

AUDIT REPORT

Agency for Human Rights and Community Partnerships *Disability Parking Enforcement Program*

August 2016

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



Timothy M. O'Brien, CPA
Denver Auditor



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August 18, 2016

AUDITOR'S REPORT

We have completed an audit of the Disability Parking Enforcement Program. The purpose of the audit was to determine whether the City ensures that disability parking is properly maintained and effectively enforced and whether the Denver Revised Municipal Code needs to be updated to fully support disability parking.

Our audit found that 65 percent of the twenty surface parking lots we reviewed are not fully compliant with standards for accessible parking spaces as established by the federal Americans with Disabilities Act (ADA) and that the City cannot ticket unlawful parking in these non-compliant spaces due to limitations in current law. Additionally, we found that the City does not proactively monitor ADA compliance and currently lacks a complete inventory of disability parking spaces. Further, disability parking enforcement is primarily carried out by a group of volunteers, but their enforcement activities are not distributed evenly across the City, leaving some areas unmonitored.

Based on issues identified with accessible parking maintenance and enforcement and the fact that Denver will increasingly need to accommodate people with disabilities as its percentage of residents living with a disability is likely to grow—24 percent of Denver's population will be sixty years of age or older by 2040—we recommend that the City establish a strategy to ensure ongoing ADA compliance and identify one central agency to be responsible for overseeing all disability parking matters. In addition, we recommend that the Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights (DODR) work with the City Attorney's Office to codify how the City should maintain and monitor accessible parking spaces, including creating an inventory of all accessible parking spaces throughout the City. Finally, we recommend that DODR consider strengthening the existing volunteer program with additional full-time equivalent employees and by holding its volunteers accountable for carrying out their agreed-upon duties. By establishing a clear strategy for monitoring and enforcing disability parking, establishing central responsibility for all disability parking matters, and strengthening relevant D.R.M.C. language, the City will be positioned to ensure a more compliant and effectively enforced network of disability parking spaces.

This performance audit is authorized pursuant to the City and County of Denver Charter, Article V, Part 2, Section 1, *General Powers and Duties of Auditor*, and was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We extend appreciation to the Agency for Human Rights and Community Partnerships and the City personnel who assisted and cooperated with us during the audit.

Denver Auditor's Office

A handwritten signature in black ink, appearing to read "Timothy M. O'Brien", with a stylized flourish at the end.

Timothy M. O'Brien, CPA
Auditor



Disability Parking Enforcement Program

August 2016

Scope

The audit assessed whether the City is meeting its obligation to provide and maintain disability parking for its residents.

Background

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law that prohibits discrimination against individuals with disabilities. With regard to accessible parking, ADA's Titles II and III require governments and private businesses to maintain their facilities such that they are accessible to persons with disabilities. The City primarily carries out its ADA parking enforcement responsibilities through the all-volunteer Disability Parking Enforcement Program, the Right of Way Enforcement Division, and the Denver Police Department.

Purpose

The purpose of the audit was to determine whether the City ensures that disability parking is properly maintained and effectively enforced and whether the Denver Revised Municipal Code needs to be updated to fully support disability parking.

REPORT HIGHLIGHTS

Highlights

Despite the many characteristics that make Denver highly accessible, we found that the City should take action to ensure that accessible parking is readily available for residents and visitors. Although the City appears to have appropriate procedures in place to ensure that accessible parking is established when parking lots and parking structures are first built, we found evidence of parking lots that are not in compliance with ADA standards. This condition exists because the City lacks a strategy and effective process for ensuring that disability spaces are retained and maintained over time. This was evident in four areas:

1. There is no one City agency tasked with ensuring that disability spaces are maintained and monitored.
2. There is no inventory listing all locations of accessible parking spaces throughout the City.
3. The Disability Parking Enforcement Program (DPEP), through a group of volunteers, performs the majority of enforcement work for the City, but lacks sufficient resources and policies that would evenly distribute enforcement and promote accountability.
4. Other City agencies that can enforce accessible parking requirements—the Denver Police Department and the Right-of-Way Enforcement Division—do not prioritize such work, leaving the bulk of enforcement activities to the DPEP volunteers.

The ADA obliges governments to provide the required number and type of accessible parking spaces in parking lots. The instances we observed of non-complaint accessible parking spaces are primarily due to the City's failure to prioritize monitoring lawful maintenance and use of these spaces after ADA compliance is initially demonstrated. This failure to prioritize accessible parking in the City negatively impacts our community members living with mobility impairments.

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INTRODUCTION & BACKGROUND

What is Accessible Parking for People with Disabilities?

Disability parking, or accessible parking, is a term used to describe parking spaces that are designated for use only by persons who have a disability. Disability, with respect to a person, is defined as a physical or mental condition that may considerably limit one or more major life activities. Examples of major life activities include but are not limited to self-caring, seeing, hearing, walking, breathing, speaking, concentrating, thinking, and communicating.¹ For example, an individual with a disability that requires the use of a wheelchair to aid in mobility requires accessible parking to afford the same parking accessibility as any other person without a disability. There are specific rules and regulations governing accessible parking established by federal, state, and local governments. In fact, the federal government passed a civil rights law—the Americans with Disabilities Act—to assist state and local governments with ensuring that their citizens have equal opportunity to all facets of daily living, including access to parking.

In Colorado, a significant percentage of people rely on accessible parking to help them perform day-to-day life activities. In fact, 17.5 percent of Colorado adults are living with a disability.² As Colorado's most populous city, it is important that Denver offers access to its infrastructure, including accessible parking spaces, for people with disabilities who live in or visit the City. The percentage of Denver residents living with a disability is likely to grow, since 24 percent of Denver's population will be sixty years of age or older by 2040. Accordingly, Denver will increasingly need to accommodate people with disabilities.³ Denver's population growth is also contributing to the rising number of people with disabilities. After recent growth of more than 18,000 new residents in 2015, 6.6 percent of Denver adults under the age of 65 have a disability.⁴ Therefore, as Denver's population continues to rise, the City's accessible parking accommodations will be of increasing importance.

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law that prohibits discrimination against individuals with disabilities.

The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was signed into law by President George H. W. Bush in 1990. The ADA is a comprehensive civil rights law that prohibits discrimination against individuals with disabilities. The legislation comes with broad protections in areas such as employment; access to federal, state, and local government services; public places; transportation; and other aspects of everyday life. The federal agency responsible for enforcement of the ADA is the Department of Justice (DOJ). DOJ enforcement activities include taking complaints, conducting investigations, and pursuing litigation.

¹ 42 C.F.R. §12102

² Elizabeth A. Courtney-Long et al., 2015, "Prevalence of Disability and Disability Type Among Adults – United States, 2013," *Morbidity and Mortality Report* 64(29): 777-783 (July 31, 2015), <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6429a2.htm>

³ "Aging Population by County." Home. Accessed June 13, 2016. <https://drcog.org/services-and-resources/denver-regional-visual-resources/aging-population-by-county>.

⁴ "Population Estimates, July 1, 2015, (V2015)." Denver County Colorado Quick Facts from the US Census Bureau. Accessed June 13, 2016. <http://www.census.gov/quickfacts/table/PST045215/08031>

With regard to accessible parking, the ADA has promulgated regulations that apply to state and local governments regarding accessible parking design and supply as well as public accommodations and commercial facilities. These regulations are outlined in Title II and Title III of the ADA.

- **Title II: State and Local Governments Program Access**—Title II provides guidance for state and local government agencies that offer programs, services, or activities in existing facilities. Title II requires that governments ensure that people with disabilities have access to and can participate in government programs and services. With regard to accessible parking, Title II stipulates that making structural changes to parking lots and government buildings may be necessary to ensure that people with disabilities have the same access to government programs and services as everyone else.
- **Title III: Private Business Barrier Removal**—Title III provides guidance for private businesses to help them ensure that their facilities are accessible to people with disabilities. One of the ways that the ADA addresses this is by requiring private businesses to remove barriers to entry for a person with a disability. An example of a barrier to accessible parking would be a building with no accessible parking spaces, access aisles that are too narrow for use by a wheelchair-accessible vehicle, or a trash can placed within the bounds of an accessible parking space blocking vehicle entry.

ADA Maintenance Requirements

Both Title II and Title III of the ADA prescribe that governments and private businesses have an ongoing obligation to maintain their facilities in operable working condition, thereby ensuring accessibility for persons with disabilities. The ADA defines a facility as “any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.”

A properly maintained parking lot includes proper signage indicating which parking spaces are reserved for use by individuals with disabilities. These spaces and adjacent access aisles must be properly marked in accordance with ADA standards, recognizable by the International Symbol of Accessibility stenciled on the ground. This symbol consists of a blue square with a white outline of a person in a wheelchair.



ADA Accessibility Guidelines

Adopted as part of both Title II and Title III, the ADA Accessibility Guidelines describe the required design and supply ratio of accessible parking spaces in parking lots. The number of accessible parking spaces, including van-accessible spaces, is calculated based on the total number of spaces in the lot, as illustrated in Table 1. The average ratio of accessible spaces to total number of spaces is approximately one accessible space for every thirty-seven standard spaces, depending on the size of the lot.

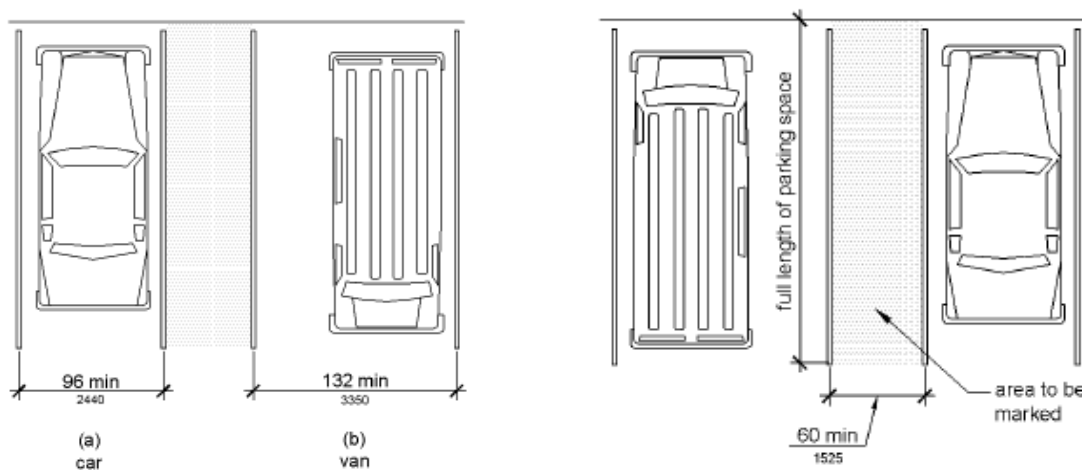
TABLE 1. ADA Accessibility Guidelines for Disability Parking

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces	Van-Accessible Parking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2

Source: 36 CFR part 1191, appendices B, 208 Parking Space

In addition to supply requirements for the number of spaces, the ADA specifies the dimensions required for car and van spaces to be ADA compliant. For example, accessible car spaces must be 96 inches wide, while van spaces must be 132 inches wide and have a clearly marked area for an access aisle adjacent to the space. The access aisles must be a minimum of 60 inches wide and be marked to discourage drivers from parking in them. Additionally, accessible parking space identification signs must include the International Symbol of Accessibility. Spaces intended for vans are required to display the words “van accessible,” and all signs must be positioned a minimum of 60 inches above the ground. Figure 1 illustrates the minimum width in inches that accessible car and van spaces and access aisles must be to achieve ADA compliance.

