NEW VISION, BRIGHTER FUTURE
The Denver Sheriff Department
Transforming the Leadership, Operations and Culture of the Department
ABOUT HILLARD HEINTZE
Hillard Heintze is one of this nation’s leading privately held strategic advisory firms specializing in independent ethics, integrity and oversight services – with a special focus on federal, state and local law enforcement agencies including police departments, sheriff departments and internal affairs bureaus. The firm provides the strategic thought leadership, trusted counsel and implementation services that help leading government agencies and institutions, corporations, law firms and major public service organizations target and achieve strategic and transformational levels of excellence in law enforcement, security and investigations. Headquartered in Chicago, Hillard Heintze also has operations in Washington D.C., Atlanta, Miami, Virginia Beach, Dallas and San Jose, as well as operating capabilities across North and South America, Europe, the Middle East, Africa, Russia and Asia. For more information, visit www.hillardheintze.com.

ABOUT OIR GROUP
OIR Group provides specialized consulting services to communities and law enforcement agencies on critical incident review and analysis, policy and practice reform, and training initiatives. The firm approaches each project from an independent, experienced perspective, understanding that organizational problems require solutions tailored to the individual needs of the law enforcement agency and the community it serves. OIR Group works with communities, municipalities and law enforcement agencies committed to improving the professionalism of police services and internal investigations. For more information, visit oirgroup.com
May 21, 2015

Mayor Michael B. Hancock  
City of Denver  
1437 Bannock Street  
Denver, Colorado 80202

Ms. Stephanie Y. O’Malley  
Executive Director of Safety  
1437 Bannock Street  
Denver, Colorado 80202

Dear Mayor Hancock and Executive Director O’Malley:

We are pleased to inform you that the Hillard Heintze team has completed its independent assessment of the Denver Sheriff Department (DSD). Conducted over 123 days from October 29, 2014 to February 28, 2015, our evaluation resulted in 14 key findings and 277 recommendations. Our report also includes the OIR Group’s evaluation on use of force and complaint investigation practices. As you directed us to do, we have conducted this engagement not merely as a targeted study of several areas known to be currently challenging the Department, but as a sweeping and far-reaching examination of the changes and improvements necessary to help the Department gain recognition as one of the most progressive and respected corrections agencies in the country.

Hillard Heintze’s first and principal finding is that the City and County of Denver need to bring immediate, extensive and sustained reforms to almost every area of the Denver Sheriff Department's operations in order to align DSD with national best practices in corrections, prevent incidents that result in court-ordered fines and penalties, and begin to regain public trust. The most important areas requiring reform include (1) leadership and supervision at all levels of the Department, (2) the development and execution of a Strategic Plan that guides the implementation of recommendations in this report; and (3) fundamental improvements to use of force practices and policies, internal affairs, staffing and jail management operations.

City and community leaders have shown great courage to date in precipitating the first steps toward change, and if the City remains vigilant and focused on reform, then we are very optimistic about the future of the Department. If strong leadership and clear strategic direction are established, these recommendations can be implemented within 12 months.

While reform can be difficult, three factors underlie our high expectations and belief in this Department's potential. One is the openness we encountered among so many members of the Department at every level - their willingness to share information and their positive commitment to change. Second is the community's active engagement in this process of change. And the third is simply that success is infectious. When measurable results begin to emerge, many more constituents lend their weight to the process. And with time, these changes become transformational.

Sincerely,

HILLARD HEINTZE LLC

Arnette F. Heintze  
Chief Executive Officer
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EXECUTIVE SUMMARY
As evidence of DSD’s challenges has mounted – and in marked contrast to the choices made in many other cities across the nation – Denver’s leaders have accepted responsibility; commissioned an open, transparent approach to change; and followed through, to date, on a sustained commitment to reform.

STRATEGIC CONTEXT: RECENT LAWSUITS, MEDIA SCRUTINY AND CALLS FOR REFORM

Recently, a series of incidents has focused intensifying media coverage and public scrutiny on the Denver Sheriff Department and how it manages its jails. This wave of attention has helped fuel a crisis of confidence in the Department on the part of Denver’s elected officials and the public itself. These matters include two high-profile improper use of force lawsuits that resulted in significant legal settlements in 2014, including a $3.25 million judgment in August to settle a jail beating incident, followed by a $6 million legal settlement in December for a jail death incident.

OPERATIONAL RED FLAGS: ADDITIONAL ISSUES HAVE SURFACED

At the same time, the Denver community, as well as the Mayor, City Council and Department of Safety, have encountered other signs that DSD is not properly serving its constituents, nor operating within legal or constitutional mandates. These include, for example, the fact that the new Downtown Detention Center (DDC) did not deliver on reduced staffing needs as promised to Denver voters, who in 2005 approved the bond measure to build the DDC; overtime costs that surged to $4.9 million in the first eight months of 2014; DSD practices found to be at odds with protocols recognized as best practices for Taser usage in correctional facilities; the conviction of a former second-in-command at DSD for feloniously filing a false tax return and misdemeanor theft; and claims by the Denver City Auditor that DSD failed to cooperate during an audit.

FORUMS AND TASK FORCES: FIRST STEPS TOWARD CHANGE

In April 2014, then-Sheriff Gary Wilson established a group of task forces with the community’s participation to examine the well-being of the staff, discipline, policies and procedures, and training. Mayor Hancock and other elected officials continued the task forces after Wilson stepped down as Sheriff. These groups submitted a report in October 2014 with recommendations on key changes the Department needed to make. These inputs helped inform the Phase One Status Report of the Denver Sheriff Department’s Reform Effort, which was published on October 31, 2014. On December 3, 2014, the Colorado Latino Forum released its own set of recommendations for the Department and on March 19, 2015, the City Auditor published a report seeking change as quickly as possible.
ASSIGNMENT: THE CITY AND COUNTY OF DENVER ENGAGES INDEPENDENT EXPERTS

In September 2014, Denver officials proceeded with Phase Two of the reform effort and initiated a search for independent experts who could advise the city on how to address the challenges within DSD in the most effective and efficient manner. After conducting a competitive bidding process, the City and County of Denver tapped Hillard Heintze to conduct a comprehensive, independent, top-to-bottom review of the Denver Sheriff Department, including an in-depth review of the Internal Affairs Bureau and Civil Liabilities Unit to be conducted by the OIR Group.
SCOPE OF ASSESSMENT: 12 KEY AREAS OF FOCUS

This assessment focused primarily on the following areas of the Denver Sheriff Department: policies, operations and practices; leadership, supervision and strategic planning; organizational structure; use of force; internal affairs; jail management; staffing; training; human resources; technology; emergency preparedness; and community engagement.

HIGHLIGHTS: 14 KEY FINDINGS AND OBSERVATIONS

Based on this intensive assessment and examination, Hillard Heintze has drawn 14 key findings, including two derived from OIR Group’s analysis. These range from the absence of strong leadership at all levels of the organization and the need for a strong, three-to-five year Strategic Plan to address vulnerabilities in the Department’s organizational alignment to areas in need of improvement such as use of force, jail management, training and staffing.

SUMMARY: RECOMMENDATIONS AND NEXT STEPS

In addition to the key findings, this report includes 277 recommendations organized in accordance with each of the special focus areas. Collectively, these key findings and recommendations represent a highly actionable operational and organizational roadmap that will guide the City and County of Denver, the staff leading immediate reforms and the individual it selects to serve as the new Sheriff in realigning the Department with national best practices in law enforcement, corrections and jail management.
INTRODUCTION
ACTIONS TAKEN: HOW WE CONDUCTED THE ASSESSMENT

Over the course of this engagement, the Hillard Heintze assessment team:

1. Gathered data, information and research on all facets of departmental operations such as department policies and procedures, organizational charts, general orders, Internal Affairs Bureau and Civil Liabilities Unit manuals, training materials and records, and inmate handbooks.

2. Conducted the Kick-Off Meeting on October 27, 2014 in Denver with Mayor Michael Hancock and other city officials and key points of contact.

3. Undertook six, multi-day, on-site visits between November 17, 2014 and February 28, 2015 – observing DSD operations, conducting field research, meeting with members of the community and attending Denver Sheriff Department Reform Executive Steering Committee meetings.
4. Expanded the scope of the examination, at the request of the Executive Director of Safety, to include a formal staffing analysis.

5. Carried out an extensive analysis and examination of all information, insights and statistics, and gathered and compared these to national best practices in policing, public safety and corrections administration nationwide.

6. Identified key findings and recommendations that will significantly advance the efforts of the City and County of Denver and the Denver Sheriff Department to initiate key reforms within DSD immediately and over time.

7. Discussed our analysis, findings and recommendations with leaders from the City and County of Denver and DSD.
ASSESSORS: THE EXPERTS ON THE ASSESSMENT TEAM

The Hillard Heintze assessment team included nationally recognized subject-matter experts in law enforcement and corrections agency best practices in the following critical and relevant domains:

• Community-oriented policing and collaborative reform
• Constitutional patterns and practices and the protection of civil rights
• Cultural transformation and change management in law enforcement and corrections
• Strategic planning, mission alignment and execution;
• Use of force policies and practices
• Internal affairs
• Training and supervision
• Staffing analysis for police departments and correctional facilities
• Jail management and program improvement
• Community relations
• Collaboration and transparency
• Governance, ethics and integrity in public policing and corrections environments

STAKEHOLDER COLLABORATION: SUPPORT FROM DSD PERSONNEL AND THE COMMUNITY

If this report’s findings and recommendations help DSD transform the leadership, culture and operations that drive its jail management practices, then credit should first be given to the many individuals – including Denver’s leaders, DSD personnel from command staff to deputies and professional staff, and the courageous and outspoken members of the Denver community.

The vast majority of individuals we interviewed and relied upon for information spoke freely, shared their concerns constructively and, from both inside and outside of the Department, demonstrated a genuine level of concern about DSD and a positive commitment to helping transform the agency in the months and years ahead.
FINDING #1: REFORMS NEEDED ACROSS DSD’S OPERATIONS

Hillard Heintze’s first and principal finding is that the City and County of Denver need to bring immediate, extensive and sustained reforms to almost every area of the Denver Sheriff Department’s operations in order to align DSD with national best practices in corrections, prevent incidents that result in court-ordered fines and penalties, and begin to regain public trust.

Critical areas requiring significant changes and improvements include leadership, supervision and strategic planning; organizational structure; use of force; internal affairs; jail management; staffing; training; human resources; technology; emergency preparedness; and community engagement.
FINDING #2: A FEW AREAS OF STRENGTH

DSD’s 976 employees, who collectively represent a potentially strong and effective workforce if they are provided with improved leadership, direction, feedback and support, are a key area of strength. Other areas include program innovation in select arenas, a new commitment to expanding openness and transparency with the media and public, and a new state-of-the-art jail facility.

Innovative Programs
Some DSD supervisors and command staff deputies have taken steps to implement innovative programs and policy changes recognized as best practices throughout the country. A recent example is DSD’s collaboration with community stakeholders to create a new intake policy for incoming transgender inmates.

Commitment to Greater Openness and Transparency
The Department has recently placed a greater emphasis on effectively communicating with the media and public with the hire of a full-time civilian Media Relations Officer.

Facilities
For all of the challenges DSD has faced due to the way it initially chose to staff and operate the new DDC, it should not be overlooked that Denver has created a state-of-the-art jail facility. As DSD works to tailor its staffing and operational procedures to the operational design of the DDC, it may well be able to leverage some of the advantages that come from the building’s design.
FINDING #3: ADDRESSING THE LEADERSHIP DEFICIT WILL PROVE TRANSFORMATIONAL

The single, greatest opportunity to address the Department’s many challenges is the vital need to improve leadership – not just the recruitment, vetting and employment of a new sheriff, but also addressing the leadership issues throughout DSD’s chain of command that require much stronger communication with all internal and external stakeholders.

The Leadership Vacuum

Over the last ten years, seven individuals have served as the head of Denver’s Department of Safety. In addition, the most recent Sheriff stepped down in 2014, and the current one is serving in an acting capacity. Nothing concerning DSD right now is more important for Denver than engaging strong leaders with change management skills and extensive knowledge of how to effectively, efficiently and professionally run corrections facilities in close collaboration with the Executive Director of Safety.

Negative Perceptions

Among the themes that emerged frequently in interviews with employees and other stakeholders were perceptions that (1) the heads of the Department of Safety have historically micromanaged DSD operations, (2) the Sheriff is not serving, in effect, as the true leader of DSD, and (3) decisions are based more on political priorities than sound law enforcement and correction management principles. These concerns commonly and naturally emerge in the absence of leadership and transparency, with varying levels of validity. Nonetheless, we have observed capable leadership from the Executive Director of Safety and believe that, once competent DSD leadership is in place, along with evidence that reform is actually under way, growing confidence in DSD – on the part of the Mayor and Executive Director of Safety, as well as employees and other stakeholders – will begin to shift the focus from criticism to support.
Supervisory Accountability
DSD supervisors, in general, need to place a much higher priority on supervising employees and holding them accountable for their duties. They can do so, for example, by spending less time on administrative tasks and more on direct supervision, oversight and mentoring of their direct reports. Many deputies indicated they did not have regular contact with their supervisors during their shifts, particularly those responsible for completing their regular appraisals. At the same time, DSD can reduce its difficulties in holding supervisors accountable for failures to implement proper policies and procedures by improving training on policy implementation and communication. Just as management needs to hold supervisors accountable, supervisors must do the same for all DSD employees. DSD must require accountability at every level of the agency.

Cultural Change
There are promising signs that a culture change is in progress within DSD. We learned during on-site interviews that the culture of the DDC and Denver County Jail (DCJ) – specifically deputy interaction with inmates – changed dramatically when cameras were installed at both facilities several years ago. While cameras do not change the culture – culture change is something that must take place within the deputies themselves – the marked improvement in the resulting deputy-to-inmate relationships seems to have become the new standard. More work, however, needs to be done. For any reform effort to be successful, command staff must support DSD’s vision on a daily basis. Unfortunately, we learned that some are still supporting the notion popular among some deputies that “it’s us vs. the executive staff.”

Communication
We identified several examples where supervisors and command deputies could have done a better job of communicating important Department-wide issues. This has led to the failure of some sincere efforts to implement positive policy changes and programs due to DSD’s staff’s lack of understanding of the changes. Actions to address issues of concern to the rank and file need to be communicated more formally up and down the chain of command, as do the reasons for designing and implementing new policies and procedures that reflect best practices for progressive law enforcement and corrections agencies.

Training in Leadership and Supervision Skills
DSD must strive to improve the leadership and supervision training to newly promoted supervisors and command deputies, which is particularly important as DSD confronts a number of operational issues. Some of these have become major public issues that have prompted serious community concerns and contributed to low morale within the Department.
FINDING #4: DSD HAS A STRATEGIC PLAN – BUT IT NEEDS TO BE COMPLETELY REWRITTEN

In order to provide the City and County of Denver, DSD and the Sheriff with a clear and actionable roadmap through the key facets of reform and beyond, DSD’s Strategic Plan needs to be fully rewritten to address the key findings and recommendations in this report. This Plan must be actionable, measurable and structured as the blueprint for reform that will define and drive accountability for every employee.

FINDING #5: ORGANIZATIONAL ALIGNMENT CAN BE IMPROVED IN MANY AREAS

DSD should remain a stand-alone entity. With new leadership and a Strategic Plan, many of the symptoms of dysfunction will fade away and professional behavior will begin to emerge. The antidote is not a merger or major restructuring of the Department; it is strong leadership, accountability and operational reform. But the Department’s approach to several other important organizational areas needs attention.

Major Structural Reform

These avenues are unnecessary. They include options that have been widely discussed recently such as whether DSD should be (1) transformed into a Department of Corrections, with the deputies becoming correctional officers, or (2) merged with the Denver Police Department (DPD), with DPD’s Chief of Police becoming the chief executive officer of both DPD and DSD. While it is tempting to shift problems to a competent and proven leader, transitioning DSD under another department head like the Denver Police Chief adds tremendous complexity to an already challenging position that could seriously undermine the performance of both agencies.
Lines of Authority and Spans of Control
Currently, DSD management staff is comprised of one sheriff, four chiefs and four majors. In fact, eleven people report directly to the Sheriff. This represents too many subordinates answering directly to someone in charge of a paramilitary agency as large as DSD. Furthermore, captains and majors subordinate to deputy chiefs report directly to the Sheriff, in circumvention of the appropriate chain of command.

Budget Overruns and Overtime
Every year, DSD overspends its budget. The primary cause of overspending is overtime costs associated principally with staffing the recently constructed DDC facility that has a physical design which requires a higher number of deputies to have more direct contact with inmates than did the older county jail facility. A large portion of this overtime can be reduced by addressing DSD’s dysfunctional scheduling process.

Corrections Officer Role
DSD is not afforded the same training, certification, law enforcement authority and compensation as the Denver Police Department. This state of affairs has contributed to low morale among deputies for many years. DSD employees’ roles must be clearly defined as a corrections officer with proper training, certification, authority and compensation brought in line with that role.

Policies and Procedures
No single policy and procedures unit exists within the Research and Development (R&D) Unit. Instead, deputies are pulled from various parts of the organization to write post orders and facility policies and procedures. They report to different command staff members instead of to the Sheriff or his main assistant through the R&D Unit. This creates a lack of consistency and timeliness in developing DSD policies and procedures that meet the highest levels of professionalism.

Functional Fragmentation
Many DSD units work in silos and would significantly benefit from a broader and deeper understanding of each other’s work assignments.

Unnecessary Operations
There are other activities and operations – such as the experimental aquaponics program and the Vehicle Impound Facility – that may not be fiscally efficient or practical given the scope of DSD’s mission statement and the limited resources of the Department.
FINDING #6: USE OF FORCE REQUIRES CHANGES RANGING FROM CULTURE TO TRAINING

DSD needs to change its culture regarding the use of force by emphasizing in its policy, training, and overall Department orientation the principle that not all legally justifiable force is necessary or appropriate, and that force should be avoided when de-escalation tactics make that possible.

Investigations
DSD needs to dramatically alter the way it investigates and reviews force incidents that are not referred to the Internal Affairs Bureau.

Policies
DSD’s policies governing the use of force need to be amended to more precisely define important terms, to give greater guidance to deputies regarding the Department’s expectations, and to better demonstrate the Department’s philosophy and values.

Training
DSD needs to work toward providing more ongoing, regular training on force tactics and other skills most relevant to deputies in a jail setting, to involve more deputies in Critical Incident Training (CIT) and to ensure that deputies’ demonstrated skills are factored into their job assignments.

Data Collection and Analysis
DSD needs to find better ways to collect reliable data and to use that data to analyze and audit uses of force and other issues.

Video
DSD could make better use of its valuable video evidence in the investigation and review of force incidents as well as in training scenarios.
FINDING #7: INTERNAL AFFAIRS HAS MADE PROGRESS – BUT MORE WORK IS NEEDED

The Internal Affairs Bureau and Civil Liabilities Unit (IAB) has made substantial progress toward improving the quality and timeliness of its investigations, and the changes of the past year should be maintained. Continued improvements, however, are needed.

Guidelines and Processes
DSD needs to establish guidelines and a process for the selection and training of new IAB investigators.

Supervision and Leadership
The current structure and staffing of the IAB can be enhanced to improve supervision and leadership.

Investigative Criteria
The criteria for which allegations and types of force incidents should be investigated by IAB can be better defined, and the Department’s expectations regarding those incidents handled at the division level can be similarly improved.

Operational Efficiency
IAB uses considerable resources to investigate matters that could effectively be handled in other ways.

Video
The ways in which IAB investigators gather and use video evidence are inefficient and inconsistent.

Procedures
The Procedures Manual for IAB is out of date and does not clearly define all of the Bureau’s expectations for its investigators.

Transparency
DSD could become more transparent by providing employees, stakeholders and the public at large with more information about its use of force incidents and internal investigations.

The Office of Independent Monitor
This is a valuable resource that DSD should consult when considering or implementing the recommendations proposed in this report, as well as other systemic reforms, policy initiatives, or new training curricula impacting accountability, force and deputy performance.
FINDING #8: JAIL MANAGEMENT AND OPERATIONAL PRACTICES REQUIRE EXTENSIVE REFORM

The assessment team identified multiple opportunities to improve jail management and operations across many key areas. These include, for example, the inmate counting process, contraband eradication, intake and inmate classification, general policies and procedures, inmate grievances, safety and security checks, mental health services and quality assurance procedures.

Inmate Counts
DSD needs to examine and modernize its inmate count process to ensure proper accounting for inmates in the physical custody of the DCJ and the DDC, those who have been sent to the Correctional Care Medical Facility (CCMF), and those in the home detention program or other facilities. This represents an acute vulnerability.

Contraband
This is a major issue for the jail facilities. One reason is that employees are not searched upon their arrival each day – and they could be a primary source of unauthorized items. But other factors are also at play. Policies and procedures identifying items allowed to be brought into the facility by staff are inadequate and, in many cases, do not exist. Supervisors need to be more diligent in observing contraband located on employees’ assigned posts. Other issues include ensuring regular cell searches, detecting and removing contraband during intake and admission, complying with department orders and policies relating to strip searches, and considering the design of county-issued undergarments for male inmates.

Inmate Classification and Intake
The DCJ classification post order requires a proxy interview and classification process to be completed at the DDC. DCJ deputies ensure interviews are not duplicated and base classification decisions on documents prepared by the DDC during the full classification process. The post order should reflect a professional interview process and identify any special needs or potential mental health issues requiring referral to helpful programs and support services. Additional deficiencies include incorporating gang affiliation into the classification process, requiring all housing assignments to be made by classification deputies, and ensuring the validation of current classification instruments.
Policies and Procedures
Opportunities to tighten jail management policies and procedures include ensuring the required review of policies and post orders are evaluated annually, establishing consistency in how policies and orders are created and disseminated, and making sure personnel know and understand these and are complying with them.

Inmate Grievances
While a city reform committee has recommended that DSD increase staffing in the DDC Operations Unit to manage the large number of grievances, we do not believe additional staffing will help solve issues in the grievance process. Instead, DSD needs to resolve process inefficiencies that range from overly burdensome complaint submission protocols to unwieldy appeal procedures. Additional opportunities exist to track the data that will allow DSD to align grievance procedures with recent changes to DSD department orders.

Safety, Security Checks and Suicide Prevention
Department orders and division policies and procedures on time frames for visually checking inmates are not consistent, and staff members at various levels were not able to provide a clear summary to assessors of these requirements. The Department needs to bring a more rigorous approach to activities such as observation of suicidal inmates, use of tracking devices, supervisory oversight, sanitation, graffiti and property destruction.

Mental Health
Mental health issues of inmates in the DDC present critical stumbling blocks that significantly affect the processing of inmates into the system. Mental health professionals should be actively involved in the classification process; however, the current allocation of staffing should be increased to meet this need. Other challenges related to the delivery of mental health services include (1) the need to relocate the mental health team’s office, (2) improving access to inmate medical records by implementing an electronic medical records system, (3) eliminating four-to-six week delays in providing a psychiatric assessment and treatment to previously undiagnosed inmates or inmates who were not compliant with medication prior to admission, and (4) initiating joint staff meetings to improve cross-unit collaboration.

Quality Assurance
Despite DSD’s Triple Crown Accreditation, employees cannot verbally articulate DSD’s policies, and operational practices often do not match policy. The Department needs a system to ensure policy and procedures are congruent with operational practices.

Partnership with City Attorney’s Office
DSD needs to ensure its operations – and any changes to policies, procedures and practices – are made in full conformance with laws and regulations relating to the confinement of inmates, particularly those who are mentally ill. This will require building and maintaining a close, collaborative and mutually supporting relationship with the City Attorney’s Office.
FINDING #9: KEY CHANGES TO STAFFING WILL YIELD A WAVE OF LONG-TERM BENEFITS

There are significant staffing issues at DSD. However, before adding personnel, the Department needs to remediate inefficiencies, resourcing conflicts and other issues related to areas such as scheduling, staffing, supervision and accountability, as well as data accuracy, tracking and reporting. If it doesn’t address these first, new staff will just begin engaging in the same inefficient activities.

Structural Alignment
DSD’s four-division organizational structure assigns responsibility for secure care to three of the divisions. The three facilities – DDC, DCJ and CCMF – do not coordinate scheduling or share personnel resources. This state of affairs results in operational inefficiencies and unnecessary overtime.

Divisional Responsibilities
The current scope of responsibility for each of the four division chiefs is disproportionally distributed. The DDC Division Chief manages more than 550 employees; the DCJ Division Chief more than 240; the Support Services Division at least 95; and the Data Analytics Division (DAD) manages four.

Functional Assignments
DSD deploys sworn personnel for functions unrelated to the custodial care of inmates and for clerical and support functions – such as vehicle towing and storage, scheduling, information technology, mail sorting, fleet management, accreditation administration, juvenile work supervision, policy and post administration, records management, and payroll entry.
Staffing Model and Methodology

DSD relies on a shift relief factor that results in improper estimates of staffing requirements. The shift relief factor is a tool used in resource allocation. It yields the number of personnel who should be assigned to a shift to ensure that the appropriate number of personnel is on duty. To fill one post 24 hours a day, 7 days a week, DSD believes it needs to employ 5.36 full-time-equivalent (FTE) personnel. This is not in keeping with best practices. Using the same benefit time-off data used by DSD, the correct single-shift relief factors for personnel should be (1) based on a 24-hour period, (2) structured as 8-, 10- and 12-hour schedules, and (3) calculated at 1.71, 2.1 and 2.4 FTEs, respectively.

Work Schedule Complexity and High Overtime

DSD uses a mix of work schedules for employees that results in inefficiencies, unnecessary complexity, limitations on the agency’s capacity to adapt to staffing shortages and, as a result, unnecessary overtime. For example, DSD’s 10-hour work schedule requires approximately 25 percent more personnel. Additionally, because the Department uses both 10- and 12-hour schedules, it is challenged to use staff across functions. As a result, some areas may be overstaffed, but do not share staff to reduce the overtime budget because of the conflict in 10- and 12-hour schedules.

Custodial Care and Short Staffing

DSD does not have enough staff to provide a professional level of custodial care and support services, as was visually evident throughout the facility. Preventing further analysis is the fact that DSD does not have accurate and reliable data on the actual positions or number of FTEs. Without this, we are unable to provide DSD with the actual decrease or increase in line-item personnel expenditures. We can, however, compare the total number of recommended positions with the total number of FTEs provided by the 2015 People Soft-approved position report, an exercise that indicated a current shortage of approximately 50 personnel.
FINDING #10: TRAINING OF DEPUTIES SHOULD BE EXPANDED AND IMPROVED

Areas for training improvement include use of force, training and supervision for adjunct trainers and implementing standards for the development of lesson plans.

Training Needs
Employees need relevant and focused training commensurate with their positions as correctional deputies. The Department also needs to replace some courses with more valuable ones, such as a nationally recognized, law-enforcement-certified defensive tactics course.

Use of Force
In general, DSD does not conduct training in areas that could lower the risk or frequency in use of force events. These include, for example, placing a greater emphasis on interpersonal communications skills and de-escalation techniques, understanding how and when to use less-lethal weapons, and crisis intervention. Most of the training is focused on the use of lethal weapons, less-lethal weapons and defensive tactics, not on techniques to avoid the necessity of using force.

Formalization of Lesson Plans
Currently, lesson plans do not meet standards defined by the Commission on Accreditation for Law Enforcement Agencies.

Duty Weapons
DSD should reduce its list of more than 40 approved duty weapons to a single weapon in several sizes.
FINDING #11: HUMAN RESOURCES ISSUES ABOUND, FROM PERFORMANCE REVIEWS TO MORALE

DSD needs to place a much stronger, sustained and comprehensive emphasis on supporting the men and women who represent the Department every day and determine its effectiveness through the decisions they make and the attention they bring to every facet of DSD operations.

**Employee Relations**
Several internal DSD and City surveys have revealed significant deficits in trust, appreciation, autonomy, training and communication among employees, as well as overall concerns about leadership. DSD management and supervisors need to bring a much higher level of attention to how they communicate and share information about new or updated directives, orders and policies that directly impact day-to-day operations, and interaction with inmates.

**Specialty Promotions, Assignments and Pay**
There are a number of DSD employees who believe that the selection process for special duties at higher levels of pay is unfair and corrupted by favoritism. Additionally, units not designated as special that require similar effort and training hours are not viewed as receiving the same level of management support.

**Performance Reviews**
Performance reviews must be tied to mission, goals and job performance, and every level of supervision must be held responsible for delivering fair, honest and timely reviews. It was reported that some supervisors issue performance appraisal ratings of “above satisfactory” regardless of an employee’s actual performance. This calls into question the effectiveness and reliability of the performance appraisal process within the Department.

**Chaplain Unit**
DSD has a very active employee chaplaincy program, and its role is broad, crossing over various religious denominations to provide support services for employees and their families. The program has been recognized both inside and outside of the agency. Many employees consider this highly visible and successful unit to be a trusted resource, and feel that it provides more confidentiality than do any of the other employee assistance programs.

**Employee Assistance and Confidentiality**
DSD has established several avenues for employee assistance including employee assistance program services for initiatives such as a peer support program. But on the whole, key challenges exist in implementing these efforts. These include, for example, communicating the value of these programs to employees, addressing employee concerns about issues such as confidentiality, and working to change the perception held by some employees that their safety is not a priority at DSD. The Office of Human Resources has resources that DSD could leverage in its efforts to provide for the wellness of its employees, but DSD does not take advantage of them.
FINDING #12: TECHNOLOGY DEFICITS ARE SIGNIFICANTLY COMPROMISING DSD PERFORMANCE

No individual is assigned to lead IT within the Department, and responsibilities have instead been placed on team members who have little experience applying IT best practices within a corrections institution and law enforcement agency. This has resulted in issues at many levels, from poor data integrity and the lack of IT vendor controls, to a fragmented approach to procurement of IT products and services.

Technology Planning
The Department's Strategic Plan has a short-term focus with no identified organizational goals or performance metrics to measure DSD’s progress. No overarching long-term plan for IT is mentioned or referenced.

Procurement and Vendor Management
DSD leaders have purchased various IT systems to meet singular needs, rather than purchasing one enterprise software suite designed to meet the needs of the entire Department. On another front, the Department does not have the ability to ensure that IT vendors are meeting the requirements outlined in their contracts.

Data Integrity
There is no identified process for data collection or data integrity. Deputies do not have confidence in what is collected because it may be inaccurate, which places them at risk.

Software and System Integration
The security system at DCJ would benefit from improved integration as was outlined in its vendor contract. Such improvements could allow for enhanced control and improved remote access to cameras from other DSD locations. In addition, the software sergeants use to schedule shifts does not meet the business needs of the Department. This should be addressed immediately, as it is hindering their productivity.

IT Training
DSD’s “train the trainer” model is not optimal given the complexity of DSD’s IT systems. DSD should instead hire the vendors of the systems to conduct the training. Other training issues exist – such the need to improve the opportunity for employees training while on shift during periods of minimum staffing while overseeing inmates in pods.
FINDING #13: EMERGENCY PREPAREDNESS PLANNING NEEDS ATTENTION

DSD would benefit from continuous review, enhancement and development of additional emergency plans as well as new and evolving response plans specific to addressing communicable or infectious diseases. Regular updates to existing plans would advance training, performance-based drills and rapid response in accounting for employees during emergencies.

Annual Training and Emergency Drills
DDC’s emergency plans have not been subject to a timely annual review. The date of the last review was July 23, 2013. Assessors found no evidence of DSD requirements for performance-based emergency drills other than fire and evacuation – though tabletop exercises are routinely used by the training department for the other emergencies, such as bomb and hostage situations.

Emergency Preparedness Training
The Emergency Response Unit (ERU) is required to have 80 hours of training per year; however, the requirements, other than number of hours, are not outlined in policy. DSD could not provide a training plan for the ERU for 2014.

Alternative Accommodations
DSD emergency plans outline the command structure when external agencies are used for emergency situations. However, they do not identify available space for alternative command posts, external agency command posts, media, family, staff staging areas, emergency medical staging and triage. Additionally, long-term housing and custodial management in case of emergencies are not identified in department orders or DDC and DCJ policies.
FINDING #14: COMMUNITY ENGAGEMENT COULD BE MORE MEANINGFUL AND PRODUCTIVE

DSD officials have taken meaningful steps to involve the community in solving problems within the Department. Many of the community stakeholders interviewed mentioned the positive aspects of collaboration. They also, however, raised concerns regarding consistency, feedback and long-term involvement in implementation of policies created.

Community Outreach

DSD has been involved in community outreach for many years through the recruitment office, as well as the Community Relations Unit (CRU) - with effective management from a motivated leader in the CRU and many activities and events. Community collaborations, such as a transgender task force, have proven successful and have received praise from community members and DSD employees alike.

Implementation

Some stakeholders interviewed cited a lack of follow up on recommendations they made. They expressed concern for long-term accountability for the outcomes agreed upon as well, because community involvement often ends prior to the implementation phase on many of the collaborative projects.
OVERVIEW OF THE DENVER SHERIFF DEPARTMENT
The Denver Sheriff Department is the largest sheriff department in the State of Colorado, comprised of more than 970 uniformed and non-uniformed staff members. The City of Denver and the County of Denver encompass the same geographic area and have consolidated governments.

The Executive Director of Denver’s Department of Safety, a non-sworn position appointed by the Mayor, is responsible for overseeing the Denver Police Department (DPD), Denver Sheriff Department and Denver Fire Department (DFD). DPD is responsible for providing typical law enforcement patrol and investigative services, while DSD is responsible for overseeing the housing and management of jail inmates and providing courtroom security.

**Employees**
Data from 2014 indicates that 976 individuals, including 793 uniformed staff and 183 civilian staff, are employed by the Denver Sheriff Department.

**Budget**
DSD operates on a budget of more than $96 million. Medical services are provided by contract and are not included in these staffing and budget figures.

**Inmate Population**
DSD houses pre-trial detainees, sentenced offenders (up to three years), work release inmates, Colorado Department of Corrections (CDC) parole detainers, and inmates from other jurisdictions. The DDC has a rated capacity of 1,504. The DCJ has a rated capacity of 913.
AUTHORITY AND TITLE

The authority, powers and duties of DSD are outlined in the Denver Charter. Prior to 2013, the charter assigned all of Denver County’s sheriff powers outlined in state law to the Department of Safety, and the head of the Department of Safety, currently referred to as the Executive Director of Safety, was deemed Denver’s ex-officio Sheriff. The charter allowed the Executive Director of Safety to delegate sheriff duties to an Undersheriff and other personnel within DSD.

A 2013 charter amendment changed the title of Undersheriff to Sheriff. The Sheriff exercises all powers and duties assigned by state law to county officials with two major exceptions:

1. **The Sheriff can only exercise law enforcement activities to the extent authorized by the Executive Director of Safety.**
   The purpose of this exception was to preserve the Executive Director of Safety’s authority and ensure there is no redundancy or ambiguity about who oversees the law enforcement functions in Denver.

   Unlike most sheriff departments in the nation, DSD has no police patrol services or criminal investigation responsibilities, as these services in the City and County of Denver are provided by the Denver Police Department. Instead, DSD operates more like a typical Department of Corrections agency and is responsible for the professional operations of two separate jail facilities.

2. **The Executive Director of Safety retained the ultimate authority over personnel decisions.**
   The Executive Director of Safety also has authority over personnel decisions in the Denver Police and Fire Departments.

The general duties and responsibilities of Denver deputy sheriffs are outlined in Colorado Revised Statutes (CRS) 16-3 and are subject to the authority authorized by the Executive Director of Safety. As a result of DSD’s limited peace officer functions, DPD responds to and investigates all alleged crimes committed by inmates in the Denver Sheriff Department’s custody.
FACILITIES AND OPERATIONAL FOOTPRINT

The Denver Sheriff Department’s operations extend across 11 separate locations. The principal two include the following:

1. **The Denver County Jail (DCJ)**
   This is the county jail built in 1956 and located at 10500 Smith Road. It includes minimum-security dormitory housing, maximum-security cell blocks and special management “lock-down” areas.

2. **Van-Cise Simonet Detention Center**
   Opened in 2010 and also known as the Downtown Detention Center (DDC), the DDC serves as the prisoner intake center for the City and County of Denver. Newly arrested prisoners begin the entry process into the Denver jail system in this facility. The Department also provides security for the local District and County court systems, a Work Release facility, and the Denver Health Medical Center. Additionally, DSD provides state inmate transportation, extradition duties and fugitive and K-9 Unit services.
APPRAINTMENT AND OVERSIGHT

Unlike most sheriff departments for counties the size of Denver’s, the Sheriff is not elected, but rather is appointed by the Mayor. Both the Sheriff and the Chief of Police of the Denver Police Department report directly to the Executive Director of Safety, who is appointed by the Mayor of Denver.

The Executive Director of Safety is the highest authority in Denver’s Department of Safety. The Executive Director of Safety provides civilian oversight, leadership and guidance to the Department’s Police and Fire Chiefs and Sheriff. The Executive Director of Safety works to ensure accountability in the delivery of law enforcement services, guide policy decisions, assist in developing long-term goals and improve public safety service delivery across the Department’s entire spectrum of services. The Executive Director of Safety is also responsible for issuing fair and unbiased discipline decisions on behalf of all three departments – fire, police and sheriff.

This administrative arrangement allows (1) the mayoral appointee to concentrate on these services on a full-time basis, rather than having a member of the Mayor’s staff handle them as part of his or her many duties, and (2) for oversight when policies and procedures for public safety services are developed and implemented.

DEPARTMENTAL STRUCTURE

DSD’s current organizational structure includes four divisions that report directly to the Sheriff, (County Jail Division, Downtown Division, Support Services Division and Data Analytics Division), as well as the following functions: Office of Public Information, Internal Affairs Bureau and Civil Liabilities Unit, Conduct Review Office, Training Academy, Recruitment and Finance.

The uniformed rank structure includes sheriff, chief, major, captain, sergeant and deputy. There are also numerous civilian positions. The County Jail and Support Services Divisions have one major under the division chief, and the Downtown Division has two majors – one who oversees the DDC and another who oversees the Civil Division and Court Services. The Training Academy is managed by a captain, and until recently, the Conduct Review Office (CRO) and Community Relations Unit were managed by a captain. Internal Affairs was managed by an external contractor. The Conduct Review Office and Internal Affairs Bureau and Civil Liabilities Unit are now managed by a captain. The Data Analytics Division was recently added and is led by a chief.
LAW ENFORCEMENT RESPONSIBILITIES

While the DPD is primarily responsible for enforcing laws within the City and County of Denver, Department Order 2000.1I outlines DSD’s authority to stop or arrest suspects.

DSD deputies are specifically authorized by the Executive Director of Safety to exercise their authority as peace deputies to stop suspects or effect arrests while on duty and when reasonably necessary to fulfill effectively the following duties and responsibilities:

- Holding, housing or transporting persons in the custody of DSD
- Taking custody of and transporting people arrested by DPD or other law enforcement agencies
- Executing arrest warrants or other orders of the court
- Identifying, seizing or processing abandoned vehicles
- Serving civil processes
- Conducting internal investigations
- Providing security in any building or facility in which any duty or responsibility of DSD is regularly performed

- Carrying out duties and responsibilities when assigned to any special event or special assignment by the Sheriff or Executive Director of Safety
- Carrying out any specifically assigned duties and responsibilities in a jurisdiction outside the City and County of Denver pursuant to a request and agreement for mutual aid
- Stopping suspects or effecting arrests when on duty, in uniform and within the City and County of Denver in order to render aid or assistance when requested by any member of DPD or when acting as a result of exigent circumstances
- Assisting drivers in hazardous conditions
- Taking immediate action on traffic hazards to prevent or reduce the harm to citizens
Other DSD law enforcement responsibilities include:

- Providing two vehicles, called scout cars, staffed with two deputies 24 hours a day, seven days a week to escort prisoners in DPD custody to DSD for processing.
- Supervising DPD arrestees at the Denver Hospital prior to admission to the DDC.
- Supervising other county inmates and Colorado Department of Corrections inmates at the Denver Hospital.
- Having a judicial support division with two DSD uniformed deputies assigned to a warrant/fugitive unit.
- Maintaining a highly trained Emergency Response Unit (ERU), which is primarily used for high-profile inmate transports and can be activated upon request by DPD for emergencies, protests and other special events that require a law enforcement presence.
Many, if not all, of the challenges confronting the Denver Sheriff Department today are rooted in acute and long-standing deficits in leadership – deficits that start with the most senior position in the Department, the Sheriff, and cascade down and across the supervisory positions throughout the organization.

While the last few Sheriffs have helped the Department implement several innovative and progressive initiatives – such as obtaining multiple accreditations and establishing policies on processing transgender inmates – these achievements have been overshadowed on a number of fronts.

**A PARADE OF LEADERS – AND A DIMINISHED ROLE IN THE EYES OF DSD PERSONNEL**

Over the last ten years, seven individuals have served as the head of the Department of Safety. In addition, the most recent Sheriff stepped down in 2014, and the current one is serving in an acting capacity. Even more challenging, however, is the perception among many DSD deputies and staff that the Sheriff is not the true leader of the Denver Sheriff Department.

- **Common Practice**: In most counties, chief executive deputies are extended the authority and responsibility to establish policies and procedures for their respective law enforcement agencies – though they are required to work with county managers and members of a county board of supervisors, particularly when establishing budgets.

- **Denver's Approach**: The City and County of Denver, however, has chosen to have an Executive Director of Safety oversee both DSD and the DPD. The Executive Director of Safety has been making critical decisions regarding DSD policies, procedures and disciplinary issues that in most sheriff departments would be made primarily by the elected sheriff. While having the Executive Director of Safety manage many of the daily responsibilities is not a recommended practice, we also have to recognize that a tightly controlled management approach is often a mechanism necessary to address organizational dysfunction.

- **Complaints of Micromanagement**: Some DSD personnel expressed frustration about what they believed represented micromanagement of jail management policies and procedures by the mayor-appointed heads of the Department of Safety who do not have professional experience in law enforcement or jail management.

- **An Unwelcome Outcome**: Employees believe this has diminished the leadership role of the Sheriff in the eyes of DSD’s rank and file. It has also contributed to low morale in a corrections agency that, like any paramilitary organization, depends on adherence to a strict chain of command. And it has weakened the Sheriff's ability to effect positive change.
This need not be the case. The City and County of Denver has already initiated a search for a new sheriff. This individual must possess strong leadership abilities and change management skills. He or she must know how to work well with the Executive Director of Safety and be able to provide the Executive Director of Safety with clear and compelling reasons why specific policies, actions and initiatives need to be implemented.

- **Collaboration and Partnership**: While the Executive Director of Safety and Sheriff can and should have confidential discussions about policies and procedures as they are developed, once a decision is made, they should be united in their support of the new direction, with the Sheriff assuming the leadership role and accountability for implementation.

- **New Respect and Higher Morale**: Once such a relationship has been established between the Sheriff and the Executive Director of Safety – and when the new Sheriff is able to demonstrate that change management efforts are beginning to produce positive results for DSD and the greater Denver community – the rank and file can view the Sheriff as a respected law enforcement and corrections leader. This will help lift morale across the Department and place it back on track toward working to regain the trust of the Denver community.

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**The Real Value of Accreditation Is Not In the Award – It’s In the Implementation**

DSD set a goal to attain the Triple Crown Accreditation and fulfilled this goal in 2014. The Triple Crown was established by NSA to recognize sheriff departments that achieve accreditation from (1) the Commission on the Accreditation of Law Enforcement Agencies (CALEA), (2) the American Correctional Association’s (ACA) Commission on Accreditation for Corrections and (3) the National Commission on Correctional Health Care (NCCHC).

Achieving these accreditations individually is a daunting task, and acquiring all three is a commendable feat. In fact, the Triple Crown distinction is so rare that since the establishment of the award in 1993, it has been bestowed on fewer than 40 departments. The real value of outside accreditation is true critical self-assessment. We have seen many agencies receive accreditation by demonstrating their adherence to policies to the accreditation assessors, fully knowing that the policies demonstrated are not engrained in the everyday practices of employees.

DSD now faces an even more daunting challenge: putting into practice, every day, the policies and procedures these accreditation organizations required DSD demonstrate to gain accreditation. That challenge represents the next phase of the agency’s transformation.
TRACK RECORD OF GOOD STARTS

Over the last few years, the Sheriff and the command staff have missed many opportunities to change basic operational policies and procedures that would have helped prevent, address or correct many of the issues the Department now faces. Three examples, in particular, stand out.

• **CALEA Accreditation** – DSD leaders committed extensive resources toward earning accreditation with the Commission on Accreditation for Law Enforcement Agencies (CALEA). Most of that effort, however, was spent on establishing the written policies and procedures needed to meet CALEA’s standards, not on putting those new standards into practice. While seeking such accreditation is commendable, there were more pressing issues that needed to be addressed.

• **The New DDC Facility** – DSD opened the DDC in 2010 without providing personnel with the training and resources they needed to operate a jail with an entirely new design and way of supervising inmates. Construction of the DDC was funded by a $378 million bond that voters approved in 2005. In order to garner support for the proposal, DSD leaders promised the public and city officials that the new facility would not require the Department to hire new personnel. After the facility opened in 2010, it was quickly apparent that the Department needed additional staff. This lack of foresight contributed to many of the problems DSD now faces. DSD has also since backed away from its public promise of not needing more staff, which may contribute to the community’s overall distrust of the Department.

• **Early Intervention System** – In 2014, DSD implemented an Early Intervention System (EIS) without properly explaining what the system is to employees, how personnel information should be entered and how to leverage that information to realize the system’s core objectives. As a result, rather than recognizing the new system as a positive step to address employee behaviors known to lead to complaints and misconduct allegations – a critical internal capability which ultimately helps to reduce complaints against DSD personnel – many employees grew distrustful of the system and DSD postponed its implementation.
COMMAND-LEVEL CHALLENGES IN STABILITY AND CONSISTENCY

Within DSD, some talented command deputies have worked hard to serve their subordinates and improve the agency’s operations. Also commendable is the level of diversity the Department has been able to achieve thus far in its command rank structure, although more work needs to be done. Other leadership issues, however, exist.

- **Communication of Expectations**: Command deputies need to be more consistent in their expectations of subordinates. This will help employees better understand the Department’s priorities and what actions and behaviors they need to adopt and demonstrate in order to advance DSD goals. This lack of clear direction has been compounded by frequent transfers in upper management throughout the Department. For example, since the facility opened in 2010, DSD has appointed and removed multiple different DSD division chiefs for various reasons, including disciplinary matters.

- **Perceptions of Favoritism**: Many Department personnel cite the prevalence and influence of informal bonds and associations among command-level and staff-level personnel - or “cliques.” For example, one internal perception is that personnel assignments and transfers hinge upon personal relationships. Another is that IAB investigations are often initiated against employees out of retaliation. Whether these allegations are accurate or not, they reveal an unhealthy level of mistrust among DSD personnel in the integrity and transparency of departmental leadership at both the senior and command level. The new Sheriff must address this in collaboration with representatives of Denver’s Office of Human Resources and legal department, if necessary.

- **Training and Standards**: According to Colorado Peace Officer Standards and Training (POST) requirements, command deputies do not have to attend training courses to help develop their knowledge, skills and abilities when they are promoted. Despite this, we believe DSD leaders should still require this of their command deputies, as we discuss in greater detail later in this report.

The ability of DSD command staff to support the Sheriff in instituting changes within the organization will play a key role in moving forward.
SUPERVISORY OBSTACLES AND MISPLACED PRIORITIES

The backbone of the Department, like that of any law enforcement or corrections agency, is the corps of individuals who serve on the front lines, interacting with inmates, visitors, visiting attorneys, judges and other members of the public on a daily basis.

The Department’s sergeants and other supervisors have the most influence and impact on these front-line personnel. Many of DSD’s direct supervisors are dedicated and hardworking individuals who strive to treat their employees well and support them in their daily activities. Yet our assessment revealed a number of concerns that need to be addressed by the new Sheriff and members of the command staff.

• **Infrequent Oversight**: Front-line supervisors need to spend less time on tactical, administrative tasks and more on working directly with subordinates and providing an increased level of supervisory oversight and direction. Mentoring is often weak and many supervisors would benefit from training to aid them in developing accurate employee performance reviews and appraisals.

• **Fear of Repercussions**: Some supervisors are afraid to supervise because they are wary of employees filing frivolous harassment complaints. As a result, they reportedly turn a blind eye, sometimes, to situations that require supervision.

• **Responsibility and Authority**: Each work shift has a different supervisor. Some are effective at providing direction; others are not. This inconsistency in supervision hinders assignment of specific responsibilities and authorities to direct supervisors and their subordinates, as well as the ability to hold them accountable for their work.

These represent critical issues hidden at the core of the Department’s operations. Supervisors serve a crucial leadership role in two ways. One is in helping front-line personnel understand how the vision, values and objectives of the Department translate into action on the ground. The other is in mentoring and supporting the professional growth and development of deputies in ways that advance the Department’s goals.
SIGNS OF POSITIVE CULTURE CHANGE AMID POCKETS OF INTERNAL RESISTANCE

There are obvious signs that a culture change is in progress within DSD. We learned during on-site interviews that the culture of the jail facilities – specifically deputy interaction with inmates – began to change dramatically when cameras were installed at both facilities several years ago. The cameras served as a catalyst for the deputies to internalize the benefits that came from improved relationships with inmates. We observed on-site operations at the DDC and DCJ during the weekend, weekday and evenings, and saw deputies interacting with inmates in a respectful manner, explaining what needed to be done and how it was going to be accomplished. Inmates responded in a manner that indicated the deputies’ positive demeanors were common. Many deputies stated that other law enforcement and corrections jurisdictions looked favorably on DSD applicants because they know how to talk to people to gain voluntary compliance without resorting to force as the first option.

