail Management System (JMS) will help the department gather needed data for analytics. An RFP has been issued for the JMS with vendor selection expected in Q1 2017. Once the unit is fully staffed and JMS system requirements are established, DSD will finalize its performance statistics framework, including data collection and quality control.</p>	<p><b>Not Implemented</b></p>
<p>7. <b>Use of Force Analysis</b>—The Executive Director of Safety should direct the Denver Sheriff Department to conduct an annual use of force analysis to inform management decisions about training opportunities and staff supervision.</p>	<p>The Executive Director of Safety has directed DSD to conduct an annual use of force analysis and utilize the results to inform training and other considerations. The 2015 annual use of force analysis report was given to DSD Command for review in May 2016. Use of force data collection, data analysis, and reporting requirements will be included as a subset of an overall data analysis strategy for the entire department once the Data Analytics Unit is fully staffed and the new JMS is identified and implemented.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>8. Inmate Grievance Data Quality—</b> The Denver Sheriff Department should improve the quality of data in its monthly reports to ensure that resulting conclusions and decisions are based on accurate information, by ensuring that the processes for data validation, analysis, and reporting are consistent at the Denver County Jail and Downtown Detention Center.</p>	<p>DSD has taken steps to improve data quality. For example, the Inmate Management Unit was formed in 2015 as part of its overall reform effort. This unit is tasked with updating and integrating many processes involving inmate management at the Denver Detention Center and Denver County Jail, including the grievance process. The grievance process is likely to be automated but will be separate from the acquisition of a new JMS. The Sheriff has instructed the Division Chiefs to align respective processes for data validation, analysis, and reporting, which will be reviewed for quality, accuracy, and consistency by Command as part of the reform effort.</p>	<p><b>Not Implemented</b></p>
<p><b>9. Internal Affairs Data Quality—</b>The Executive Director of Safety should direct the Denver Sheriff Department to develop and implement a data verification and validation framework to improve data quality, performance measurement, and support decision-making for the Internal Affairs Bureau.</p>	<p>DSD has been directed to develop and implement a data verification and validation framework in conjunction with the implementation of related recommendations. This recommendation has been assigned to an Action Team and work to address it is underway.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>10. Internal Affairs Data Collection and Use</b>—The Internal Affairs Bureau framework should include a review of organizational capacity and procedures for data collection and use, facilitate multiple agency coordination and cooperation, assign clear responsibilities for various aspects of data management, adopt mechanisms that encourage objectivity and independence in data collection and data management processes, and provide staff with training and guidance for successful implementation of these new data management processes.</p>	<p>DSD has been directed to develop and implement a data verification and validation framework in conjunction with the implementation of related recommendations. This recommendation has been assigned to an Action Team and work to address it is underway.</p>	<p><b>Not Implemented</b></p>
<p><b>11. Department Order Update</b>—In coordination with the Conduct Review Office and the Office of the Independent Monitor, the Internal Affairs Bureau should update applicable policies and implement process improvements that ensure a timely and appropriate triage of incoming cases.</p>	<p>This recommendation is currently being addressed by the Use of Force and Internal Affairs Action Team, which drafted updated Internal Affairs Bureau’s procedures regarding workload management and case triage. The draft procedures are expected to be approved by the end of 2016.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>12. Internal Affairs Data Analytics</b>—The Internal Affairs Bureau should develop and implement a data analytics program that will allow the Internal Affairs Bureau and the Denver Sheriff Department to analyze large sets of data to discover patterns, trends, and other useful information that can help identify process improvements, increase efficiency, and reduce additional risk and liabilities of the City. At minimum, these updated processes should include tracking the time it takes to receive and officially initiate an investigation; the amount of time a case is with each entity involved in the investigatory process; and the amount of time it takes to officially close a case from beginning to end.</p>	<p>This recommendation is currently being addressed by the Use of Force and Internal Affairs Action Team, which included drafting updated procedures for the Internal Affairs Bureau regarding workload management and case triage, and is pending final review and approval. The Internal Affairs Bureau will work with the Data Science Unit once fully staffed to develop an internal affairs data analytics framework.</p>	<p><b>Not Implemented</b></p>
<p><b>13. Training and Follow-up</b>—Once Recommendation 11 is successfully implemented, the Denver Sheriff Department should use the finding of the Internal Affairs Bureau to tailor appropriate training and follow-up with Department personnel to improve risk management and ensure the consistent enforcement of policies and procedures, Department Orders, and discipline.</p>	<p>Upon final completion of Recommendation 11, the information gathered through the establishment of improved processes will be utilized during the next available department training opportunity. This recommendation has been assigned to an Action Team and is currently being addressed.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>14. Early Intervention System</b>—The Denver Sheriff Department should formally initiate the Early Intervention System, also referred to as the Employee Progression and Recognition Tracking System, to organize, track, and conduct a variety of analysis and trending activities in order to assess department performance, identify training gaps, and plan for future training opportunities to provide early intervention and remedial training before serious issues arise or escalate.</p>	<p>This recommendation has been assigned to the Human Resources Action Team, which is currently defining the system requirements for an Early Intervention System; DSD now refers to this system as Early Outreach. Using existing capabilities and working in conjunction with the City’s Technology Services department, the solution and strategy are expected to be implemented in Q3 2017. According to DSD, Technology Services is currently in the process of assigning a business analyst to assist with configuring “Blue Team,” which is a software program already in the Safety domain inventory that will be used to support the program.</p>	<p><b>Not Implemented</b></p>
<p><b>15. Crisis Intervention Training</b>—The Denver Sheriff Department should ensure all officers take a Crisis Intervention Training course. Because of the time commitment associated with Crisis Intervention Training and the Department’s already limited staff, whenever possible, priority should be given to individuals whose primary function involves assignment in a special management unit.</p>	<p>DSD is on track to meet its goal of having all uniformed staff complete Crisis Intervention Training by the end of 2016, with 90 percent of Deputies already completing the training.</p>	<p><b>Not Implemented</b></p>
<p><b>16. TASER Usage Reports</b>—The Denver Sheriff Department should require and ensure that all TASER Usage Reports are filled out completely and consistently, which includes downloading TASER usage and the data port and attaching the TASER information report to the TASER Usage Report as required by Department Order.</p>	<p>The 2016 Mayor’s Budget included the funding of a civilian staff resource to assist in TASER Usage and Reporting Analysis, which has not yet been hired as of this report. The Sherriff also tasked Majors with reviewing TASER deployments to ensure that all required documentation associated with deployments is complete.</p>	<p><b>Not Implemented</b></p>

