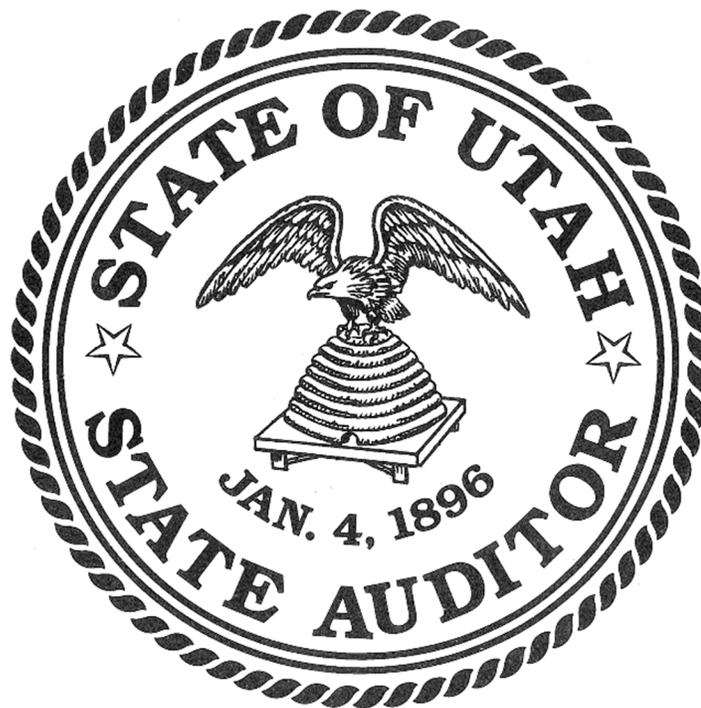


**Performance Audit No. 20-01**

**A Performance Audit of  
Utah Department of Corrections  
Inmate Placement Program**

January 23, 2020



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# Background

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The Utah Department of Corrections (UDC) is responsible for housing all inmates sentenced to the state's custody. As of October 1, 2019, UDC had approximately 6,800 offenders in custody. The prison facility in Draper can hold 3,653 inmates, and the Gunnison facility can hold 1,788 inmates. The state-owned correctional facilities have been operating at their maximum capacity since 1987. The new prison currently under construction in Salt Lake City will replace the Draper facility and have a slightly higher capacity of 3,730 beds.

The Inmate Placement Program (IPP) was formed "to reduce inmate over-crowding at UDC facilities and to locate inmates in county jails, specifically contracted for that purpose, and to enhance offender programming and management."<sup>1</sup>

UDC has been contracting with county jails throughout Utah since 1988.<sup>2</sup> IPP has the responsibility of managing all aspects of the county jail contracts. In 1993, UDC contracted with county jails to provide 117 beds for state inmates. In Fiscal Year (FY) 2019, the legislature provided approximately \$31 million dollars to fund 1,560 beds and an additional \$2.6 million dollars for state inmate treatment and training programs. Nineteen counties contract with UDC to house state inmates. Individual county contracts range from 10 to 396 beds.

According to UDC, it is mutually beneficial for the state and counties to place state inmates in county jails throughout Utah. UDC avoids overcrowding and counties have enhanced revenue and increased local jobs.<sup>3</sup> UDC identifies three primary benefits to the counties:

- 1) Establishment of effective jail systems;
- 2) Growth of the overall economy; and
- 3) Inmate labor provided for important community projects.

In exchange for housing state inmates, counties receive a payment from the state based on the costs the state incurs to house an inmate at a state correctional facility.<sup>4</sup> For FY 2020, counties receive \$53.93 per day for the basic housing of each state inmate. Contract jails providing an eligible Treatment Program to a state inmate receive an additional \$13.85 per day. Eligible programs include alcohol, substance abuse, and sex offender treatment. UDC also reimburses contract jails providing an Alternative Treatment Program to state inmates at a rate of \$5.90 per

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<sup>1</sup> UDC Internal Audit Bureau Report 05-16

<sup>2</sup> UDC Internal Audit Bureau Report 08-01

<sup>3</sup> UDC Internal Audit Bureau Report 08-01

<sup>4</sup> Utah Code § 64-13e-103(2) and (10)

day if the program is either evidence-based cognitive behavioral therapy or a certificate-based program provided by a Utah technical college.<sup>5</sup>

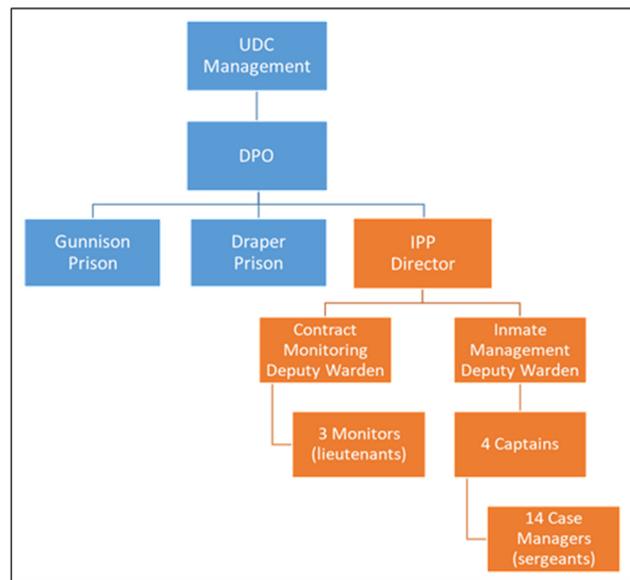
In August 2013, UDC transferred the responsibility of monitoring the jail contracts from the department’s Law Enforcement Bureau (LEB) to IPP.<sup>6</sup> Organizationally, IPP is under the Division of Prison Operations (DPO). Until recently, IPP’s organizational structure included a director, a deputy warden over contract monitoring who supervises three lieutenants (monitors), and a deputy warden over inmate management who supervises four captains and 13 sergeants (case managers) (see Figure 1).

The monitors have the primary responsibility for ensuring contract jails are complying with the contracts. Captains and case managers assist in contract monitoring, but they are primarily concerned with inmate management.

The objective of this audit was to review and evaluate IPP, with particular emphasis on:

- Terms of jail contracts;
- UDC monitoring of jail contracts to ensure contract jail compliance;
- UDC’s response to issues that occurred at the Daggett County Jail and that led to UDC removing state inmates from that facility; and
- Standards, rules, and policies that govern the operations of contract jails.