Although a change in culture has clearly begun to take root, more work needs be done. For reform to be successful, command staff must support DSD’s vision on a daily basis. Unfortunately, we learned that some individuals are supporting the notion popular among some deputies that “it’s us vs. the executive staff.”

- **Setting Penalties:** Several command staff stated that sleeping on the job did not warrant the stiff penalties imposed, and they had in fact been observed sleeping earlier in their careers and were provided with informal coaching and mentoring to resolve the problem.

- **Engaging the IAB:** In other cases, when command staff would attempt to provide informal corrective action to a staff member, the employee would contact the IAB and initiate an investigation for harassment. The supervisor is then told to have no contact with the employee until the investigation has been completed, and as a result, the employee’s infraction is never addressed. Several supervisors stated that it is not worth the effort to attempt supervision.

- **Using Tasers:** Many employees now refuse to check out, carry or use their Tasers for fear of becoming the subject of an IAB investigation if they use a Taser in the course of their duties.

NURTURING LEADERSHIP AMONG DEPUTIES AND OTHER FIRST-LINE EMPLOYEES

DSD must also recognize the leadership requirements that should be expected of deputies. Deputies need to know how to take a leadership role in delivering quality services and holding one another accountable for doing the right thing for the right reasons at all times. Many complaints or misconduct incidents can be prevented when all DSD employees display solid leadership skills at work and while off duty.
It’s important to recognize that DSD’s newly hired media relations officer has taken steps to improve internal communications between rank and file and command staff. He has recently begun emailing the minutes from executive staff meetings to all DSD employees and sends out press stories about the Department. DSD also recently relaunched its Department newsletter called “Behind the Badge.”

COMMUNICATION BREAKDOWNS UP AND DOWN THE CHAIN OF COMMAND

Many Department employees interviewed cited a lack of communication up and down DSD’s chain of command on important Department-wide issues. Some personnel at all levels demonstrated a lack of knowledge regarding their specific roles and responsibilities. Many felt DSD was not moving forward with a common vision. Several reported that new orders, including changes in policies and procedures, did not always make their way to front-line employees.

Responsibility for preventing breakdowns in communication ultimately rests with the Sheriff. He or she must be a visible, vocal and articulate champion of the Department’s vision to all stakeholders, internal and external, and ensure that proper lines of communication are open, fluid and continuous across the entire organization.

MENTORING AND SUCCESSION PLANNING AND THE NEED FOR FORMALIZATION

One of the important facets of leadership is mentoring – though the decision to serve as a mentor to another, and to be open to that guidance from a superior, is a personal choice. We asked DSD employees to describe their experiences related to mentoring and guidance in addressing promotional opportunities. Many described informal efforts by some supervisors and command deputies to assist them in these regards, and it was clear that a number of DSD employees are involved in healthy and productive mentor/mentee relationships.

What appears to be missing, however, are more formal efforts on the part of supervisors and command deputies to provide assistance to their subordinates or others in the Department. Doing so would foster a wave of beneficial outcomes from improved succession planning to higher morale across the workforce, and the efforts to do so should be required as part of a supervisor’s formal performance appraisal.
OPPORTUNITIES TO PROMOTE GREATER DIVERSITY IN LEADERSHIP

DSD has done an admirable job of hiring and promoting a diverse workforce, and in fact, has significantly increased the number of Latino employees in the past few years. DSD is one of the most diverse departments in city and county. Nonetheless, it needs to be sensitive to the fact that the greater Denver population is experiencing continual growth in the Latino community. This requires ongoing efforts to recruit from within this community and assisting current DSD members in promoting within the organization.

When an imbalance in leadership diversity emerges, DSD should continue to make a timely effort to address it. Community members have expressed through surveys that DSD could improve diversity even more by actively identifying potential leaders and helping prepare them for advancement opportunities.

Diversity can also be encouraged by promoting and offering specialized assignments to individuals based on their skills and merits — not on whether they are good friends or acquaintances with current DSD leaders. As noted before, a number of DSD employees expressed concerns about the way people have been treated in the promotional and special assignment selection process and in determining whether to open an internal affairs investigation for alleged misconduct. Addressing these issues, even if they are simply perceptions, will be a key leadership challenge for the new Sheriff.
DSD’S STRATEGIC PLAN AND ITS STRATEGIC IMPORTANCE - ESPECIALLY NOW

In order to provide the City and County of Denver, DSD and the new Sheriff with a clear and actionable roadmap through the key facets of reform and beyond, DSD’s Strategic Plan needs to be fully rewritten to address the key findings and recommendations in this report.

Proactive planning and management requires a coordinated effort across City and County of Denver leadership, DSD management, employees and the community to develop and execute a strategy to provide professional incarceration and corrections services. Without a clear, forward-reaching strategy, DSD is destined to remain reactive to problems and focused only on the most urgent issues of the day.

A strategic plan is an effective vehicle to coordinate efforts, set clear priorities and provide specific direction on what is expected from deputies. It also allows the Sheriff to set clear and realistic expectations on resource allocation toward these goals. An actionable, long-term plan can also be a tremendous platform for obtaining direction and “buy in” from the Department and community in line with the protocol that all government agencies fundamentally derive the authority to exercise their powers from the communities they serve.

Developing a clear plan is the most effective way to implement the recommendations contained herein. To begin this transformation, DSD must set the vision for the Department, establish values that the Department can act upon, and define a mission that guides DSD operations over the next three to five years. A strategic plan and its key elements will provide an indispensable framework for almost every decision DSD will make. Without such a plan, it will be impossible for DSD to embrace and implement the recommendations contained in the report. The clearer the path ahead, the more likely that stakeholders – from deputies and command staff to the public – will (1) understand the changes in a broader strategic context, and (2) view their individual professional goals as well as those of the Department as one and the same.
» RECOMMENDATIONS

1.1 - New Sheriff: Focus immediately on installing effective leadership at key command levels by hiring a highly qualified permanent sheriff or temporary change agent to serve as sheriff with a focus on rapidly implementing reforms. Either hire must come from outside the organization and be capable of delivering the leadership, vision, change management savvy, strategic know-how and jail management skills so vitally needed to set DSD on a new course.

1.2 - Strategic Plan Update: Develop a Strategic Plan – actionable at the employee level – that addresses DSD’s strengths and weakness and provides both short- and long-term goals and objectives.

1.3 - Prioritization: Prioritize the challenges facing DSD in line with DSD’s Strategic Plan. Use the plan to implement the recommendations proposed by DSD reform task forces. The recommendations must be collectively prioritized, and each given timelines for implementation.

1.4 - Employee Performance and Goal Setting: Develop clearly defined performance measures for each unit of the Department to ensure they are achieving their missions and are aligned to the Strategic Plan.

1.5 - Hierarchy of Goals: Ensure that the Strategic Plan establishes a hierarchy of goals that cascades across all DSD functions and personnel, and sets clear expectations for leaders, supervisors and employees in a way that assists individual employees at all levels in contributing to DSD’s mission.

1.6 - Code of Conduct: Create a Code of Conduct that clearly defines DSD’s expectation of employee behavior.

1.7 - Directive Log System: Implement a process in which deputies must sign off that they have received and read new orders or directives. This will help improve communication about changes in the Department.

1.8 - Mentoring and Succession Planning: Ensure that the formal training programs for DSD supervisors and command deputies address these topics. They should also be included as specific duties within DSD’s Performance Enhancement Plan Report (PEPR) appraisal system.

1.9 - Workforce Metrics: Periodically publish data indicating the diversity of the Department and its leadership.

1.10 - Latino Diversity: Continue to ensure hiring, career development and succession planning is in place for the Latino community, as well as for other growing minority communities.

1.11 - Leadership Skills: Focus on leadership skills and an individual’s potential to develop them during its hiring process.

1.12 - Leadership Development: Ensure first-line DSD employees receive leadership development training for law enforcement officials serving in detention centers and correctional environments. This will help them deliver the quality services the community expects and prepare them for greater responsibilities when they are promoted.
ORGANIZATION AND ADMINISTRATION
MAJOR STRUCTURAL REFORM – AND WHY IT IS NOT NECESSARY

Hillard Heintze firmly believes that, with new leadership and a Strategic Plan, many of the symptoms of dysfunction will fade away. The antidote is not a merger or major restructuring of the Department, it is strong leadership, accountability and operational reform.

Given the absence of strong leadership in the Department and the perception among personnel that the Sheriff is not, in effect, its true leader, it is not surprising to encounter widespread discussion on whether the unusual structure of DSD should be revisited in one manner or another. While the three most commonly voiced proposals for structural change listed below each carry merit at some level, the City and County of Denver would be unwise to pursue them.

1. The Denver Sheriff Department should not be reorganized or restructured as the Denver Department of Corrections.
   This could hamper recruiting, hiring and retention efforts and be a time-consuming and potentially costly endeavor. Because DSD is codified by statute, such a change would inevitably raise legal challenges regarding the employment status of deputies currently serving in the Denver Sheriff Department. Furthermore, there could be a misperception among some community members considering employment with DSD that a deputy has greater social status than a correctional officer, even though DSD deputies already have diminished law enforcement powers compared to officers serving in the Denver Police Department or in other Colorado sheriff departments.

2. DSD should not be merged with the Denver Police Department, with DPD’s Chief of Police leading the former DSD.
   This would most likely require the Chief of Police to hire a jail management expert to oversee jail operations, with this individual reporting to the Chief. The result would be that the person whose main responsibility is oversight of jail operations would again be answering to an executive without jail management experience. It would also mean that the primary individual responsible for jail operations would not report directly to the Executive Director of Safety -defeating the purpose of Denver’s system of civilian oversight of the individuals directly responsible for jail services.

3. The City should not eliminate the position of the Executive Director of Safety and have the three heads of DSD, DPD and DFD report directly to the Mayor or City Council.
   This would strengthen the Sheriff’s perceived leadership role in both the Department and the Denver community. However, the role of the Executive Director of Safety provides a unified voice to the Mayor and City Council and ensures communication to the Department heads of a unified vision championed by the Mayor. Additionally, the elimination of the Executive Director of Safety position, in and of itself, would not resolve or address the challenges DSD is currently experiencing which have more to do with the current policies and procedures employed in the day-to-day operations of the two jails and the Department’s internal leadership challenges.
THE NEED FOR CLEARER LINES OF AUTHORITY AND SPANS OF CONTROL

In a corrections environment, it is essential that the lines of authority are clear and understood by individuals throughout the organization. This is currently a major challenge for DSD: it needs to create clear lines of authority and appropriate spans of control.

- **Organizational Chart:** At the highest level, DSD’s current organizational rank-and-leadership structure is appropriate, especially given the broad scope of DSD’s corrections role and the limited breadth of its law enforcement duties. The jail management structure is also common and consistent with most sheriff departments around the country. However, eleven people report directly to the Sheriff. This represents too many subordinates answering directly to someone in charge of a paramilitary agency as large as DSD. The Sheriff should have not more than six direct reports. Furthermore, captains and majors senior to division chiefs report directly to the Sheriff, in circumvention of the chain of command.

- **Reporting Alignment:** Command positions should also be aligned with responsibility and sphere of influence. When mistakes have been made by supervisory staff, DSD has reacted by eliminating supervisory duties and assigning those duties to the next highest in command. Captains and sergeants are unable to view video.

- **Lines of Authority:** Many of the Department’s units work in silos, often without an understanding of each other’s work assignments. Unclear lines of authority have contributed to low morale among employees and overall general distrust of senior staff. Many members of the supervisory staff avoid making decisions out of fear of losing their job or attracting retaliation. This has led to high turnover, early retirements and negative impacts on the overall effectiveness of DSD.

- **Functional Fragmentation:** DSD needs to consolidate functions – such as budget, IT, planning and research, and policy and procedure development – into an Administrative Services Division.

- **Policies and Procedures:** DSD does not have an established policy and procedures unit. Instead, staff members are pulled from various parts of the organization to write post orders, and they report to various command staff, creating a lack of consistency in developing DSD policies. In the most recent instance, a deputy has been assigned to write post orders. Deputies need input from others in the chain of command to ensure the new policies and procedures have been vetted by those who are doing the work. Misalignment of policies and procedures will continue, as well as confusion and frustration among front-line deputies, without the proper vetting and consistency with post order development. To address this issue, DSD needs to consolidate all policy and procedure functions into one group, such as a Research and Development Unit.

- **Span of Control:** DSD’s span of control for supervisors to subordinates is appropriate if the administrative and clerical functions are removed from their responsibilities.
LEADERSHIP IN THE USE OF FORCE

DSD has received considerable media attention in the recent past involving allegations of inappropriate and excessive use of force resulting in huge monetary settlements. As noted earlier in this report, DSD assembled several task forces to develop recommendations in specified areas, including policies and procedures on the use of force. DSD’s Taser policy was modified as a result of the recommendations, which we support.

• Force Option Model: Like most progressive law enforcement agencies, DSD has moved from the traditional continuum of force model to one of “force options.” The force options model is based on an objective reasonableness standard. The force options available to deputies are not ranked in any particular order, nor does the model require one level of force to be used before moving to another level, which gives deputies more flexibility and discretion in choosing the force option most reasonable based on all facts known to him or her at the time. In other words, deputies make informed decisions on when and how to use force based on training, experience and assessing the current threat.

• Through interviews with supervisors and command staff, we learned that the authority and responsibility of supervisors has been systematically delegated to higher-ranking personnel, particularly when any level of force is used within the jails system. This is partly due to isolated incidents of supervisors failing to make good judgment calls when deputies either used force or sought permission to do so. Employees cited many examples of this, including the authority to authorize cell extractions. The forced extradition of inmates from their cells is sometimes necessary to prevent the inmate from engaging in acts of self-harm. An inmate may have dangerous contraband in the cell or be attempting to harm him or herself and refuse to voluntarily give the contraband to the deputies or leave the cell voluntarily.

• In the past, immediate supervisors in the area in which an incident was occurring had the authority to authorize this type of use of force. Due to allegations of unnecessary use of force in some incidents, approving cell extractions has been reserved to a major or above, who is generally off-site when the incident occurs. Supervisory and command deputies believe their authority is no longer commensurate with the responsibility of the position. While the policy allows for lower-level employees to conduct cell extractions under exigent circumstances, supervisory practice has overridden that policy in everyday implementation. This tends to indicate potential failure on the part of command staff and Department leaders to hold individuals accountable, and the typical response in the past seems to be that a change of practice or policy would be established transferring supervisory decision making responsibility to a higher-ranking person, rather than taking steps to hold supervisors accountable for poor decisions and then providing Department-wide training that re-establishes the standards of the agency.
• Another example is the viewing of video by the watch commander, a captain who is often the highest-ranking deputy in a DSD jail facility. After a case in which a video of an incident at a DSD facility was released to the media and no one held accountable, DSD leaders removed captains’ authority to view incidents and provide feedback and appropriate corrective action plans. The present policy states that only majors and above may view videos, with the exception of the Internal Audit Bureau. As a result, supervisors have missed opportunities to provide necessary guidance and improve techniques. This policy has also contributed to the perception among captains that executive leadership does not trust them.

• Statistics and Definitions: As noted in other areas of this report, the DAD compiles statistics regarding the use of force. There are repeated findings regarding the inconsistencies on how data is entered into the Jail Management System (JMS). DSD Department Order 5011.1M defines use of physical force as the force applied to a person or persons to achieve compliance with a legitimate objective. DO 5011.1M describes less-lethal force as force that, when properly used, is unlikely to result in serious physical injury or death. This includes open-hand or closed-hand contact, or applying electronic devices, distraction devices, impact devices, batons, Orcutt Police Nunchakus, chemical agents, or munitions for less-lethal impact. DSD provides training and approves the use of specific less-lethal weapons.

• Nunchaku: In addition to the concerns raised in the “Training” section regarding the use of C-4 physical control techniques developed by a DSD deputy, we raise similar concerns regarding the approval and use of the Orcutt Police Nunchaku and its training as developed by a member of another Colorado police department, as using this technique in a jail environment appears questionable.

BUDGET OVERRUNS AND HIGH OVERTIME EXPENDITURES

In the 2014 fiscal year, DSD spent nearly $7 million dollars paying deputies to work overtime to perform routine required duties. The amount DSD spends on overtime has steadily increased over the past several years.

Each year, the Department is forced to over-spend its budget. The primary – and by far most frequent – cause of overspending is overtime costs. DSD’s overspending reflects poorly on Department leaders, who have stated that the overtime is unavoidable because they have to fulfill unfunded mandates, while working with an underfunded budget. Unfortunately, there is no system in place to accurately monitor, assign and justify the use of overtime. Numerous inefficiencies were noted in scheduling vacations, conducting searches and managing overtime – all of them factors which further contribute to the high overtime costs. These inefficiencies would also need to be addressed to solve the overtime problems. Once solved, overtime should again be reviewed and if still excessive, we suggest that city officials approve a sufficiently funded budget in order to perform all required day-to-day functions within DSD and eliminate the practices which result in unnecessary overtime.
LIMITED POLICING AUTHORITY AND THE IMPACT ON STAFF MORALE

Another major issue is the Department’s limited policing authority. DSD is not afforded the same training, certification, law enforcement authority and compensation as the Denver Police Department. This state of affairs has contributed to low morale among deputies for many years.

- **Lawsuit:** The Fraternal Order of Police filed suit in the mid-1990s to attempt to force county government to provide Colorado Peace Officer Standards and Training (POST) certification to the Denver Sheriff Department. The failed decisions were appealed to the Colorado Supreme Court, which upheld the County’s authority to define the deputies’ scope of duties and training requirements.

- **Credibility:** The perception among DSD deputies that they are not recognized as “real police” by the public and the DPD could be addressed by clearly defining their roles and responsibilities as corrections officers. While some employee believe that POST certification would provide them with more respect from the community and other law enforcement agencies, this certification is most likely irrelevant if it does not reflect the actual duties of deputies. DSD should place a high priority on reinforcing corrections as a profession in training and through employee recognition opportunities.

- **Allegations:** There is, at minimum, a perceived belief that the Denver Police Department does not take crimes committed within DSD facilities seriously, and at times does not respond appropriately, with DPD officers simply issuing citations instead of seeking felony charges when criminal allegations are reported against deputies. The Sheriff should address any incidents identified as rising to the level of an inappropriate DPD response with DPD’s Chief of Police to ensure inmates are held responsible for any criminal activity which occurs inside the DDC and DCJ.

While the majority of rank and file employees do not want to be perceived as “merely” correctional deputies, many appear to value their DSD positions and careers, intend to retire from DSD and do not have a desire to seek full-time law enforcement positions in other jurisdictions. Therefore, DSD leadership must focus on clearly imparting the importance of professional correctional officers to the correctional institutions and the Denver Community.
DPD and DSD provide different types of law enforcement services, a fact that raises several issues that need to be addressed by the City and County of Denver.

- **Coordination:** The apparent lack of coordination and communication between DSD and DPD in certain law enforcement areas deserves attention. For example, DSD has its own fugitive apprehension unit, which acts independently of the Metro Fugitive Task Force with the exception of notifying DPD dispatch when vehicle stops are made. This could create some officer or deputy safety issues if an arrest is underway by one department without the knowledge and awareness of the other agency.

- **Duplication of City and County Resources:** This is occurring in the response to citizen complaints regarding abandoned or nuisance vehicles. DSD’s current responsibilities to tow vehicles and fulfill other related duties regarding the sale or disposal of vehicles are duties that could be performed by civilian staff and are tasks already performed by civilian staff in other jurisdictions. It is not uncommon for jurisdictions to use various governmental agencies or private contractors for vehicle towing and impound services.

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**HUMAN RESOURCES AND THE VALUE OF INTEGRATING PUBLIC SAFETY HIRING PROCESSES**

The City and County of Denver has two separate human service entities that govern Denver’s three public safety agencies.

- **The Career Service System:** Established in 1954, Career Services Authority (CSA) – now the Office of Human Resources – provides applicants a chance to compete based upon their knowledge, skills and abilities, without regard to their race, creed, national origin, political affiliation, age, sex, sexual orientation or disability. It is responsible for setting policy, considering appeals and making rule changes that enhance the work environment.

- **Civil Service Commission:** The Denver Civil Service Commission is overseen by a Board of Commissioners and governed by the City Charter and Commission rules.

The DFD and DPD fall under the Civil Service structure, while DSD falls under the Career Service structure. Over many years, integrating all public safety agencies under one hiring mechanism has been discussed. Some of the debate has centered on the recruitment, screening and hiring practices of each to determine if DSD would benefit from joining the other Denver public safety agencies in the Civil Service system rather than staying in the Career Service structure.

- **Disparities in Hiring:** During interviews with stakeholders, concerns were raised about having DSD converted to Civil Service due to a perceived history of disparities in hiring within the Civil Service systems that dates back many years. DSD touts itself as being one of the most diverse public safety agencies in the region, and the Department attributes this to its current ability under Career Service to recruit, screen and hire from a diverse pool of candidates.
• **Comparability:** Both the Civil Service Commission (CSC) and CSA systems have well-documented processes for recruitment, screening and hiring, and they are somewhat similar for public safety. One set of complications, however, involves differing requirements and disqualifiers for entry-level positions.

• **Candidate Quality:** The real impetus for merging the two is to help ensure the quality of candidates each is receiving and the ability to attract a high-caliber candidate for all public safety positions.

• **Unfavorable Image:** Unfortunately, DSD is not often viewed by candidates as having the same stature as DPD or other organizations. Instead, it is frequently viewed as a “stepping stone” to other positions in law enforcement. This image has plagued DSD. Many deputies say they often see it reflected in how they are treated by members of other law enforcement agencies in Colorado.

Standardizing the hiring vehicles may help bolster DSD’s image and mitigate such treatment of deputies, if the candidates all meet the same hiring criteria. However, there are distinct requirements for each agency as they are currently structured by City and County Charters. Given that DPD is a traditional law enforcement agency and requires POST certification eligibility, and that DSD has a limited scope of law enforcement responsibility when compared to DPD, there is a natural reason for not requiring the same criteria for recruitment.

Despite the distinct roles both agencies play in the City, there is room for improvement in hiring criteria to bring DSD more in line with other similar agencies and closer to DPD standards with respect to disqualifiers that may be impacting use of force or other concerns. This could likely be accomplished without changing the hiring structure and help DSD maintain the diversity and autonomy in some of the hiring practices it cherishes and feels helps it maintain its unique identity.

One way to increase accountability and consistency would be to increase oversight by the Office of Human Resources (OHR) or involve the Safety Human Resources (Safety HR) team more in the hiring process from recruitment through screening, testing, interviewing, hiring, and onboarding. As currently structured, the OHR and Safety HR have a tangential role in the entire hiring process; they are actively involved in front end of the process and fairly removed once candidates pass the written test and their files are passed to DSD for further screening processes. This is part of the autonomy DSD values so highly and is part of the concerns raised by others with respect to no accountability and consistency in candidate processing and selection.
RECOMMENDATIONS

2.1 – Structural Independence: Retain DSD as an independent organization. Forgo major structural reform of the Department and allow new leadership, an updated Strategic Plan and new levels of accountability to address current concerns about DSD’s structure and path.

2.2 – Organizational Chart: Evaluate, in tandem with representatives from the City and County of Denver Office of Human Resources, the current DSD organizational chart to ensure that a proper chain of command is established. Avoid burdening the new Sheriff with too many direct reports. Wherever possible, ensure all sworn members in the chain of command answer to personnel at a higher rank.

2.3 – Accountability and Supervision: Have DSD recruitment staff and screening and hiring staff work cooperatively with Office of Human Resources (OHR) and Safety Human Resources (Safety HR) to increase accountability and transparency during the entire recruitment and hiring process to help rebuild community trust in the process and attract and retain better prepared and informed candidates to DSD.

2.4 – Policies and Procedures: Establish a single, coordinated approach to develop and maintaining DSD policies and protocols.

2.5 – Periodic Training Review: Review training needs and requirements for the basic academy and in-service courses annually. Ensure the updated training needs are shared with OHR and Safety HR personnel to facilitate any changes that must be made to the entry qualifications for those applying to become a DSD deputy or to the qualifications required to be considered for promotions.

2.6 – Functional Consolidation: Merge functions – such as Budget, IT, Human Resources, Research and Development, and Policy and Procedure Development – into a Support Services Division.

2.7 – Program Rationalization: Have the Executive Director of Safety task another agency or entity to manage the VIF, such as the City and County of Denver Department of Public Works. Privatizing or outsourcing the function should also be considered. Cancel or postpone the aquaponics program until more efficient and practical methodologies and techniques are developed. The personnel committed to this endeavor would be best engaged elsewhere.

2.8 – Recruiting: Review the internal cases filed for excessive force and other IAB matters to determine if there were any indicators missed or information not considered to be a disqualifier in previous hires that in hindsight may have prevented some of the Internal Affairs complaints and concerns. Focus efforts and attention on recruiting personnel who are comfortable working in a jail environment rather than a traditional law enforcement career working street patrols.
3

JAIL MANAGEMENT AND OPERATIONS
DEFICIENCIES IN INMATE COUNT AND MOVEMENT PROCEDURES

Inmate Count Procedures

DSD needs to examine and modernize its inmate count process to ensure proper accounting for inmates in the physical custody of the DCJ and DDC, those who have been sent to the Correctional Care Medical Facility, and those in the home detention program or other facilities. This represents an acute vulnerability.

RECOMMENDATIONS

3.1 – Revised Policies and Procedures: Update policies and procedures to account for all inmates within the jail facilities and verify their identities, including inmates in the booking area and at the Correctional Care Medical Facility.

3.2 – Tier Sheets: Create a consistent process for deputies to submit all tier sheets for all formal counts to confirm the deputies completed a comprehensive count of inmates at that time. Ensure the deputies responsible for the count compare the tier sheets against the inmate computer’s count and verify the total number of inmates at the facility.

Inmate Movement During Counts

Deputies said they do not stop inmate movements when conducting the counts, and they are not required to notify anyone when the count is completed. This is problematic because an inmate could go to the hospital, a court hearing or to another area of the facility while deputies are conducting counts.

The Department should improve the manner in which inmates at CCMF at Denver Health are counted. Deputies said they are not required to conduct a count at the CCMF. CCMF inmates are not moved in the JMS when they leave the facility for medical procedures lasting less than 24 hours.

Deputies will sometimes include an inmate in their counts if they know where that inmate is supposed to be, but they do not call to verify that the inmate is in fact there.

Inmates are often included in counts at the DCJ, even though they are not currently at the facility. Inmates who are admitted to the hospital, in the community while under the supervision of the sheriff home detention program, or held at other facilities are included on the DCJ count. Thirty-two inmates were included on the DCJ jail count on December 20, 2014 despite actually being at the aforementioned locations. Classification and records office staff indicated a dozen or more inmates may be included on the institutional count even though they are not physically present at the facility.
RECOMMENDATIONS

3.3 - Freeze Order: Stop all movement of inmates when deputies are counting inmates and resume movement when the count is completed.

3.4 - Perpetual Count: Ensure deputies working in the living unit pods and those supervising inmate assignments outside of the living units maintain an ongoing count as inmates come and go. Deputies should always be aware of the number of inmates in their physical custody.

CONTRABAND CONTROL AS A CHRONIC CHALLENGE

An important component of securing and managing jail facilities is preventing, detecting and controlling contraband, which is defined as any item that can create a dangerous environment for staff and inmates.

- Dangerous Contraband: Contraband can be items ranging from weapons and drugs to wire cutters, gum and cell phones.

- Contraband Acquisition: Inmates could receive contraband through incoming mail and packages, visitors, staff or by accessing prohibited institutional property.

- Detection and Prevention: Contraband is detected through routinely searching inmates, cells and common areas accessible to inmates; canine searches; metal detectors; contraband sweeps and institutional shakedowns; and instituting policies and procedures preventing staff from introducing contraband.
Cell Search Frequency and Documentation

DDC facility policy states that deputies should search inmate cells randomly on a daily basis, and Department Order 40401Q mandates that deputies submit written reports for all non-routine searches or routine searches when contraband is found. DDC policy refers to a “red book” to document contraband; however, staff members interviewed at the DDC were unaware of its existence.

Staff at both facilities gave varying reports on the frequency of cell searches and how searches were documented. Some stated that all cells or living areas were searched daily and an incident report was routinely submitted on all searches regardless of the detection of contraband, while others indicated that, if time permitted, they searched up to three cells per day, and they were not required to document the search unless they found contraband.

We observed excessive amounts of contraband during rounds with housing deputies including fruit that could be used to make alcohol, large amounts of books and inappropriate photos. When we mentioned the items to staff, they stated that these items are usually addressed during the weekly “deep clean” of the living units. DSD leaders informed us that deputies found heroin in the common area of a living unit in the DCJ on December 13, 2014.

» RECOMMENDATIONS

3.5 - Timing, Frequency and Documentation: Clearly outline policies and procedures requiring every cell to be searched during a specified time period, and require deputies to provide clear documentation that the searches were conducted. Cell inspections should be conducted every day and focus on the visible contraband (i.e., extra food, clothing). Full searches should be focused on the smaller, more easily hidden items like drugs and weapons and should occur at least weekly or more frequently if warranted.

Pat-Down Searches

The pat-down searches we observed of inmates in the intake area were compliant with policy. However, pat-down searches in general are limited in detecting small hazardous and dangerous contraband.

At the DDC and DCJ, briefs are the permitted type of underwear for male inmates. Many jails and correctional facilities have moved from allowing briefs to only boxers, as the ability to store contraband decreases with boxer-style underwear. Briefs are form-fitting and provide an ideal location to store contraband. Although the pat-down searches we observed were in accordance with the policy, searching the area covered by briefs can be embarrassing and uncomfortable for deputies, so it is often the most neglected area that deputies search.

» RECOMMENDATIONS

3.6 - Undergarments: Change the undergarments approved for use by male inmates from briefs to boxers to reduce the potential of inmates storing contraband.
Property Searches at Intake

During intake, the search deputy places the inmate’s property – which is not searched or inventoried – into a property bag and then takes the property to the full booking desk. The property is then searched by the full booking deputy. The full booking deputy calls the inmate to the desk, and the property is inventoried in front of the inmate. As the last step of the process, the inmate’s personal clothing is removed, inventoried and added to the property bag by another deputy.

DSD also allows individuals to wear their personal clothing while being interviewed at various intake stations at the DDC. The intake procedures can take anywhere from an hour to several hours, and the inmate is allowed to use the restroom during this time. Individuals could remove any contraband that was hidden in their personal clothing while sitting in the open area or in the restroom, ingest drugs or use hazardous items on themselves, other inmates or staff.

» RECOMMENDATIONS

3.7 – Inventory of Property: Change the procedures to require the property deputy to be the first and only deputy to inventory an inmate’s property after pre-booking to reduce the time necessary at the full booking desk, decrease the instances of contraband introduced to the facility and reduce inmate complaints regarding lost property.

3.8 – Storage of Property: Store the inmate’s property immediately after critical information has been obtained during booking to decrease the likelihood of inmates bringing contraband into DSD jails.

3.9 – Change of Clothes: Allow inmates to shower and require them to change into facility clothing before proceeding through the admissions process to reduce the opportunity to bring contraband into the facilities.

Strip Searches before Entry into General Population

DDC Policy 803.00 states that deputies may strip search inmates when they suspect them of possessing contraband after first getting the approval of their supervisor, unless the inmate could potentially dispose of the contraband. This policy – as well as Department Order 4040.1Q Searches and DCJ kitchen post orders – further directs deputies to strip search inmates prior to transferring them to general population.

However, we learned through direct observation and interviews with deputies that strip searches are not conducted when inmates leave short-term housing and go into general population. Deputies indicated that the strip search was eliminated when DSD acquired the body scanner. We observed inmates leaving the DCJ kitchen and returning to general population with only a pat-down search conducted. Deputies assigned to the kitchen indicated that they did not conduct strip searches on inmates returning to general population from their kitchen work assignment. Spices and food could easily be taken from the kitchen into general population.

» RECOMMENDATIONS

3.10 – Updated Policies: Update Department Order 4040.1Q and DDC Policy 803.00 regarding strip searches to reflect the currently approved practice of DSD using a body scan, rather than conducting an actual strip search. DCJ policies should also be updated to reflect that pat-down searches are conducted prior to an inmate returning to the living units.

3.11 – Kitchen Duties: Consider establishing a policy where inmates returning from work details, such as kitchen duty, are scanned and pat searched, preferably after having stripped down to their underwear.
Tool Control

Correctional facilities typically have policies and procedures regarding tool control. Tool control policies outline a process in which security staff inventory tools upon entering and leaving the facility to ensure tools were not inadvertently left behind by DSD employees or contractors to prevent inmates from accessing tools such as screwdrivers, hammers or wrenches, which could be used as a weapon. We did not find any DSD department orders or division policies and procedures regarding a tool policy, even for maintenance workers. The only directive we found was in post orders for the kitchen deputies and kitchen steward at the DDC and DCJ.

» RECOMMENDATIONS

3.12 – Tool Control Policies:
Establish consistent tool control and safeguarding policies regarding those brought into DSD facilities by City and County of Denver or contractual workers, such as carpenters or plumbers, including how the tools are housed while conducting the work and the process of accounting for the tools when the workers exit.

Employee Searches

Although Department Order 5312.1H Employee Restricted Items identifies restricted items for employees, our review found that DSD is at risk of staff members bringing restricted items into its facilities because employees are not searched upon entering DSD facilities.

When asked about staff searches, employees responded that while all staff members are subject to search, they were unaware of any searches being conducted. We observed deputies chewing gum and tobacco, carrying large coolers at housing posts, and having purses on posts in living areas. Several large pizzas were delivered to the intake area and deputies ate while on post. We learned about a staff member bringing in a television to watch while on post.

In correctional institutions throughout the country, there are unethical staff members who provide contraband such as food or cigarettes to inmates to make money or simply to be nice. After the staff member has agreed to do this, manipulative inmates may threaten to report the staff member, and the employee may agree to bring in more serious and dangerous contraband in exchange for the inmate’s silence.

To deter such actions, many jails and prisons require staff to walk through metal detectors, subject the staff’s personal property to a line scan search and randomly search employees when they change shifts. Other agencies simply rely on hiring ethical staff, and providing intensive training on contraband and how inmates may manipulate employees. DSD provides this training to its staff.

» RECOMMENDATIONS

3.13 – Approved Items:
Identify in department orders and corresponding facility policies a list of approved items (e.g., food to be consumed during the shift, approved medications, a specified amount of currency) that deputies may bring into the building and have while on post. All other items should be stored in employees’ lockers or not be allowed in the facility.

3.14 – Random Employee Searches:
Conduct random searches of employees entering the facilities.

3.15 – Increased Accountability:
Ensure supervisors are aware of the presence of unauthorized items when conducting rounds, and provide corrective action when unauthorized items are detected.
DSD uses an objective jail classification system designed by the National Institute of Corrections (NIC) that relies on a narrow set of well-defined legal factors, reported mental health and medical issues, and personal characteristics to guide decisions on where to house and supervise inmates. The inmate’s classification level affects many aspects of their stay including the number of hours they are allowed outside of their cells and the types of programs in which they are allowed to participate. NIC states that the entire classification process should usually take from two to six hours. We identified a number of positive aspects of DSD’s current classification process:

• DDC and DCJ staff are trained and dedicated to the classification process.
• DSD reviews inmate classifications on a regular basis and allows inmates to transfer to less-restrictive housing units based on good behavior.
• Reports generated by DSD’s JMS allow classification deputies to know when classifications are due to be reviewed.
• DSD facilities have adequate systems in place to communicate with inmates who are deaf, blind or speak languages other than English.
• Classification deputies we spoke to were sensitive to inmate mental health and medical issues, and were informed on the Prison Rape Elimination Act and transgender issues.

However, there are a number of classification issues that need to be addressed. For example, routinely identifying inmates’ needs and referring them to programs is not currently a part of DSD’s current classification process. An effective classification process aims to house inmates in the least restrictive environment possible, and match them with the programs and services, according to the NIC. Inmates at DSD must refer themselves to various programs and services, and mental health professionals select inmates to participate in treatment programs. Each DSD facility has a written housing plan for each housing unit that determines where inmates stay based on their classification; however, space at each custody level is not available.
Downtown Detention Center Classification Process

The classification process begins as individuals are booked into jail after they are arrested or remanded from the courts. Deputies (1) review inmates’ arrest documents or court custodial orders; (2) give them a pat-down search and temporary identification card; and (3) allow them to sit in a common area, where they can watch television and use the phone to contact family or arrange for a bond.

Employees routinely refer to the common area at the DDC as “the pit.” The most recently available statistics from the Department indicate that 55 percent of use of force incidents at the DDC occurred in the intake area and on the second floor of the DDC, which is used to temporarily house newly admitted inmates. In the event an inmate resists the intake process, DSD deputies place the inmate in an individual cell that separates them from other inmates in the common area.

After inmates wait in the “pit,” they are processed through various stations, where staff members record their demographics and personal information, check their records, store their personal property, take their photos, conduct a medical assessment and give them an initial classification. This initial classification determines where inmates will be housed temporarily on the second floor as they undergo a two-to-four day formal classification process to determine where they will be housed in the long term.

A second, more formal classification process, which typically occurs a day or two after an inmate is initially booked, consists of evaluating an inmate’s current criminal charges, criminal history, past institutional history, suicide risk and medical history, including any mental health needs.

Classification deputies are responsible for obtaining the following information on inmates:

- National Crime Information Center (NCIC) information: previous criminal convictions, current warrants and Department of Corrections institutional history
- Current criminal charges
- Current behavior
- DSD historical information: gang affiliation, incident reports, findings and conduct adjustment reports, and separations (individuals the inmate needs to be kept separate from)
- Medical and mental health questionnaire

Within 24 to 36 hours of an inmate arriving at the jail, a classification deputy conducts a face-to-face, three-to-five minute primary assessment interview that consists of 18 specific questions. In addition, medical and mental health providers provide information on inmates, without diagnosis, to classification deputies, and deputies assign any of the 15 applicable alert codes to inmates. The classification process allows the deputy to incorporate subjective impressions based on the interview to determine an inmate’s final security level.

There are five overall classifications at the DDC: Levels 1 and 2: Maximum; Levels 3 and 4: Medium; and Level 5: Low. Classification deputies have the authority to override the objective classification point system by documenting any aggravating or mitigating factors. A supervisory or administrative review for overrides is not required, but deputies discuss any override with supervisory staff.
Inmates are then assigned to housing units based on their assigned risk level.

- **Minimum-Security Inmates**: Reside in dormitories and can move unrestricted around the unit.

- **Medium-Security Inmates**: Stay in eight-person pods and get up to six hours of time outside of the pods.

- **Maximum Security Inmates**: Reside in double and single rooms; typically includes those who cannot interact appropriately with other inmates, are suicidal or severely mentally ill, or confined due to misconduct, a court order or their own request. They are allowed one hour outside of their cells per day, except for those in disciplinary confinement, who get out of their cell for only five hours a week.

**Denver County Jail Classification and In-Person Interviews**

The classification process at the DCJ typically begins when classification deputies receive a list of inmates transferring from the DDC. The DCJ uses four classification categories - low, medium, high and special management - and five custody levels.

According to the DCJ post description, classification deputies are required to conduct a primary classification interview and proxy interview. However, the proxy interview is conducted by a deputy in the DDC intake area when inmates come to the DDC, and the primary interview is conducted by a DDC classification deputy. This is duplicative and inefficient. The proxy interview is designed to identify potential inmate alerts, such as issues related to drugs, alcohol and suicide.

**RECOMMENDATIONS**

3.16 – Interview Redundancies: Revise DCJ policies to eliminate the redundancy of the primary classification interview and the subsequent proxy interview required at the DCJ.

3.17 – Structured Classification Interview: Include in the classification process at the DDC a formal, structured and meaningful interview process that provides valuable information to the facility and aids in the inmates’ housing and programmatic decisions. It should identify the inmates’ needs, skills and interests and require the classification deputies to make recommendations regarding housing, work assignments and programs.

3.18 – Interview Training: Train classification deputies at the DDC to conduct more detailed and in-depth interviews to obtain information on family members, residency, next of kin, criminal history, gang affiliation and conflict, mental health issues, drug history, medications, education, suicide attempts, mental health treatment, employment history and any prior incarcerations. Provide additional training for classification deputies on interviewing skills, body language and asking follow-up questions for answers that are vague or need further exploration.
3.19 – Housing Assignments upon Classification:
Revise facility policies to require classification deputies to assign inmates to specific pods within housing units based upon the information gathered during the intake interviews.

3.20 – Immediate Housing Transfers: Allow classification deputies who are aware of pertinent information regarding these decisions to re-classify inmates who request housing transfers due to conflicts with inmates or other factors, rather than a deputy or supervisor who may not be aware of important classification information.

3.21 – Reinforcement of Authority: Clarify and emphasize the authority of the classification staff to make housing assignments.

Classification Staffing Restructuring and Analysis

The Classification Unit at the DDC is staffed with one captain, two sergeants and 12 deputies, two of which are escort deputies. Classification deputies are assigned 24/7 on 12-hour shifts. Classification staff at the DDC indicated that little activity occurs during inmates’ normal sleeping hours. At the DCJ, the Classification Unit is staffed with a sergeant and five deputies, who work from 5 a.m. to 10 p.m. every day, even though transfers from the DDC to the DCJ only occur Monday through Friday.

Classification staff at both facilities could not describe duties that would warrant needing overnight hours at either the DDC or DCJ. Overnight hours are currently only provided at DDC. Classification deputies at the DCJ also could not describe duties that would require them to work on nights and weekends as the duties primarily described at this time were inputting emergency transfers due to fights.

Classification deputies and supervisory staff indicated that when an inmate is moved due to disciplinary reasons or adjustment issues, the classification deputies determine the new housing assignments and enter the change into the JMS.

The DCJ classification deputies’ responsibilities after 2 p.m. on weekdays and on weekends are primarily waiting for any event that requires inmate housing transfers and providing breaks to the main gate.

RECOMMENDATIONS

3.22 – Staff Efficiency: Conduct a comprehensive time and task analysis of classification deputies to leverage valuable personnel resources more effectively.

3.23 – Classification Staffing: Ensure that classification deputies are working when and where they need to. If it is not necessary to have a 24/7 presence at the DDC or DCJ, the staff working overnight should be reassigned to use personnel more efficiently and reduce overtime costs.

3.24 – Rank and Pay: Consider creating an additional rank or providing specialty pay for all classification deputies, while increasing their accountability for accuracy and thoroughness of classification, because proper classification is one of the most important functions in the facility as it directly impacts the safety and security of all staff and inmates.

3.25 – Validation: Contact the National Institute of Corrections (NIC) to request technical assistance to ensure that the classification system is validated, or examine other objective classification instruments that have already been validated as national best practices.

3.26 – Formal Training: Provide the pre-classification deputy in the intake process with formal training on the objective classification system, and have them report to the Classification Unit. The pre-classification deputy in the intake process could assign emergency housing on the overnight shifts.

3.27 – Reclassification: Require the security sergeant to remove any inmate posing a threat by moving the inmate back to the classification area in the event of a fight, disturbance or disorderly offender to protect the offenders and staff, prevent potential manipulation, or determine if the offender is acting out due to a threat.
Completion of Classification Reviews

Every 60 days, classification deputies review classifications for inmates labeled as Levels 1 through 4 to determine if the classifications are still appropriate. Inmates’ classifications are also reviewed every time their legal status changes or new information is provided to the classification deputies, such as disciplinary issues and changes in mental health status. The review process gives inmates the ability to work their way to a lower security level – increasing their eligibility for programs, housing and special privileges. Inmates housed in the Special Management Units (SMU) are reviewed weekly to determine if they could be moved to less restrictive housing units.

The DDC has three boards that impact housing for inmates:

- **Conduct Adjustment Board:** Hears inmates’ versions of events in alleged misconduct cases and makes decisions on confinement time. This board is comprised of a captain and a staff member who were not involved in the incident.

- **Classification Review Board:** Reviews classification appeals or complex classification decisions, when necessary; participates in the annual review of the jail classification plan; and reviews inmates in administrative segregation. It consists of the administrative review captain or the classification supervisor, an administrative review deputy and a member of the psychiatric staff.

- **Administrative Review Board:** Reviews inmate disciplinary sanctions if the inmate has filed a grievance or if the inmate has displayed good behavior. Disciplinary confinement may be reduced based on good behavior, and the inmate may be moved to lesser restrictive housing. DDC policy defines the Administrative Review Board as a captain, sergeant, administrative segregation board deputy and staff psychologist.
DDC policies and post orders require an SMU housing deputy to interview inmates personally every Sunday to ask them if they are having any problems in their current housing assignment and inform them that they can request to see the Administrative Review Board. However, during our interviews, housing deputies and supervisors stated that they were unaware of this requirement. The post order also requires that an administrative review deputy schedule any meetings inmates request with the board. However, the administrative review deputy position no longer exists. Instead, all inmates assigned to the SMU housing are reviewed weekly, ensuring inmates no longer in need of SMU housing are reassigned.

DDC Classification Policy 700.00 was last reviewed in May 2013. The DDC has three classification post orders: Classification/Housing Deputies (22 pages, last reviewed January 2014), Escort Deputies (seven pages, last reviewed April 2014), and Supervisor (nine pages, last reviewed May 2013). According to best practices and DSD’s own department orders, these policies should be reviewed annually; however, the reviews have not been conducted.

DCJ’s administrative review process for classifications mirrors that of the DDC – classification deputies review inmates’ classifications any time their legal status changes or when they face disciplinary actions. Classification deputies conduct periodic reviews, ranging from every 30 days to every 45 to 60 days, based on an inmate’s assigned risk level.

» RECOMMENDATIONS

3.28 – Institutional Classification Committee (ICC): Combine the Administrative Review Board with the Classification Review Board into one body called the Institutional Classification Committee.

3.29 – ICC Staffing and Scope of Review: Staff the ICC with classification, medical, security, Gang Unit and mental health employees, and ensure they meet daily to determine all new housing assignments and any internal moves or changes. Have the ICC review the status of inmates confined in segregation and special housing. Eliminate any administrative overrides as these decisions should fall to the ICC.
**Transgender Policy and Incorporation into DCJ Procedures**

Approved in January 2014, Department Order 4005, a progressive transgender directive, outlines the process for classifying and managing transgender and gender-variant inmates. The directive states that the Transgender Review Board – made up of classification, medical and mental health staff – is to review information on transgender inmates and determine where to house them.

Transgender inmates are not automatically classified to a housing unit based on birth sex, identity documents or physical anatomy. This order has not been fully incorporated into DCJ procedures and post orders. Current DCJ post orders instead state that transgender and gender-variant inmates are assigned to housing based on the gender medical staff determines them to be. The Prison Rape Elimination Act (PREA) regulations specifically forbid medical examinations for the sole purpose of determining an inmate’s gender.

**RECOMMENDATIONS**

3.30 – Transgender Classification Process: Update DCJ’s transgender classification and management process to include the January 2014 department order mandates that address classification.

**Information Sharing on Gang Affiliation**

Although classification deputies ask inmates about their gang affiliations during interviews at the DDC, classification deputies state that gang information is not used when assigning inmates to a housing unit. Classification deputies do not assign inmates to individual pods within the living unit, and are not involved in inmate requests to move to different pods in a living unit.

Housing deputies have the ability to move inmates to different pods in a living unit. This creates problems because they do not have all the information needed – including gang affiliations and family relationships – to make informed decisions.

**RECOMMENDATIONS**

3.31 – Authorization: Clarify and emphasize the authority of the classification staff to make all housing assignments, and require them to consider gang affiliation when determining where to house inmates.

3.32 – Information Sharing: Require classification deputies to incorporate questions on gang ranks and known associations in their intake interviews and share the information with the gang specialists at each facility. Establish a formal liaison process to ensure classification deputies are sharing information regarding inmates’ gang affiliations with members of the gang unit.

3.33 – Use of Gang Intelligence: Keep updated gang intelligence on inmates who should be kept separate from other inmates. Access to the gang intelligence file should be granted to the classification deputies.
Referrals and Cross-Unit Communication

While DSD’s current classification process does not include identifying inmate needs and referring inmates to helpful programs and services offered by the Department, it is a best practice instituted by most progressive correctional facilities.

During interviews with staff, we learned that there is little interaction among mental health and medical staff and designated classification deputies. Mental health staff codes and medical restrictions reflecting housing needs are documented and submitted to the classification deputies to use when making housing considerations. However, there is not any evidence of a documented procedure or current practice for classification deputies to make referrals to mental health staff in the event that mental health issues are detected during the classification interview that were not identified by the mental health screening conducted by the health care professional during intake screening.

» RECOMMENDATIONS

3.34 – In-Person Interviews: Require classification deputies at the DDC and DCJ to conduct face-to-face interviews with inmates. Ensure the interviews include questions that allow deputies to document inmates’ needs and refer them to Department programs, either directly or by ensuring program staff actively recruits inmates to participate in programs. If the inmates’ needs have already been identified at the DDC, the DCJ could refer inmates to DCJ programs.

3.35 – Program Referral: Distribute handouts to inmates that identify the many services and programs available to them. For example, if the inmate does not have a GED or high school diploma, classification deputies could refer the inmate to DSD’s in-house GED program. Or if an inmate is a parent and has substance abuse issues that led to the removal of children from the home, the inmate could be referred to substance abuse programs and parenting classes.
**Overcrowding and Space Constraints**

The DDC was built to house short-term, pre-sentenced inmates, with the assumption that the DCJ would be used for sentenced inmates. From a practical standpoint, however, this is not always the case due to housing restraints at both facilities. For example, DSD transfers all pre-trial female inmates to the DCJ within 72 hours of booking because the DDC does not have the capacity to house them.

Inmates are often assigned to housing units that are not in line with their security and program needs due to a lack of available housing units with single and double cells. Staff members reported that the DCJ does not have enough space to meet the needs of inmates confined for discipline problems.

