Denver Sheriff Department
Jail Operations
Performance Audit

March 2015

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

Dennis J. Gallagher
Auditor
The Auditor of the City and County of Denver is independently elected by the citizens of Denver. He is responsible for examining and evaluating the operations of City agencies for the purpose of ensuring the proper and efficient use of City resources and providing other audit services and information to City Council, the Mayor and the public to improve all aspects of Denver’s government. He also chairs the City’s Audit Committee.

The Audit Committee is chaired by the Auditor and consists of seven members. The Audit Committee assists the Auditor in his oversight responsibilities of the integrity of the City’s finances and operations, including the integrity of the City’s financial statements. The Audit Committee is structured in a manner that ensures the independent oversight of City operations, thereby enhancing citizen confidence and avoiding any appearance of a conflict of interest.

Audit Committee

Dennis Gallagher, Chair
Maurice Goodgaine
Leslie Mitchell
Rudolfo Payan

Robert Bishop
Jeffrey Hart
Timothy O’Brien, Vice-Chair

Audit Management

Kip Memmott, Director, MA, CGAP, CRMA
John Carlson, Deputy Director, JD, MBA, CIA, CGAP, CRMA
Audrey Donovan, Deputy Director, CIA, CGAP, CRMA

Audit Staff

Marcus Garrett, Audit Supervisor, CIA, CGAP, CRMA
LaKeshia Allen Homer, Lead Auditor, MPA
Rudy Lopez, Lead Auditor, MS
Rob Farol, Senior Auditor
Kelsey Yamasaki, Data Analyst, MPP

You can obtain copies of this report by contacting us at:

Office of the Auditor
201 West Colfax Avenue, Department 705 • Denver CO, 80202
(720) 913-5000 • Fax (720) 913-5247
Report number A2014-017

Or download and view an electronic copy by visiting our website at:
www.denvergov.org/auditor
March 19, 2015

Honorable Michael Hancock, Mayor
Office of the Mayor
City and County of Denver

Stephanie O’Malley, Executive Director of Safety
Department of Safety
City and County of Denver

Dear Mayor Hancock and Ms. O’Malley:

Attached is the Auditor’s Office Audit Services Division’s report of their audit of Denver Sheriff Department (DSD) Jail Operations. The objective of the audit was to determine how the Department of Safety and DSD oversee and manage the City’s jail operations. Considering the Mayor’s decision to bring in two high-profile consulting firms to improve the department and the City’s rash of excessive-force cases—three of which resulted in lawsuits and significant pay-outs—this audit could not be more important or more timely.

Overall, we found that the Department of Safety is not ensuring that DSD is managing jail operations strategically, which places inmates, detainees, and sheriff deputies at risk. We found that the City’s detention facilities—both the Downtown Detention Center and the Denver County Jail—have been consistently mismanaged. Both facilities are understaffed due to inaccurate forecasting, leaving DSD supervisors scrambling to fill vacant shifts. DSD’s Internal Affairs Bureau, which is tasked with investigating allegations of misconduct, has a mass of data that could be used to better understand the root cause of complaints and grievances, and thereby move to mitigate them. Yet the Bureau has not done that; it has not prioritized data analytics which could accomplish that. Instead we are left with a backlog of investigations and un-analyzed data that could have been used to help reduce the very incidents that lead to allegations of misconduct in the first place.

Our audit took the unusual and unprecedented step of surveying individuals who have been incarcerated in the system. While some may believe that this population would only respond negatively to any questions they were asked, we actually found that a sizeable majority hold very positive attitudes to the way they were treated by the system and about the City of Denver as a whole and so it is reasonable to believe that any negative comments they make cannot be perceived to be comments coming from malcontents. Their insight into what is working, or not, in the detention centers provides a clear roadmap for improvement in the day-to-day conditions of our incarcerated population. Since these are the individuals most directly affected by the processes and procedures in place, I hope the city will take their input seriously.

While I believe that both the Manager of Safety O’Malley and Sheriff Diggins are working towards remedying the issues, and clearly the problems at the city’s detention facilities have been persistent for years, I find it troubling that the Department of Safety and DSD have in recent years received in excess of 130 recommendations from other entities tasked with assessing the operations of the Sheriff Department, yet the vast majority of those recommendations have been left unaddressed. While waiting for the assessment of the city’s currently hired consultants

To promote open, accountable, efficient and effective government by performing impartial reviews and other audit services that provide objective and useful information to improve decision making by management and the people.

We will monitor and report on recommendations and progress towards their implementation.
before moving forward has some merit, clearly there are areas - working on solutions to the chronic understaffing and creating policy and procedures that will allow the agency to gather and analyze crucial data for root cause analysis being but two - where the City should not and cannot wait. Based on the agency’s response I fear that our audit recommendations will share the same grim fate of previous recommendations.

If you have any questions, please call Kip Memmott, Director of Audit Services, at 720-913-5000.

Sincerely,

Dennis J. Gallagher
Auditor

DJ G/mg

cc: Honorable Members of City Council
    Members of Audit Committee
    Ms. Cary Kennedy, Deputy Mayor, Chief Financial Officer
    Ms. Janice Sinden, Chief of Staff
    Mr. David P. Edinger, Chief Performance Officer
    Ms. Beth Machann, Controller
    Mr. Scott Martinez, City Attorney
    Ms. Janna Young, City Council Executive Staff Director
    Mr. L. Michael Henry, Staff Director, Board of Ethics

To promote open, accountable, efficient and effective government by performing impartial reviews and other audit services that provide objective and useful information to improve decision making by management and the people.

We will monitor and report on recommendations and progress towards their implementation.
AUDITOR’S REPORT

We have completed an audit of the City’s jail operations as overseen by the Department of Safety and managed by the Denver Sheriff Department (DSD). The objective of the audit was to determine how the Department of Safety and DSD oversee and manage the City’s jail operations. To accomplish this objective, we evaluated the tone at the top within the organizations, the complaint process, the discipline process and associated procedures, and hiring and training practices. The audit included a review of management processes, performance measures, best practices, policies and procedures, and data systems.

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

The audit found that the Department of Safety’s oversight and DSD’s management of jail operations has been poor, harming the City’s reputation, increasing risk to sheriff deputies and inmates, and wasting taxpayer resources. This was apparent in three areas. First, the Department of Safety has failed to provide strategic vision for and proper oversight of DSD. Second, in assessing DSD’s ability to manage the City’s jails, we determined that several poor jail management practices have contributed to current negative conditions, such as understaffing. Third, DSD’s Internal Affairs Bureau (IAB) has conducted limited data analytics on internal investigations. Without conducting robust 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.

We extend our appreciation to Executive Director O’Malley, Sheriff Elias Diggins, and all personnel who assisted and cooperated with us during the audit.

Audit Services Division

Kip Memmott, MA, CGAP, CRMA
Director of Audit Services

To promote open, accountable, efficient and effective government by performing impartial reviews and other audit services that provide objective and useful information to improve decision making by management and the people.

We will monitor and report on recommendations and progress towards their implementation.
City and County of Denver – Office of the Auditor
Audit Services Division
REPORT HIGHLIGHTS

Denver Sheriff Department Jail Operations
March 2015

The audit reviewed the Department of Safety and the Denver Sheriff Department’s management of jail operations at the Downtown Detention Center and the Denver County Jail.

Background
The mission of the Denver Sheriff Department (DSD) is to provide public safety and security by ensuring care, custody, transportation, and reentry services for detainees and by operating safe, secure, efficient, and humane detention facilities. DSD manages two secure jail facilities: the Van Cise-Simonet Detention Center and the Denver County Jail. The Detention Center is the initial intake facility for all individuals arrested in the City of Denver and houses persons who have not yet been sentenced in court, whereas the County Jail holds individuals who have been sentenced. In 2014, DSD booked more than 34,000 detainees.

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

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

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

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

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

For a complete copy of this report, visit www.denvergov.org/auditor
Or Contact the Auditor’s Office at 720.913.5000
# TABLE OF CONTENTS

## INTRODUCTION & BACKGROUND
- The Department of Safety Oversees the Denver Sheriff Department  
  - The Denver Sheriff Department  
  - Sheriff Deputy Roles and Responsibilities  
  - Multiple Factors, Some of Which are Outside the Control of DSD, Impact Jail Operations

## SCOPE

## OBJECTIVE

## METHODOLOGY

## FINDING
- Poor Management of Jail Operations Harms the City’s Reputation, Increases Risk to Sheriff Deputies and Inmates, and Wastes Taxpayer Resources
  - The Department of Safety Has Failed to Provide Strategic Vision for and Proper Oversight of the Denver Sheriff Department
  - The Denver Sheriff Department Has Used Poor Jail Management Practices
  - The Internal Affairs Bureau Has Only Conducted Limited Data Analytics on Investigations to Determine Trends, Root Cause, and Risk Reduction Strategies

## RECOMMENDATIONS

## APPENDIX A
- Auditor Analysis of the Denver Sheriff Department’s Budget Post Matrix

## APPENDIX B
- Inmate Grievances Submitted at the County Jail and Downtown Detention Center by Type

## APPENDIX B (continued)
| APPENDIX C | 54 |
| Critical Limitations with Internal Affairs Bureau Data Provided by DSD | 54 |
| AGENCY RESPONSE | 56 |
INTRODUCTION & BACKGROUND

The Department of Safety Oversees the Denver Sheriff Department

The Department of Safety is the administrative agency responsible for providing strategic vision for and overseeing the operations of the City’s seven public safety agencies and administrative support functions, which includes the Denver Sheriff Department (DSD), Denver Police Department (DPD), and Denver Fire Department (DFD). The Sheriff, who is the highest authority in DSD, reports directly to the Executive Director of Safety, who is the highest authority in the Department of Safety and is appointed by the Mayor. The Executive Director and her deputies are responsible for providing civilian oversight, leadership, and guidance to the individual Chiefs and Directors, including the Sheriff. Therefore, DSD and the executive management of the Department of Safety are jointly responsible for making and carrying out the public policy decisions that affect the success of DSD and jail operations. Figure 1 provides an overview of the organizational structure of the Department of Safety in the context of DSD operations.

**Figure 1**: Department of Safety Organizational Chart, 2014

Source: Generated by the Office of the Auditor.

---

1 Department of Safety website, accessed February 2015, [http://denvergov.org/safety](http://denvergov.org/safety). Additional agencies overseen by the Department of Safety include Safety Management; Safety Programs; and the 911 Emergency Communications Center.
The Denver Sheriff Department

Prior to November 2013, the highest official in DSD was the Under Sheriff. In 2013, voters elected to amend the Charter of the City and County of Denver to shift the powers and duties assigned by general law to county sheriffs to that of the Denver Sheriff, subject to the supervision of the Executive Director of Safety. As depicted in Figure 1, DSD is responsible for the Downtown Detention Center, the Denver County Jail, Court Services, and the Vehicle Impound. Accordingly, sheriff deputies’ responsibilities differ from those of police officers, although their roles are commonly confused by the general public. In Denver, DPD police officers are assigned to community policing and crime prevention and reduction strategies prior to arrest, while DSD sheriff deputies are tasked with the care and custody of inmates after arrest.

In 2013, DSD was recognized for achieving Triple Crown accreditation. The Triple Crown Award was established by the National Sheriff's Association to recognize sheriff offices that achieve simultaneous accreditation from the Commission on Accreditation for Law Enforcement Agencies, the American Correctional Association, and the National Commission on Correctional HealthCare. Embodying this achievement, DSD’s mission states:

To provide public safety and security for the community by ensuring care, custody, transportation and reentry services for detainees and by operating safe, secure, efficient and humane facilities that adhere to federal, state and local laws.

Organically, DSD is divided into two primary components: Sheriff Administration, which provides policy direction and management of the department; and Sheriff Operations, which operates and maintains the City’s two secure jail facilities, the Van Cise-Simonet Detention Center—also referred to as the Downtown Detention Center (DDC)—and the Denver County Jail (County Jail). For 2015, Sheriff Operations had an approved budget of $101 million. Of this amount, DDC accounted for $48.9 million (48 percent) and the County Jail accounted for $31.7 million (31 percent). To track and collect key information on detainees and inmates, DSD uses an enterprise management system referred to as the Jail Management System (JMS). Data recorded in JMS includes information about inmates, such as age, gender, mental health status, drug or alcohol dependency, and whether an inmate may pose a security threat. JMS is also used to record incidents involving use of force by a sheriff deputy.

4 Unlike DPD police officers, DSD sheriff deputies are not required to complete Colorado Peace Officer Standards and Training (POST) certification. POST certification empowers DPD police officers with the legal authority to enforce City ordinance and conduct arrests.
5 For more information on DSD and Triple Crown accreditation, see: https://www.denvergov.org/sheriff/SheriffDepartment/About/tabid/444889/Default.aspx.
6 This budget estimate includes Community Services ($234,876), Court Services ($8,573,722) and Vehicle Impoundment ($2,864,995).
The Downtown Detention Center and Denver County Jail

Pictured in Figure 2, the DDC is where individuals are booked, identified, arraigned, and may be released on bond or processed for custody. As the name implies, the facility also acts as the detention facility for inmates awaiting trial on felony, misdemeanor, and City ordinance violations. In 2014, DSD booked 34,775 individuals. The Mayor's Peak Performance initiative (Peak Performance) estimated cost-per-booking at $194.7 Using this assumption, inmate bookings for 2014 cost the City approximately $6.7 million.8 Based on release data from DSD covering January 1, 2010, through November 19, 2014, auditors found that approximately 38 percent of individuals were booked and released from DSD custody in twenty-four hours or less.

Figure 2: The Downtown Detention Center

Source: Denver Sheriff Department, January 2015.

The County Jail holds all individuals who have been sentenced in court.9 For 2014, Table 1 provides a breakdown of the inmate population processed or held at both the DDC and County Jail.

---

8 Calculation: (34,775 inmates) x ($194 per inmate) = $6,746,350.
9 Inmates convicted of felonies are transferred to the Colorado State Department of Corrections (prison).
Table 1: Downtown Detention Center and County Jail Populations, 2014

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmates Booked</td>
<td>DDC: 34,775</td>
</tr>
<tr>
<td></td>
<td>County Jail: N/A</td>
</tr>
<tr>
<td>Average Daily Population</td>
<td>DDC: 1,271</td>
</tr>
<tr>
<td></td>
<td>County Jail: 692</td>
</tr>
<tr>
<td>Men</td>
<td>86%*</td>
</tr>
<tr>
<td>Women</td>
<td>14%*</td>
</tr>
<tr>
<td>Special Management Inmates</td>
<td>DDC: 16.2%</td>
</tr>
<tr>
<td>(percent of population)</td>
<td>County Jail: 1.4%</td>
</tr>
<tr>
<td>Average Length of Stay</td>
<td>DDC: 104 days</td>
</tr>
<tr>
<td></td>
<td>County Jail: 261 days</td>
</tr>
</tbody>
</table>

Source: Denver Sheriff Department.

Note 1: Asterisk (*) denotes estimates provided by DSD as of June 30, 2014.

Note 2: Special Management Inmates are identified by DSD with an alert code in JMS indicating that the inmate requires tailored supervision. This might include such codes as mental health alerts or specific housing and releasing instructions, among other key information related to monitoring these individuals.

Sheriff Deputy Roles and Responsibilities

DSD personnel consist of uniform and non-uniform personnel. Uniform personnel include Deputy Sheriffs and their supervisors; these personnel are generally tasked with the overall management of the DSD facilities as well as maintaining the safety and security of inmates. Non-uniform personnel, or civilian employees, typically conduct support functions, such as monitoring facility security systems and providing administrative support. DSD’s uniform and civilian personnel serve in a chain of command, all ultimately reporting to the Sheriff, who is the highest-ranking uniform member of the DSD force. The chain of command beneath the Sheriff includes Deputy Sheriff Division Chiefs, Deputy Sheriff Majors, Deputy Sheriff Captains, Deputy Sheriff Sergeants, and finally, Deputy Sheriffs.10

Throughout the remainder of this report, we use the terms sheriff deputy and deputy to refer to Sergeants and Deputy Sheriffs. The term Command is used to refer to all positions above the level of Sergeant (Captain, Major, and Division Chief), indicating a higher degree of supervisory responsibility and authority.

**Sheriff Deputy Training**

All newly hired sheriff deputies are required to successfully complete seventeen weeks encompassing six-hundred hours of pre-service academy training, and four weeks of on-the-job training following graduation from the academy. Deputies are further required to complete forty hours of in-service training each year. In-service training is intended to review the basics covered in pre-service training and keep deputies up-to-date on changes in the law as well as changes to department policy. Required training might include security and safety procedures, supervision of offenders, signs of suicide risks, defensive tactics, and an overview of the federal Prison Rape Elimination Act (PREA).11,12

**DSD Staffing and Inmate Supervision Practices**

To estimate staff need, DSD relies on a forecasting tool referred to as the Budget Post Matrix. The Budget Post Matrix approximates staff need based on the total number of posts that require staff at the DDC and the County Jail. A Post is a term used by DSD to define a work assignment and applies to both civilian and uniform staffing assignments. The basis for the Budget Post Matrix is informed by a key variable known as the Relief Factor.13 After all Posts are accounted for DSD uses the Relief Factor to assist and determine the actual number of positions required to staff the facility 24 hours per day, 365 days per year.14 In 2014, DSD’s estimated Relief Factor was 5.36 full time equivalents.15

In the correctional industry, there are two primary approaches to supervising inmates: direct supervision and indirect supervision. In recent years, DSD has focused on implementing a direct supervision approach. The National Institute of Corrections (NIC) describes direct supervision as a combination of key elements, such as the physical design of a jail and inmate management strategy, with the goal of significantly reducing problem inmate behavior. In addition, the American Correctional Association (ACA)

---

11 DSD Department Order 2520.1L Employee Training.
12 The Prison Rape Elimination Act (PREA) was passed in 2003. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” Accessed February 2015. Source: [http://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea.](http://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea)
13 Relief Factor describes the number of full time equivalent employees required to staff a position (Post) for twenty-four continuous hours.
14 Not all DSD Posts require twenty-four-hour staffing. Twenty-four-hour staffing requirements are determined at the discretion of the Denver Sheriff Department.
15 Our audit Finding notes exceptions with DSD’s Relief Factor estimate of 5.36.
states that studies have shown that direct supervision reduces assaults and other serious injuries among inmates. Ideally, direct supervision provides deputies the opportunity to actively monitor inmates, which produces a jail that is as safe and secure as possible for inmates, staff, and visitors. While the inmate housing functions at the DDC and the County Jail vary slightly, sheriff deputies assigned to either facility are assigned roles and responsibilities that promote direct supervision, especially at the DDC, a facility that was specifically designed for direct supervision. For DSD personnel, the deployment of direct supervision means that one deputy may be assigned to monitor up to sixty-four inmates during his or her assigned shift.