**Figure 1: Organization Chart of IPP**



Throughout the audit, UDC staff were cooperative and responsive to requests we made. However, during the course of our audit, the IPP Director was terminated and the contract monitoring function was moved from IPP and placed directly under the DPO Director.<sup>7</sup> Due to the timing of these changes, some UDC employees and jail staffs thought the changes were related to the audit. The DPO Director assured us this was not the case, stating DPO had been considering making changes before the audit commenced.

<sup>5</sup> Utah Code § 64-13e-102

<sup>6</sup> LEB is the investigative arm of UDC.

<sup>7</sup> Throughout this report, we will continue to refer to IPP. If this change is a permanent readjustment, then any IPP-related recommendations regarding monitoring should apply to DPO.

# Finding 1

## UDC Did Not Adequately Learn From the Inappropriate Activities That Occurred at the Daggett County Jail

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In February 2017, UDC removed all 80 state inmates from the Daggett County Jail due to allegations of prisoner abuse and mismanagement. Subsequently, UDC conducted an investigation of the Daggett County Jail. The report describes over 20 types of inappropriate activities alleged to have occurred over a year and a half by both jail staff and state inmates. UDC has not implemented adequate controls to detect or prevent a similar situation from happening at another contract jail. UDC should implement jail-monitoring procedures that provide reasonable assurance that contract jails are safe and secure and have sound operational practices.

### UDC Failed To Detect and Prevent Some Inappropriate Activities

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The removal of the 80 state inmates from the Daggett County Jail resulted in the permanent closure of the jail. This was a significant failure by IPP, as those responsible for monitoring the jail failed to detect any improper or inhumane conduct.

LEB, along with other agencies, conducted an investigation of the Daggett County Jail. Investigators prepared a 52-page report that describes over 20 inappropriate activities that allegedly occurred over a year and half and that involved acts by both jail staff and state inmates. Figure 2 summarizes the inappropriate activities identified by the investigation.

**Figure 2: Allegations of Inappropriate Conditions at the Daggett County Jail Before Its Closure**

Inappropriate Conditions
<b>Abuse of state inmates by jail staff</b> – assaulting, tasing, threatening, hazing, and choking inmates; wrestling and boxing with inmates; forcing inmates to be bitten by dogs
<b>Jail staff failing responsibilities</b> – sleeping, watching TV, and playing video games on duty; forging/creating false documents
<b>Facility concerns</b> – allowing fire alarms and security cameras to remain inoperable for long periods of time
<b>Jail staff and inmates exchanging favors</b> – exchanging favors for writing letters to probation and parole board, arranging and paying for a rental car for a deputy, cleaning and working on staff’s personal cars, refinishing staff’s personal furniture

# IPP Was Unaware of Several Inappropriate Activities That Occurred at Daggett

LEB minimally briefed IPP’s management on some inappropriate activities identified at the Daggett County Jail. In an effort to detect and prevent these activities, IPP implemented additional controls. For example, to address jail staff fabricating activity logs, IPP began verifying jail logs by reviewing contract jail video recordings. IPP also addressed facility concerns by dramatically increasing the number of jail inspections (see Figure 3). However, as noted in Figure 4, IPP did not implement additional controls to identify and prevent inmate abuse, jail staff and inmates exchanging favors, and inappropriate relationships between jail staff and state inmates.

**Figure 3: Average Number of Monitoring Procedures Performed at Contract Jails by Time Period**

Contract Monitoring Procedure	Frequency Per Jail By Time Period		
	Jan. 2016 to Mar. 2017 (before Daggett incident)	Apr. 2017 to Dec. 2018 (after Daggett incident)	Jan. 2019 to Jun. 2019 (jail standards no longer monitored)
Jail Standards Reviews	4 per year	10 per year	N/A
Security Checks	3 per year	29 per year	41 per year
Video Reviews	N/A	3 per year	3 per year
Work Crew Checks	4 per year	9 per year	11 per year
<b>Total Procedures Per Jail</b>	<b>11 per year</b>	<b>51 per year</b>	<b>55 per year</b>

**Figure 4: Controls Implemented by IPP to Detect and Prevent Future Occurrences of Inappropriate Conditions**

Inappropriate Conditions	Controls Implemented by IPP
<b>Abuse of state inmates by jail staff</b> – assaulting, tasing, threatening, hazing, and choking inmates; wrestling and boxing with inmates; forcing inmates to be bitten by dogs	None
<b>Jail staff failing responsibilities</b> – sleeping, watching TV, and playing video games on duty; forging/creating false documents	Verified logs using jail video footage
<b>Facility concerns</b> – allowing fire alarms and security cameras to remain inoperable for long periods of time	Increased the number of security inspections
<b>Jail staff and inmates exchanging favors</b> – exchanging favors for writing letters to probation and parole board, arranging and paying for a rental car for a deputy, cleaning and working on staff’s personal cars, refinishing staff’s personal furniture	None

UDC policy states that IPP is responsible for ensuring county jails housing state inmates are safe and secure and have sound operational practices.<sup>8</sup> However, UDC management did not provide the report of the Daggett County Jail investigation to IPP. Although IPP management received a limited briefing from LEB, we discovered IPP management and staff were unaware of the majority of issues that occurred at the Daggett County Jail. Subsequent to conversations with us, an IPP manager requested a copy of the Daggett

<sup>8</sup> UDC Policy TMF 11/04.00

report from LEB stating that he “should be checking other jails to ensure the identified issues are not occurring in them.” LEB denied the request.

UDC should make IPP aware of all deficiencies that occur within a contract jail so IPP can take immediate action to ensure contract jails are safe and secure and have sound operational practices. UDC should also ensure that proper controls are implemented to reasonably detect and prevent the inappropriate activities that occurred at the Daggett County Jail.

## **Recommendations**

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We recommend that the Department of Corrections:

1. Ensure Inmate Placement Program personnel fully understand the deficiencies identified at the Daggett County Jail.
2. Improve communication between its divisions, including the sharing of reports that would help a UDC division accomplish its core responsibilities.

## **Finding 2**

# **UDC's Monitoring of Contract Jails Is Inadequate**

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UDC's response to problems identified at the Daggett County Jail primarily focused on security operations, such as security equipment and control rooms, security door procedures, and inmate observation. This is primarily due to the fact that IPP didn't understand the deficiencies identified at the Daggett County Jail. IPP increased the frequency of security-related inspections by a factor of five (see Figure 3). However, the most serious issues that occurred at the Daggett County Jail were not related to security operations.