# Recommendations: Status of Implementation

Recommendation	Auditee Action	Status
<p><b>17. Video Retention</b>—The Denver Sheriff Department should formally document an official video recording and retention policy for all video. Videos specifically capturing incidents of alleged improper staff or inmate conduct, including but not limited to use of force and PREA violations, should be stored indefinitely or until the matter is resolved if the recording is involved in litigation.</p>	<p>DSD implemented Department Order 3700.1E on March 12, 2015. This Order designates the amount of time video and audio recordings need to be maintained for critical incidents. Per the Order, video or audio related to a death or Prison Rape Elimination Act (PREA) incident must be maintained as a permanent record indefinitely, while inmate criminal investigation audio and video must be maintained until the completion of the investigation or criminal proceedings. Audio and video for all other use of force or incidents that result in an IAB complaint must be held for five years. Inmate grievances or complaints must be maintained for ten years.</p>	<p><b>Implemented</b></p>
<p><b>18. Video Retention and Open Investigations</b>—Once Recommendation 17 is successfully implemented, the Denver Sheriff Department's official video recording and retention policy should encompass the time it takes for the investigation to reach final disposition.</p>	<p>Department Order 3700.1E designates the amount of time video and audio need to be maintained for critical incidents such as a death in the facility, PREA incidents, criminal acts and other uses of force, as well as incidents of Internal Affairs Bureau investigated complaints and grievances. The order also encompasses other retention and custodial issues, such as video footage one minute before and after an incident, and preserving all camera angles. The Internal Affairs Bureau is responsible for retrieving reports of incidents and video evaluation shall be completed within five days of receipt. Weekly reports shall be provided to the Sheriff documenting all video footage preserved the preceding week.</p>	<p><b>Implemented</b></p>

## Conclusion

While the Department of Safety and Denver Sheriff Department have implemented 4 of 18 recommendations made in the Denver Sheriff Department Jail Operations performance audit report, the other 14 have yet to be fully implemented. All other recommendations are in-progress as the DSD Reform effort is extensive and expected to be a multi-year effort. Together, the Department of Safety and Denver Sheriff Department implemented a systematic implementation and validation process that captures all recommendations.

Despite the Department of Safety and Denver Sheriff Department efforts, auditors determined that the risk associated with the audit team's initial findings has not been fully mitigated. As a result, the Audit Service Division may revisit these risk areas in future audits to ensure appropriate corrective action is taken.

On behalf of the citizens of the City and County of Denver, we thank staff and leadership from the various departments for their cooperation during our follow-up effort and their dedicated public service.