Investigative Process Related to Conditions of Confinement or Claims of Abuse by Inmates

In addition to the roles and responsibilities required of DSD Command and sheriff deputies by departmental policies and procedures, DSD personnel must also meet legal requirements regarding the care and custody of inmates. Specifically, the Eighth and Fourteenth Amendments to the United States Constitution forbid excessive physical force against inmates and pre-trial detainees. The City has established various processes to address instances where personnel are alleged to have not abided by both procedural and legal requirements, and these processes may involve several City entities, including the DSD Internal Affairs Bureau (IAB), the DSD Conduct Review Office (CRO), the Office of the Independent Monitor (OIM), the Sheriff, and the Department of Safety. Both IAB and the CRO report directly to the Sheriff; the OIM functions as an independent office.

- **Internal Affairs Bureau**—IAB investigates incidents and plausible suspicions of lawbreaking and professional misconduct by DSD personnel. IAB is also responsible for investigations regarding complaints made by inmates about DSD staff.

- **Conduct Review Office**—The CRO reviews cases of alleged employee misconduct to determine whether there is sufficient evidence to prove that the allegation has, in fact, occurred, as well as make disciplinary recommendations to the Sheriff when warranted.

---

18 The County Jail is an older facility and some structural limitations prevent implementation of direct supervision throughout the facility. However, newer constructed facilities are designed to allow for increased direct supervision of inmates by deputies.
19 Of two benchmark cities that responded to auditors’ request to provide span-of-control estimates for inmate-to-deputy rates, DSD provided the highest estimate of 64-to-1 (facilities max capacity total 2,330). The next highest ratio was 48-to-1 (facilities max capacity total 4,503).
20 The federal Civil Rights of Institutionalized Persons Act (CRIPA) prohibits states or their political subdivisions from engaging in a pattern or practice of conduct that deprives persons residing in or confined to an institution of their constitutional rights. See 42 U.S.C. § 1997a (a).
- **Office of the Independent Monitor**—The OIM is a civilian oversight agency, charged with working to ensure accountability, effectiveness, and transparency in DSD and DPD’s disciplinary processes.\(^{21}\)

The specific processes and agency roles in filing and resolving inmate grievances and complaints, as well as investigating and enforcing potential personnel discipline, are outlined as follows:

- **Grievance Process**—The grievance process allows inmates an administrative outlet to address matters related to conditions of confinement, or to identify allegations of misconduct by DSD personnel. Although inmates are encouraged to resolve problems informally, such as verbally or through direct consultation with sheriff deputies, they may seek resolution by filing a formal grievance within ten days of an incident.\(^{22}\) Grievances may address a variety of matters related to confinement conditions or institutional life, ranging from routine matters to severe matters of safety or security.\(^{23}\) Table 2 describes the categories used by DSD to classify inmate grievances.

### Table 2: Description of the Denver Sheriff Department Inmate Grievance Categories by Type

<table>
<thead>
<tr>
<th>Grievance Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Grievances</strong></td>
<td>Relate to housing, health services, food service, hygiene, sanitation needs, and recreation opportunities.</td>
</tr>
<tr>
<td><strong>Emergency Grievances</strong></td>
<td>Relate to an emergency condition that, if not processed in a timely manner, would expose the inmate to substantial risk of medical harm, personal injury, or cause other serious or irreparable harm.</td>
</tr>
<tr>
<td><strong>Serious Offense Grievances</strong></td>
<td>Allege serious misconduct by a DSD employee, such as inappropriate or excessive force, sexual misconduct, bias or discrimination (e.g., race, ethnicity, sexual orientation, disability, gender, age, religion, etc.), serious bodily or life threatening injuries, and serious safety and security allegations.</td>
</tr>
<tr>
<td><strong>Sexual Offense Grievances</strong></td>
<td>Allege a sexual offense by another inmate or DSD employee.</td>
</tr>
<tr>
<td><strong>Health Service Grievances</strong></td>
<td>Relate to health service issues, including medical, dental, or mental health services and related medical staff. Health service grievances are generally the responsibility of Denver Health, unless the grievance includes allegations of misconduct against DSD personnel.</td>
</tr>
</tbody>
</table>

---


\(^{22}\) According to DSD Department Order 4810.2A(6)(A), serious and emergency grievances may be filed outside of the ten-day period. Inmates are not required to use the formal inmate grievance procedures to submit a verbal or written emergency complaint.

\(^{23}\) According to DSD Department Order 4810.2A (5)(A) actions of the Governor or State Legislature, decisions of the Board of the Parole or Probation and judicial proceedings or decisions of the Courts may not be grieved under the Inmate Grievance procedure.
After an inmate files a grievance, Sheriff Operations personnel are responsible for recording, tracking, filing, and disseminating grievances to the appropriate units for response. DSD personnel are responsible for investigating and attempting to resolve issues identified in the grievance. DSD policy requires staff to immediately forward grievances that allege serious misconduct by DSD personnel to IAB for investigation. According to DSD policy, the Department should provide inmates with a response to grievances within ten business days.

- **Complaint Process and Internal Affairs Bureau Investigations**—Complaints differ from grievances in that they are formal verbal or written statements by inmates, DSD employees, or the general public that allege DSD personnel misconduct. Complaints may be submitted directly to the OIM, IAB, or CRO.

IAB is responsible for investigating all complaints. Upon receiving a complaint, IAB records the complaint and includes key information including the name and contact information of the person filing the complaint, information on when the complaint was received, and key details about the incident. IAB also notifies the person who submitted the complaint that his or her complaint has been recorded and that action is being taken. Complaints of an extremely serious nature should be reported by IAB to the appropriate Division Chief and the Sheriff or his or her designee.

After recording a complaint, IAB may open a formal or informal investigation. IAB opens formal cases for complaints that allege misconduct under DSD policy and require a full investigation and disciplinary review. IAB forwards cases involving criminal allegations to DPD for investigation. Informal cases are investigated at the division level and, if founded, result in a debriefing with the deputy against whom the complaint was filed. IAB examines the facts and circumstances of the allegations summarized in the complaint during the course of an investigation and is responsible for maintaining investigative files, interviewing and notifying persons involved, and collecting and preserving evidence. According to information provided to auditors by DSD, IAB closed 246 cases in 2014.

- **Personnel Disciplinary Process**—DSD’s 2014 discipline handbook states, “An effective discipline system is one that is fair, rational, efficient, reasonably consistent and transparent, reflects the mission, vision and guiding principles of the Denver Sheriff Department and fosters respect, trust and confidence among all Department personnel as well as between the Department and the community it serves.” To implement this policy, DSD developed a Discipline Process and Discipline Matrix. As noted above, allegations of misconduct and

---

24 DSD Department Order 4810.2A(6)(B) defines serious misconduct as allegations that include inappropriate or excessive force, sexual misconduct, bias or discrimination, or health services stemming from serious or life threatening bodily injuries.

25 Complaint forms are made available at public facilities throughout the City (e.g., government offices, libraries, and police facilities) or may be submitted to the OIM or CRO by fax, email, in person, or by telephone.
other claims may be investigated by several parties but are most often initiated by IAB. However, based on the severity of the allegation, several other City departments may conduct simultaneous reviews, such as DPD, OIM, or the City Attorney’s Office. The role of each entity in the disciplinary process is outlined in Figure 3.26

**Figure 3**: Denver Sheriff Department Disciplinary Process

<table>
<thead>
<tr>
<th>Entity</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAB</td>
<td>Receives official complaint, If complaint is appropriately filed, initiates investigation</td>
</tr>
<tr>
<td>OIM</td>
<td>Reviews IAB investigation, Approves or sends investigation back to IAB</td>
</tr>
<tr>
<td>CRO</td>
<td>Receives investigation approved by the OIM, Reviews complaint(s) and issues disciplinary recommendation</td>
</tr>
<tr>
<td>OIM</td>
<td>Reviews CRO disciplinary recommendation</td>
</tr>
<tr>
<td>Sheriff</td>
<td>Conducts Pre-Disciplinary Meeting, Makes disciplinary recommendation</td>
</tr>
<tr>
<td>Safety</td>
<td>Executive Director of Safety reviews all recommendations, Final Order of Discipline issued*</td>
</tr>
</tbody>
</table>

*Source: Denver Sheriff Department.*

**Note:** Asterisk (*) denotes that Denver Sheriff Department personnel have the right to appeal all disciplinary decisions. The appeal process is not reflected.

The length of time that it takes to close investigations varies based on the severity of the allegations, and the final disposition can vary based on an assessment of the facts. However, according to DSD's 2014 Strategic Plan, IAB's goal is to at least provide sufficient information on a case to CRO for disciplinary review within five months.

**Multiple Factors, Some of Which are Outside the Control of DSD, Impact Jail Operations**

Our audit found—and the City has recognized—that some DSD resource constraints occur because of policies and processes outside the direct influence of the Department. For example, a high demand on the criminal justice system can place a unique stress on resources provided by multiple City agencies, including but not limited to the Courts, DPD, and DSD, especially with regard to repeat offenders. Citywide, demographic changes may also affect DSD’s ability to manage jail operations. Accordingly, the City

26 If DSD personnel are not satisfied with the outcome of the disciplinary process, an appeal may be made to the following entities in the following order: Career Service Authority, Career Service Authority Board, Denver District Court, Colorado Court of Appeals, and finally to the Colorado Supreme Court.
has created additional entities, or begun to work more closely with existing entities—including the Crime Prevention and Control Commission (CPCC), the Office of Behavioral Health Strategies, and Denver Health—to address some of these broader issues.

- **Crime Prevention and Control Commission**—In 2005, the CPCC was established by City Ordinance in an attempt to measure the financial and social impact that certain individuals might have on multiple departments. CPCC is a thirty-two-member Commission that brings together a broad-based membership representing juvenile and adult criminal justice system leaders including the Sheriff, other City representatives, community stakeholders, and advocates to meet its mission to create and execute an evidence-based, accountable, and efficient public safety strategy.\(^\text{27}\)

CPCC uses data and measurement tools to analyze and assess programs, determine return on investment, and identify opportunities for improvement. For instance, the CPCC released reports in August 2006 and March 2014 with a focus on the impact that the 300 most frequently arrested individuals in Denver have on the criminal justice system as a whole. Specific to arresting and housing, which are two primary roles of DPD and DSD, the CPCC found that DPD’s cost-per-arrest was approximately $1,414, and DSD’s cost-per-housing was as high as $59 per day. Because of their impact on multiple agencies and resources, CPCC estimated that repeat offenders cost the City approximately $2.9 million each year.\(^\text{28, 29}\)

- **Office of Behavioral Health Strategies**—In December 2014, the Mayor announced the establishment of the Office of Behavioral Health Strategies and appointed the President and CEO of Mental Health America of Colorado as its Executive Director. The Office of Behavioral Health Strategies will work to ensure coordination among the City’s current activities in behavioral health; increase training of key City personnel around mental health and substance use issues; raise mental health and substance use awareness within City government and in the community; and work with key partners such as Denver Public Schools, the Mental Health Center of Denver, Denver Health, the business community, and other jurisdictions seeking innovative ways to address the community’s behavioral health needs.\(^\text{30}\)

The City anticipates that the Office will provide new insights regarding information that might help DSD and other agencies address issues like the population of inmates and detainees that have mental health issues as compared to overall trends observed in the City.

- **Denver Health**—Specific to jail operations, the City contracts with Denver Health to provide health professionals on a full-time or contract basis to administer health

---


services to inmates. While instrumental to the health needs of all inmates, Denver Health’s role is especially impactful on inmates with mental health or other special management needs. Standard procedure is for all offenders to undergo a medical screening upon intake; however, mental illness may not be easily identified. Alternatively, inmates may self-identify as having mental health issues or having taken prescription drugs in the past, but the act of submitting this information is voluntary.

To estimate the population of inmates requiring mental health-related prescriptions, Denver Health provided “snapshots” of monthly counts obtained from 2004 through 2014. Overall, as shown in Figure 2, medication prescribed to the daily population of inmates and detainees for anxiety, depression, and psychotic disorders increased over the ten-year period, ranging from a low of approximately 15 percent in 2004 to a high of approximately 32 percent in 2013. The last measurement—manually calculated by Denver Health in mid-December 2014—showed anxiety, depression, and psychotic disorder medications were distributed to approximately 30 percent of the inmate population.

**Figure 4:** Snapshot of Prescribed Mental Health Medication, 2004 through 2014

![Graph showing the percentage of inmates on mental health medication over time](image)

**Source:** Denver Health Ongoing Psychotropic Medication Utilization Report, 2004-2014.

**Note:** Disorders used for these estimates were diagnosed by a qualified health professional and may include, but are not limited to, the following mental health illnesses: Bipolar Mood Disorders; Major Depressive Disorders; Depressive Disorders, Not Otherwise Specified; Paranoid Disorders; Schizophrenic Disorders; Schizotypal Disorders; Schizophreniform Disorders; Schizoaffective Disorders; Psychotic Disorders, Not Otherwise Specified; Induced Psychotic Disorders; Dysthymia; Brief Reactive Psychosis; Dissociative Identity Disorder (Multiple Personality); or Post Traumatic Stress Disorder.

While the Auditor’s Office recognizes multiple factors exist, both internally and externally, that impact the operations of DSD, our audit focuses on issues and potential remedies that we believe are central to the strategic operations and objectives of DSD Jail.
Operations. As DSD’s oversight agency, we believe the Department of Safety is tasked with administrative responsibility for ensuring successful implementation of recommendations and Citywide policy decisions that impact DSD as well as other divisions that fall within the responsibility of the Department of Safety.

SCOPE

The audit assessed DSD jail operations for a period spanning January 2003 through January 12, 2015.

We experienced significant constraints when requesting certain data and disclose this limitation consistent with the provisions of Generally Accepted Government Auditing Standards (GAGAS) 7.09 and 7.11. Specifically, due to the disparate nature of how DSD maintained data, including a reliance on both manual and electronic processes that in some instances resulted in overlapping or conflicting information, we attempted to analyze available data from January 2003 through January 12, 2015. When necessary, we highlight in the audit report any prominent limitations, gaps, and unavailability of data when encountered, or our inability to independently validate data provided, for each known occurrence.

OBJECTIVE

The objective of the audit was to determine how the Department of Safety and DSD oversee and manage the City’s jail operations. To accomplish this objective, we evaluated tone at the top, complaint process, discipline process and procedures, and hiring and training practices. The audit included a review of management processes, performance measures, best practices, policies and procedures, and data systems.

METHODOLOGY

The methodologies used in this audit to assess risks and to assist with developing and testing the audit objective included the following:

- Reviewing DSD’s 2014 Strategic Plan
- Reviewing national research regarding jail operations, criminal justice, and law enforcement and best practices, studies, and standards from organizations including but not limited to the American Correctional Association (ACA), Commission on Accreditation for Law Enforcement Agencies (CALEA), National Commission on Correctional Health Care (NCCHC), Prison Rape Elimination Act (PREA), U.S. Department of Homeland Security (DHS), federal National Crime Information Center (NCIC), Police Executive Research Forum (PERF), Police
Assessment Resource Center (PARC), U.S. Department of Justice, and U.S. Department of Justice’s National Institute of Corrections (NIC)

- Reviewing DSD documents including but not limited to DSD’s 2013 Annual Report, DSD Collective Bargaining Agreement effective 2013 – 2014, policies and procedures, Sheriff Department Orders, performance and management reports, data analysis, flowcharts, jail booking rates, average daily population and forecast estimates, inmate average length of stay data, and departmental orders
- Reviewing financial information within the City’s Comprehensive Annual Financial Reports and City Budget Books
- Reviewing risk management and risk assurance strategies promulgated by the U.S. Government Accountability Office (GAO)
- Reviewing Boulder County’s Jail Cell Extraction and Video Recording policy
- Reviewing a sample of annual employee Performance Enhancement Plans Reports (PEPRs) completed by DSD
- Reviewing internal and external audits on jail operations and programs from around the country
- Assessing discipline and the discipline process established by DSD
- Assessing incidents and the use of force reporting process established by DSD
- Reviewing twenty-one DSD TASER Usage Reports
- Reviewing DSD TASER Use Analysis: July 1, 2012 to June 20, 2014 report
- Assessing complaints and the complaint process established by DSD
  - Five years of closed DSD complaint data held within the IAPro system, the IT system used to manage internal affairs information, was provided to auditors covering January 2008 through November 2014. The file that was provided was edited by DSD personnel to remove duplicates. As such, no further cleaning of the data was done by auditors. The file provided included cases labeled as open as well. There were 2,629 observations in this file.
  - A separate file for open DSD complaint data was provided to auditors on December 22, 2014. This file included 186 observations. The discrepancy between the 186 observations in this file and the 195 open case observation in the closed case file is likely due to the fact that the closed case files was provided to auditors one month before the open case files were provided.
- Assessing inmate grievances and the grievance process established by DSD
- Assessing inmate release data provided by DSD from the Department’s Jail Management System (JMS) for all inmates who were released from jail between January 1, 2010 and November 19, 2014.
  - The JMS data consisted of 198,310 observations. Duplicate observations by inmate ID and jail start date were removed by auditors along with observations where inmate number of days in jail was unavailable and if an
inmate was older than eighty years of age. After these observations were removed, the data analyzed consisted of 180,484 observations.