Direct observation methods, such as an inspection, do little to address inmate abuse, the exchange of favors, and improper relationships between jail staff and state inmates. UDC should employ monitoring methods that will increase the likelihood of detecting and preventing the inappropriate activities that occurred at the Daggett County Jail.

### **Limited Knowledge Caused IPP to Implement Insufficient Improvements to Monitoring**

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After the investigation of the Daggett County Jail, UDC failed to employ monitoring methods that would increase the likelihood of detecting and preventing similar inappropriate activities at other contract jails. A primary reason for this failure was that LEB did not adequately share the findings of its 2017 report with IPP, whose responsibilities include "identify[ing] areas of deficiencies to ensure the [contract jail] housing state inmates is safe, secure and has sound operational practices." Consequently, IPP management and staff were unaware of the majority of inappropriate activities that occurred at Daggett County Jail. This lack of knowledge led to IPP implementing limited improvements that did not fully address the failures of the Daggett County Jail. Had IPP been aware of all the issues at the Daggett County Jail, IPP would have had the opportunity to implement a broader set of controls. UDC management should ensure that IPP is aware of inappropriate issues identified at contract jails so IPP can implement appropriate controls.

## IPP’s Limited Response Focused on Security Operations

In response to LEB’s limited briefing on the Daggett County Jail investigation, IPP instituted what it calls “Enhanced Contract Monitoring” (Enhanced Monitoring). As shown in Figure 5, Enhanced Monitoring added video reviews and additional security operations checks (security checks). The additional security checks appear to be very similar to the historical security checks IPP conducted before the closure of the Daggett County Jail—the main difference being the timing of the checks. As indicated in Figure 5, IPP did not start conducting video reviews until after the closure. According to IPP management, IPP staff was supposed to conduct quarterly video reviews. However, IPP

**Figure 5: Comparison of Monitoring Procedures Performed at Contract Jails Before/After Daggett County Jail Investigation**

Procedure	Monitoring (Before Daggett)	Enhanced Monitoring (After Daggett)
Jail Standard Reviews	x	x
Security Checks		
Captains (business hours)		x
Case Managers (business hours)		x
Case Managers (after hours)	x	x
Video Reviews		x
Work Crew Checks	x	x

records show that IPP staff conducted video reviews at each contract jail an average of three times per year (see Figure 3). IPP staff began using video reviews to verify jail logs with video footage from security cameras. Both the security checks and video reviews focused on security operations such as the functionality of security equipment and control rooms, security door procedures, and inmate observation and counts.<sup>9</sup> Enhanced Monitoring is insufficient to detect and prevent many of the inappropriate issues that allegedly occurred at the Daggett County Jail.

## IPP Personnel Lack Skills to Adequately Assess Security Risks

We are concerned that UDC does not provide adequate training to those who perform security checks and is overlooking resources that could help UDC improve contract jail security. Those conducting security checks have not received any formal training on how to identify security issues. Furthermore, IPP management did not want to use security training and standards created by the U.S. Department of Justice, National Institute of Corrections (NIC) because the training and standards focus on technical security issues like concertina wire types and coiling methods, distances between security features, and fencing specifications. In addition, multiple jail commanders told us that security checks are not performed in a way that adds to the safety and security of contract jails.

Prime examples of UDC’s deficiency in this area are the two successful and one attempted, but unsuccessful inmate escapes that occurred at the same contract jail.<sup>10</sup> In each case, inmates climbed a section of fencing in the recreation yard next to the jail building. If security had been sufficiently hardened after the first escape, the second and third incidents may not have occurred. UDC management should

<sup>9</sup> Video reviews also verified logs relating to meals, access to showers and cleaning supplies, and medical visits.

<sup>10</sup> These escapes occurred over an 11-year period from 2007 to 2018.

ensure that those inspecting and monitoring contract jails have the qualifications and training to fulfill their assigned functions.<sup>11</sup> Failure to do so may result in an increased liability for the state.<sup>12</sup>

## **Direct Observation Should Be Supplemented with Additional Monitoring Methods**

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One challenge of monitoring jails through direct observation, such as an inspection, is that jail staff and inmates who know monitors are observing them may change their behavior while being observed. IPP management and monitors emphasized that there is no such thing as an unannounced or inconspicuous jail visit. The moment IPP staff pulls up to a contract jail everybody knows IPP is there. This makes it difficult for IPP to determine what happens at a jail when monitors are not present. More effective ways to monitor include: (A) observing video footage of security cameras, and (B) interviewing inmates and staff in a private setting.

## **IPP Is Underutilizing Video Reviews**

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As mentioned previously, UDC started reviewing the video footage of contract jail security cameras following the Daggett County Jail closure. However, in our opinion, IPP has underutilized this monitoring method. As shown in Figure 3, IPP has averaged just three video reviews per year per contract jail. Video reviews are also limited to verifying jail logs. Furthermore, we found evidence that some reviewers are not randomly selecting the timeframe that they review. Lastly, we noted that state contracts between UDC and contract counties do not include specific requirements regarding access to or retention of video footage. UDC could more effectively utilize contract jail video footage by:

- Ensuring reviewers performing video reviews use both targeted and randomly-selected timeframes for review;
- Increasing the frequency of video reviews;
- Utilizing video footage to review other jail activities beyond jail logs; and
- Ensuring that the security cameras at contract jails have adequate visual coverage.

## **IPP Conducts Inadequate Interviews of State Inmates and Jail Staff**

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UDC policy states that monitors may use interviews with jail staff and inmates to verify operational practices. We found that IPP monitors conduct relatively few interviews with jail staff and inmates and do not document who was interviewed nor what was discussed. Monitors conducted interviews in hallways, cellblocks, cells, and other non-private places, where staff or inmates could overhear the conversations. According to IPP staff and documents provided to auditors, interviews have never generated information worth documenting.

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<sup>11</sup> Government Auditing Standards GAO-18-8.58 G

<sup>12</sup> Department of Justice, National Institute of Corrections, Jail Standards and Inspection Programs, Resource and Implementation Guide.

According to the Daggett County Jail investigation, many jail staff members and state inmates were aware of the problems occurring at the jail. During the investigation, jail staff and state inmates shared information and concerns with UDC investigators. However, in the more than two and a half years since that investigation, UDC has not improved its interviewing practices with regards to monitoring.