FIGURE 1. Accessible Vehicle Parking Space Design Specifications



Source: ADA Chapter 5: General Site and Building Elements. Section 502. Parking Spaces.

Further, the ADA Accessibility Guidelines require that state and local governments as well as private businesses not only provide accessible parking, but also ensure that their facilities are

accessible and free from barriers on an ongoing basis.⁵ ADA considers parking lots to be facilities and, as such, they are required to provide and maintain accessible parking for individuals with disabilities.⁶ In fact, Title II of the ADA dictates that, “state and local government agencies that offer programs, services, or activities in existing facilities need to make sure that people with disabilities can gain access to and participate in these activities.”

A continuous obligation to ensure that facilities are accessible extends to “public accommodations” in Title III. This section of the ADA dictates that private businesses must:

Remove barriers when it is readily achievable to do so; readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. Designating accessible parking is often readily achievable and is considered a top priority because it enables many people with disabilities to get in the door.⁷

State of Colorado and Disability Parking

Several state laws regulate disability parking in Colorado, including a recent law passed in 2014 that provides more standardization across the state regarding disability parking. These laws address the provision of accessible parking as well as eligibility, enforcement, and education matters.

Colorado Laws Governing Accessible Parking

Title 42 of the Colorado Revised Statutes (C.R.S.) contains all laws and regulations regarding vehicles, traffic, and parking, including parking privileges for persons with disabilities. In 2010, the state legislature passed House Bill 10-1019, which made several changes regarding accessible parking for people with disabilities. First, it created the Disabled Parking Education and Enforcement Fund, which appropriates monies to the Colorado Advisory Council for Persons with Disabilities to carry out educational and enforcement programs regarding eligibility standards for disability parking privileges. The bill also enhanced administrative procedures surrounding the identification required for obtaining and renewing disability license plates and placards. The act also strengthened the laws governing enforcement of reserved accessible parking spaces.

Four years later, House Bill 14-1029 was passed in an effort to provide more standardization in the implementation of reserved disability parking throughout the state of Colorado. Among other updates, the act increased the fine amount for disability parking citations and required that half of the fine revenue collected by local enforcement agencies be remitted to the state to fund the Disabled Parking Education Program. The law also raised some disability parking violations to the level of a misdemeanor.

The Colorado Advisory Council for Persons with Disabilities—In 2008, the Colorado Advisory Council for Persons with Disabilities (Council) was created within the office of the Governor of Colorado for the purpose of coordinating with state boards, advisory councils, and commissions established for or related to persons with disabilities. The Council advises the Governor and the

⁵ According to the ADA, any parking lot or facility altered after March 15, 2012, must be brought into compliance with the 2010 standards, to the maximum extent feasible.

⁶ 28 CFR Part 36, ADA Title III, section 36.104, Definitions, defines a facility as all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

⁷ 28 CFR Part 36, ADA Title III, section 36.304, Removal of Barriers.

General Assembly and issues annual reports on relevant state programs, services, and policies. The Council is also responsible for monitoring the state's implementation of ADA's Title II.⁸

In late 2015, the Council launched a new marketing campaign called Excuses vs. Reasons. It was created based on research that underscores the need for more information on the challenges people with disabilities face when attempting to access designated parking spaces. The campaign's messaging highlights the variety of excuses that able-bodied drivers use when justifying parking in a designated accessible parking space. The campaign emphasizes that, no matter the excuse, it will never be better than the reasons people with disabilities have for needing these limited spaces. The image on the right is the representation of the state campaign.



Disability Parking in the City and County of Denver

While the state of Colorado has codified the federal requirements set forth by the ADA, the City and County of Denver, as a home rule city, has addressed disability parking regulations through its own enabling legislation in the Denver Revised Municipal Code.

Parking in Denver Is a Matter of Local Concern

As a home rule state, Colorado allows its municipalities to abide by state laws or to follow their own laws, so long as the municipal law is not less stringent than the state law. Although home rule allows control over local and municipal matters by local citizens rather than the state, home rule is confined to state-local relations and not to federal-local relations. In Colorado, municipal home rule derives its authority directly from the Colorado Constitution. Denver became a home rule city in 1902 to protect the City's control over law enforcement from infringement by the state. Today, Denver considers all parking matters, including disability parking, to be of local concern and has chosen to address disability parking compliance and enforcement mainly through the Denver Revised Municipal Code.

Denver Revised Municipal Code—The Denver Revised Municipal Code (D.R.M.C.) regulates all of the City's disability parking related matters. Specifically, sections 54-483 and 54-484 of the D.R.M.C. address parking signs, their enforcement, and the authority granted to the City Traffic Engineer; section 54-485 addresses the parking rules related to people with disabilities.

- **Section 54-483 – Records to Be Kept by the City Traffic Engineer**—This section of the D.R.M.C. assigns responsibility to the City Traffic Engineer for creating and maintaining a record of all the streets or other places where parking restrictions, limitations, regulations, or prohibitions have been established.
- **Section 54-484 – Existing Signs To Be Enforced**—This section codifies the City Traffic Engineer's authority over all parking, standing, or stopping restrictions, limitations, regulations, or prohibitions on all streets or other places marked with the appropriate signs. Accordingly, the section makes it unlawful for any person to park, stand, or stop any vehicle in a way that conflicts with the provisions of such signs, including those designating accessible parking.

⁸ Colorado Advisory Council for Persons with Disabilities, "Annual Report for 2012-2013", p.3, <http://coloradodisabilitycouncil.org/wp-content/uploads/2012/09/2012-13-Council-Annual-Report-Final.pdf>

- **Section 54-485 – Parking for Persons with Mobility Impairment**—This section specifies that only people who have a disability and have obtained a state-issued disability parking license plate or placard are authorized to use accessible parking spaces. It allows for spaces reserved for disability parking to be on public property, on private property that is intended for public use, or in any public parking area along public streets. It also addresses cost, time limits, signage, and proper placard display.⁹

The Denver Police Department (DPD) and the Right of Way Enforcement (ROWE) Division enforce City parking matters, such as street sweeping violations, disability parking violations, and parking disputes related to private property.¹⁰ These activities are among many responsibilities that DPD and ROWE must prioritize on a day-to-day basis.

Denver Police Department—DPD’s broad responsibilities of enforcing all laws and ordinances within the City include the enforcement of disability parking. DPD officers may encounter a violation of disability parking through patrolling or responding to a complaint dispatched to them while on patrol. For example, a concerned citizen can call DPD to report abuse of disability parking and request that an officer be sent out. However, responding to complaints of disability parking abuse is not at the top of the DPD priority list as DPD’s work typically involves responding to moving violations and to high-priority crimes.

The Right-of-Way Enforcement Division—As the largest parking enforcement division in the City, ROWE has the authority to enforce all parking related matters, including accessible parking infractions. Specifically, ROWE agents address on-street and off-street parking violations, private property parking violations, and other violations of City parking regulations. Although ROWE agents have the authority to patrol private parking lots, due to the number of infractions occurring on public streets, they only enforce private parking lots when responding to complaints from the lot owners, subcontractors, or property managers. Additionally, ROWE agents can only enforce those disability parking spots that include a posted sign of the International Symbol of Accessibility. If the parking space only displays the disability symbol as stenciled on the ground, ROWE agents will not issue a citation for a disability parking infraction.

In 1993, the City launched a volunteer-based program to complement the disability parking enforcement efforts of DPD and ROWE. The Disability Parking Enforcement Program (DPEP) is organized within the Agency for Human Rights and Community Partnerships (HRCP), is granted authority through the Department of Safety to enforce disability parking, and works in partnership with ROWE.

Denver Office of Disability Rights

The City proactively seeks to protect the human rights of its residents through HRCP. This agency, headed by an Executive Director who reports to the Mayor, oversees eight offices that address issues concerning the following groups: people with disabilities; older adults; racial, ethnic, and religious minorities; women and families; gay, lesbian, bisexual, and transgender individuals; immigrants and refugees; neighborhood partnerships; and non-profit partnerships. The offices under the HRCP umbrella “envision a unified city where capacities and partnerships have been

⁹ See Appendix A for D.R.M.C. Section 54-485.

¹⁰ In addition to DPD and ROWE other City entities can enforce parking infractions, including Park Rangers, Denver Public Schools, the Denver Department of Human Services, the Denver Convention Center Parking Garage expansion, and the Denver Health and Hospital Authority.

built and leaders from city governments and all corners of [the Denver] community are empowered and supported.”¹¹

The Denver Office of Disability Rights (DODR) is the HRCPP office that focuses on individuals with disabilities. DODR coordinates the City’s efforts to ensure compliance with the ADA and other laws that impact people with disabilities by providing guidance, technical assistance, and oversight to residents and City agencies. For example, DODR investigates ADA-related complaints and participates in architectural plans reviews for ADA compliance. With regard to parking, DODR administers the education and enforcement of disability parking laws and approves disability parking signage in residential neighborhoods. These efforts are enhanced through the Disability Parking Enforcement Program, which DODR manages.

Disability Parking Enforcement Program

DODR characterizes Denver as a highly accessible city, speaking to the infrastructure as well as the services and programs that are available to people with disabilities. As part of its mission to ensure that Denver remains highly accessible, DODR carries out its enforcement responsibilities through the Disability Parking Enforcement Program (DPEP). DPEP is an all-volunteer program, with the exception of its program administrator, who is a paid employee of the City. The primary role of DPEP volunteers is to educate citizens about accessible parking and to augment the disability parking enforcement efforts of DPD and ROWE. Figure 2 illustrates the DODR organizational structure under the Agency for Human Rights and Community Partnerships.

FIGURE 2. Agency for Human Rights and Community Partnerships – Organizational Structure



Source: The Agency for Human Rights and Community Partnerships.

¹¹ Agency for Human Rights and Community Partnerships, Our Offices, City and County of Denver Website, <https://www.denvergov.org/content/denvergov/en/human-rights-and-community-partnerships/our-offices.html>.

Program Administrator—The DPEP program administrator is responsible for developing, coordinating, and scheduling training for DPEP volunteers and for preparing statistical data and reports on the status of the program. This individual reports to the Director of DODR.

DPEP Volunteers—Currently, the DPEP program has twenty-one volunteers, who give their time to enforce disability parking laws and educate violators.¹² As part of the recruitment and selection process, volunteer candidates must undergo a background check and sign a Volunteer Agreement outlining expectations regarding professional conduct, personal safety and the safety of others, completion of citations, logging mileage and activities, and testifying in court. Volunteers agree to donate, at minimum, one hour each month to DPEP activities. Prior to starting enforcement work, all volunteers go through an extensive classroom and field training program, the same as that which is attended by the City's ROWE agents.

Enforcement Authority—The Executive Director of the Department of Safety formally deputizes DPEP volunteers with the authority to enforce disability parking violations in accordance with City code. This authorization as Code Enforcement Commissioner allows DPEP volunteers to issue parking citations for vehicles parked illegally anywhere within the City in zones reserved for disability parking. Volunteers primarily target their enforcement efforts on accessible parking spaces that are located on private property that is available for public use, such as parking lots at grocery stores, retail stores, and other businesses. DPEP volunteers are trained to enforce only disability parking spots that are identified by a vertical sign post displaying the International Symbol of Disability.

In 2015, DPEP volunteers issued nearly 2,000 disability parking citations. This was more than the number of disability parking citations written by DPD or ROWE. The fee associated with a citation written for a disability parking infraction is \$150. Table 2 lists the number of disability tickets written by DPEP and other City parking enforcement agencies, including ROWE and DPD in 2015.