- RBI Strategies randomly selected individuals from the JMS data provided by DSD. RBI then attempted to contact the randomly selected individuals by phone from January 6-19, 2015. Importantly, our original file contained over 198,000 individuals; however, after removing duplications and names with no phone provided, over 35 percent of the remaining 36,713 phone numbers were disconnected or no longer associated with the former detainee. Moreover, many former detainees were homeless. No attempt was made to reach these individuals unless they were associated with an active phone number.

Therefore, given the inability to contact large numbers of former detainees, we consider these results and the data to be a cursory examination of general attitudes rather than a scientific survey, and thus we associate no margin of error. In addition, because of the small sample size, one must be careful when analyzing sub-samples.

- Evaluating hiring and training practices and required continuing education established by DSD in coordination with the City’s Office of Human Resources
- Evaluating budget and staff planning documents to determine the expenditures, revenues, and performance measures for DSD. Budget documents included approved budgets for 2009 through 2015.
- Obtaining mental health analyses, assessments, and cost estimates conducted by DSD, Denver Health, and the CPCC
- Conducting interviews with the Executive Director of the Department of Safety, DSD Sheriff, DSD Command, DSD Sergeants, Captains and Deputy Sheriffs, the Denver Civil Service Commission, the Denver Office of the Independent Monitor (OIM), the Denver Crime Prevention and Control Commission (CPCC), Denver Health, Peak Performance, the Denver Budget and Management Office (BMO), the City Attorney’s Office, and the Denver chapter of the American Civil Liberties Union, and an academic professor versed in criminal justice and mental health issues impacting the State of Colorado
- Conducting direct observations and walkthroughs of the County Jail on Monday, September 29, 2014, and DDC on Wednesday, October 8, 2014
- Conducting direct observation and walkthrough of the Arapahoe County Jail on Wednesday, December 3, 2014
FINDING

Poor Management of Jail Operations Harms the City’s Reputation, Increases Risk to Sheriff Deputies and Inmates, and Wastes Taxpayer Resources

The City’s poor jail operations management practices harm the City’s reputation, increase risk to both Sheriff Deputies and inmates, and waste taxpayer resources. The City’s recent settlement of several high-profile and costly cases exemplifies the negative effects of adhering to poor jail management practices. The audit identified three core areas where the City needs to make improvements related to jail operations.

First, audit work determined that the Department of Safety has not provided the level of governance and oversight required for these high-risk operations. High turnover in the Executive Director of Safety position, along with the failure of Executive Directors of Safety to identify and correct longstanding deficiencies, resulted in a lack of consistent leadership and continuous improvement activities for the City’s jails. Recognizing this issue, the current Executive Director of Safety made the policy decision to defer approximately 130 recommendations in 2014 until Hillard Heintze and the OIR Group could provide subject matter expertise and final input on all previous findings as part of their holistic review of DSD.

Second, in assessing DSD’s ability to manage the City’s jails, we determined that several poor jail management practices have contributed to current conditions. Specifically, we found several adverse conditions have affected DSD personnel, including high overtime, increased use of the Family and Medical Leave Act (FMLA), and increasing attrition rates. Further, a majority of DSD employee claims involve physical confrontations with inmates. We also found that DSD has been using a flawed staffing assessment methodology to project staff need. As a result, DSD has miscalculated actual staff need at the City’s jails since at least 2011. Further, DSD does not have a centralized data collection strategy, which negatively impacts DSD Command’s ability to manage jail operations effectively and strategically plan for trends and changes in inmate demographics. Finally, we found that the training provided to sheriff deputies is not targeted to their work assignments and daily challenges.

Third, we found that DSD’s Internal Affairs Bureau (IAB) has conducted limited data analytics and has been unable to identify important trends and root causes, and develop mitigation and improvement strategies. Additionally, DSD postponed implementation of an Early Intervention System until Hillard Heintze and the OIR Group completes their review. This system could have monitored patterns of problematic employee performance and may have helped prevent serious incidents. Finally, we found inconsistent compliance with a Departmental Order regarding TASER usage as well as limited video retention capabilities, both of which expose the City to undue risks.

31 Prior to 2014, the Executive Director of Safety position was known as the Manager of Safety. The position has been filled by seven individuals since 2010.
The Auditor’s Office recognizes the complexities and difficulties that sheriff deputies face carrying out their duties. We respect and thank DSD personnel for performing their difficult jobs on behalf of Denver citizens. We offer multiple recommendations for how the City can improve jail management practices to ensure that deputies and inmates are as safe as possible and that instances of abuse, by officers or inmates, are minimized to the greatest extent possible while taxpayer resources used for jail operations are maximized.

The Department of Safety Has Failed to Provide Strategic Vision for and Proper Oversight of the Denver Sheriff Department

The Department of Safety is the administrative agency responsible for providing strategic vision for and overseeing the operations of the City’s seven public safety agencies and administrative support functions, including DSD. The Executive Director of Safety, who is the highest authority in the Department of Safety, is appointed by the Mayor. The Executive Director and Department of Safety Deputies are responsible for providing and ensuring accountability, guiding policy decisions, assisting in developing long-term goals, and improving public safety service delivery throughout the Department’s entire spectrum of services.\(^\text{32}\) The Sheriff reports directly to the Executive Director of Safety. Therefore, DSD and the executive management of the Department of Safety are jointly responsible for making and carrying out the public policy decisions that affect the success of DSD jail operations.

Despite the longstanding challenges associated with Denver’s jail operations, we concluded that the Department of Safety and DSD have not taken sufficient action to implement the goals of the DSD’s 2014 Strategic Plan as it relates to efficiently administering the City and County’s criminal justice services.\(^\text{33}\) We found that the Departments’ ability to jointly implement and measure strategic objectives, outcomes, and goals may have been hampered by turnover in key management positions.

High Turnover in Leadership May Have Prevented Seamless Strategic Management of DSD

Figure 5 shows that from 2004 through 2014, the Department of Safety had eight different Managers of Safety, seven of whom served in the last four years.\(^\text{34}\)
Frequent turnover in key leadership positions makes it difficult for an organization to carry out strategic priorities. In a recent analysis conducted by the U.S. Department of Justice, it was recognized that a lack of continuity among management, especially within a correctional environment, can make it difficult to institute and implement meaningful reforms.\textsuperscript{35} Further, an absence of continuous strategic management might put an organization at risk for missed opportunities. For instance, when Denver Referred Measure 2A passed in 2012, safety was included as one of the areas that would benefit from service investments. However, the City only allocated monies to the Denver Police Department and the Denver Fire Department; DSD did not receive any 2A funds.\textsuperscript{36} While difficult to quantify, these variables—turnover in management and limited 2A monies—appear to have contributed to the hindered progress and inconsistent guidance provided to DSD.

**More Than 130 Recommendations Have Been Made To Improve Jail Operations, the Majority of which Have Not Yet Been Implemented**

In recent years, various entities have performed several assessments of DSD’s operations with many related findings. At the end of 2014, neither DSD nor the Department of Safety could provide auditors with an implementation plan in connection with most of the

\textsuperscript{35} U.S. Department of Justice, *CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island*, August 4, 2014.

\textsuperscript{36} Denver Referred Measure 2A appeared on the fall ballot in 2012. The measure passed, allowing the City and County of Denver to retain and spend $68 million, rather than returning those funds to taxpayers according to the provisions of Colorado’s Taxpayer Bill of Rights, or TABOR Amendment. Measure 2A passed with 74-percent approval. The service investments included after school programs, business incentives, child care assistance, fund balance increase, furloughs, library hours, the My Denver recreation center access program, parks maintenance, pools, safety fleet, safety recruit classes, seniors and disabled, streets, and technology investment. Source: City and County of Denver. Mayor’s Office. Programs and Initiatives. Measure 2A Service Investments. Accessed February 2, 2015. Available at: https://www.denvergov.org/mayor/MayorsOffice/ProgramsInitiatives/2AImplementationPlan/tabid/444277/Default.aspx.
completed assessments. This made it difficult to determine what, if any, progress the Departments made towards remedying on-going issues. Some of these issues, such as the many implications associated with understaffing, may have worsened during the interim. While taking action to implement all recommendations inherently takes time, we questioned why the Department of Safety had not directed DSD to implement recommendations related to high-risk areas immediately, even if further refinement was needed in the future. For instance, a more immediate effort to address an issue was the creation of a working group by DSD Command to review and update policies related to the inmate grievance process in response to a recommendation provided by the OIM in 2013.

In the aggregate, about 130 recommendations for improvement of jail operations have been provided to the Department of Safety and DSD since 2011. The majority of these recommendations, approximately 120, were made in 2014. Several assessments identified staffing and data management as major challenges DSD should overcome. Not including the current audit, an overview of these findings is outlined in Table 3.

**Table 3:** Denver Sheriff Department Assessments, 2011 – 2014

<table>
<thead>
<tr>
<th>Entity</th>
<th>Year</th>
<th>Number of Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Steering Committee</td>
<td>2014</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>Hillard Heintze and the OIR Group</td>
<td>2014</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>Peak Performance: Organizational Assessment Baseline Report</td>
<td>2014</td>
<td>14*</td>
</tr>
<tr>
<td>DSD Task Forces:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Policy and Procedure Task Force</td>
<td>2014</td>
<td>72</td>
</tr>
<tr>
<td>2. Staffing Well-being Task Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Training Task Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Discipline Task Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Human Resources</td>
<td>2014</td>
<td>35*</td>
</tr>
<tr>
<td>Office of the Independent Monitor</td>
<td>2013</td>
<td>11</td>
</tr>
<tr>
<td>Peak Performance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Resource Alignment</td>
<td>2011</td>
<td>N/A**</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>132</strong></td>
</tr>
</tbody>
</table>

**Source:** Denver Sheriff Department.

**Note:** Asterisk (*) denotes that the assessing entity used terms other than “recommendation”, such as theme, conclusion, or consideration. Double asterisks (**) denote that the report did not result in any official recommendations; however, DSD Command asserted that conclusions provided from the 2011 Peak Performance report were used to inform management decisions.
Although the Executive Director of Safety stated that the Department of Safety and DSD have taken steps to address the recommendations reflected in Table 3, the policy decision was made to await the subject matter expertise, findings, and best practices provided at the completion of the study being conducted jointly by Hillard Heintze, an investigation and security risk management firm, and the OIR Group, which is a consortium of law enforcement oversight professionals and former corrections and police executives who provide independent reviews of sheriff departments and other law enforcement entities.37

Because the Department of Safety has deferred the more than 130 cumulative recommendations received from several entities until completion of the third-party assessment, the Mayor’s Office should ensure the Executive Director of Safety publicly releases a formal response to each recommendation provided in the final report provided by Hillard Heintze and the OIR Group within thirty-one calendar days of completion of the assessments. At minimum, the City’s official response should specify: agreement or disagreement with each recommendation promulgated by Hillard Heintze and the OIR Group and reasons for disagreement; plans for implementing solutions to recommendations identified; provide a timeframe for complete implementation of solutions identified; and designate a central person or entity tasked with ensuring solutions to recommendations are fully implemented.

The Denver Sheriff Department Has Used Poor Jail Management Practices

In assessing DSD’s ability to manage the City’s jails, we determined that several poor jail management practices have contributed to current negative conditions. First, we identified several negative trends that affect DSD personnel. Second, DSD Command has been using a flawed methodology to estimate staffing needs. As a result, DSD has not been able to accurately determine how many personnel are required to manage jail operations effectively. Third, DSD does not have a centralized data collection strategy, which negatively impacts DSD’s ability to manage jail operations and strategically plan for trends and changes in inmate demographics. Fourth, we found that the training provided to sheriff deputies is not specifically targeted to their working assignments and daily challenges.

Several Negative Trends Affect DSD Personnel

We identified several negative trends affecting the environment in which sheriff deputies must work, such as the City’s recent settlements; increased overtime, high FMLA use and rising attrition rates; an increase in employee claims; and supervisors are unable to dedicate the majority of their time to important supervisory duties due to staff shortages and unscheduled absences.

- Recent High-Profile, Costly Settlements—The City recently settled several high-profile cases brought against the City on behalf of inmates or detainees.

37 For the most up-to-date information on DSD’s Reform efforts, see: http://DenverGov.org/DSDReform.
Specifically, in 2008, the City paid $3 million in the case of Emily Rice. In 2014, the City settled two more cases, one for $3.25 million in the case of Jamal Hunter and $6 million in the case of Marvin Booker. These $12.25 million in settlements are highly damaging to the City’s reputation and result in a violation of the public trust.\textsuperscript{38} These settlements have resulted in some of the recent performance assessments of and policy reviews initiated at DSD, and it is highly likely that the impact of such public-facing issues negatively affects the morale and work environment of DSD personnel.

- **Overtime, Family and Medical Leave Act Usage, and Attrition Rates Have Increased**—Personnel at the DDC have been reporting increased overtime hours, much of which is mandatory if adequate staff coverage is unavailable. Since the DDC requires that deputies work twelve-hour shifts, working additional overtime can place a significant burden on deputies.\textsuperscript{39} A 2014 assessment conducted by the City’s Office of Human Resources (OHR) found that the average DSD employee worked approximately twenty-four hours of mandatory overtime each week. According to the OHR report, when deputy sheriffs are required to work overtime after completing a twelve-hour shift, the effects of individual stress and fatigue may lead to “inappropriate behavior, bad decisions, and wrong choices on and off the job, resulting in potential disciplinary problems.”

In some instances, overtime is necessary to ensure continuous staffing in a twenty-four-hour facility. However, Figure 6 shows that overtime trends have increased, and DSD has failed to accurately estimate overtime budget requests since at least 2010. From year to year, DSD did appear to increase the budget for anticipated overtime; however, DSD’s estimates were not sufficient in any of these years. This pattern is an indication that the Department was not accurately forecasting staff need. In total, payouts of approximately $10.4 million in excess of DSD’s original overtime budget occurred from 2010 through 2014.

\textsuperscript{38} The monies to pay these claims were paid from the City’s Liability Claims Fund. For more information on our findings specific to the City’s Liability Claims Fund, see: Denver Office of the Auditor, City Attorney’s Office: Litigation and Claims Management Performance Audit, June 2013, \url{http://www.denvergov.org/auditor}.

\textsuperscript{39} For more information on our findings specific to twelve-hour shifts in law enforcement, see: Denver Office of the Auditor, Police Response Time Performance Audit, June 2014, \url{http://www.denvergov.org/auditor}.
Figure 6: Denver Sheriff Department Overtime Budget versus Actual, January 2010 through November 2014

Source: City Fiscal Reports and DSD Overtime PeopleSoft Query provided for month end November 2014.

Compounding and potentially related to the overtime issue is the fact that Family and Medical Leave Act (FMLA) usage and attrition rates have also increased at DSD.40 Figure 7 shows a significant increase in FMLA use by DSD employees from 2004 through 2013.41

40 The United States Department of Labor states that the Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-projected leave for specific family and medical reasons with continuation of health insurance and coverage as if the employee had not taken leave. Accessed February 2015. Source: http://www.dol.gov/whd/fmla.

41 In February 2015, the Office of the Auditor commenced a Citywide performance audit of the City’s FMLA practices.
In addition to increases in FMLA, DSD’s attrition rate has more than doubled from 3.5 percent in 2009 to 8.7 percent in 2014. As FMLA use and attrition rates rise, there are fewer personnel available to staff DSD’s facilities. Without adequate staff coverage, DSD must continue to require mandatory overtime. Although difficult to correlate, increases in the specific areas of FMLA and attrition suggest that the current work environment and culture at DSD are negatively impacting staff in variables that are traditionally used to estimate employee morale and potential length-of-service with an agency.

- A Majority of Employee Claims Involve Physical Confrontations with Inmates—The process for employee claims at the DDC and County Jail can assert that either an inmate or an employee was responsible. Claims can be made for a wide range of incidents, from minor things like tripping or falling to major issues such as physical altercations. However, the majority of claims filed by employees are the result of incidents involving inmates.

An internal assessment conducted by DSD in 2014 asserted that the majority of employee claims originated from inmate actions against DSD personnel, frequently citing physical strikes inflicted by inmates on employees. As shown in Figure 8, employee claims might lead to significant increases from year to year, such as from 2012 to 2013. These kinds of spikes occur due to a large number of claims or few incidents involving high-dollar claims. In total, employee claims at DDC and the County Jail amounted to approximately $2.3 million from 2009.
through 2014. This total does not include additional costs incurred by DSD while employees recovering from serious claims are unable to work.

Figure 8: Denver Sheriff Department Employee Claims at the Downtown Detention Center and the County Jail, January 2009 through December 2014

Although employee claims—especially those resulting from inmate actions—are an inherent aspect of running a correctional facility, understaffing likely exacerbates their prevalence. Additionally, employee claims could represent another indicator of the difficult environment in which sheriff deputies operate on a daily basis.