One of the most important aspects of interviewing is the environment in which the interview is conducted. For example, the NIC recommends conducting interviews in privacy and comfort so that people are more likely to be forthcoming with information. It is also important to interview a variety of jail staff and inmates and to document interviewees and comments made. UDC should ensure that monitors know how to properly conduct and document interviews. UDC should also ensure that monitors are performing meaningful interviews.

## **Recommendations**

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We recommend that the Department of Corrections:

- Ensure Inmate Placement Program improves monitoring procedures based on the deficiencies identified at the Daggett County Jail.
- Implement controls and procedures that would reasonably detect or prevent inappropriate activities similar to those that occurred at the Daggett County Jail by prioritizing the greatest risks and targeting monitoring procedures accordingly.
- Train those conducting security inspections at contract jails on how to conduct proper and effective inspections.
- More effectively utilize video footage from contract jail's security cameras by:
  - Ensuring monitors performing video reviews use targeted and randomly selecting timeframes for review;
  - Increasing the frequency of video reviews using video footage to review other jail activities (not just jail logs);
  - Ensuring that the security cameras at contract jails have adequate visual coverage; and
  - Ensuring state jail contracts include adequate provisions regarding access to and retention of video footage.
- Train contract monitors on how to conduct proper interviews, including conducting interviews in privacy and documenting who is interviewed and what is discussed.
- Conduct more effective and meaningful interviews with a variety of jail staff and state inmates housed in county jails to better assess operational compliance with jail standards.

## Finding 3

# IPP Does Not Adequately Track and Resolve Concerns Identified at Contract Jails

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IPP no longer tracks security and operational issues identified at contract jails and whether the identified issues have been resolved. Although IPP observes and documents some security and operational issues occurring at contract jails, IPP has failed to provide reasonable assurance that the issues have been resolved. IPP lacks communication and coordination between IPP staff involved with monitoring the contract jails. UDC management has also failed to ensure that reports on serious deficiencies in jail security and operations are shared with IPP. UDC should establish a process for tracking, following up on, communicating, and resolving security and operational issues identified at contract jails.

## IPP Stopped Tracking Security and Operational Issues

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A critical aspect of monitoring jails is ensuring there are processes in place to correct identified deficiencies. UDC policy states that the IPP director is responsible to ensure problems occurring at the jails are documented and followed up on. For about seven months (from June 2017 to January 2018), an IPP deputy warden compiled a list of security and operational issues that IPP staff observed at contract jails. The list noted 45 issues, 22 of which had a documented resolution.

For unknown reasons, IPP stopped documenting issues observed at contract jails. This is the only document IPP provided to auditors regarding tracking deficiencies and resolutions. The IPP Director did not know about this list and why it was not being used anymore. He also did not know how his staff was currently tracking and resolving security or safety issues observed at contract jails.

## IPP Lacks an Effective Process to Follow Up on Documented Issues

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Each of IPP's primary monitoring procedures<sup>13</sup> has an accompanying form for the staff member performing the procedure to fill out. In reviewing the forms, we noted that none of the forms had a section to identify security and safety issues that require follow up. We could not determine whether IPP followed up on or resolved issues raised on completed forms. Regarding this matter, the IPP Director said he was not sure if follow up was taking place or whether issues were being resolved. Another IPP manager told us that issues identified on a form are followed up through informal discussions.

## IPP Lacks Adequate Coordination in Monitoring Contract Jails

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IPP has two deputy wardens, each of whom head up an IPP section. The two IPP sections are (1) Contract Monitoring and (2) Inmate Management. In general, Contract Monitoring monitors the jail contracts, including determining whether jails are compliant with contracts and adequate to house state inmates. Inmate Management assigns inmates housed at contract jails to case managers and supervisors who track inmate progress and respond to inmate concerns.

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<sup>13</sup> See Figure 3 for a list of primary monitoring procedures.

After the Daggett County Jail closure, Inmate Management became more involved in contract monitoring as case managers and supervisors were asked to perform security checks and video reviews. However, there appears to be little coordination and communication between the two sections regarding monitoring activities. We could not determine whether Inmate Management communicated its findings to Contract Monitoring. IPP personnel were not sure how or if this communication and coordination was happening. Both IPP management and staff admitted that there was a lack of communication and dissemination of information within IPP. During the audit, IPP managers began having monthly meetings with contract monitors to coordinate and communicate issues identified at the contracted jails.

## **IPP Does Not Ensure Deficiencies Are Resolved Before Determining Jails Are Compliant with Contracts**

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At the end of each contract year, IPP issues a compliance rating to contract jails stating whether IPP deemed the jail compliant with the jail contract. In some cases, we noted that IPP issued favorable compliance ratings before ensuring critical security or operational deficiencies were resolved. For example, in August 2017, a video review revealed that jail staff were sleeping on duty and had fabricated the activity logs. In September 2017, the jail provided a corrective action plan to IPP outlining how the jail was going to fix the issue. In December 2017, IPP issued a full compliance rating to the jail without verifying whether the jail had corrected the deficiencies. In fact, IPP did not conduct another video review at that jail until March 2018. IPP failed to provide auditors with documentation that IPP followed up with or resolved this deficiency.

## **UDC Management Failed To Ensure Reports on Jail Security and Operations Are Shared With IPP**

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Similar to the report on the Daggett County Jail investigation, LEB has not shared with IPP its report regarding a November 17, 2018 escape of a state inmate from another contract jail. In this case, the escaped inmate scaled a fence at a contract jail in the same area of the jail where one attempted escape and another successful escape had previously occurred. IPP needs to be aware of inappropriate issues identified at contract jails so IPP can improve monitoring and controls to detect or prevent operational concerns.

## **Recommendations**

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We recommend that the Department of Corrections:

- Establish procedures for tracking, following up on, communicating, and resolving security and operational issues identified at contract jails.
- Implement procedures ensuring effective communication and coordination within IPP and between the different UDC divisions.
- Ensure that those who determine whether jails are compliant with contracts and suitable to house state inmates have all the necessary information to make the determination.
- Ensure contract jails have resolved critical deficiencies before issuing full compliance ratings.

## **Finding 4      UDC Operated Without Jail Standards**

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Requiring contract jails to comply with meaningful jail standards helps limit risks and brings consistency in jail operations. After experiencing significant problems, UDC started requiring contract jails to comply with jail standards. However, as of January 2019, UDC stopped inspecting jails to check for compliance with jail standards. UDC should ensure contract jails are provided with an effective set of standards.