TABLE 2. Number of Disability Parking Tickets in 2015 by Agency and Revenues Generated

Agency	Disability Parking Tickets written in 2015	Revenues Generated from the Disability Parking Enforcement
DPEP	1,998	\$299,700
ROWE	1,735	260,250
DPD	1,114	167,100
Other*	320	48,000
Total	5,167	\$775,050

Source: ROWE DataViewer, Parking Citation Database

Note: *A number of additional City entities can enforce parking infractions, including Park Rangers, Denver Public Schools, the Denver Department of Human Services, the Denver Convention Center Parking Garage expansion, and the Denver Health and Hospital Authority.

The Role of Other City Departments in Enforcing Disability Parking

In addition to ROWE and DPD, several other departments also contribute to ADA compliance activities related to the provision of disability parking in the City, including the Departments of Community Planning and Development (CPD), Excise and Licenses, and Public Works. Groups

¹² According to the Program Administrator, DPEP management arbitrarily set the total authorized strength of the DPEP unit at forty volunteers.

within these departments ensure that new construction plans include accessible parking with appropriate signage as well as enforcing disability parking infractions.

Department of Community Planning and Development—All new development in the City is reviewed and inspected for compliance with a wide variety of rules and regulations, including ADA compliance. For example, plans are reviewed for zoning, architectural, structural, electrical, mechanical, plumbing, transportation, wastewater, and fire prevention elements. In addition, the Neighborhood Inspection Services team is responsible for inspecting new buildings after their initial construction, including ensuring that disability parking design and supply are compliant with ADA regulations and the Denver Building and Fire Code. Their role in disability parking enforcement is limited to addressing complaints received from citizens and DODR.

Department of Excise and Licenses—The Department of Excise and Licenses provides licenses to owners of private parking lots that are available for public use. Business owners are required to obtain a zone use permit issued by CPD and submit their permit with a business license application accompanied by a diagram of the parking lot. Business owners are also required to renew their business license annually. This includes the renewal application, a valid zoning use permit, and a new diagram if the parking lot has been refigured. However, the Department of Excise and Licenses does not inspect an altered lot for ADA compliance as part of the renewal process.

Department of Public Works—The Department of Public Works manages several City-owned surface parking lots and parking garages that are accessible by the general public, such as the Denver Justice Center and the Performing Arts Complex garages. Within Public Works, the Transportation and Mobility (PWTM) unit administers the provision of on-street and off-street signage. PWTM plays a limited role in disability parking in that the unit only installs and replaces disability parking signs on the public right-of-way at the request of the Denver Office of Disability Rights. PWTM retains all work orders related to installation of signage for disability parking on the public right-of-way, which has created a partial inventory of disability parking spaces throughout the City.

SCOPE

The audit assessed whether the City is meeting its obligation to provide and maintain disability parking for its residents.

Although the audit began by initially evaluating the practices of the Disability Parking Enforcement Program (DPEP), through our research, it became clear that disability parking enforcement is a Citywide matter. Therefore, in the discussions related to accessible parking enforcement and maintenance throughout this audit report, we may make references to the disability parking policies, procedures, and actions of various City agencies, not limited to those of DPEP.

OBJECTIVE

The objectives of the audit were to determine whether the City ensures that disability parking is properly maintained and effectively enforced and whether the Denver Revised Municipal Code needs to be updated to fully support disability parking.

METHODOLOGY

We applied various audit methodologies during the audit process to gather and analyze information pertinent to the audit scope and to assist with developing and testing the audit objectives. The methodologies included the following:

- Assessing the Denver Revised Municipal Code to understand how the City enforces local law affects people with disabilities
- Assessing the Colorado Revised Statutes to understand how state law impacts people with disabilities
- Assessing the federal Americans with Disability Act (ADA), including Title II and Title III, to understand how federal law affects the community of people with disabilities
- Assessing Denver's disability parking laws by benchmarking Denver against the following five cities:
 - Colorado Springs, Colorado
 - Houston, Texas
 - Jacksonville, Florida
 - Portland, Oregon
 - San Francisco, California
- Benchmarking against the following fifteen municipalities and counties that have a disability parking enforcement volunteer program:
 - Charlotte, North Carolina
 - El Paso County, Lakewood, and Pueblo, Colorado
 - Houston and Travis County, Texas
 - Jacksonville and Palm Beach, Florida
 - Malibu, Sacramento, and San Diego, California

- Omaha, Nebraska
- Phoenix and Tempe, Arizona
- Washington County, Oregon
- Interviewing representatives from the following City agencies to gain an understanding of their roles and responsibilities in the maintenance and enforcement of disability parking:
 - The Agency for Human Rights and Community Partnerships (HRCP)
 - City Attorney's Office
 - Commissioners from the Denver Commission for People with Disabilities
 - Department of Community Planning and Development
 - Denver Police Department
 - Department of Safety
 - Disability Parking Enforcement Program volunteers
 - Department of Excise and Licenses
 - Department of Public Works
- Attending the April 2016 meeting of the Denver Commission for People with Disabilities to observe its role in disability parking matters
- Analyzing parking citation data from different enforcement agencies regarding trends in enforcement coverage across the City
- Reviewing geographic information systems mapping of citation locations to analyze enforcement coverage across the City
- Conducting testing of private parking lots that are available for public use within the City for compliance with Americans with Disabilities Act disability parking requirements
- Reviewing the Denver Disability Parking Enforcement Program's Operational and Training Policies and Procedures that are used for guiding and training volunteer staff
- Analyzing HRCP's budget allocations, the number of full-time-equivalent employees, and the number of volunteers to understand the operations of HRCP
- Reviewing ROWE's 2015 Budget proposal for additional staff for disability parking enforcement
- Reviewing the 2017 budget proposal from the Denver Office of Disability Rights within HRCP for additional staffing resources to add to the disability parking enforcement program
- Analyzing the mission and goals of different City maintenance and enforcement entities to identify priorities in the enforcement and maintenance process

FINDING

The City Should Take Action to Ensure that Accessible Parking Is Readily Available for Our Residents and Visitors with Disabilities

Denver is often cited as one of the most accessible cities in America based on a variety of factors, including transportation accessibility, medical resources, climate, and the employment rate of people with disabilities living in the area.¹³ Despite the many characteristics that make Denver highly accessible, we found that the City should be doing more to ensure the availability of disability parking. The City appears to have appropriate procedures in place to ensure that accessible parking is established at the outset of the construction of new parking lots and parking structures. However, we found evidence of parking lots that are not in compliance with ADA standards for the provision of accessible parking. In fact, we even found instances of lots that had no designated disability parking spaces at all.

The situation exists because the City lacks a strategy for ensuring that disability spaces are retained and maintained over time. Thus, parking spaces that are currently designated for use by individuals with disabilities are at risk of being neglected or converted to regular spaces without the City ever being notified of or detecting the change. Exacerbating this situation is the fact that the City is not prioritizing the enforcement of lawful parking in these spaces. In fact, the City does not have a complete inventory of accessible parking spaces that need to be monitored, and the vast majority of enforcement activities are carried out by an all-volunteer program. Volunteers generously give of their time, but at widely varying degrees. As a result, these volunteer-issued citations tend to be clustered in certain areas of the City, rather than equally dispersed geographically. Accordingly, large swaths of the City receive minimal monitoring for compliance with ADA parking regulations. Without stronger monitoring and enforcement, residents and visitors with disabilities may not be able to enjoy the full benefits of Denver's overall accessibility.

Substantive ADA Compliance Risks Exist Regarding Accessible Parking Spaces within Denver

To assess the extent to which the City is ensuring ADA-compliant accessible parking options for individuals with disabilities, we reviewed twenty parking lots. Through our review, we sought to determine the availability of accessible parking and maintenance of accessible parking spaces. We limited our review to surface pay parking lots that are owned and operated as a parking business. All lots in our sample are owned by businesses that have an active business license issued by the City through the Department of Excise and Licenses under the category of Parking Lot/Garage.¹⁴ Our review revealed that there are no procedures in place to ensure that initial compliance carries over into long-term compliance and maintenance of parking spaces, contributing to a deterioration of available disability parking Citywide.

Insufficient Accessible Parking for Individuals with Disabilities—Our review revealed that 25 percent of the parking lots in our sample—five of the twenty—did not have the required number

¹³ John Morris, "Denver, CO," *Destinations Guides, United States & Canada*, February 23, 2015, <https://wheelchairtravel.org/denver-co/>

¹⁴ A Parking Lot/Garage business license is required for any place used in whole or in part for storing or parking three or more motor vehicles where a storage or parking fee is charged. The license does not include structures built for the purpose of providing off-street parking in compliance with zoning requirements or apartment house parking lots.

of accessible parking spaces, which is based on the total number of parking spaces in the lot. For example, one lot has 186 total parking spaces but only has 5 accessible parking spaces. Based on the ADA Accessibility Guidelines, the lot should have 6 accessible parking spaces. Additionally, of the parking lots in our sample that are large enough to require one or more van-accessible parking spaces, 35 percent of the associated access aisles are not ADA compliant. Specifically, the access aisles are not wide enough—five feet—to accommodate a mobility device, such as a wheelchair or a walker.

The most egregious instances of ADA non-compliance were two parking lots in our sample that did not have any accessible parking spaces. Since these parking lots could not have been constructed without initially demonstrating ADA compliance, it is likely that the spaces originally designated for accessible parking were subsequently altered. One of the two parking lots appeared to have been freshly painted; auditors could see remnants of the International Symbol of Accessibility beneath the surface of the new paint, indicating that a designated disability parking space had been turned into a standard parking space.

Before construction even begins, all plans for new commercial and multi-family construction are reviewed for ADA compliance. This review is performed by the City's ADA Plans Review Technician, who works for the Denver Office of Disability Rights (DODR). The review is performed at the request of the Department of Community Planning and Development (CPD) and is limited to structural and site elements. The ADA Plans Review Technician does not, however, review business license applications or zoning use permits.

The application for a parking lot business license, which is submitted to the Department of Excise and Licenses, does not ask for any information related to ADA compliance. The application requires the submission of a valid zoning use permit and completion of a general questionnaire, but neither of these forms address ADA compliance. Therefore, the City is relying on the applicant's implementation of the ADA Plans Review Technician's guidelines according to the 2010 ADA Standards for assurance that the parking lot has the designated accessible parking spaces.

A parking lot business license must be renewed annually. Auditors reviewed the Parking Lot/Garage Business License Renewal form to determine whether there is a field indicating review of continued ADA compliance. The form does not address ADA requirements specifically, but it does include a question asking whether the lot or garage has been reconfigured since original application. If yes, the applicant must attach a detailed diagram showing dimensions, entrances and exits, numbered parking spaces, kiosk locations, and street orientation. This question does not specifically ask the applicant to note which spaces are designated for accessible parking.