- **Sergeants Spend the Majority of Their Shifts Trying to Find Adequate Staff Coverage for Unscheduled Absences**—In several assessments, Sergeants (deputies’ supervisors) have indicated that they dedicate approximately 80 to 90 percent of each shift to finding coverage for unscheduled absences. This issue is more pronounced at DDC where there are more Posts to fill (150) than the County Jail (112).42 Spending the majority of their time on scheduling prevents supervisors from conducting other important supervisorial functions, such as

---

42 The term Post refers to an assigned area that requires a staffed position. Multiple personnel may be assigned to a Post, which may operate on an eight-, ten-, twelve-, or twenty-four-hour schedule. The number of personnel assigned to each Post and hours of operation are determined by DSD.
maintaining oversight of employees and conducting walkthroughs of assigned units.

**The Denver Sheriff Department's Staffing Methodology Is Flawed, Resulting in Consistent Understaffing**

DSD uses a tool referred to as the Budget Post Matrix to estimate the Department’s staff need. The Budget Post Matrix uses three key variables to determine the number of full time equivalent (FTE) employees DSD requires: 1) Annual Hours; 2) Estimated Staff Availability; and 3) Relief Factor.

DSD has relied on this tool for several Sheriff administrations but the Department could not provide auditors with the original creation date. In reviewing this tool, we identified at least two inaccuracies within the Budget Post Matrix—estimated Annual Hours and estimated Relief Factor—that caused DSD to underestimate its staff budget by up to $8 million or more annually.

- **DSD Inaccurately Estimates Annual Hours**—Annual Hours is the number of hours in one year required to run a twenty-four-hour facility and is a key variable used in the Budget Post Matrix to determine staff need. We found that DSD was calculating Annual Hours based on the number of weeks in a year rather than the number of days in a year. Using the former instead of the latter results in a lower number of hours. Specifically, DSD calculated Annual Hours to be 8,736 while using the latter calculation would have resulted in 8,760 hours, which means 24 hours were unaccounted for by DSD each year. Although this discrepancy was recognized as early as 2011 in an assessment performed by the Mayor’s Peak Performance initiative (Peak Performance)—and noted again in their 2014 report—DSD failed to update the Annual Hours formula reflected in the Budget Post Matrix. Appendix A shows these calculations and noted discrepancies in greater detail.

- **DSD Inaccurately Estimates Relief Factor**—According to the National Institute of Corrections (NIC), an accurate Relief Factor calculation subtracts the basic categories of vacation, holidays, military, funeral, training, and sick days when determining staff’s actual work availability. However, the specific variables used to calculate Estimated Staff Availability and Relief Factor are determined at DSD’s discretion. In 2014, DSD estimated that deputies assigned to inmate supervision were available to work approximately 1,629 hours. As shown in the formula below, Available Hours is a critical variable for accurately calculating Relief Factor.

\[
\frac{8,736 \text{ Annual Hours}}{1,629 \text{ Hours Staff Availability}} = 5.36 \text{ FTE Relief Factor}
\]

---

DSD used the Relief Factor to determine the number of FTEs needed to fill each twenty-four-hour Post. However, accounting for another twenty-four-hour period would have raised DSD’s Relief Factor. In the formula below, auditors have estimated the potential increase in Relief Factor had DSD correctly calculated Annual Hours.

\[
\frac{8,760 \text{ Annual Hours}}{1,629 \text{ Hours Staff Availability}} = 5.38 \text{ FTE Relief Factor}
\]

DSD Command could not provide auditors with the original implementation date of the current Relief Factor but recognized that the variables used had not been updated in several administrations, potentially in more than a decade. This is despite the fact that several procedural and policy changes have taken place during this time frame and, in 2014, the Department specifically experienced high FMLA use and attrition rates. For these reasons, we believe the Relief Factor of 5.36 FTE used by DSD is wrong and most likely underestimates actual staff need. Although the difference between 5.36 and 5.38 appears minor, a 5.36 versus 5.38 Relief Factor would mean DSD underestimated approximately $1,630 for each Post requiring a deputy sheriff. For 2014, there were a total of 262 Posts between DDC and the County Jail, but not all Posts were staffed by a deputy, with some positions being relatively higher or lower in pay.

The following statement by the NIC reiterates the importance of accurately calculating staff availability within correctional facilities:

Many staffing issues and problems jails face—such as high overtime costs, the inability to cover needed posts, or the inability to free staff from their posts for training—can be attributed to inaccurate calculation of the actual number of hours staff are available to work in the jail.

Both Annual Hours and Relief Factor are critical components of the Budget Post Matrix, and without correction, DSD will continue to under staff the DDC and County Jail. Therefore, we recommend the Department of Safety should instruct DSD to update the Budget Post Matrix to account for a 24-hour, 365-day year. The updated Budget Post Matrix should be based on either a (365 days) x (24 hours) or (7 days) x (24 hours) x (52.14 weeks) methodology to reflect the most accurate accounting of staff need for a 24-hour secure facility. Once the Budget Post Matrix is updated, the Department of Safety should ensure that DSD reconciles actual staff need with the Department’s approved budget. Based on this information, DSD should consult with the Department of Safety and the Budget and Management Office to determine whether an official supplemental budgetary request is required to address the new estimated staff need.

---

44 In 2014, for budgetary purposes, an average Deputy Sheriff’s annual salary plus benefits equaled approximately $80,979. ($80,979 x 5.38 = $435,667) minus ($80,979 x 5.36 = $434,037) equals $1,630. While this audit focused on the specific requirements of personnel classified as Deputy Sheriffs, the methodology and budgetary implications noted in this report may also apply to other DSD personnel classifications, such as Deputy Sheriff Captains, Deputy Sheriff Sergeants, among others.

Improper Staff Estimates Have Significant Budgetary Implications

Although inaccuracies noted within the Budget Post Matrix have department-wide implications, our audit focused on the impact on DDC and County Jail. We believe DSD has consistently underestimated the Department’s actual staff needed at the DDC and County Jail. In 2014, as shown in Table 4, the difference in staffing methodologies used by Peak Performance and DSD themselves represented a gap of 111.47 FTE.

Table 4: Denver Sheriff Department
Estimated Full Time Equivalent Employees Required, 2014

<table>
<thead>
<tr>
<th></th>
<th>Downtown Detention Center</th>
<th>County Jail</th>
<th>Total Full Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peak Performance</td>
<td>485.85</td>
<td>276.49</td>
<td>762.34</td>
</tr>
<tr>
<td>Denver Sheriff Department</td>
<td>389.30</td>
<td>261.57</td>
<td>650.87</td>
</tr>
<tr>
<td><strong>Total Full Time Equivalent Gap</strong></td>
<td><strong>96.55</strong></td>
<td><strong>14.92</strong></td>
<td><strong>111.47</strong></td>
</tr>
</tbody>
</table>


Being understaffed by more than 100 personnel is significant, and, if rectified, would have significant budget implications for DSD. For instance, in 2014, Peak Performance estimated that a deputy’s annual salary plus benefits equaled $80,979. Based on Peak Performance’s estimate, DSD’s budget may have underestimated personnel costs by $8 million or more each year.

In planning for 2015, DSD recognized the need to overcome staff shortages. Specifically, DSD was approved for a budgetary expansion of $3.5 million covering 49.23 FTE—27.59 deputy sheriffs; 6.64 civilian security specialists; and an increase in personnel services of 15 positions to provide backfill coverage while deputies are in training. The Department’s overtime budget was reduced from $5.1 to $2.4 million. This indicates that DSD Command believes they have better estimated staff need for the upcoming year, which will necessitate less overtime.

Personnel costs may have been underestimated by $8 million or more annually.

---

46 “Denver Sheriff Department Organizational Assessment Baseline Report,” pg. 21, Peak Performance, October 31, 2014.
47 Backfill is defined as a shift or partial shift that DSD must fill. Backfill has been used to fill shifts to ensure minimum staffing goals are reached during shortfalls.
The 111.47 FTE gap noted in Table 4 will not be closed by these expansions, since it was informed, at least in part, by the outdated formulas reflected in the Budget Post Matrix.\(^{48}\) Specific to new hires, DSD will need to account for the seventeen weeks needed to complete the Training Academy. Furthermore, based on historic averages, attrition rates of approximately four FTE per month, or forty-eight per year, will need to be accounted for as well. For this reason, our analysis indicates that the trends in overtime, attrition, and FMLA will likely continue through 2015, or for several years, until DSD is able to overcome years of incorrect staffing forecasts.

DSD Command Relies on Poor and Incomplete Data To Inform Management and Strategic Decisions

Various operational assessments have noted poor or unreliable data is maintained by DSD. These assessments have included work performed by the City’s Budget and Management Office (BMO), Peak Performance, and OIM. During this audit, we identified similar issues with the quality and consistency of data, some of which may have resulted in limited or underreported information being released to the public.

- **Limited Analysis Performed on the Jail Population**—DSD does not always validate the accuracy of data used, which is especially important when certain policy decisions are made throughout the City that might impact the Department’s ability to manage jail operations. For example, an expansion of the number of Denver Police Department (DPD) patrol officers would likely increase arrests, which in turn might affect DSD’s ability to address intake and housing at DDC.\(^ {49}\)

The limited analysis that has been performed on the implications of City policy decisions has generally been initiated by agencies outside of DSD, such as the Crime Prevention and Control Commission (CPCC).\(^ {50}\) Below, we have highlighted two examples where improved analysis of the jail population and operations may have assisted DSD in managing its facilities, addressing issues noted within this report and others, and could have provided the Department with evidence-

---

\(^{48}\) The Denver Sheriff Department has been allowed to use discretion to determine positions DSD Command believed were necessary to ensure the security of the facility but which were not accounted for or approved in the Department’s personnel budget, sometimes referred to by DSD Command as ‘unfunded mandates.’ In 2014, Peak Performance estimated DSD created additional workload or assignments totaling approximately 94.26 FTE without adding corresponding personnel. As a result, current staff was required to absorb or in some instances, was insufficient to address the new workload. Source: “Denver Sheriff Department Organizational Assessment Baseline Report,” Peak Performance, October 31, 2014.


\(^{50}\) The Crime Prevention and Control Commission is housed within the Executive Director of Safety’s office and uses data and measurement tools to analyze and assess the Department of Safety’s programs, determine the return on investment, and identify opportunities for improvement. Established by City Ordinance in April 2005, the thirty-two-member Commission brings together a broad-based membership representing juvenile and adult criminal justice system leaders, City representatives, community stakeholders and advocates. Source: [https://www.denvergov.org/safety/DepartmentofSafety/Policy/ResearchDevelopment/tabid/443739/Default.aspx](https://www.denvergov.org/safety/DepartmentofSafety/Policy/ResearchDevelopment/tabid/443739/Default.aspx)
based information to better influence and inform policy decisions and jail management activities.

- First, we found that information such as age, race, gender, and mental health status are relevant variables of a correctional facility’s population and should inform how such a facility is managed. An external agency, the CPCC, recognized the need to assess such information, which is maintained by DSD. In January 2014, DSD partnered with the CPCC, of which the Sheriff is a member, to provide monthly intake data for analysis. Prior to 2014, DSD appears to have conducted limited internal analysis on available intake or release data to better inform strategy and management decisions.

For example, JMS, DSD’s enterprise jail management system, includes a TAG Alert module that allows personnel to code detainees and inmates for mental health status, drug/alcohol dependency, sexual orientation, gang involvement, as well as other administrative TAG Alerts such as age, suicidal tendencies, and whether a detainee or inmate poses or could be the target of a security threat. However, when requested, DSD was unable to provide auditors with raw TAG Alert data captured in JMS. DSD personnel attribute this issue to the fact that the Department is limited in the number and type of queries JMS can generate. Additionally, DSD stated that inmate demographic data is tracked across several unrelated systems, the majority of which do not communicate.

- Second, DSD has conducted limited analysis on inmates after release. To learn how inmates felt about their treatment by DSD personnel while in custody and assess their knowledge of important jail operations that might have impacted their stay, the Auditor’s Office utilized RBI Strategies & Research—a consulting firm specializing in strategic consulting, management, and survey research—to survey individuals who have previously been in DSD custody.

RBI was able to contact and survey 254 individuals who were held by DSD from 2008 through 2014. This sample reflected the demographic make-up of the City but was not statistically significant. Based on the survey results, the following information was revealed:

- The majority of respondents noted that they were treated respectfully by deputies while in custody. Fifty-eight percent of individuals noted that they either agreed or strongly agreed that deputies treated them respectfully.

Based on survey results, there were no statistically significant differences between whites and minorities in their response to how well they were treated or whether they felt safe from abusive inmates. A majority of both whites and minorities reported that they were treated well by deputies and that they were kept safe from abusive inmates. Specifically, 50

---

51 A complete description of the survey methodology deployed is located within the Methodology section of this report. However, given the inability to contact large numbers of former detainees, we consider these results and the data to be a cursory examination of general attitudes rather than a scientific survey, and thus we associate no margin of error.
percent of white respondents said they were treated well by deputies while 55 percent of minorities said they were treated well by deputies.

- The vast majority of respondents noted that they did not know about various reporting methods available to them to inform DSD Command about problems or mistreatment. While the Inmate Handbook contains this information, only 31 percent of inmates surveyed recalled receiving the handbook, and 65 percent of respondents did not know they could file a grievance or formal complaint if they felt they were mistreated. If DSD Command knew that so many individuals in their custody did not know about the opportunity to notify them about mistreatment, DSD could take steps to better inform individuals in custody, which could potentially reduce cases of abuse or notify management of recurring issues in a timely manner before they escalate.

- The vast majority of respondents noted that they did not know about rehabilitation opportunities or re-entry services, such as GED and Life Skills courses. Specifically, only 22 percent of individuals knew about rehabilitation opportunities while only 17 percent knew about GED and Life Skills courses. If DSD Command knew that so few inmates had knowledge of opportunities available to them to improve their lives, DSD could take measures to enroll more individuals in rehabilitation services and begin assessing how this impacts or reduces recidivism rates, which ties to the Department’s Strategic Plan goals.

Overall, we were unable to determine whether the varied data collection process is the root cause for a lack of analysis or whether data is collected but the reporting capabilities of JMS are too limited to provide useful management and strategic reports as asserted by DSD personnel. However, we believe a strategic analysis of information obtained during intake, and through other avenues at DSD, would better inform management of key trends and provide DSD with information for proactive response and assessment of changes in the City that directly impact jail operations.

The Department of Safety should instruct DSD to expand its assessments to begin conducting data analysis on intake variables to determine the impact that other practices in the City, such as the expansion of DPD’s authorized strength and DPD’s arresting practices, might have on DSD jail operations, with a focus on more immediate impacts at the Downtown Detention Center.

- **Data Analytics Division and Research and Development Unit Have Limited Resources**—DSD created the Data Analytics Division in early 2014. This Division was staffed by one Division Chief. In addition to the Data Analytics Division, the Research and Development Unit, which assists and reports to the Data Analytics Division Chief, also consists of one civilian FTE. Based on DSD’s 2015 budget, neither the Data Analytics Division nor the Research and Development Unit will be
expanded. Specific to the Data Analytics Division, a 2015 Goals and Objectives—
developed in December 2014—was provided to auditors outlining the following goals:

- Build a sustainable and reliable data infrastructure
- Provide monthly data reports regarding use of force by division, grievance
trends, staffing, inmate population, commendation and awards, and IAB
caseloads to include intake and completion
- Implement the Employee Progression and Recognition Tracking System
(EPARTS) Program, if recommended
- Utilize the Research and Development Unit to provide vital, timely, and
relevant information that supports the Division vision and mission
- Create and Implement Phase II of the DSD dashboard program to measure
performance outcomes

Given the numerous issues covered within this report and by several other
agencies regarding data availability, quality, accuracy, and integrity, DSD may
require additional staff and technological resources to achieve the goals
described above. Below, we outline specific issues found during the audit with
data quality and accuracy that the Data Analytics Division and Research and
Development Unit will need to overcome. However, we recommend that, with
support from the Department of Safety, the Data Analytics Division, and the
Research and Development Unit, DSD’s data analysis framework should include
an update to Department Orders and processes for data collection and use. This
process should facilitate department-wide coordination and cooperation, assign
clear responsibilities for various aspects of data management, and adopt
mechanisms that encourage objectivity and independence in data collection
and data management processes.

- **Performance Statistics Reflected in DSD’s Section of the Mayor’s Budget Book
Are Underreported**—The Mayor’s annual Budget Book provides detailed
information about the City’s estimated revenues and expenditures for the
ensuing fiscal year to citizens and other interested parties. It also serves as a
work plan for the City and its departments, including a framework for setting
priorities, strategic initiatives, and performance measures. DSD’s section of the
Budget Book includes multiple performance measures, some of which relate
to the care and custody of inmates, such as the tracking of the number of
inmate-to-inmate assaults.

For American Correctional Association (ACA) accreditation, DSD developed
manual Microsoft Excel spreadsheets to record fights, assaults, uses of force,
suicide attempts, sexual assaults, and other items. However, these

---

52 Phase II refers to the implementation of Oracle’s Business Intelligence (BI), a data storehouse to provide a reporting
dashboard to organize data into logical data groups on the SFTY domain. Phase I of the BI project was for an instance of BI
dashboard to be created on the City’s GOV domain and to transport Criminal Justice Information Services (CJIS) filtered data to
external agencies.
spreadsheets were not standardized between DDC and the County Jail. DSD asserted that these manually intensive and inefficient mechanisms were created because JMS provided insufficient management reports.