### **Standards Limit Risk and Provide Operational Consistency**

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The NIC states that proper jail standards are necessary to:

- Limit risks such as violence, medical issues, inadequate services, contraband, security failures, and inadequate emergency responses;
- Take into account the substantial body of law, including case law, that addresses almost every aspect of jail operations;
- Maintain balance between restricting individual liberties and operating a safe and secure jail;
- Limit the significant liability exposure faced by the state and counties; and
- Bring consistency and fairness to the governmental function of locking people up.<sup>14</sup>

### **UDC Stopped Monitoring Contract Jail Compliance with Standards**

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A lack of standards was a major finding of the problems occurring in the Daggett County Jail escape of two convicted murderers in 2007. An internal UDC report noted that “[t]he current jail contracts did not contain clear, measurable standards [and] weak standards have made monitoring difficult.”<sup>15</sup> A 2008 legislative audit<sup>16</sup> also recommended that each contract jail be held to a set of measurable standards. Because of these audits, UDC started requiring contract jails to comply with jail standards.

For the past several years, UDC has contracted with a company to access a proprietary set of jail standards called the Minimum Jail Standards (MJS). The company provided a web-based software that allowed IPP to track contract jails compliance with the MJS. However, on December 31, 2018, while the jail contracts were still in effect, UDC terminated the contract with the company.

As a result, since January 2019, UDC has not inspected contract jails to check for compliance with a set of jail standards. Around July 2019, UDC and most contract jails<sup>17</sup> signed new contracts that require the jails

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<sup>14</sup> “Jail Standards and Inspection Programs, Resource and Implementation Guide.” U.S. Department of Justice, National Institute of Corrections, April 2007, pg. 5-6.

<sup>15</sup> “County Jail Contract Provisions and Management.” Utah Department of Corrections, the Bureau of Audit; June 2008; pg. 3.

<sup>16</sup> “A Performance Audit of Utah’s Jail Contracting Program.” Office of the Legislative Auditor General, August 2008.

<sup>17</sup> One county refused to sign the contract without being able to examine the new jail standards. From our perspective, none of the jails should have signed a contract dependent on non-existent standards.

to comply with a new set of standards. However, UDC is still in the process of implementing the new standards.<sup>18</sup>

UDC could have continued operating with the MJS until the new standards are published. Instead, UDC decided to operate without a set of standards. UDC could not provide a reason for this decision. Operating without standards may increase the operating risks faced by jails and the state. Moreover, operating without standards may create inconsistencies in how contract jails operate and have a negative impact on the service that state inmates receive from contract jails. This issue has also frustrated IPP staff and contract jails. UDC should ensure contract jails are provided with an effective set of standards.

## **Recommendations**

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We recommend that the Department of Corrections avoid lapses in operational standards and that adopted standards provide for effective operations at contract jails.

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<sup>18</sup> The new contracts state, “[Contract jails] shall comply with the Utah Correctional Standards, which are incorporated herein and published on the UDC website.” The standards have not yet been included with the signed contract, nor are they posted on the UDC website.

## **Finding 5**

# **IPP Cannot Adequately Judge How Effective It Is in Accomplishing Its Mission**

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Performance management improves government accountability by enhancing a government’s capacity to measure, improve, and convey results. IPP lacks performance measures, goals, and strategic priorities and is unable to measure its ability to accomplish its mission. IPP should develop simple, trackable performance measures so it can determine whether programs are successful.

### **Performance Management Can Improve Government Accountability**

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A primary purpose of performance management (PM) in a government setting is to help agencies use resources more effectively and produce results that provide a greater benefit to the public. PM is a continuous cycle of planning, implementing, and evaluating with the goal of improving strategic outcomes.<sup>19</sup> Prominent components of PM include:

- establishing an organizational mission,
- setting strategic priorities,
- implementing the mission and priorities,
- collecting data to measure performance,
- determining how to improve results, and
- adjusting priorities.

In addition to informing an agency’s decision-making, PM also helps agencies earn the confidence of elected officials and the public. The National Performance Management Advisory Commission stated that PM “improves accountability and supports confidence in government not only by enhancing governments’ ability to communicate performance information but also by giving governments the right tools for improving results.”<sup>20</sup> Employing data to justify the use of government resources facilitates transparency and accountability.<sup>21</sup>

### **IPP Lacks Performance Measures, Goals, and Objectives**

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IPP and its DPO supervision failed to articulate any performance measures and acknowledged that IPP does not have performance metrics, written goals, or strategic objectives. One manager said it is hard to answer our question about goals because the goals keep changing. IPP acknowledged having data available to them. However, they have not used the data to adequately track their progress. UDC should ensure DPO

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<sup>19</sup> Auditor analysis of the following: “A Performance Management Framework for State and Local Government.” National Performance Management Advisory Commission, 2010; National State Auditors Association. “Best Practices in Performance Measurement, Part 1: Developing Performance Measures.” 2004; “Best Practices for Good Management.” Office of the Legislative Auditor General, 2009.

<sup>20</sup> A Performance Management Framework for State and Local Government. National Performance Management Advisory Commission, 2010, Pg. 5.

<sup>21</sup> A Performance Management Framework for State and Local Government. National Performance Management Advisory Commission, 2010.

provides necessary oversight of IPP and that IPP collects and uses data to accurately measure performance.

## **Recommendations**

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We recommend that the Department of Corrections:

- Identify and establish consistent goals, objectives, and performance measures for the Inmate Placement Program.
- Collect and use necessary data to accurately measure the performance of the Inmate Placement Program.

## Finding 6

# UDC Internal Audit Bureau Does Not Prioritize IPP's Significant Risks

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UDC has its own Internal Audit Bureau (IAB). IAB does not prioritize IPP's most significant risks for review. IAB should evaluate IPP's operational activities and deficiencies, and identify risks that could affect IPP's performance.

### Failure to Conduct Audits of IPP

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The Government Auditing Standards (GAO) states, "Audits provide essential accountability and transparency over government programs." They also provide accountability to legislators, oversight bodies, those charged with governance, and the public.<sup>22</sup> The NIC states corrections agencies should "develop a system of internal audits and inspections to monitor jail activities, identify problems, and track trends."<sup>23</sup> The system of internal audits should be risk-based and assessed annually.<sup>24</sup>

Since 2008, UDC's IAB has conducted two audits of IPP. IAB provided both audits to UDC management in the latter half of 2016. One audit related to inmate medical co-payments and the other related to the caloric content of lunches provided to inmate work crews. We are concerned that significant events that have occurred over the past decade, including several escapes, inmate abuse, and inappropriate jail staff and inmate relationships, have not triggered an audit or other review of IPP by IAB. Ignoring these significant deficiencies gives the appearance that IAB has prioritized minor issues such as the calorie content of sack lunches over escapes of state inmates.