Because of this constraint, sentenced inmates with more than 10 days of disciplinary confinement are transferred to the DDC and housed in SMUs. Inmates who meet certain criteria - such as a protective custody classification, administrative segregation or requiring significant supervision and programming due to mental health or medical issues - are confined in these same SMUs. This creates challenges for deputies and limits the availability of programs for inmates in need of special services. As a result, many of these inmates are locked in their cells for 23 hours a day.

The Colorado Department of Correction (CDOC) pays DSD a per diem to maintain a living unit for CDOC parole violators. These parole violators are reportedly housed at the DDC for up to 60 days at a time.

**RECOMMENDATIONS**

3.36 - Executive Review: Require executive staff to review the housing plans at both the DDC and DCJ.

3.37 - Custody: Consider having the CDOC assume custody of its inmates immediately or shortly after they are arrested to open up space in its housing unit. Parole violation hearings could also be held at the CDOC, which could alleviate some of the housing issues DSD faces.

3.38 - Space Planning: Consider launching preliminary discussions with an engineering firm or architect to determine if existing space could be renovated to create single or double cells at the DCJ. Increasing the number of residents who could remain at the DCJ would allow the DDC to have more space available to maintain the integrity of inmates' housing classifications. Consider having the engineering firm or architect also evaluate the potential for converting the vacant buildings at the DCJ, as well as the potential of constructing an additional building on the DCJ property.

3.39 - Cost Recovery: Re-evaluate allowing outside agencies like the CDOC to house inmates in DSD facilities or allow these agencies to house inmates temporarily, but with an understanding that the costs to do so would be increased and billed to these agencies to fund any potential DSD housing expansion.
**Confinement and Time Allowed Outside Cell**

Inmates classified as Maximum Security Levels 1 and 2, the strictest security classifications, are allowed out of their cells for one hour a day, as outlined in classification post orders at the DDC and DCJ. These inmates – some of whom are severely mentally ill – are subject to being confined for 23 hours day for a variety of reasons including disciplinary segregations, protective custody, severe mental illness and administrative segregation. Deputies report that inmates use the one hour outside their cells to shower, exercise and use the phone. Level 3 inmates are allowed outside of their rooms for four to six hours a day.

Attempts are made to allow inmates out of their cells on a daily basis, but this is not always possible because of the design of the living units at the DDC and DCJ. Disciplinary inmates are required by policy to be let out one hour per five days. Many living units are designed so that one deputy directly supervises 64 inmates within a living unit with additional monitoring from an outside control center. Because allowing up to 64 inmates in the same space at the same time jeopardizes deputies’ safety, inmates are confined to their cells or pods for extended periods of time.

Inmates have little to do when they are locked in their cells. If inmates are bored, there is a possibility of an increase of violence, depression and agitation, particularly among inmates with mental health issues. Televisions are located in each living unit, but inmates cannot hear the sound from their cells and must stand at the door to view the television, with some inmates not being able to see the television at all. A recreational space located near each living area is available for use when inmates are allowed outside of their cells; however, the space at the DCJ is not heated, and inmates are only allowed to use it when it is warmer than 54 degrees outside. Physical exercise is a common and appropriate way for inmates to manage stress.

DSD needs to be aware of the legal implications of the confinement of inmates, particularly those who are mentally ill. There have been cases nationwide in which disabilities rights groups have challenged the prolonged confinement of inmates. In some cases, courts have ruled in favor of the inmates, finding that inmates who were written up for misconduct and confined to their cells for nearly 23 hours a day were trapped in an endless cycle of isolation and punishment that often exacerbated their symptoms and caused many of them to harm themselves.

» **RECOMMENDATIONS**

3.40 – Winter Wear: Consider purchasing coats and gloves for inmates at the DCJ to use during cold weather so they can use the designated space for recreation.

3.41 – Exercise Videos: Purchase exercise videos and mats to increase the ability for inmates to perform large muscle exercise.

3.42 – Legal Review: Ensure DSD has an understanding of the legal landscape regarding inmate confinement, and ensure that DSD policies are in compliance with legal standards.
POLICIES AND PROCEDURES AND WHERE THEY CAN BE STRENGTHENED

DSD uses department orders, division policies and procedures, and post orders to govern, guide and hold staff accountable for the actions and decisions they make during their day-to-day activities. They are defined as follows in DSD Order 1110.1H:

- **Department Order**: This is a directive policy statement that applies to the entire Department. It is generally broad in nature, but may provide procedural guidelines intended to ensure understanding and guide the drafting of post orders or procedures at the division or other levels that are involved in carrying out the directive. The employee in the Administrative Support Assistant IV position in the Research and Development Unit is responsible for developing new and revised department orders.

- **Procedure Manual**: This is a set of steps or instructions used to carry out policies and specific tasks or operations of the facilities.

- **Post Order**: This provides information about the procedures, duties and responsibilities specific to an assigned post. It disseminates information that would more appropriately be located in a policy or procedure. It also often describes the process required in the context of the duties and responsibilities of other employees.

DSD maintains separate policies and procedures for the DCJ and DDC. There are no policies or procedures in place for the CCMF.
Annual Policy Review

Per DSD policy, department orders, procedures and post orders are to be reviewed annually and updated when changes are made. However, policies and procedures at the DDC have not been reviewed on an annual basis – perhaps an outcome of the leadership challenges across the Department.

Division policy and procedures are often reviewed and approved by the division chief without incorporating the changes from the department orders. They also have not been developed for all department orders. For example, Department Order 5212.1H states that each division should establish procedures for the use of electronic videotaping equipment. However, no corresponding policies or procedures were located for the DDC and DCJ, nor were there any policies or procedures on how the cameras used for videotaping cell extractions should be downloaded and maintained.

Deputies assigned to the DCJ and DDC are responsible for developing and revising facility policies. However, DSD does not have a designated employee to review all the facility policies and procedures, and to make sure the new or revised policies comply with applicable laws, standards and department orders.

» RECOMMENDATIONS

3.43 - Up-to-Date Manual: Create a comprehensive manual of policies, procedures and directives to provide up-to-date direction based on DSD's mission.

3.44 - Partnership with City Attorney's Office: Develop a partnership with the City’s Attorney’s Office to draft policies and ensure compliance with the recommendations set forth in this report.

3.45 - Policy Creation Process: Include as part of the review and approval process a determination on how and when new policies and procedures will be introduced and explained to all DSD employees to ensure effective organizational communication takes place.

3.46 - Annual Exercise: Assign designated personnel to facilitate a review of policy and procedures, including post orders, on an annual basis. Generate input from the staff, and ensure executive leadership’s review is comprehensive. If DSD reorganizations the Research and Development Unit, initiate and coordinate an annual review by designated personnel in the unit.

3.47 - DDC Chief Review: Ensure the DDC division chief reviews the policies and procedures within established timeframes prior to their implementation and distribution, and confirms that any new policies and procedures are (1) appropriate, (2) consistent with other standing policies and procedures, (3) effective, and (4) based on best practices and procedures.
Organization of Policies and Procedures

DSD’s department orders and facility policies and procedures are not organized according to subject matter. Employees often transfer between facilities, and the disorganized policies, orders and procedures could cause unnecessary time and confusion when deputies attempt to find direction. For example, emergency plans at the DCJ can be found in Section 2000: Personnel Management and Section 5000: Custodial Management, while emergency plans at the DDC are in Section 4000. The department orders associated with emergency plans are located in Section 5000. A separate document, ERU Manual, provides additional direction regarding emergency planning.

RECOMMENDATIONS

3.48 – Accessibility: Organize department orders and facility policies and procedures in such a manner that employees can easily access the information.

3.49 – Consistency: Format and number department orders, policies and procedures in a consistent and ordered manner to enable employees to locate information easily when needed – no matter in which DSD facility they work.


3.51 – Electronic Management: Consider using an electronic document management system, such as PowerDMS, which could be easily accessed by staff. The system makes it easy to revise a policy centrally, while highlighting specific changes.

3.52 – Matrix System: Consider categorizing all policies into a matrix-style system that identifies policies by frequency and importance to help determine priorities. For example, policy dealing with matters such as response to suicide attempts should be categorized as Low Frequency/High Importance. Inmate counts should be categorized as High Frequency/High Importance. This will help the agency determine priorities with regard to training staff on policy and procedures. Low Frequency/High Importance items need to be focused on more because they are events that do not happen often, but are critical. The staff does not get a lot of practice in these areas because they do not occur very often. High Frequency/High Importance items are practiced often and therefore may not need as much focus. Items identified as Low Importance could be focused on when time permits.
Communication of Policy Changes

When we asked deputies, sergeants and captains at both facilities questions regarding policy and practice, DSD staff gave widely varying responses, including, in some cases, that they “simply did not know.” It is difficult for deputies to keep up with policy changes without doing a side-by-side comparison of the new and old policies since a summary of policy changes are not included for a quick reference. Deputies do not have enough time to read the hundreds of policy revisions, considering many policies are longer than 20 pages.

Command staff said they would appreciate a brief description of the revision and an explanation of the reason for the change. For example, DSD recently changed how and when deputies can use Tasers, and this has caused concern within the ranks. Citing recommendations regarding the use of Tasers from the Police Executive Research Forum Proposed Guidelines for ECW Use and recommendations from Taser International that are in synch with DSD policy may have reduced dissent in the rank and file.

DSD uses roll call briefings to communicate policy changes and reinforce policies. We observed roll call briefings where policies and procedures were not distributed. Despite not receiving copies, employees were told to read the policies and procedures and ask any questions they had. They were then told to sign off on the policy review, as required for training verification. The Training Academy has issued short instructional videos to be used during roll call briefings in the past, and these videos were described by staff as being informative and beneficial.

RECOMMENDATIONS

3.53 - Guidelines: Provide training to command staff on effective methods to communicate policy changes during roll call briefings.

3.54 - Prioritization: Develop a process by which the most critical policies and procedures are identified and systematically reviewed on a regular basis to ensure DSD personnel understand and are in compliance with them.

3.55 - Dissemination: Summarize department rules and facility policy and procedure revisions in a memo when revisions are released. Provide the rationale behind the changes to assist the deputies with understanding and accepting them.

3.56 - Educational Videos: Require the Training Academy to develop videos to be shown during roll-call briefing on major policy and procedural changes to ensure consistency in the delivery of the information to personnel.

3.57 - Policy Review Requirements: Ensure that as part of an annual in-service training program for all employees, a detailed review of major policies and procedures is completed, with a focus on those policies that have changed.
Policy Compliance

There are gaps between policy and practice throughout multiple areas of DSD – employees often responded that they were not familiar with a policy or that they were familiar with the policy, but the practice had changed. Apart from the Accreditation Unit, which monitors external standards that are based on facility policies, internal systems do not exist that ensure DSD’s operational practices comply with policy. There is only one supervisory compliance requirement, complying with deputy rounds, which is addressed in the watch commander post order.

DSD department orders include a section on accountability, and it identifies who is responsible for ensuring compliance with each department order. The section regarding accountability states that the division chief is responsible for developing procedures, implementing the orders at his or her facility, reviewing procedures annually and revising them as needed. Employees are expected to read and review the procedures annually. Other expectations related to accountability include the following:

- **Training**: The Training Academy must ensure that the curriculum of all existing classes and any newly developed classes are compliant with the new policies and procedures.

- **Management**: The division chief, unit commander or unit manager of any division or unit affected by a policy must ensure that the existing procedures and all newly developed orders are in compliance with the order; all affected personnel are made aware of the policy; and the policy is reviewed annually for compliance with all federal, state and local laws and standards.

- **Supervisors**: All supervisors must ensure that the provisions of a policy are being followed.

- **Staff**: All deputies and employees must comply with the provisions of a policy.

Although department orders specifically state that supervisors must ensure that policies are followed, facility policies and procedures do not state how directives should be monitored to ensure compliance, resulting in a lack of employee accountability.

A deputy sheriff has recently been assigned to develop policies and post orders at the DDC as a long-term special project, and the DCJ has a funded position with the same duties. Both of the individuals working these positions report to their respective operations sergeants, which causes a chain of command dilemma that could be solved by putting such efforts into a Research and Development Unit that oversees all policy development.

Many correctional systems require monthly systems checks to ensure staff members are aware of and compliant with department orders and division procedures. Systems checks can range from having an employee walk in or out of the facility with a television or other large item and determining if anyone notices, to removing a weapon or other inventory item and making sure employees are tracking them.

» RECOMMENDATIONS

3.58 – Audits: Create a policy implementation audit team that performs Department-wide audits to ensure compliance with division policies and procedures. After receiving training, the policy audit team should regularly review internal DSD operations and report any noted deficiencies directly to the Sheriff. This review should assess current systems, identify supervision or training issues, and provide corrective action for those findings.

3.59 – System Checks: Perform regular system checks during which command staff intentionally stage scenarios during which violations of policy, practice and procedures occur to ensure staff respond in accordance with policy.
Grievance Processes and the Need to Improve Efficiencies

Inmates file complaints on potentially adverse conditions and events in the facility through the grievance process, which can help defuse tension and reduce the potential for violence by helping inmates resolve issues. The grievance process also helps supervisory and command staff to prevent problems from escalating, compounding or continuing, and to identify individual employee performance problems that require further investigation.

Under the Prison Litigation Reform Act (PLRA), created to reduce the number of frivolous lawsuits, inmates cannot bring any action related to prison conditions under Section 1983 of the Act, or any other federal law, until they exhaust all available administrative remedies.

If the Department’s grievance process is followed and an inmate still files a lawsuit, the likelihood of a judge ruling against the Department is reduced.

During our review of Department Order 4810.2A Inmate Grievances, DCJ Policy 4017.00 Inmate Grievances and DDC Policy 820.00 Inmate Grievances, we found that division chiefs conducted an annual review of DCJ and DDC grievance policies in May and June 2014; however, they did not incorporate recent changes made in March 2014 to DSD’s department order on grievances. Additionally, the grievance process at each facility is not in line with current division policies.
We identified several inconsistencies and contradictions between department orders and division policies and procedures regarding inmate grievances.

- **Process to Receive a Grievance Form**: Department Order 4810.2A encourages, but does not require, an inmate to attempt to formally resolve a complaint prior to filing a formal grievance. However, DCJ Policy 4017.00 and DDC Policy 820.00 require the inmate to first talk, or attempt to talk, to a housing deputy or other staff member to resolve the complaint informally. If the complaint is not resolved informally with the housing deputy or staff member, the inmate is instructed to send a kite – the name given to the form used to obtain the grievance form – to the floor supervisor requesting a discussion of the concern with the supervisor. If the inmate is unable to resolve the complaint with the supervisor, the inmate is then instructed to then send a kite to the supervisor to request a grievance form. However, because the department order, DCJ policy and DDC policy all require the inmate to file the grievance within 10 days of the date the grieved incident occurred, the time frame would likely expire by the time the inmate receives the grievance form.

- **Time Frames for Response**: Department Order 4820.2A and DDC Policy 4017.00 state that DSD must respond to inmate grievances regarding operations within 10 business days. Health care-related cases have a 30-day response requirement; however, DSD deputies are not able to track response times because the grievance forms do not require the date the inmate wrote and submitted the grievance to be entered.

- **Responsibility for Responding**: Department Order 4820.2A does not require a major to review grievances or make a final decision. DCJ Policy 820.00 requires the employee responding to the grievance to give the response to the major or designee to review and respond. If the major decides the response was handled appropriately, the response is considered final and the decision is forwarded to the inmate. The grievance is returned to the staff member responsible for entering data on the case. DDC Policy 4017.00 states that a copy should be forwarded to the DDC administrative assistant.

- **Information Appeal Process**: Department Order 4820.2A describes a two-level appeal process. DDC and DCJ grievance policies do not address an appeal process.

- **Categorization of Grievances**: Department Order 4810.20A requires grievances to be categorized as general, serious, emergency or sexual offense. DDC and DCJ written policies do not require the grievances to be categorized.

**Grievance Process**

Concerns mentioned in the November 2014 DSD data analytics executive summary from the DDC and DCJ grievance review included data collection, multiple tracking systems and an increased number of grievances filed by inmates during November 2014 compared to the previous 18 months. There were 547 grievances filed in November 2014 compared to an average of 196 per month for the prior 18-month period.
Supervisory personnel stated that housing deputies were not attempting to resolve inmate issues informally and instead told inmates to file a grievance. Interviews with inmates mirrored these concerns. The November 2014 surge in inmate grievances may not be the result of an increase in problems, but rather an indication the inmates feel the grievance process is fair and provides remedies to their concerns.

The following observations were made while reviewing the November 2014 inmate grievances:

• There were numerous duplicate grievances.
• Grievances were submitted that had already been resolved through an informal process.
• Many grievances presented issues that are not subject to DSD grievance procedures, such as court-related issues, complaints submitted by a third party and complaints regarding arrest.
• There were numerous complaints regarding: health care, including billing and missed appointments, the commissary and phone calls.
• Supervisors addressed grievances after the inmate had been released.
• Supervisors conducted a due diligence process and often provided remedies to inmates’ concerns.
• While not required by policy, there was evidence that the employee assigned to address the grievance would sometimes have a face-to-face conversation with the inmate.
• Generally, responses provided an explanation of the investigation into the complaint and the decision.

Process Improvement Without Increasing Staffing

A city reform committee organized to make suggestions on DSD’s reform effort recommended that the Department increase staffing in the DDC operations unit to manage the large number of grievances. However, we do not believe additional staffing will help solve issues in the grievance process. Instead, DSD needs to resolve inefficiencies in the process such as the following:

• **Redundancy:** The grievance process requires data to be entered in three different places: the log book, a spreadsheet and the JMS.

• **Employee Turnover:** Numerous employees have been assigned to manage the grievance process within the last several months, so no one has significant experience with the grievance process. Classifying inmates’ grievances will be a less labor-intensive process once these employees gain more experience.

• **Burdening Executive-Level Staff:** After a major makes final determinations on grievances, inmates can appeal decisions though the chief and Sheriff. This is overly burdensome at the executive level, and does not allow lower-level deputies who are investigating the complaint to make a final decision.
Inmate Access to Forms

The inmate grievance process is described in DSD’s inmate handbook and is included in orientation videos at the DDC and DCJ. However, during our review, we observed that grievance forms were not readily accessible to inmates in all living units. In some units, inmates must request a grievance form from the housing deputies. At CCMF, inmates are not given grievance forms. It was reported that inmates typically write a grievance on a blank sheet of paper.

During our assessment, Spanish grievance forms were not seen in many living units visited, and when asked, housing deputies indicated that they were unaware whether Spanish grievance forms were available. Executive staff members, however, stated that Spanish grievance forms were available and accessible to inmates.

» RECOMMENDATIONS

3.60 – Inmate Complaints: Task sergeants and other supervisory personnel with the first step of the inmate grievance process and ensure they are trained and empowered to resolve inmate complaints and make final grievance decisions in a timely fashion.

3.61 – Leadership Involvement: Establish the rank of major as the first step of the appeal process and the division chief as the second level of the appeal process.

3.62 – Corrective Actions: Require the major responsible to review all the completed grievances monthly to assess the quality of grievance responses and provide corrective actions if grievances are not seriously addressed.

3.63 – Revision: Conduct a review by division chiefs of Department Rule 4810.2A on inmate grievances and revise the facility’s policy for compliance with the department rule.

3.64 – Updated Form: Modify the inmate grievance form to include the date the inmate submitted the grievance, thereby allowing the Data Analytics Division to monitor whether DSD is complying with established time frames to resolve the complaints.

3.65 – Repetitive Data: Streamline the inmate grievance process to reduce the redundancy in data entry instead of accepting the reform committee recommendation to increase staffing at the DDC to manage inmate grievances.

3.66 – Languages: Identify dominant languages, in addition to Spanish, spoken in the jails and continue to translate grievance and sick call forms into these. Also create a better mechanism for ensuring they are readily available to non-English speaking inmates.

3.67 – Tracking Log: Consider implementing a centralized grievance tracking log that is easily accessible by staff.
SAFETY, SECURITY CHECKS AND SUICIDE PREVENTION

Inconsistencies in Conducting Rounds

While conducting rounds, deputies visually and physically inspect assigned areas to identify unusual occurrences, security concerns or issues that could impact the welfare of inmates, staff and the public. Deputies are responsible for checking doors, the condition of cells and housing areas, safety hazards, fire safety and the cleanliness of the assigned area.

The department orders and division policies and procedures outlining time frames for visually checking inmates are inconsistent, and staff members of all levels do not have a clear understanding of the requirements to conduct such checks. The requirements are listed below:

- **Policy 802.00 at DDC:** Deputies should conduct security rounds approximately every 30 minutes in general housing and every 15 minutes for inmates on suicide watch.
- **Policy 4003.00 at DCJ:** Deputies should conduct security rounds every 30 minutes in general housing and every 15 minutes for inmates on suicide watch.
- **Post Orders at the DCJ:** Rounds should be made upon assuming supervision of the housing unit and at least two rounds should be conducted in an hour in general housing.
- **Executive Leadership:** During interviews, these individuals stated that two rounds are to be conducted per hour in general housing.
- **CALEA Standard 72.8:** Deputies are required to visually observe an inmate at least every 30 minutes.

Safety and security checks – including those monitoring suicidal inmates – are conducted casually and are not done in accordance with policy. Best practices mandate that rounds be conducted at least every 30 minutes and be staggered to avoid inmates predicting when the rounds will occur. The following observations were also made:

- Rounds on suicidal inmates were not conducted every 15 minutes as required and paper logs were not visible.
- There was an absence of rounds in the JMS of up to two to three hours for routine checks.
- Numerous cells had excessive graffiti. One inmate said he spent more than 20 days covering his entire cell with graffiti.
- As many as 15 pencils were found in cells that displayed graffiti.
- Excessive trash and food were seen in inmates’ cells.
- A red substance, suspected of being a fruit drink, was splattered on the walls and ceilings in one cell. The inmate said the cell was in that condition when he entered it several weeks prior.
- Excessive fruit – like oranges and apples – which inmates could use to produce alcohol, were seen in cells.
• An inmate with significant mental health needs had torn blankets and sheets tied to his bed and wall hook, preventing the supervising deputies from visually observing him. When asked about the inmate’s welfare and what actions should be taken, the deputy responded that he would be concerned if he could not see the inmate during his rounds, but it was not worth the effort to take the torn blankets and bed sheets away because the inmate would just rip the new ones.

• Rounds were documented in a log book every 30 minutes without staggered intervals.

» RECOMMENDATIONS

3.68 – Frequency of Checks: Amend department orders and division policies and procedures to clearly reflect the requirement that deputies visually check on inmates at least every 30 minutes and these checks should be staggered in accordance with CALEA Standard 72.8.1 and best practices.

3.69 – Training and Accountability: Train employees in accordance with the requirement to conduct staggered visual checks every 30 minutes and make supervisors responsible for ensuring the requirement is met.

3.70 – Sanitation Protocols: Inform deputies that they must address sanitation issues as soon as they observe it, including immediately ordering inmates to remove graffiti or submitting a work order to remove it.
Monitoring Rounds

Sergeants reported that they do not have the time to appropriately supervise deputies since most of their time is spent scheduling overtime. They argued that the span of control of sergeants to deputies should be no more than 1:7.

Captains varied in their explanations of how rounds are monitored. Some stated they randomly select one area under their supervision per week to review. If a round was not recorded within 60 minutes, they investigate further by reviewing the log book or the JMS. If documentation exists that indicates a round was made, no further action is required. Other captains indicated that they investigate only if the failed rounds were egregious, or if the rounds were not conducted for more than 120 minutes. In both instances, captains said unexplained missed rounds are documented through incident reports that are then sent to the major. The captains indicated taking corrective action regarding failed rounds is the responsibility of the major.

» RECOMMENDATIONS

3.71 – Tracking Round Increase: Program designated round-tracking devices so that supervision exception reports include the date and time an inmate’s supervision level was increased so supervisors can identify when increased rounds are mandated.

3.72 – Periodic Inspections: Require sergeants to conduct periodic inspections during each shift and report on the inspections to ensure compliance with policies and procedures.

3.73 – Definition of Non-Compliance: Provide captains and sergeants with a standardized definition of non-compliance.

Documentation of Inmate Checks

Safety and security checks at the DDC are documented by deputies using hand-held PDAs and entering data into the JMS. At DCJ, deputies document safety and security checks using a hand-held device called a rounds tracking pipe. Suicide watches at the DDC and DCJ are documented on paper logs, which are then scanned into the JMS.

Deputies explained that the devices identified for tracking rounds are not always used. Instead, they enter rounds into a log book or the JMS directly. When deputies do not use the technology that is designed to ensure rounds are being made appropriately, supervisors are limited in their ability to hold deputies accountable if they are not compliant. The Department needs to review and improve the methods it uses to determine how often inmates have been checked based on their observation levels.

» RECOMMENDATION

3.74 – Mandating Device Use: Require deputies to use the round-tracking technology devices provided to them. If a device is broken, require the deputy to immediately report the device as inoperable so DSD can issue a replacement.

3.75 – Deputy Compliance: Mandate the use of the designated round-checking device to ensure deputies comply with the checks required based on an inmate’s assigned observation level. Alternative documentation – such as log books or the JMS – should only be allowed in the event the round checking devise is inoperable.

3.76 – Suicide Prevention Observation: Clearly define the method of documenting observations and the process of ensuring supervision of suicidal inmates, as well as documenting the completion and accountability for such rounds. The Deputies are responsible for conducting them the policy states for suicide watches they document the checks on paper and scan into JMS. Supervisors are not checking this. They only check the routine rounds logged via technology.
Suicide Prevention and Frequency of Checks

The suicide rate in jails is significantly higher than in prisons or in the community, making it even more important for deputies to monitor inmates at risk of committing suicide. According to a 2010 study conducted by the National Center on Institutions and Alternatives, commissioned by the National Institute of Corrections, the suicide rate in county jails is 38 deaths per 100,000 inmates, which is three times greater than the suicide rate in the general population of the United States, which is 11 deaths per 100,000 people.

Lindsay Hayes, a nationally recognized expert on suicides in correctional facilities, recommends having at least two levels of supervision for suicidal inmates: (1) constant observation for inmates who are acutely suicidal and (2) close supervision that includes observations at staggered 15-minute intervals to prevent inmates from anticipating when staff will make the check. The importance of establishing regular checks is emphasized by Hayes, as he states that upon strangulating by hanging, a person loses consciousness within the first one or two minutes, and incurs brain damage within three to five minutes. After 10 to 15 minutes, the person cannot survive. This is why it is critical for suicidal inmates to be observed in staggered 15 minute intervals.

DSD screens for suicide during multiple phases of the booking, intake and classification process. However, department orders and division policies and procedures can be improved to better describe means of observing suicidal inmates. For example, they did not clearly outline who is responsible for identifying what items an inmate can or cannot have in their cell when placed on suicide watch. There is an obvious disconnect among policy, procedure and practice.

Denver Health, Department of Correctional Care Policy NCCHC J-G-05 identifies two levels of suicide observations – constant and every 15 minutes; however, DSD does not identify those needing constant supervision. Department orders state that a deputy should monitor suicidal inmates every 15 minutes, but sometimes deputies conduct checks every 15 or 30 minutes. DCJ policy states that suicidal inmates should be under continuous supervision, but it does not identify who is responsible for doing so. Later in the policy, it states that a deputy should conduct rounds on suicidal inmates in 15-minute intervals. DDC policies state that suicidal inmates should be monitored every 15 minutes, but they do not outline any procedures for continuous supervision.
The following are summaries of other DSD, DCJ and DDC policies regarding suicide:

- **DSD Department Order 5410.1 Suicide Prevention, Death, or Substantial Risk of Death in a Facility:** Suicidal inmates or inmates believed to be suicidal are to be placed in observation cells with a 24-hour surveillance camera. If these cells are not available, the nurse may request that the inmate be placed in a cell easily accessible by deputies. The floor and building deputies then closely monitor the inmate. Ongoing 15-minute rounds are required and must be documented on an observation and special management form.

- **DCJ Policy 4000.00 Inmate Management:** Suicidal inmates are required to have constant supervision. However, the policy does not identify who is responsible for supervising.

- **DCJ Policy Section 6000.00:** Personal observations by a deputy at 15-minute irregular intervals are required. Health care personnel must complete a “Request for Classification Form” that indicates the suicide code and authorizes restrictions for clothing, bedding and housing. Suicidal inmates are classified in three categories: extreme, severe and high. Inmates with extreme classifications are housed in floor flush cells with continuous supervision; severe classifications in a floor flush cell with suicide precautions; and high classifications in camera cells with suicidal precautions. Clothing must be removed and inmates are provided with a suicide smock, blanket and mattress if they are classified in any of the three classifications. All other items are prohibited from being in the cell.

- **DDC Policy 802.00:** Deputies must conduct rounds approximately every 15 minutes for suicidal inmates. However, the policy does not identify a process for continuous observation for suicidal inmates.

- **DDC Policy Section 500.00 Medical:** Health care staff must complete a “Request for Classification Form” that indicates the suicide code and authorizes restrictions for clothing, bedding and housing. Suicidal inmates are classified in three categories: extreme, severe and high. Inmates with extreme classifications are housed in floor flush cells with continuous supervision; severe classifications in a floor flush cell with suicide precautions, and high classifications in camera cells with suicidal precautions.

- **Denver Health, Department of Correctional Care Policy NCCHC J-G-05:** Two levels of observation are defined for suicidal inmates. Inmates who are clinically determined to be at high risk of suicide or self-harm are housed in specially designated observation cells with door identification tags to indicate suicide or self-harm risk. Building deputies make rounds monitoring these individuals every 15 minutes and rounds must be documented in the JMS. If an inmate is determined to have an immediate, extreme risk of suicide or self-injurious behavior by a psychiatric prescriber or by a psychiatric or medical registered nurse after a review with the on-call psychiatrist, the patient is placed in the corresponding observation cell with continuous, direct visual observation. A non-clerical health services staff member is stationed at the cell door with a direct line of sight of the patient. Video monitoring is never to be used as the sole method of any patient deemed to have an immediate danger of suicide or self-injurious behavior.

Mental health professionals, nursing staff and deputies at both facilities described a two-level observation process: every 15 minutes and direct and continuous supervision. Nursing staff indicated that health care professionals conduct the direct and continuous observation, while DSD staff stated that a deputy is posted at the door. On two occasions, we observed deputies conducting just two rounds on suicidal inmates over the course of an hour.
DSD does not appear to have a consistent means of recording suicidal rounds. Staff described a variety of methods, including a guard tour system, JMS system, log book and a paper process that is scanned into the JMS system.

The DDC medical unit is equipped with four bare psychiatric cells, and the DCJ medical unit is equipped with two. Suicidal inmates are managed in several different locations within each facility, including medical and special treatment units. Camera cells are often used, and other housing is substituted if one is not available. On two occasions, we observed suicidal inmates in smocks who were not in camera cells.

DO 54101E Suicide Prevention, Death, or Substantial Risk of Death in a Facility states that suicidal inmates should not be allowed to retain any items that may be harmful, and indicates that a deputy should contact a supervisor and the medical staff if he or she has a question about what to remove. Inmates housed in the medical unit for suicide watch are placed in sterile rooms with no personal belongings to prevent injuries. DSD deputies stated that restrictions on personal belongings, sheets, blankets and other items are determined by the housing deputies, and some DSD deputies indicated that all personal items are always removed. However, we observed an inmate in a smock, identified as being on suicide watch, who had sheets and personal items in his or her cell.

» RECOMMENDATIONS

3.77 – Suicide Prevention Observation: Clearly define the method of documenting observations and the process of ensuring supervision of suicidal inmates, as well as documenting the completion and accountability for such rounds. The Deputies are responsible for conducting these rounds for suicide watches, and then documenting the checks on paper and scanning them into JMS. Supervisors are not routinely checking to ensure these scanned reports are entered into JMS. Instead, they typically only check the routine rounds logged via technology.

3.78 – Environmental Restrictions: Ensure a qualified mental health professional assesses each inmate on suicide watch to determine what precautions are necessary, and when those precautions should be removed. They may include cell changes, clothing changes and modifications to utensils or personal belongings.

3.79 – First Responder Requirements: Require DSD first responders to take necessary precautions and remove items that may potentially cause self-harm (e.g. personal property, clothing, bedding that may be torn and made into ligatures).

3.80 – Mental Health Team Policies: Outline a procedure in DSD and Denver Health policies that identifies mental health professionals as the employees responsible for the assessment of suicidal inmates; determination of continued environmental restrictions (e.g., removal of clothing, personal property, increased monitoring) and removal of such restrictions. In the policies for both agencies, clearly identify a system to communicate the mental health team’s determination of the precautions and removal of the precautions.

3.81 – Two-Level Observations: Stipulate at least two levels of observation determined by health care staff, and define which employees will conduct the observation.
MENTAL HEALTH AND WAYS TO IMPROVE PROCESSING

More than 40 percent of inmates housed by DSD have varying degrees of mental health issues, as estimated by the mental health director. If we include addiction to one or a combination of drugs, alcohol and prescription meds, the population of inmates with mental health issues could be as high as 80 percent. Inmates have access to a variety of mental health services, including individual crisis counseling, group counseling, substance abuse services and medication management.

Staffing Levels and Services

DSD contracts with Denver Health and Hospital Authority to provide mental health services to inmates in its care - a change that occurred within the last two years. Previously, the mental health professionals were all DSD employees and reported to security staff. Several mental health staff remain on DSD’s payroll and report to a major. By contract, vacancies are now filled with Denver Health Services employees.

DSD’s contract with Denver Health, as well as the City and County of Denver, requires that one physician and one psychiatrist is on-call 24 hours a day, 365 days a year to answer medical and psychiatric questions related to inmate care. The contract also provides for an on-site physician and mental health provider at least five days a week at the DDC and three days a week at the DCJ. The contract states that the provider must remain on site until inmate referrals are evaluated and treated and charting is completed. In addition, the contract states that Denver Health provides all nursing and physician staff needed to meet National Correctional Care Health Commissions (NCCHC) staffing standards. A nursing supervisor is also required at both facilities to oversee nursing staff. Staffing levels are maintained unless the City and County of Denver and Denver Health agree upon changes in writing.
Mental health staff members are available from 6 a.m. to 6 p.m., seven days a week. Mental health staffing at the DDC consists of a psychologist, social worker, mental health clerk and interns. Staffing at the DCJ consists of three licensed psychologists and two social workers. Psychiatry staffing consists of two psychiatrists, three advanced practice nurses (one vacancy), three psychiatric nurses focused on mental health screening, one licensed practical nurse focused on unexpected urgent needs, one licensed social worker, one behavioral health care technician focused on chronic care and medication monitoring, and interns. The city’s approved 2015 budget includes an additional psychologist and another social worker.

A nurse in admissions conducts the initial mental health screening. If an inmate needs further evaluation, the nurse determines if the inmate needs to see a psychiatrist and then refers the inmate to see a psychiatric nurse within 14 days. Urgent referrals are usually seen in two weeks. Acute referrals are managed by the nurse.

Health care personnel report delays of four to six weeks in providing psychiatric care to previously undiagnosed inmates or inmates who were not compliant with medication prior to admission. Untreated mental health needs have an adverse effect on the inmate and have the potential of creating management problems for housing deputies and other inmates. Inmates who have been stabilized on medication have a greater opportunity to continue with treatment when released to the community and potentially reduce the likelihood of recidivism.

A social worker and a psychiatric nurse make up the crisis team in the event a nurse requires additional assistance. If an inmate is not complying or is not prescribed medication, they are classified accordingly, housed in a camera cell, and are seen by a prescriber within 24 hours. DSD uses six mental health codes to determine where inmates should be housed. Inmates with mental health needs that cannot be maintained at the DDC and DCJ are transferred to the CCMF, a contained DSD medical unit operating within the Denver Hospital.

The Correctional Behavior Care Program now includes contractual employees from Denver Health. The director is a contract employee, yet she supervises clinical staff members who are DSD employees.

Mental health services work in conjunction with the medical unit and require a coordinated approach to delivering health care services. Mental health and medical staff previously worked in the same area, but the mental health team was recently relocated outside the medical unit. This has created communication issues and hindered their ability to provide coordinated services.

The mental health professionals enjoyed a close working relationship with the health care providers, which was enhanced because the staff offices were located in close proximity of each other. However, they have since been moved to another floor at DDC, which appears to create operational barriers regarding both communication and access to medical records. While the director of the psychology unit is a DSD employee, she answers to the director of correctional behavioral care with Denver Health.

**RECOMMENDATIONS**

3.82 - Staffing: Conduct an analysis of the number of psychiatric prescriber employees at the DDC to address the delays in inmates receiving psychiatric assessment and treatment.

3.83 - Relocation: Move the mental health team to the medical unit located in the DDC.
Medical Records and the Need for an Electronic System

As DSD is the owner of the health care file, non-medical personnel have access to medical information. In addition, when there is a request from an inmate for medical records, it is currently forwarded to IAB, which bills the inmate for the records transfer. This is a potential violation of the Health Insurance Portability and Accountability Act (HIPAA).

DSD purchased a medical component with its JMS, but health care staff stated that the program does not meet their needs and they use few fields in the medical screen. Due to errors in the system, health services stopped using the JMS for scheduling in January 2015 and started using an independent system for scheduling.

Twelve medical clerks are required to maintain the inmates’ records. DSD must transport an inmate’s records to another facility if he or she is transferred. Due to a lack of space, inmates’ records are sent to storage within three to six months of an inmate’s release. In the event the inmate returns, the records must be requested from the warehouse, and a temporary file is maintained until the records are delivered.

All progress notes must be completed by providers and submitted for filing. The process to file progress notes does not allow personnel to have immediate access to the information required to make informed health care decisions. Health care personnel report that paper files are not always accessible as they could be in use by another provider.

For example, an inmate may be seen by a dentist, nurse and mental health provider all in one day. Each medical provider writes progress notes and then medical clerks file the progress notes in the inmate’s medical records. Because the documentation is not submitted for filing until after each inmate contact, the filing may not be completed before the next provider contact so a comprehensive up-to-date record is not available. Wireless medical records allow multiple providers to have access to the most recent medical records.

In addition, health care records are not available to nursing staff in the intake area of the facility. Allowing access to medical records during the medical assessment at intake would increase the productivity of the health care staff and provide more immediate treatment to inmates requiring services. An electronic health care record would also eliminate the space requirements for storage at the facilities and off-site storage.

Other problems associated with maintaining a hard copy file include the limited ability for Denver Health Hospital and related external clinics to see facility medical records for emergency room and outpatient clinics. Currently, Denver Health Hospital can only see the information it has in its medical records system, not the information housed at DSD facilities.

» RECOMMENDATIONS

3.84 – Consistency: Conduct a feasibility study on behalf of DSD and Denver Health Services to determine the cost effectiveness and efficiency of providing the same wireless medical record system at DSD as that used in other Denver Health facilities.

3.85 – Confidentiality: Explore the legal and ethical implications of the confidentiality of DSD health care records because, by contract, DSD owns the inmates’ health care records and non-medical employees have access to inmates’ medical information, which is a potential Health Insurance Portability and Accountability Act (HIPPA) violation.
Mental Health Evaluations at Intake

The mental health issues of inmates in the DDC present critical stumbling blocks that affect the processing of inmates into the system. While DSD strives to have health staff available 24/7 at intake to conduct mental health screening, trained mental health professionals are not immediately available. This results in inmates waiting in the “pit” or on the second floor short-term housing for long periods of time to have their mental health needs addressed. Some individuals with mental health needs are seen initially not by a mental health professional but by a nurse, who can later refer them to a psychiatrist, if needed.

The Department’s command staff can meet with mental health unit supervisors, but there are not any joint staff meetings organized on a regular basis to attempt to resolve mental health issues. There are limited opportunities for regular meetings of mental health and sheriff staff assigned to intake: the mental health “team of the day,” the deputies assigned to the mental health area who meet once a week to talk about inmate cases and planning, and a monthly suicide prevention meeting. These meetings are not a substitute for broader joint staff meetings designed to address ongoing mental health, detention and jail issues. This greater level of collaboration is needed to allow employees to collaborate to solve problems.

» RECOMMENDATIONS

3.86 – Weekly Joint Staff Meetings: Bring medical, psychiatric and DSD personnel – including security, Community Emergency Response Team (CERT) and classification staff – together weekly to address ongoing mental health and DDC issues that impact the intake process, while continuing the meetings that already occur.

3.87 – Mental Health Staffing: Conduct an analysis of the professional staffing levels for mental health staff involved at the intake and classification levels at the DDC to ensure all inmates’ mental health statuses are taken into account during the classification process.
METHODOLOGY: HOW WE CONDUCTED THIS STAFFING ANALYSIS

First, we requested and carefully examined data in DSD’s Organizational Baseline Report Executive Summary; Coming Together to Craft Solutions: DSD Final Report of the Taskforces; and the Denver Sheriff Department Reform Effort, Phase One Status Report. In addition, we reviewed data regarding the inmate population, facility structure, inmate movement and schedules of inmate activity, Department-initiated activities and administrative activities.

Second, we observed DSD operations and interviewed personnel doing the work. These observations and interviews were conducted throughout the formal assessment process and continued with specific observations and interviews relative to staffing, including the physical and environmental limitations of each facility and how each facility and housing unit is used; and identifying areas which required additional staffing, areas of staffing redundancy and opportunities for optimizing staff resources.

This assessment included a detailed analysis of DSD staffing and, based on these findings, the development of a complete DSD Staffing Plan for the Department, that will significantly improve operational efficiencies. Provided separately, this Staffing Plan systematically addresses five areas in which DSD can improve performance and operating efficiencies. These include (1) structural alignment, (2) the mix of sworn and non-sworn staff, (3) alternative staffing arrangements, (4) shift relief factors and (5) work schedules.

STRUCTURAL ALIGNMENT ISSUES AND DIVISIONAL RESPONSIBILITIES

DSD’s current organization into four divisions creates operational inefficiencies.

- **Resource Sharing**: The three housing facilities (DDC, DCJ and CCMF) do not share personnel resources resulting in duplication of services, redundant positions and limited flexibility.

- **Workload Balance**: The current scope of responsibility for each of the four division chiefs is unbalanced. For example, the DDC division chief manages approximately 550 employees, while the DCJ division chief only manages approximately 240.

- **Coordination**: The lack of personnel resource coordination among the three DSD facilities contributes to high overtime costs. That is, personnel from one unit rarely are used to replace personnel at other facilities.

- **Division of Labor**: Every DSD position can be categorized as either a custodial or a support function, thus suggesting a logical organizational structure. The current structure does not support this division of labor.

Streamlining and rationalizing the organization will yield the following beneficial outcomes. This will (1) unify the allocation of personnel providing custodial supervision and programs for inmates; (2) reduce the number of chief positions; (3) help standardize DSD policies and procedures; (4) provide consistency in shift scheduling, shift voting and vacation voting; and (5) consolidate all support services into one division.
IMPROVING FUNCTIONAL ASSIGNMENTS ACROSS DSD UNITS

Faced with fiscal constraints, many counties have begun introducing strategies to reduce the costs of operating detention facilities. For example, some agencies have begun to use non-sworn staff to provide direct supervision of inmates. While there is some debate regarding the use of non-sworn staff in prisons and jails, there is a compelling argument to use non-sworn staff for tasks unrelated to inmate supervision.

In general, a position should be sworn only if it requires the powers, skills and abilities to supervise inmates. On occasion, a position may not require the powers, skills and abilities of sworn personnel, but using sworn personnel enhances the position, and the benefits outweigh the costs. Examples include positions in training and recruiting. Several factors are driving this national trend toward employing more non-sworn staff.

1. Efficiency: Non-sworn staff can often complete tasks otherwise performed by a sworn staff at a significantly lower cost and with less training. Non-sworn staff can begin working in their capacity more quickly and with less financial investment and job training.

2. Qualifications: Sworn staff are trained and commissioned to perform a wide range of duties for which they are uniquely qualified, and departments should make the best use of sworn staff’s specialized training and skills: sworn personnel should perform those services that only a trained employee is qualified to perform.

3. Suitability: Finally, civilian employees often bring a better skill set to some tasks than sworn personnel.

DSD’s practice in this area does not conform to best practices. The Department deploys sworn personnel for functions unrelated to the custodial care of inmates and for clerical and support functions. These secondary activities involve vehicle towing and storage, scheduling, information technology, mail sorting, fleet management, accreditation administration, juvenile work supervision, policy and post administration, records management, and payroll entry.

The Department could correct this state of affairs with changes to personnel in the following areas:

- **Vehicle Impound Facility (VIF):** The DPD, DSD and Parking Enforcement are each involved in some way with abandoned vehicles, and the towing and storage of cars. All three agencies, for example, will respond if called by a citizen to place a warning on the vehicle. Each agency follows different procedures when vehicles are abandoned, moved from traffic and booted. The VIF (where some vehicles are stored) is operated by DSD (8 sworn and 27 non-sworn DSD personnel). The city needs to consolidate these functions – and not necessarily within a law enforcement agency. Many communities engage private companies to manage these activities. For example UR Vehicle Management Solutions provides towing, impound and disposal services in many cities.

- **Scheduling Unit:** This team – one sergeant and three deputies – oversees data entry regarding employee absences, overtime and other payroll matters. It also manages shift voting, vacation voting and schedules in-service training. We suggest this unit be eliminated and its functions reassigned. Payroll data entry is a business function and this job can be done by non-sworn personnel. We suggest three payroll assistants replace the currently assigned deputies and the payroll assistants report to the business director. We also suggest that an executive assistant be assigned to each watch commander to manage the scheduling duties presently performed by the sergeants and watch commander. This will allow the supervisory staff to focus on more critical duties.
• **Technology Management Unit (TMU):** Responsible for overseeing software and technology maintenance, purchases, training and infrastructure for DSD facilities, this unit – made up of one sergeant and two deputy sheriffs – oversees the jail management system (TAB), data collection and report generation, and credentialing. We suggest the duties of the sergeant and two deputies be transferred to the City and County of Denver Technology Unit because it will be able to deliver these services much more efficiently and effectively. We suggest an Information Technology Executive be added to the Support Services Division to coordinate technology-related functions with the City and County of Denver’s IT team. The individual must have a baseline understanding of IT best practices for corrections, as well as enterprise architecture, portfolio management, lifecycle management, business requirements analysis and end-user support. The individual would play a critical role in fostering efficiencies and resolving IT issues. He or she must also participate in managing vendors and ensuring they are meeting all contractual requirements.

• **Mailroom Office:** The DDC assigns two sworn personnel and the DCJ assigns one to the mail office post. The general duties associated with this position – sorting, inspecting and distributing incoming and outgoing mail – are better addressed by a DSD security specialist.

• **Fleet Management:** DSD assigns a sworn deputy to this post to oversee the scheduling of vehicle maintenance and repairs and manage the hand-held radio inventory. We suggest that an administrative support assistant assume these duties.

• **Accreditation Unit:** Staffed with a sergeant and three deputies, this unit oversees continuous compliance with accreditation agencies (American Correctional Association, CALEA, and National Commission on Correctional Health Care) and compliance with the Prisoner Rape Elimination Act (PREA). Similar to the sheriff departments in Douglas and Jefferson counties address these duties, we suggest that DSD replace these personnel with two full-time administrative support assistants and, initially, a sergeant to oversee the transition, after which the post should be assigned to a non-sworn employee.

• **Juvenile Work Program:** One deputy provides community supervision of juveniles sentenced to diversion programs for minor offenses. We find the supervision of juvenile diversion programs to be inconsistent with DSD’s mission statement and statutory authority and suggest that this responsibility be assigned to either juvenile court services personnel or outsourced to a youth services community agency provider.

• **Department Orders, Post Orders and Policy Review:** DSD currently relies upon an administrative support assistant to maintain department orders and a deputy sheriff assigned to the DCJ and DDC to develop, review and revise facility policies and post orders. We suggest that DSD centralize the development, review and revision of department orders, post orders and facility policy and procedures by replacing these personnel with a non-sworn management analyst.

• **Records Management Unit:** This function is staffed by 34 deputy sheriffs. While DSD has attempted to civilianize the Records Department, Safety HR indicated that there were low numbers of applicants despite extended postings. Moreover, DSD reports that civilians have terminated employment after short periods of time. We suggest that DSD develop a Strategic Plan to address these and other hiring and retention challenges and include adjusting the schedule to eight-hour shifts and rotating schedules to ensure periodic weekend offs. We also advise that DSD establish a change management plan that includes the hiring and training of civilian supervisors.
• **Hiring and Background Unit**: Safety HR recruits, screens, interviews and provides testing for all newly hired DSD employees. DSD uses a deputy sheriff for additional recruiting and a sergeant to manage the internal hiring functions (e.g., integrity interviews, scheduling polygraph examinations, psychological evaluations, medical examinations, drug testing, and background checks; and referring a list of qualified applicants to the Executive Director of Safety). In addition, retired deputies are retained on contract to conduct background investigations. The hiring process and background investigations are a human resources process.

• We suggest that Safety HR continue to provide the current resources and, in addition, manage the contracts for background investigations and provide all integrity interviews for new applicants. The Safety HR indicated leveraging resources for background checks could provide considerable cost savings, provide uniformity of background checks and avoid any perceived conflicts of interest in using retired DSD employees in the hiring process.

• We suggest DSD hire a human resource specialist to coordinate the internal and external human resource functions.

• We also suggest that the deputy sheriff for recruitment report to the major in the Support Services Division and work closely with the human resource specialist to identify recruiting opportunities.