Accessible Parking Spaces Not Being Properly Maintained

—In addition to not having the proper number of—or any—accessible parking spaces, we also found that 65 percent of the parking lots in our sample have accessible parking spaces that are not being maintained in accordance with ADA standards. *Maintenance* in this context means that the disability signage is displayed in accordance with standards and the required number of spaces are clearly marked. Specifically,

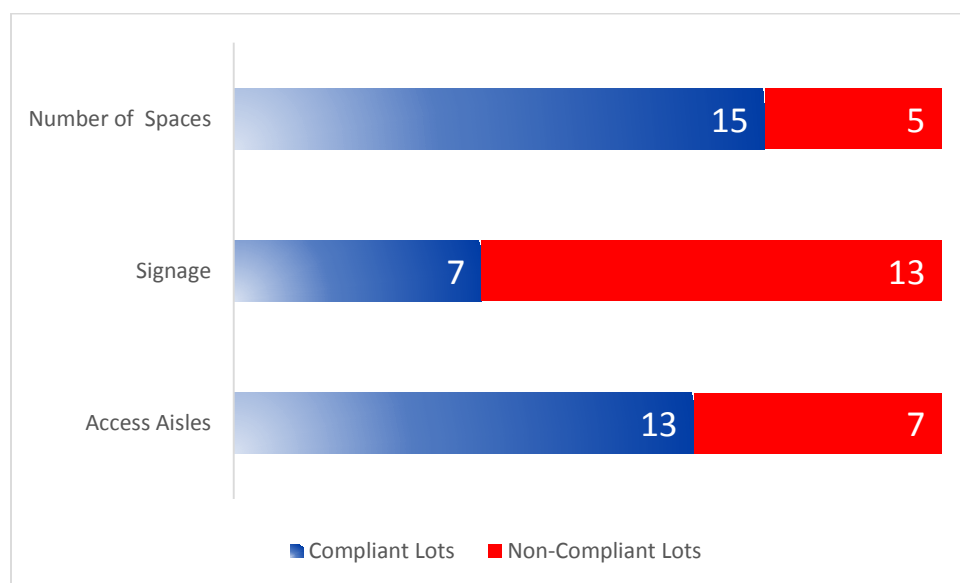
65 percent of the surface parking lots sampled are not maintaining accessible parking spaces in accordance with ADA standards.

accessible parking spaces must be identified by signs displaying the International Symbol of Accessibility that are installed at least five feet above the ground.

Lack of accessible parking maintenance is problematic for two reasons. First, when signage and markings are not optimally positioned and presented, it may be difficult for a person with a disability to determine whether the space is available for use. Second, when an accessible parking space is not properly maintained, City enforcement agents cannot enforce the lawful use of the parking space. In other words, if a vehicle that is not approved for accessible parking is parked in the non-maintained space, a City enforcement agent cannot issue the owner of the vehicle a citation. For example, if an accessible parking space has the International Symbol of Accessibility painted on the ground but there is no accompanying sign five feet above the ground, a person without a disability can park his or her vehicle in the space and not be ticketed. Even if a sign is present but it is not positioned at the required height, a violator cannot be ticketed.

We found that signage was not ADA compliant in the majority of the parking lots in our sample. Figure 3 illustrates the varying degrees of ADA compliance that we observed in the twenty parking lots we reviewed. We made assessments for compliance based on number of accessible spaces, appropriate signage, and properly positioned access aisles.

Figure 3. Parking Lot Compliance with ADA Standards



Source: Prepared by Auditor.

The City has recognized the deteriorating maintenance of accessible parking spaces throughout the City. In 2014, the Right-of-Way Enforcement (ROWE) Division conducted an assessment of surface parking lots and business parking lots located in the downtown area to determine the number of accessible parking spaces that are maintained in accordance with ADA standards.¹⁵ ROWE's review revealed that more than half of the surface parking lots reviewed were not ADA compliant or enforceable, specifically citing issues related to signage and parking space dimensions.¹⁶ Their study also looked at thirty parking lots associated with a business, which showed

¹⁵ The 2014 ROWE assessment focused on private lots open to the public.

¹⁶ Surface parking lots do not have a business structure associated with the parking lot. The parking lot is the business.

that 80 percent of those lots were not ADA compliant or enforceable because the lots did not have proper signage or, in some cases, did not have any dedicated accessible parking spaces. After two years' time, the deterioration of accessible parking spaces still remains a problem in Denver and demonstrates that there is a substantive gap in ADA compliance.

The City Does Not Have a Strategy for Disability Parking

During the course of the audit, we discovered several factors that have contributed to the insufficiency of monitoring and enforcement of disability parking in City. Specifically, we found that there are gaps in the City's governance structure related to the enforcement of disability parking. In addition, we found that the City does not have a complete inventory of accessible parking spaces to aid with enforcement activities. Another factor is that the volunteer group that primarily enforces disability parking is not optimally positioned or staffed to effectively enforce disability parking. Finally, we discovered that other stakeholder entities do not prioritize the enforcement of lawful disability parking.

According to the Americans with Disabilities Act (ADA), state and local governments as well as businesses are required to provide and maintain accessible parking to allow individuals with a mobility impairment the ability to conduct their daily life activities. In assessing whether Denver is meeting this requirement, we found that some surface parking lots in the City do not comply with ADA standards because some of the accessible parking spaces are not properly maintained and, therefore, compliance is not enforceable. The volunteer enforcement agents from the Disability Parking Enforcement Program (DPEP) and ROWE agents enforce accessible parking based on D.R.M.C. 54-485, which specifies that only those parking spaces that are properly signed in accordance with the ADA are to be enforced. Without a strategy in place for monitoring ongoing maintenance and availability of accessible parking, the City cannot ensure that it is honoring the civil rights of the individuals in the community living with mobility impairments, hindering their ability to conduct daily life activities.

Gaps Exist in City's Governance Structure Related to Disability Parking Enforcement

Although there are procedures in place to review for initial ADA compliance prior to granting approval for new development there appears to be a gap in monitoring for on-going compliance with ADA standards for disability parking. Specifically, there is no City agency primarily responsible for monitoring existing accessible parking spaces to ensure that they are maintained and, by extension, subject to enforcement. To ensure that disability parking is accessible Citywide and in compliance with the ADA, the City should have a strategy in place to identify and maintain accessible parking spaces in an effort to close the compliance gap that exists once the City determines initial ADA compliance.

To mitigate the risk associated with this gap in governance, we recommend that the Agency of Human Rights and Community Partnerships (HRCP) work with other City stakeholder agencies, such as ROWE and CPD, to determine which City agency would be best suited to identify and remediate accessible

Although the City requires ADA compliance for new construction, there is a gap in monitoring for on-going compliance with ADA standards for disability parking.

parking spaces that are not maintained or that are outright eliminated. Because Denver is a home rule city, it has the ability to address matters of local concern by amending the D.R.M.C. to ensure Citywide compliance with federal disability parking standards, so long as changes to the code are not less stringent than state law. Therefore, we also recommend that HRCF work with the City Attorney's Office to codify in the D.R.M.C the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with ADA requirements.

Denver Does Not Have a Complete Inventory of Accessible Parking Spaces

Based on interviews with several departments—Denver Office of Disability Rights (DODR), Public Works, Community Planning and Development (CPD), and Excise and Licenses—that play a role in ADA compliance related to disability parking, we determined that there is no inventory of accessible parking spaces located throughout the City. In the absence of such a list, it will be challenging to effectively monitor those spaces for ADA compliance.

Regarding the existence and need for a comprehensive inventory, we interviewed officials from DODR and found that they recognize the need for an inventory to ensure ADA compliance, but their activities are limited to enforcement; they have no resources for additional tasks such as monitoring the condition and location of accessible parking spaces. We also spoke with officials from ROWE to determine whether they keep an inventory of accessible parking spaces and found that their primary focus is enforcing parking primarily on the right-of-way, not in parking lots. Although they too recognize the value of having an inventory of accessible parking spaces, they do not maintain that type of list either. Finally, we spoke with CPD's Neighborhood Inspection Services team and found that they do not keep a separate list of disability parking spaces or lots during the course of their inspection activities. Additionally, as we learned through these interviews, none of the aforementioned departments' primary responsibilities include creating or maintaining an inventory of accessible parking spaces.

In the absence of an inventory, we found that a partial inventory could be compiled using existing City records. Our interview with Public Works' Transportation and Mobility Division (PWTM) revealed that they have records of all work orders for requested traffic sign installations, which would include installation of accessible parking signs. However, this method has some limitations. First, these work orders only include installations and sign maintenance requests for spaces located on

The Transportation and Mobility Division keeps records of work orders for accessible signage only for the public right-of-way and not for the private property available for public use.

the public right-of-way; they do not capture required installations on private property available for public use, such as at a grocery store or a surface pay parking lot where the majority of deteriorating accessible parking spaces have been observed. Unfortunately, PWTM's current system does not have the capability to run a report of all signs furnished for accessible parking spaces. Using their system to produce a partial inventory list would require manually sifting through work orders.

Best practice in government administration emphasizes the importance of monitoring activities to ensure compliance with requirements. Specifically, the U.S. Government Accountability Office Standards for Internal Control specify that management should establish and operate monitoring activities to oversee an entity's internal control system and evaluate results of those efforts.¹⁷ Since

¹⁷ "Standards for Internal Control in the Federal Government," *United States Government Accountability Office*, Principle 16 – Perform Monitoring Activities, accessed June 14, 2016, <http://www.gao.gov/assets/670/665712.pdf>.

the City is not currently monitoring compliance with ADA requirements for accessible parking, the City cannot know with certainty whether its efforts to ensure the availability of sufficient disability parking spaces are being sustained over the long term.

Similarly, it is difficult to determine whether the City is achieving its accessibility mission. The mission of HRCP is to proactively protect human rights, build capacities, and strengthen connections that results in stronger relationships in the community through collaboration, communication, and advocacy.¹⁸ This includes addressing issues for people with disabilities. In addition to HRCP's mission statement, DODR is the office that coordinates the City's efforts to comply with ADA standards regarding people with disabilities. Without a complete catalog and monitoring of disability parking in the City, it is difficult to accomplish those objectives and to have confidence that business owners are maintaining their disability spaces in accordance with ADA standards.

In order to ensure that compliance is ongoing, DODR must be able to monitor the condition of accessible parking that is not on the public right-of-way as a means to ensuring that Denver provides access to goods and services for those with mobility impairments. Therefore, we recommend that DODR work with ROWE and other stakeholder departments to assemble a comprehensive inventory of accessible parking spaces and locations in order to ensure that the City maintains ADA compliance.

Primary Entity Conducting Disability Parking Enforcement Not Optimally Positioned or Staffed

In addition to not having a strategy for enforcing compliance with accessible parking requirements, we determined that the primary resource for carrying out enforcement activities is not optimally positioned to do so equitably across the entire City. DPEP, through a group of volunteers, performs the majority of enforcement work for the City, but the size of the program and certain administration practices hinder its overall effectiveness.

DPEP's volunteers generously dedicate their personal time for the purpose of preventing unauthorized use of accessible parking spaces throughout the City. They do this through three primary activities:

- Promoting community awareness of disability parking requirements and rights
- Educating the public about Denver laws that prohibit unauthorized use of accessible parking spaces¹⁹
- Augmenting the enforcement efforts of ROWE and the Denver Police Department (DPD) by issuing warnings and citations to violators

Currently, DPEP comprises twenty-one volunteers and a program administrator who supervises the volunteers and provides them with training and guidance. Although the program does result in a significant number of warnings and citations—in fact, more than are issued by either ROWE or DPD—we found that the level of commitment to the program varies among the group of volunteers. Further, the other agencies in the City that could augment DPEP's work do not make disability parking enforcement a priority.

¹⁸ The Agency of Human Rights and Community Partnerships website, <https://www.denvergov.org/content/denvergov/en/human-rights-and-community-partnerships/about-us.html>, accessed June 14, 2016.

¹⁹ Denver Ordinance Section 54-485 – Parking for Persons with Mobility Impairment.

Volunteers' Commitment to the Disability Parking Enforcement Program Varies—At a minimum, DPEP volunteers are required to dedicate one hour per month to serving the needs of the program. This requirement is specified in the Volunteer Agreement that every DPEP volunteer signs prior to commencing work.²⁰ As for how this work is carried out, DPEP is structured such that volunteers have significant latitude with regard to when and how frequently they enforce accessible parking violations. For example, a volunteer may only choose to carry out enforcement activities while running errands, rather than establishing a consistent day and time each week or month to serve the needs of the program.