IPP manages and coordinates the housing for approximately 25% of all state inmates and has a budget of over \$31 million. Because IPP plays such a significant role in managing state inmates and due to the size of IPP's budget, we are concerned that IAB has not been reviewing IPP to the extent we would expect.

While we did not audit IAB, IAB could do more to evaluate IPP's operational activities and deficiencies. These reviews could improve IPP's performance.

### Recommendations

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We recommend that the Department of Corrections:

- Conduct risk-based audits of the Inmate Placement Program.
- Evaluate the Inmate Placement Program's operational activities and deficiencies and identify factors that could improve the program's performance.

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<sup>22</sup> The Government Accountability Office, Government Auditing Standards 2018 Revision 1.05

<sup>23</sup> "Conducting Security Audits Seminar Audit Report." U.S. Department of Justice, National Institute of Corrections, August 2017, pg. 32

<sup>24</sup> The Institute of Internal Auditors

# Appendix A      **Audit Objectives, Scope, Methodology, and Limitations**

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The objective of this audit was to review and evaluate UDC’s Inmate Placement Program, with particular emphasis on:

- Terms of jail contracts;
- UDC monitoring of jail contracts to ensure contract jail compliance;
- UDC’s response to issues that occurred at the Daggett County Jail and that led to UDC removing state inmates from the facility; and
- Standards, rules, and policies that govern the operations of contract jails.

The audit scope focused on UDC jail contracts with Utah jails for FY 2013 to FY 2019. However, we also conducted interviews, examined records, reports, inspections, and audits relating to inmate escapes as far back as 2004.

We conducted interviews with several individuals, including:

- Corrections personnel to determine processes and related controls for housing and securing inmates committed to UDC custody in county jails.
- The developer of the Utah Sheriffs Association Jail Standards, Gary Deland of Deland and Associates.
- Several jail commanders that are currently housing UDC inmates.
- A jail commander whose agency cancelled its contract with UDC/IPP.
- Management of other state prisons.

Other documents we reviewed include:

- Past and current contracts between UDC and all of the counties that house state inmates.
- Past audits conducted by the Office of Legislative Auditor General, UDC internal audits, and inspections relating to IPP.
- A June 12, 2017 external audit of UDC conducted by the U.S. Department of Justice, National Institute of Corrections.
- UDC jail standards that were in effect until December 31, 2018.
- The Utah Sheriffs Association Jail Standards.
- Utah statutes.
- UDC departmental policies.
- All state and federal lawsuits filed in the last five years by state inmates housed in the county jails and at UDC prisons.

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## **Appendix B    Concluding Remarks**

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UDC failed to take reasonable and appropriate steps to ensure (1) IPP learned from the weaknesses identified at the Daggett County Jail and (2) IPP implemented adequate monitoring to detect or prevent highly inappropriate activities. UDC primarily focused on facility security. However, as shown in UDC's response, the most serious issues that occurred at the Daggett County Jail were related to operational improprieties. While briefings may be an important method of shared learning, our review shows that it was insufficient. The IPP Director was unaware of the majority of issues identified in the Daggett County Jail report.

We were deeply concerned that, during the course of this audit, IPP's request for a copy of the Daggett County Jail report was denied, limiting IPP's ability to make necessary improvements. The UDC Executive Director should ensure this type of limitation never reoccurs.

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# **Appendix C**

## **Response from the Utah Department of Corrections**



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# Utah Department of Corrections

## Executive Office

MIKE HADDON  
*Executive Director*

January 22, 2020

Mr. John Dougall, State Auditor  
East Office Building, Suite E310  
Utah State Capitol Complex  
Salt Lake City, Utah 84114

Dear Mr. Dougall,

The Utah Department of Corrections (Department) would like to extend our appreciation to the Utah Office of the State Auditor (Auditor) for their work on “A Performance Audit of Utah Department of Corrections Inmate Placement Program” (Audit). [Performance Audit No. 20-01] The staff with the Auditor’s Office acted professionally, courteously and with integrity during the course of the Audit; and the Department is and will continue focusing on improving our Inmate Placement Program (IPP) based on recommendations contained within the Audit, as well as with our own observations for improvement.

As noted in the Audit, IPP plays a key role in our Department’s operations and in managing contracts with county jails throughout Utah that house state inmates. These contracted county jails house over 20% of Utah’s state inmate population, and our Department appreciates our continued partnership with these counties. The Department truly believes the management and operations of jails across our state are exceptional. The public should have confidence in the difficult and dangerous work jail staff and Sheriffs are engaged in every day, as well as similar work occurring within the Department. Correctional professionals, not only in this state, but across the nation, seldom get the credit and recognition they deserve.

Several of the findings included in the Audit relate to issues surrounding the treatment of some inmates housed at the Daggett County jail. At that time, I was serving as a Deputy Director, and my portfolio of responsibilities did not include the Division of Prison Operations (DPO), of which IPP is a section, or the Law Enforcement Bureau (LEB). As a Deputy Director, I was intimately involved in reviewing in detail the findings of that particular investigation. However, I was not intimately involved in the decisions made regarding any changes in IPP monitoring resulting from the investigation’s findings. Still, the present Audit provides compelling guidance for improving our Department’s monitoring function which will be discussed later in this response.

I was not serving as Executive Director when the decision was made to create new Correctional standards to replace jail standards previously used by the Department. The

previously used standards happened to be in place at the time of the Daggett county incident and both the Department and the Utah Sheriff's Association were monitoring the county jails' compliance with these standards. These standards have proved useful in monitoring county jails and are still used across the state. I attended most of the meetings that led to the decision to create new correctional standards. As Deputy Director, I stood in agreement that moving to new standards would be important for creating transparency with the public regarding not only the contracted county jails, but also creating measurable, public standards for the state prisons and community correctional centers operated by the Department. The development of these new Correctional standards occurred during the transition between the previous Executive Director and me. With the new standards now completed, the Department is moving towards implementation. Some of the lapses identified in the Audit relating to jail contract monitoring occurred, in part, due to the simultaneous transition to new standards and transition between Executive Directors. That being said, it was my responsibility, as the current Executive Director to ensure ongoing monitoring continued as standards were transitioned.