• **Other Departments**: DSD currently provides security unrelated to inmate custody to a city and county building located at 303 West Colfax and the City and County Building located at 1437 Bannock Street. The City and County of Denver should expand the private security agency contract to include security at these two buildings which will allow deputies to resume duties within DSD facilities. In addition, DSD provides security three days a month at the Treasury Department Building for marijuana tax collection. It has been reported that law enforcement presence is required due to the taxation mandates of cash transactions and potential for robbery. It is suggested the DPD assume the duties at the Treasury Department, as DPD is the primary law enforcement agency designed for the City and County of Denver.
STAFFING MODEL AND THE OPPORTUNITY TO IMPROVE EFFICIENCY

DSD’s staffing model is based on an assumption - an input commonly referred to as a “shift relief factor” - that results in improper estimates of staffing requirements. The shift relief factor is a tool used in resource allocation typically used to help identify the number of personnel who should be assigned to a shift to ensure that an appropriate number of personnel are on duty.

- The shift relief factor is based on historical data that accounts for any activity that takes away from availability (e.g., sick leave, vacation and holiday).
- DSD uses this data to construct a relief factor of 5.36 based on a 24-hour workday.
- In other words, in order to fill one post 24 hours a day, 7 days a week the Department believes it needs to employ 5.36 full-time equivalent (FTE) personnel. This approach is not in keeping with best practices.

Using the same benefit time off data used by DSD, we constructed single shift relief factors for personnel on 8-, 10-, and 12-hour schedules based on a 24-hour workday. (Table A). These will be different because these schedules result in different numbers of days off each year. We then used this data to construct the shift relief factors.

Based on our analysis, the shift relief factor for an 8-hour shift is 1.71, a 10-hour shift is 2.1, and a 12-hour shift is 2.4. If we multiply 1.71 by 3 (for 3 shifts per day), the resulting shift relief factor is 5.13. This is an important distinction. If the Department filled 100 posts, 24 hours a day under its current model (5.36), it would require 536 full-time personnel. Under our model, the Department would require 513. This represents the opportunity to improve staffing efficiency by seven percent on a recurring annual basis.
### Table A: Shift Relief Factor Calculation

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAX: 365 days x 8 hours per day</td>
<td>Total Hours Worked x 529</td>
<td>Regular Days Off 52.14 x 16</td>
<td>Regular Days Off x 529</td>
<td>Benefit Time Off</td>
<td>Total Time Off</td>
<td>Annual Total Hours Worked</td>
<td>Shift Relief Factor 1 Shift Per Day</td>
</tr>
<tr>
<td>2,920</td>
<td>1,544,680</td>
<td>834.2</td>
<td>441,292</td>
<td>200,615</td>
<td>641,907</td>
<td>902,773</td>
<td>1.71</td>
</tr>
<tr>
<td>MAX: 365 days x 10 hours per day</td>
<td>Total Hours Worked x 529</td>
<td>Regular Days Off 52.14 x 30</td>
<td>Regular Days Off x 529</td>
<td>Benefit Time Off</td>
<td>Total Time Off</td>
<td>Annual Total Hours Worked</td>
<td>Shift Relief Factor 1 Shift Per Day</td>
</tr>
<tr>
<td>3,650</td>
<td>1,930,850</td>
<td>1,564.2</td>
<td>827,461</td>
<td>200,615</td>
<td>1,028,076</td>
<td>902,774</td>
<td>2.30</td>
</tr>
<tr>
<td>MAX: 365 days x 12 hours per day</td>
<td>Total Hours Worked x 529</td>
<td>Regular Days Off 26.1 x 84</td>
<td>Regular Days Off x 529</td>
<td>Benefit Time Off</td>
<td>Total Time Off</td>
<td>Annual Total Hours Worked</td>
<td>Shift Relief Factor 1 Shift Per Day</td>
</tr>
<tr>
<td>4,380</td>
<td>2,317,020</td>
<td>2,192.4</td>
<td>1,160,732</td>
<td>200,615</td>
<td>1,361,347</td>
<td>955,673</td>
<td>2.40</td>
</tr>
</tbody>
</table>

- Column 1 indicates the maximum number of hours that an employee could work if they worked every day of the year.
- Column 2 shows the total number of hours worked by the 529 personnel in the data set.
- Columns 3 and 4 show the time allotted to regular days off.
- Column 5 indicates the total benefit time off for the group (not including regular days off).
- Column 6 illustrates the total of the benefit time off and the regular days off.
- Column 7 is the number of hours worked annually (the average deputy works 1,751 hours per year).
- Column 8 indicates the shift relief factor achieved by dividing the total number of hours that they could work by the actual number they work.

Table B provides a detailed breakdown for Table A, Column 5.

### Table B: Total Benefit Time Off

<table>
<thead>
<tr>
<th>Benefit Time Off</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation</td>
<td>63,537</td>
</tr>
<tr>
<td>Paid Sick</td>
<td>30,508</td>
</tr>
<tr>
<td>In-Service Training</td>
<td>23,804</td>
</tr>
<tr>
<td>Extended Illness</td>
<td>19,925</td>
</tr>
<tr>
<td>Suspension</td>
<td>15,748</td>
</tr>
<tr>
<td>Special Assignment</td>
<td>14,550</td>
</tr>
<tr>
<td>Holiday COMP</td>
<td>8,597</td>
</tr>
<tr>
<td>Early RT/Light Duty</td>
<td>4,959</td>
</tr>
<tr>
<td>Training beyond 40 Hours</td>
<td>4,617</td>
</tr>
<tr>
<td>IAB Leave</td>
<td>3,756</td>
</tr>
<tr>
<td>Holiday Observed</td>
<td>2,657</td>
</tr>
<tr>
<td>Funeral Leave</td>
<td>2,521</td>
</tr>
<tr>
<td>Workers COMP</td>
<td>2,158</td>
</tr>
<tr>
<td>Military</td>
<td>1,619</td>
</tr>
<tr>
<td>Administrative Leave</td>
<td>1,157</td>
</tr>
<tr>
<td>Civil Leave</td>
<td>351</td>
</tr>
<tr>
<td>Unauthorized Absence</td>
<td>151</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>200,615</strong></td>
</tr>
</tbody>
</table>
ESTABLISHING MORE EFFICIENT WORK SCHEDULES

DSD uses a mix of work schedules for employees that results in inefficiencies, unnecessary complexity and limitations on the Department’s ability to adapt to staffing shortages.

An important component of resource analysis is the work schedule. The work schedule is critical because it is a tool to ensure that resources are aligned with organizational objectives. In order to understand these issues better, it is instructive to review the scheduling process. Law enforcement and corrections agency work schedules come in all shapes and sizes. Although each seems unique, there is a methodology to apply so that we can compare work schedules. The important components of a work schedule are:

- Average work week
- Shift length
- Number of consecutive work days
- Weekend time off
- Staffing by day of week
- Percentage of personnel on duty each day

Table C: A Common Work Schedule

<table>
<thead>
<tr>
<th>WEEK</th>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>OFF</td>
<td>OFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| % ON | 71  | 71  | 71  | 71  | 71  | 71  | 71  |

Table C illustrates a work schedule in which personnel work a five days on/two days off schedule with eight-hour days. We observe that the shift has unique properties:

- Fixed days off
- Three groups of staff have either a full or partial weekend day off
- Equal staffing by day of week
- Longest on duty cycle is five days
Importantly, we observe that every day, 71 percent of the personnel are assigned to be on duty, and that the number of personnel on duty each day is the same. These are two very important criteria that can be used in evaluating a work schedule.

**Table D: 5-2 Schedule with Variable Staffing by Day of Week**

<table>
<thead>
<tr>
<th>WEEK</th>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>2 (2)</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>3 (2)</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
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<tr>
<td>4</td>
<td>OFF</td>
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<tr>
<td>5</td>
<td>OFF</td>
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<tr>
<td>6</td>
<td>OFF</td>
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<tr>
<td>7</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
</tr>
</tbody>
</table>

Table D shows how we can build a schedule that increases staffing on weekends. For example, consider that there is a workgroup with nine personnel, and we wish to provide staffing proportional to the daily workload. Each staff is assigned a day off group, but groups two and three each have two personnel. This allows the reduction of staffing on some days, and the increase on others. This schedule is particularly attractive to employees who want fixed days off. It works well for staff members who are going to school, and may be beneficial for those who assist in childcare. The disadvantage is that a substantial portion of employees never get a weekend off.

**Table E** outlines an alternative work plan – one that is commonly described as a “6-2” schedule. Over the course of the seven-week duty cycle, each staff member will, on the whole, work as follows:

- Six days on, three days off
- Five days on, three days off
- Six days on, two days off
- Six days on, two days off
- Six days on, two days off
Table E: 6-2 Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>TH</th>
<th>F</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>OFF</td>
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<td>OFF</td>
<td>OFF</td>
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<td>2</td>
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<td>3</td>
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<td>4</td>
<td>OFF</td>
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<td>OFF</td>
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<td>5</td>
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<tr>
<td>6</td>
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<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
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<tr>
<td>7</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>% On</td>
<td>71</td>
<td>71</td>
<td>71</td>
<td>71</td>
<td>71</td>
<td>71</td>
<td>71</td>
</tr>
</tbody>
</table>

This schedule has several interesting attributes:

- The percentage of personnel assigned each day is the same as a 5-2 schedule
- Rotating days off
- Each staff member gets two three-day weekends during each duty cycle

More than 30 years ago, several law enforcement agencies began adopting the “4-10” plan. Under this plan, staff work four 10-hour shifts and have three days off each week. The plan appeals to personnel because it reduces the number of days worked, the likelihood of working on a holiday and time spent commuting. At first, it appeared that the 4-10 plan would not affect staffing because personnel still worked 40 hours a week. Over time, we have seen that the effects of this plan are significant. For example, consider a position that provides service five days a week, for eight hours a day. A person on an eight-hour schedule should staff that job. However, we observed these types of positions in which the employee was on a 4-10 plan. This means that on the fifth day the job is either unfilled, or the position is filled on overtime.

Moreover, 10-hour work schedules require more personnel. Consider filling 100 custody posts on a 24/7 basis. If the deputies were assigned to 8-hour shifts, we would multiply 100 times the shift relief factor of 5.01. This would result in the need for 501 deputies. However, the 24-hour shift relief factor for 10-hour shifts is 6.3 (2.1 x 3). Thus, we would need to assign 630 deputies to these posts – a 24 percent increase in the total requirement.

The Department’s reliance on both 10- and 12-hour schedules makes it more difficult to use staff across functions. A key reason deputies assigned to the county jail are not used to fill vacancies at the DDC is that the facilities have different work schedules.

We suggest that DSD adopt eight-hour work schedules (though 12-hour schedules may be appropriate for posts that are staffed 24/7) for all employees except in those functions in which services are provided 10 hours per day, five days per week. Employees on 10-hour schedules with weekends off (e.g., Court Security) should adopt the following work schedule:
Table F: 10-Hour Schedule for Post with Weekends Off

<table>
<thead>
<tr>
<th>Week</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th>S</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OFF</td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>2</td>
<td>OFF</td>
<td></td>
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<td></td>
<td></td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>OFF</td>
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<td></td>
<td></td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td>OFF</td>
<td></td>
<td></td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>OFF</td>
<td></td>
<td>OFF</td>
<td>OFF</td>
</tr>
<tr>
<td>% ON</td>
<td>80</td>
<td>80</td>
<td>80</td>
<td>80</td>
<td>80</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>

It should be noted the concern of deputy fatigue associated with long shifts is better addressed with the eight-hour shift schedule.

We have prepared a comprehensive staffing plan based on our analysis of DSD operations. As detailed above, there a number of ways the Department can be more efficient and perform at a higher level. Table G illustrates staffing under the proposed organization compared to the existing plan. There is a net increase in staffing. In spite of this, we believe that there is significant opportunity for long-term savings for a number of reasons:

- **Unfunded Positions**: The Department currently staffs a number of unfunded positions, almost all of which are paid on an overtime basis. Adopting this proposed model will reduce these costs.

- **Design of Facility for Female Inmates**: Much of the increase in sworn staffing is related to significant performance gaps in the women’s facility. Because of the way in which this housing unit is designed, it will be necessary to increase staffing. However, if the Department uses housing units for female inmates similar to those used for male inmates, staffing levels will be significantly lower.

- **Overtime Costs**: Much of the cost of overtime can be reduced by more adaptive use of personnel. For example, at present, if there is a shortage of personnel at the DCJ and replacements are hired on overtime, even when there is a surplus of personnel at the DDC.
### Table G: Proposed DSD Staffing Plan

<table>
<thead>
<tr>
<th></th>
<th>Custody Division</th>
<th>Support Services Division</th>
<th>Sheriff’s Office</th>
<th>TOTAL DSD</th>
<th>PeopleSoft Approved FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Chiefs</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Majors</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Captains</td>
<td>14</td>
<td>2</td>
<td>2</td>
<td>18</td>
<td>17</td>
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<tr>
<td>Sergeants</td>
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<tr>
<td>Civilians</td>
<td>123</td>
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<td>2</td>
<td>189</td>
<td>209</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>808</strong></td>
<td><strong>186</strong></td>
<td><strong>15</strong></td>
<td><strong>1,008</strong></td>
<td><strong>957</strong></td>
</tr>
</tbody>
</table>

As you examine the staffing tables you will notice that some posts are on eight-hour shifts and others on 10-hour shifts. You will notice different shift relief factors. This table is based on the following assumptions:

- Posts are staffed 24/7 use a shift relief factor of 5.01 (3 x 1.71).
- 10-hour posts use a shift relief factor of 2.1.
- Some eight-hour posts are not staffed on the weekends but require relief (e.g., the spot must be filled). Those positions used a shift relief factor of 1.12.
- Eight-hour posts without relief use a shift relief factor of one.

4.2 - New Divisions: Implement the proposed administrative structure with two divisions: the Custody Division and Administrative Support Services Division.

4.3 - Task Force: Convene a task force with the responsibility of prioritizing the civilianization or outsourcing of identified positions and creating a strategic change management plan to maximize the successful transition to civilian positions.

4.4 - Post Rotation: Develop a strategic post rotation plan that ensures deputies are rotated on a regular basis.

4.5 - Staffing Changes: Implement the staffing changes and functional assignments outlined in this report for multiple units - from the Vehicle Impound Facility to the Records Management Unit - and the phased-in engagement of non-sworn personnel for sworn personnel who can then be tasked with other core operations.

4.6 - Staffing Model: Update DSD’s staffing model by converting to more efficient and effective single-shift relief factors for personnel on 8-, 10- and 12-hour schedules of 1.71, 2.1 and 2.4 FTEs, respectively.

4.7 - Schedule Changes: Implement work schedule changes involving eight-hour work schedules where possible in order to reduce the number of unfunded positions, increase flexibility in meeting surge demand for sworn staffing, and by, extension, reduce the high costs associated with unnecessary overtime.

4.8 - Metrics and Measurement: Improve data collection and accuracy on actual number of full-time equivalent positions in order to track, measure and identify ongoing opportunities better, and to improve staffing efficiency and effectiveness.
5

TRAINING
Essential to DSD’s performance – every day and over the long term – quality training provides information to deputies on how to conduct core activities in accordance with DSD directives, policies and procedures. Training also develops the physical and verbal skills deputies need to manage inmates; trains deputies for emergency situations; prepares them for upward mobility; and reduces the legal liability of staff and the agency.

**TRAINING ACADEMY STAFFING CHALLENGES AND OPPORTUNITIES**

DSD’s Training Academy consists of four core instructors, a sergeant, a captain and adjunct trainers from the DDC and DCI. In addition, two deputies have been assigned to the firearms range for several years, although they are not officially considered assigned to the academy. All core trainers have received the appropriate train-the-trainer certifications based on Colorado POST standards.

The Training Academy is required to provide 600 hours of pre-service training to sworn staff prior to receiving an assignment. In addition to providing pre-service training to sworn staff, the Training Academy provides pre-service training to all civilian staff, 40 hours of annual training to all staff members who have direct contact with inmates, 16 hours of annual training for staff who do not directly interact with inmates, reinforcement training, promotional training, remedial training, specialized training, and advanced training. Classroom size is limited to 20-25 employees per class due to classroom size and the availability of staff to be relieved from duty to attend training. In addition to training DSD employees, the Training Academy provides training to Denver Health Services employees and volunteers. DSD’s Training Academy has not developed relevant training for some DSD posts (e.g., records, classification), but instead provides “on the job” training provided by peers for these posts.

During a training class for new sergeants on use of force, we observed an adjunct trainer express disapproval of the assignment and state to the class that a higher-ranking officer should be conducting the training. The adjunct trainer also stated that the training would not be based on department order or policies and procedures. This situation demonstrates the difficulty in managing adjunct trainers, especially in an environment experiencing significant change and uncertainty.

In reviewing selected training lesson plans, we found that the Training Academy currently has lesson plans in two different formats, and some training courses do not have any lesson plans at all. At times, instructors instead solely use department orders or PowerPoint presentations as guidance in conducting training.
Staff indicated that the academy is transitioning from an old lesson plan format that doesn’t comply with CALEA standards to a new format that is consistent with CALEA standards. CALEA Standard 33.1.4 requires lesson plans to include the following:

- A statement of performance and job-related objectives
- The content of the training and specification of the appropriate instructional techniques
- A process for approving lesson plans
- Identification of any tests used in the training process

In reviewing lesson plans in the new format, we note that the contents still lack detail and barely meet CALEA standards. This leaves the context of training to the trainer’s discretion, rather than requiring them to teach by a specific curriculum designed by the agency.

» RECOMMENDATIONS

5.1 - Additional Resources: Permanently designate the two firearms trainers as instructors assigned to the Training Academy, recruit two additional trainers and hire a curriculum developer with specific skills in instructional design methodology.

5.2 - Lesson Plans: Create or revise existing lesson plans to meet CALEA standards.

5.3 - Adjunct Trainers: Revise the process used to select adjunct trainers and require them to use approved lesson plans that meet CALEA standards.

5.4 - Staff Meetings: Require core instructors to have regular staff meetings to discuss updates and changes in policies.

5.5 - Measurement: Begin using a formal Instructional Systems Design (ISD) model tailored for law enforcement and corrections agencies to design, implement and measure the effectiveness of all future training courses. Require DSD Training Unit personnel to receive appropriate training on how to use the ISD model.
KEY ISSUES RELATED TO LETHAL AND LESS-LETHAL TRAINING

DSD provides 232 hours of training in lethal and less-lethal weapons training to pre-service sworn staff.

<table>
<thead>
<tr>
<th>Training Area</th>
<th>Number of Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearm Use</td>
<td>106</td>
</tr>
<tr>
<td>Defensive Tactics</td>
<td>88</td>
</tr>
<tr>
<td>Orcutt Police Nanchaku (OPN)</td>
<td>20</td>
</tr>
<tr>
<td>Taser Usage</td>
<td>8</td>
</tr>
<tr>
<td>Verbal Judo</td>
<td>6</td>
</tr>
<tr>
<td>OC Spray</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>232</td>
</tr>
</tbody>
</table>

**De-Escalation**

De-escalation training teaches deputies how to control an emotionally volatile situation by listening, understanding the issues at hand, and then communicating with inmates, or “talking them down,” rather than using force. In reviewing the baseline, pre-service curriculum for deputies, we note that approximately 39 percent of the 600 training hours is dedicated to lethal weapons and less-than-lethal weapons, compared to de-escalation (verbal) skills training, which makes up only 2.5 percent.

The Training Academy currently provides incoming deputies with six hours of de-escalation in three two-hour blocks of time and also provides training related to communication and managing inmates in other modules for a total of 13 hours training provided in verbal interactions with inmates. De-escalation training is also offered to deputies every two years during in-service training.

A detailed breakdown of de-escalation training can be seen in the chart below:

<table>
<thead>
<tr>
<th>De-Escalation (Verbal) Skills Training</th>
<th>Number of Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Skills</td>
<td>3</td>
</tr>
<tr>
<td>Conflict Management</td>
<td>2</td>
</tr>
<tr>
<td>Direct Supervision</td>
<td>6</td>
</tr>
<tr>
<td>Special Management</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
</tr>
</tbody>
</table>
Multiple employees stated during interviews that change needed to occur. De-escalation interventions are time-consuming, and most staff stated that DSD needs additional staff in order to effectively decrease use of force cases. There were, however, a few employees who maintained the “old way” of talking and interacting with inmates (e.g., giving a directive and if the inmate failed to respond, using force) was the most effective, and that the reform efforts had allowed the inmates to control the jail (e.g., the inmates now decide when or if they will respond to directives). While these employees stated they have adjusted their interactions with inmates to meet DSD’s expectations, their comments are indicative of the need for additional training and mentoring.

The Training Academy provided us with many documents as well as a narrative describing its approach to leadership training. In summary, the document stated it would be unfair to categorize the title “Leadership” in that throughout the entire pre-service academy there are numerous subjects that cover a leadership component in one way or another. It further stated the overriding theme within the academy is to view the new deputy as a “guardian,” rather than previous academies that focused on the “warrior” aspect of the job. While this is commendable, the amount of time devoted to the “warrior” (firearms, weapons and defensive tactics) aspect of the job during pre-service and annual training has not changed. DSD guiding principles and values need to be reflected in the percentage of training time devoted to the effective management of inmates without the use of force.

Less-Lethal Weapons Training

Less-lethal weapons training provides options to deputies other than going “hands on” with combative or aggressive inmates. The National Institute of Justice funded a research study on the impact of less-lethal weapons, such as OC spray and Tasers, in 12 large local law enforcement agencies, including Miami-Dade County, Florida; Seattle, Washington; and Richland County, South Carolina. It found that use of physical force by deputies increased the likelihood of injury to deputies and suspects alike. Pepper spray and Taser use decreased the likelihood of suspect injury by 65 and 70 percent. Deputies’ injuries were unaffected by Taser use, while the odds of deputy injury increased approximately 21 percent with pepper spray use.1 A breakdown of the less-lethal weapons training areas can be seen below:

<table>
<thead>
<tr>
<th>Less-Lethal Weapons Training</th>
<th>Number of Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest Control Tactics</td>
<td>6</td>
</tr>
<tr>
<td>Batons</td>
<td>2</td>
</tr>
<tr>
<td>C4 (Physical control tactics including testing and introduction)</td>
<td>48</td>
</tr>
<tr>
<td>Cell Extraction</td>
<td>4</td>
</tr>
<tr>
<td>DT (defensive tactics) review</td>
<td>4</td>
</tr>
<tr>
<td>Ground Fighting</td>
<td>6</td>
</tr>
<tr>
<td>Handcuffing</td>
<td>6</td>
</tr>
<tr>
<td>OC Exposure</td>
<td>5</td>
</tr>
<tr>
<td>Orcutt Police Nunchaku (OPNS)</td>
<td>16</td>
</tr>
<tr>
<td>Taser</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
</tr>
</tbody>
</table>
We learned that deputies can choose whether to carry less-lethal weapons – which include OPNs, Tasers and OC spray – and decide whether to become re-certified to carry each option on an annual basis. Arguably, DSD does not consider each of these options as essential. Interviews with deputies and command staff indicate the number of deputies opting to carry these weapons, even when certified, has diminished. Multiple people we interviewed stated that most employees have “given up” on the Taser and many say they won’t use OC spray in the facility. The reasons for opting out of carrying these weapons included the fear of internal investigation if the weapon is used, dissatisfaction with the new prohibition of displaying and cycling the Taser without the intent to use the weapon, and an overall expressed lack of proficiency or discomfort in using the weapons. We note that the OPN may not be appropriate in the facility because it is an impact weapon and could be used against staff if taken from them.

Command staff members are not provided with a list of deputies who are trained and approved to carry and use each type of less-than-lethal weapon.

**Lethal Weapons**

Approximately 17 percent of the pre-service training hours recruits receive relates to using lethal weapons. This is a very high percentage given that the majority of deputies do not carry weapons during the course of their daily duties. In fact, the number of hours (104) DSD provides in pre-service training is twice the Colorado Post Requirements (62 hours) for firearms. A breakdown of the lethal weapons training hours can be seen below:

<table>
<thead>
<tr>
<th>Lethal Weapons Training</th>
<th>Number of Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearms</td>
<td>72</td>
</tr>
<tr>
<td>Shotguns</td>
<td>16</td>
</tr>
<tr>
<td>Weapons Training Classroom</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>104</strong></td>
</tr>
</tbody>
</table>

DSD provides a $650 weapons allowance to deputies to choose from 40 different handguns to carry regularly; however, that number has since been reduced to three options.\(^2\) Allowing deputies to choose from such a wide variety of weapons posed a number of challenges. First, it results in the need for different types of leather gear, which leads to non-uniformity among the sworn staff. This lack of uniformity in firearms also causes inefficiencies and creates safety concerns. For example, deputies would not be able to exchange weapons, clips and ammo in a sustained gun-fire incident. Deputies must qualify four times a year with their duty weapon and must also qualify if they carry a different off-duty weapon.

Deputies are required to qualify once a year with a shotgun. Deputies are not required to qualify with a shotgun every quarter, but are strongly encouraged to do so.\(^3\) Deputies authorized to carry an urban rifle (ERU, court and scout car assignments) are required to qualify with the urban rifle four times a year.
**Defensive Tactics**

DSD’s Training Academy does not use a nationally recognized law enforcement-certified defense tactics course of instruction. The academy instead uses a defensive tactics course developed and patented by a DSD deputy in 2005, who also served as an expert witness for use of force for DSD. There were two deputies injured during defensive tactics training in the last pre-service class. Many of the techniques, such as boxing, kicks, strikes and closed-fist punches are taught to be last-resort options.

Due to the recent large monetary settlement for alleged use of force in line with training, it is crucial the methodology of the current course of instruction be re-evaluated. Particular attention needs to be focused on any potential conflict of interest, best practices and liability issues. Current training should be compared to nationally recognized defense tactics in secure custody environments.

**Crisis Intervention Training (CIT)**

To the credit of the Department, many DDC deputies are trained in crisis intervention skills. Typically offered two to four times per year, Crisis Intervention Training (CIT) provides deputies with the information and skills to communicate effectively with inmates and gain voluntary compliance. Multiple deputies and command staff described CIT as the most beneficial training provided.

DSD CIT deputies receive 40 hours of training to be CIT certified; systematic refresher training is not currently required to maintain certification.
RECOMMENDATIONS

5.6 - Colorado POST Standards: Provide de-escalation refresher training on an annual basis and adjust the firearms curriculum to reflect the standards outlined by the Colorado Peace Officer Standards and Training (POST). The training should also incorporate components of bias-free policing and procedural justice into the written curriculum.

5.7 - Less-Lethal Devices: Create a clear policy and provide additional training on the use of less-lethal devices so deputies feel confident and comfortable when using them in necessary circumstances, reducing the occurrence of inmate and deputy injuries.

5.8 - Deputy List: Document the names of deputies who are certified and approved to carry less-lethal and lethal weapons, and post them on DSD’s intranet.

5.9 - Lethal Weapon Standardization: Assemble a team of ballistic and weapons experts from DSD, including firearms instructors, highly proficient shooters, unskilled shooters and individuals with different hand sizes. Collectively, they should identify one weapon manufacturer and one caliber of weapon that is offered in various hand sizes, which will provide both uniformity and functionality for on-duty weapons.

5.10 - Department-Issued Weapons: Train all employees on the new weapon at the scheduled qualification shoots. Transitioning to a single Department-issued weapon would lead to efficiencies in firearms instructors, qualification time and armor capabilities.

5.11 - Reduce Weapons: Review how much each less-lethal tool is used or carried, and determine which weapons deputies should be required to maintain annual certification.

5.12 - National Best Practices: Evaluate DSD’s current defensive tactics training with nationally recognized best practice defensive tactics in secure custody environments. Increase de-escalation, effective communication, and managing special population training.

5.13 - Crisis Intervention Training: Make Crisis Intervention Training (CIT) mandatory within the first year of employment to stress the value and importance of de-escalation and using less-lethal weapons in use of force incidents. Priority should be given to training the deputies assigned to intake, classification housing, court security duties, transport duties, scout cars, Special Management Unit and corridor duties.

5.14 - Tracking System: Establish a mechanism by which the status of CIT and all other mandatory training for each deputy can be tracked and documented.
USE OF RESTRAINTS AND IMPORTANT RELATED POLICIES

Department Order 50131E states the use of restraint equipment is designed to prevent violent or unruly inmates from committing offenses and to use as a precautionary measure against inmates escaping under escort. Restraint equipment is used to prevent injuries to self, others or property, and it is to be used as specified by procedures and at the discretion of the deputies. Instruments of restraints – such as handcuffs, leg irons, belly chains, black box security devices for handcuffs, soft restraints, restraint chairs, straightjackets and electronic restraints – must be used by trained personnel, and only when necessary.

RECOMMENDATIONS

5.15 – Use of Force Training: Reevaluate the methodology of current Use of Force and Defensive Tactics courses, especially given the increased attention to appropriate and justified use of force that resulted in litigation and subsequent large monetary settlements when the use of force was allegedly used in accordance with training. Focus particularly on any potential conflicts of interest with the defensive tactics techniques presented in training, best practices and liability issues. Compare current training to nationally recognized defense tactics and weapons in secure custody environments.

5.16 – Authority and Accountability: Entrust supervisors to operate the facilities, make decisions, and provide supervision in accordance with their level of responsibility. Along with this responsibility and authority, hold supervisors accountable when they fail to supervise appropriately. Provide the necessary training and guidance so that only reasonably necessary and lawful levels of force are used to overcome any physical resistance from inmates.

5.17 – Areas of Training: Require all staff assigned to the intake area and second floor housing at the DDC to complete CIT training; receive training on managing individuals under the influence of drugs and alcohol; and undergo special training on managing special populations, including the mentally ill and the developmentally disabled. Make sure training topics include gender-responsive approaches, trauma-informed care and excited delirium.

5.18 – Disturbance Control: Create a disturbance control team composed of at least two ERU members for the DDC intake and second floor. Consider mandatory posting after an in-depth review of statistical data indicating the time and days of the week when the majority of incidents have occurred during the previous two years.

5.19 – Video: Have DSD’s Training Unit develop a short video on the deficiencies and corrective action required to gain consistency in data entry. Once the training is completed, it may be beneficial for the DAD to identify the deputies who continue to have problems in data entry and provide remedial training.
USE OF RESTRAINT ON PREGNANT INMATES REPRESENTS A SPECIAL ISSUE

Department Order 50131E Use of Restraint outlines the use of restraints on pregnant inmates. Although many best practices are included in this order, others are not. The Department order refers to the guidance of medical staff on the use of restraint on pregnant inmates except when noted. The U.S. Department of Justice convened a national taskforce in 2011 on best practices in the use of restraints on pregnant women under correctional custody in 2011.

RECOMMENDATIONS

5.20 – Task Force Findings: Incorporate the following into DSD and Denver Health Authority policies and procedures, as outlined by the Department of Justice’s 2011 Task Force Guidelines on the use of restraints on pregnant inmates.

- Expressly prohibit use of the following types of restraints and restraint practices under all circumstances:
  - Abdominal restraints, because they pose a danger to the fetus resulting from the risk of physical trauma, dangerous levels of pressure and restriction of fetal movement.
  - Leg and ankle restraints, which increase the pregnant woman’s or girl’s pre-existing elevated risk of a forward fall.
  - Wrist restraints behind the back, because they restrict the pregnant woman’s or girl’s ability to protect herself and the fetus in the event of a fall.
  - Four-point restraints, whether a pregnant woman or girl is placed face down or on her back, because being restrained face down poses a danger to the fetus due to pressure on the pregnant woman’s or girl’s abdomen and because being restrained on her back inhibits blood circulation to both the pregnant woman or girl and her fetus and delivery of oxygen to the fetus.
  - Wrist restraints, if used, should be applied in such a way that the pregnant woman or girl may be able to protect herself and her fetus in the event of a forward fall (i.e., in front of her body).
  - Restraints should never be used on a woman or girl during labor and delivery because they a) inhibit her ability to be mobile during labor and delivery and b) may interfere with the prompt administration of medical evaluation and treatment during normal and emergency childbirth.
  - The use of restraints should be avoided during the post-partum period. If restraints are deemed absolutely necessary, they should not interfere with the woman’s or girl’s ability to safely handle and promptly respond to the needs of her newborn.
  - When transporting a pregnant woman or girl, restraints should not be used except where absolutely necessary (i.e., when there is a current likely risk of escape or harm to the woman or others, and these risks cannot be managed by other reasonable means).
  - Standard operating procedures should outline a clear process and frequency for reassessing the use of restraints when they have been deemed absolutely necessary. If upon reassessment it is determined that the risk of imminent harm has changed, the use of the restraints should be reevaluated.
Standard operating procedures should be in place to address emergency and non-emergency decisions around the use of restraints. The Task Force recommends, and we concur with, the following procedures at a minimum:

- Advance planning among members of the woman’s care team (i.e., health care and corrections professionals) should be conducted before hospital admittance.
- When reasonably possible, the facility administrator (or the most senior ranking corrections professional in the absence of the administrator) will collaborate with the health authority to determine whether the use of restraints is necessary.
- The senior ranking person on site will immediately notify the facility administrator if restraints are deemed necessary and are used.

All uses of restraints should be documented. The task force recommends the following documentation at a minimum:

- Rationale for use or conditions that led to the conclusion that restraints were necessary (specify whether and what kind of alternatives were tried or considered).
- Individuals who reviewed these conditions and concluded that restraints were warranted.
- Type of restraints used and in what manner.
- How frequently the use of restraints was reevaluated and by whom and result of such reassessments.
- Change in conditions that led to the conclusion that restraints were no longer necessary.
- When restraints were removed; and length of time or total duration of restraint use.
- The facility administrator, senior ranking person present during the use of restraint, and health authority should debrief after the use of restraints occurs to review documentation and determine whether proper procedures were followed.
- Correctional staff should universally receive training on restraint policy, procedures and specific variations for use with pregnant women in custody before they are in a situation where they need to refer to the policy or potentially need to use restraints.
- Quality control and assurance methods should be in place to track adherence to policy and procedure, the impact/effectiveness of the restraint policy, and the need for adjustment in policy or practice over time. These methods should include clear accountability measures.
TRAINING REGIMENS SUPPORTING ADDITIONAL PRIORITIES

In-Service Training and Reinforcement Training

In addition to providing pre-service training for all DSD employees and contractors, the Training Academy provides 40 hours of annual in-service training to all uniform and contractual staff who provide direct services to inmates. The majority of in-service courses offered throughout the year are designed to meet a necessary compliance or accreditation need and not specifically geared at what the deputy may need for career growth or to discuss new and evolving jail management tools or techniques. Additionally, many of the employees surveyed have requested other types of training that may not directly relate to an accreditation criterion. Interpersonal communications, managing difficult conversations, team building, leadership, supervisors’ skills, and computer skills training were mentioned repeatedly in the surveys and during our interviews.

The academy provides 30 of the 40 hours in-service training, and the remaining 10 hours are offered as a part of daily briefings or roll call. The briefing training is commonly referred to as reinforcement training, aimed at reviewing existing, revised and new department orders, memos, and policies and procedures. Command staff we interviewed stated that documents are distributed in briefings, and deputies are directed to read the documents and if they have questions to contact the command staff or to ask any questions at the next briefing.

During the five briefings we observed, deputies were asked if they had questions regarding a particular document that had previously been distributed, and the deputies were instructed to sign off on the training verification form. We did not observe any handouts and there was not a discussion of policy reviews in three of the five briefings. We believe that reinforcement training through briefings is not an effective method to review new, revised and existing policies.

Interviews with staff indicate the Training Academy has produced high-quality short videos on a variety of topics. The Training Academy produced 27 video vignettes to the division in 2013. Sergeants and captains should complete a train the trainer certification course to further develop their communication skills and provide training that is consistent with national best practices. The training should include the following:

- Planning for shift briefing training
- Techniques used in shift brief training
- Relationships with the Training Unit
- Instructional methods
- Instructional personnel
- Evaluation of shift brief training
- Scheduling of training
- Role of supervisors and deputies
Leadership Training

As previously mentioned in the leadership section of this report, we found that DSD lacks supervisor and command-level training. Beyond the initial academy training and Field Training Officer (FTO) training, there is a one-week school for new sergeants and eight hours of training for new captains, which DSD has considered expanding to 40 hours. We believe the following key components should be included in training courses for DSD command deputies:

- Leadership development
- Effective supervision techniques
- Monitoring and reporting on use of force incidents
- Bias-free policing
- Internal affairs policies and procedures
- Effective completion of performance appraisals
- Budget management, with a focus on controlling overtime strategies
- Implementation of community policing concepts throughout departmental operations
- Effective use of an early intervention system
- Succession planning
- Interpersonal communications skills
As already mentioned in our discussion of command staff, we learned Colorado POST does not require DSD supervisors to receive supervisor’s training within a certain amount of time of being promoted. While not mandated, we believe it is important that DSD supervisors still receive robust supervisors’ training. This could be accomplished either by having DSD Training Academy personnel attend training that will teach them how to design and implement training within DSD or by having DSD supervisors attend similar training at DPD or a nearby county sheriff department. This training, at a minimum, should include a focus on following training components:

- Leadership development
- Supervision techniques
- Counseling and mentoring skills
- Handling an inmate’s, fellow employee’s and/or a citizen’s complaint
- Reviewing and approving written reports
- Developing the ability to write effective memorandums
- Monitoring and reporting on use of force incidents
- Critical incident review
- Bias-free policing
- Use of early intervention systems
- Budget management, with a focus on overtime use
- Communicating with employees during performance appraisal meetings
- Completion of performance appraisals (DSD’s PEPRs)
- Data gathering and analysis
- Time management
Limited Training Space

Our assessment found that training space, including at the firearms range, is limited. DSD uses DPD’s firearms range to conduct firearms training and must schedule pre-service training during times DPD isn’t using the range. Because DPD uses the range exclusively Monday through Friday, DSD must conduct pre-service firearms training during two shifts on the weekends. DSD and DPD share 15 lanes to accommodate pre-service training and the required quarterly re-qualification of more than 2,000 deputies. The current 15-station range would minimally satisfy the needs of DPD and certainly cannot accommodate the needs of both agencies.

Currently, there are only three rooms available at the Training Academy to conduct all training. The number of deputies that can train at one time is limited due to these space limitations in the academy. We viewed training space and agree with staff that approximately 25 deputies could comfortably be trained in the largest room.
Tracking Training

Our review found that DSD’s Training Academy does not have the technology to track employee training. The Training Academy used an employee training tracking system provided by the city until the third quarter of 2013 when the contract was canceled. Since then, staff sign in/out sheets have been copied and the employee’s name is highlighted. The information is then entered on an Excel spreadsheet and the sign in/out sheets are placed in the employee’s training file.

» RECOMMENDATIONS

5.21 – Training Academy Personnel: Ensure Training Academy personnel receive training on how to design and present robust, mandatory leadership training for newly promoted first-line supervisors, command deputies and first-line employees.

5.22 – Off-Site Training: Study the cost and efficiency of outside resources where employees may be sent to receive leadership training. For supervisors and command deputies, the training should be completed no later than six months after promotion.

5.23 – PEPR Appraisals: Develop a policy requiring specific leadership duties to be listed in Performance Enhancement Plan Report appraisals, including evaluation ratings and narrative comments.

5.24 – Leadership Training: Implement leadership training for first-line employees into the basic-entry academy and hold annual training sessions, which will assist with succession planning efforts. It is imperative that this effort include non-sworn DSD personnel.

5.25 – Lesson Plans: Revise these. Require all instructors to use the approved lesson plans – including the adjunct trainers.

5.26 – Training Space: Locate additional space within City-owned buildings or other space close to the Training Academy to conduct training.

5.27 – Training Videos: Provide resources to make videos on new, revised and existing policies for briefings to provide consistency in the messages delivered throughout all shifts and facilities and ensure the mission and guiding principles of DSD are emphasized.

5.28 – Train the Trainer: Sergeants and Captains should be required to complete a train-the-trainer certification program. The training should include an explanation of shift briefing protocols that includes: planning for shift briefing training, techniques used in shift brief training, relationships with the Training Academy, instructional methods, instructional personnel, evaluation of shift brief training, scheduling of training, and the role of supervisors and deputies.
HUMAN RESOURCES
RECRUITMENT AND THE ENGAGEMENT OF HIGH-QUALITY CANDIDATES

The Department of Safety’s recruitment staff consists of individuals from the Police, Fire and Sheriff Departments. Working in collaboration with the Safety Human Resources Director and staff, each recruitment section is responsible for the outreach and recruitment of qualified public safety candidates, who meet their specific department’s selection criteria, as established by the City and County of Denver.

Recruiter Training, Knowledge and Responsibilities

Annual training is required for all Department of Safety recruiters to stay informed on legal and ethical concerns, and to learn best practices. Additionally, recruiters are reviewed annually to ensure they are implementing the best practices on which they have been trained.

Staff currently assigned to conduct DSD’s recruitment efforts do so through:

• Community outreach
• Career exploration outreach
• Targeted marketing and advertising
• Apprenticeship, cadet and reserve programs
• Training
• Communication
• Applicant preparation
• Metrics

In addition to being knowledgeable of best practices and trends in law enforcement and corrections recruitment, Department of Safety recruiters are responsible for updating and maintaining applicant databases. These databases contain demographic information for all interested candidates, which, when analyzed by the recruiter, can be used to measure outreach and recruitment effectiveness. The metrics obtained from the databases are both used internally and released to the public in an annual report. Each month, recruiters update activity logs and other recruitment data that is also used in the annual report. The last annual Department of Safety recruitment report was published in 2012, and includes the following metrics:

• Ethnic and gender data of applicants compared to those hired
• Each department’s ethnic and gender demographics
• Academy survey of new hires by the department
• Annual hiring statistics
• Webtrend® reports and Internet recruitment data
• Graduation rates from the Denver Public Schools
According to the 2012 annual report, the public safety departments, including DSD, attended several hundred community outreach events, and received more than 5,000 interest forms from potential candidates – with 900 specifically for DSD. Apart from the interest forms received, the Department also received 1,533 applications for posted positions during the 2012 recruitment cycle. The following chart shows the number of deputy sheriffs hired proportionate to the applicant pool for 2012 to mid-2014.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Deputies Hired</th>
<th>Percentage of Applicant Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>22</td>
<td>8 percent</td>
</tr>
<tr>
<td>2013</td>
<td>24</td>
<td>4 percent</td>
</tr>
<tr>
<td>2014</td>
<td>50</td>
<td>Not yet reported</td>
</tr>
</tbody>
</table>

As the recruitment and interest form numbers suggest, DSD does not have any problem attracting candidates to apply for public safety positions; however, hiring and retaining deputy sheriffs is an ongoing challenge. DSD has had a turnover rate very close to the number of annual hires for several years. In 2014, 2013 and 2012, the Department lost 64, 36 and 42 sworn staff, respectively. Due to high turnover rates, the Department is currently short 47 deputies, 34 of those positions are unfunded, meaning these are being filled by requiring other deputies to work overtime to fulfill the work load. While recruitment efforts are strong, there is a limit on academy class sizes, which consist of 30 recruits, two to three times per year.

The 2012 Recruitment Plan

In 2013, DSD created a recruitment plan that was projected to cover a three-year period and provide strategic guidance in order to recruit better applicants by:

- Creating a realistic job preview by allowing applicants to go on jail tours and observe other DSD-specific activities and job responsibilities.
- Hosting open houses to provide applicants with additional opportunities to interact with DSD personnel in various facilities and academic settings.
- Creating an employee group to assist in recruiting, preparing and discussing career success with DSD applicants.
- Providing study guides and referrals to prepare applicants for the basic skills test.

The recruitment plan included marketing initiatives, internal and external communications plans, and a list of community outreach events to attend. One of the goals detailed in the plan is to review the annual metrics regarding academy composition, demographics and Equal Employment Opportunity (EEO) reports, applicant flow, academy surveys of news hires, and internal audits. This information is then to be used to determine areas of focus for the following year. There appears to be an abundance of data available on applicants and candidates that is collected by the City and County of Denver’s Office of Human Resources annually. However, it was not clear during our assessment if this data was being analyzed and, if it is, whether it is being used effectively.
Ensuring Integrity in the Recruitment Process

After the Department of Safety recruits candidates for open positions, these candidates go through a thorough screening process. The Civil Service Commission (CSC) is responsible for hiring Denver Police and Fire Department employees, but the Career Services Authority (CSA) is responsible for hiring within DSD.

CSA examines the background and integrity of all applicants at the pre-conditional level of employment. DSD then conducts an intense review of the applicants. The Executive Director of Safety makes the ultimate decision on whether to fill vacancies and who DSD hires. The rules and guidelines for screening and hiring DSD employees are outlined in the City and County of Denver’s CSA provisions and the OHR procedures.

Applicants must meet the following minimum criteria to be considered for a deputy position:

• 21 years old
• High school diploma or GED
• U.S. citizen
• Valid Colorado R-Class driver’s license

The jobs section on the City and County of Denver website has resources for potential applicants ranging from assistance with preparing for the written exam, to guidance on how to apply for a DSD vacancy. If a candidate meets the minimum criteria, he or she is eligible to complete a CSA employment application online or otherwise. Once the completed application is screened, eligible candidates are notified to schedule and take a written test.

Upon successful completion of the written test, candidates may be invited to participate in a one-on-one integrity interview and a polygraph examination. Applicants must complete a personal history statement that is used as part of the background investigation conducted by a DSD investigator. The personal history form includes information on personal habits, criminal history, driving record, credit history and illegal drug use. Applicants can automatically be disqualified from DSD’s application process if they have any of the following:

• Felony convictions
• Domestic violence
• Sexual assault
• Harassment
• Negative driving record
• Negative employment history
• DUI/DWI in the past 36 months
• Illegal drug history, such as selling, distributing or manufacturing
• Hard drug use in the past 60 months
• Illegal use of drugs while working in a law enforcement, corrections or public safety position
• Illegal drug use in the past 36 months
• Dishonesty of falsification of records during the application process
Successful applicants are required to pass a physical fitness and agility test, and ultimately a psychological exam and interview with a psychologist to establish overall candidate suitability. A successful candidate has to complete a medical examination prior to attending the academy. If a candidate successfully completes the background investigation and all of the phases and tests listed above, the candidate’s file is submitted to the Sheriff and Executive Director of Safety for an employment and academy class offer.

A common concern among community stakeholders is the lack of involvement by the OHR and Safety HR in the overall screening and hiring process because these employees are specifically trained in recruiting and hiring applicants, and they are charged with knowing the rules and best practices in the industry. DSD has been offered support from human resources personnel to facilitate the screening and hiring process for several years, as there is not a preclusion for HR involvement throughout the process per the CSA rules. Neither the OHR nor Safety HR is required to be involved at every phase of the process, even for general oversight and accountability for the City and County of Denver and DSD.

Stakeholders questioned the uniformity of the approach taken by DSD, including consistency in conducting interviews and types of questions asked because DSD employees are not trained in best practices. These stakeholders worried that the lack of uniformity could create a potential bias during the selection process. For example, for many years, records of interviews, hiring documents, rankings and candidates selected for further consideration were poorly documented. There are now processes in place to ensure that detailed notes and justifications are recorded as to why some candidates are selected over others.
» RECOMMENDATIONS

6.1 – Pre-Employment Observations: Build upon the current process of jail tours to create a realistic job preview by allowing applicants to shadow correctional deputies and observe other sheriff-specific activities and job responsibilities, as well as hosting open houses to allow applicants additional opportunities to interact with sheriff personnel on site in various sheriff facilities and academic settings.

6.2 – Team Effort: Encourage employee assistance in recruiting, preparing DSD applicants and discussing career success.

6.3 – Test Preparation: Provide study guides and referrals to applicants to assist them in their preparation for the basic skills test.

6.4 – Demographic Analysis: Analyze data received from candidates annually regarding academy composition, demographics and Equal Employment Opportunity (EEO) reports, applicant flow, academy surveys of news hires, and internal audits. Use this information to create new areas of focus for the following year.

6.5 – Employee Retention: Conduct exit interviews and attempt to capture any standard post-employment data regularly to help analyze and identify factors that may help improve employee retention and future recruitment initiatives.

6.6 – Diverse Staff: Focus on continuing the progress that has been made to increase recruitment to ensure it is reflective of the broader Denver community, specifically the Hispanic, Asian and Native American communities.

6.7 – Resources: Seek guidance and assistance on hiring and interviewing best practices from OHR and Safety HR.

6.8 – Meeting Standards: Review the components of DSD’s screening process to ensure that they remain fair and equitable to those seeking employment. Revise the components of the screening and hiring process to meet current standards.

6.9 – Hiring Requirements: Review hiring criteria to ensure that candidate quality and character requirements are stringent and, where feasible, include requirements comparable to those used by DPD and begin increasing the level of scrutiny for criminal convictions restrictions.

6.10 – Continuous Training: Ensure the City and County of Denver Office of Human Resources and Safety Human Resources personnel facilitate any changes needed to the entry qualifications for new deputies and qualifications for promotions.

6.11 – Collaboration: Work with OHR to seek guidance and assistance on best practices in screening and hiring.
Employee Relations: Asking and Listening

To monitor and address concerns about disengagement and to create a better workplace, the City and County of Denver OHR sends surveys to employees, including those working for DSD, on a bi-annual basis. The most recent employee engagement surveys for DSD were conducted in 2011 and 2013. In the 2013 survey, the City and County of Denver discussed the connection between employee engagement and three elements that must be addressed for employees to thrive:

- **Rational (The Mind):** How well employees understand their roles and responsibilities.
- **Emotional (The Heart):** How much passion and energy they bring to their work.
- **Motivational (The Tools):** How well they are equipped to perform in their roles.

The City and County of Denver creates an executive summary of the results of the survey and provides each agency with an individual report.