DPEP management explained that the one hour of enforcement time required should result in meeting an enforcement goal of at least four citations and/or educating individuals each month. However, we found that not all volunteers are meeting their one-hour minimum obligation. The DPEP program administrator reasoned that volunteers cannot be compelled to hold these requirements because of the nature of their voluntary position. As a result, DPEP management simply encourages volunteers to honor the commitment to which they have agreed; volunteers are not held accountable in any formal way to this obligation.

Although we understand the nature of volunteer work and appreciate the conflict that DPEP management is faced when considering whether it is appropriate to require more accountability, the lack of uniform commitment from the volunteers does have an effect on the efficacy of the program. The DPEP administrator reported that at the end of 2015, of the twenty-one volunteers, only eleven had written any citations. According to the DPEP administrator, some volunteers who do not write tickets, focus on educating the public regarding disability parking. Additionally, the level of activity among those eleven active volunteers varied greatly. On the low end, the least active volunteer issued eighteen citations. Conversely, the most active volunteer issued 1,391 citations, which represented 70 percent of all citations issued by DPEP volunteers in 2015. While this is an impressive and commendable feat of volunteerism, it indicates that the program relies too much on the commitment of one person to carry out enforcement and education activities. If this volunteer's commitment ever wanes, the City could potentially see a drastic decrease in education and enforcement of disability parking in the region where the volunteer primarily operates.

In 2015, 70 percent of DPEP's citations were issued by one volunteer

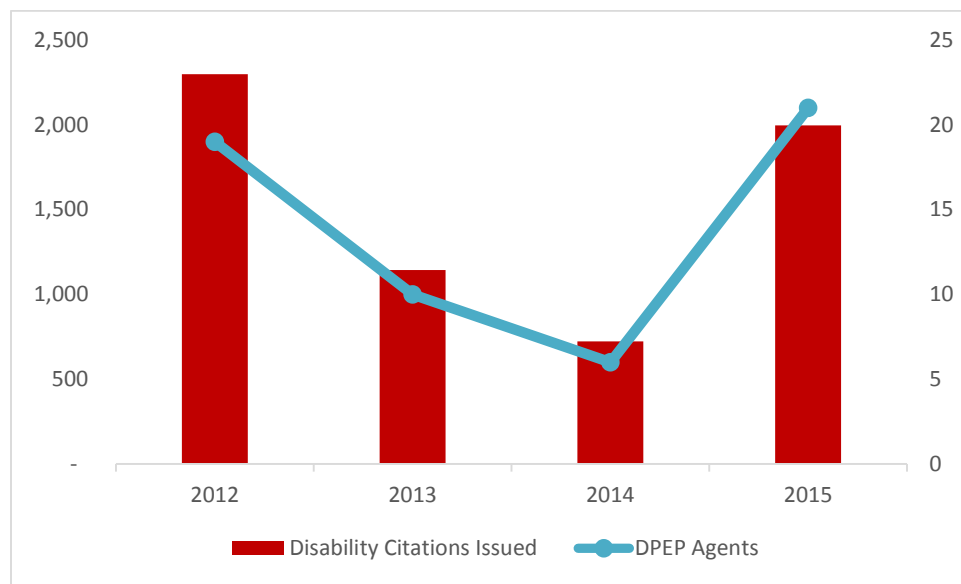
Fluctuation in the Number of DPEP Volunteers Impacts the Number of Citations Issued—In addition to the widely varying activity level of DPEP volunteers, the total number of volunteers has been inconsistent as well. As volunteers enter and leave the program for various reasons, the number of tickets issued varies. Figure 4 shows that in the past four years, the number of DPEP volunteers has fluctuated significantly. Moreover, fluctuation in the number of volunteers is strongly correlated to the number of citations issued for disability parking infractions.²¹ In fact, in 2012 DPEP volunteers issued 2,300 citations, in 2013 this number decreased to 1,145, plunged in 2014 to a low of 723, and increased to nearly 2,000 in 2015. Based on this history, the program is at risk of losing a significant number of volunteers in any given year. As long as the program relies on an unpredictable group

²⁰ See Appendix B for the Volunteer Agreement.

²¹ Correlation coefficient $r = 0.96$. The correlation coefficient (r), ranging from -1 to +1, shows how strongly two variables are related to each other. A correlation greater than 0.8 is described as *strong*.

to perform its activities, the program is at risk of not fulfilling its education and enforcement objectives.

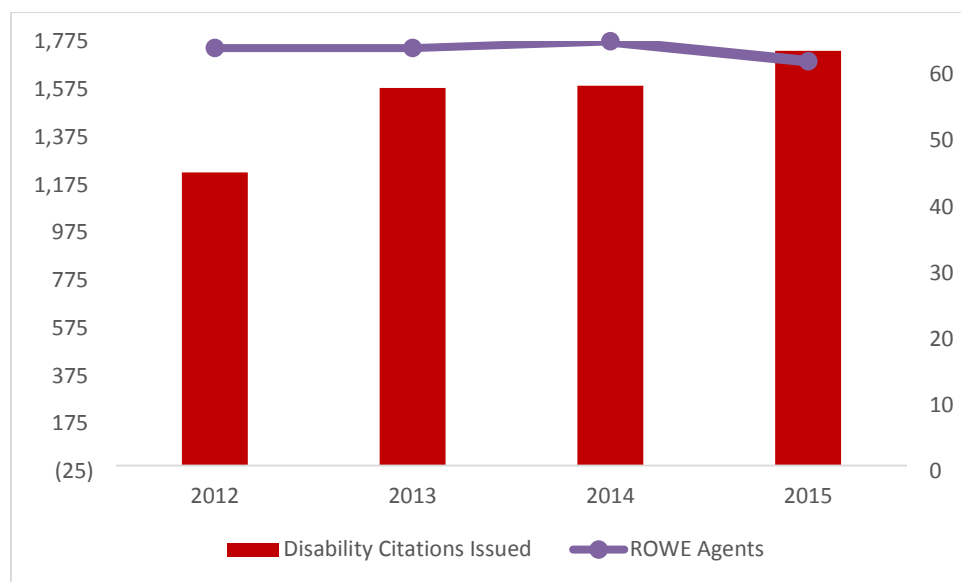
FIGURE 4. Number of DPEP Volunteers and Number of Citations Issued



Source: Denver Office of Disability Rights and Parking Citation Database DataViewer.

To further prove the correlation between the number of enforcers and the number of tickets issued, we compared the number of ROWE agents to their number of citations to show that the stability in number of the ROWE enforcement agents results in a more consistent number of citations over time, as illustrated in Figure 5.

FIGURE 5. Number of ROWE Agents and Number of Citations Issued



Source: Denver Office of Disability Rights

The difference between the administrative approaches of DPEP and ROWE contributes to the difference in program outcomes. Unlike DPEP volunteers, who carry out enforcement activities

depending on their availability and commitment to the program, ROWE agents are assigned specific schedules and patrol beats and are held accountable for their performance in enforcement of parking infractions.²² Despite DPEP's practice of allowing its volunteers to donate their time to enforce mainly at will, during their free time, or while running errands, the program has established through policy a more structured method of enforcement by assigning volunteers to patrol beats, when desired by the volunteer.²³ According to the DPEP Operational Manual, volunteers may patrol a beat assignment any days of the month that are convenient for them. These beat assignments are made available by the Program Administrator. Although this option would help facilitate broader coverage of DPEP enforcement activities, they have not been popular with the volunteers. In 2015, only four volunteers patrolled in assigned beats while the remaining seventeen volunteers enforced in areas that were convenient for them during their free time or while running errands.

One way to encourage more consistent effort across the volunteer group is through active accountability of the expectations agreed to as laid out in the DPEP Volunteer Agreement. However, we found that DPEP management is not communicating clear performance expectations to volunteers. The unpaid nature of volunteerism does not justify reluctance to establish and uphold performance expectations. Any well-managed organization relies on clear direction and accountability to be successful, whether employees are unpaid or compensated. Further, the City has invested and continues to invest resources to run the DPEP program. The City spends time and money to perform background checks on volunteer candidates, carry out DPEP volunteer training, and facilitate authorization of volunteers as Code Enforcement Commissioners. To ensure that DPEP can more effectively carry out its disability parking enforcement objectives, DPEP should require from program volunteers full compliance with all policies, procedures, and performance expectations.

DPEP Enforcement Activity Is Not Geographically Equitable—Section 54-485 of the D.R.M.C. affords volunteers the authority to enforce and issue tickets for disability parking infractions anywhere in the City and more specifically on public property or on private property that is intended for public use.²⁴ To carry out enforcement activity on both property types, ROWE agents primarily enforce disability parking on the public right-of-way and DPEP volunteers enforce only on private property that is intended for public use. This strategy helps achieve the program's goal of augmenting ROWE's enforcement of the public right-of-way; DPEP focuses on areas that ROWE does not enforce.

Although this approach does provide more broad enforcement coverage, we found that DPEP enforcement is concentrated in certain areas within the City rather than being evenly dispersed across the City. DPEP volunteers issue the majority of their citations in specific areas, including the following approximate locations within five of the eleven City Council districts:

- **District 3**—Areas surrounding Denver Health Medical Center, located near the intersection of Speer Boulevard and West 8th Avenue
- **District 4**—Near the intersection of Interstate 25 and Interstate 225

²² As explained on page 6 of the report, ROWE agents address on-street and off-street parking violations, private property parking violations, and other violations of City parking regulations.

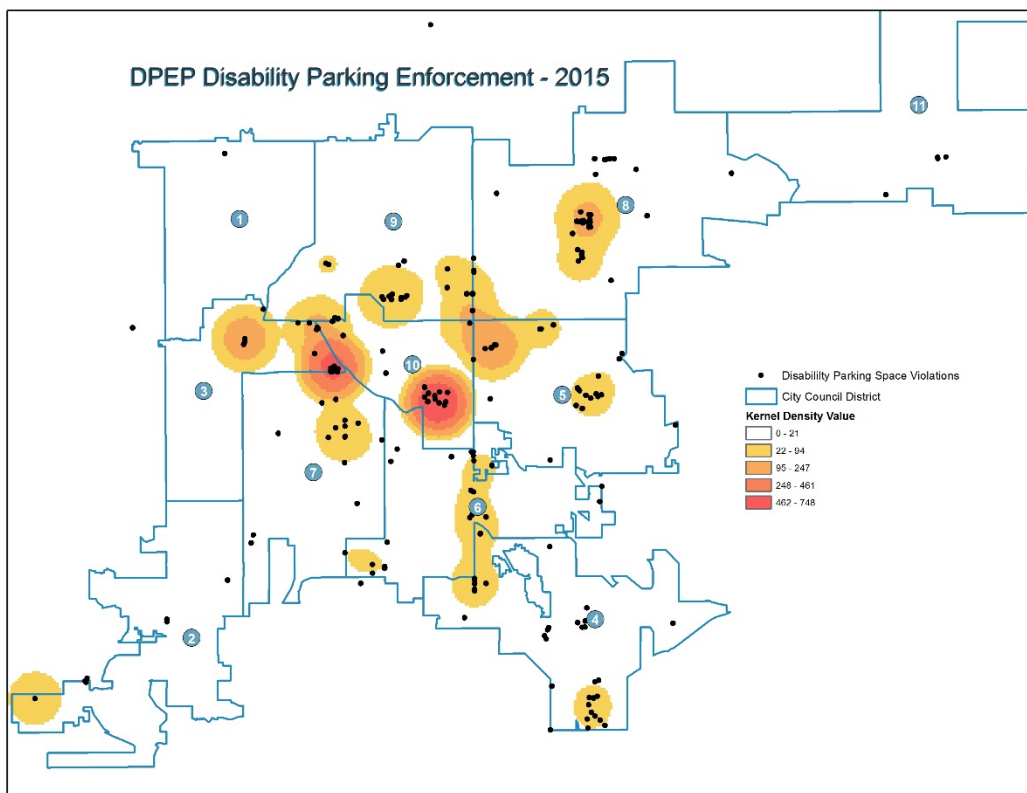
²³ DPEP Training Manual defines *beat* as an assigned enforcement area.