In comparing the Excel data we received from DSD with performance standards shown in the 2015 Budget Book, we found multiple discrepancies. Specifically, it appears that inmate fights, inmate assaults, and staff assaults were underreported. Table 5 provides a breakdown of auditors’ counts compared to those reflected in the Budget Book.

**Table 5: Analysis of the 2015 Mayor’s Budget Book, Denver Sheriff Department**

<table>
<thead>
<tr>
<th>Source</th>
<th>Inmate Fights</th>
<th>Inmate Assaults</th>
<th>Staff Assaults</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 Mayor’s Budget Book Count</td>
<td>222</td>
<td>61</td>
<td>33</td>
</tr>
<tr>
<td>Actual Total Count</td>
<td>324</td>
<td>86</td>
<td>39</td>
</tr>
<tr>
<td>Actual County Jail</td>
<td>118</td>
<td>28</td>
<td>6</td>
</tr>
<tr>
<td>Actual Downtown Detention Center</td>
<td>206</td>
<td>58</td>
<td>33</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-102</td>
<td>-25</td>
<td>-6</td>
</tr>
<tr>
<td><strong>Percentage Underreported</strong></td>
<td>-46%</td>
<td>-41%</td>
<td>-18%</td>
</tr>
</tbody>
</table>

**Source:** Auditor analysis of the City and County of Denver Mayor’s 2015 Budget Book.

**Note:** Auditors used 2013 Actuals reflected in the 2015 Budget Book (the most recent finalized data available).

As shown in Table 5, it appears that the Budget Book does not differentiate between fights and assaults that occur at DDC or the County Jail, and DSD either did not report or underreported assaults and fights for one or both facilities. Overall, we found:

- Inmate-to-inmate fights were under-reported by 46 percent
- Inmate-to-inmate assaults were under-reported by 41 percent
- Inmate-to-deputy assaults were under-reported by 18 percent

DSD should develop a coordinated and standardized approach for collecting and documenting operating performance statistics that will be included in the Mayor’s Budget Book, which includes a quality control process to ensure completeness and accuracy of the data. Once such processes are established, DSD should be the entity responsible for maintaining this
information in accordance with the City’s official General Records Retention Schedule.\textsuperscript{53}

- **Use of Force Data Is Inconsistently Tracked and Not Publicly Reported**—In accordance with Department Order, any incident involving a use of force must be recorded in JMS by the end of the shift worked by all participants and witnesses of an event.\textsuperscript{54, 55} In JMS, a use of force drop-down menu allows entrants to specify the type or types of force used, including command presence, verbal, non-lethal, and lethal uses of force.\textsuperscript{56} Generally accepted correctional practices recommend an appropriate use of force should include a continuum of interventions, and that the amount of force used should not be disproportionate to the threat posed by an inmate. Absent more demanding circumstances, lesser modes of intervention, such as the issuance of infractions or escorts, should be used or considered before more serious and forceful interventions.\textsuperscript{57} This is why it is important that use of force is tracked to ensure DSD is consistently using and applying standardized practices in its facilities.

However, the Department has not performed trend or root-cause analysis related to use of force incidents. DSD Command acknowledged that data integrity issues exist with use of force data within JMS. Specifically, DSD Command stated that use of force information is housed in various data silos within JMS and incidents may be characterized in different ways. As a result, DSD Command maintains that staff personnel cannot generate reliable use of force reports from JMS.

Additionally, instances of use of force are not reported publicly by DSD. At minimum, DSD should conduct annual use of force analysis to inform management decisions and provide sufficient staff oversight. Once reliable use of force data can be generated, DSD should consider sharing such information with the public to foster increased transparency and better inform citizens by sharing statistics on the types of force used, such as lethal force, non-lethal force, command presence, and verbal commands. In conjunction with such information, use of force against inmates can be included to juxtapose against violence directed at sheriff deputies to better provide context for the public.

- **Inmate Grievances Were Not Consistently Collected between the Jail Facilities**—Although the County Jail and DDC have relatively consistent processes for grievance routing and data collection, DSD personnel acknowledged that some variations in data validation, analysis, and

\textsuperscript{53} City and County of Denver, *General Records Retention Schedule of the City and County of Denver*, July 2012.

\textsuperscript{54} Department Orders 1115 (Reporting System); and 5011.1M (Use of Force).

\textsuperscript{55} A Department Order is a specific order or guidance that the entire Denver Sheriff Department must follow.

\textsuperscript{56} Command presence is defined as presenting oneself as someone in authority, trusted and respected, including wearing an official deputy uniform. Use of force reporting requires this presence to be reported as a use of force, as well as verbal instructions.

\textsuperscript{57} U.S. Department of Justice, *CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island*, August 4, 2014.
reporting between the facilities exist. For example, to identify and troubleshoot internal areas of concern, DSD personnel at the County Jail and DDC compile monthly reports. County Jail personnel stated that they rely on a review process to ensure the accuracy of the data contained in these reports. In contrast, DDC personnel acknowledged that they do not regularly assess the validity of the data contained in the DDC’s monthly reports, but occasionally review samples of grievances and resolve errors when identified. For 2014, DSD Command stated that they have only recently begun to standardize data analysis and reporting across the facilities. For instance, to address the differences in data validation, analysis, and reporting, DSD Command asserts that a working group was formed to examine the grievance process.

While data integrity issues exist with the inmate grievance process, it is still important to note that DSD reports that it received a combined total of over 4,000 inmate grievances at the County Jail and DDC in 2014. This represents about a 66-percent increase over the approximately 2,600 grievances that DSD reports were filed in 2013, and is the highest volume of grievances received at both facilities since 2011. Appendix B shows grievances filed at the County Jail and DDC by type for 2014. In addition to recording and routing grievances for resolution, DSD’s monthly reports also contain trend analysis of the types of grievances filed. According to the reports, most of the grievances filed in 2014 spanned a broad array of issues, including matters related to mailroom, accounting, classification, and chaplain services. These grievances accounted for an estimated 30 and 41 percent of grievances filed at the County Jail and DDC respectively. Grievances related to healthcare and improper staff conduct accounted for the second- and third-highest volume of grievances filed. Healthcare related grievances represented about 28 percent of grievances filed at the County Jail, and 24 percent at DDC. Grievances alleging improper staff conduct at the County Jail and DDC represented an estimated 21 percent and 18 percent, respectively.

While initiating this type of trend analysis is laudable, DSD needs to improve the quality of data in its monthly reports to ensure that resulting conclusions and decisions are based on accurate information. Specifically, DSD should take steps to ensure that the processes for data validation, analysis, and reporting are consistent at the County Jail and DDC.

**Limited Crisis Intervention Training Has Been Provided to Sheriff Deputies**

Standard training is provided to all newly hired sheriff deputies, which includes seventeen weeks of academy training and four weeks of on-the-job training provided by a Field Training Officer following graduation from the Academy. DSD provides a wide variety of training during pre-service and in-service, which includes use of force, use of
lethal and less than lethal weapons, and specialized training. As such, deputies are
required to complete forty hours of in-service training annually.58

The Department asserts that specialized training was not provided to all deputies in prior
years due to a lack of available training funds. One notable exception is for deputies ins
the Emergency Response Unit (ERU), who receive specialized training that relates directly
to the responsibilities of the ERU. According to DSD Command, ERU deputies are
required to have at least one year of experience as a correctional officer and will
receive a minimum of forty hours of specialized training prior to active participation in the
ERU.

Mental health is one area where DSD has begun seeking more specialized training. For
instance, Crisis Intervention Training (CIT) was consistently referenced by DSD and
external entities as a best practice for preparing deputies to work with individuals with
mental illness. CIT is especially critical for deputies who may be assigned to special
management units—units with a population that is primarily composed of inmates
diagnosed with mental illness or other special management needs. For December 2014,
Denver Health estimated that nearly 30 percent of the inmate population was prescribed
anxiety/depression medications and approximately 12 percent were prescribed anti-
psychotic medications. Below, we provide more information on the specific outcomes
prescribed to CIT and how it might better prepare deputies for success in their
assignments.

- **Crisis Intervention Training Might Help Deputies Better Perform and Prepare for
Difficult Assignments**—CIT is designed to give staff the necessary skills to identify
and de-escalate situations where verbal de-escalation is a better alternative to
physical force. Participants are placed in realistic, high-stress role play scenarios
where they are required to recognize the subject’s crisis and act appropriately in
order to de-escalate the situation. The course is forty hours in duration and
includes a review of the following areas:
  - Psychopharmacology
  - Communication and de-escalation skills
  - Mental health and inmates
  - Suicide and suicide assessment
  - High-risk children and adolescents
  - Drugs and alcohol

As jail populations change, many correctional facilities have begun to recognize the
importance of training their correctional officers in working with individuals who may
have a mental health or other special management need. Specialized training can
equip staff with the knowledge and communication tools necessary to safely and
effectively manage this population.

---

58 Pre-service training is the initial training and orientation provided to new deputies. In-service training is intended to review
the basics covered during pre-service training with the intent to sharpen skills and keep deputies informed of changes in the
law, department policy and procedures, and any other changes.
For example, in Oklahoma there is collaboration between the Oklahoma Department of Corrections (DOC), Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), Oklahoma City Police Department, Midwest City Police Department, NAMI-Oklahoma, consumers and their families, and community mental health providers. The Correctional Crisis Resolution Training program, which is similar to DSD’s CIT program, was developed and designed to improve the outcomes of correctional officer and probation and parole officer interactions with people in crisis who also have a mental illness. It is the goal of the ODMHSAS and the Oklahoma DOC to employ evidence-based crisis intervention training tailored to the needs of institutional and community-based staff. It is anticipated that implementation of this model will increase the safety of staff and offenders who have a mental illness by decreasing the occurrence of misconduct, serious incidents, assaults, and parole revocations.  

Additional benefits attributed to CIT include an increased level of confidence in recognizing and responding to people diagnosed with a mental illness and the ability to safely and compassionately respond to people in crisis, which may de-escalate a potential use of force or other physical engagement. As of March 2014, approximately 300 DSD employees (40 percent) had completed CIT. Currently, CIT training is not required, but DSD Command stated that the Department plans to provide CIT training to the remaining 60 percent of DSD personnel within calendar year 2016. DSD should ensure that all officers take a CIT course. Because of the time commitment associated with CIT and the Department’s already limited staff, whenever possible, priority should be given to individuals whose primary function involves assignment in a special management unit.

The Internal Affairs Bureau Has Only Conducted Limited Data Analytics on Investigations to Determine Trends, Root Cause, and Risk Reduction Strategies

Starting in November of 2014, IAB provided memorandums documenting that the Bureau has begun developing processes to better triage and investigate open cases. However, prior to 2014, IAB had not collected data or analyzed case load trends to quantify the amount of time it takes for a case to be closed or the duration of time a case remained at a specific point in the disciplinary process. In accordance with DSD’s disciplinary process, IAB cases may be reviewed by a variety of agencies, including IAB, the Conduct Review Office (CRO), OIM, and the Department of Safety. However, case handling remains the responsibility of the assigned IAB investigator until officially closed. Without conducting data analysis, IAB has been unable to identify important trends within the discipline and internal investigation process that may have increased

---

59 “Corrections Crisis Response Team (CCRT),” Oklahoma Department of Mental Health and Substance Abuse Services, accessed on December 31, 2014, [http://www.ok.gov/odmhsas/Mental_Health_/Specialized_Programs_and_Services/Correctional_and_Criminal_Justice_Programs/Corrections_Crisis_Response_Team_(CCRT)/](http://www.ok.gov/odmhsas/Mental_Health_/Specialized_Programs_and_Services/Correctional_and_Criminal_Justice_Programs/Corrections_Crisis_Response_Team_(CCRT)/).

efficiency, improved operations, and proactively reduced risk by implementing corrective actions in a timely manner.61

Since IAB did not conduct data analysis to identify specific personnel issues and trends, we conducted our own analysis to demonstrate the type of analysis DSD could be conducting to inform management decisions. For our audit analysis, DSD provided two primary IAB data sets from IAPro, the IT system used to manage internal affairs information: 1) closed IAB cases covering January 1, 2008 through November 15, 2014; and 2) open cases as of December 22, 2014.62 Our analysis had notable limitations related to data quality and integrity; these limitations are outlined in detail in Appendix C. Despite these limitations, our assessment resulted in the following four qualified conclusions.

- **Conclusion 1: There Were 325 Complaints Related to Assault, Harassment, or Use of Force, of which More Than 34 Percent Were Confirmed by IAB**—Table 6 provides a breakdown of the various types of complaints brought against DSD personnel and the year that IAB closed the case. While frequently discussed in the public due to the sensitivity surrounding these specific issues, our analysis found that of the twelve general types of complaints brought against DSD personnel, those involving assault, harassment, or use of force were collectively the fifth-most-common complaint made over the course of five years.

---

61 Data analytics refers to the process of collecting, organizing, and analyzing large sets of data to discover patterns, trends, and other useful information. Data analysis can help identify data that is most important to an organization and assist with strategic decision-making.

62 The Denver Sheriff Department did not provide the case ‘open date’ field for both open and closed cases and any unique identifiers for all open cases. Therefore, the length of time cases were open could not be independently validated by auditors for either data set. Additionally, the number of complaints reported may differ from those reported by other entities in the City.
Table 6: Number of Complaints by Type Brought against Denver Sheriff Department Personnel by Year Closed, 2008 through 2014

<table>
<thead>
<tr>
<th>Allegation</th>
<th>2008/09</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>Missing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglecting Duties/Non Compliance with Policies</td>
<td>120</td>
<td>98</td>
<td>75</td>
<td>90</td>
<td>94</td>
<td>25</td>
<td>6</td>
<td>508</td>
</tr>
<tr>
<td>Missing Money/Property or Damaged Property</td>
<td>91</td>
<td>107</td>
<td>80</td>
<td>47</td>
<td>54</td>
<td>2</td>
<td>0</td>
<td>381</td>
</tr>
<tr>
<td>Sick or Unauthorized Leave Policy Violation</td>
<td>80</td>
<td>28</td>
<td>178</td>
<td>53</td>
<td>27</td>
<td>0</td>
<td>0</td>
<td>366</td>
</tr>
<tr>
<td>Missing or Other</td>
<td>17</td>
<td>21</td>
<td>22</td>
<td>16</td>
<td>63</td>
<td>176</td>
<td>20</td>
<td>335</td>
</tr>
<tr>
<td>Assault/Harassment/Use of Force</td>
<td>51</td>
<td>50</td>
<td>89</td>
<td>58</td>
<td>39</td>
<td>31</td>
<td>7</td>
<td>325</td>
</tr>
<tr>
<td>Open Case</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>195</td>
<td>195</td>
</tr>
<tr>
<td>Treatment of Person</td>
<td>35</td>
<td>25</td>
<td>28</td>
<td>26</td>
<td>36</td>
<td>0</td>
<td>0</td>
<td>150</td>
</tr>
<tr>
<td>Weapons Related</td>
<td>34</td>
<td>39</td>
<td>27</td>
<td>8</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>126</td>
</tr>
<tr>
<td>Rudeness</td>
<td>18</td>
<td>28</td>
<td>31</td>
<td>25</td>
<td>12</td>
<td>5</td>
<td>0</td>
<td>119</td>
</tr>
<tr>
<td>Medical Related/Death*</td>
<td>22</td>
<td>11</td>
<td>19</td>
<td>12</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>73</td>
</tr>
<tr>
<td>Illegal Act</td>
<td>9</td>
<td>14</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td>477</td>
<td>421</td>
<td>559</td>
<td>339</td>
<td>359</td>
<td>246</td>
<td>228</td>
<td>2,629</td>
</tr>
</tbody>
</table>

Source: Denver Sheriff Department Internal Affairs Bureau Complaint Data (IAPro).

Note: The allegation categories developed are based on coding developed by the Office of the Auditor. The complaint data received did not include the date that a complaint was opened by the Internal Affairs Bureau. As such the number reported may not match those in other reports produced by the City. Percentages may not equal 100 due to rounding. Asterisk (*) denotes Medical Related/Death allegations indicate a complaint was brought against a DSD employee that was related to a medical incident or a death.

As shown in Table 6:

- The most common complaints brought against DSD personnel were related to neglecting duties, missing money or property, damaged property, sick or unauthorized leave policy violations, and other policy violations. Combined, these complaint types represent nearly 48 percent of all complaints closed.
- Complaints involving assault, use of force, and harassment, weapons related, medical related/death, and illegal acts collectively represent nearly 22 percent of all complaints closed.
- Missing, other, and open cases represent approximately 20 percent of all complaints closed.
- Complaints regarding DSD personnel’s treatment of person and rudeness represent approximately 10 percent of all complaints closed.
Overall, of the more than 2,600 complaints reflected in IAPro, an action was indicated in 48 percent of complaints; 43 percent reflected no final action; and approximately 9 percent were labeled as “open” or were missing a final conclusion.\textsuperscript{63}

Table 7 provides a breakdown of the various types of complaints brought from 2008 through 2014 and what percentage of cases IAB confirmed the allegation or did not confirm the allegation.