Prior to the beginning of this Audit, the Department recognized the need for improvement in several areas related to IPP operation and management. Many of these improvements were discussed directly with Utah's Sheriffs in the Summer of 2019 during an annual meeting. Also as noted in the Audit, the Director of IPP was removed to improve oversight and leadership, as well as enhance positive progressive change within IPP. As Executive Director of the Department, it was my decision to remove and replace the IPP Director, which did occur while this Audit was in progress. It should be clearly understood that the decision to change the IPP Director did not result from this Audit. In fact, that decision occurred long before the Department knew the nature of this Audit relative to IPP and, more specifically, months before the Department was provided the findings included in the Audit. This removal, however, should not detract from the hard working, dedicated, and professional staff currently working for our Department within IPP. These unsung heroes work each day to help offenders succeed while also maintaining public safety. Any shortcomings or lapses identified in the Audit are my responsibility as Executive Director.

In reviewing the findings of the Audit, three primary themes surfaced. One relates to incidents that occurred in two contract county jails and the Department's decision to not share the final investigative reports related to those incidents with IPP leadership and staff. The Audit argues that not sharing the final investigative reports in these cases limited IPP's ability to adjust standards or monitoring techniques to mitigate those types of incidents in the future. The second relates to the quality and the quantity of reviews being conducted by IPP. Thirdly, the Audit raises the issue of the Department failing to follow up on deficiencies identified through jail contract monitoring and the Department's abandonment of previously used standards at the beginning of 2019 pending the anticipated adoption of new standards. Each of these issues will be addressed in turn. Notwithstanding, the following review of each of the three themes, the Department agrees that the Auditor's recommendations are on point and will improve our processes associated with the monitoring of contract county jails.

The first concern raised relates to two significant incidents that occurred in two contract county jails, namely Daggett County and Beaver County. It should be noted that the Department's Law Enforcement Bureau conducted the investigation after allegations arose

related to Daggett County and did exceptional work. Auditors note that the Department's investigations unit, LEB, did not share final investigative reports with IPP. The contention of the Audit is that due to not sharing these final written investigative reports IPP was hamstrung in its ability to completely understand what occurred in these incidents, and, thus, were unable to develop more complete monitoring process adjustments to address specific findings in each investigative report. It is accurate that final investigative reports were not provided to IPP, and moving forward, the Department will ensure these types of reports are made available to IPP.

However, in terms of the incidents and abuses that occurred at the Daggett County jail, LEB conducted at least ten (10) very detailed briefings with various stakeholders, including the Daggett County Sheriff, Daggett County Commissioners, the Attorney General's Office and several others. Documentation confirms that the Director of Prison Operations, who oversees IPP, attended at least three of these briefings, and two briefings were presented directly to the IPP leadership (IPP Director and two Deputy Wardens on April 21, 2017 at 0900 hours) and the IPP staff (including all levels from IPP Director to support staff on May 30, 2017 at 1000 hours). The briefings consisted of 45 slides and covered all allegations made related to the Daggett County incident, some of which are itemized in the Audit. The briefing presentation was put together in an easy to understand format identifying the specific allegation, a brief synopsis, and the findings associated with the allegation.

These briefings were incredibly detailed regarding all allegations related to the Daggett County jail. So, although IPP may not have received the final investigative "report", there is little question that the IPP Director and the DPO Director were fully aware of all the allegations regarding that specific incident. The Audit argues IPP and DPO only received "limited" briefings. In actuality, they received comprehensive briefings of all Daggett County allegations, as noted on the specific dates provided previously. *Appendix A* provides an overview of many of the detailed allegations included in the briefing provided to both the Director of DPO and the IPP Director and IPP staff.

Turning to the more recent incident outlined in the Audit regarding the Beaver County Jail, Department leadership, Sheriff's Office leadership, LEB investigators, IPP leadership and IPP staff immediately – only hours after notification – made their way to Beaver County to assess how an escape had occurred. All of the staff present worked together to evaluate the situation, review the incident, and discuss solutions to ameliorate the vulnerability. Consistent follow up with the Beaver County Sheriff ensured the vulnerability was addressed. This was a collaborative effort between UDC and Beaver County to ensure public safety across the state. The details were discussed with the other jails and the prisons, which resulted in the identification of other facilities having similar vulnerabilities and the addressing of those vulnerabilities.

The Audit notes two successful escapes from the Beaver County jail and one unsuccessful escape, each occurring in the same area of the facility. After the first escape from the jail, a review indicated additional razor wire was needed to be placed in the area where the escape occurred, as well as direct observation of inmates in the recreation area by an officer. As a result, razor wire was added. The second was an attempted escape, and the inmate attempting escape was caught in the additional razor wire installed after the first escape attempt and

prevented his escape. In this instance, the upgraded security wiring served its purpose. The final escape, that occurred in November 2018, led to additional security hardware being placed in that specific area of the facility, as well as a reiteration that inmates in the recreation yard must be monitored directly by a Beaver County officer. *Appendix B* provides additional detailed information regarding these incidents.

The Department agrees with the Auditors that final LEB investigative reports related to contract jail incidents should be provided to IPP and DPO leadership. The final investigative reports related to Daggett County and Beaver County have now been provided and are available to both DPO and IPP. Additionally, moving forward, final LEB investigative reports related to incidents at contract county jails will be shared with DPO and IPP as recommended in the Audit.

The information contained in these reports is instructive and will only enhance IPP's ability to improve monitoring practices to mitigate future incidents. As noted, from the many detailed briefings the IPP Director was involved in regarding the incident at Daggett County, along with the immediate response on the same day of the Beaver County incident, the Audit's contention that IPP was only minimally aware of what occurred in each incident is not accurate. However, by sharing final investigative reports with DPO and IPP, the Department can ensure future managers and leaders have access to detailed written information that will assist them in their continuing efforts to effectively monitor the county jails.

The Audit references the need for proper training of its jail contract monitoring staff. Here, again, the Department agrees that a more structured and complete training curriculum would be beneficial, along with assurances that current and future staff working in these areas receive the training. Within this section, Auditors note security standards developed by the United States Department of Justice, National Institute of Corrections (NIC). Missing from the Audit report is information that Department staff from IPP and both prison sites (including the supervisor who was working specifically with jail contract monitoring in IPP) attended NIC's security audit training on September 11 - 16, 2016 in Hutchinson, Kansas. The Department is committed to maintaining these certifications and is looking to expand training to ensure others on the contract monitoring staff understand and are trained to perform NIC security audits or similar forms of audits. Further, the Department will consider adding these security standards into the new Corrections standards, so they become part of regular auditing and monitoring processes.