²⁴ Examples of private property that is intended for public use include grocery store parking lots, shopping centers, and business parking lots.

- **District 5**—Near the intersection of Quebec Street and East Lowry Boulevard
- **District 8**—Near the intersection of Quebec Street and East 36th Avenue
- **District 10**—Areas surrounding the Cherry Creek Shopping Center, located near the intersection of University Boulevard and East 1st Avenue

Figure 6 displays a heat map of these locations. The yellow and orange areas represent enforcement concentrations that range from a minimum of 22 citations to a maximum of 748 citations, issued in 2015. While the colored areas reveal hot spots of enforcement activity, the white areas represent minimal enforcement activity. (For a larger version of the heat map, see Appendix C.)

FIGURE 6. Heat Map of DPEP Enforcement (2015)



Source: Geographical Information System.

Note: The GIS staff used the 2015 Disability Parking Enforcement data from DataViewer.

In 2015, DPEP volunteers issued 503 disability parking citations in the area surrounding the Cherry Creek Shopping Center and 381 citations in the area surrounding Denver Health Medical Center. Therefore, 44 percent of the total 1,998 citations issued by DPEP volunteers in 2015 were written in concentrated locations in City Council Districts 3 and 10. Conversely, other areas of the City, including City Council Districts 1 and 2 as well the downtown area, show minimal DPEP-initiated disability parking educational and enforcement efforts. This point is not to discount the potential efficacy of the enforcement efforts that are happening with frequency but rather to highlight the

potential challenge that individuals with disabilities may face trying to find accessible parking in areas of the City that are not being actively enforced.

DODR has recognized this operational gap and, accordingly, has submitted a proposal for a budget expansion request for 2017. The increased budget would be used to enhance the volunteer program by hiring four code enforcement agents to be employed and compensated by the City. These employees would focus solely on disability parking enforcement in private parking lots that are open to the public, thereby providing coverage of all areas of the City, with DPEP volunteers supplementing their efforts.

Disability Parking Enforcement Is Not a Priority for Other City Enforcement Entities

Although DPEP is the code enforcement entity that issues the majority of disability parking tickets throughout the City, both ROWE and DPD can issue these citations as well. However, we found that disability parking enforcement has not been established as a priority for either agency.

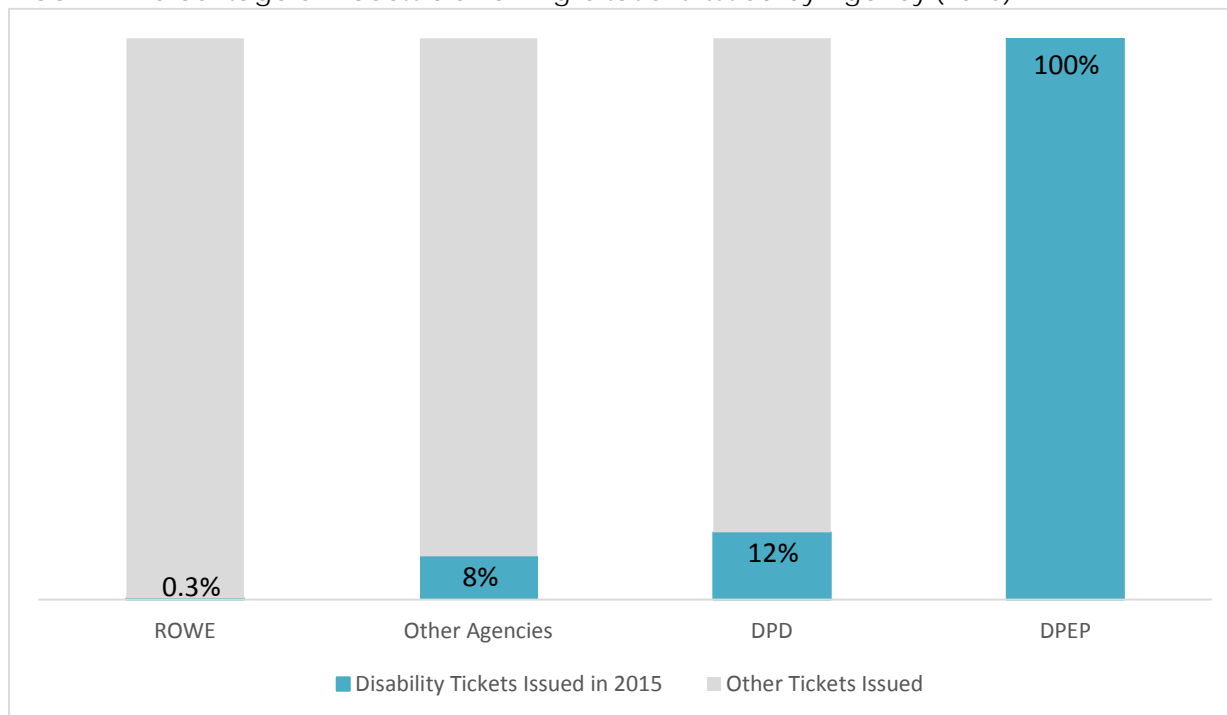
Denver Police Department—DPD’s broad responsibilities, as established in City code, are to “enforce laws and ordinances.”²⁵ With regard to enforcing disability parking specifically, DPD employs two primary methods: through site visits and in response to complaints. For example, according to DPD management, police officers primarily issue disability parking citations when patrolling their assigned precincts for reasons other than to enforce disability parking requirements.²⁶ Additionally, DPD responds to calls from citizens reporting disability parking abuse. However, these types of calls are a low priority for DPD, the work of which typically prioritizes responding to moving violations and high-priority crimes. Nonetheless, in 2015, DPD issued 1,114 disability parking citations, which accounted for 12 percent of their total of parking violations issued.

Public Works’ Right-of-Way Enforcement Division—ROWE agents primarily focus on detecting parking violations that occur on the public right-of-way, such as streets, alleys, sidewalks, and bike paths. Although these areas do include some accessible parking spaces, the majority of accessible parking spaces are located in private parking lots that are intended for public use. ROWE has the authority to patrol private parking lots but, due to the number of infractions occurring in regular spaces on public streets, ROWE agents patrol private parking lots only when the owner requests them to do so. In 2015, ROWE issued 1,735 citations for accessible parking violations, but this number represents only 0.27 percent of all ROWE-issued citations. Figure 7 provides the number and type of citations issued by these three agencies in 2015 in greater detail.

²⁵ DPD’s broad responsibilities are established in D.R.M.C. § 2.6.5. DPD’s responsibilities specific to disability parking are codified in D.R.M.C. § 54-485.

²⁶ DPD has divided the City into Police Districts and patrol precincts.

FIGURE 7. Percentage of Accessible Parking Citations Issued by Agency (2015)



Source: Unaudited Data from the Disability Parking Enforcement Program.

Note: The “Other Agencies” category includes other City entities authorized to issue disability parking citations. These other entities include Park Rangers, Denver Public Schools, the Denver Department of Human Services, the Denver Convention Center Parking Garage expansion, and the Denver Health and Hospital Authority.

The City has chosen to enforce disability parking through a volunteer program, which could be an effective approach given sufficient resources and policies that would evenly distribute enforcement and promote accountability. In the absence of this, however, Denver cannot ensure compliance with the parking-related requirements of the Americans with Disabilities Act. In addition to potentially reducing Denver’s level of overall accessibility, this exposes the City to risk of DOJ investigations initiated by complaints about the unavailability of accessible parking in the City.

To ensure that DPEP volunteers are positioned to provide more comprehensive enforcement coverage throughout the City, we recommend that DODR pursue its goal of expanding its staff with paid employees who will cover the enforcement gaps created by the nature of the volunteer program.

Both ADA and Local Regulations Require Ongoing Provision of Accessible Parking

As noted in the introduction and background section of the report, both Title II and Title III of the ADA prescribe that governments and private businesses have an obligation to maintain their facilities in operable working condition. In addition to Title II and Title III, the 2010 ADA Accessibility Guidelines promulgated by the federal government are design and supply requirements that assist governments and business owners with providing the required number and type of accessible parking spaces in parking lots.

In addition, the City requires ADA compliance related to disability parking through a variety of departments. Many City licenses, permits, and other permissions are contingent upon demonstrating ADA compliance. For example, the Department of Excise and Licenses requires a land owner whose parcel includes a parking lot to demonstrate ADA compliance before being issued a business license. Specifically, D.R.M.C. section 55-279 states that "no license shall be issued until satisfactory proof shall have been made to the director of Excise and Licenses that the parking lot is laid out and constructed and will be maintained in accordance with this Code and the ordinances and regulations of the City." Additionally, CPD requires that all new developments comply with ADA standards, utilizing the inspection process to ensure that disability parking design and supply meet ADA requirements.

City's Accessible Parking Deficiencies Negatively Impact Individuals with Disabilities

The instances we observed of non-complaint accessible parking spaces are primarily due to the City's failure to prioritize monitoring lawful maintenance and use of these spaces after ADA compliance is initially demonstrated. Although DPEP and ROWE have observed deterioration of accessible parking spaces, action to remediate the situation has not taken place, which negatively impacts the mobility impaired community. During the course of our audit work, we spoke with several individuals who are living with disabilities who have been negatively impacted by the state of disability parking in Denver. The following infographic highlights the stories of three of these individuals.

INADEQUATE MONITORING OF ADA-COMPLIANT ACCESSIBLE PARKING

DIRECTLY IMPACTS

PEOPLE WITH DISABILITIES

Accessible parking was established to serve the needs of a wide variety of people, whether it be an aging adult with a temporary cane, a mother whose child uses a wheelchair, or a U.S. military veteran with a permanent disability sustained during active duty. During the course of our audit, we talked to several individuals about how the issue of accessible parking in Denver impacts their lives. While some told us that parking availability and access is the same in Denver as in any other major city, others shared that the struggle to utilize accessible spaces is the biggest issue that they face daily.



EXTRA LAPS AROUND THE BLOCK

We spoke with a gentleman who uses a wheelchair who frequently uses Denver's public transit system. However, when he and his wife decide to take a car, they know from experience that it may take a few laps around the block before they can find a parking space that will allow for his wheelchair to be safely unloaded. As Denver grows, this stakeholder understands that finding accessible parking will prove increasingly challenging over time.

ABUSE OF ACCESSIBLE PARKING IS DEHUMANIZING

Another gentleman described the lack and abuse of accessible parking as "dehumanizing." He regularly drives throughout the City for work and knows that when he visits certain areas in the City, he should give himself plenty of time to find a space—sometimes up to an additional hour. On top of this, he often sees unauthorized vehicles parked in accessible spaces. He has learned over the years to avoid entire areas of Denver because the risk is too high that he will not be able to safely get to his destination, whether it be a restaurant downtown or a favorite coffee shop down the street.