\textbf{Table 7:} Number of Complaints by Type Brought against Denver Sheriff Department Personnel and Percentage Confirmed and Not Confirmed by the Internal Affairs Bureau, 2008 through 2014

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Confirmed</th>
<th></th>
<th>Not Confirmed</th>
<th></th>
<th>Missing/Open</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>%</td>
<td>Count</td>
<td>%</td>
<td>Count</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Neglecting Duties/Non Compliance with Policies</td>
<td>371</td>
<td>73%</td>
<td>132</td>
<td>26%</td>
<td>5</td>
<td>508</td>
</tr>
<tr>
<td>Missing Money/Property or Damaged Property</td>
<td>133</td>
<td>35%</td>
<td>248</td>
<td>65%</td>
<td>0</td>
<td>381</td>
</tr>
<tr>
<td>Sick or Unauthorized Leave Policy Violation</td>
<td>289</td>
<td>79%</td>
<td>77</td>
<td>21%</td>
<td>0</td>
<td>366</td>
</tr>
<tr>
<td>Missing Allegation/Other Allegation</td>
<td>110</td>
<td>33%</td>
<td>206</td>
<td>61%</td>
<td>19</td>
<td>335</td>
</tr>
<tr>
<td>Assault/ Harassment/Use of Force</td>
<td>111</td>
<td>34%</td>
<td>207</td>
<td>64%</td>
<td>7</td>
<td>325</td>
</tr>
<tr>
<td>Open Case</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
<td>195</td>
<td>100%</td>
</tr>
<tr>
<td>Treatment of Person</td>
<td>66</td>
<td>44%</td>
<td>84</td>
<td>56%</td>
<td>0</td>
<td>150</td>
</tr>
<tr>
<td>Weapon Related</td>
<td>112</td>
<td>89%</td>
<td>13</td>
<td>10%</td>
<td>1</td>
<td>126</td>
</tr>
<tr>
<td>Rudeness</td>
<td>29</td>
<td>24%</td>
<td>89</td>
<td>75%</td>
<td>1</td>
<td>119</td>
</tr>
<tr>
<td>Medical Related/Death*</td>
<td>16</td>
<td>22%</td>
<td>57</td>
<td>78%</td>
<td>0</td>
<td>73</td>
</tr>
<tr>
<td>Illegal Act</td>
<td>33</td>
<td>65%</td>
<td>18</td>
<td>35%</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td>1,270</td>
<td>-</td>
<td>1,131</td>
<td>-</td>
<td>228</td>
<td>2,629</td>
</tr>
</tbody>
</table>

\textbf{Source:} Denver Sheriff Department Internal Affairs Bureau Complaint Data (IAPro).

\textbf{Note:} The allegation categories developed are based on coding developed by the Office of the Auditor. The complaint data received did not include the date that a complaint was opened by the Internal Affairs Bureau. As such the number reported may not match those in other reports produced by the City. Confirmed reflects that IAPro indicates the case was sustained or that informal action was taken. Not Confirmed reflects that IAPro indicates the case was not sustained, the individual was exonerated, or the Department declined to take the case because the accusation was unfounded. Percentages may not equal 100 due to rounding.

\textsuperscript{63} \textit{Confirmed} reflects that IAPro indicates the case was sustained or that informal action was taken. \textit{Not Confirmed} reflects that IAPro indicates the case was not sustained, the individual was exonerated, or the Department declined to take the case because the accusation was unfounded.
Asterisk (*) denotes Medical Related/Death allegations indicate a complaint was brought against a DSD employee that was related to a medical incident or a death.

As shown in Table 7:

- The complaint type with the highest confirmation rate was weapons related (89 percent). This was followed by sick or unauthorized leave complaints, neglecting duties or non-compliance with policies, illegal acts, and medical related/death. All of these complaint types had a confirmation rate greater than 50 percent. All other types of complaints had a confirmation rate lower than 50 percent.

- Of complaints regarding assault or harassment, some of which include those sexual in nature, and use of force, 34 percent were confirmed by IAB.

If IAB conducted similar analysis of complaint data, the Bureau would be able to inform DSD Command about various personnel issues and trends that could inform management decisions around training, policies and procedures, and areas related to personnel that would improve jail operations and how deputies perform their duties so that complaints are minimized.

**Conclusion 2: More Than 300 Deputies Had Two or More Complaints Brought against Them over the Five-Year Period, and One in Four Deputies Had Three or More Complaints Brought against Them**—In addition to calculating the number of complaints by year and type, we attempted to calculate the number of deputies who had one or more complaints brought against them. As shown in Figure 9, between 2008 and 2014, a total of 612 deputies had a least one complaint brought against them. Of these 612 deputies, 265 (43 percent) had only one complaint brought against them, while 81 (13 percent) had five or more.

**Figure 9**: Deputies With Complaints Brought against Them, 2008 through 2014

---

64 Auditors noted that a complete analysis of deputies with one or more complaints was not completely possible with the data provided by DSD, as approximately 40 percent of the cases (1,039 of 2,629 cases) did not have an identifiable badge ID associated with the complaint.
Note: Deputy totals (724) based on PeopleSoft query accessed January 15, 2015. Of the 612 deputies that had a complaint brought against them, 43 percent had one complaint in the six year span from 2009 through 2014. 23 percent had two complaints, 12 percent had three complaints, 9 percent had four complaints, and 14 percent had five or more complaints.

While 612 deputies have had a least one complaint brought against them, this does not necessarily tell us the prevalence of complaints by year. To accomplish this, we broke down the number of complaints by year in Figure 10.

**Figure 10:** Deputies With Complaints Brought against Them by Year, 2009 through 2014

![Bar chart showing deputies with complaints by year](chart.png)

Source: Denver Sheriff Department Internal Affairs Bureau Complaint Data (IAPro).

Note: For 2008, a significant amount of complaints was not found in the data and therefore, is not reflected in the Table.

As shown in Figure 10:

- The vast majority of deputies have only had one complaint brought against them in any given year.
- From 2009 through 2014, on average, seventy-one deputies have had one complaint brought against them while thirty deputies have had two or more complaints brought against them.

If IAB conducted analysis around the number of complaints brought against deputies, they could inform DSD Command about specific individuals who may need additional training or assistance performing their duties.

- **Conclusion 3:** It Does Not Appear that the Size of the Jail Population Influences the Number of Complaints Brought Against Deputies—The data we were provided by
DSD indicates that the issues in the City’s jails are not driven by fluctuations in the jail population, as our analysis found no significant correlation between the number of closed complaint cases and inmates released existed. Therefore, these issues are likely driven by understaffing or cultural issues such as leadership and jail practices utilized by deputies to control inmates, which might be better resolved through improved training and increased resources to support DSD personnel.

- **Conclusion 4: As of December 2014 There Were 186 Open Complaints Being Investigated by IAB, Some of Which Have Been Open for Several Years**

In addition to analyzing the closed complaint data, we were able to perform a limited analysis of the open IAPro complaint data provided by DSD on December 22, 2014. The Executive Director of Safety stated that cases are considered closed once discipline has been imposed and CRO notifies IAB of the outcome. In addition, open cases may be considered closed when no discipline is imposed and there are no OIM disagreements that the Department of Safety is asked to resolve. As shown in Table 8, there were approximately 186 complaint cases being investigated by IAB. Of the 186 total cases reflected in IAPro, 25 percent were related to excessive force or improper conduct while 44 percent did not have an associated complaint type.

### Table 8: Number of Open Complaint Cases by Type, December 2014

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Open Cases</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missing</td>
<td>81</td>
<td>44%</td>
</tr>
<tr>
<td>Improper Procedure</td>
<td>44</td>
<td>24%</td>
</tr>
<tr>
<td>Improper Conduct</td>
<td>28</td>
<td>15%</td>
</tr>
<tr>
<td>Excessive Force</td>
<td>18</td>
<td>10%</td>
</tr>
<tr>
<td>Attempted Suicide</td>
<td>7</td>
<td>4%</td>
</tr>
<tr>
<td>Law Violation</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Lost Property</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>186</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Denver Sheriff Department Internal Affairs Bureau Complaint Data (IAPro).

**Note:** Percentages may not equal 100 due to rounding.
In an effort to better define IAB’s responsibility in the disciplinary process, the Bureau began taking steps to define open complaint cases considered within IAB’s direct control. On November 17, 2014, IAB provided a memorandum to the Executive Director of Safety defining the Bureau’s responsibility in the disciplinary process as, “the timely completion of an accurate, thorough and complete investigation into allegations of misconduct and to ensure that the investigation is properly documentation for presentation to the OIM or CRO.” Based on this new definition, IAB considered 129 of 188 cases in IAPro within their immediate control and began developing a work plan for investigation, tracking, and resolution.66

In summary, the analysis that we conducted on the IAPro data provided is what we would expect DSD to be completing to inform management decisions around deputy training, personnel matters, and other related areas. The lack of such analysis is a missed opportunity by DSD Command to make evidenced-based decisions to improve jail operations for deputies, inmates, and detainees in a manner that will be cost efficient and effective for the City.

The Executive Director of Safety should direct the Denver Sheriff Department to develop and implement a data verification and validation framework to improve data quality, performance measurement, and support decision-making for the Internal Affairs Bureau. The IAB framework should include a review of organizational capacity and procedures for data collection and use, facilitate multiple agency coordination and cooperation, assign clear responsibilities for various aspects of data management, adopt mechanisms that encourage objectivity and independence in data collection and data management processes, and provide staff with training and guidance for successful implementation of these new data management processes.

Additionally, in coordination with the CRO and the OIM, IAB should update applicable policies and implement process improvements that ensure a timely and appropriate triage of incoming cases. IAB should develop and implement a data analytics program that will allow IAB and DSD to analyze large sets of data to discover patterns, trends, and other useful information that can help identify process improvements, increase efficiency, and reduce additional risk and liabilities of the City. At minimum, these updated processes should include tracking the time it takes to receive and officially initiate an investigation; the amount of time a case is with each entity involved in the investigatory process; and the amount of time it takes to officially close a case from beginning to end.

Once IAB has developed and implemented a data analytics program, DSD should use IAB’s findings to tailor appropriate training and follow-up with DSD personnel to improve risk management and ensure the consistent enforcement of policies and procedures, departmental orders, and discipline.

The Lack of an Early Intervention System, Limited Video Storage, and Incomplete TASER Usage Reports May Expose the City to Undue Risks

66 See Appendix C for an explanation of discrepancies related to ‘open’ complaint case totals reflected between auditors and IAB’s data.
DSD is responsible for ensuring that personnel and inmates are held accountable for their actions and that resources are in place to protect the City from unnecessary liabilities associated with these actions. In addition to issues specific to IAB, our work identified other areas that may have exposed the City to greater risk. We found that three additional issues require review and implementation of risk mitigation strategies: DSD’s Early Intervention System, TASER usage, and video storage policy.

**DSD Postponed the Department’s Early Intervention System**—An early intervention system is a tool used to monitor patterns of employee performance, which may allow departments to intervene before serious incidences arise, such as a complaint of excessive force, lawsuits, or other issues involving the agency. The Commission on Accreditation for Law Enforcement Agencies (CALEA)—of which DSD is an accredited facility and member—strongly supports the use of an early intervention system and has promoted the concept by recommending that “departments adopt a personnel early warning system that requires a documented review of complaints and performance review to detect misconduct before it occurs.” Early identification of potential problems and the implementation of work performance actions can increase accountability and allows employees a better opportunity to meet the agency’s vision and mission.

As DSD is a CALEA-accredited facility, an assessment conducted by CALEA in 2013 found that DSD planned to establish an early intervention system. However, as of 2015, we found that DSD still had not established such a system. DSD Command stated that the system referred to as the Employee Progression and Recognition Tracking System (EPARTS) was still under development and was officially suspended in December 2014 until additional input from Hillard Heintze and the OIR Group was obtained. Without an early intervention system, DSD cannot thoroughly:

- Address officers with poor performance, who may not warrant formal discipline
- Initiate proper interventions, such as counseling or additional training, to correct performance issues
- Provide clear documentation to demonstrate that a deputy was properly supervised and had no history of excessive force or, if he or she did, that the issue was addressed properly and timely

DSD should formally initiate the Early Intervention System, also referred to as EPARTS, to organize, track, and conduct a variety of analysis and trending activities in order to assess department performance, identify training gaps, and plan for future training opportunities to provide early intervention and remedial training before serious issues arise or escalate.

**TASER Usage Reports Are Incomplete and Data Stored within TASERs Is Not Downloaded as Required**—According to Department Order, any TASER discharge including an accidental discharge shall be reported immediately to the
individual’s supervisor and a TASER Usage Report must be completed. Furthermore, data stored within the TASER itself must be downloaded to a TASER data port so that a usage report can be generated. The TASER data port stores the time and date the TASER was fired, providing supporting documentation for each TASER use.

To determine if the Department Order was followed, auditors requested all TASER Usage Reports filed since 2009 but determined that DSD did not maintain these reports prior to 2013. DSD was only able to provide twenty-one TASER Usage reports from 2013 through November 17, 2014. Based on our review of the twenty-one TASER Usage reports, we found:

- Eight instances of TASER Probe discharges. However, in contrast to the TASER Usage Report originally provided by DSD, an internal TASER Use Analysis Report covering July 1, 2012, to June 30, 2014, indicated that there were fifteen TASER Probe discharges from January 2013 through June 2014. This discrepancy is concerning and provides another indication that DSD’s data is poorly managed.

- Two instances from the TASER Usage Reports where deputies failed to indicate where the TASER was applied to the inmate.

- Due to poor oversight, training, or accountability, not all TASER Usage Reports were consistently completed, which made it difficult to determine if TASERs were used in accordance with policy. Of additional concern, a review of the twenty-one TASER Usage Reports provided appears to show several individuals were tased in areas prohibited by Department Order, as shown in Figure 11.

---

67 DSD Department Order 5014.1K Use of TASERS/ Electronic Control Devices.
68 A TASER or conducted electrical weapon is an electroshock weapon sold by TASER International. The device is used by correctional officers to deliver electrical current to an inmate to induce temporary neuromuscular incapacitation. TASERs were introduced as non-lethal weapons to be used by police to subdue fleeing, belligerent, or potentially dangerous people who would have otherwise been subjected to more lethal weapons such as a firearm.
69 One additional TASER Usage Report was available, but was not provided since the report was part of a current open case.
Not following the established Department Order regarding TASER use exposes DSD and the City to undue risks, such as:

- Limited data for review when conducting investigations, which includes comparing the TASER Usage Report (completed by the individual who used the TASER) to the information captured in the data portal or on video.
- Potentially increasing the City’s liability by not following Department Orders and not maintaining evidence that may dispute inappropriate claims of use of force.
- Creating the appearance that DSD may be underreporting use of force incidents.

DSD should require and ensure that all TASER Usage Reports are filled out completely and consistently, which includes downloading TASER usage to the data portal and attaching the TASER information report to the TASER Usage Report as required by Department Order.

- **Video Storage Is Limited to Thirty Days**—Like many correctional facilities, the DDC and County Jail are equipped with video surveillance cameras, which are used in real-time by deputies to monitor the facilities and as a means of recording any incidents that may occur. In 2014, DSD’s video storage capacity was limited to thirty days. After thirty days, video was automatically overwritten. If necessary, a

---

70 Per Department Order 5014.1K Use of TASERS / Electronic Control Devices, “The prohibited areas should only be targeted when a Deputy Sheriff is defending him/herself or others from violent attacks and when no other options are available.” Note: Yellow highlight represent prohibited target areas.
supervisor may request video footage on an incident he or she deems necessary to preserve for criminal, civil, or administrative proceedings. However, this is determined at the discretion of the supervisor.71

Our research indicates that the video retention policies adopted by other jail facilities are typically thirty days, although some facilities have longer retention capabilities and specific video retention policies for instances of use of force. For instance, Washington State’s Department of Corrections video retention standard is for thirty days or until the matter is resolved if the recording is involved in litigation. The federal Department of Homeland Security stores recorded video for six months, after which the video is automatically deleted. Still, other jail facilities that have similar video retention challenges have developed policies that require any use of force instances to be captured on video. For example, it is the policy of the Boulder County Jail to video tape forced cell extractions and other incidents involving uncooperative inmates, the footage from which is stored for three years. This policy allows for additional documentation for investigators, increases accountability, provides documented evidence to dispute claims of excessive use of force, and can help reduce legal liability.

Based on our discussions with IAB personnel, DSD’s limited video retention capabilities have proven to be an issue. Specifically, if a complaint is not filed within thirty days, the associated video may be overwritten. Furthermore, if a case is filed within thirty days but is not assigned to an investigator or is in the IAB queue for longer than thirty days, the video may be unavailable at the time of review. In addition, lack of adequate video storage may limit DSD’s ability to disprove false or inaccurate allegations. Lastly, limited documentation for investigators reduces accountability, limits the opportunity to conduct a thorough and timely review, and may unnecessarily increase risk to the City.

In lieu of an official policy, DSD has followed the City’s general retention policy, which allows video and audio recordings made in secured areas of jails, holding areas, booking areas, or lock-ups to be determined administratively by the Sheriff. Additionally, DSD stated that a forthcoming revision to policy will include plans to extend video retention beyond thirty days for all use of force incidents, allegations of Prison Rape Elimination Act violations, and other allegations of misconduct.

Given the recent settlements totaling $12.25 million dollars, IAB’s inability to address complaints in a timely manner, and the potential that video evidence may be overwritten, having longer video retention capabilities and a specific use of force video policy may benefit inmates, DSD personnel, and the City. Therefore, DSD should formally document an official video recording and retention policy for all video. Videos specifically capturing incidents of alleged improper staff or inmate conduct, including, but not limited to, use of force and PREA violations, should be stored indefinitely or until the matter is resolved if the

71 Under the Colorado Open Records Act (CORA), video can be requested by persons or organizations external to DSD such as private citizens, law firms, or other law enforcement organizations.
recording is involved in litigation. In addition, DSD’s official video recording and retention policy should encompass the time it takes for the investigation to reach final disposition.
RECOMMENDATIONS

We offer the following recommendations to assist the Department of Safety and Denver Sheriff Department in improving jail operations.