The Big Picture: Job Role Effects

Although the opinions given during the 2013 survey may have changed due to the recent turmoil and community unrest, they are useful as a baseline for DSD employee opinions. In the 2013 survey, DSD scored on the least likely, significantly lower and significantly worse sides of the spectrum for all of the areas they inquired about that year. DSD scored fairly well in the section on employees’ understanding of how their work relates to the broader success of the City and County of Denver. Twenty-four percent of those surveyed strongly agreed that their immediate supervisor clearly communicated their performance expectations to them. However, this was a slight decline from 29 percent in 2011. Although it is a decent score for DSD in relation to the other variables measured, it was lower than the City and County of Denver-wide average. Most of these viewpoints relate to the DDC, rather than DCJ.

Many DSD employees at various levels mentioned understanding their roles and responsibilities as a concern and a suggested area for improvement. Some of the other concerns raised include the following:

- Confusion due to the numerous changes made to department orders.
- Lack of standards within pods.
- Lack of consistency among different teams.
- Inconsistent feedback received from superiors when questions were raised.
- Minimal and belated training, sometimes conducted months after a change is made to an order, process or procedure.

The majority of the stakeholders interviewed do not believe that commanders have good processes and procedures or provide clear guidance when changes are made. Because of this viewpoint, deputies feel like they have to manage the staff, inmates and pods in the way they feel is best, which may not be aligned with a particular DSD order. The frequent changes in leadership and command staff further contribute to the lack of clarity on roles, responsibilities and expectations.
Successful Employees: Creating an Emotional Connection to Work

When an agency is trying to engage the workforce, it is important to recognize and address how much passion and energy employees bring to their work. Policies and procedures can be changed and improved, but it is much harder to change the morale of a department.

Many DSD employees said they feel that the morale was at an “all-time low,” and that much of that was due to a lack of camaraderie among deputies, feelings of stagnation, lack of authority or autonomy on decision making, and an absence of support from command staff and leadership.

While many DSD employees voiced a strong commitment to the agency and its mission, they were saddened by the current state and tarnished image of the Department. Employees are increasingly upset by the uncertainty and lack of leadership and support, particularly during a time of heightened public scrutiny. Because of this, some employees stated that they will not wear their uniforms outside of the workplace for fear of scrutiny and embarrassment.

The City and County of Denver’s engagement surveys support the sentiments raised by many of the stakeholders we interviewed. In the 2013 executive summary, the survey reported that DSD scored lower than many other departments and agencies for “promoting a culture/environment of appreciation.” Caucasian employees, non-supervisors and employees in the DDC were less likely to believe that DSD promotes a culture of appreciation. There is a common belief in DSD that some employees are appreciated more than their equally deserving colleagues, and that there is more of an emphasis placed on who you know, rather than what you do.

Awards and commendations are given periodically, and there is a documented process, Department Order 2112.1, for considering someone for an award or commendation. Those formal and informal mechanisms are highlighted each year in the report created by the Office of the Independent Monitor.
The 2014 Independent Monitor Annual Report referenced the following DSD awards and commendations given from January 1 to June 30, 2014:

<table>
<thead>
<tr>
<th>Type of Award or Commendation</th>
<th>Number Given</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letters of Appreciation (from Supervisors or Sheriff)</td>
<td>93</td>
<td>69.4</td>
</tr>
<tr>
<td>P.R.I.D.E. Award (Personal Responsibility in Delivering Excellence)</td>
<td>20</td>
<td>14.9</td>
</tr>
<tr>
<td>Employee of the Month (COJL)</td>
<td>6</td>
<td>4.5</td>
</tr>
<tr>
<td>Unit Citations (DSD)</td>
<td>4</td>
<td>3.0</td>
</tr>
<tr>
<td>Commendations (from Supervisors or Sheriff)</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>Employee of the Quarter (DSD)</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>#1 Academic Award</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>#1 Defensive Tactic Award</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>#1 Physical Fitness Award</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Academy Medal</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Most Improved Physical Fitness</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Top Gun</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Valedictorian</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Total</td>
<td>134</td>
<td>100</td>
</tr>
</tbody>
</table>

Despite the annual commendations and awards, many DSD employees still do not feel they receive recognition and appreciation from leadership. The types of awards and commendations given may need to be addressed and revisited to meet the needs of the employees DSD is trying to motivate and engage. The survey from 2013 revealed the following preferences by employees for showing recognition:

- Make it consistent/no favoritism (31 percent in 2013, 12 percent in 2011)
- Verbally – in person/individually (15 percent in 2013, one percent in 2011)
- Simple praise, “job well done” or “thank you” (13 percent in 2013, 11 percent in 2011)
- Recognition for behind the scenes/support roles (13 percent in 2013, zero percent in 2011)
- From supervisor – directly/verbally/formally (11 percent in 2013, seven percent in 2011)
- Make it meaningful/sincere/genuine/respectful (11 percent in 2013, zero percent in 2011)

Many employees stated that they wanted to receive verbal praise directly from their supervisors, either in private or public. This relates to another issue raised by stakeholders: the lack of communication between employees and leadership. The Fraternal Order of Police (FOP) union echoed this concern about communication and transparency. The union’s perspective is that communication needs to focus more on the good work done by, and the positive attributes of, the deputies, rather than the current focus on misconduct.
Leadership Support: Building Morale and Communication

Direct supervisors and DSD leaders have a critical role in building morale and employee support. The themes of communication and transparency were prevalent during our interviews and meetings with stakeholders at all levels of management. Employee and management communication processes have been put in place to encourage employee discussions and time with the Sheriff; however, many of those programs are no longer in existence or are not consistently available to employees.

The 2013 survey stated that studies have shown that the attitude and actions of an employee’s immediate supervisor can either enhance or reduce an employee’s engagement level. Trust, listening and being responsive as a leader were the top three variables indicated in the survey as determining whether an employee has a good relationship with his or her immediate supervisor.

When asked what factors would increase their overall satisfaction with their immediate supervisors, the employees surveyed provided the following responses:

- Improved communication/solicit input/listen (20 percent in 2013, 17 percent in 2011)
- Improved leadership/supervisory skills/competence (16 percent in 2013, three percent in 2011)
- Consistency/fairness/eliminate favoritism (11 percent in 2013, 10 percent in 2011)
- Trust (11 percent in 2013, six percent in 2011)
- Treating staff with respect/honesty/professionalism (nine percent in 2013, six percent in 2011)
Building an environment that encourages and supports employees will help engage the workforce and was one of the factors highlighted in our interviews and in previous employee engagement survey results. DSD employees were asked which topics they would like to address if they were given the opportunity to meet one-on-one with a DSD leader. Some of the suggestions made include the following:

- Improve leadership by:
  - Adding training and mentorships
  - Eliminating favoritism and unethical practices
  - Offering fair career advancement opportunities
  - Increasing supervisor accountability

- Solicit two-way communication by asking for input and feedback from employees
- Address concerns about burnout and low morale
- Require DSD leadership to understand the daily work of employees more thoroughly and to be more present and visible

In the FOP 27 Priority List, the FOP indicated that morale and trust among the deputies is low because they feel they are not valued by the City and County of Denver. Over the last year, several committees were created by the City and County of Denver to address the on-going concerns at DSD. Input was solicited from the community and DSD deputies and staff. Some of the feedback from the deputies was similar to that of the FOP regarding the stress and low morale of DSD deputies. The deputies have concerns about not being valued, understood or listened to. They feel that they are not supported by management during a time when support is most needed at DSD. This sentiment was echoed during our interviews and interactions with stakeholders.

DSD has many employees who embody the energy and skills needed to be good employees; however, the majority of these employees feel stressed, tired, ill, over-worked and underappreciated. This is exacerbated by the overwhelming feelings of nepotism and favoritism that is viewed by some employees as being pervasive in DSD and which continually erodes the energy levels of those still motivated to give an extra effort while doing their jobs.
Proper Training, Equipment and Technology: Creating Job Satisfaction

Having the right tools and resources needed to do their job successfully is critical to retaining employees at the Department. Training is an important engagement tool for employees to build camaraderie, and it can lead to higher retention rates and morale. Lack of training and supervisor-encouraged innovation has been an ongoing problem. Many DSD employees believe there is a lack of computer and technology training offered.

DSD has attempted to offer additional training or classes in the past, but they were not effective in meeting the needs of the Department. If employees are permitted to suggest new ideas and different approaches, they will be more engaged in their jobs and it will increase their desire to stay and grow with the Department. Additionally, with proper technology training, employees will be able to perform their job duties more efficiently.

Employee Wellness: An Important Driver of Performance and Commitment

DSD employees are faced with high levels of stress, long hours, mental and physical strain, and frustration. The FOP believes that employee sustainability and well-being is at the core of many of the issues currently facing deputies, and it is a contributing factor to mistakes made and policy violations.

In early 2014, DSD created a staff wellness task force, which brought together various City and County of Denver and DSD stakeholders to address wellness concerns at DSD. The task force met approximately 15 times from May until August, and made several recommendations for reforms. One goal was to create a culture where staff can feel safe to express and resolve their challenges. They wanted to achieve this goal by analyzing the resources used and made available to DSD personnel; analyzing the results from surveys and support contacts; and reviewing Department policies and rules that either aid or hinder the creation of a supportive culture.

In its priority list, the FOP requested an accurate review of what services are available to deputies to address potentially straining issues. The FOP felt that in order for any service to be helpful, there must be buy-in from the rank and file deputies. This sentiment supports the need for DSD to determine what services deputies want, and what they need to be successful and properly manage the stress of the job.
Overview of Employee Assistance Programs

DSD currently has four employee assistance programs available to deputies and staff: City and County of Denver Employee Assistance Program (EAP), DSD Peer Support, contract counseling services and the chaplain program. EAP services within DSD are currently contracted out and are part of a city-wide program, rather than specific to the Department.

The City and County of Denver has contracted Nicoletti-Flater Associates LLP to provide various counseling and psychological services, including fitness for duty clearance, pre-employment screening, CIT and individual and couple psychological counseling services. The services also include options for training related to peer support, stress, wellness, domestic violence, special populations and verbal de-escalation, among others. These services are directly available to DSD employees 24 hours a day, and they can contact the provider without first receiving a referral.

DSD also provides access to a City and County of Denver-sponsored EAP service through Guidance Resources. The confidential counseling services provided by Guidance Resources include addressing personal issues, planning for life events, legal support, financial information and managing daily life and its effects on an employee’s work, health and family. The service is confidential and provided at no charge to City and County of Denver employees and dependents.

Information on how to access each of the programs is available in writing in common work areas and in DSD’s Resource Manual, which is available via the Intranet. DSD orders state that an employee cannot be required to seek the services of the EAP; however, a supervisor can make the information available to an employee who appears to need its services. If a supervisor recommends the EAP’s services, he or she is advised to document the conversation.

How often and how effective the current EAP services offered to DSD is not clear. This area needs further study, especially because DSD’s Reform Task Force made many recommendations addressing the health and wellbeing of deputies, including advocating for the development of a mentoring program and the creation of a subcommittee to explore how a chaplaincy program assists with well-being efforts and increasing the focus on issues such as anger and stress management, self-reporting of alcohol and substance abuse, job rotations and new break structures. The counseling services are provided by licensed professional counselors. The EAP offers training, seminars and employee workshops to help DSD employees cope during periods of heightened stress.
According to Department Order 2471.1E, the City and County of Denver EAP addresses the following issues:

- Drug and alcohol abuse
- Grief and loss
- Work and family issues
- Management consultation
- Financial and legal matters
- Critical incident and stress management
- Relationship problems
- Stress
- Workplace violence training and consultation

These services are not well advertised to the employees, as DSD does not regularly promote the services. During our assessment, few employees mentioned that they were aware of a program offered by DSD for stress, difficult situations or family problems.

During many of the stakeholder interviews, employees said there is a stigma associated with seeking EAP assistance. There are also concerns about confidentiality and how seeking support may impact job security and fitness for duty. The reluctance of deputies to seek professional help is not a new or isolated problem faced only by DSD deputies. Federal Occupational Health – a non-appropriated agency within the Program Support Center of the U.S. Department of Health and Human Resources – reported that deputies are often reluctant to seek professional support because they have been trained to act independently and maintain emotional control, so they may view asking for support as a sign of weakness. The same traits that are being taught and promoted in the academies to handle a deputy's job functions may be counter intuitive when it comes to handling the stressors inherent in law enforcement and corrections environments.

Some DSD employees raised a concern about the contract consultant used for EAP counseling because the same organization is used for psychological assessments to determine hiring, mandatory referrals, discipline and promotions. This perception needs to be addressed at an agency level.
Peer Support Program

Because it is difficult for those outside the field to understand the unique stress that the law enforcement and corrections professions bring, DSD created a peer-to-peer support program to encourage employees to discuss problems with others who will understand their experiences.

As explained in Department Order 2472.1A, the Peer Support Program provides all DSD employees and their families with support services facilitated by DSD deputies and civilians trained as Peer Support Advocates (PSA). PSAs receive approximately 40 hours of training. Referrals are not required, but a supervisor can inform an employee of the service or ask that a PSA contact the employee. Participation in the program is voluntary. The service is confidential and provides referral assistance, lay counseling and other support including:

- Hospital visitations
- Career issues
- Post-critical incident support
- Bereavement support
- Substance abuse referrals and resources
- Relationship issues
- Support for families of injured or ill employees
- On-scene support for personnel immediately after critical incidents

Peer support and camaraderie is a valuable tool in any organization. The 2013 employee engagement survey reported that more than half of employees surveyed felt the most valuable source of information for a deputy was a peer, rather than the command staff or other methods of communication in DSD. The same survey revealed that deputies felt safer around their peers than leadership and administrators.

The peer support program has faced many hurdles in reaching its full potential. DSD employees who have used the program stated that they felt these sessions were not confidential and that private information regarding personal issues was being shared. Another concern was how these sessions might affect their ability to work with the peer who is providing counseling.

Employees were also concerned with the amount of time a peer counselor has to commit to assisting employees. DSD employees volunteer their time to the Peer Support Program, but operations take priority. This could cause assistance to be delayed, which is contrary to the goal of the Peer Support Program, which is to be readily available to help when needed.

Those currently involved in the Peer Support Program are attempting to reform the program, but this is a huge undertaking without: (1) the support from leadership, (2) the time allocated to provide a quality service, and (3) the commitment from DSD to provide the necessary training and specialized trainings to address jail management stressors and other issues counselors hear about from employees. The department order describing the Peer Support Program has good policies and practices for selecting and training the volunteers; however, it is not designated as a special unit and it does not qualify for specialty pay.
DSD Chaplain Unit

DSD’s Chaplain Unit’s mission is to provide spiritual and emotional resources to DSD, its deputies and family members on and off the job by providing encouragement, support and individual spiritual and faith counseling. Chaplains offer their services to those involved in critical incidents or any other situation in which the presence of a chaplain may be requested.

The Chaplain Unit has the following published vision statement that reflects its desire to be available for DSD employees and to help them address the unique stress this type of working environment can create.

“No one is confronted with more situations that demoralize, and create emotional, mental and spiritual burdens than today’s law enforcement officer. The Sheriff’s Chaplain is aware of the fact that the sheriff’s job is an extremely difficult one, being constantly in the presence of danger and under constant pressure, tension, and scrutiny. These burdens also affect the officer’s family and other members of his or her department, thus the Chaplain is also available to the officer’s family and co-workers as required. The Sheriff’s Chaplain strives to create such a relationship with the officer that he/she would feel free to turn to him/her for counsel at any time, without fear of judgment or reprisal and of course in the strictest of confidence.”

Chaplain appointments are made by the recommendation of the Denver Sheriff Department Chaplain Unit Peer Review Board in consensus with the director or liaison. The Chaplain Unit has been in existence for many years and works in tandem with the inmate chaplaincy program; however, its focus is employee services, not inmate services.

The Chaplain Unit currently consists of three chaplains – two Protestant and one Jewish – and a sergeant in charge on a collateral duty basis. Employees assigned to the Chaplain Unit are on a collateral and voluntary basis. They do not receive any form of specialty pay or additional compensation for the assignment.

There are specific recruitment and selection criteria to become a chaplain and it includes a probationary period. After the probationary period, the chaplains must attend regular meetings, and perform a minimum of eight hours contacting, visiting or providing direct services to the various DSD locations and facilities on a quarterly basis. The services provided by the chaplains often take them outside DSD facilities and into the community for formal and informal assistance to deputies and their families.

Chaplains are sought out and used by many deputies formally and informally on a daily basis. Although the actual number of contacts could not be quantified, we were told that a chaplain could spend up to four hours per day counseling deputies. We found that the chaplains are well known among their peers and are easily identified as a resource. DSD’s chaplains are seen as adaptable and have credibility among DSD staff, and more so than the Peer Support Program.

The main concern raised regarding the chaplain program is the availability of the chaplains to do their jobs as deputies and be available for the needs of the employees. While it is critical that chaplains be approachable and readily available, at times, they must postpone providing counseling due to operational priorities.
Wellness and DSD’s Fitness Program

DSD offers a voluntary Employee Fitness Program, Department Order 2200.1D, which focuses on physical fitness, nutrition and the mental health of employees through individualized programs coordinated through the fitness coordinator. Although the program is voluntary, DSD strives to increase participation from all employees.

The program offers assistance with overall wellness including personal counseling sessions on:

- Nutrition and diet
- Stress reduction
- Safe exercise techniques
- Developing personalized exercise programs

The program administers voluntary physical fitness assessments in line with the Cooper Standards. Employees are provided with incentives to participate in the physical fitness program by granting administrative leave hours for various levels of achievement. The following chart shows the total number of DSD employees who participated in the Cooper Standards assessment. The chart tends to support the concern that more needs to be done to encourage employees to take advantage of the programs available, due to the low numbers of participants for an agency with nearly 900 employees.

<table>
<thead>
<tr>
<th>Year</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>53</td>
</tr>
<tr>
<td>2013</td>
<td>48</td>
</tr>
<tr>
<td>2012</td>
<td>62</td>
</tr>
<tr>
<td>2011</td>
<td>42</td>
</tr>
<tr>
<td>2010</td>
<td>71</td>
</tr>
</tbody>
</table>

In addition to the Fitness Program, DSD employees are encouraged to participate in the Healthy Steps Incentive Program, an incentive program offered by Denver City Wellness. Participants are rewarded for working towards better health goals, such as annual screenings, preventative dentist visits and filling out an online health assessment. In 2013, approximately 188 DSD staff members participated and received the $240 incentive. There are also programs that are offered through the City Wellness program that are available and could enhance the overall offerings to DSD employees.

The DCJ has a relatively new gym facility and locker room for employees to use for personal wellness and structured programming. Deputies are able to use the new gym; however there is a lack of commitment by DSD to establish programming and allow or assign someone to do the programming in conjunction with the larger Denver Wellness Office and OHR to ensure a comprehensive fitness program is established.
These programs garner support from the deputies; however, the Employee Fitness Program and wellness offerings are primarily focused on the physical body, not the overall wellness of the deputies, such as their emotional health.

During our assessment, DSD employees raised concerns about deputy wellness and related programs. Their main concern about the fitness program is that it is run by a volunteer, meaning operational duties will always take precedence over ancillary duties such as the fitness program. The role is currently vacant, and it was unclear when it will be filled.

DSD’s FOP supports revisiting and assessing the current wellness programs available to deputies including the current training on stress and anger management and other psychological and therapeutic support services. The FOP also suggests conducting an analysis of the current usage numbers of services available at DSD and from the City and County of Denver.
Safety Human Resources

The Department of Safety’s Human Resources Division offers assistance and can serve as a liaison to the OHR to help with wellness and employee engagement programming and can address many of the day-to-day DSD needs, such as employee training, coaching, facilitation and providing mediation for workplace concerns. According to survey results and this assessment team’s findings on the need for more employee engagement, this division is a relatively untapped resource within the Department. This is in spite of the fact that these services and others have been offered to DSD for the past few years, and formally since 2011, during the annual review of the Safety HR service agreement with DSD.

There is an understanding and appreciation for the unique needs of DSD and other safety professionals in Denver, and that is reflected in the City and County of Denver’s creation of the Safety Human Resources Division. They are solely dedicated to public safety professionals and can help create and promote programs that embrace the deputies they serve and by taking into account their unique needs and working environment. They have an understanding of the working conditions, the stressors, hours of operation, shifts and other DSD-specific needs.

» RECOMMENDATIONS

6.12 – City Safety Wellness Committee: Reinstate the City Safety Wellness Committee or a similar support group so law enforcement, corrections and public safety employees can meet regularly to discuss ongoing concerns among law enforcement departments and their respective employees. This would also provide a venue to share common approaches as participants brainstorm about creative and engaging solutions for solving some of the stress associated with the inherent stressful working conditions of the profession.

6.13 – Fitness and Wellness Program: Provide a comprehensive employee fitness and wellness program that provides timely programming that is responsive to the needs of the staff and employees.

6.14 – Employee Assistance Program: Work with the current Employee Assistance Program (EAP) provider to promote the holistic approach of EAP and remove the stigma that it can only be used in times of crisis. Ensure that employees understand that EAP is much more than counseling. Work to establish a regular way to promote the services available through EAP before employee issues reach a crisis level.

6.15 – Office of Human Resources: Improve DSD’s staff utilization of the resources the Office of Human Resources offers by expanding communications and understanding of how to use them.

6.16 – Surveys: Use the results of the City and County of Denver-wide employee engagement surveys to create training and programming to address many of the consistent concerns raised in the surveys. Areas highlighted for training include, but are not limited to, (1) communication skills, (2) conducting difficult or crucial conversations, (3) team building, (4) management and leadership training, (5) law enforcement and corrections fatigue and stress management, (6) peer relations, (7) mental health issues and CIT, (8) computer classes, (9) ethics and integrity, and (10) conflict resolution.
6.17 – **Employee Support Programs**: Assess and evaluate the effectiveness of the current employee support programs, including peer support, employee fitness and wellness, and the chaplaincy program, as well as the current staffing requirements and collateral time commitments necessary to run these programs so deputies can receive the consistent support they need. Commit to the time needed to run these programs at the level envisioned in the department orders.

6.18 – **Chaplain Unit**: Assess the utilization rate of the chaplaincy program to determine if the numbers reflect the high usage reported during our assessment. If so, consider expanding chaplain recruitment to include a broader representation of religions.

6.19 – **Avoiding Pitfalls**: Use a “lessons learned” approach in EAP, drawing on the shortcomings of prior internal EAP service roll-outs as a guide for learning how to avoid potential pitfalls when establishing a program of services for employee health and wellness.

6.20 – **Employee Handbook**: Draft an employee handbook of services that explains all available EAP services, the nature of referrals and a clear-cut policy on confidentiality.

6.21 – **2013 Employee Survey**: Review and consider the recommendations from the rank and file that surfaced during the 2013 employee survey. These included helping employees better view their work in the context of the Department’s broader mission; increasing employee recognition and appreciation efforts; supporting employees with training and technology; fostering innovation; continuing to develop leadership skills; and conducting stay interviews to reduce turnover.
The establishment of special units and specialty pay is defined in DSD Department Order 5130.1G, dated January 2014. Factors regarding which units are considered to be special and what the rate of pay is for those assigned to the units is outlined by the Collective Bargaining Agreement. The units considered to be special can also be impacted by the Sheriff and DSD’s overall needs.

Anyone assigned to a unit that has specialty pay can only receive one incentive pay, even if they are in multiple specialty units simultaneously. As of the January 2014 order, there were eight units identified as special units eligible for specialty pay:

- **Bilingual Deputy** – Responsible for enhancing overall communication with inmates and segments of the public who do not speak English.
- **Emergency Response Unit** – Provides specialized response during emergencies, disturbances, high-risk court appearances or any situation where high profile security is necessary.
- **Gang Intelligence Unit** – Monitors, gathers, investigates and disseminates information about known and unknown gang members, security threat groups, other individuals and entities to law enforcement representatives, including DSD and surrounding agencies, who work with these special populations.
- **Honor Guard Unit** – Renders honors to DSD’s deceased deputies and civilian staff who have served the City and County of Denver and the State of Colorado.
- **Field Training Deputy** – Responsible for producing highly trained and positively motivated staff.
- **Commercial Driver’s License Officer** – Certified commercially licensed deputies who drive DSD’s fleet of buses.
- **Canine (K-9) Unit** – Consists of trained deputies (handlers) and canines responsible for tracking and detecting narcotics and explosives in all DSD facilities using the canine’s acute olfactory senses.
- **Department Photography Unit** – Addresses the growing need for photography services both inside and outside of DSD’s facilities.

As defined in the department order, each specialty unit has its own selection criteria, some involving testing and requisite certifications, to meet minimum qualifications for consideration. Each unit requires the submission of a written application or completion of a standard form application to start the consideration process. Additionally, many of the units require a recommendation from a current supervisor, and ultimate approval and selection is made by the Sheriff. Several of the units have a probationary period and training requirements within the first year or shortly after entering the unit. Some also require annual certification or training hours.

Deputies can be assigned to a specialty unit in one of several ways. They may be approached and asked to join or they can submit an application and ask for the assignment. Some interviewees suggested that getting on a special unit is more about “who you know, rather than what you can add” to the units or DSD.

Many believe that the units are staffed by people the command staff likes and who are the “favorites” in DSD. This was not the sentiment for all of the specialty units; however, it was referenced by many, and in regards to any coveted spot, position, assignment or role within the Department. Not only were special units referenced as a reward for being a “favorite,” it was also specifically stated if you were not on good terms with those in power, you could be assigned to some of the worst posts within DSD, sometimes for several years.

There was a lot of concern about the units that receive special pay. We identified and were advised of numerous collateral duty positions critical to DSD’s overall mission such as the peer support,
fitness and chaplaincy programs that help to improve or cultivate employee morale, but are not funded positions or recognized as being a specialty unit, despite having potentially a greater impact on day-to-day deputy functioning and wellbeing.

As with the approved specialty units, several assignments required specialized training and certifications to successfully assist deputies and staff in these collateral roles. Many of the collateral positions require much more time than some of the approved specialty units, and yet the assigned deputies are not offered any incentives for running or participating in the programs. Despite the lack of monetary incentive, many of the deputies involved stated that they did not care about the money – they were more concerned about leadership supporting the programs.

Many of those interviewed felt that there was not enough time provided to become proficient in a collateral role if it was not designated as a special unit. They said there was not enough of an emphasis placed on the usefulness of the roles, or that there was a lack of support by leadership to drive deputy involvement in many of the programs offered.

Many of the deputies who volunteer their time do so because they support the Department and want to do the work. However, those who are disengaged are not using or supporting many of the programs offered by DSD because they do not trust the motivations of many of the people in charge or the selection of the people involved. To regain trust and garner support for the special units and collateral duty assignments, deputies need to be selected fairly and supported equally as a priority, and the units or assignments should directly relate to an overarching goal of DSD’s Strategic Plan.

» RECOMMENDATIONS

6.22 – Specialty Pay: Adjust the selection process for specialty units or collateral duty so it is a fair and impartial process when applying for consideration and being selected. Implement a special unit selection committee comprised of representatives of each unit who meet regularly to ensure that no single individual has ultimate selection power over any of the units. Aside from representatives from the various approved units, there should be someone from the Office of Human Resources on the committee to provide input on the selection of qualified deputies.

6.23 – Annual Review: Review the mission of and who makes up the specialty units annually and ensure they are aligned with the overall Strategic Plan for DSD.

6.24 – Screening Process: Review the promotional and special assignment screening process to identify any inequities in opportunities, intentional or otherwise. This should include a Department-wide review, the launch of a group within DSD focused on addressing integrity and impartiality issues, and a final review by the Sheriff or his or her representative.

6.25 – Transfer Process: Collaborate with the Office of Human Resources to ensure that specialized assignment transfers within DSD are based on merit, not because of personal relationships.
ISSUES UNDERMINING THE PROMOTIONAL AND SPECIAL ASSIGNMENT PROCESSES

Our assessment indicated that the new Sheriff and command staff need to have a renewed focus on effectively assessing employee performance. When supervisors have an opportunity to mentor and conduct succession planning with their subordinates, they can ensure their subordinates understand and commit to the mission and direction of the Department. Subordinates also benefit from a performance appraisal because they receive clearer direction on their performance and gain insight into how they could secure additional career opportunities.

The OHR does a good job of providing the tools and training needed to help supervisors throughout the City and County of Denver complete Performance Enhancement Plan Reports (PEPR) for the employees they oversee. This includes detailed manuals and outlines of the process in the PeopleSoft 9.0 Performance Manual published on the city’s website. DSD supervisors adhere to the process outlined and used by the City and County of Denver.

The appraisal process consists of a supervisor identifying specific duties for which an employee is responsible and rating their performance in those areas. The reports include a narrative that addresses the City’s values with the acronym of STARS. This stands for Service, Teamwork, Accountability and ethics, Respect for self and others, and Safety.

During our review, we heard multiple references to supervisors issuing performance appraisal ratings of “above satisfactory” regardless of the employee’s actual performance. If this practice exists, the appraisals may not truly reflect employees’ performances. If their performances are actually substandard, but the record reflects that they are above satisfactory, problems or potential performance shortcomings could lead to complaints or actual performance problems. The Sheriff recently implemented specific benchmarks on performance reviews for majors in an attempt to address this, and chiefs also have new evaluation benchmarks under the Sheriff. Although the Sheriff implemented these benchmarks for performance evaluations, we were informed the benchmarks are not being met.
» RECOMMENDATIONS

6.26 – Performance Enhancement Plan Report (PEPR) Policy: Create a policy requiring evaluation ratings and narrative comments to be listed in DSD PEPR appraisals.

6.27 – Performance Reviews: Conduct an administrative review to determine the validity of DSD employees’ concerns that supervisors routinely issue performance appraisal ratings of “above satisfactory” regardless of what the employee’s true performance actually is. If the review reveals that this practice is occurring, supervisors should undergo the needed training on how to conduct employee performance reviews effectively.

6.28 – Supervisor and Command Deputies: Implement a policy requiring supervisors to include the following duties in performance ratings and require them to write narrative comments: leadership skills and development; performance appraisal completion; use of force monitoring and reporting; bias-free policing implementation; handling of inmate, employee and citizen complaints; counseling and mentoring; verbal and written communication skills; succession planning; critical incident review process; participation in professional associations and organizations; managing budgets; and community policing implementation.

6.29 – First-Line Employees: Implement a policy requiring supervisors to give performance ratings for the following duties for DSD personnel and require narrative comments: leadership skills and development; appropriate use of force and reporting; bias-free policing implementation; community policing implementation; verbal and written communication skills; reporting inmate, employee and citizen complaints; and preparing for specialized assignments and promotion.
PARTICIPATION IN LOCAL, STATE AND FEDERAL PROFESSIONAL ASSOCIATIONS

Our interviews with DSD employees indicated that there is a minimal level of participation in some of the associations and professional groups available to them. Many of the deputies we met with are members of fraternal and social law enforcement groups. Historically, groups like the International Association of Chiefs of Police and the National Sheriffs Association (NSA) have been models for local public safety organizations. The NSA has and continues to be a model for sheriff organizations across the country and its objectives are reflected in smaller regional and local organizations.

We met with numerous members and organizational leaders from the organizations in which DSD employees regularly participate. The membership levels and interests vary as some of the organizations were created as a support for a certain ethnicity or gender; however, all of the organizations were open to anyone who supported the mission of the organization. Some of the organizations DSD employees belong to include the following:

- **Black Sheriffs Protective Association (BSPA)**: Established in 1976, BSPA’s purpose is to further the development and maintenance of professionalism in law enforcement. It is one of the oldest and most respected organizations within DSD. It endeavors to address the concerns of minority officers to preserve fairness and excellence in DSD.

- **Denver Sheriff Latino Organization (DSLO)**: The mission of the DSLO is to: eliminate prejudice and discrimination in the criminal justice system (particularly law enforcement); create a fraternal and professional association that provides support, advocacy, personal and professional development to its members; prevent and reduce juvenile delinquency; and lessen neighborhood tension in Latino communities through awareness and role modeling. It also offers bilingual assistance to the public, and helps bridge the gap between the community and law enforcement.

- **Latin American Law Enforcement Association (LALEY)**: LALEY is a nonprofit organization comprised of local law enforcement and corrections agencies, including DSD. Its mission is to enhance its membership through career and personal growth, improve its relationships with the community and encourage camaraderie in the workplace and social events.

Additionally, there are many organizations in the Denver community for those with jobs in public safety including the following:

- Denver Black Police Officers Organization
- Denver Police Brotherhood
- Denver Black Sheriff Protective Association
- Firefighters Inc. for Racial Equality (FIRE)
- Denver Sheriff FOP Lodge 27
- Denver Sheriff Union
- Denver Police FOP Lodge 41
- Gay and Lesbian Police Officers Advisory Committee
• International Association of Black Professional Firefighters
• National Association of Hispanic Firefighters
• National Latino Peace Officers Association – Denver Police and Sheriff
• Denver Police Protective Association
• Denver Fire Local 858
• Women in the Fire Service
• Denver Women Police Officers Advisory Committee

These organizations help DSD employees address some of the unique work stressors and organizational nuisances that other public safety organizations may not have to grapple with. They can also assist with deputies seeking support by providing group discussions and hosting speaking engagements with experts in the field of training, stress reduction and family and community concerns. During this heightened time of public scrutiny and low employee morale, these organizations could serve as an important place for many of these employees to turn to for support and guidance. Other DSD employees may be encouraged to join as they see the value of having a forum for support and camaraderie.

» RECOMMENDATIONS

6.30 – List of Associations: Develop a list of appropriate memberships and affiliations that personnel, by position level, could become involved within an effort to strengthen leadership and supervision skills and abilities.

6.31 – Sheriff Association: Encourage the Sheriff to lead by example and participate in outside associations to gain insights and ideas from peers and colleagues throughout the U.S. The Sheriff should encourage his or her command staff and supervisors to get involved in such associations, as well as improve leadership development within DSD.
7

TECHNOLOGY
One of the most significant gaps in the Department relates to the JMS and its associated modules used in corrections operations. DSD cannot effectively share information across divisions or mine the data it possesses to align resources more effectively.

This assessment included a high-level review of DSD’s IT environment, which included input from DSD’s sworn, support and command personnel, as well as the Chief Information Officer (CIO) and Deputy CIO for the City and County of Denver. It also included several onsite walk-throughs.

Currently, DSD IT functions are consolidated into one unit. IT requests are handled both internally and by City and County of Denver IT employees. The Department has instituted approximately 13 separate systems to support its operations. Primary systems in use include the following:

- Sierra Systems (Facility Security System)
- SYSCON TAG System (Jail Management System)
  - Jail Management Module
  - Medical Module
- Picture Link (Booking Photos)
- LiveScan (Fingerprint Scanning)
- CATS (K-9 Program)
- Keefe (Commissary Program)
- IA Pro (Internal Affairs)
- Eparts (Early Warning System)

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**THE CRITICAL NEED TO DEMONSTRATE INFORMATION TECHNOLOGY LEADERSHIP**

Leadership in technology is critical to understanding, adopting and using IT systems, as well as developing solutions to support business operations. It is particularly important in corrections, where sharing information keeps deputies safe by updating them on inmate movements, altercations, gang affiliations and other important data or activities. Our review found that DSD lacks leadership in IT, which has led to several critical issues within the Department.

**Strategic or Tactical Planning:** Currently, the Department’s Technology Management Unit (TMU) is responsible for overseeing most IT functions. Some IT services, such as email, are provided by the City and County of Denver’s CIO. There are no individuals assigned to lead IT operations within DSD. IT responsibilities have instead been placed on a few team members who have some prior IT experience or were simply willing to help. These individuals have little background in applying IT best practices within corrections institutions. Their daily focus has been to keep IT systems operating, without any strategic or tactical plans for the future.
Vendor Management: In the past, DSD leaders, who did not have an IT background, enforced certain technology solutions without talking with stakeholders or ensuring they met the requirements of the Department. DSD officials have also not properly managed outside IT vendors to ensure they are complying with the obligations outlined in their contract with DSD – and there is not a defined process to make sure this occurs. During our interviews, we learned that DSD has not been able to solve various IT-related issues because vendors have consistently pointed the blame at one another, rather than collaborating to resolve issues.

Continuous Monitoring: This is required to ensure identified issues are addressed, and that the vendor is providing the services outlined in its contract with DSD. This problem has been compounded by a lack of leadership and collaboration among the TMU, DSD command staff and other interested parties, such as the City and County of Denver’s IT Department, Budget Department and the Department of Safety.

» RECOMMENDATIONS

7.1 - IT Leadership: Create a civilian position, Information Technology Executive, who would report to the Chief of Administrative Support, and act as a liaison with the City and County of Denver CIO. The individual must have extensive expertise and understanding of corrections processes and technology, as well as a comprehensive understanding of the FBI Criminal Justice Information Services Division security policy and industry best practices for information security.

7.2 - Consistent IT Systems: Require the new Information Technology Executive to streamline DSD’s IT systems, which currently operate in silos – a move that would save the Department money and require less support, maintenance and employee training.

7.3 - Restructure TMU: Decommission DSD’s Technology Management Unit (TMU) and transfer it to the City and County of Denver’s CIO office so they can share resources to support IT at DSD. Help desk statistics – the number and types of calls for service, the average time it takes to resolves issues (mean time to repair) and utilization reports – should be provided to DSD monthly to ensure service level agreements are being met by this new model.

7.4 - IT Committee: Create a committee that oversees selecting, using, monitoring and managing vendors, including meeting with IT vendors to address any IT issues. The committee should review the business requirements associated with the software to ensure they are being met or exceeded.
IT APPLICATIONS AND THE IMPORTANCE OF INTEGRATION

Corrections deputies primarily rely on two software packages for managing the jail: SYSCON (JMS) and Sierra Systems. SYSCON (JMS), known as TAG, provides the jail management system modules used during intake, processing, classification, medical and other jail processes. DSD uses Sierra Systems for controlling facility access, as well as monitoring videos, cells and inmate movements.

The IT systems DSD uses are not integrated; they operate independently from one another. Integrating these systems is critical to streamline the Department’s processes. Enterprise solutions – a collection of software programs designed to meet the needs of an entire organization – are an efficient and effective option for correction departments. They allow agencies to purchase multiple modules related to jail management, including imaging, commissary, medical, inventory management, mug shots and records management, to determine what DSD’s needs are today, while providing the capacity to grow in the future. This is in contrast to how DSD operates currently, which is to buy multiple and separate IT systems from various vendors.

The ability to use handheld devices to manage jail pods – including inmate movement and counts with real-time system updates through secure wireless communications – would increase efficiencies and improve deputies and inmate safety. It is also important to integrate IT systems with courts and the police to allow all three agencies to share information more effectively.

This review found that one of the more laborious activities deputies have to perform is completing a standard inmate count at various times of the day, depending on the pod they are assigned to oversee. Currently, deputies write information manually in paper log books or individual spreadsheets that are not standardized across the Department. Entering and submitting required data electronically would be more efficient and effective.

Other IT application findings include the following:

- **The JMS System**: DSD’s JMS is at the end of its lifecycle and needs to be replaced. Approximately $500,000 has been set aside to begin developing the business requirements and submit a Request for Proposal for a new JMS.

- **Sierra Systems**: DSD needs to improve integration of this security system with all buildings to ensure operations continue in the event of system or catastrophic failure.

- **User Attitudes**: Many deputies have grown frustrated with the Department’s IT systems and have opted not to use them.

- **Solution Relevance**: The current software and the planned solution used by sergeants to schedule employee shifts does not meet the business needs of the Department. This should be addressed immediately as it is causing sergeants to be less productive. The software product Atlas was only tested at the Denver Medical Facility with a small pool of deputies assigned with minimal variances in shift operations, compared to the continuous operational complexity of the larger DSD facilities. Once it was determined that the software in its current state could not meet the needs of the overall DSD enterprise, the project was terminated.
• **Identification of Requirements**: More recently, DSD has researched using the same scheduling software as the DPD; however, this is does not reflect solid project management and leadership. Business requirements need to be developed to map business needs to technology capabilities. Otherwise, this project will ultimately fail again.

• **IA Pro and EPARTS**: DSD’s current use of these is appropriate and necessary. The continued use of these systems will assist in identifying and investigating allegations of misconduct, use of force and other detrimental activities.

» **RECOMMENDATION**

7.5 - **New System**: Replace the jail management system and obtain the needed modules to streamline operations based on DSD’s business needs including booking, commissary, imaging, classification, medical, management and an inmate tracking or offender tracking system (OTS). This would limit the number of single-use solutions and eliminate redundancy. Integrated IT systems are critical to ensuring deputies’ safety and productivity. Cross-platform integration with the use of hand-held devices is needed to streamline the process of inmate counts, in and out processing for inmates, and managing pods.

**STRATEGIC AND TACTICAL PLANNING NEEDS TO BE A TOP PRIORITY**

DSD’s 2013 Strategic Plan had a single-year, short-term focus and included staffing needs and some goals. It did not include any long-term strategies or goals for the Department or its IT services, nor did it identify any metrics to measure if DSD was successful in achieving its goals.

» **RECOMMENDATIONS**

7.6 - **Five-Year Plan**: Use enterprise architecture and portfolio management frameworks to develop an IT Strategic Plan for the Department for a three- to five-year period, supported by an annual tactical plan that outlines the actions required to achieve DSD’s IT goals. The plan should incorporate DSD’s mission and vision for best practices in modern corrections, as well as DSD’s IT needs. It should also include performance metrics to measure DSD’s success in achieving its goals. The Information Technology Executive position will have the experience and skill set to develop DSD’s Strategic Plan.

7.7 - **Strategic Roadmap**: Create an IT committee with command staff, IT leadership and deputies to create a strategic roadmap for IT with the Department. This committee should review all IT purchases to ensure they are in line with the developed Strategic Plan prior to the submission of IT expenditure requests to the City and County of Denver for consideration.

7.8 - **Vendor Management**: Create an IT management oversight committee for selecting, using, monitoring and managing vendors. The committee must meet with its IT vendors to address any IT issues. Continuous monitoring is required to ensure identified issues are addressed, and that the vendor is providing the services outlined in its contract with DSD. The committee should also review the business requirements associated with the software to ensure they are being met or exceeded.
IT TRAINING AND ENSURING THAT PERSONNEL COMPLETE THE PROGRAM

DSD academy training teaches new deputies that sharing information is a key part of Department operations and ensuring deputies’ safety. However, deputies often do not receive the technology training. DSD could drive significant efficiencies by instating additional training for employees to understand how to use the Department’s IT systems.

Our assessment found that many employees have been unable to receive training while on shift because of the minimum staffing requirements for overseeing inmates in pods. Overworked staff members often do not have the time – and DSD does not have the staffing resources – for training to be a part of their regular work day.

Compounding this problem is the fact that the training models DSD uses are not always based on best practices, but rather on what is the least expensive. DSD currently uses a train-the-trainer model in which a DSD employee gets training on DSD’s IT systems, and then he or she trains the other Department employees on how to use them. This is not ideal given the complexity of DSD’s IT systems. It is preferable for DSD to hire its IT vendors to conduct the training and then use current train-the-trainer instructors as “super users,” who are available on shift or during off hours to supplement the IT staff.

In addition, we learned that training for Sierra Systems, TAG and other IT solutions occurred six months or more before the systems were launched. Training must be provided within two weeks of when the Department implements a new system, process or procedure.

RECOMMENDATIONS

7.9 – In-House Training: Implement a training structure that incorporates industry or vendor product expertise, supported by in-house “super users,” who can provide refresher or on-site training. All training should be offered within two-weeks of when the new systems are to be deployed.

7.10 – Technician Network: Create an IT response network of technicians and super users to address maintenance, training and support issues in DSD. Information sharing and data integrity are critical in corrections. The ability to obtain accurate and timely information is paramount to inmates’ service delivery and deputies’ safety.

7.11 – DSD IT Business Functions: Reassign the current responsibilities assigned to DSD deputies and sergeants to the civilian employees in the Denver Technology Department, who have the specific skill sets to enhance the ability of management to develop, receive and use critical business management information.

7.12 – Training Tracking: Identify the technology needed to track employee training and purchase a program that will meet the needs of the Department. At a bare minimum, an Excel spreadsheet file could be created and implemented.
DATA COLLECTION AND QUALITY ARE ESSENTIAL

In correctional institutions, collecting quality data plays a key role in keeping deputies and inmates safe. Deputies rely on the data entered into their IT systems to, among other things, determine where inmates should be housed; what, if any, special care they should receive; and to track counts and inmate movements throughout DSD facilities. However, if personnel enter the data incorrectly, or do not enter it at all, decisions and reactions will be based on bad data. This can lead to a number of problems, including misclassifying inmates and missing intelligence opportunities to protect inmates.

As noted earlier, DSD’s current JMS system is outdated and does not have the capability for deputies to enter key data. Even in the areas in which deputies can enter data into the JMS system, many deputies are only entering a minimal amount of information or nothing at all, severely hindering DSD’s ability to collect high-quality data.

Replacing the current JMS with the appropriate associated modules is critical to improving data integrity within DSD. Improving the quality of data DSD collects would also allow DSD to analyze data more effectively to identify operational needs, opportunities and weaknesses.

» RECOMMENDATIONS

7.13 - Verification System: Require the systems employed by DSD to support its business operations to be robust, accurate and allow for verification and quality checks to ensure the information entered into DSD systems is complete and accurate.

7.14 - Balanced Approach: Ensure data integrity at each entry point, along with quality control (QC) mechanisms, is implemented to protect against misinformation, misclassification or data loss. These QC controls can be implemented through a balanced approach of technology and human resources, providing both checks and balances that validate inmate data acquired throughout their tenure at DSD.

7.15 - Data Accountability: Require all employees to be trained and held accountable for data collection and data accuracy.
DATA ANALYSIS AND THE USE OF BUSINESS INTELLIGENCE TOOLS

DSD has begun the process of using Oracle Business Intelligence tools to gather data on the number of inmates, average time incarcerated and recidivism rates, among other data. This is an important first step in understanding the operational landscape within the Department.

Business intelligence serves as a tool to support and improve the decision making process. It helps ensure decisions are made based on facts and analyses, rather than on hunches and gut feelings. No one person, or even a team, can know everything about an organization. Business intelligence tools and data mining provide insight and clarity. The benefit of business intelligence tools for DSD is that the data – including intake, classification, special management, counts and gang information – is available in real-time and would be vital to every deputy manning a pod. Data relating to their respective operations would be valuable in managing and overseeing their areas.

» RECOMMENDATIONS

7.16 – Oracle Business Intelligence: Continue to use Oracle Business Intelligence technology to provide actionable information for decision makers throughout the chain of command. Dashboards should be specific to the operational roles of individuals assigned to leadership positions, and should provide measurable analysis of activities each supervisory position is responsible for delivering.

7.17 – City and County of Denver Information Technology Organization: Ensure the City and County of Denver Information Technology Organization provides the technological resources and expertise required to construct, manage and maintain the operationally driven analytical tools, freeing up DSD expertise to provide analytical oversight and management.
COLLECTION AND ANALYSIS OF STAFFING DATA

In 2014, DSD established a Data Analytics Division (DAD) to provide strategic support to the Department. The division is staffed with a division chief and an Administrative Support Assistance IV position. It largely depends on the TMU, which currently reports to the Support Services Division and is staffed with a sergeant position and two deputies. The Research and Development Unit has been recently moved from the Support Services Division to the Data Analytics Division.

The 2015 goals of the division include: (1) building a sustainable and reliable data infrastructure; (2) providing monthly data reports; (3) implementing the EPARTS Early Intervention System; and (4) creating and implementing DSD’s dashboard program, which involves compiling a list of designated monthly statistics.

The Analytics Unit collects data on use of force, grievance trends, staffing, inmate population, commendations and awards, and the IAB. Some of this data is pulled from existing systems, while other reports are developed by a labor-intensive system of manual input and Excel spreadsheets. There is a lack of data regarding overtime use, which hinders the ability of the Department to justify its use of overtime.14

The Accreditation Unit is under the direction of the Support Services Division, and is staffed with a sergeant, two deputies, 80 hours per week of additional resource personnel and 40 hours per week of additional resource Administrative Support Assistance III.15 The Accreditation Unit oversees continuous compliance with accrediting agencies, including responding to audits and maintaining files. The TMU and Accreditation Unit have similar missions and scopes to DAD, yet they are currently located in the Support Services Division. The DAD could perform at a higher lever if resources were increased to develop the type of actionable data analysis that DSD needs to better measure performance and align decision making in jail operations.

» RECOMMENDATIONS

7.18 – Data Analytics Division: Include the Data Analytics Division in the administrative support services divisions and include the following DSD support functions: accreditation; policies, procedures and department orders; quality assurance; internal audits; and data analysis.

7.19 – Civilization of Employees: Develop a Strategic Plan to replace the sworn staff in the Technology and Accreditation Units with civilian employees.

7.20 – Minimum Data Analytics Division Staffing: Follow the minimum staffing levels:
• Senior Statistical Researcher
• Associate Statistical Researcher
• Management Analyst Supervisor

7.21 – Staffing Analysis: Conduct a staffing analysis in conjunction with the five-year Strategic Plan to determine additional staffing for the Data Analytics Division.
EMERGENCY PREPAREDNESS
Emergency preparedness is important for many reasons, and one of the most valuable is to enhance deputies’ ability to respond in a crisis or emergency situation. DSD department orders indicate that DSD will manage serious emergencies, with the exception of bomb threats, which are handled by DPD.

The bomb threat policy states that after the person receiving the call has obtained information, they are to call his or her supervisor and DPD, and the supervisor may call the Court Services commander to determine whether to dispatch the canine handler. Effective emergency preparedness involves the coordination of external agencies in the development of policies and procedures and in conducting drills.

EMERGENCY PLANS AND COMPLIANCE WITH NATIONAL STANDARDS

DSD's current emergency plans are not consistent with department orders, nor do they meet the National Institute of Corrections guidelines, requiring that emergency plans be written in a standardized format. DSD does not have a single, comprehensive emergency plan; instead it has individual plans for various types of emergencies, making it more difficult to find these plans in the case of an emergency. Additionally, plans do not require an annual risk assessment – and should.