NAVIGATING BUSY STREETS

We also spoke with a resident who is blind who shared his experience of navigating downtown Denver with the help of his wife. He conducts much of his business downtown and relies on his wife to help him navigate the busy streets. If there were more accessible parking options, this task would not be as stressful for him and his wife. They could easily park closer to their destination, rather than in a far-off parking structure, which they often must do.

Everyone we spoke with had different issues with accessible parking, though, all came to the same conclusion that there needs to be greater awareness of accessibility issues through education efforts. Advertisements, signage near accessible parking spaces, and on-the-ground outreach during major sporting events or performing arts events were all mentioned as potential education tactics. Additionally, one gentleman with a disability went a step further and suggested that the City could implement an education campaign in concert with increased enforcement of accessible parking spaces. In the minds of those who we spoke with, this simple act of imparting knowledge and understanding of the issues that affect those with disabilities could change the public's behavior for the better.

Individuals with a mobility impairment have two options for filing a complaint regarding issues with accessible parking. The first line of defense would be to file a complaint with the City. If the City does not adequately remediate the issue, the citizen can file a complaint with the U.S. Department of Justice to investigate the issue as a violation of his or her civil right to accessible parking. As a home rule city, Denver has the ability to make changes to the laws that govern the manner with which the City ensures accessible parking is maintained and provided for the mobility impaired community.

RECOMMENDATIONS

- 1.1 The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights should work with other City stakeholder departments, such as the Right-of-Way Enforcement Division, to determine which City agency would be best suited to identify and remediate accessible parking spaces that are not being maintained in accordance with the Americans with Disabilities Act.

Auditee Response: Agree, Implementation Date - August 2018

The agency agrees with this recommendation. In order to clearly identify tasks and duties, we have operationally defined “maintenance” as (a) violation enforcement and (b) lot compliance. As a result, we will endeavor to fulfill the recommendation in the following manner:

1.1A: The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights will work with Disability Parking Enforcement Program (DPEP), Right-of-Way Enforcement (ROWE) and remaining enforcement agencies to determine which City agency would be best suited to identify parking spaces that are not being maintained to Sections 54-483, 54-484 and 54-485 regarding violation enforcement in accordance with the Americans with Disabilities Act.

1.1B: The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights should work with Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), and Development Services – Neighborhood Inspections and any other relevant stakeholder agencies to determine which City agency would be best suited to identify and remediate accessible parking spaces that are not being maintained to the 2010 ADA Standards of lot compliance in accordance with the Americans with Disabilities Act.

The target date to complete the implementation activities is set at one year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities.

- 1.2 After a course of action is determined regarding how to implement Recommendation 1.1, the Agency for Human Rights and Community Partnerships should work with the City Attorney’s Office to codify in the Denver Revised Municipal Code the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

Auditee Response: Agree, Implementation Date - August 2017

1.2A: After a course of action is determined regarding how to implement Recommendation 1.1A, the Agency for Human Rights and Community Partnerships will work with the City Attorney’s Office, Disability Parking Enforcement Program (DPEP), Right-of-Way Enforcement (ROWE) and remaining enforcement agencies to review, make recommendations for updates, and codify the Denver Revised Municipal Code to include the agency responsible and the method for ensuring that accessible parking

spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

1.2B: After a course of action is determined regarding how to implement Recommendation 1.1B, the Agency for Human Rights and Community Partnerships should work with the City Attorney's Office, Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), Development Services – Neighborhood Inspections and any other relevant stakeholder agencies to review, make recommendations for updates, and codify the Denver Revised Municipal Code to include the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

The target date to complete the implementation activities is set at one year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities.

- 1.3 The Denver Office of Disability Rights should collaborate with the Right-of-Way Enforcement Division and other relevant stakeholder agencies to assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the Americans with Disabilities Act.

Auditee Response: Agree, Implementation Date - August 2018

The Denver Office of Disability Rights should collaborate with the Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), and Development Services – Neighborhood Inspections and any other relevant stakeholder agencies to assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the Americans with Disabilities Act.

The target date to complete the implementation activities is set at two year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities. Additionally, this task will require that the responsible agency establish an electronic database system. This may require funding and training.

- 1.4 Disability Parking Enforcement Program management should hold program volunteers accountable for full compliance with all program policies, procedures, and expectations established for the volunteer role.

Auditee Response: Agree, Implementation Date - December 2016

The Disability Parking Enforcement Program Administrator will hold program volunteers accountable for full compliance with all program policies, procedures, and expectations established for the volunteer role.

The target date to complete the implementation activities is set at 4 months. This will allow for a thorough review of policies and implementation of metrics to adequately capture education and enforcement hours. All updated compliance standards will be in place for the beginning of 2017.

- 1.5 The Denver Office of Disability Rights should pursue its goal of expanding its staff with paid employees who will cover the enforcement gaps created by the nature of the volunteer program.

Auditee Response: Agree, Implementation Date - July 2016

A budget expansion request for 4 FTE Code Enforcement Agents was submitted by Right-of-Way Enforcement (ROWE) in collaboration with the Agency for Human Rights and Community Partnerships (HRCP) in July 2015 for the 2016 budget. This request was denied.

HRCP submitted another budget expansion request for 4 FTE Code Enforcement Agents in July 2016 for the 2017 budget. HRCP is currently awaiting a response and anticipates a final decision between August and October 2016.

In the event that the request is denied for a second time, another request will be submitted by HRCP for the 2018 budget.

APPENDICES

Appendix A – D.R.M.C. Section 54-485 – Parking for Persons with Mobility Impairment

Sec. 54-485. - Parking for persons with mobility impairment.

- (a) Any vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility impairment as prescribed by law, and being used by such person, may be parked in a parking space identified as being reserved for use by the disabled whether on public property or private property available for public use; or in any public parking area along any public street in restricted time limit zones or at parking metered spaces or multi-space sections during hours parking is permitted.
- (b) Any vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility impairment as prescribed by law, and being used by such person, may be parked free of charge in a parking metered space or multi-space section controlled by a parking meter or kiosk during hours that parking is permitted in such parking metered space or multi-space section, for a time period authorized by the parking meter or for four (4) consecutive hours, whichever is greater, regardless of the time period otherwise allowed for parking in the parking metered space or multi-space section controlled by such meter or kiosk. At the end of the authorized time period the vehicle must be moved at least one hundred (100) feet from the parking metered space or multi-space section as required by section 54-420 of this Revised Municipal Code.
- (c) Any vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility impairment as prescribed by law, and being used by such person, may be parked in a public parking space controlled by posted signs during such hours that parking is permitted for the time period authorized by the sign or for four (4) consecutive hours, whichever is greater. At the expiration of the authorized time period the vehicle must be moved at least 100 feet from the parking space as required by section 54-420 of this Revised Municipal Code.
- (d) Such distinguishing license plates or identifying placards shall be properly affixed to the vehicle operated by such person with a mobility impairment. A distinguishing license plate shall be affixed to the vehicle in the manner required by state law. An identifying placard shall be prominently displayed from the rear view mirror inside the vehicle or displayed on the vehicle dashboard in plain view of any police officer or parking control agent looking through the vehicle windshield, and both the identifying placard and the identification number required to be placed upon such placard by state law shall be clearly visible and legible to such officer or agent when viewed from outside of the vehicle through the vehicle windshield.
- (e) It shall be unlawful for persons with mobility impairments to be parked along public streets, or in designated parking spaces on public or private property:

- (1) During such times when all stopping, standing or parking of all vehicles is prohibited;
 - (2) When only special vehicles may be parked;
 - (3) When parking is not allowed during specific periods of the day in order to accommodate heavy traffic;
 - (4) For a period exceeding seventy-two (72) hours as prohibited by section 54-465, parking in excess of seventy-two (72) hours.
- (f) The owner of private property available for public use may install signs prescribed by the city traffic engineer identifying parking spaces designed to specifications of the city traffic engineer and reserved for use by the disabled. Such installation shall be a waiver of any objection the owner may assert concerning enforcement of this section by such police officers, and such officers are hereby authorized and empowered to enforce this section of the Code.
- (g) It shall be unlawful for any person who does not have a mobility impairment to exercise the parking privilege defined in this section.
- (h) It shall be unlawful for any vehicle without distinguishing license plates or an identifying placard obtained by a person with a mobility impairment as prescribed by law to be parked in a parking space identified as being reserved for use by the disabled.
- (i) It shall be unlawful for any vehicle to park in any area designated for loading and unloading of a vehicle designed for the mobility impaired by pavement markings such as cross-hatching or by other indication. These areas are access aisles and parking by any vehicle is prohibited at all times.
- (Code 1950, § 520.2; Ord. No. 62-87, § 2, 2-2-87; Ord. No. 535-98, § 1, 8-3-98; Ord. No. 1052-02, § 1, 12-16-02; Ord. No. 73-09, § 1, 2-2-09)

Appendix B – Disability Parking Enforcement Program – Volunteer Agreement



VOLUNTEER AGREEMENT

Volunteering with the Disability Parking Enforcement Program requires each volunteer be aware of their duties and responsibilities. Furthermore, each volunteer Code Enforcement Commissioner signifies understanding of these policies, regulations and procedures in the signing of this agreement. I, _____, have chosen to be a volunteer with the Disability Parking Enforcement Program (DPEP). I accept responsibility for my own actions while acting in a volunteer Code Enforcement Commissioner capacity and the possible consequences of those actions. I will not act in any way that unnecessarily jeopardizes my personal safety or the safety of others.

I agree in the performance of duties as a volunteer Code Enforcement Commissioner:

1. I WILL conduct myself in a professional and ethical manner at all times.
2. I WILL treat all individuals with civility, honesty and respect.
3. I WILL tactfully and accurately give and receive information.
4. I WILL keep personal safety and the safety of others as my first concern.
5. I WILL remain calm and retreat if threatened and once in a safe place I will contact the Program Administrator.
6. I WILL contact 911 when necessary.
7. I WILL contact the Program Administrator when necessary to advise them of any negative contact with the public that may need additional follow up. Office phone; 720.913-4882, Mobile phone; 303.704.9159.
8. I WILL be properly licensed with a Colorado driver's license and insured to operate a motor vehicle and abide by all traffic laws.
9. I WILL properly display my official Code Enforcement Commissioner badge on the DPEP lanyard, outside of any garment, to be seen and identify myself when enforcing the Denver Ordinance Sec. 54-485. *Parking for persons with mobility impairment.*
10. I WILL contact the Program Administrator if I am contacted by the Police for any of my actions from criminal to traffic activity.
11. I WILL obey all parking laws in the City of Denver and not have any outstanding parking fines.
12. I WILL make every effort to complete citations in a complete and accurate manner.
13. I WILL make every effort to complete a detailed mileage log or activity log each month and submit mileage per DPEP guidelines.
14. I WILL use my assigned badge number and initials only when signing a citation.
15. I WILL appear in court when subpoenaed and be prepared to testify.
16. I WILL contact ROWE dispatch to make them aware of my activity, if I am performing DPEP enforcement duties after 10:00pm.
17. I WILL observe established timelines for submitting citations, mileage log or activity log and report of volunteer hours.
18. I WILL attend refresher training as requested.
19. I WILL seek guidance for the Program Administrator when uncertain of DPEP guidelines and enforcement of Denver Ordinance Sec. 54-485. *Parking for persons with mobility impairment.*



VOLUNTEER AGREEMENT

20. I WILL demonstrate cooperation, encouragement, and open communications in an effort to make interactions professional with all involved the DPEP program.
21. I WILL donate at the minimum one (2) hour per month towards the Disability Parking Enforcement Program every month, and this would include meeting an enforcement goal of at least four (4) citations and/or educating individuals each month. I will participate in Special Enforcement Activities.
22. DO REMEMBER that the Denver city government is an operation intended to provide important services and regulations for the good of the public, and we must live up to high expectations placed on us.