1. **Third-Party Assessment**—Because the Department of Safety has deferred the more than 130 cumulative recommendations received from several entities until completion of the third-party assessment, the Mayor’s Office should ensure that the Executive Director of Safety publicly releases a formal response to each recommendation provided in the final report provided by Hillard Heintze and the OIR Group within thirty-one calendar days of completion of the assessments. At minimum, the City’s official response should specify:

   1.1 Agreement or disagreement with each recommendation promulgated by Hillard Heintze and the OIR Group and reasons for disagreement;

   1.2 Plans for implementing solutions to recommendations identified;

   1.3 A timeframe for complete implementation of solutions identified; and

   1.4 A central person or entity tasked with ensuring solutions to recommendations or fully implemented.

2. **Budget Post Matrix**—The Department of Safety should instruct the Denver Sheriff Department to update the Budget Post Matrix to account for a 24-hour, 365-day year. The updated Budget Post Matrix should be based on either a (365 days) x (24 hours) or (7 days) x (24 hours) x (52.14 weeks) methodology to reflect the most accurate accounting of staff need for a 24-hour secure facility.

3. **Staffing Reconciliation**—Once the Budget Post Matrix is updated, the Department of Safety should ensure that the Denver Sheriff Department reconciles actual staff need with the Department’s approved budget. Based on this information, DSD should consult with the Department of Safety and the Budget and Management Office to determine whether an official supplemental budgetary request is required.

4. **Data Analytics**—The Department of Safety should instruct the Denver Sheriff Department to expand its assessments to begin conducting data analysis on intake data to determine the impact this data has on that other practices in the City, such as the expansion of the Denver Police Department’s authorized strength and arresting practices, might have on that Denver Sheriff Department jail operations, with a focus on more immediate impacts at the Downtown Detention Center.

5. **Department-wide Data Analytics**—With support from the Department of Safety, the Denver Sheriff Department’s Data Analytics Division, and the Research and Development Unit, the Denver Sheriff Department’s data analysis framework
should include an update to department orders and processes for data collection and use. This process should facilitate department-wide coordination and cooperation, assign clear responsibilities for various aspects of data management, and adopt mechanisms that encourage objectivity and independence in data collection and data management processes.

6. **Performance Statistics**—The Denver Sheriff Department should develop a coordinated and standardized approach for collecting and documenting operating performance statistics that will be included in the Mayor's Budget Book, which includes a quality control process to ensure completeness and accuracy of the data. Once such processes are established, the Denver Sheriff Department should be the entity responsible for maintaining this information in accordance with the City’s official General Records Retention Schedule.

7. **Use of Force Analysis**—The Executive Director of Safety should direct the Denver Sheriff Department to conduct an annual use of force analysis to inform management decisions about training opportunities and staff supervision.

8. **Inmate Grievance Data Quality**—The Denver Sheriff Department should improve the quality of data in its monthly reports to ensure that resulting conclusions and decisions are based on accurate information, by ensuring that the processes for data validation, analysis, and reporting are consistent at the Denver County Jail and Downtown Detention Center.

9. **Internal Affairs Data Quality**—The Executive Director of Safety should direct the Denver Sheriff Department to develop and implement a data verification and validation framework to improve data quality, performance measurement, and support decision-making for the Internal Affairs Bureau.

10. **Internal Affairs Data Collection and Use**—The Internal Affairs Bureau framework should include a review of organizational capacity and procedures for data collection and use, facilitate multiple agency coordination and cooperation, assign clear responsibilities for various aspects of data management, adopt mechanisms that encourage objectivity and independence in data collection and data management processes, and provide staff with training and guidance for successful implementation of these new data management processes.

11. **Department Order Update**—In coordination with the Conduct Review Office and the Office of the Independent Monitor, the Internal Affairs Bureau should update applicable policies and implement process improvements that ensure a timely and appropriate triage of incoming cases.

12. **Internal Affairs Data Analytics**—The Internal Affairs Bureau should develop and implement a data analytics program that will allow the Internal Affairs Bureau and the Denver Sheriff Department to analyze large sets of data to discover patterns, trends, and other useful information that can help identify process improvements, increase efficiency, and reduce additional risk and liabilities of
the City. At minimum, these updated processes should include tracking the time it takes to receive and officially initiate an investigation; the amount of time a case is with each entity involved in the investigatory process; and the amount of time it takes to officially close a case from beginning to end.

13. **Training and Follow-up**—Once recommendation 1.11 is successfully implemented, the Denver Sheriff Department should use the findings of the Internal Affairs Bureau to tailor appropriate training and follow-up with Department personnel to improve risk management and ensure the consistent enforcement of policies and procedures, Department Orders, and discipline.

14. **Early Intervention System**—The Denver Sheriff Department should formally initiate the Early Intervention System, also referred to as the Employee Progression and Recognition Tracking System, to organize, track, and conduct a variety of analysis and trending activities in order to assess department performance, identify training gaps, and plan for future training opportunities to provide early intervention and remedial training before serious issues arise or escalate.

15. **Crisis Intervention Training**—The Denver Sheriff Department should ensure all officers take a Crisis Intervention Training course. Because of the time commitment associated with Crisis Intervention Training and the Department’s already limited staff, whenever possible, priority should be given to individuals whose primary function involves assignment in a special management unit.

16. **TASER Usage Reports**—The Denver Sheriff Department should require and ensure that all TASER Usage Reports are filled out completely and consistently, which includes downloading TASER usage to the data port and attaching the TASER information report to TASER Usage Report as required by Department Order.

17. **Video Retention**—The Denver Sheriff Department should formally document an official video recording and retention policy for all video. Videos specifically capturing incidents of alleged improper staff or inmate conduct, including but not limited to, use of force and PREA violations, should be stored indefinitely or until the matter is resolved if the recording is involved in litigation.

18. **Video Retention and Open Investigations**—Once recommendation 1.17 is successfully implemented, the Denver Sheriff Department’s official video recording and retention policy should encompass the time it takes for the investigation to reach final disposition.
APPENDIX A

Auditor Analysis of the Denver Sheriff Department’s Budget Post Matrix

Historically, the Denver Sheriff Department’s Budget Post Matrix included a methodology that calculated staff need based on a straight fifty-two-week methodology that included the following variables:

\[(52 \text{ weeks}) \times (7 \text{ days}) \times (24 \text{ hours}) = 8,736 \text{ Annual Hours}\]^{72}

In contrast, Peak Performance calculated staff availability in 2011 and 2014 using a straight calendar year that included the following variables:

\[(365 \text{ days}) \times (24 \text{ hours}) = 8,760 \text{ Annual Hours}\]

The Peak Performance approach results in an additional twenty-four hours that must be staffed in a given year. Thus, DSD’s methodology is incorrect because it fails to account for one full twenty-four-hour period during each year that the methodology has been used:

\[(8,760 \text{ hours}) - (8,736 \text{ hours}) = 24 \text{ hours unaccounted for by DSD}\]

---

APPENDIX B

Inmate Grievances Submitted at the County Jail and Downtown Detention Center by Type

Inmate Grievances Submitted at the County Jail by Type, 2014

Source: Office of the Auditor’s analysis of Denver Sheriff Department data.
Notes: The data in Figure are based on the estimated number of grievances submitted at the County Jail as of November 21, 2014. Percentages may not equal 100 due to rounding. a The Healthcare category includes inmate grievances submitted for issues related to access to healthcare and quality of care. b The Other category includes inmate grievances for commissary, mailroom, accounting and classification operations, as well as, chaplain services and inmate programs.
Inmate Grievances Submitted at the Downtown Detention Center by Type, 2014

Source: Office of the Auditor’s analysis of Denver Sheriff Department data.
Notes: The data in Figure are based on the estimated number of grievances submitted at the Downtown Detention Center as of November 21, 2014. Percentages may not equal 100 due to rounding. a The Healthcare category includes inmate grievances submitted for issues related to access to healthcare and quality of care. b The Other category includes inmate grievances for commissary, mailroom, accounting and classification operations, as well as, chaplain services and inmate programs.
APPENDIX C

Critical Limitations with Internal Affairs Bureau Data Provided by DSD

The analysis on DSD’s IAPro open and closed complaint data provided in this audit report has four severe limitations. They include the following:

- **Missing Complaint Type**—There were 335 closed cases that did not have an identifiable complaint type. This represents 12.7 percent of all complaints brought against DSD personnel from 2008 through 2014. Without knowing the complaint type, auditors could not provide any assurance on whether these complaints were severe, such as an assault, or minor, such as a violation of DSD’s sick leave policy. Based on the distribution of identifiable complaints, it would be reasonable to predict that approximately 40 to 50 of these 335 cases with a missing allegation could be related to assault, use of force, harassment, sexual assault, or sexual harassment.

- **Missing Finding**—There were thirty-three complaint cases with no finding associated with them in the closed case data. This is particularly disturbing for certain complaint cases related to assault, use of force, harassment, or weapons.

- **Missing Open Date**—Within the IAPro data there was not an open case date variable. This does not allow one to calculate how long it takes the Internal Affairs Bureau (IAB) to investigate a complaint. Having an open and closed date variable in the data is key to measuring whether IAB is treating each complaint appropriately. For example, it may take IAB a few months to investigate a sick leave policy violation and only a few days to investigate an assault complaint. Without an open and closed case date variable, auditors could not determine how long it took IAB to investigate complaints or what priority was given to complaints for assignment or completion. Additionally, without an open and close case date variable, no assurance can be provided that IAB is not treating certain cases with bias.

- **Missing Badge ID Number**—Of the 2,629 cases provided in the closed complaint data file, 1,039 (or 39.5%) percent) did not have an identifiable badge ID number associated with the complaint. Without a badge ID number for nearly 40 percent of complaints between 2008 and 2014, the analysis provided will underestimate the number of deputies that have had a complaint brought against them and the number of deputies with two or more complaints brought against them. As a result, one cannot determine how widespread issues are in the jail.

- **Open Case Counts**—In a Memorandum to the Department of Safety from the IAB dated November 17, 2014, IAB stated there were 129 open complaint cases within their direct control. In IAPro closed case data provided to auditors on November 25, 2014, there were 195 open complaint cases that either the IAB, CRO, OIM, or Department of Safety was responsible for closing. Lastly, in IAPro open case data provided to auditors on December 22, 2014, there were 186
open complaint cases that either the IAB, CRO, OIM, or Department of Safety was responsible for closing. Based on the numerical discrepancies between counts, the Department of Safety and IAB must reconcile how many open complaint cases there are in IAPro and which entity is responsible for closing them.

**Conclusion**

Given the limited and poor quality of data provided, auditors have not rendered a formal conclusion on the prevalence or significance of complaints described below as it relates to deputy conduct, department training, or the supervision of deputies by DSD Command. However, follow up by DSD or IAB on these specific issues, among others noted within the body of this report, should focus on mitigating and reducing risks and trends the Department of Safety or DSD identify as significant hindrances to the completion of DSD’s mission, objectives, and goals.

- There were, on average, 65 complaints brought against deputies regarding assault, use of force, harassment, sexual harassment, and or sexual assault annually. This breaks down to more than five per month. Of these 65 cases, 22 will be sustained by IAB. Or, since approximately 36,000 individuals are released annually from jail, approximately 2 complaints regarding assault, use of force, or harassment is brought per 1,000 released inmates.

- Over the course of five years, the majority of deputies who have had complaints brought against them and many have had at least two or more complaints. In addition, more than 10 percent of deputies (81 out of 612) have had five or more complaints brought against them, which breakdown to at least one per year. Viewed another way, with 724 active deputies in 2014, more than 84 percent (612 out of 724) have had at least one complaint brought against them.
March 12, 2015

Mr. Kip R. Memmott, MA, CGAP, CRMA
Director of Audit Services
Office of the Auditor
City and County of Denver
201 West Colfax Avenue, Dept. 705
Denver, Colorado 80202

Dear Mr. Memmott:

The Office of the Auditor has conducted a performance audit of Denver Sheriff Department Jail Operations. Prior to the subject audit, the Administration and I recognized significant organizational and operational challenges within the Department. In response to this observation, immediate steps were taken to further identify actions, procedures and policies that have contributed to the Department’s current state. Urgent action toward reform commenced after Mayor Hancock ordered a top-to-bottom review of the Denver Sheriff Department in July 2014.

During a self-initiated primary phase of reform effort, the Administration, the Department of Safety, and the Sheriff convened a total of four task forces and invited each to explore considerations and offer solutions to identified challenges within defined subjects, including Policy and Procedure, Training, Discipline, and Staff Well-Being. The task forces were convened well before the commencement of this performance audit. The completed outcome of this work was the advancement of a list of more than 70 recommendations. Where feasible, the Department has subsequently enacted improvements. These recommendations, as well as others recently advanced, are vital to reform consideration; however, the work and outcomes garnered through the task force process, coupled with numerous high profile incidents occurring within Denver’s jail facilities, illuminated need to engage in an independent, comprehensive review of Denver’s Sheriff Department.

In response to this recognition, Mayor Hancock expanded his original order for a top-to-bottom review and required that an independent review be conducted by a team of nationally-respected public safety, law enforcement, and corrections experts. This comprehensive review will serve to expand upon the welcomed work of the task forces and, through the lens of nationally recognized and adopted best practices, further examine areas of the Department that extend beyond the scope of the original four task forces, and which are critical to successful reform.

As the Office of the Auditor is aware, the third-party review commenced well in advance of the subject audit engagement, and is ongoing. Through the review process, it is anticipated that additional recommendations for reform will be advanced for consideration. Many of the anticipated recommendations will undoubtedly touch upon related areas that this subject audit addresses. The comprehensive review will also address and provide recommendations for...
other areas including, policy and procedure, training, discipline, use of force, staff well-being, internal affairs, organizational structure, staffing, data capture and maintenance, professional development, leadership, supervision, performance measurement, recruitment, classification of inmates, and security. Much time has been expended during the initial phases of the Department reform effort. Recognizing this, it is incumbent that the aggregate of all information concerning the reform effort be obtained and considered in conjunction with previous recommendations prior to proceeding to any implementation phase. Prematurely implementing any material recommendation has high potential to pose risk to the reform process.

This memorandum provides a written response for each reportable condition noted in the Auditor’s Report final draft that was sent to us on February, 20, 2015. This response complies with Section 20-276 (c) of the Denver Revised Municipal Code (D.R.M.C.).

AUDIT FINDING 1

Poor Management of Jail Operations Harms the City’s Reputation, Increases Risk to Sheriff Deputies and Inmates, and Wastes Taxpayer Resources

RECOMMENDATION 1
Third-Party Assessment—Because the Department of Safety has deferred the more than 130 cumulative recommendations received from several entities until completion of the third-party assessment, the Mayor’s Office should ensure that the Executive Director of Safety publicly releases a formal response to each recommendation provided in the final report provided by Hillard Heintze and the OIR Group within thirty-one calendar days of completion of the assessments. At minimum, the City’s official response should specify:

1.1 Agreement or disagreement with each recommendation promulgated by Hillard Heintze and the OIR Group and reasons for disagreement;

1.2 Plans for implementing solutions to recommendations identified;

1.3 A timeframe for complete implementation of solutions identified; and

1.4 A central person or entity tasked with ensuring solutions to recommendations or fully implemented.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
</table>
| Agree in Part                          | Within a timeframe that will continue to support reform.                                        | Janice Sinden
Chief of Staff
(720) 865-9102 |

Narrative for Recommendation 1

The Mayor’s Office is very conscious of all steps being undertaken by the Department of Safety related to the comprehensive top-to-bottom review of the Denver Sheriff Department. It is fully aware of the approach the Department is taking to garner complete, accurate, and informed stakeholder and professional feedback that will aid to continue a course of reform. As with any comprehensive review resulting in outcomes that include material recommendations for reform,
the Department of Safety, with the support of the Mayor’s Office, will develop a full plan
designed to review, assess, prioritize, and implement recommendations not only promulgated
by Hillard Heintze and OIR Group, but also those included in the subject 130 cumulative
recommendations that have been advanced by other processes and during the initial phase of
the review process. The Mayor’s Office will work in tandem with the Department of Safety on the
plan and will do so within a reasonable timeframe, one which the Administration believes will
involve a thoughtful and deliberate approach to support needed reform. This approach is
consistent with goals established well in advance of the Auditor’s intervention into the review
process.

The Mayor’s Office, the Executive Director of the Department of Safety in conjunction with the
Denver Sheriff Department, will work with all necessary stakeholders, including, members of the
Sheriff Department, the public, Denver City Council, and the Department of Finance, to continue
to work towards reform.
RECOMMENDATION 2

Budget Post Matrix—The Department of Safety should instruct the Denver Sheriff Department to update the Budget Post Matrix to account for a 24-hour, 365-day year. The updated Budget Post Matrix should be based on either a (365 days) x (24 hours) or (7 days) x (24 hours) x (52.14 weeks) methodology to reflect the most accurate accounting of staff need for a 24-hour secure facility.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agrees with recommendation, but disagrees with associated conclusion.</td>
<td>Completed</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 2

The Sheriff has adjusted the Budget Post Matrix to reflect a work year of 8,760 hours for a 24/7 post that is staffed 365 days annually. The Department's approach to calculating eighty (80) twenty-four (24) hour posts at 5.36 rather than 5.38 results in an underestimation of approximately $130,400 (80 x $1630). This adjustment would have added approximately 1.7 uniformed FTE's to the Department's staffing plan. The Department does not agree with the conclusion that the Department underestimated its staffing needs by 111.47 FTE's resulting in an amount of $8M due to this calculation.