DO 5012.2D, DCJ and DDC procedures identify five types of emergencies, with Type 1 and Type 2 classified as the most serious. Department orders on emergencies can be found in the following locations:

• 5012 Disturbances, Emergencies and Critical Incidents
• 2641.1E Fire Response and Emergency Evacuation Plan
• 2640.11 Fire Safety and Natural Disasters
• 5240.1C Work Slowdown or Stoppage
• 5410.1D Suicide Prevention, Death or Substantial Risk of Death
DSD’s emergency plans outline DSD’s command structure when external agencies are used for emergency situations. The emergency plans, however, lack many important details such as identifying available space for alternative command posts; external agency command posts; media, family, and staff staging areas; and emergency medical staging and triage locations. DSD needs to review the system in place to account for employees and contractual staff inside the building. In the event of an emergency, all staff are subject to alternative assignments or report to a designated staging area. DSD should review its systemic ability to identify deputies and civilian staff inside the facility during an emergency.

DSD’s emergency plans should identify the physical locations noted. While CALEA standard Agency Jurisdiction and Mutual Aid 2.1.2 does not require an interagency agreement when none exists, such an agreement would help agencies communicate during emergencies to ensure prompt and appropriate response, as well as outline provisions for back-up support between the jurisdictions and command staff in the event of an emergency. The agreement should also define clearly under what circumstances the DPD should respond to emergencies and identify the command structure in coordinated emergency responses to ensure the established protocols adhere to the Incident Command System and Unified Command concepts of the Department of Homeland Security.19

In addition, DSD can better define its emergency plans in writing for a wide range of potential emergency situations.

Our assessment uncovered that DSD could improve its efforts to be in compliance with the following standards:

• The responsibilities agency personnel are to assume until assistance arrives
• The deployment of tactical teams to supplement other operational components
• Coordination and cooperation between tactical teams and other operational components
• Cooperation with other agencies (DPD and facilities for long-term evacuation)
• Logistics functions, such as recording personnel time, procuring additional resources, recording expenses, documenting injuries and liability issues

19
ANNUAL TRAINING, EMERGENCY DRILLS AND KEEPING UP WITH A REGULAR SCHEDULE

The Training Academy provides 8.5 hours of training – six hours on the National Incident Management System (NIMS)20 and 2.5 hours of hostage procedures21 – during pre-service training. DSD requires ERU members to undergo 80 hours of training a year, but specific training requirements, other than the number of hours, are not outlined in policy. In reviewing all documents about the 2014 ERU training, we discovered that lesson plans had not been developed and emergency training exercises are not conducted with command or line staff. Since there is no dedicated ERU staff, it is likely that ERU members would not be first responders in an emergency situation. Because of this, training should be a coordinated effort between the ERU and institutional operations.

DSD’s department orders do not identify the types or frequencies of drills. Additionally, the Department does not conduct emergency drills or simulations with external agencies, such as police or fire departments, on an annual basis.

DSD is required to conduct fire drills in each housing unit on a quarterly basis. In most units, these drills consist of staff members simply talking through the process with one another. But at least one general population unit is supposed to have an evacuation drill every quarter, if weather permits.

According to interviews with Denver Health staff, DSD has participated in annual mass casualty drills (table top drills) in accordance with National Commission on Correctional Health Care (NCCHC) standards. We did not find any evidence of DSD directives regarding mass casualty emergencies.

At the same time, establishing a formal process for reviewing critical incidents is a key component within progressive public safety agencies. Such reviews: (1) ensure proper policies and procedures were followed; (2) help ensure potential changes needed to policies and procedures are identified; (3) assist supervisors and command deputies in identifying what occurs when policies and procedures are, or are not, followed; (4) help supervisors and command deputies gain a greater understanding of why policies and procedures exist in the first place; and (5) remind participants of the importance of preparing personnel to handle critical incidents and their aftermath.

Our assessment found that DSD has some processes in place for reviewing critical incidents; however, it was not clear how consistent the process is or the degree to which it has been formalized. This is one of the reasons we have added this topic to the suggested list of training priorities for DSD, as well as included it in the duties section of DSD’s PEPR performance appraisal process. This emphasis on the handling of critical incidents, similar to our recommendations for mentoring and succession planning, will assist DSD in its leadership development efforts.
RECOMMENDATIONS

8.1 – Risk Assessment: Require an annual risk assessment of the emergency plans.

8.2 – Annual Review: Review DSD’s emergency plans and recommend changes on an annual basis. The Data Analytics Division should self-audit using the instruments provided in the National Institute of Corrections (NIC) 2009 Guide for Responding to Jail Emergencies.

8.3 – Emergency Drills: Revise department orders to identify the types and frequencies of emergency drills. Consider hiring outside consultants to monitor at least one annual drill and provide a debriefing and evaluation. Executive staff should review and approve the monitors’ evaluations and recommendations.

8.4 – ERU Training: Document the minimum training requirements for the Emergency Response Unit (ERU) in department orders.

8.5 – External Agencies: Require ERU to conduct emergency drills or simulations with external agencies – police or fire departments – on an annual basis. A written Memorandum of Understanding or cooperative agreement should outline the authority of Denver Police and Denver Sheriff Departments in the event of an emergency. Emergency plans should also identify the physical location needed for critical incident functions.

8.6 – Assessment of ERU: Require the Sheriff and the Executive Director of Safety to conduct an assessment of ERU’s role within DSD, with a focus on performing a cost-benefit analysis of the training time and equipment costs required to staff the unit.

8.7 – Relocation Plan: Draft detailed plans on how and where to relocate inmates in an emergency. Memorandums of Agreements with local secure facilities should be initiated, and the processes for: contacting staff to tell them where to report, transporting inmates, delivering medical supplies, providing food services, and procuring items needed to support and manage inmates should be outlined.

8.8 – Employee Count: Improve the system to identify deputy and civilian staff inside the facility for each shift so the Department has a working knowledge of where employees are during any disaster or critical incident. In the event of an emergency, this effort also would facilitate assigning staff to alternative assignments and designating in advance where staging areas should be located.

8.9 – Plan Development: Develop plans and implement policies for the following situations: mass casualties, inmate lockdown, mass arrests and infectious disease containment and control.

8.10 – Critical Incident Policies: Require executive leadership to review CALEA standards on critical incidents to ensure DSD policies and procedures have all the necessary elements required for emergencies and critical incidents.
POLICIES AND PROCEDURES NEED TO BE REVISITED AND STRENGTHENED

Emergency Housing: Long-term housing and custodial management in case of emergencies are not identified in department orders, DDC or DCJ policies. DSD policies suggest that deputies contact local secure agencies to ask about available emergency housing. The orders do not outline the process of contacting staff on where to report, how to transport inmates, medical provisions, food service, or procuring items needed to support and manage inmates.

Activation of the Emergency Response Unit (ERU): The ERU commander is responsible for managing any critical incidents. Only the Executive Director of Safety, Sheriff and division chiefs can activate the ERU. The Emergency Response Manual, last updated in May 2013, states that scenario-based training is used to prepare deputies to respond to emergency situations; however, there is no evidence of department policies that outline emergency drills, other than fire and evacuation. By policy, in order to activate the ERU, the captain must call the major, the major must call the division chief, and the division chief will make the decision and notify the Sheriff. Notifying and using outside assistance requires the approval of the division chief or Sheriff. Policies and procedures state the highest ranking deputies will assess hostage situations and decide what course of action to take. The decision to call in any of the three hostage negotiators requires the approval from the Sheriff or Executive Director of Safety.

DDC Policies: DDC policies on emergencies can be found in Section 4000. The DDC emergency plan includes evacuation plans for the CCMF. Although policies should be reviewed annually, they were last reviewed in July 2013.

DCJ Policies: DCJ policy refers readers to DSD Department Order 2640 for fire safety directions. DCJ policies on emergencies can be found in the following locations:

- 5002.00 Disturbances, Emergencies and Critical Incidents
- 5002.00 Riots
- 5004 Hostage Situations
- 5017 Escape
- 202700 Fire Safety and Natural Disasters
- 2024 Emergency Evacuation
- 2033 Emergency Weather Procedures

» RECOMMENDATIONS

8.11 - Policies: Develop and update policies.
Events during recent years – including highly publicized excessive force cases and a lack of transparency about the true costs of the voter-approved DDC – have hindered the community’s trust in the Department.

Improving DSD’s relationship with the community is an important step in the reform process. Under the leadership of the former sheriff, meaningful efforts were made to strengthen the Department’s relationship with the community, but more needs to be done. By working together and striving to understand various points of view, the Department’s relationship with the community will continue to strengthen and grow.

COMMUNITY OUTREACH AS A VITAL PRIORITY THAT HAS BECOME EVEN MORE IMPORTANT

In 2013, DSD personnel attended more than 100 formal events and 166 recruiting events.22 New cadets are exposed to community organizations in Denver during their week-long Citizen Academy. The recruitment unit, which is part of OHR, has a strong community presence, especially when actively recruiting the next generation of DSD deputies. This is evident in the significant increase in diversity of the deputies hired, especially from the Hispanic community.

DSD has a specific order, 2300.1A, establishing guidelines on community relations and community service, and explaining the role and purpose of the Community Relations Unit (CRU):

“Community service and building relationships with our citizens contributes to the health of Denver communities, the confidence of the people in the Department, enriches individuals, and serves the common good. As caring citizens and representatives of a Department committed to being a vital community partner, we are also enriched as individuals and professionals through many opportunities to demonstrate servant leadership, mentor, teach, assist, and make a positive difference in the lives of others. Because of our roles as law enforcement agency staff, we are in a unique position to be examples and guide and engage our youth and adults alike through our service and social responsibility.”

The CRU is also staffed with volunteers and is generally overseen by a member of the command who is assigned by the Sheriff. The CRU’s responsibility is to increase community awareness and promote public confidence in DSD through continued involvement and participation in community events, charities and coordinated outreach programs. The CRU provides assistance to personnel involved in volunteer activities or services within the community by providing Department support and resources. Staff members who wish to participate in a non-Department-sponsored event while in uniform must get approval from a supervisor prior to participation in the event.
The CRU continued outreach and participated in community events in the past year; however, as of this report the 2014 numbers were not finalized. The unit attended and supported over 40 events in 2013 and 2014.23

**RECOMMENDATIONS**

9.1 - **Community Involvement**: Create and commit to a method of providing transparency, and for soliciting input and involvement on projects that will have a significant impact on the jail population and broader community, such as re-entry programs for inmates released back into the community.

9.2 - **Volunteers**: Continue to use volunteers from the community to assist with the development and implementation of certain programs within DSD, with a focus on seeking the involvement of those best-suited and able to provide specialized support and training to DSD.

9.3 - **Advocacy Organizations**: Look for and regularly partner with community and advocacy organizations to generate funding opportunities for specialized training and services specific to inmate populations.

9.4 - **Community Forum**: Hold an annual community forum that brings together community members and DSD deputies so they can learn from each other, gain a better understanding of the community’s and the inmates’ needs, and understand the how DSD deputies can best serve them.

9.5 - **New Initiatives**: Highlight during community forums any new initiatives that have been developed through the community task force.

**CONTINUING THE DIALOGUE WITH THE COMMUNITY AFTER IMPLEMENTATION**

Community and organizational stakeholders have a mixed perception of the Department. While many shared positive examples about DSD’s community outreach and involvement, others felt DSD only welcomed community input when it supported the direction DSD was taking. There is, however, a clear consensus that DSD and the community need to continue to find ways to bridge the gap in trust.

Collaborating with the community is an important step in improving relationships with outside stakeholders, and garnering input to solve problems within DSD. Over the years, DSD employees have participated in multiple task forces made up of community members and city officials to address important issues within the Department. Community members of various task forces stated that the experience was positive overall. However, once the regularly scheduled task force meetings ended, neither DSD nor City and County of Denver officials kept them updated about the progress or implementation of any of their recommendations.
Other concerns we heard about some of the Department’s prior attempts to engage the community, included that some community members felt they were outnumbered by public safety personnel in work groups, had limited authority and felt ignored. Overall, the community viewed favorably the approach taken for one collaborative project, the Transgender Task Force.

With the exception of the length of time it took to reach its conclusions, we believe this task force could serve as a model for how the Department and community members should continue to work together to address important issues. This task force has already served as a collaborative model for other community and DSD partnerships which have drafted policies on the American Disability Act and the Affordable Health Care Act.

The transgender task force was created in 2011 to draft a policy on how DSD deputies should deal with transgender inmates. The initiative – a collaboration among DSD employees, civil rights attorneys and lesbian, gay, bisexual, transgender, queer (LGBTQ) advocates – serves as a blueprint for transgender policies at other public safety agencies around the country. The command staff who spearheaded and worked on the project has been asked to speak at national events to discuss their approach to developing policy in this burgeoning area of the inmate population.

The former sheriff assembled the task force, which met every other week for nearly 18 months. Members of the task force reviewed various areas of the jail to see how transgender people were affected to help shape the drafting of the policy. The task force has reconvened since the policy was finalized to discuss making other improvements.

We commend DSD and the City and County of Denver for involving the public in the reform effort by holding public meetings and creating committees consisting of city officials and community members to make recommendations on how to improve the Department.
**RECOMMENDATIONS**

**9.6 – Monthly Meetings:** Consider developing an ongoing, collaborative, problem-solving task force that meets at least bi-monthly to discuss the status of problems important to community members, as well as issues that are still evolving.

**9.7 – Taskforce Leadership:** Give careful thought as to who will lead the task force because leadership was cited as being the key to the transgender task force’s success.

**9.8 – Outside Facilitator:** Consider using an outside facilitator to keep the community collaboration processes moving forward in a progressive manner until all of the members are comfortable working together.

**9.9 – Diversity:** Ensure that the task force consists of community members from diverse backgrounds, as well as DSD deputies, and that DSD leaders seriously consider all input provided by the group.

**9.10 – Continued Communication:** Ensure that task force members are updated about the status of their various recommendations.

**9.11 – Colorado Latino Forum:** Encourage DSD to adopt the Colorado Latino Forum’s recommendations to include community members on the hiring committee for the new Sheriff. Create a committee of inmates to offer input on the reform effort, and provide recommendations for improvement in community meetings and through DSD website surveys.
CIVILIAN OVERSIGHT AND ITS IMPORTANCE TO THE DEPARTMENT’S FUTURE

Denver’s Office of the Independent Monitor (OIM) serves a vital role as a civilian watchdog overseeing the Denver Police and Sheriff Departments. Having strong civilian oversight over public safety agencies builds community trust and increases transparency and accountability. Multiple outside stakeholders expressed their appreciation for, and trust in, the OIM’s work. However, they also noted areas in which the city could strengthen the role and effectiveness of the monitor.

Launched in 2005, the OIM office monitors and participates in investigations of sworn safety personnel in DSD and DPD, and it makes recommendations on employee discipline and broader policy issues.24 The City and County of Denver also has a Citizen Oversight Board made up of seven citizens appointed by the Mayor to (1) evaluate the monitor’s office; (2) make policy recommendations on discipline, use of force and other issues; (3) address community concerns; and (4) review and make recommendations on closed IAB cases where the findings were not sustained, when appropriate.25

The independent monitor has had public problems obtaining the information it needs from the Department to most effectively do its job. In 2013, the monitor requested from DSD a policy memo that related to a report it was drafting on problems with the inmate grievance process. The monitor tried unsuccessfully for months to get this memo, which the Denver Post obtained through a FOIA request after the report’s release. Multiple community members cited the monitor’s inability to get all the information it needs as one of their major concerns, and used it as an example for how the Department has not been transparent with the community.

City officials took a step in the right direction in February 2015, when the Denver City Council approved changes to the OIM ordinance that would help strengthen OIM’s ability to effectively monitor public safety agencies. The changes require the DPD, DFD and DSD to cooperate with the monitor in internal investigations and disciplinary proceedings. Prior to the changes, the OIM ordinance only required that the public safety agencies establish their own department policies that required them to cooperate. The changes also included legal language that requires the DPD, DFD and DSD to provide OIM with complete and timely access of all records unless there is a legal reason not to.

However, the powers and duties of OIM and the Citizen Oversight Board are not included in the city charter, unlike the public safety agencies they monitor. This may give the perception to the community that these oversight groups are disempowered and do not have the same level of importance as other city agencies. It also allows the Mayor and City Council to change or remove the powers and duties of these groups. The Colorado Latino Forum has pushed to put these oversight groups on equal legal footing with the public safety agencies they oversee.26

» RECOMMENDATION

9.12 – OIM Responsibilities: Add the powers and duties of the OIM and Citizen Oversight Board into the city charter to show citizens that the City and County of Denver and DSD are committed to civilian oversight and transparency.
TRANSPARENCY AND COMMUNICATION WITH THE MEDIA AND PUBLIC

Local media outlets serve a critical role in informing the public and shaping community members’ perception of people and institutions in their areas. We repeatedly heard references to what was perceived as negative media coverage of DSD in recent years as a result of high-profile lawsuits and other problems. Employees felt that DSD leaders failed to publicly defend their employees and did not adequately respond to negative media reports. Multiple employees expressed concerns with the public’s perception of the Department, with some even stating that they avoid wearing their uniforms in public because of the scrutiny.

In the past, DSD personnel serving in a media relations capacity were members of the command staff responsible for media relations, in addition to other responsibilities. We were told that media relations were not considered a high priority, and the Department was not prepared to take on a large volume of media requests. Last year, the Department of Safety took over the media relations role in response to concerns that the current press information officer was not responding to media requests, resulting in one-sided coverage. We found that there may have been a misunderstanding about this change among some DSD employees, who felt the office was trying to take over and prevent them from having a voice.

Since then, the Department has worked to improve its relationship with the media. In October 2014, the Department of Safety hired a full-time civilian media relations officer to handle media relations for DSD and develop a new vision for internal and external DSD communications. New communications initiatives include:

- Re-launching DSD’s newsletter, Behind the Badge, which includes stories, events and other information and is sent to DSD staff, retired staff, media outlets and others interested in the Department.
- Starting a podcast, Conversations with the Sheriff, in which community members can listen to interim Sheriff Elias Diggins talk with various employees in the Department. These podcasts are published on DSD’s website.
- Launching an online “People of DSD” series that features profiles of individuals in the Department.
- Plans to create videos showing “slices of life” at DSD and posting them on the Department’s YouTube account.
- Inviting news editors to take a tour of DSD’s facilities.
- Increasing the Department’s social media presence.

» RECOMMENDATIONS

9.13 – Public Relations: Continue positive steps in improving DSD’s communications with the media and the public. Make community and media relations a top priority.

9.14 – Effective Messaging: Focus on proactive messaging, rather than waiting to respond to problems as they occur or are made public.
SHARING DATA ON KEY MATTERS AND ISSUES WITH THE MEDIA AND PUBLIC

Multiple external stakeholders expressed a desire for information concerning the Department’s day-to-day operations – such as discipline cases and outcomes, inmate grievance numbers, statistics and other data – to be more easily available to the public.

The City and County posts some useful DSD-related information online. For example, OIM publishes statistics on complaints against deputies, details on terminations and significant cases, and other useful information in its annual and semi-annual reports that are posted on the City and County’s website. In 2012, DSD created an online inmate search for its facilities. Since, the assessment started, DSD has provided and posted web page links to its 2014 and 2012 annual reports, 2014 Strategic Plan and 2013 organizational chart.

The Career Service Hearing Office posts decision letters for disciplinary appeal hearings for Career Service employees, including DSD. The Department of Safety is in the process of posting online discipline orders issued against DSD employees since Stephanie O’Malley became Executive Director in 2014.

Several DSD employees have expressed concerns about the Department releasing too much information on deputies and compromising the public’s perception of them – such as information regarding past criminal offenses and other information not serious enough to have disqualified them from DSD employment.

» RECOMMENDATIONS

9.15 – Web Page: Create a web page that includes relevant reports, data, statistics and other documents about the Department.

9.16 – Data Transparency: Create a committee with community members, DSD employees and a representative of the City Attorney’s Office focused on information transparency to discuss what information should be available on DSD’s website and how it should be presented.

9.17 – Community Interest: Determine what kind of data DSD has the capability of publishing, keeping in mind DSD’s challenges with collecting reliable data. Survey the community on what kind of information they would be interested in getting, and then decide what should be published. Consider a number of factors, including the community’s desire for this information, the value it could provide and any potential adverse effects it could have on the Department’s operations.
ENDNOTES

1 Police Use of force: The Impact of Less-lethal Weapons, NIJ Journal No. 267 Winter 2010

2 Department Order 2750 Permissible Weapons

3 Department Order 2750 Permissible Weapons

4 CALEA standard 33.5.2 commentary

5 Denver – OHR “Employee Survey Summary of Findings” – Results for Denver Sheriff Department, prepared by OHR – Analytics Bureau, 2013.

6 Denver – OHR “Employee Survey Summary of Findings” – Results for Denver Sheriff Department, prepared by OHR – Analytics Bureau, 2013. p. 2

7 http://www.denvergov.org/sirepubcache/2vo1xvndwnjmwvlq055fqlvbj/a46538503052015023119724.PDF

8 http://www.denvergov.org/sirepubcache/2vo1xvndwnjmwvlq055fqlvbj/a4653850305 2015023119724.PDF


10 Denver – OHR “Employee Survey Summary of Findings” – Results for Denver Sheriff Department, prepared by OHR – Analytics Bureau, 2013 p. 5.

11 Denver – OHR “Employee Survey Summary of Findings” – Results for Denver Sheriff Department, prepared by OHR – Analytics Bureau, 2013 p. 7

12 Denver – OHR “Employee Survey Summary of Findings” – Results for Denver Sheriff Department, prepared by OHR – Analytics Bureau, 2013 p. 8


14 According employees responsible for scheduling, current technology and systems are not able to produce reports to analyze the reason for overtime.

15 According to Sheriff Diggins, “additional resource personnel” is a term used for employees removed from their posts to supplement the needs of the Department on special projects; employees assigned to various positions due to medical restrictions; employees assigned to various posts due to restrictions on working with inmates due to pending investigations; or employees ordered to return to work as a result of the disciplinary process, but administration has determined the infraction was so egregious, the employee creates a liability to perform duties involving inmate contact.
16 Lindsey Flannigan ERU Manual

17 National Institute of Corrections Emergency Preparedness Guide for Jails


19 https://www.fema.gov/national-incident-management-system/incident-command-system-resources

20 https://www.fema.gov/national-incident-management-system

21 2013 Training Academy Audit


23 Youth Gang Alternatives Event; 7th Annual Life Skills Basketball Camp; Athmar Recreation Center Camp; Badges the Bunny at Children’s Hospital; Ball Park Clean Up; Boot Camp Event; Cabinet in the Community Event with the Mayor – four events in 2014; Car Fest GVR; Law Enforcement Appreciation Day – Denver Nuggets; Denver Days; Family Bike Parade at Smiley Campus; Fire Station 18 Open House; Firefly Autism; First Responders Event; Girls Empowerment Event; Juneteenth Parade; National Night Out Safety; River Sweep Denver; Safe Summer Kick Off Event; Safety Day at Home Depot; St Patrick’s Day Parade; Tip a Cop at Chilis; Denver After Dark Event; Brush Off Event; Denver Police Citizen Academy Event; Long Blue Line Event; Read Across America Event; Epworth Foundation; Special Olympic events; Plane Pull; Special Olympics Colorado Games; Torch Run; PJ Day; Safety Expo Cop Shop Event; 8th Grade Career Day Event; BSPA Pride fest Parade; Anti-Bullying Program; Bring Your Child to Work Day; Employee Picnic; Hoops for Peace Event; PACE Event; NAACP Event “Jail is No Place to Be”; Elizabeth Stampede Parade; Denver Stock Show; Proclamation Ride into Denver


25 www.denvergov.org/cob


APPENDIX: OIR GROUP REPORT
ON USE OF FORCE AND INTERNAL AFFAIRS
Report on the
Use of Force & Internal Affairs Operations
in the Denver Sheriff Department

May 2015
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APPENDIX
In the past two years, concerns about how the Denver Sheriff Department (DSD) manages its jails have rocked the community of Denver. Media accounts and reports from independent sources such as the Office of the Independent Monitor (OIM) have focused more attention on the Department than it has likely seen in its 110-year history. Many of the reports raised concern about the use of force by DSD deputies, the lack of investigative response and accountability with regard to that force, the inability of the internal investigative system to investigate allegations of misconduct effectively, the civil litigation payouts from alleged civil rights violations, and cautions raised by outside stakeholders, including a federal judge, about potential patterns of force. During this time, DSD – an institution that previously had conducted its business largely out of the public view – became a fixture in the daily headlines. The tumult resulted in numerous changes in DSD leadership; meanwhile the Department soldiered on in the face of continuing public criticism.

To their credit, the Mayor, City Council, the Department of Public Safety, DSD leadership, and other stakeholders quickly responded to
and began to address this crescendo of strife. Four working groups were formed to look into various aspects of DSD operations, including policy, discipline, employee wellness, and training. The working groups were comprised of DSD members interested in improving processes and, more remarkably, outside entities who gained a seat at the reform tables to offer their perspectives. The Mayor created an Executive Steering Committee to help coordinate reform initiatives, and organized town hall meetings to listen to the community’s concerns. Leadership also solicited views from inside the organization as part of the reform piece, and advocacy groups presented recommendations intended to improve the way in which the jails function.

As part of this full-scale assessment of DSD operations, the Mayor’s Office and the Department of Public Safety issued a request for proposal for a wide-ranging independent review of Sheriff Department operations. The City engaged Hillard Heintze to perform this comprehensive review and requested that OIR Group be tasked to perform an analysis of use of force and Internal Affairs operations. This report is the culmination of OIR Group’s assignment.

In our review, we found significant shortcomings in the way the Sheriff Department investigates and reviews most force incidents. While force that is investigated by the Internal Affairs Bureau (IA or IAB) meets minimal industry standards, aided by the oversight of the Independent Monitor, the “investigation” of all other force incidents amounts to merely collecting written accounts of the incident provided by the involved and witness deputies. Basic steps such as obtaining an account from the inmate upon whom force was used, interviewing any witness inmates, and reviewing video evidence of the force incidents are neither required nor expected of the first-level supervisor entrusted to review the incident. As a result, in Denver’s jails, most force
“investigations” primarily consist of the sergeant reading deputy accounts and then signing off on the force as justified.

For most force incidents, there is also no meaningful holistic assessment through the prisms of training, briefing, supervision, and equipment. Beyond the “bottom line” issue of legal justification for force, each incident offers a potential opportunity for an agency to reinforce effective practices and identify shortcomings. At DSD, this type of comprehensive evaluation was almost never done. Instead, use of force reports were simply collected, checked off as in-policy, and filed away. To date, this wholly inadequate force investigation and review protocol is standard business in the Denver jails.

In addition to the Department’s need to improve the way it investigates and learns from force incidents, our review determined it is imperative that the Department reorient the culture of force in the jails. It is encouraging that Department leadership has accepted the notion that better strategies and tactics for interacting with inmates can enable deputies to enforce jail rules and maintain order without having to resort to force. This concept, though, has not been sufficiently inculcated in deputies. This report suggests how development of “force prevention” policies and training can contribute to this smarter way of jailing so that potential force – and the resulting injuries to deputies and inmates alike – can be avoided.

Additionally, we note that the Department’s ability to determine, assess, learn about and analyze force incidents collectively is severely hampered by the wholly unreliable electronic data currently existing on DSD’s databases. Because anyone familiar with the system has an appropriate distrust of its reliability, staff responds to requests for information with painstaking hand searches of reports. This practice obviously interferes with the regular and timely collection of data that might be used for trend identification and other useful insights. In this age of near universal technology, the deficiency seems as striking as it is avoidable.

With regard to the Internal Affairs function, the unit suffered from inattention and insufficient resource dedication, and accordingly experienced the expected results – delinquent investigations with
inadequate quality control and supervision. However, in contrast to some of the more persistent issues, DSD has moved quickly to address these deficiencies by, among other things, hiring an Interim Director and giving him the authority to acquire additional resources. While the case delinquency rate is down and the quality of cases is up, more needs to be done to improve Internal Affairs’ ability to resolve matters efficiently and thoroughly, and we set out a number of recommendations intended to assist in that effort.

We also have suggested improvements to current force policy and related matters and have endorsed a number of recommendations put forward by the various working groups and others that we were fortunate to meet.

We are encouraged to note that DSD is not an agency that suffers from a lack of interest in reform. On the contrary, we found in DSD – from its command staff to its deputies and professional staff – a high level of concern about the organization and a genuine interest in responding constructively to public criticism and identified shortcomings. Indeed, we encountered people at every level of the Department who were eager to see progress, and received cooperative, thoughtful, and professional responses to our many requests. DSD command staff took time out of their busy schedules to provide helpful and candid information and perspectives about how the jails functioned and where they did not function so well. Often when we evaluate law enforcement agencies, our presence is met with skepticism and worry. In Denver, however, we did not see this same fear, but rather hope for meaningful change.

Any insight we provide in this report could not have been achieved without the level of cooperation, insight, and perspective provided by DSD employees, other stakeholders that regularly interface with the institution, and interested community representatives. In fact, our review had a leg up as a result of the work, thought, and reflection that the Denver community and its representatives had already dedicated to the reform effort.

The fact that Denver’s leadership commissioned this independent review, allowed us to go wherever our review took us, and committed
to making public the report of our findings and recommendations is evidence of leadership committed to real reform. If the Department accepts our recommendations, the Office of the Independent Monitor is already well-positioned to monitor implementation efforts and report to the community about the status of reform measures; it is imperative that OIM be given the support and authority to perform this function. Perhaps most significantly, Denver’s unconditional commitment to transparency by releasing these independent assessments is a testament to the courage of Denver leadership, and its willingness to confront challenges directly. The controversy of the past year has been painful for the Department, but out of controversy comes the opportunity for reform. It gives us confidence that there is a will and intent to continue to push the reform measures offered here and to make Denver’s jails a high functioning environment that the community and its employees can be proud of. We feel privileged that we were able to contribute to this assessment and reform effort. We welcome further dialogue about these matters.

Scope of Review

Denver engaged OIR Group to perform an independent, comprehensive review of the procedures and practices of the Denver Sheriff Department with regard to the use of force and the operations of the Internal Affairs Bureau. Our task was not just to complete a paper review of policies, procedures, and investigations, but to learn about the Department – its strengths and weaknesses, its culture, and its history – to inform our understanding of the depth of its problems and its best path to reform.

To that end, members of OIR Group visited Denver three times for a total of 11 very busy days, conducting interviews of personnel at every rank and various assignments, from deputies to the Sheriff himself; touring the jail facilities; meeting with Department and City executives, the Independent Monitor, interested community members, and outside stakeholders; and observing force training. We also spoke at a public meeting of the Citizen’s Oversight Board meeting in December, engaging with numerous Denver community members
deeply concerned about the operation of the jails, and met twice with the Denver Sheriff Department Executive Steering Committee.

Apart from our visits to Denver, we did a detailed review of all the Department’s use of force policies, its Internal Affairs Procedures manual, and various other policies impacting on areas within the scope of our review. We also obtained and reviewed numerous use of force incident reports and all of the material that comprised a number of complete Internal Affairs investigations, including documentation of the disciplinary process.

Our analysis centers on the Department’s current policy, procedure, and practices, though we make reference to historical changes where relevant. At times it felt as though the Department was a moving target, particularly in Internal Affairs, where the bureau was forging ahead with meaningful reform on its own initiative. Throughout the report, we make numerous recommendations for ways to improve the Department’s operations regarding the use of force and Internal Affairs operations.

This report has three sections. In the first, we examine use of force policies as well as the way the Department investigates and reviews force. The second section discusses Internal Affairs, crediting much of the good work that has been accomplished in the past several months but nonetheless offering suggestions for further improvement. The third section is a list of all recommendations otherwise dispersed throughout the report.
Findings

1. DSD needs to change its culture regarding the use of force by emphasizing in its policy, training, and overall Department orientation the principle that not all legally justifiable force is necessary or appropriate, and that force should be avoided when de-escalation tactics make that possible.

2. DSD needs to dramatically alter the way it investigates and reviews force incidents that are not referred to Internal Affairs.

3. DSD’s policies governing the use of force need to be amended to more precisely define important terms, to give greater guidance to deputies regarding the Department’s expectations, and to better demonstrate the Department’s philosophy and values.

4. DSD needs to work toward providing more ongoing, regular training on force tactics and other skills most relevant to deputies in a jail setting, to involve more deputies in CIT training, and to ensure that deputies’ demonstrated skills are factored into their job assignments.

5. DSD needs to find better ways to collect reliable data and to use that data to analyze and audit uses of force and other issues.

6. DSD could make better use of its valuable video evidence in the investigation and review of force incidents as well as in training scenarios.
The Internal Affairs Bureau has made substantial progress toward improving the quality and timeliness of its investigations, and the changes of the past year should be maintained.

DSD needs to establish guidelines and a process for the selection and training of new Internal Affairs investigators.

The current structure and staffing of the Internal Affairs Bureau does not provide for optimal supervision and leadership.

The criteria for which allegations and types of force incidents should be investigated by Internal Affairs is not clearly defined, and the Department’s expectations regarding those incidents handled at the division level are similarly unclear.

Internal Affairs uses considerable resources to investigate matters that could effectively be handled in other ways.

The ways in which Internal Affairs investigators gather and use video evidence are inefficient and inconsistent.

The Procedures Manual for Internal Affairs is out of date and does not clearly define all of the Bureau’s expectations for its investigators.

DSD could become more transparent by providing employees, stakeholders, and the public at large with more information about its force incidents and internal investigations.

The Office of Independent Monitor is a valuable resource that DSD should consult when considering or implementing the recommendations proposed in the consultants’ report, as well as other systemic reforms, policy initiatives, or new training curricula impacting on accountability, force, and deputy performance.
Our review of DSD’s use of force policies and practices included an assessment of the way in which the Department investigates and evaluates deputies’ uses of force, a look at the Department’s force training as well as the way it gathers and utilizes data on uses of force, and an appraisal of its force policies. We found room for improvement in all of these areas, but particularly significant shortcomings in the way the Department investigates and reviews most force incidents.

Any discussion about force issues should begin by addressing the need to eliminate those incidents in which deputies might have been authorized or legally justified in using force, but in which it was not necessary to use that force to complete their responsibilities. Certainly, deputies must have authority to use force to protect themselves or others from harm. However, the goal of any progressive law enforcement agency should be to eliminate uses of discretionary force to handle situations that could have been resolved peacefully if other tactics and skills had been employed. To reach the goal of eliminating force that may be defensible but avoidable requires a reorientation and culture change. Most uses of force that fall within
this category involve interactions prior to the force that could and should have been handled differently by the deputy. Some of these de-escalation tactics are as simple as the officers’ ability to maintain a respectful, non-challenging and non-threatening demeanor.

To aid in pushing this culture change and to reinforce the idea that the Department’s interest is to reduce incidents of force to a minimum, we recommend that DSD structure its use of force policy to emphasize the importance of these principles. For example, the policy could include language such as the following:

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\text{When time, circumstances, and safety permit, there may be alternatives to using force. When reasonable and safe under the totality of the circumstances, members should consider such alternatives as advisements, warning, verbal persuasion, and other tactics.}
\]

In addition to developing a “force prevention” policy, the Department’s force training should also be modified to address this reorientation both for new deputies and during in-service training. Instead of solely brushing up on force techniques, training should include discussion about rethinking the role of force in the jail and how different strategies, problem solving, and techniques can be deployed to resolve situations without force. Training for supervisors needs to emphasize their role in preventing avoidable uses of force – from the obvious ways in which they direct and guide deputies to use force in particular instances to the more subtle influence they can have in setting the right tone and enforcing the Department’s standards and expectations.

RECOMMENDATION 1: DSD should inculcate principles of force prevention in its culture, policy, training, and overall Department orientation.
Another way to push culture change within the Department is to positively reinforce conflict resolution skills and affirm officers who have the capability and temperament to handle difficult situations without resorting to force. While it is necessary to have systems in place to identify and remediate personnel who may be using a disproportionate amount of force, it is equally important to recognize those individuals who find ways to perform their duties and defuse situations peacefully. DSD should recognize those deputies in their regular performance evaluations and through “commendable restraint” citations. The Department should also acknowledge those deputies as peer role models and draft them for training and briefing assignments, to reinforce the value the Department places on their acumen, skill, and approach to their work.

RECOMMENDATION 2: DSD should demonstrate how much it values deputies’ abilities to resolve confrontations without resorting to force by issuing commendable restraint citations, considering the amount of force an officer uses in assessing the officer’s annual performance, recognizing those deputies as peer role models, and by highlighting those deputies’ skill in briefing and training scenarios.

Investigating and Reviewing Uses of Force

A deputy’s authority to use force comes with a significant responsibility to use it judiciously and only when reasonably necessary. It is essential that a law enforcement agency critically review and evaluate each force incident in order to determine whether the use of force complies with Departmental expectations as set out by policy and reinforced in training. An effective inquiry, however, does not end there. In addition, the Department should assess force incidents for potential issues with performance, training, tactics, equipment, policy, or supervision. This requires a commitment to
comprehensive fact-gathering and dispassionate review. But the effort is worthwhile. The holistic review of force incidents will increase the tactical and decision-making capabilities of deputies, promote accountability, and leave the Department with better options to address tomorrow’s challenges – a goal of any progressive law enforcement organization.

Unfortunately, as detailed below, current DSD policy, culture, and training fails to facilitate the achievement of this goal. As a result, force incidents that are not sent to Internal Affairs are not fully investigated or critically reviewed.

When a deputy uses force, policy requires the involved deputy and all deputy witnesses to write a narrative report of the incident in the Department’s Jail Management System prior to the end of the involved deputies’ shift. The policy further requires that the sergeant and/or captain of the facility review the report and indicate whether the force used complied with Colorado law and Department policy. Finally, the policy requires that if the force used was “inappropriate,” the Captain will contact Internal Affairs, address any equipment concerns, recommend policy modifications, or order remedial training.

In some cases, often based on a review of the video of the force event, jail supervision will refer the incident to Internal Affairs for an investigation. IA is also charged with investigating all force incidents that are the subject of inmate complaints regarding excessive force. Still, for the large majority of force incidents, the force investigation and review is the responsibility of jail supervisors.

In the terse policy regarding force review, the Department provides almost no guidance to supervisors regarding the type of fact collection

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1 Please see Section Two of this report, on Internal Affairs, with regard to issues surrounding the handling of force cases that receive a formal administrative investigation.

2 As the Independent Monitor reported in his 2013 Semiannual Report, however, inmate grievances alleging inappropriate force (and other serious misconduct) have not always been referred to IA as required. This was a serious failing that deserved the negative attention it received. Following the OIM Report, the Department made a renewed commitment to initiating IA investigations on inmate complaints of inappropriate force.
necessary to fully investigate a force incident. As noted above, involved deputies and witness deputies are required to document their actions and observations. However, the policy does not require additional evidence collection that one would expect to see in a thorough force investigation. For example, the policy does not require that the sergeant responsible for reviewing the force event interview the inmate upon whom force was used. Nor does the policy require that inmate witnesses to the event be interviewed. In cases where non–deputy jail staff such as nurses, doctors, maintenance workers, or chaplains are witnesses to the force incident, there is no requirement that they prepare a report of their observations or be interviewed about the incident. While our review found times in which photographs were taken of inmate injuries, the policy does not require it. The policy likewise does not require that medical records of inmate or deputy injuries be obtained and appended to the report. There is no requirement of collection or analysis of forensic evidence relating to the force incident such as the weapons used. And most strikingly, even if a force event is caught on the jail cameras, sergeants are not only not required to view the video of the event, they are prohibited from doing so.

DSD’s use of force policy requires that the use of force reports prepared by involved or witness deputies contain a “detailed chronological description of the incident to include who, what, where, when, how, why (if possible), any injuries and medical treatment provided.” The policy requires that the report must also be “accurate and limited to factual events free from opinion or prejudice and detail all of the necessary information to provide a complete depiction of the incident, to include actions both taken and observed.” Our review of a significant sample of use of force reports found that, contrary to these requirements, the information contained in the deputy reports are a minimal recitation of some of the observations and actions taken or observed by deputies. Information

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3 Department Order 1115.1A, Reporting System, 5(C)(1).
4 Department Order 1115.1A, Reporting System, 5(C)(2).
about the events preceding the force was not included with any significant detail. The deputy reports generally did not provide a detailed description of specific inmate actions or deputy observations that formed the basis for the use of force, making it difficult to evaluate the appropriateness of the deputy’s actions. Instead, conclusory terms such as “resistive behavior” or “defiance” were used to justify the force as if they were self-explanatory. Moreover, the reports were entered into the JMS system in no particular order, resulting in any reviewer having a difficult time figuring out the chronology and each deputy’s role in the event.

It is clear from a review of the reports that deputies have received little training on how to satisfy the dictates of the use of force policy and that sergeants have not been expected to review and return reports that do not satisfy those policy requirements. As a result, the use of force reports prepared by deputies leave the Department with a record through which no fair conclusions can be reached about the appropriateness or legitimacy of the force used.

Further compounding the problem of conclusory, insufficiently detailed reports by deputies is the fact that sergeants tasked with reviewing force incidents and determining whether deputy performance was consistent with legal and policy guidelines must do so based almost entirely on these reports. Such a factual review is woefully deficient and fails to meet law enforcement industry standards for any investigation, let alone one in which a deputy has invoked his or her authority to use force. An investigative process that only includes deputies’ version of events cannot be considered objective and neutral. Some sergeants we spoke to recognized this, and some actually declined to approve the force they were charged with reviewing because they did not have sufficient information to fairly evaluate the incident. However, most use of force reviews

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5 One of the innate difficulties of the JMS system that contribute to this phenomenon is the clunky, non-user friendly way by which reports can be edited and revised.

6 The OIM identified similar deficiencies in the use of force reporting and review process in its September 10, 2014 letter to Councilman Paul Lopez, also the Chair of the Safety and Wellbeing Committee.
contain cover letters composed by the reviewing sergeant conveying a finding that the force was justified.

In addition to the lack of policy direction provided by Department policy to sergeants about what they should do in order to conduct an investigation that would meet minimal investigative standards, sergeants are provided no formal training on how to conduct such an investigation or review. As a result, sergeants are not equipped with basic investigative or reviewing skills to investigate and offer an opinion regarding the propriety of the force even were they intent on attempting to conduct a more complete investigation or review.

Consequently, the review of any force incident that is not referred to Internal Affairs for a formal investigation has little chance for a meaningful review in the Denver Sheriff Department. Unless an inmate complains or the event otherwise finds its way to Internal Affairs, there is virtually no likelihood that the force will be carefully and holistically reviewed for purposes of personal accountability, training or tactical issues, equipment issues, or issues of supervision. Accordingly, the Department loses countless opportunities to monitor and correct behavior in this critical arena.

**Standards for Force Investigations**

In order for force incidents in the jail to receive the attention they require, the Department needs to restructure its internal investigative and review process. First, it must adopt minimal investigative standards and require sergeants assigned to investigate force to do the following, in addition to gathering and reviewing the deputies’ narrative reports:

- Interview inmates that had force used on them.
- Interview inmates who witnessed the force and the events leading up to it.
- Interview non-deputy jail staff, including medical or mental health staff, chaplains, and others.
- Obtain medical records of any injuries or treatment to involved staff and/or inmates.
- Secure photographs documenting any injuries.
• Secure photographs of inmates documenting the absence of injuries, where relevant.
• Photograph any relevant areas of the jail where the use of force occurred.
• Collect and analyze any forensic evidence, including clothing and deputy weapons.
• Download and attach any video footage of the incident.

In addition to significantly increasing the amount of information gathered, the force investigator must ensure that the deputies’ written reports are detailed enough for a comprehensive review. Those reports must contain thorough narratives of the events leading up to the force, the observations and actions that formed the basis for the use of force, and what happened after the force application, when the inmate was secured. If a deputy report does not contain sufficient detail, investigators should return the report to its author with instruction to provide the additional information.

DSD should consider whether to continue to assign the initial force investigation to the sergeant supervising the involved deputies. There are advantages to this approach in that all first level supervisors will be empowered and entrusted with the responsibility of conducting a thorough and objective investigation of any force incident occurring within their unit. The investigative experience gained from this responsibility will improve every supervisor’s interviewing and analytical skills. The robust review process detailed below would hold supervisor’s accountable for force investigations that did not meet the Department’s elevated expectations. If the Department continues with this approach, it should train every sergeant on the more demanding expectations and how to meet them.

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7 In some cases, the sergeant is either involved in using the force, directing the force or present as a witness during some of the force event, and thus has personal observations of the incident from which to base his or her evaluation of the incident. In those circumstances, the sergeant’s involvement creates an obvious obstacle to objectivity. Accordingly, these incidents should be assigned to an uninvolved sergeant for investigation and review.
An alternative approach would be for DSD to designate a cadre of sergeants assigned to conduct force investigations for any force event that occurs in the facility. Immediately after a use of force, an on-duty force review sergeant would be summoned to initiate an investigation. The advantage of this approach is that it requires training fewer individuals in the new protocols and increases consistency in quality of investigations. The tradeoff is that fewer sergeants will benefit from the increased responsibility and investigative skill growth that will come to those assigned this duty. A hybrid arrangement would be to continue to have the supervising sergeant conduct the force investigation, but to designate a team of experienced, specially-trained sergeants to serve as mentors or advisors who would assist the investigative sergeant – in real time – in ensuring compliance with the new investigative protocols.

**Mechanisms for Reviewing Force**

**Supervisory Review Documents**

In addition to ensuring a much more robust collection of facts, DSD must change its policies and protocols to require a more exacting review of force incidents. One device that we have seen effectively used to ensure that there is a meaningful force investigation and review are a set of extensive and detailed checklists that specifically detail the Department’s expectations. Separate checklists created for the force investigator and those entrusted with reviewing the force investigation at each level helps ensure uniform and thorough coverage of the fact collection and review process for every force event, prompting supervisors to ask the right questions and confirm that the final force package provides an answer at each level of investigation and review. We have attached as an Appendix sample checklists that OIR Group members helped develop with the Los Angeles County Sheriff’s Department for that agency’s use.
Force Review Panel

In addition to the more exacting paper review the checklists guide supervisors to conduct, we also recommend that a significant percentage of force incidents be directed to a panel of jail command staff for review. While we leave it to the Department to determine the best structure and title for its “Force Review” panel, there are some basic features we believe are crucial. The investigative report should be forwarded to the panel ahead of the meeting so that they have command of the facts contained in the report. At the panel meeting, the supervisor responsible for conducting the investigation should present a narrative of the evidence and identify any issues emanating from the investigation. The panel should determine whether the force was consistent with policy and, if not, refer the matter for an Internal Affairs investigation. As importantly, the panel should consider the force incident and identify ways in which the tactics, force application, and post-incident handling could be improved. The panel should develop an action plan in which post-review remedial measures are identified and personnel are assigned to implement them. The action plan should consider what and how information will be conveyed to the involved deputies about the panel’s assessment and what information should be communicated to deputies Department-wide so that lessons from the incident can be effectively disseminated. Finally, the panel should critique and review the thoroughness and objectivity of the force investigation and, if need be, return the investigation for necessary follow up.

To assist in identifying issues and developing remedial plans, training division staff should attend the Force Review panel meetings to opine about the force application and any pre-event tactics. In addition, OIM representatives should attend and have access to the reports prior to the panel’s meeting so that they can independently identify issues and actively participate in the panel discussion. If this additional responsibility creates a resource challenge to either OIM or the

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8 Again, OIR Group members helped the Los Angeles County Sheriff’s Department develop such a panel and have seen it work effectively to engage jail managers in successful efforts to reduce the number of troubling force incidents.
training unit, those responsible for resource allocation in Denver should be amenable to requests for additional resources to perform these functions.

Cases that involve use of force and are assigned to Internal Affairs for investigation should go through the disciplinary process that IA cases normally follow. However, because the IA process is primarily focused on discipline, upon conclusion of the disciplinary determination the case should be presented to the Force Review panel to determine whether additional remedial action should be taken, including, for example, briefings, training, training bulletins, mentoring or counseling for involved deputies, policy and equipment review, and review of any matters not covered by the disciplinary proceedings such as communication, tactics, supervision, and report writing. This approach will ensure that the more significant and concerning cases are also reviewed not merely for purposes of accountability and discipline but to ensure that the Department makes full use of the incident as a learning tool.⁹

Directing IA force cases through the Force Review panel process will also ensure the implementation of a key recommendation of the Training Task Force: the requirement that remedial training be included as part of the disciplinary decision. While training can be integrated into a disciplinary penalty, DSD has the discretion to design specialized training for deputies. Even in cases where the force incident does not rise to the level of a policy violation, training can and should be a frequently used part of any remedial action plan designed by the Force Review panel.

The creation of a Force Review panel or committee with a coordinator could also fill a role that is currently lacking in the Denver Sheriff Department, namely tracking for compliance with all non-

⁹ Additional DSD functions could and should benefit from this type of review. For example, the Department could more holistically review all deaths that occur in custody and any deadly force events that involve DSD units that function outside of the jail environment. A command-level review of these incidents is important to ensure accountability, but also to promote communication among various involved entities and to help the Department gain a perspective on how it can improve and possibly prevent future critical events.
disciplin ary action or requirements coming out of alleged misconduct cases, such as training, counseling, and briefings. Our review found in the few occasions in which deputies were ordered to attend training following an investigation, there was no established means for ensuring that remedial measures were implemented. The Force Review committee coordinator could be responsible for this follow-up effort and for communicating back to the standing committee.