I further agree in the performance of duties as a volunteer Code Enforcement Commissioner in the DPEP program:

1. I WILL NOT represent myself as a sworn law enforcement officer.
2. I WILL NOT use my position as a volunteer in the DPEP to attempt to inappropriately influence anyone in any matter.
3. I WILL NOT carry weapons of any type.
4. I WILL NOT attempt to detain any individual or any vehicle under any circumstances.
5. I WILL NOT initiate or engage in any physical or verbal confrontation under any circumstances.
6. I WILL NOT swear or use foul language while communicating to individuals.
7. I WILL NOT be under the influence of alcohol or drugs (including prescription medications) impairing my ability to perform volunteer duties.
8. I WILL NOT sign my full name on citations I write.
9. I WILL NOT wear any articles of clothing that resembles a law enforcement uniform or badge. (Exception: badge issued to you by the Program Administrator for the DPEP program. Volunteer may wear a uniform/badge if employed as a private security, however, uniform/badge may not be worn when enforcing handicap parking laws at times other than when *actually* clocked-in for work)

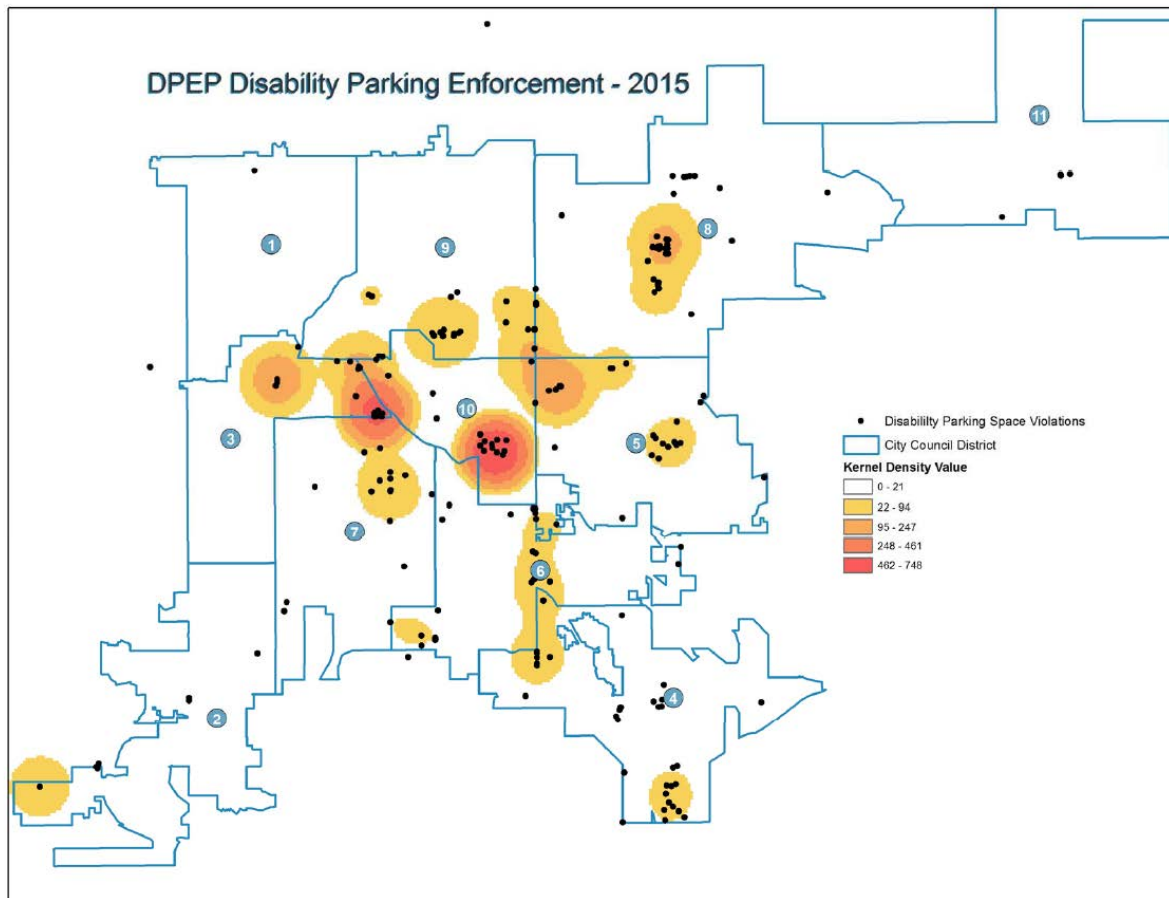
I understand failure to abide by these policies may result in my dismissal as a volunteer with the Disability Parking Enforcement Program (DPEP).

Agreed to this _____ day of _____, _____
(Date) (Month) (Year)

(Signature of Disability Parking Enforcement Program (DPEP) Volunteer)

We appreciate your volunteer support to make a positive difference in this great city of Denver.

Appendix C – Disability Parking Enforcement Program – Volunteer Enforcement Heat Map



AGENCY RESPONSE



August 4, 2016

Auditor Timothy M. O'Brien, CPA
Office of the Auditor
City and County of Denver
201 West Colfax Avenue, Dept. 705
Denver, Colorado 80202

Dear Mr. O'Brien,

The Office of the Auditor has conducted an audit of the Disability Parking Enforcement Program.

This memorandum provides a written response for each reportable condition noted in the Auditor's Report final draft that was sent to us on July 18, 2016. This response complies with Section 20-276 (c) of the Denver Revised Municipal Code (D.R.M.C.).

RECOMMENDATION 1.1

The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights should work with other City stakeholder departments, such as the Right-of-Way Enforcement Division, to determine which City agency would be best suited to identify and remediate accessible parking spaces that are not being maintained in accordance with the Americans with Disabilities Act.

Agree or Disagree with Recommendation	Target date to complete implementation activities (Generally expected within 60 to 90 days)	Name and phone number of specific point of contact for implementation
Agree	August 2017	Debra Gomez, DPEP Administrator (720) 913-8482

Narrative for Recommendation 1.1

The agency agrees with this recommendation. In order to clearly identify tasks and duties, we have operationally defined "maintenance" as (a) violation enforcement and (b) lot compliance. As a result, we will endeavor to fulfill the recommendation in the following manner:





1.1A: The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights will work with Disability Parking Enforcement Program (DPEP), Right-of-Way Enforcement (ROWE) and remaining enforcement agencies to determine which City agency would be best suited to identify parking spaces that are not being maintained to Sections 54-483, 54-484 and 54-485 regarding violation enforcement in accordance with the Americans with Disabilities Act.

1.1B: The Agency for Human Rights and Community Partnerships and the Denver Office of Disability Rights should work with Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), and Development Services - Neighborhood Inspections and any other relevant stakeholder agencies to determine which City agency would be best suited to identify and remediate accessible parking spaces that are not being maintained to the 2010 ADA Standards of lot compliance in accordance with the Americans with Disabilities Act.

The target date to complete the implementation activities is set at one year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities.

RECOMMENDATION 1.2

After a course of action is determined regarding how to implement Recommendation 1.1, the Agency for Human Rights and Community Partnerships should work with the City Attorney's Office to codify in the Denver Revised Municipal Code the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

Agree or Disagree with Recommendation	Target date to complete implementation activities (Generally expected within 60 to 90 days)	Name and phone number of specific point of contact for implementation
Agree	August 2017	Debra Gomez, DPEP Administrator (720) 913-8482





Narrative for Recommendation 1.2

1.2A: After a course of action is determined regarding how to implement Recommendation 1.1A, the Agency for Human Rights and Community Partnerships will work with the City Attorney's Office, Disability Parking Enforcement Program (DPEP), Right-of-Way Enforcement (ROWE) and remaining enforcement agencies to review, make recommendations for updates, and codify the Denver Revised Municipal Code to include the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

1.2B: After a course of action is determined regarding how to implement Recommendation 1.1B, the Agency for Human Rights and Community Partnerships should work with the City Attorney's Office, Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), Development Services - Neighborhood Inspections and any other relevant stakeholder agencies to review, make recommendations for updates, and codify the Denver Revised Municipal Code to include the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the Americans with Disabilities Act.

The target date to complete the implementation activities is set at one year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities.

RECOMMENDATION 1.3

The Denver Office of Disability Rights should collaborate with the Right-of-Way Enforcement Division and other relevant stakeholder agencies to assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the Americans with Disabilities Act.

Agree or Disagree with Recommendation	Target date to complete implementation activities (Generally expected within 60 to 90 days)	Name and phone number of specific point of contact for implementation
Agree	August 2018	Debra Gomez, DPEP Administrator (720) 913-8482





Narrative for Recommendation 1.3

The Denver Office of Disability Rights should collaborate with the Public Works Transportation and Mobility (PWTM), Excise and Licenses, Development Services - Zoning, Community Planning and Development (CPD), and Development Services - Neighborhood Inspections and any other relevant stakeholder agencies to assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the Americans with Disabilities Act.

The target date to complete the implementation activities is set at two year as there are multiple stakeholders that will need to be involved in this collaborative process. The Office of Disability Rights will be coordinating and supporting all of these efforts while continuing to realize existing work responsibilities. Additionally, this task will require that the responsible agency establish an electronic database system. This may require funding and training.

RECOMMENDATION 1.4

Disability Parking Enforcement Program management should hold program volunteers accountable for full compliance with all program policies, procedures, and expectations established for the volunteer role.

Agree or Disagree with Recommendation	Target date to complete implementation activities (Generally expected within 60 to 90 days)	Name and phone number of specific point of contact for implementation
Agree	December 2016	Debra Gomez, DPEP Administrator (720) 913-8482

Narrative for Recommendation 1.4

The Disability Parking Enforcement Program Administrator will hold program volunteers accountable for full compliance with all program policies, procedures, and expectations established for the volunteer role.

The target date to complete the implementation activities is set at 4 months. This will allow for a thorough review of policies and implementation of metrics to adequately capture education and enforcement hours. All updated compliance standards will be in place for the beginning of 2017.





DENVER
THE MILE HIGH CITY

RECOMMENDATION 1.5

The Denver Office of Disability Rights should pursue its goal of expanding its staff with paid employees who will cover the enforcement gaps created by the nature of the volunteer program.

Agree or Disagree with Recommendation	Target date to complete implementation activities (Generally expected within 60 to 90 days)	Name and phone number of specific point of contact for implementation
Agree	July 2016	Derek Okubo, HRCP Executive Director (720) 913-8454 Debra Gomez, DPEP Administrator (720) 913-8482

Narrative for Recommendation 1.5

A budget expansion request for 4 FTE Code Enforcement Agents was submitted by Right-of-Way Enforcement (ROWE) in collaboration with the Agency for Human Rights and Community Partnerships (HRCP) in July 2015 for the 2016 budget. This request was denied.

HRCP submitted another budget expansion request for 4 FTE Code Enforcement Agents in July 2016 for the 2017 budget. HRCP is currently awaiting a response and anticipates a final decision between August and October 2016.

In the event that the request is denied for a second time, another request will be submitted by HRCP for the 2018 budget.

Please contact Derek Okubo (720.913.8454), Aisha Rousseau (720.913.8485), or Debra Gomez (720.913.8482) with any questions.

Sincerely,

Derek Okubo
Executive Director

cc: Kip R. Memmott, MA, CGAP, CRMA, Director of Audit Services

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for City Services
Denver gets it done!