While the Department primarily used its Budget Post Matrix to assist in calculating the FTE necessary to staff relieved posts, the Peak Team's version of this document was centered on documenting all posts, relieved and not relieved, throughout the department. Because the DSD Budget Post Matrix and the Budget Post Matrix created by the Peak Team were based on different approaches toward documenting staffed positions within the Department, the conclusion that the Department underestimated staffing needs by 111.47 FTE is based on the comparison of two documents that are not "like for like," rendering the conclusion inaccurate. Additionally, after incorporating the Department's relief factor into the Peak Team's staffing observations, the total calculated FTE in that model largely reflects the total budgeted strength of the department for 2015.
RECOMMENDATION 3

Staffing Reconciliation—Once the Budget Post Matrix is updated, the Department of Safety should ensure that the Denver Sheriff Department reconciles actual staff need with the Department's approved budget. Based on this information, DSD should consult with the Department of Safety and the Budget and Management Office to determine whether an official supplemental budgetary request is required.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agrees</td>
<td>90 Days</td>
<td>Stephanie Y. O'Malley Executive Director Department of Safety (720)913-6020</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 3

To assist in solving the identified issues concerning Department staffing, the comprehensive review being conducted by Hillard Heintze and OIR Group includes an in-depth staffing analysis. The analysis will help to inform further considerations associated with the Budget Post Matrix, which can then be utilized to reconcile actual staff need with the Department's approved budget. However, an important consideration relative to staffing methodologies is the environmental factors that affect the operations of the City's jail facilities. Such factors relate to policies and laws applicable to the Department as well as best practices and the characteristics of the inmate population served. DSD consistently consults with the Department of Safety and the Budget and Management Office regarding each of its budgetary needs including any considerations for authorized strength, staffing needs (civilian and uniform), and supplemental funding. It will continue to do so.
RECOMMENDATION 4
Data Analytics—The Department of Safety should instruct the Denver Sheriff Department to expand its assessments to begin conducting data analysis on intake data to determine the impact this data has on that other practices in the City, such as the expansion of the Denver Police Department’s authorized strength and arresting practices, might have on that Denver Sheriff Department jail operations, with a focus on more immediate impacts at the Downtown Detention Center.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>60 Days</td>
<td>Stephanie Y. O’Malley</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive Director</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department of Safety</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(720)913-6020</td>
</tr>
</tbody>
</table>

In July 2014, the Denver Sheriff Department began efforts to establish a Data Analytics Unit. This step was undertaken with recognition of the Denver Sheriff Department’s need to bolster its attention to data that will aid to drive policy and enhanced practices within the Department, including considerations related to intake and its ancillary impacts on populations at both the Downtown Detention Facility and the Denver County Jail.

The Denver Sheriff Department will continue its focus on assembling the Data Analytics Unit. As a critical consideration, it is imperative to note that building a complete, resourced, and efficient unit will take time. For example, the Data Analytics Unit within the Denver Police Department was developed over an initial 5 month period. Today, 7 years after its initial inception, the unit is staffed by 2 associate statistical researchers, 2 senior statistical researchers, 1 Management Analyst and a Director. Recognizing current limited personnel and infrastructure resources within the existing DSD Data Analytics Unit, the Denver Sheriff Department will use its best efforts to begin to conduct data analysis on a host of considerations, including intake.
RECOMMENDATION 5
Department-wide Data Analytics—With support from the Department of Safety, the Denver Sheriff Department’s Data Analytics Division, and the Research and Development Unit, the Denver Sheriff Department’s data analysis framework should include an update to department orders and processes for data collection and use. This process should facilitate department-wide coordination and cooperation, assign clear responsibilities for various aspects of data management, and adopt mechanisms that encourage objectivity and independence in data collection and data management processes.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Development Stage: 180 Days</td>
<td>Stephanie Y. O’Malley, Executive Director, Department of Safety (720)913-8020</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 5

In July 2014, the Denver Sheriff Department began efforts to establish a Data Analytics Unit. This step was undertaken with recognition of the Denver Sheriff Department’s need to bolster its attention to data that will aid to drive policy and enhanced practices within the Department. The Denver Sheriff Department will continue its focus on assembling the Data Analytics Unit and will include updates to Department Orders and processes for data collection and use.

As a critical consideration, it is imperative to note that building a complete, resourced, and efficient unit will take time. For example, the Data Analytics Unit within the Denver Police Department was developed over an initial 5 month period. Today, 7 years after its initial inception, the unit is staffed by 2 associate statistical researchers, 2 senior statistical researchers, 1 Management Analyst, and a Director. Recognizing current limited personnel and infrastructure resources within the existing DSD Data Analytics Unit, the Denver Sheriff Department will use its best efforts to bolster its embryonic Data Analysis Unit.
RECOMMENDATION 6
Performance Statistics—The Denver Sheriff Department should develop a coordinated and standardized approach for collecting and documenting operating performance statistics that will be included in the Mayor’s Budget Book, which includes a quality control process to ensure completeness and accuracy of the data. Once such processes are established, the Denver Sheriff Department should be the entity responsible for maintaining this information in accordance with the City’s official General Records Retention Schedule.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>180</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 6

In July 2014, the Denver Sheriff Department began efforts to establish a Data Analytics Unit. This step was taken with recognition of the Denver Sheriff Department’s need to bolster its attention to collecting varying types of data, including operating performance statistics, in a coordinated and standardized manner. The Denver Sheriff Department supports being the designated entity responsible for recording this information in accordance with the City’s official General Records Retention Schedule.
RECOMMENDATION 7
Use of Force Analysis—The Executive Director of Safety should direct the Denver Sheriff Department to conduct an annual use of force analysis to inform management decisions about training opportunities and staff supervision.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
</table>
| Agree                                 | Completed                                                                                     | Stephanie Y. O'Malley
                                           Executive Director
                                           Department of Safety
                                           (720)913-6020                                                                                   |

Narrative for Recommendation 7

The Executive Director of the Department of Safety has directed the Sheriff to conduct a standard review and analysis of uses of force on an annual basis. The review period will include the months of January to December 31st in a given year. Supervisors, command staff, and the Executive Director or her designated agent will participate in the review and analysis processes.
RECOMMENDATION 8
Inmate Grievance Data Quality—The Denver Sheriff Department should improve the quality of data in its monthly reports to ensure that resulting conclusions and decisions are based on accurate information, by ensuring that the processes for data validation, analysis, and reporting are consistent at the Denver County Jail and Downtown Detention Center.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Completed</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 8
The Sheriff has instructed the Division Chiefs of each of the respective jail facilities to align their respective processes for data validation, analysis, and reporting. As a further layer of evaluation, the Sheriff will review the information to ensure its quality, accuracy, and consistency.
RECOMMENDATION 9
Internal Affairs Data Quality—The Executive Director of Safety should direct the Denver Sheriff Department to develop and implement a data verification and validation framework to improve data quality, performance measurement, and support decision-making for the Internal Affairs Bureau.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
</table>
| Agree                                 | 30 Days                                                                                     | Stephanie Y. O’Malley  
Executive Director  
Department of Safety  
(720)913-6020 |

Narrative for Recommendation 9

The Executive Director of Safety will direct the Denver Sheriff Department to develop and implement data verification and validation frameworks to improve data quality and performance measurements, which will aid decision-making for the Internal Affairs Bureau. The Executive Director recognizes that data verification and validation across all disciplines within the Denver Sheriff Department, including the Internal Affairs Bureau, is warranted.

The Internal Affairs Bureau has already taken steps aimed at improving how it captures data within the technology tool it currently uses to aid with internal affairs investigations. Specifically, IAB members have participated in additional training sessions regarding the use of IAPRO. Additionally, with a goal to enhance data quality, IAB is piloting a process by which the task of data entry at the commencement of an investigation is delegated to only a minimal number of individuals. The outcome of this approach will shed light on the impact that the data will have on performance measurement and decision-making for the unit.
RECOMMENDATION 10
Internal Affairs Data Collection and Use—The Internal Affairs Bureau framework should include a review of organizational capacity and procedures for data collection and use, facilitate multiple agency coordination and cooperation, assign clear responsibilities for various aspects of data management, adopt mechanisms that encourage objectivity and independence in data collection and data management processes, and provide staff with training and guidance for successful implementation of these new data management processes.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>90</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 10

There is recognition that data verification and validation across all disciplines within the Denver Sheriff Department, including the Internal Affairs Bureau, is warranted. The Internal Affairs Bureau has already taken steps toward improving how it captures data within the technology tool it currently uses in association with internal affairs investigations. Specifically, IAB members have participated in additional training sessions regarding the use of IAPRO. Additionally, with a goal to enhance data quality, IAB is piloting a process by which the task of data entry at the commencement of an investigation is delegated to a minimal number of individuals. The outcome of this approach will shed light on the impact that the data have on performance measurement and decision-making for the unit. The comprehensive assessment being conducted by Hillard Heintze and OIR Group includes considerations for data collection, use, agency coordination and cooperation, data management, and data processes. Any requisite adjustments to the Internal Affairs Bureau framework will be guided by recommendations associated with these considerations.
**RECOMMENDATION 11**

Department Order Update—In coordination with the Conduct Review Office and the Office of the Independent Monitor, the Internal Affairs Bureau should update applicable policies and implement process improvements that ensure a timely and appropriate triage of incoming cases.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
</table>
| Agree                                | 120 Days                                                                  | Sheriff Elias Diggins  
(720) 337-0194                                                      |

**Narrative for Recommendation 11**

Department Order 1530.3A is a key component of the comprehensive assessment being conducted by Hillard Heintze and the OIR Group. At the conclusion of the assessment, it is anticipated that this specific Order and others will be updated to align with reform and improvement.
RECOMMENDATION 12
Internal Affairs Data Analytics—The Internal Affairs Bureau should develop and implement a data analytics program that will allow the Internal Affairs Bureau and the Denver Sheriff Department to analyze large sets of data to discover patterns, trends, and other useful information that can help identify process improvements, increase efficiency, and reduce additional risk and liabilities of the City. At minimum, these updated processes should include tracking the time it takes to receive and officially initiate an investigation; the amount of time a case is with each entity involved in the investigatory process; and the amount of time it takes to officially close a case from beginning to end.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Development Stage: 90 Days</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 12

There is recognition that data verification and validation across all disciplines within the Denver Sheriff Department, including the Internal Affairs Bureau, is warranted. In July 2014, the Denver Sheriff Department began efforts to establish a Data Analytics Unit. This step was undertaken with recognition of the Denver Sheriff Department’s need to bolster its attention to data that will aid to drive policy and enhanced practices within the Department, including considerations of patterns, trends, and other useful information that can help identify process improvements, efficiency, and risk and liabilities to the City. With the support of proper personnel and infrastructure, DSD’s approach to establishing a Data Analytics Unit will include considerations for specifics related to the Internal Affairs Bureau.
RECOMMENDATION 13
Training and Follow-up—Once recommendation 1.11 is successfully implemented, the Denver Sheriff Department should use the findings of the Internal Affairs Bureau to tailor appropriate training and follow-up with Department personnel to improve risk management and ensure the consistent enforcement of policies and procedures, Department Orders, and discipline.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Once recommendation 1.11 is successfully implemented.</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 13

Once recommendation 1.11 is successfully implemented, the Denver Sheriff Department will develop training that is tailored to patterns and trends that are identified as a result of data aggregation, review, and analysis.
**RECOMMENDATION 14**

Early Intervention System—The Denver Sheriff Department should formally initiate the Early Intervention System, also referred to as the Employee Progression and Recognition Tracking System, to organize, track, and conduct a variety of analysis and trending activities in order to assess department performance, identify training gaps, and plan for future training opportunities to provide early intervention and remedial training before serious issues arise or escalate.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>As soon as practicable following receipt of assessment recommendations and implementation framework.</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

**Narrative for Recommendation 14**

The Denver Sheriff Department recognizes the need for an Early Intervention System. Specifically, in fall 2014 and prior to commencement of the comprehensive assessment of the Department, the Sheriff tasked a member of his Command Staff to undertake action to implement an Early Intervention System that mirrored the system used by the Denver Police Department. In response, an attempt to introduce the system was made; however, in deference to further analysis and due diligence by Hillard Heintze about early intervention best practices, the decision to temporarily halt implementing the program was made. The Department views early intervention as a priority and will take action to advocate for resources and infrastructure necessary to assure that an appropriate early intervention system is integrated into the fabric of the agency.
RECOMMENDATION 15
Crisis Intervention Training—The Denver Sheriff Department should ensure all officers take a Crisis Intervention Training course. Because of the time commitment associated with Crisis Intervention Training and the Department’s already limited staff, whenever possible, priority should be given to individuals whose primary function involves assignment in a special management unit.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Projected completion date is end of year 2015</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 15

The Denver Sheriff Department has already trained over 50% of Sheriff Deputies in CIT training. Specifically, of 667 total Deputies, 309 have completed training. This year, the remaining 4 training sessions will be dedicated to Denver Sheriff Deputies as a priority.
### RECOMMENDATION 16

**TASER Usage Reports**—The Denver Sheriff Department should require and ensure that all TASER Usage Reports are filled out completely and consistently, which includes downloading TASER usage to the data port and attaching the TASER information report to TASER Usage Report as required by Department Order.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Completed</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

**Narrative for Recommendation 16**

In December 2014, the Sheriff directed the Majors of the Downtown Detention Center and the Denver County Jail to develop and maintain permanent logs regarding all taser deployments. Additionally, the Sheriff additionally tasked the Majors with the responsibility of reviewing deployments to ensure that all required documentation associated with a deployment is completed and provided.
RECOMMENDATION 17

Video Retention—The Denver Sheriff Department should formally document an official video recording and retention policy for all video. Videos specifically capturing incidents of alleged improper staff or inmate conduct, including but not limited to, use of force and PREA violations, should be stored indefinitely or until the matter is resolved if the recording is involved in litigation.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Upon Signature of the Revised Policy by Sheriff Diggins</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 17

In the fall of 2014, the Executive Director of the Department of Safety directed the Sheriff to determine a course to expand the Sheriff Department’s existing video retention policy. In response, the Sheriff, with the support of the City Attorneys’ Office, developed a video retention policy that will provide for retaining video recordings for a time period longer than the historic 30 day retention period. Specifically, the revised Video Retention Policy provides that video footage of specific incidents will be preserved in accordance with the City & County of Denver records retention policy. Each of the following incident types requires the preservation of video footage:

- **Death in the Facility:** Permanent
- **PREA/Sexual Assault:** Permanent
- **IAB Complaints:** 5 years or until final resolution of any related potential or pending claim or litigation
- **Use of Force Incidents:** 5 years or until final resolution of any related potential or pending claim or litigation
- **Serious Grievances:** 10 years or until final resolution of any related potential or pending claim or litigation
- **Criminal Investigations:** Until completion of the investigation or criminal proceeding

To aid in the implementation of the policy, the Denver Sheriff Department is engaged in recruitment to hire a specialist whose sole responsibility and functions are to capture, download, and maintain video evidence in accordance with the standards in the amended policy.
RECOMMENDATION 18

Video Retention and Open Investigations—Once recommendation 1.17 is successfully implemented, the Denver Sheriff Department’s official video recording and retention policy should encompass the time it takes for the investigation to reach final disposition.

<table>
<thead>
<tr>
<th>Agree or Disagree with Recommendation</th>
<th>Target date to complete implementation activities (Generally expected within 60 to 90 days)</th>
<th>Name and phone number of specific point of contact for implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Completed</td>
<td>Sheriff Elias Diggins (720) 337-0194</td>
</tr>
</tbody>
</table>

Narrative for Recommendation 18

In the fall of 2014, the Executive Director of the Department of Safety directed the Sheriff to determine a course to expand the Sheriff Department's existing video retention policy. In response, the Sheriff, with the support of the City Attorney’s Office, developed a video retention policy that will provide for retaining video recordings for a time period longer than the historic 30 day retention period. Specifically, the revised Video Retention Policy provides that video footage of specific incidents will be preserved in accordance with the City & County of Denver records retention policy. Each of the following incident types requires the preservation of video footage:

- Death in the Facility: Permanent
- PREA/Sexual Assault: Permanent
- IAB Complaints: 5 years or until final resolution of any related potential or pending claim or litigation
- Use of Force Incidents: 5 years or until final resolution of any related potential or pending claim or litigation
- Serious Grievances: 10 years or until final resolution of any related potential or pending claim or litigation
- Criminal Investigations: Until completion of the investigation or criminal proceeding

To aid in the implementation of the policy, the Denver Sheriff Department is engaged in recruitment to hire a specialist whose sole responsibility and functions are to capture, download, and maintain video evidence in accordance with the standards in the amended policy.
In closing, the subject audit is quick to conclude that the City’s management of jail operations has been poor. Conspicuously absent in the report is any mention of accomplishments that the Department has made during the noted audit period, including implementation of a new jail management system, opening the Downtown Detention Center, opening of the new courthouse, demolition and remodel of the Denver County Jail, the Department’s being nationally recognized and awarded for its Transgender Policy, the Department’s actions to link inmates to the Affordable Care Act which produced a savings of over $1M to the City, the Department’s implementation of the RISE Unit (Recovery in a Secure Environment – Reduced Recidivism), implementation of Mental Health Units, and implementation of a successful Aquaponics Pilot Program.

Please contact Executive Director of Safety, Stephanie Y. O’Malley, at (720) 913-6020 or Sheriff Elias Diggins at (720) 337-0194 with any questions.

Sincerely,

[Signature]

Stephanie Y. O’Malley
Executive Director, Dept. of Safety

cc: Mayor Michael B. Hancock
    Sheriff Elias Diggins
    Janice Sinden, Chief of Staff
    Scott Martinez, City Attorney
    Christopher Herndon, President Denver City Council
    Brendan Hanlon, Budget Director