RECOMMENDATIONS 3 through 12: The Department should dramatically alter the way it investigates and reviews force incidents that are not referred to Internal Affairs, including the following:

(3) DSD should develop standards for investigating all uses of force that go beyond collecting involved and witness deputies’ narrative reports and meet minimal investigative standards for thoroughness and objectivity.

(4) DSD should provide regular training to deputies on how to prepare use of force reports and to sergeants on how to review them to ensure compliance with current DSD use of force reporting policy.

(5) DSD should consider creating a cadre of sergeants at each jail facility specifically trained to conduct force investigations and reviews.

(6) In cases where a sergeant was involved in a use of force, directed the force, or was a witness to the force, DSD should assign the force investigation to a non-involved sergeant or a captain of the facility.

(7) DSD should create detailed checklists setting out the Department’s expectations for investigation and review of force incidents to guide investigating sergeants and supervisors at each level to ensure a uniform and thorough coverage of the fact collection and review process.
(8) DSD should consider designing protocols whereby a Force Review committee reviews significant force incidents and a sampling of less significant force incidents. The committee should develop a written action plan for each force incident reviewed and ensure an effective feedback loop to present the results of any action plan back to the committee at a later time.

(9) DSD should improve its force review process to ensure that not only is the incident centrally reviewed to determine whether the force used was in policy but also to examine whether there was tactical decision making that was inconsistent with Department policy and expectations.

(10) At the end of the Force Review, officers involved in every force incident should be debriefed regarding how the Department considered the handling of the incident including the tactical decision making.

(11) In addition to deciding whether the force was in policy, DSD should examine force incidents to determine whether there were issues of supervision, policy, or training that it should address.

(12) DSD should use learning domains, such as training bulletins or briefings to ensure that information learned from force incidents is exported back to the line officers and first level supervisors in a meaningful way.
Use of Force Policies

Much of the policy governing use of force for DSD is consistent with industry standards. However, we offer for consideration the following concepts designed to provide additional guidance and standards for DSD employees.

Preamble: Guiding Principles Surrounding Use of Force

The Denver Sheriff Department’s Use of Force Policy should set out straightforward and clear guidance to deputies about the expectations of the law and Department leaders with regard to the deployment of force. This critical message would benefit from a preamble setting out some overarching principles for deputies to consider. In drafting such a preamble, the Department should consider language such as the following, adopted by another law enforcement agency:

*The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.*

Any preamble intended to set out the principles of DSD’s Use of Force Policy should similarly recognize how the ability to use force against incarcerated individuals should be deployed in light of deputies’ overarching responsibility to keep inmates safe from harm. Because the philosophical framework and orientation of the use of force in a jail setting has crucial impact on the experience of all who work and live in that environment as well as stakeholders concerned about how that community functions, we recommend that DSD seek input from command staff, deputies, professional staff, inmates and their families, city officials, and community advocates in devising this preamble.

We recommend the Department consider additional language such as:

*It is the Sheriff Department’s responsibility to provide a safe environment for the inmates and a safe working environment for Sheriff Personnel. All employees shall view their*
professional duties, first and foremost, in the context of safety for themselves, other employees and inmates.

All jail personnel shall maintain a professional demeanor, according to each situation, keeping in mind the Department’s values. All employees shall focus on upholding safety, respect and professionalism, even in situations where force is required. Our goal is to prevent force where possible through effective communication emphasizing safety, respect, and professionalism.

RECOMMENDATION 13: DSD should add a preamble to its use of force policy that sets out the overarching principles and philosophy by which the use of force should be considered.

Providing Clarity in Definitions and Expectations

Defining Excessive Force

In current policy, excessive force is defined by simply referring the reader to the Colorado Revised Statutes, which defines excessive force as force that exceeds the degree of physical force authorized by law. A more helpful definition of excessive force that has general acceptance is: “The use of more force than is objectively reasonable to accomplish a lawful purpose.”

RECOMMENDATION 14: DSD should set out a more precise definition of “excessive force” in its use of force policy.

Defining Objectively Reasonable

In current policy, there is reference to the need that any force used must be objectively reasonable, yet the term is never defined. One generally accepted definition is: “The force that an objective, trained
and competent peace officer, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.”

RECOMMENDATION 15: DSD should set out a more precise definition of “objectively reasonable” in its use of force policy.

Distinguishing Between “Immediate” and “Controlled” Force
Unique to controlled environments such as jails or prison, personnel are faced daily with situations where decisions must be made whether a threat requires an immediate response of force or whether there is time to plan or calculate a response to resolve a threat. In situations in which deputies have time to address a situation, their decision-making should be governed by a different force philosophy than in situations requiring immediate intervention. The force policy can help explain this distinction by providing guidance to deputies regarding the different types of force events.

The DSD policy and procedure should provide examples of “immediate” or emergent force such as a force response to break up a fight between inmates or a force response to an inmate physically attacking a deputy. In these instances the threat is such that the deputy must immediately respond with force as there is no time to plan a more calculated response.

On the other hand, an inmate may, while locked in his cell, refuse to comply with an order to submit to handcuffs for removal from the cell for a housing assignment change. In this instance, there is time to plan a force response that may be necessary to affect the cell reassignment. This is a “controlled” use of force situation in which time is on the side of the officers to plan the most effective and safest force response in order to limit the possibility of injury to the inmate and the staff. We suggest the following definitions and requirements:
• **Immediate Force**: Employees may use immediate force without prior authorization from a higher official when the behavior of an inmate constitutes an immediate threat to facility security or the safety of persons which demands action without delay. The nature of the immediate force precludes an approval process due to the necessity to use force without delay.

• **Controlled Force**: A controlled use of force is appropriate in an institutional/facility setting, when an inmate’s presence or conduct poses a threat to facility safety or security and the inmate is located in an area that can be controlled or isolated. These situations do not normally involve the immediate threat to loss of life or immediate threat to institution security. All controlled use of force situations require prior supervisory approval. Staff shall make every effort to identify physical disabilities and mental health issues and note any accommodations that may need to be considered before force is applied.

The concept of controlled force should also be integrated into additional policies, such as those governing cell extractions or dealing with a recalcitrant but not assaultive inmate.

RECOMMENDATION 16: DSD’s Use of Force policy should set out a distinction between “immediate force” and “controlled force.”

**Duty to Intervene**

One of the core responsibilities of deputies assigned to the jails is to keep those housed there free from harm. The most frequent potential source of harm is from inmate-on-inmate conflicts, and deputies regularly intervene to stop assaultive behavior. However, unfortunately, there are times in which deputies may use force that is either unnecessary or excessive. When fellow deputies observe such conduct and are in a position to intervene, they should do so. While
this requirement is consistent with the overarching responsibilities of deputies to keep inmates free from harm, the responsibility is not explicitly defined in DSD’s force policy. We recommend that the policy do so.

RECOMMENDATION 17: DSD’s force policy should expressly advise deputies of their responsibility to intervene when they observe excessive or unnecessary force by fellow deputies and are in a position to do so.

Removal of Dangerous or Belligerent Inmates from a Cell

When inmates display an unwillingness to follow deputy orders to leave their cells – to attend court, a medical appointment or to facilitate jail movement, for example – any immediate unplanned attempt to extract the inmate creates a high risk of a use of force with resulting injuries to the inmate and staff. For that reason, jail facilities have developed special policies to guide staff in resolving these situations. Recognizing that jails present a controlled environment and that time is usually on the side of jail staff, more deliberate strategies can be deployed to satisfy the objective sought while reducing the likelihood of using force.

To its credit, DSD has a policy regarding removal of “dangerous or belligerent” inmates that sets out some principles and procedures intended to deploy smarter strategies that could lessen the likelihood of force or injury. Those include requiring deputies to notify a supervisor prior to attempting to remove the inmate from the cell and requiring the supervisor to respond to the location and take over command of the operation, ensure that there are sufficient personnel to perform the cell extraction, and videotape the incident. While the current policy has some good features, it could and should go further to provide guidance and direction to deputies and supervisors in the following areas:
• **Broaden the definition of a belligerent or dangerous inmate.** In addition to inmates who are belligerent or who have a history of being assaultive with staff, the inmate who is simply refusing to follow orders or who may have mental health issues preventing understanding of orders should also be defined as coming within the dictates of this policy. Other behaviors that should come within the breadth of the policy would include continually exhibiting verbally defiant behavior; resisting or being uncooperative to any verbal commands given by jail personnel; displaying aggressive, assaultive, hostile or violent behavior toward personnel or other inmates; or passively resisting the efforts of personnel by ignoring commands or not acknowledging the presence of jail staff. Some agencies define inmates who are “recalcitrant” or “nonresponsive” to instruction as being covered by the policy.

• **Require video recording.** The current policy states that the supervisor “should” ensure that the handling of belligerent prisoners and cell extractions are videotaped. We recommend that the policy indicate that the supervisor “shall” ensure that the handling of belligerent prisoners and cell extractions are videotaped except in circumstances where the emergent nature of the incident demands action before videotaping can be conducted.

• **Consider the exigency.** The recognition that in most instances time is on the side of the facility is a key consideration in determining whether and when to initiate a cell extraction. Supervisors must consider the exigency and importance of the desired inmate movement. In order to incorporate this concept, the policy should require the supervisor to set out a reasonable

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10 For an unexplained reason, this policy, unlike other DSD policies refers to prisoners rather than inmates. For purposes of precision and uniformity, we recommend that the policy use the term inmates.
time period to allow the inmate an opportunity to comply with instructions.

- **Do not restrict necessary immediate action.** In the instance of an immediate threat of physical harm or other situations in which there is a need for immediate intervention, the policy should note that custody personnel shall not be restricted from taking appropriate action, including the use of force. The policy should also indicate that should the need arise to take action immediately, all personnel shall contact a supervisor as soon as the exigency to take immediate action ends.

- **Require high level approval.** Because of the high risk potential of these types of operation, some policies require that first level supervisors notify and/or obtain approval, when practicable, from the on duty facility commander before proceeding with the cell extraction. Advantages of such a procedure are that it provides more consistency on how the procedures are to be executed and results in more deliberation being brought into the process.\(^\text{11}\)

- **Formulate a plan.** The policy should also require that the supervisor formulate a plan for the operation, assign duties to each member of the extraction team, and announce each member of the extraction team on video. The inmate should be advised on video tape of what he is being ordered to comply with and the consequences of his continued refusal.

- **Summon appropriate professionals.** For those inmates who have a history of mental illness or appear to be acting irrationally, mental health professionals should be summoned and asked to interact with the inmate to determine whether

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\(^{11}\) We were informed that as a result of recent changes in practice, supervisors were instructed to seek captain or major approval when practicable before executing a cell extraction. While this practice is admirable, written policy should reflect that practice.
they might be able to successfully counsel the inmate to voluntarily comply.
Likewise, if a chaplain is on site that has a history of dealing with the inmate in question or the inmate has been working with a teacher or other facilitators of jail programs, staff should request that they talk with the inmate in an effort to gain voluntary compliance.
Finally, medical personnel should be called to the location so that they can provide immediate assessment and treatment of any injuries that may result from the cell extraction process.

RECOMMENDATION 18: In an effort to reduce the need to resort to force, DSD policy should provide additional specific guidance to deputies and supervisors with regard to dealing with inmates who refuse to follow jail movement orders or come out of their cells.

Taser Use
The DSD Taser policy was revised in July 2014 to require a higher threat level prior to deployment and to restrict use of the Taser in stun mode. However, the written vehicle used to revise the policy was a memorandum circulated to jail staff by the then-Sheriff. As a result, deputies cannot rely on the current “policy” for their guidance on Taser use but must be aware of the “memorandum” that substantively alters the policy.

Moreover, the Policies and Procedures Committee worked for a number of weeks in 2014 to propose additional reforms to the Taser policy. Our review of the proposed changes by the Task Force finds them well-founded, and we recommend they be implemented.

In addition, we found the following additional concerns with the policy:
• **Warnings.** The current Taser policy says that deputies shall communicate warning of use, when possible, to other deputies but does not direct deputies to provide a warning to inmates. DSD has found that a simple warning to inmates that a Taser is about to be deployed can cause the inmate to comply with dictates, eliminating the necessity to deploy the weapon. The Taser policy should include a requirement that inmates be warned whenever practicable.

• **Removal of Darts.** The current Taser policy allows for the removal of darts by “authorized Taser officers” but the policy later states that medical staff will evaluate, clean and treat Taser wounds “as appropriate per medical protocol” and then says elsewhere that probes/darts that have penetrated the skin will ONLY be removed by officers trained in the use of the Taser or by medical personnel consistent with their professional standards and training. The Department should address this ambiguous and potentially conflicting guidance with regard to the removal of darts.

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**RECOMMENDATION 19:** The policy governing use of the Taser should be modified to include the recommendations of the Policies and Procedure Committee, as well as to require a warning to inmates prior to use of the Taser when practicable and to clarify the requirements regarding removal of Taser darts.

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**Tracking Taser Usage**

The Taser is equipped to collect data that can be downloaded after every use. The available information provides the time of day and the number and length of every Taser activation. The data can be helpful to assess the appropriateness of the use of the Taser and whether that use complies with Department policy and training. As noted in the
Auditor’s March 2015 Performance Audit of jail operations, the Department’s compliance with its policy requiring Taser data to be downloaded has been uneven.

In addition, DSD policy requires that a Taser usage form be completed every time that a Taser is deployed. Again, the Auditor’s report noted that the usage forms were not always submitted and when they were, not all data fields within the form had been completed.

Unlike most weapons, Tasers are unique in that there is a readily retrievable data source that can inform supervisory staff when a Taser is deployed. By not enforcing its download policy, however, DSD is forfeiting its ability to effectively track Taser use and determine whether deputies are deploying the device in a manner consistent with Department expectations. For the same reason, the Taser usage report should match up with the number of Taser deployments reported by deputies.

Whenever the Taser is used intentionally (as opposed to accidental discharges), that use should be recorded in the Jail Management System. The Taser usage report should be more seamlessly integrated with the JMS report requirements so that a deputy and the responsible supervisor will recognize the need to complete that form as well whenever the Taser is deployed.

Moreover, other than reports on the frequency of use, there is no evidence that DSD is using the information available from Taser use to determine trends and frequencies of use among deputies or within areas of the two jails. Because of limited resources and authority, training staff have not been deployed to examine the data to provide insight on Taser use throughout the Department.

RECOMMENDATION 20: The Department should more rigorously enforce its existing requirements regarding the collection of data and information about Taser deployments and should regularly examine this information to determine trends among deputies or within areas of the jails.
Chemical Agents: Decontamination Requirement

Pepper spray is one of the force options available to deputies for use in the jail. The spray consists of a chemical compound that irritates the eyes to cause tears and pain. With the temporary loss of vision, deputies are able to more easily restrain inmates without a significant risk of permanent injury.

Because the introduction of this chemical agent continues to be painful, it is important that the inmate’s eyes are decontaminated with water or saline flush once deputies have secured the inmate. Because DSD policy has no specific policies relating to chemical agents, there is no decontamination procedure in its policy. While the Department’s policy has a general requirement that deputies notify medical staff and escort the involved inmate to the medical unit for screening after a force incident, we recommend that the policy include a specific provision requiring decontamination following the use of chemical agents. A straightforward procedure used by many jails is to require that after the situation is stabilized and the inmate is secure, he or she be immediately escorted to medical for a decontamination procedure or alternatively, that medical be immediately summoned for treatment.

RECOMMENDATION 21: The Department should develop a policy specifically requiring deputies to get medical assistance for inmates who have been subjected to chemical agents so that their eyes can be decontaminated immediately after stabilizing the situation and securing the inmate.

Escorting Inmates to Medical Unit Following a Use of Force

The Department’s use of force policy properly requires that any person on whom physical force has been applied, regardless of type or amount, be screened by medical personnel. The policy further requires that the deputy who used force has the apparent
RECOMMENDATION 22: The Department should modify its policy to require sergeants to direct which deputy is to escort an inmate who has been involved in a force incident to the medical unit. Unless there are no other options, a deputy who used force should not be assigned to do the escort.

Training Issues

CIT Training

Crisis Intervention Team (CIT) training provides deputies strategies to defuse conflict situations and reduce the likelihood of needing to resort to force. The training educates deputies on dealing with inmates who may have a history of mental health issues and instructs on how different strategies may be more effective in interacting with them.

DSD’s CIT training and curriculum is consistent with industry standards. Indeed, the coordinator of the training has received recognition for his program and been requested to train other law enforcement agencies with custodial functions. DSD reported that last year 31 deputies received CIT certification, that 55 percent of deputies were currently certified in CIT training, and that the goal was to certify 120 additional deputies by 2016. The Training Committee recommended that all deputies employed by the Sheriff’s Department received CIT certification.
We agree and endorse the Training Committee’s recommendation. We are also supportive of DSD’s intent to substantially increase the pace of certification. While we commend the Department for the number of deputies who have already been certified, we note that, according to DSD, over twice as many deputies received certification in the use of the Taser and nunchakus over the same period of time. If training priorities need to be set, CIT training should be at or near the top of that list.

DSD and those responsible for budget allocation should also consider ways to ensure that those responsible for the CIT program receive sufficient resources and training to expand and improve the program. We have seen in other agencies how the ability to effectively deal with inmates in mental health or behavioral crises can be improved by involving stakeholders such as mental health and medical professionals in refining and presenting the training curriculum. DSD should find ways to ensure that its CIT coordinator has the authority, the flexibility, and the time to continue to improve upon CIT training in Denver and incorporate the input of other important voices into the design and delivery of the program.

Even with a stepped up CIT training program, it will still take several years to attain the goals of certifying every deputy who has a jail assignment. And even if every deputy is certified, it is clear in our experience that some individuals are better suited than others to absorb and embrace the techniques and methods taught in CIT. More care should be taken toward assigning those deputies who have excelled in the CIT program to the Special Housing areas where inmates who have a history of mental illness reside, and to Intake, where these inmates may not yet have been identified. Our review of duty rosters indicated that there was not a sufficiently concerted effort to consider that factor in determining deputy assignments.
RECOMMENDATION 23: DSD should continue to work toward providing CIT training to each of its deputies assigned to a jail facility. DSD should also ensure that the CIT training coordinator has the time and ability to incorporate outside stakeholders such as mental health professionals into the CIT curriculum and training development. When considering deputy work assignments, DSD should make a concerted effort toward assigning deputies who have excelled in CIT training to areas where they are most likely to encounter inmates with a history of mental illness.

Training on Perishable Skills for the Jail Setting

We have observed in other agencies that the more confidence officers have in their ability to control resistive or aggressive inmates through the use of chemical agents, control holds, and takedowns, the less likely they are to use punches, strikes to the face, chokeholds, or other force options more likely to cause injury to themselves and inmates. Yet these skills are highly perishable and require regular practice to maintain at a proficient level. Deputies have 40 hours of in-service training every year, during which they spend roughly half a day on defensive tactics and other force issues.\(^{12}\)

We have seen other agencies successfully create small blocks of training that can be provided at a jail facility, so that deputies do not need to take a full day away from their posts in order to train. Instead, supervisors find ways to carve out an hour or two of time during which a small group of deputies can receive training to learn new techniques and maintain their skills. We understand that DSD is

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\(^{12}\) By contrast, deputies are required to qualify with their firearms four times per year, despite the fact that only those relatively few deputies assigned to work inside courtrooms regularly carry their guns on duty.
stretched thin in its staffing models, and deputies frequently work overtime to fill needed posts. As the Department reexamines its staffing models, it should consider ways to create enough flexibility in scheduling to allow deputies to more regularly train on force tactics targeted to the jail setting.

RECOMMENDATION 24: The Department should consider ways to allow more regular ongoing training on force tactics targeted to the jail setting, including the possibility of providing training at the jail facilities.

Using Data to Develop Force Training Curriculum

During our review, we were able to review force training and talk on several occasions with DSD’s force training team. We found the training effective and the instructors engaged. However, the force training team is largely divorced from other force data sources within the Department and historically, has not been empowered to more readily engage with these data points.

We recommend that DSD work to empower the force training unit to become more integrated with other force investigative and review functions. As examples of this integration, elsewhere in this chapter we recommend that the training unit have access to video of force incidents that occur in the jails to use in their training curriculum. We also recommend an active role for the training unit in reviewing actual force incidents at the use of force panel reviews we discussed above.

In addition, the training unit should have unfettered access to force reports to enable them to identify trends and adapt their training accordingly. DSD should also provide the training unit with any results of audits that assess numbers and types of force incidents or provide any other breakdown and analysis of force data.

Complying with these recommendations will require an increase in the current resource allocation to training. We recommend that there be increased dedication to the training mission at DSD in order that
training staff have a more measurable and meaningful footprint in the Department as it relates to force.

**RECOMMENDATION 25**: The Department should increase the profile of its training unit to allow training staff access to force reports and any force data or analysis the Department generates as well as to encourage its participation in the review of force incidents.

**Force Data Issues**

**Unreliability**

Currently, DSD policy requires any deputy who uses force or witnesses force to enter a narrative of the incident into the Department’s Jail Management System (JMS) and fill out data fields that describe, among other things, the types of force used and injuries sustained, along with a narrative description of their own actions and observations. Despite a significant amount of training for personnel on using the JMS system, there is lack of uniformity in deputy and sergeant data entry. Because there is little quality control over data entry, deputies inconsistently fill out the force data fields while leaving many fields empty, and these deficiencies are remedied rarely, if ever.

As a consequence, any attempt to use the JMS system to aggregate force data results in unreliable and inaccurate information. For example, a search for jail suicides indicated that there were 31 suicides in 2014 when in fact there were none. A JMS search indicated that a new deputy was involved in twelve uses of force in one month, when in reality he was not involved in any. Considering the multitude of

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13 DSD continues to try to address this inconsistency by revising its use of force reporting policy to provide further clarification and direction on JMS data entry. Another proposed revision is in the works and working its way through the Department’s approval mechanism.

14 In this case, a new deputy apparently thought that he needed to check the “force” box whenever he handcuffed an inmate. But this phenomenon is not
“false positive” information, there is most likely a similarly high frequency of force incidents that are not effectively captured by the JMS system. The aggregate data from JMS for force and suicides is so unreliable that DSD data analysts asked to provide information about force or other critical incidents must physically pull and read scores of actual incident reports to obtain the requisite data.

The lack of reliability of the Department’s data results in a wholesale lack of confidence in any conclusions to be drawn from it. For example, DSD reported in its most recent Annual Report that suicide attempts had decreased by 15 percent. However, because of the uncertainty that the data is accurate, one cannot know whether the decrease was real or simply a function of differences in data entry or reporting of the suicide attempts. This means that any attempt to draw conclusions about the data is necessarily compromised, and any reports that rely on the data, such as OIM’s Annual Reports, must include appropriate disclaimers.

Because jail commanders know they cannot trust the aggregate data in the JMS system, many have developed their own independent tracking systems. For example, rather than use the JMS system to track force incidents, jail commanders have created independent Excel sheets to track the incidents that are not integrated into the JMS system. This is an admirable “workaround” on the one hand, but no real substitute for a functioning and integrated system.

One alternative approach to consider would be to restrict the entry of data to fewer jail staff. Clearly, the narrative reports need to be completed by the involved and witness deputies, but some agencies then have specially trained staff review those narratives and other data to ensure that the classification and data field entry are consistent with the narrative. In any event, until the Department is able to populate a system that can provide a level of confidence in its data, it will be significantly compromised in its ability to conduct data analysis, audits, tracking of deputy performance, and perform many

limited to one misinformed outlier, the same study found that JMS showed that eight deputies had three or more uses of force whereas the incident reports did not indicate that any force was used in any of those incidents.
other functions essential to an advanced law enforcement agency. This data deficit is a leading weakness of the Denver Sheriff Department and is one of the largest challenges facing DSD today.

RECOMMENDATION 26: DSD should devise a remedy to ensure that its aggregate force data is reliable.

Data Analysis and Auditing

DSD currently devotes two individuals to analyzing data and performing similar functions.\(^{15}\) This unit has provided a high quality and quantity of analytic work despite the need to conduct much of the data collection through onerous and time consuming review of report narratives. In order for any law enforcement department the size of DSD to truly understand the nature of force used in its jails and the extent to which it is problematic, it must have and regularly analyze significant amounts of data – the number of force incidents, types of force used, injuries to inmates and deputies, the inmate population that is the subject of force, where in each facility force is used most frequently, on which shifts force is most often used, supervisors on duty at the time of each incident, and many others.

In addition, DSD needs to strengthen its ability to conduct audits to ensure that there is policy compliance in the areas of force reporting, training, remedial plans, and performance evaluations, among others. The important risk management functions that robust data analysis and internal audits can provide are critical features of any progressive law enforcement agency.

\(^{15}\) We understand that this allocation will be decreased to one individual as of June 2015. We have been informed that the Denver Police Department has seven employees dedicated to this assignment.
RECOMMENDATION 27: DSD and those responsible for resource allocation should devote sufficient resources to support a robust data analysis and internal auditing function.

Tracking Deputy Force

To date, the Department has not tracked force used by individual deputies in any systemic way. To its credit, DSD has recently recognized the value of a timely tracking function. As a result of a different data analysis project, the Department learned that deputies had repeatedly Tasered a handcuffed, deaf female inmate with mental health problems during her various stays in jail. During one 75-day period, she was tased a total of 12 times; with nine separate Taser applications in one incident, six of them by the same deputy.16 Unfortunately, the Department’s embryonic effort to track force is severely disadvantaged by the data reliability issue discussed above.

Furthermore, DSD has not sufficiently considered how the force data should be used, how to factor deputy assignments in making force comparisons, and most importantly and challenging, the remedial response when deputies’ force use diverges from similarly situated employees. The propriety of each use of force is addressed by internal administrative investigations. The effort to address deputies’ force history, however, requires a careful, thoughtful approach. It is not enough to simply note that a deputy has used a disproportionate amount of force – that he or she has hit a “trip wire” or reached an arbitrary “quota.” Rather, if a deputy’s force history raises concerns, the Department should develop a carefully tailored remedial program. DSD has work to do in this area to ensure that the response to deputies involved in greater than average numbers of force incidents is intended to address the issue in a holistic, non-punitive way.

16 As a result of unrelated misconduct, that deputy is no longer employed by DSD.
RECOMMENDATION 28: Prior to launching a deputy force tracking program, DSD should ensure the force data is reliable, that there is an accounting for jail assignment in the analysis, and that the Department is committed to devising a non-punitive remedial action plan that is tailored to address concerning deputy performance.

Jail Video Cameras

Denver’s Downtown Detention Center has banks of video cameras that provide comprehensive coverage of jail activity. In contrast, the County Jail has few cameras. We have been informed that current plans call for installation of a number of additional cameras in the County Jail. The cameras in the downtown facility have already proven their worth in assisting with the assessment of the propriety of force used in the jail. In addition, the cameras can and do assist in providing a video record of inmate on inmate assaults, helping supervisors track whether deputies are performing their assigned rounds, evaluating allegations of other personnel misconduct, and providing an evidentiary record that assists in establishing violations of jail rules. We understand that the Department plans to install significantly more video cameras in the County facility and urge that these plans be expedited so that the County Jail can also benefit from a full coverage of cameras.

Until very recently, the short retention time in which video could be retrieved from the cameras was a significant limitation of DSD’s video camera system. After approximately 30 days, the video system taped over existing footage, making any retrieval of video beyond that time impossible. We learned of at least one instance where an Internal Affairs investigator was attempting to download video for evidentiary use while the footage was at that moment being taped over. The investigator described watching the footage he wanted to download pixelating away. The Department has been aware of this limitation on retrieving video for quite some time, but it was only brought to public
attention last year by the OIM in a letter to City Council. Recently, the Department of Public Safety announced new policy with regard to the retention of video. The most significant modification requires that Internal Affairs be informed of all use of force incidents that have been captured on camera and that IA then immediately download any footage of the incident. Under the new policy, this information will be retained for at least five years. In addition, the City announced it will hire a video retention specialist to assist IA with the video downloading process.

While the new policy and commitment of additional resources to capturing video is a significant step in the right direction, the new revised policy is dependent on a number of communications effectively happening in a timely way for all force incidents caught on video to be retrieved – deputies must immediately report force, the facility must notify IA, and IA must respond in a timely fashion in order to capture the video. Because this policy has a number of moving parts and new reporting, review, and downloading responsibilities, it should be subject to auditing and review to ensure that it provides an effective mechanism for capturing video of critical incidents.\textsuperscript{17}

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RECOMMENDATION 29: The Department’s internal auditing function should regularly review the Department’s compliance with the new video downloading and retention policy.
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Access to Video Camera Footage

As noted above, when a force event is captured on video, the recording can be of immeasurable value in evaluating the force. However, current DSD protocols limit retrieval and viewing of video to the Internal Affairs Bureau and the highest levels of command staff.

\textsuperscript{17} As noted above, the OIM first raised this issue to the public’s attention, and will likely follow up on this issue with audits of the effectiveness of the new retention policy. DSD should facilitate these audits.
As a result, the first level supervisors tasked with collecting the preliminary information documenting a force event are prohibited from viewing the video footage of that incident. Instead, a captain or major is supposed to view the video and then compare it with the reports that have been submitted by the involved and witness deputies and the sergeant. The extremely limited access to video events is largely the result of concerns that jail staff may have improperly leaked downloaded recordings to the media.

In our view, the blanket restriction of videos from first level supervisors is an overreaction to the concern about inappropriate transmittal of evidence to unauthorized individuals. Instead of restricting access because of a few potential bad actors, DSD should have focused efforts on making the system more immune from anonymous, inappropriate downloads and identifying and holding accountable any violators of the Department’s trust.

RECOMMENDATION 30: Sergeants should be afforded the opportunity to view video evidence so they can adequately conduct an initial force investigation and review.

In addition to being of important evidentiary value for evaluating force and other actions in the jail, the video footage can be a powerful tool for training purposes. In our experience, using actual footage of force events in a training setting provides the potential for a more powerful and impactful message to deputies. However, because of the blanket restriction on access, DSD’s trainers have not been able to either access or use actual video incidents of force in a classroom setting.

RECOMMENDATION 31: The Department should develop protocols that would allow its force experts to use video of actual force incidents as teaching tools.
Transparency

Law enforcement organizations have a history and culture of secrecy, confidentiality, and insularity. The development of that longstanding culture can be attributed to the very nature of law enforcement; many law enforcement activities are subject to confidentiality rules designed to protect the privacy rights of those that come into contact with the criminal justice system. In a jail setting, the rights of employees and those housed there not to be subjected to unnecessary intrusions are important considerations that have shaped the way in which those institutions guard information and interact with public requests for transparency.

This tradition of guarded, “need to know” information sharing has also applied internally, to a variety of functions within the organization. Some of this emphasis on confidentiality is, of course, legitimate in terms of protecting investigative integrity and individual privacy rights. However, in many law enforcement organizations, this shroud of secrecy has extended to other functions and decision-making within the organization such as the evaluation, job assignment and promotion process, policy development, and use of force assessment.

Consistent with the “closed society” tradition of law enforcement, the Denver Sheriff Department does not have a long history of making internal information accessible to the community. To its credit, DSD has recently made significant strides to increase its level of transparency, particularly since the recent attention drawn to its activities. As an example, DSD has for the past two years released a substantial annual report that communicates a significant amount of information about jail workings and statistical comparisons to years past with regard to inmate count, inmate stay, and other important information. The annual report also provides information about the various units that comprise DSD and is a helpful primer for its public in that regard. In an effort primarily to promulgate information and feedback from within the organization, the Sheriff has recently engaged more publicly with Department employees, as evidenced by his Sheriff’s Forum interactions. Finally, the City and the Department
have led an open and transparent process with regard to the work and recommendations of the four committees that were tasked to study and develop recommendations in the subjects of policy, training, staff wellbeing, and discipline. This is a welcome approach toward shining light on issues surrounding these topics.

Despite these admirable developments, there still remains a lack of transparency in DSD’s use of force in the jails and its internal investigative processes. Important stakeholders such as advocacy groups, civic leaders, and the residents of Denver know and learn little from the Department about use of force cases or allegations of misconduct involving DSD personnel. For example, neither the annual report nor DSD’s website has any information about the number of force incidents nor any breakdown or analysis of that data. Similarly, DSD does not promulgate any information about the number or type of misconduct allegations received, the disposition rate or trend analysis. As a result, the Denver community has relied for virtually all of its information about use of force, internal investigations, and accountability from outside sources. With particular regard to the Internal Affairs function, the information vacuum has been filled to some degree by the robust and independent public reporting of the Office of the Independent Monitor. Apart from the OIM however, DSD should recognize it has its own responsibility to communicate with the public about these critical incidents and how the Department is addressing them.

Similarly, our review found that systemic issues surrounding force and misconduct investigations rarely found their way to Department members at large. As a result, use of force and the IA system is shrouded in mystery. Department members have little clue about the workings of the process and the types of cases and misconduct they address. What little information Department members do learn comes largely from the rumor mill and is inaccurate as often as it is correct.

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18 To its credit, in response to media reports, the City has recently publicly reported on its recent achievements in reducing Internal Affairs case timelines.
It is incumbent upon DSD, while balancing the privacy rights of employees and inmates, to continue its recent move toward more transparency and to publicly inform its employees and the people of Denver about the frequency and type of force incidents in the jail and allegations of misconduct, along with the Department’s efforts to ensure robust and timely responses to these events.

RECOMMENDATION 32: DSD should use its website and other social media to provide employees, stakeholders, and the public at large with more information about the number and type of force events occurring in the jails, the number and nature of internal investigations, and systemic analysis of this data.
Investigating its members and holding them accountable for potential violations of policy, allegations of misconduct, and other transgressions is a key function of any law enforcement agency. Credibility inside the agency – and with the public – depends on it.

In the DSD, as in most agencies, the Internal Affairs Bureau is responsible for investigating complaints and allegations of misconduct by DSD employees, including allegations of unnecessary force, discrimination, harassment, or any conduct that threatens the integrity of the Department. In a December, 2013 report, the Independent Monitor noted that DSD had violated its own policy by failing to refer or have IA investigate 45 of the 54 inmate grievances alleging serious misconduct filed in a two and a half year period from 2011 to 2013. That report contained a number of important recommendations to ensure that inmates have greater access to the grievance system, and that complaints are appropriately routed to Internal Affairs. As DSD implemented those recommendations, and sought to handle the 45 old grievances that had not been properly investigated or reviewed, the caseload at IA grew, contributing to an already existing backlog of overdue cases that was the result of years of
inadequate resources, internal leadership failures, and the lack of an effective system for monitoring investigations.

As concerns about the use of force in the jails and other structural issues within the Department prompted increased public scrutiny of the DSD, the Mayor and Director of Safety sought to address the problem of overdue cases and other concerns regarding IA by hiring a retired Sheriff of an adjacent county to serve as Interim Director of the Internal Affairs Bureau, providing him additional resources, and empowering him to implement reforms within the Bureau. During his short tenure with the Department, the Bureau significantly reduced the backlog of cases and instituted a number of policy and protocol changes aimed at improving the quality of investigations and the efficiency with which they are handled.

It was within this context that we conducted our review of DSD’s Internal Affairs Bureau. Because the Department – commendably – was not waiting for this report before moving forward with some important reforms, the IAB we saw as we began our work in November 2014 looked different from the IAB that exists today. Some obvious and glaring deficiencies we saw initially have been addressed. For example, the Bureau now has an established format for its investigative reports that all investigators use, whereas earlier IA reports may or may not have contained certain information and were often disorganized and, as most recently reported by the Auditor, incomplete. Investigative reports also will now contain transcripts of subject employee interviews, at a minimum, thanks to the decision to assign a transcriptionist to IA. The backlog of past-due IA cases has been largely eliminated, and we anticipate that new investigations will be completed within the 90-day goal the Interim Director set.¹⁹ There is a new system for triaging cases that come into IA, to help investigators prioritize their activities. Finally, when we first met IA

¹⁹ Unlike many jurisdictions, there is no statutory deadline for the completion of Internal Affairs cases. As a result, cases were sometimes allowed to languish for years at the Denver Sheriff Department, in defiance of universal principles that case resolution and discipline should be timely, and much to the understandable consternation of the subjects of the tardy investigations.
leaders at the end of 2014, the Bureau still had significant infrastructure problems, ranging from only one interview room to inadequate space and equipment for all investigators. While construction on additional interview rooms is still ongoing, currently all investigators at least have their own desks and cubicle space.

One significant deficiency that is not easily remedied is the lack of meaningful data relating to Internal Affairs investigations. As with the use of force issues we discussed above, the inability to accurately quantify the number and types of misconduct allegations the Department confronts hampers the ability to recognize problems and identify solutions. The Department introduced a new database in 2013 – IA Pro – that has the capacity to gather for analysis a great deal of useful information. Unfortunately, IA personnel had not received sufficient training on how to use the database until this year, so that it is not being utilized to its fullest potential. Investigators were frequently leaving data fields empty, and the Department was not using what information can be gleaned from the database to help improve its operations. We agree with the statement in the Auditor’s recent Performance Audit that highlighted this lost potential: “Without conducting data analysis, IAB has been unable to identify important trends within the discipline and internal investigation process that may have increased efficiency, improved operations, and proactively reduced risk by implementing corrective actions in a timely manner.”

In response to the Auditor’s report, the Director of Safety noted the steps already underway to improve the quality and consistency of IA data – IA Pro training and a plan to delegate data entry to a limited number of individuals. We are hopeful that the right tool, with the right training, will give Department managers reliable information they can use to more effectively track misconduct, identify trends, and manage investigative caseloads.

Recognizing the advances that have already been made, in the following sections, we set forth our recommendations for ways to

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20 Denver Sheriff Department Performance Audit, Office of the Auditor, March 2015, pp.35–36.
improve DSD’s processes for investigating and resolving allegations of misconduct by its employees. The purpose of an internal investigative and disciplinary system is not just to punish egregious wrongdoing. Certainly, the Department has an obligation to root out deputies incapable of performing their duties in a lawful and respectful manner. But the vast majority of misconduct cases do not involve the type of conduct that leads to termination. In most cases, when DSD employees violate policy, the Department’s goal should be to promote constructive improvement as well as accountability. To accomplish that end, investigations must be initiated and completed quickly, with consistent and proportional outcomes that change future behavior for the better instead of driving a wedge between Department and employee. Though we see many positive recent developments in the quality and timeliness of investigations, there remains room for improvement in the Department’s efforts to resolve matters efficiently and constructively.

Management and Staffing

The Internal Affairs Bureau is currently staffed with six DSD sergeants and four senior investigators\(^{21}\) who recently were hired from outside the Department. This represents a significant increase in the number of personnel assigned to the Bureau, up from seven investigators a year ago. Collectively, they report to a Captain, who reports directly to the Sheriff. Law enforcement agencies typically staff their Internal Affairs units with officers who have significant investigative experience. The Denver Police Department, for example, assigns officers to IA from its Detectives, Domestic Violence, or Narcotics branches. Because the DSD has no patrol functions and its deputies are not certified peace officers with the authority to investigate crimes, there are no such assignments within the Department. As a result, there is no pool of sergeants with proven investigative skills from which IA can draw. Our comments regarding the dearth of proven investigative skills are directed not at the IA staff members we met, whom we found to be

\(^{21}\) The hiring process for a fifth senior investigator is underway.
smart and talented. Instead, we mean to point out the organizational limitations of DSD. The Interim Director recognized fairly quickly last fall that training and mentorship could not provide the type of expertise that years of working as a detective bring, and sought and obtained Denver’s approval to hire a cadre of retired law enforcement officials from other agencies to work with the existing IA sergeants. These “senior investigators” were hired in the fall of 2014 on a contract basis and have recently been retained as permanent Denver employees. They brought with them decades of relevant experience from their respective agencies.

Initially, each senior investigator was paired with a DSD sergeant so they could teach each other – the senior investigators had much to learn about the workings of the DSD, and the IA sergeants benefitted from the insights of the experienced detectives. The teams recently have been separated, with each investigator carrying his or her own caseload.

We strongly support the Department’s use of outside investigators to staff Internal Affairs. In addition to filling the gap in investigative expertise created by DSD’s organizational structure, having individuals from outside the Department’s hierarchy as part of the IA mission brings other benefits. Internal Affairs investigations are sensitive, and sometimes involve higher ranking officials accused of misconduct. It can be unfair to burden a sergeant with the duty to conduct a thorough investigation of those matters. The DSD sergeant likely has an interest in promotion or at least one day moving on to other assignments, and may therefore either succumb to subtle pressure to go easy in a sensitive interview, or may later feel like he was retaliated against in movement or promotional decisions because he too rigorously pursued a matter. A senior investigator has no promotional opportunities and is therefore relatively immune from these types of influences. We have seen other agencies successfully use retired detectives to staff their Internal Affairs units and have no reason to believe the hybrid model will not continue to work well in DSD.
RECOMMENDATION 33: The City/County should maintain its commitment to staffing Internal Affairs, at least in part, with senior investigators hired from outside the Department to bring necessary investigative expertise to the Bureau and to help insulate investigators from internal pressures.

Selection Process

Because of the lack of personnel with proven investigative skills, the selection process for assignment to IA has been a mystery. Current or former IA investigators repeatedly told us about how they were working as a sergeant in another position and had no inkling they were being considered for an IA assignment, but simply received a call or summons from DSD command staff informing them to report for their new IA assignment the next day. There is no application process for the position nor any formal way to express interest in the assignment. The process is arbitrary and without any fixed guidelines.

We were also informed that unit commanders of IA had relatively little influence regarding the sergeants who were selected for the unit. At the same time, and to DSD’s credit, experience at IA seems to be a path to promotion.

Particularly because an IA assignment can serve as a stepping stone toward future desirable assignments, the selection process should not be shrouded in secrecy. The Department should develop written protocols and an application process. Disqualifiers such as being the subject of a pending IA investigation or having significant and/or recent disciplinary history should also be set out in writing. The unit commander should interview qualified candidates, and the Department should consider developing an evaluative test as part of the process. If the application process produces a paucity of qualified candidates, the unit commander should retain the authority to solicit sergeants for the position. The IA assignment should continue to be a
coveted assignment within the organization with an open and transparent selection process.

RECOMMENDATION 34: The Department should regularize the application and selection process for IA investigators so that the process is more transparent.

RECOMMENDATION 35: The Department should develop a set of guidelines stating the general qualities necessary to be an IA investigator as well as those traits that would disqualify a sergeant from assignment to IA.

RECOMMENDATION 36: The Department should give deference to the IA unit commander to choose for IA assignment the most capable sergeants within DSD.

Training

The IA investigators we met described the training they received when first assigned to the Bureau as “on the job training,” or “learn as you go” – basically arriving at the unit and being handed a stack of cases to work. The formal training the Bureau generally provided consisted of attending a class that is supposed to help investigators determine through observation of body language in an interview whether a person is telling the truth. The other class that investigators were sent to consisted of developing interview techniques designed to extract the truth from interviewees.

Particularly in an organization that does not have deputies with any history of investigative assignments, this training was largely inapplicable and woefully inadequate. The Department recognizes
this deficiency and is in the process of implementing some basic training curricula for new IA investigators that includes training in IA Pro, report writing, interviews and interrogation, and leadership skills.

The new requirement is a step in the right direction, but not a basis for complacency. The training that investigative sergeants need but still do not receive involves subject matters such as interviewing techniques designed to avoid the use of leading questions and the complexities added to the interview when an employee representative is present at an interview. A more sustained search for relevant training and/or a greater effort to design in-house training would assist in the development of the critical skill sets for sergeants beginning their IA assignments.

RECOMMENDATION 37: The Department should develop a written policy setting forth a minimum amount of training a new IA investigator must receive at the beginning of his or her assignment. This training should include instruction more closely tailored and relevant to the unique functions of Internal Affairs.

**Command Structure**

IAB has had a number of leadership changes in the past year. It was once commanded by a Major, and also had an assigned Captain. The Major was moved to another assignment in early 2014 and was never replaced. In the middle of 2014, the Captain was removed from his assignment and for two months, a Sergeant became the acting unit commander before the Interim Director arrived in the fall. The Interim Director left at the end of February 2015, and a Captain now is the head of the Bureau.

We are optimistic that IAB has been re-stabilized following the disruption of the past year. However, we have concerns about the propriety of IA being commanded by the rank of captain. In DSD,
captains are members of the same bargaining unit as deputies. This creates a potential conflict, in that those being investigated most often are represented by the same entity that represents the individual directly responsible for the investigation. Ideally, there should be a rank between the sergeants who do the investigative work and the commander of the unit to directly supervise the sergeants, and to give sergeants a buffer between them and the unit commander to raise their concerns. Moreover, as noted elsewhere, having only one supervisor Captain at Internal Affairs to review sergeant investigations and serve as basic quality control for the work is insufficient considering the current case load. Accordingly, we recommend the Department re-assign a Major to serve as the commander of IAB.

RECOMMENDATION 38: The Department should assign a Major to oversee the Internal Affairs Bureau.

Case Intake and Referral
IAB is tasked with investigating complaints against DSD personnel (made by inmates, other members of the public, or DSD staff), any alleged violations of law, or other allegations of misconduct, committed either on or off duty. Incidents can become IA cases in several different ways. Inmate complaints go directly to IA. Likewise, the Office of Independent Monitor refers to IA all complaints it receives. Other incidents are referred for investigation by Department Chiefs who learn of alleged misconduct. For example, if there is a force incident in a jail facility and the Chief learns that the involved deputy’s reported actions are inconsistent with the video recording of the event, he or she likely will refer the matter to IA.

Criteria for Internal Affairs Investigations
IA is responsible for the initial screening of all complaints the Department receives, either directly or through the OIM. After an initial review, the Captain of IA determines whether a complaint
warrants a “formal” investigation conducted by his unit because it alleges misconduct that could lead to discipline and therefore must be fully investigated. “Informal” complaints are those that, even if true, do not allege a policy violation worthy of discipline. IA returns informal complaints to the facility from which they originated to be investigated by division staff. Besides these two possibilities, complaints may also be deemed “resolved” if they involved a request that already had been satisfied by the time the complaint reached IA such as a request to see a medical professional framed as a complaint that the inmate has had to wait too long without care. Finally, complaints can be “declined” if initial review of the complaint reveals the facts alleged could not possibly be true.

Unfortunately, the Department lacks clear written guidelines on which matters IA will investigate and, as importantly, those that should be handled in other ways. The Internal Affairs Procedures manual lists those matters that IA must investigate as formal complaints: “all cases that would constitute a law violation, unnecessary/excessive force, sexual harassment, racial or ethnic intimidation, improper conduct and improper procedure or a breach of integrity or circumstances where the allegation(s) may require an in-depth investigation.” 22 This may seem, on its face, a comprehensive list, but it is flawed, particularly with regard to use of force cases, in its almost complete reliance on a complaint as the initiating event. For example, if an inmate files a grievance alleging that a deputy used excessive force, it is clear that the matter will be deemed a “formal” complaint and be investigated by IA. Absent an inmate’s complaint, however, IA investigates a deputy’s use of force only when DSD command staff refers a matter to the unit; most frequently when a supervisor identifies a potential discrepancy between deputy reporting and an event captured on video.

For example, in one IA case we reviewed, a deputy received a 10-day suspension for using inappropriate force after the involved inmate filed a grievance regarding the incident. The deputy had reported the use of force, the sergeant reviewing it concluded the force was

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22 IAB Procedures, Revised May 2013, 301.1, Formal Complaints.
appropriate, and jail command staff had signed off on the sergeant’s conclusion.23 Had the inmate not filed a complaint, triggering an IA investigation, the Department would have taken no further action. As we discuss in greater detail above, a law enforcement agency must scrupulously review its own uses of force and hold its officers accountable for violating the agency’s standards. It should do so on its own initiative, and not just when someone outside the agency raises a complaint. Some agencies have certain categories of force or force outcomes – hospitalizations, chokeholds, or broken bones, for example – that trigger an automatic IA review by virtue of their seriousness, even if there is no apparent misconduct involved. In the DSD, these cases might sometimes – even usually – be referred to IA. Absent clear, written criteria, however, it is impossible to know with any confidence that the right cases are being subjected to this higher level review.

**RECOMMENDATION 39:** DSD should develop criteria that require certain categories of force or force outcomes to trigger an automatic review by Internal Affairs.

The same is true for cases other than those involving the use of force. There are no clear guidelines for when a Chief should direct to IA a misconduct allegation that did not originate as a complaint, or what other information will be forwarded to IA. If a deputy is suspected of fraternizing or developing too close a relationship with an inmate, should that warrant a referral to IA? If a deputy is arrested in connection with an off-duty bar fight, will the Department learn about that arrest?24 These are the types of questions that a

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23 As we noted above, sergeants and command staff often assess uses of force and make judgments regarding its appropriateness based on incomplete and limited information.

24 Department policy requires deputies to report to IA any off-duty contacts with law enforcement, but it is not clear how or if this requirement is enforced or to what degree deputies comply with the mandate.
RECOMMENDATION 40: The Department should develop a comprehensive and detailed set of guidelines for which categories of allegations commanding officers must refer to Internal Affairs as well as which should be handled in a less formal way.

Informal Investigations

For those matters deemed informal complaints and returned to a facility for investigation, IA nonetheless will create case numbers and will track their progress and outcome. After the complaint has been investigated and reviewed, the division is required to return the case
to IA, where the Captain will review the facility’s handling of the matter and determine whether it has been investigated properly. If not, he will again return the case with instructions for further work. Otherwise, he will send the case on to the OIM to begin the process of review and disposition.

Having a mechanism for returning some matters to be handled at the facility or division level is important to the efficient functioning of the organization. For reasons that go beyond the unnecessary drain of IA resources, not every complaint or suspicion of wrongdoing needs to be investigated by Internal Affairs, either because it is a minor or procedural violation, or an administrative issue best addressed outside of the disciplinary system. How well the Department differentiates between those matters that should be handled by IA and what should be returned as an informal complaint is a judgment that is difficult to make because, again, we were frustrated here by the Department’s lack of reliable data.

Nonetheless, the requirement that informal complaints be completed quickly and returned to IA is an important check of the division-level investigation and review process, to ensure that facilities are taking seriously their responsibility to investigate complaints in a timely and thorough way. Likewise, it is critical that the OIM monitors informal complaints sufficiently to provide confidence that IA is appropriately categorizing complaints as “informal” and that division leaders are handling them properly.

We found two main issues of concern in our review of the process for handling informal complaints: 1) There is a lack of standards and training for those at the facilities designated to handle informal complaints; and 2) Internal Affairs needs a formal system for tracking overdue complaints and following up with facilities that have fallen short.

Generally, it is a sergeant’s role to conduct facility-level investigations of informal complaints. Because deputies are not called upon to conduct investigations in the normal course of their duties (as we discuss more fully above), there is no base of investigative experience or expertise among these sergeants. While an informal complaint, by
its nature, should be simple and straightforward, it takes some basic skills to thoroughly examine. In addition, because these inquiries may divulge potential misconduct committed by fellow Department members, they have to be handled with a sensitivity that may not come automatically to every first level supervisor. Sergeants should be trained both to provide them with the necessary background knowledge they need and to allow IA and the division to feel confident that these cases are being assigned to the right people.

RECOMMENDATION 41: Internal Affairs should coordinate training sessions with division staff that will be responsible for investigating and reviewing informal complaints to make clear the Department’s expectations and to instruct on the basic skills necessary to meet those expectations. Only personnel who have completed this training should be eligible to complete informal investigations.

In 2014, Internal Affairs discovered over 100 informal complaints that had been languishing at the division level well past the 180-day deadline set by Department policy, and then learned that these investigations had been incorrectly assigned, so that some did not even know they were supposed to be working on them and they were essentially lost in the system. While the Department is working to remedy this particular situation, a systemic fix is required to prevent a recurrence. IA should develop and regularly monitor a tracking system for informal investigations so that it knows to whom a particular complaint has been assigned and when it is due to be completed and returned to IA.

RECOMMENDATION 42: IA should create and maintain a system for tracking informal complaints, to include information about where the case is assigned and an alert when cases become overdue. It should be clear who at IA is responsible for maintaining this system and following up on delinquencies.
Diverting Cases from Internal Affairs

Many of the IA cases we reviewed involved relatively low-level offenses, such as traffic collisions and unauthorized leave. Others involved disputes between co-workers. Some involved offenses that, while serious, were undeniably committed. The Department should consider alternative ways to handle each of these three types of cases.

The Department currently gives personnel involved in workplace disputes the option of resolving the matter through a County-supported mediation program. The program is voluntary, and both sides must agree to mediate. When it works correctly, and everyone involved makes an honest effort to address the conflict, mediation can be a better tool for resolving workplace disputes involving personality conflicts or misunderstandings caused by poor communication than the IA investigation and disciplinary process. Unfortunately, while we do not have any reliable statistics, it was reported to us anecdotally that deputies confronting these types of workplace disputes seldom use the County’s mediation program. The Department clearly cannot force its personnel into mediation, but should examine ways to more effectively encourage people to participate. Diverting these cases not only would conserve IA’s resources but also would facilitate communication between distressed colleagues and ideally improve working environments. To the extent these workplace equity cases do need to be fully investigated, IA is currently working with the Office of Human Resources to have the investigations completed by an individual who specializes in such interpersonal employee issues.

RECOMMENDATION 43: The Department should develop ways to encourage its personnel to choose to utilize the County-supported mediation program to resolve complaints involving workplace disputes.

The Department should explore alternatives for handling other types of cases currently being routed to IA as well. The numerous unauthorized leave cases we reviewed are the clearest example of low-
level cases that could be handled outside of the regular investigation and discipline process. The proof in those cases is straightforward and generally beyond dispute. Discipline may very well be warranted but need not take an investigation routed through a multi-step disciplinary process to impose. Rather, these cases potentially could be resolved through an agreement reached with the employee prior to commencing an investigation.

Other agencies we have worked with have effectively used pre-investigative resolutions in some very straightforward minor misconduct cases. The key to their success is in ensuring that potentially significant transgressions are not inappropriately handled through this process and that there is consistency among outcomes in harmony with the Department’s disciplinary matrix. Deputies with similar disciplinary histories who call in sick so that they can go skiing should receive the same punishment whether they are assigned to the Downtown Detention Center or work at the Court. Therefore, the decision about which kinds of cases could qualify for this treatment should be reduced to writing and developed after input from the OIM and the Conduct Review Office (CRO). Moreover, the decision about whether to offer a pre-investigative resolution should be reached only after people who have an eye on the entire system – the OIM and the CRO, for example – have thoroughly reviewed it.

Other potentially more significant cases could likewise be resolved through a pre-investigative disposition mechanism if the facts are certain and the employee has indicated acceptance of responsibility. In one case we reviewed, for example, a deputy left her post to assist another deputy, leaving an inmate unattended. The incident was clearly captured on video and the deputy freely admitted her error, expressing remorse and acknowledging her mistake at the same time she offered a plausible explanation for her actions. She was interviewed by IA, as were other deputies tangentially involved. IA prepared a complete investigative packet, and the case went to a pre-disciplinary meeting and, ultimately, to the imposition of suspension days by the Executive Director of Safety just over eight months after the incident. While it is impossible to know for certain, the acceptance of responsibility the deputy displayed during her interview
suggests that she would have been amenable to quickly putting the whole incident behind her in the days after it occurred by consenting to a suspension rather than all involved having to go through a lengthy and time consuming process to reach the same outcome.

Our recommendation regarding a pre-investigative resolution mechanism is not simply an effort to divert work from Internal Affairs, though it may have that ameliorative result. Rather, our experience tells us that the most effective discipline comes very soon after the conduct at issue, and is tailored to the offending deputy and his or her offense. The standard discipline process generally has no alternatives beyond verbal or written reprimands, suspension days, or termination. In negotiating an agreement, however, the Department has other options. For example, a deputy who is rude to a visitor coming to see a loved one at the jail could be asked to deliver an apology to the aggrieved visitor, an exercise that is more likely to be meaningful to both the deputy and the visitor than would be a suspension day. Or a deputy who fails to perform required security checks in the jail could be required to deliver a briefing to fellow deputies on the importance of making all the required rounds.

Such a pre-investigative disposition mechanism needs to be implemented carefully and thoughtfully, with sufficient checks and balances built into the process to prevent favoritism, inconsistency, and the possibility that cases are resolved too hastily and without a full understanding of all the underlying facts. Certain categories of offenses – use of force and dishonesty, for example – should not be eligible for pre-investigative disposition. In the DSD, the structure for these checks and balances already exists in the OIM and the CRO. Requiring these entities to sign off on any proposed resolution before it is formally offered to the employee will do much to ensure the integrity of the system.

**RECOMMENDATION 44:** The Department should develop a streamlined mechanism for resolving straightforward cases with undisputed facts.
Referral Process

As with the need for clarity as to what should go to IA, there is also a need for the Department to more clearly state how it should get there. Complaints forwarded from the OIM and inmate grievances have their own paper trail, but cases referred from the division are generally sent via phone call or email. Many agencies have some type of “Request of Internal Affairs Investigation” form containing some minimal amount of information the referring party must provide to IA in order to begin an investigation.25 This requirement has several benefits. It gives IA a concrete start to its investigation and forces the facility or division to gather and document some basic facts and background information. It also provides a mechanism by which the IA Captain can better evaluate whether the matter belongs at IA or would more appropriately be handled at the division level or through some diversionary process.

RECOMMENDATION 45: The Department should develop a formal process for division staff to request Internal Affairs to initiate an investigation that should require the division to provide some basic background information regarding the referral.

Investigations

Timeliness

As noted above, unlike many jurisdictions, Denver does not have a statute setting a limitations period on disciplinary actions against peace officers. As a result, there is no external deadline on when an investigation must be completed or discipline imposed. Nonetheless,

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25 For example, in a force case we reviewed, it was only at the end of the process when OIM was reviewing the case and at their urging when the initial deputy reports of the incident were collected and added to the investigation. That type of information should be provided to IA investigators at the outset of an investigation.
the Department’s policy recognizes the importance of completing timely investigations, both for the integrity of the disciplinary process and the well being of the employee who should not have the threat of suspension or termination hanging over his or her head for an extended time. The IAB Procedures Manual requires all complaint investigations to be completed within 180 days. According to the Independent Monitor’s 2014 and 2013 Annual Reports, the Department is adhering to this mandate, on average, with the median case processing time in 2014 reported to be 145 days, up from 78 days in 2013. The averages may indicate compliance, but anecdotally, we heard about cases languishing months and years with no work being done toward completion as investigators got overburdened and fell behind on their cases. For example, one case had been open for 30 months, and the subject had not even been made aware of the allegations until 18 months after it had been opened.

These sorts of delays undermine the purpose of a disciplinary system – to maintain the integrity of the agency while holding people accountable for their actions. They likewise erode the public’s trust in the Department’s ability to police itself and weaken deputies’ confidence in their leaders. When an agency imposes discipline years after an incident, it leaves one to question how seriously the agency takes the misconduct and diminishes the importance of the disciplinary action, in that the lessons that should be learned from the incident have long since faded in memories.

Currently, IA is operating at a much more efficient level than it had been. It is fully staffed and is largely caught up on its caseload. In contrast and in marked improvement to the 180 day guideline in the IAB Procedures Manual, new internal guidelines establish a triage system where the most straightforward cases are to be completed within 30 days, investigators have 60 days to complete a somewhat more complicated case, and the most complex cases are to be done in 90 days. We are hopeful that the Bureau will maintain its commitment to these internal deadlines, and that the Department will continue to provide the resources it needs to do so. As we discuss further below, one effective way that DSD can hold its own feet to the fire regarding
this commitment is to regularly report to the public on its case completion rate.

Investigative Reports

Many of the investigative reports we reviewed were inconsistent, disorganized, and lacked some basic information we expect to see in a comprehensive report, such as photographs and summaries written by the investigator. The Interim Director noted the same deficiencies when he started work last fall, and the Bureau has recently adopted a standard format for its investigative case books. The new format will help IA produce a consistent work product that will make it easier for reviewers to evaluate the case and make determinations and findings. As importantly, it will be a quality control tool for IA staff, triggering investigators to include key information and making it easier to assess the sufficiency and thoroughness of the content.

The evidence developed in the cases we reviewed was generally sufficient to answer the basic question posed by the complaint – whether the allegations can be sustained. We nonetheless found numerous examples where the investigations could have been more thorough. In some cases, we found that additional or more probing interview questions would have made the investigation more complete, better able to support the ultimate finding, and easier to defend on appeal. In others, we found that investigations could have been more broadly scoped, to address not just the narrow question presented by the allegation but also the peripheral issues that can sometimes have great importance. For example, in one use of force case we reviewed, the investigation and the review by the CRO focused almost exclusively on the deputy’s actions at the time he used force. Our review of the video and documentation, however, raised significant questions about why the deputy ever put himself in the position to confront the inmate. A more thorough interview of the deputy would have addressed these questions.

Internal Review Process and Case Flow

Establishing a standard reporting format will bring consistency and hopefully will eliminate some of the notable missing pieces from
investigations. With additional resources to IA and the change in staffing model discussed below, it is fair to anticipate that the quality of investigations will improve along with the timeliness of their completion. We also learned of a new peer review process, where non-involved investigators review the completed file to ensure the report meets the new investigative protocol requirements.

Nonetheless, to address questions regarding thoroughness, objectivity, and scoping of investigations, the Bureau should consider staffing IA in a way that will allow substantive review of investigators’ work by a higher ranking officer who can address these issues in an authoritative way with the investigator. Currently, all investigations are routed through the Captain, who is also the commander of the Bureau, responsible for personnel and numerous other issues. While he no doubt reviews each investigative case book that crosses his desk, it may be unrealistic to expect him to critically review each one before it is completed and sent on to the OIM. At other agencies we have reviewed, this work is typically done by a lieutenant, a rank missing from the DSD hierarchy. Until last year, the Internal Affairs Bureau was headed by a Major. The Department took that position from IA last year and has not replaced it, causing a significant dearth of command level supervision. Replacing the Major position that was taken from IA to help review cases could be a solution to this case review deficit.

Last fall, prior to significant changes to IA made when the Interim Director began work, the OIM returned a high percentage of DSD cases to IAB for further work or investigation. More importantly, the DSD investigations were often returned because the most basic of information was not included in the investigation, such as prior deputy reports or photographs. While it is certainly appropriate for the Monitor to return cases that are not complete or comprehensive, a high rate of incomplete cases signals a problem within DSD. IA staff should be catching the basic types of deficiencies identified by the OIM prior to the case being released for review. This would result in greater efficiency and free up the OIM to review the investigations’ more subtle issues.
RECOMMENDATION 46: DSD should consider enhancing the supervisory structure at IAB to assist the Captain in ensuring a meaningful, critical review of investigative case books by someone at a higher rank than the investigating sergeants.

Video Review

Many incidents occurring at the DDC are captured on video. IA investigators have access to these recordings at their offices, located miles away from the downtown facility, and can view and download video for use in their investigations without having to leave the building. Currently, there are fewer cameras at the County Jail, so incidents at that facility are less likely to be recorded. When they are, however, the IA investigator assigned to the case must travel to the jail and sit, often for hours, in the facility’s main control center to view and download video, often from multiple cameras. This is not just inconvenient and an inefficient use of a sergeant’s time, it potentially compromises sensitive investigations because the control center necessarily remains staffed by civilian employees throughout the time the IA investigator is reviewing the video. The situation is worse when an incident allegedly occurs in the kitchen areas. Then the investigator is required to sit in the kitchen steward’s office to view and download video from a computer located there.

We understand that reconfiguring camera and computer systems is seldom a simple or inexpensive venture. Nonetheless, we recommend that the Department find a way to remedy this situation to provide investigators with easier, more secure access to video recorded at the County Jail, particularly as the Department expands its video capability at that facility.

RECOMMENDATION 47: The DSD should ensure that IA investigators have easier, more secure access to video recorded at the County Jail, particularly when it expands video capability at that facility.
Because many incidents are captured on video, IA investigators frequently refer to video recordings during the course of their interviews with subject or witness deputies or other staff. In the cases we reviewed, investigators often used the video effectively, to clarify deputies’ written reports, further illuminate or add details to a deputy’s recollection of an incident, or confront him or her on inconsistencies between their written or verbal account and the video evidence. However, we found little consistency in the way in which the video was introduced or how and when it was shown to interviewees.

In our work with other agencies, we have found the best practice is to question the deputy first, to get his or her purest recollection of the incident, then to read a standard statement that sets forth the agency’s position on video and reminds the interviewee that the recording captures just one view of the incident that may be different from the one he or she had and that human memory functions differently than a video camera. The interviewer should then play the video in its entirety before asking any questions or providing the opportunity to view any portion of it again. Some DSD IAB investigators employ a similar practice when showing video during an interview. However, there is no written protocol governing how and when video should be introduced. The resulting inconsistency diminishes the value of the video evidence and creates uncertainty for subject and witness deputies.

RECOMMENDATION 48: IAB should implement a policy that will bring consistency to the way investigators use video during interviews. The policy should require the witness or employee to give a statement about the incident prior to viewing the video.
Distinguishing Between Interviews and Interrogations

The IAB Procedures Manual distinguishes between interviews and interrogations. Interviews are defined as processes by which an investigator seeks, obtains and evaluates information given “willingly” while interrogations involve seeking to obtain information from an individual “unwilling” to provide such information. While the dictionary definition defines “interrogation” as thorough questioning, often in a more aggressive manner than the standard interview, the distinction has significant implications for IA investigators because the IAB Procedures Manual requires approval of the Bureau Commander before interviewers can employ “interrogation techniques.”

This requirement for supervisor approval apparently derived from a complaint that an IA investigator was questioning a subject employee too severely and determinedly about a matter when the subject was being evasive and not answering the questions posed to him. The subject employee complained about the investigator’s manner during the interview, and DSD leadership determined that IA investigators needed to be cabined and seek supervisor approval before they could use interrogation techniques during an interview.

This approval provision presumably comes from a legitimate concern about employee rights. However, it could easily result in a lack of rigor that pushes the dynamic too far in the other direction. The task of interviewing fellow employees is difficult enough for internal investigators without having to worry about possibly violating a policy by asking hard but important questions, or by conducting necessary follow-up when the subject employee does not directly answer the question or is otherwise being evasive.

The provision is also unnecessary. Certainly, as set out elsewhere in the Manual, investigators should be professional and courteous and should not deploy threatening, belittling, or other abusive conduct. We have seen no evidence of anything approaching such conduct in our review of IA interviews. In addition, the right to have a representative present affords subject employees additional protections from inappropriate tactics by investigators.
To his credit, when the Interim Director assumed command of IA, he advised the investigators they did not need to seek his approval to employ “interrogation techniques” on individual cases but had pre-approval to proceed on all interviews as they saw appropriate. While this approach limited the potential harm of the provision, the Interim Director has now left and future IA commanders may revert to a more literal reading. To avoid that potential, the provision should be removed from the Manual.

RECOMMENDATION 49: The requirement that investigators need Bureau commander approval before engaging in “interrogation techniques” should be removed from the IA Procedures Manual.

IAB “Roll Out” Functions

The current IA Procedures Manual notes that sergeants and command staff assigned to the unit must be on call 24 hours a day, seven days a week for any necessary immediate response. As with other agencies, IA is expected to respond to critical incidents such as suicides, homicides, and force events involving hospitalization. IA supervisors informed us that they have an internal understanding of events that they should immediately respond to, but that guidance is not set out in the IA Procedures Manual. Many law enforcement agencies provide written categories of events for which IAB should be called so that there is more uniform understanding on when the watch commander should call IA and when they should respond to an event. We were informed that, in part because of a lack of understanding about when IAB should be called, there have been times when the Bureau was not informed about events that should have triggered an immediate response until hours or sometimes days after the event. In order to help avoid future misunderstandings, the categories of events should be set out with specificity in the IA Procedures Manual and
promulgated to DSD supervisors at the units who are responsible for making notification.

RECOMMENDATION 50: DSD should include in its IA Procedures Manual the types of events that IA is expected to immediately respond to and ensure that supervisors responsible for making notification to IA are aware of their responsibilities.

Description of Incident Prior to IA Interviews

The IA Procedures Manual instructs investigators that DSD employees should be allowed to read the “incident description” of the matter under investigation prior to being interviewed by IA, but it is unclear what “incident description” is intended to mean. While witness and subject employees should be provided some basic information about the subject matter of the investigation, it should be a brief statement that avoids any information about the complainant’s or other witnesses’ version of the incident, a narrative of what the video of the incident depicts, or information identifying the complainant or witnesses. Providing any more than a brief description may color, taint, or allow the interviewee to either consciously or subconsciously shape his or her responses.

RECOMMENDATION 51: The IA Procedures Manual should clarify the meaning of “incident statement” and inform investigators that interviewees should be provided only with a brief description of the nature of the matter under investigation.
Prison Rape Elimination Act Guidelines

The Prison Rape Elimination Act is federal legislation designed to promote practices intended to reduce the likelihood of persons in custody being subjected to sexual assault or battery. The legislation resulted in the promulgation of guidelines intended to ensure that allegations of sexual assault are timely and objectively investigated.

Over the past few years, Denver has struggled with efforts to comply with the letter and the spirit of the federal legislation. As noted elsewhere, because DSD deputies do not have the ability to investigate criminal matters, the protocol has been to call the Denver Police Department (DPD) to respond to and investigate all PREA allegations. During the course of our interviews, we heard repeatedly about the uncertainty and inconsistency associated with this referral process. Apparently, sometimes jail personnel call a DPD patrol station and a patrol officer responds to the jails to investigate the complaint. Some jail personnel call DSD Internal Affairs for guidance. More recently, jail personnel have been advised to contact DPD Internal Affairs, which has resulted in more consistency to the referral and response system. However, in part because of the wide-ranging nature of PREA allegations – from inappropriate body searches to sexually-charged offensive comments to outright sexual assault – Denver has yet to develop an effective and efficient protocol on how these allegations are best handled. The Policy and Procedure Committee recognized as much when one of their featured recommendations was to form a PREA task force to establish investigatory protocols, determine training needs, and establish curriculum. We agree that more needs to be done in this area.

RECOMMENDATION 52: DSD and outside stakeholders need to continue to meet and develop PREA protocols that are effective, efficient, and responsive to the goals of the federal legislation.
IAB Procedures Manual

Internal Affairs has a Procedures Manual that is intended as a “how to” for IA investigators with regard to matters such as investigation formatting; the varying responsibilities of Bureau members, including supervisors; and how investigations are processed through the unit. Because the Manual was last updated in May 2013, many of the reforms described above, including case formatting and the new internal timelines, are not reflected in the Manual. Other provisions are also out of date such as the failure to reference the role of the Conduct Review Office in the Manual. Procedural Manuals must reflect the current procedures of any unit. When they are out of date, they create the possibility of confusion or unreliability as a Department resource. The IA Procedures Manual should be revised and updated as soon as possible. Going forward, DSD should ensure that any changes to the unit’s procedures and practices are reflected in the Manual.

RECOMMENDATION 53: DSD should revise and update its IAB Procedures Manual and ensure that future changes to the unit’s procedures and practices are incorporated in a timely manner.

Retaining Use of Force and Internal Affairs Investigations

DSD current policy provides for various levels of retention for records that largely tracks Denver’s retention policy. However, at least for records involving investigations and reviews of use of force events and Internal Affairs investigations, we recommend a modification of current retention policies. When a deputy uses force, that incident should be subjected to rigorous scrutiny and potential remedial action ranging from discipline, training, and counseling. The same is true when a deputy becomes the subject of an IA investigation. Even in cases in which the ultimate finding is that the actions did not indicate a violation of policy, the frequency and type of allegations can end up
demonstrating a pattern of conduct (or not) worthy of additional intervention. If records that could be used to develop that pattern are purged, the law enforcement agency is hampered in fully identifying patterns and trends. The theory behind deputy intervention systems is that when deputies have force or discipline histories that are markedly different than similarly situated peers, some type of further study and potential action is required. If records that could help in that further inquiry are no longer available, the Department limits its ability to conduct such a study.

For that reason, many law enforcement agencies permanently retain any use of force and Internal Affairs investigations. We recommend that DSD retain such records at least during the law enforcement career of any deputy who is the subject of these internal investigations.

RECOMMENDATION 54: DSD should retain all use of force and Internal Affairs investigations indefinitely, or at least during the law enforcement career of the subject deputy.

Transparency

The past year has provided DSD ample reminders of the public’s interest in the operation of the jails and its concern about potential misconduct by Department members. As Internal Affairs moves forward with implementing reform, it should consider ways to provide the public with information about its process and case load. The OIM’s regular reports provide a good window into Department misconduct allegations and outcomes, but the Department should consider directly communicating with the community through its own public reports. We are not suggesting the Bureau divulge details of its investigations, but more general information regarding its procedures and statistical information regarding the types of cases it handles and their outcomes. Some agencies we have reviewed, for
RECOMMENDATION 55: Internal Affairs should make public some type of report containing general information regarding its processes, caseload, disciplinary outcomes, and the degree to which it is complying with its internal deadlines for completing investigations in an effort to become more transparent to the public.

Office of Independent Monitor

For years, the Office of the Independent Monitor has been a meaningful player in providing oversight and ensuring principled investigations and accountability for both the Police and Sheriff Departments in Denver. More recently, as a result of issues it has identified through its public reporting, the OIM has been a catalyst for the recent attention and concern surrounding the Sheriff Department. The outside and independent perspective provided by the OIM is law enforcement oversight in its best tradition. To the degree that the people of Denver believe that local governmental entities have the capacity to correct issues identified by the Monitor, the community’s confidence is buttressed by the expectation that the OIM will continue to be part of any solution to the issues it has often identified.

Considering the benefits that OIM’s meaningful independent oversight continues to provide to the residents of Denver, it is surprising that any have questioned the access and breadth of the Monitor’s
responsibilities or attempted to interpret its authority narrowly. While the City Council should be commended for recently expanding that access and breadth, as well as allocating additional resources for it to better fulfill its mission, we recommend that OIM's responsibilities be read broadly and that its involvement be actively sought out by the law enforcement entities it is entrusted to oversee.\textsuperscript{26}

It is axiomatic that in order for oversight to be effective, the monitoring entity must have unfettered access to any documents and records that it requests to review. Moreover, in addition to its case specific involvement in investigations and the disciplinary process, the Department should solicit OIM's perspective on systemic issues impacting deputy performance. When the Department reforms policies, particularly those undertaken in response to issues identified by the OIM, those tasked with making changes should seek input from the OIM. When the training unit produces videos or briefings to provide guidance on the use of force, accountability, discipline, risk management or related matters, OIM should be part of the development and review of those training materials. In short, the Department should value OIM as an institutional yet independent resource, and should proactively seek its perspective with regard to Departmental reform in these areas.

The recommendations we make here for systemic change should be considered by DSD leadership, the Department of Public Safety, the Office of the Mayor and other relevant stakeholders. To the degree that they are embraced and accepted, there will be a need for an independent entity to audit and publicly report on DSD's progress in implementing those recommendations. The OIM is well situated to perform that function.

\textsuperscript{26} As a discrete recommendation, the Policy and Procedures Committee recommended that OIM be notified whenever DSD became aware of any force incident resulting in significant bodily injury. We agree with the implementation of that Recommendation.
RECOMMENDATION 56: The OIM should be involved in any DSD systemic reforms, policy developments, and training curricula initiatives impacting on accountability, force, and deputy performance.

RECOMMENDATION 57: The OIM should be entrusted with the responsibility to audit and publicly report on the Department’s compliance with those recommendations from this report that stakeholders embrace and accept, so that the public can know from an independent source the degree to which systemic change has been accomplished.
Use of Force

1. DSD should inculcate principles of force prevention in its culture, policy, training, and overall orientation.

2. DSD should demonstrate how much it values deputies’ abilities to resolve confrontations without resorting to force by issuing commendable restraint citations, considering the amount of force an officer uses in assessing the officer’s annual performance, recognizing those deputies as peer role models, and by highlighting those deputies’ skill in briefing and training scenarios.

The Department should consider dramatically altering the way it investigates and reviews force incidents that are not referred to Internal Affairs, including the following:

3. DSD should develop standards for investigating all uses of force that go beyond collecting involved and witness deputies’ narrative reports and meet minimal investigative standards for thoroughness and objectivity.

4. DSD should provide regular training to deputies on how to prepare use of force reports and to sergeants on how to review them to ensure compliance with current DSD use of force reporting policy.
5 DSD should consider creating a cadre of sergeants at each jail facility specifically trained to conduct force investigations and reviews.

6 In cases where a sergeant was involved in a use of force, directed the force, or was a witness to the force, DSD should assign the force investigation to a non-involved sergeant or a captain of the facility.

7 DSD should create detailed checklists setting out the Department’s expectations for investigation and review of force incidents to guide investigating sergeants and supervisors at each level to ensure a uniform and thorough coverage of the fact collection and review process.

8 DSD should consider designing protocols whereby a force review committee reviews significant force incidents and a sampling of less significant force incidents. The force review committee should develop a written action plan for each force incident reviewed and ensure an effective feedback loop to present the results of any action plan back to the committee at a later time.

9 DSD should improve its force review process to ensure that not only is the incident centrally reviewed to determine whether the force used was in policy but also to examine whether there was tactical decision making that was consistent with Department policy and expectations.

10 At the end of the force review, officers involved in every force incident should be debriefed regarding how the Department considered the handling of the incident including the tactical decision making.

11 In addition to deciding whether the force was in policy, DSD should examine force incidents to determine whether there were issues of supervision, policy, or training that it should address.
12 DSD should use learning domains, such as training bulletins or briefings to ensure that information learned is exported back to the line officers and first level supervisors in a meaningful way.

13 DSD should add a preamble to its use of force policy that sets out the overarching principles and philosophy by which the use of force should be considered.

14 DSD should set out a more precise definition of “excessive force” in its use of force policy.

15 DSD should set out a more precise definition of “objectively reasonable” in its use of force policy.

16 DSD’s Use of Force policy should set out a distinction between “immediate force” and “controlled force.”

17 DSD’s force policy should expressly advise deputies of their responsibility to intervene when they observe excessive or unnecessary force by fellow deputies and are in a position to do so.

18 In an effort to reduce the need to resort to force, DSD policy should provide additional specific guidance to deputies and supervisors with regard to dealing with inmates who refuse to follow jail movement orders or come out of their cells.

19 The policy governing use of the Taser should be modified to include the recommendations of the Policies and Procedure Committee, to require a warning to inmates prior to use of the Taser when practicable, and to clarify the requirements regarding removal of Taser darts.

20 The Department should more rigorously enforce its existing requirements regarding the collection of data and information about Taser deployments and should regularly examine this information to determine trends among deputies or within areas of the jails.
21 The Department should develop a policy specifically requiring deputies to get medical assistance for inmates who have been subjected to chemical agents so that their eyes can be decontaminated immediately after stabilizing the situation and securing the inmate.

22 The Department should modify its policy to require sergeants to direct which deputy is to escort an inmate who has been involved in a force incident to the medical unit. Unless there are no other options, a deputy who used force should not be assigned to do the escort.

23 DSD should continue to work toward providing CIT training to each of its deputies assigned to a jail facility. DSD should also ensure that the CIT training coordinator has the time and ability to incorporate outside stakeholders such as mental health professionals into the CIT curriculum and training development. When considering deputy work assignments, DSD should make a concerted effort toward assigning deputies who have excelled in CIT training to areas where they are most likely to encounter inmates with a history of mental illness.

24 The Department should consider ways to allow more regular ongoing training on force tactics targeted to the jail setting, including the possibility of providing training at the jail facilities.

25 The Department should increase the profile of its training unit to allow training staff access to force reports and any force data or analysis the Department generates as well as to encourage its participation in the review of force incidents.

26 DSD should devise a remedy to ensure that its aggregate force data is reliable.

27 DSD and those responsible for resource allocation should devote sufficient resources to support a robust data analysis and internal auditing function.
28 Prior to launching a deputy force tracking program, DSD should ensure the force data is reliable, that there is an accounting for jail assignment in the analysis, and that the Department is committed to devising a non-punitive remedial action plan that is tailored to address concerning deputy performance.

29 The Department’s internal auditing function should regularly review the Department’s compliance with the new video downloading and retention policy.

30 Sergeants should be afforded the opportunity to view video evidence so they can adequately conduct an initial force investigation and review.

31 The Department should develop protocols that would allow its force experts to use video of actual force incidents as teaching tools.

32 DSD should use its website and other social media to provide employees, stakeholders, and the public at large with more information about the number and type of force events occurring in the jails, the number and nature of internal investigations, and systemic analysis of this data.

**Internal Affairs**

33 The City/County should maintain its commitment to staffing Internal Affairs, at least in part, with senior investigators hired from outside the Department to bring necessary investigative expertise to the Bureau and to help insulate investigators from internal pressures.

34 The Department should regularize the application and selection process for IA investigators so that the process is more transparent.

35 The Department should develop a set of guidelines stating the general qualities necessary to be an IA investigator as well as those traits that would disqualify a sergeant from assignment to IA.
36 The Department should give deference to the IA unit commander to choose for IA assignment the most capable sergeants within DSD.

37 The Department should develop a written policy setting forth a minimum amount of training a new IA investigator must receive at the beginning of his or her assignment. This training should include instruction more closely tailored and relevant to the unique functions of Internal Affairs.

38 The Department should assign a Major to oversee the Internal Affairs Bureau.

39 DSD should develop criteria that require certain categories of force or force outcomes to trigger an automatic review by Internal Affairs.

40 The Department should develop a comprehensive and detailed set of guidelines for which categories of allegations commanding officers must refer to Internal Affairs as well as which should be handled in a less formal way.

41 Internal Affairs should coordinate training sessions with division staff that will be responsible for investigating and reviewing informal complaints to make clear the Department’s expectations and to instruct on the basic skills necessary to meet those expectations. Only personnel who have completed this training should be eligible to complete informal investigations.

42 IA should create and maintain a system for tracking informal complaints, to include information about where the case is assigned and an alert when cases become overdue. It should be clear who at IA is responsible for maintaining this system and following up on delinquencies.

43 The Department should develop ways to encourage its personnel to choose to utilize the County-supported mediation program to resolve complaints involving workplace disputes.

44 The Department should develop a streamlined mechanism for resolving straightforward cases with undisputed facts.
45 The Department should develop a formal process for division staff to request Internal Affairs to initiate an investigation that should require the division to provide some basic background information regarding the referral.

46 DSD should consider enhancing the supervisory structure at IAB to assist the Captain in ensuring a meaningful, critical review of investigative case books by someone at a higher rank than the investigating sergeants.

47 DSD should ensure that IA investigators have easier, more secure access to video recorded at the County Jail, particularly when it expands video capability at that facility.

48 IAB should implement a policy that will bring consistency to the way investigators use video during interviews. The policy should require the witness or employee to give a statement about the incident prior to viewing the video.

49 The requirement that investigators need Bureau commander approval before engaging in “interrogation techniques” should be removed from the IA Procedures Manual.

50 DSD should include in its IA Procedures Manual the types of events that IA is expected to immediately respond to and ensure that supervisors responsible for making notification to IA are aware of their responsibilities.

51 The IA Procedures Manual should clarify the meaning of “incident statement” and inform investigators that interviewees should be provided only with a brief description of the nature of the matter under investigation.

52 DSD and outside stakeholders need to continue to meet and develop PREA protocols that are effective, efficient, and responsive to the goals of the federal legislation.
53 DSD should revise and update its IAB Procedures Manual and ensure that future changes to the unit’s procedures and practices are incorporated in a timely manner.

54 DSD should retain all use of force and Internal Affairs investigations indefinitely, or at least during the law enforcement career of the subject deputy.

55 Internal Affairs should make public some type of report containing general information regarding its processes, caseload, disciplinary outcomes, and the degree to which it is complying with its internal deadlines for completing investigations in an effort to become more transparent to the public.

56 The OIM should be involved in any DSD systemic reforms, policy developments, and training curricula initiatives impacting on accountability, force, and deputy performance.

57 The OIM should be entrusted with the responsibility to audit and publicly report on the Department’s compliance with those recommendations from this report that stakeholders embrace and accept, so that the public can know from an independent source the degree to which systemic change has been accomplished.
Appendix

Sample Forms:

• Supervisor’s Report on Use of Force

• Watch Commander’s Use of Force Review and Incident Analysis Memo

• Unit Commander’s Use of Force Review and Incident Analysis Memo

• Commander’s Use of Force Review and Incident Analysis
Supervisor's Report on Use of Force
000-00000-0000-000

INCIDENT OVERVIEW

SCENE DESCRIPTION/LEGAL STANDING
Click here to enter text.

THREAT, PERCEIVED THREAT, OR SITUATION LEADING TO USE OF FORCE
(Check all that apply)
☐ Medical order
☐ Court order
☐ Passive resistance (refusal to comply)
☐ Active resistance (verbal threats/physical resistance)
☐ Assaultive behavior toward law enforcement or custody personnel
☐ Assaultive behavior with threat of serious bodily injury/death toward law enforcement or custody personnel
☐ Assaultive behavior toward others
☐ Assaultive behavior with threat of serious bodily injury/death toward others
☐ Other: Click here to enter text.

Describe the threat, perceived threat, or situation as reported by personnel:
Click here to enter text.

RESPONSE BY PERSONNEL TO SUSPECT'S ACTIONS
(Check all that apply)
☐ Chemical Agent
☐ Pepperball
☐ Personal Weapon(s)
☐ Taser Application
☐ Control Techniques
☐ Takedown/Team Takedown
☐ Impact Weapon (Baton/Sap)
☐ Stunbag/Arwen/40MM
☐ Carotid Restraint
☐ K-9
☐ Firearm (no hit)
☐ Other: Click here to enter text.

Describe the type and amount of force applied and by whom:
Click here to enter text.

Was force used on a suspect in mechanical restraints? (if yes, check appropriate type)
☐ No
☐ Handcuffs
☐ Hobble Restraint
☐ Safety Chair
☐ Fixed Object
☐ Waist Chain
☐ TARP
☐ Wheelchair/Gurney
☐ Other: Click here to enter text.

FORCE MITIGATION and PREVENTION EFFORTS
Click here to enter text.

REPORTED USE OF FORCE BY INVOLVED and WITNESS EMPLOYEE(S)
Were force reporting procedures adhered to?

☐ Yes
☐ No (If no, explain)
Click here to enter text.

Did all involved employees and witness employees complete a written report prior to viewing any video?

☐ Yes
☐ No (If no, explain)
Click here to enter text.

Were there any inconsistencies, conflicts, or issues in documentation (including video) requiring clarification?

☐ No
☐ Yes (If yes, explain)
Click here to enter text.

Was the video admonishment given prior to viewing any video?

☐ Yes
☐ N/A – video not reviewed
☐ No (If no, explain)
Click here to enter text.

Were required notifications made to IAB (e.g. met criteria, timely, etc.)?

☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Were required notifications made to CFRT (e.g. met criteria, timely, etc.)?

☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Click here to enter text.

Watch Commander's Post Force Suspect Interview(s)

Were personnel involved in the use of force present during the interview?

☐ No
☐ Yes (If yes, explain)
Click here to enter text.
Supervisor’s Report on Use of Force
000-00000-0000-000

Suspect(s) statement:
Click here to enter text.

Was the suspect(s) injured as a result of the use of force?
☐ No
☐ Yes (If yes, describe)
Click here to enter text.

Did the suspect(s) allege any additional injuries?
☐ No
☐ Yes (If yes, describe the injury and indicate whether or not documentation/medical evaluation supports the description of the injury)
Click here to enter text.

Did the suspect(s) receive a medical evaluation following the incident?
☐ Yes
☐ No (If no, explain)
Click here to enter text.

Was medical treatment rendered following the evaluation?
☐ Yes
☐ No (If no, explain)
Click here to enter text.

If the suspect(s) was transported to a medical facility or required further medical evaluation/treatment, was a diagnosis received?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Were all of the suspect’s injuries or alleged injuries documented by medical personnel during the medical evaluation?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

After consulting with medical personnel, did the injuries (including discomfort from chemical agents) sustained by the suspect(s) appear to be consistent with the reported force?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Did the suspect(s) have any known or self-identified pre-existing injuries or conditions?
☐ No
☐ Unknown
☐ Yes (If yes, describe and indicate if documentation exists)
Click here to enter text.
Supervisor’s Report on Use of Force
000-00000-0000-000

Were the injuries to involved employees consistent with the reported force?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

If any injuries to involved employees and/or the suspect(s) were not believed to be caused by the force, did the force investigation identify the possible or probable cause?
☐ No – unable to determine cause
☐ N/A
☐ Yes (If yes, explain and indicate if documentation exists)
Click here to enter text.

FORCE OPTIONS

Were other force options considered?
Click here to enter text.

Was there a reassessment during the application of force to determine if the type and amount of force was having the desired effect on the suspect’s actions?
Click here to enter text.

List any training and/or tactical recommendations and actions taken.
Click here to enter text.

EQUIPMENT ISSUES IDENTIFIED
(Safety Chair, Hobble, Special Weapons, etc.)

If weapons or other equipment were used, were they used properly and did they function as designed?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Was the equipment approved by the Department?
☐ Yes
☐ N/A
☐ No (If no, explain)
Click here to enter text.

Were personnel trained and qualified to use the equipment?
☐ Yes
☐ N/A
No (If no, explain)
Click here to enter text.

List any equipment recommendations and actions taken.
Click here to enter text.

DEBRIEFING
Was an incident debriefing conducted?
☐ Yes (Indicate what was discussed, recommendations made, and/or actions taken if any)
☐ No (If no, explain)
Click here to enter text.

OTHER TOPICS / DISCUSSION ITEMS
Click here to enter text.

CASE STATUS
Was a case submitted to the District Attorney for filing consideration?
☐ Yes Case# Click here to enter text. Charge(s): Click here to enter text.
☐ No (If no, explain)
Click here to enter text.
Watch Commander's
Use of Force Review and Incident Analysis

Incident Date/Time: Enter text. Facility: Enter text.
URN#: Enter text. REF#: Enter text.

During my review of this incident, I have read all written reports and viewed all available video and audio recordings (including facility CCTV, handheld camera footage of the incident, interviews, and photographs) that document any aspect of this force incident. The scope of my review also included the following:

1. Was the initial contact within the scope of the Department member's duties and responsibilities? (Consider legal standing, Dept. members assignment, activity preceding incident, etc.)
   - Yes
   - No (If no, explain)
   Click here to enter text.

2. Was the perception of the threat reasonable?
   - Yes (Explain)
   - No (Explain)
   - N/A (Explain)
   Click here to enter text.

3. Did the application of force fall within the Situational Use of Force Options chart?
   - Yes (Indicate Force Options category)
   - No (If no, explain)
   Click here to enter text.

4. Were there pre-force efforts to de-escalate the situation and prevent the use of force?
   - Yes
   - No (If no, explain)
   Click here to enter text.

5. If the force was directed, was the supervisor's decision to use force appropriate and reasonable for the situation?
   - Yes
   - N/A
   - No (If no, explain)
   Click here to enter text.

6. Was the type and amount of force reasonable?
   - Yes
   - No (If no, explain)
   Click here to enter text.

7. Was a supervisor notified of the use of force as required by Department policy?
   - Yes
   - No (If no, explain)
   Click here to enter text.
8. Did a supervisor use force?
   □ No
   □ Yes (If yes, answer 8a and 8b)

   8a. Was the supervisor's direct involvement appropriate?
   □ Yes (Explain)
   □ No (Explain)
   Click here to enter text.

   8b. Was the supervisor's use of force instrumental in ending the force?
   □ Yes (Explain)
   □ No (Explain)
   Click here to enter text.

9. Were there any discrepancies identified in the reporting or documentation that were not addressed during the Supervisor's Report on Use of Force (SH-R-438P)?
   □ No
   □ Yes (If yes, explain)
   Click here to enter text.

10. Were all known witnesses identified?
    □ Yes
    □ No (If no, explain)
    Click here to enter text.

11. Were all identified witnesses interviewed and their statements documented in the Supervisor's Report on Use of Force (SH-R-438P)?
    □ Yes
    □ No (If no, explain)
    Click here to enter text.

12. Was the suspect(s) interviewed and their statement(s) documented in the Supervisor's Report on Use of Force (SH-R-438P)?
    □ Yes
    □ No (If no, explain)
    Click here to enter text.

13. Were the suspect and witness statements consistent with the reported use of force?
    □ Yes
    □ No (If no, explain)
    Click here to enter text.

14. Were there any allegations of misconduct?
    □ No
    □ Yes (Explain and indicate if further investigation is required)
    Click here to enter text.

15. Were there injuries to department members?
Watch Commander's Use of Force Review and Incident Analysis – Cont.

☐ No
☐ Yes (if yes, answer 15a and 15b)

15a. Was relevant/necessary medical attention provided to Department member(s)?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

15b. Was appropriate paperwork completed for employees who were injured during the use of force?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

16. Were there injuries to the suspect(s)?
   ☐ No
   ☐ Yes (if yes, answer 16a and 16b)

16a. Was relevant/necessary medical attention provided to the suspect(s)?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

16b. After reviewing the medical documentation, are the injuries sustained consistent with the force reported?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

17. Were the force options or weapons effective during the incident?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

18. Could officer safety, tactical communication, or de-escalation techniques been improved?
   ☐ No
   ☐ Yes (if yes, explain)
   Click here to enter text.

19. Was video and/or audio recording technology used in accordance with Department policy?
   ☐ Yes
   ☐ No (if no, explain)
   Click here to enter text.

20. Does the Supervisor's Report on Use of Force Report (SH-R-438P) identify any issues related to policy, training, equipment or other risk factors that require further action?
   ☐ No
   ☐ Yes (if yes, explain)
   Click here to enter text.
21. Are there any additional policy, training, equipment or other risk factors not identified in the Supervisor’s Report on Use of Force Report (SH-R-438P)?
   □ No
   □ Yes (If yes, explain)
   Click here to enter text.

22. Assess Department member’s actions throughout the force incident:

   a. Were Department member’s actions prior to the use of force in compliance with policy, procedures and training?
      □ Yes
      □ No (If no, explain)
      Click here to enter text.

   b. Were Department member’s actions during the use of force in compliance with policy, procedures and training?
      □ Yes
      □ No (If no, explain)
      Click here to enter text.

   c. Were Department member’s actions following the use of force in compliance with policy, procedures and training?
      □ Yes
      □ No (If no, explain)
      Click here to enter text.

Recommendations:
Click here to enter text.

Corrective actions taken:

□ None required
□ Admin / IAB investigation  IAB# Click here to enter text.
□ Training
□ Informal Corrective Action (PLE)
□ Other:
Click here to enter text.

Conclusions:
Click here to enter text.

Reviewed by: Enter text.  Employee#: Enter text.
During my review of this incident, I examined the following:

1. Does the Supervisor's Report on Use of Force Report (SH-R-438P) package meet expected standards for overall quality (e.g., complete, clear, concise, timeliness, discrepancies addressed, etc.)?
   - Yes
   - No (If no, explain)
   Click here to enter text.

2. Was all applicable documentation completed and received within the time limits established by policy?
   - Yes
   - No (if no, explain)
   Click here to enter text.

3. Were requests for additional information and/or clarification completed within the time limits established by policy?
   - Yes
   - No (if no, explain)
   Click here to enter text.

4. Were submitted reports consistent regarding the need for force and the description of force used?
   - Yes
   - No (If no, explain)
   Click here to enter text.

5. If the force resulted in mandatory notifications (i.e. CFRT, IAB, etc.) were they made within the time limits established by policy?
   - Yes
   - No (If no, explain)
   Click here to enter text.

6. Assess Department member's actions throughout the force incident:
   a. Were Department member's actions prior to the use of force in compliance with policy, procedures and training?
b. Were Department member’s actions during the use of force in compliance with policy, procedures and training?
   - Yes
   - No (If no, explain)
     Click here to enter text.

c. Were Department member’s actions following the use of force in compliance with policy, procedures and training?
   - Yes
   - No (If no, explain)
     Click here to enter text.

7. Did conduct by Department members warrant an administrative investigation or further inquiry?
   - No
   - Yes (If yes, explain)
     Click here to enter text.

8. Based on the information received, I concur with the Watch Commander’s Review.
   - Yes
   - No (If no, explain)
     Click here to enter text.

9. Does it appear that any follow-up action is necessary to correct policy, procedure or training violations?
   - No
   - Yes (If yes, describe the actions taken by you to correct (i.e. CAP, Unit Order, etc.) the apparent policy, procedural or training violations in the Recommendations or corrective actions taken section below).

10. Should this case be referred to CFRC?
    - No
    - Yes (If yes, explain)
      Click here to enter text.

11. Is there potential litigation or a risk management issue identified with this case?
    - No
    - Yes (If yes, explain and notify Risk Management Bureau)
      Click here to enter text.

Recommendations or corrective actions taken:
Click here to enter text.
Conclusions:
Click here to enter text.

Reviewed by: Enter text.    Employee#: Enter text.
Signature: ___________________ Date: Enter text.
COMANDER’S USE OF FORCE REVIEW
AND INCIDENT ANALYSIS

Incident Date/Time: Enter text.
URN#: Enter text.
Facility: Enter text.
REF#: Enter text.

PRE-INCIDENT TACTICS OR BEHAVIORS: Consider the factors that impacted or gave rise to the need to use force.

1. Did the employee(s) actions give rise to or contribute to the need to use force?
   □ No
   □ Yes (If yes, explain)
   Click here to enter text.

2. Is there anything the employee could have or should have done that may have de-escalated or mitigated the need to use force?
   □ No
   □ Yes (If yes, explain)
   Click here to enter text.

3. Were there any actions that others present may have taken to mitigate the need to use force?
   □ No
   □ Yes (If yes, explain)
   Click here to enter text.

4. Was the threat presented by the subject reasonably perceived by the employee(s)?
   □ Yes
   □ No (If no, explain)
   Click here to enter text.

ACTUAL APPLICATION OF FORCE:

5. Was the amount or type of force used necessary, reasonable and consistent with the perceived threat?
   □ Yes
   □ No (If no, explain)
   Click here to enter text.

6. Were any actions taken to temper the force response?
   □ Yes (explain)
   □ No (explain)
   Click here to enter text.

7. Did the use of force stop when the inmate was controlled and the threat was neutralized?
   □ Yes
   □ No (If no, explain)
   Click here to enter text.
8. Were any and all resulting injuries consistent with the reported force?
   □ Yes
   □ No (If no, explain)
   Click here to enter text.

   **REVIEW OF THE FORCE INVESTIGATION:**

9. Was the investigation conducted thorough and complete?
   □ Yes
   □ No (If no, explain)
   Click here to enter text.

10. Are there any policy or procedure issues that need to be addressed?
     □ No
     □ Yes (If yes, explain)
     Click here to enter text.

11. Are there any equipment or training issues that need to be addressed?
     □ No
     □ Yes (If yes, explain)
     Click here to enter text.

12. Have any identified follow-up actions been completed?
     □ No (explain)
     □ Yes (explain)
     Click here to enter text.

13. Are there any unresolved questions or outstanding issues?
     □ No
     □ Yes (If yes, explain)
     Click here to enter text.

   □ A **Corrective Action Plan** was assigned and implemented for this incident.
     Reference CAP # Click here to enter text.

   □ An **Administrative Investigation** was ordered and completed for this incident.
     Reference IAB # Click here to enter text.

   □ **Concur with CFRT findings**
     □ Yes
     □ No (If no, explain)
     Click here to enter text.

Reviewed by Commander: Enter text.  
Signature: ________________________________
Employee#: Enter text.
Date: Enter text.