Another category of findings included in the Audit relates to the quality and quantity of reviews being conducted by IPP. Several of the findings within this category relate specifically to inaction or lack of knowledge on the part of the leader of IPP, and, as noted, the Department has changed our IPP Director. We stand committed to put appropriate checks and safeguards in place to ensure that deficiencies that may be identified through the contract monitoring process are followed up on and addressed. Further, the Department believes that, in many instances, the newly established Utah Correctional Standards, and surrounding processes, will address areas of the Audit identified as needing improvement.

A final category of findings included in the Audit relates to the abandonment and apparent lack of contract monitoring that began in 2019. First, it is important to note that during

this period of time, monitoring of contract county jails continued. As noted in the Audit, it was at this time that a contract with a vendor providing the software historically used for tracking jail monitoring was terminated. This is an accurate finding, and the Department agrees with the Auditors that this could have been better handled. However, the finding does create an impression that monitoring of contract jails ceased to occur during this period. That is not the case. Rather, contract monitors continued to conduct monthly jail visits and used one of their own forms, called the IPP Contract Monitor Facility Operations Review, as a mechanism to continue to review and track compliance measures. Although monitoring did continue during this period, because of the termination of the software contract, the Department was not able to as effectively track deficiencies that may have been found or, if found, how they were resolved. The Department also acknowledges that review forms used by IPP were limited in comparison to the Minimum Jail Standards. It should also be noted that the Utah Sheriff's Association also continued to track and monitor jails as an independent process through their Minimum Jail Standards and independent monitoring during this time period.

The Department acknowledges that the transition from previous jail standards to the new Utah Correctional Standards could have been handled differently. As the Audit indicates, the previous standards could have been kept in place until the new standards were implemented. At this time, the new standards have been developed, the contract with the vendor that assists in monitoring against those standards is in place, and the new standards have been entered into the software. The finalization of the processes can now be completed with consideration of the information contained in this Audit.

The following outlines steps that have already been taken or will be put into place in response to the recommendations contained within the Audit.

### **Finding 1 Recommendations**

1. On January 16, 2020 at 1300 hours, IPP staff received the briefing associated with the Daggett County jail incident.
2. The Department will review the processes involved in sharing investigative information that could impact and improve our monitoring of jail contracts and management of state inmates. In cases where criminal investigation and prosecution could be jeopardized in the sharing of reports or where investigative tactics and strategies could be exposed in the sharing of reports, the Department will identify and provide information to ensure proper management and monitoring. Additionally, once an investigative report is complete, a copy will be shared with the IPP Director and made available to monitoring staff for review as needed.
3. In cases of ongoing administrative or criminal investigations related specifically to any operations of contract county jails, the LEB Chief will communicate to DPO and IPP any findings that may have immediate detrimental impacts to the safety and security of the public or state inmates.

4. Now in place is a weekly coordination meeting between contract monitoring staff and IPP housing staff. There is also a regular meeting between IPP management and the Programming Division management.
5. The final investigative reports related to the Daggett County incident that surfaced in 2017 and the Beaver County incident from November 2018 have now been provided to DPO and IPP.

### **Finding 2 Recommendations**

1. On January 16, 2020 at 1300 hours, IPP staff received the briefing associated with the Daggett County jail.
2. The Department will develop and provide training for current and future monitors of jail contracts. This training will include, but not be limited to, appropriate video review, required video retention, proper interview processes (for both staff and inmates), and insurance of regular and random review of video documentation against standards. The Department will continue to sustain NIC, or equivalent, security auditor certifications and ensure as staff transitions occur, new staff will become certified as security auditors. Further, the Department will consider adding the NIC, or equivalent, security standards into the newly developed Utah Correctional Standards.
3. IPP will collaborate and train with other correctional agencies and national organizations to ensure the audit techniques employed by IPP meet national standards and are comprehensive enough to facilitate the early detection of deficiencies or discrepancies during jail audits. Additionally, existing IPP staff will receive further training on basic interview and investigative techniques. These trainings will also be incorporated into the onboarding process of new IPP staff moving forward.
4. Case managers within IPP now have a briefing with individual jail commanders. Additionally, Captains, Lieutenants, and Case Managers conduct facility walkthroughs, along with the contract monitors. IPP staff walk through the entire facility rather than only certain areas.
5. Review of video will be random and conducted, at a minimum, on a quarterly basis.
6. Interviews with offenders and staff are now conducted privately.

### **Finding 3 Recommendations**

1. Ongoing processes will be developed to individually track any deficiencies found during jail contract monitoring. Where deficiencies are found, a monitor will be assigned responsibility for ensuring they are addressed, the timeframe by which they are to be addressed, and documenting how a deficiency was addressed.

2. As noted, regular and ongoing collaboration is now occurring between contract monitors and IPP Inmate Placement personnel. The IPP Director is responsible for ensuring the established process continues and is being followed.
3. Prior to issuing a full compliance rating, IPP will be responsible for ensuring any and all deficiencies identified through a jail contract audit have been properly resolved.

#### **Finding 4 Recommendations**

1. The lapse in tracking standards, as outlined in the Audit, occurred as a result of a pending transition to newly established standards. Monitoring of the county jails continued during this period, but the Department lacked the software necessary to as effectively document results of the contract monitoring. At this time, the new Utah Correctional Standards are in place, a contract with the vendor providing monitoring software has been renewed and monitoring against the new standards is in process.
2. In the future, if the Department abandons or adjusts monitoring standards, it will be the responsibility of the Executive Director to ensure current standards remain in place and results are documented until replacement or adjusted standards are implemented.

#### **Finding 5 Recommendations**

1. Although shifting in nature, the overall mission of the Department has remained constant. The Department does have a vision and mission statement. The Department of Corrections is unique in that all of its divisions and bureaus work collaboratively on a single mission. The mission has been simplified to ensure all staff are able to understand the mission, as well as how their work assists in accomplishing this mission. The Department has also developed targeted measures that are tracked regularly to ensure success is being achieved. It is the responsibility of the Executive Director to effectively communicate the mission of the Department. This is conducted through regular communication and correspondence with personnel and external stakeholders.
2. The Department has developed a small number of targeted metrics related specifically to the Department's mission. These metrics inform the Department of proper operations, processes, and progress.
3. Metrics will be reviewed regularly by the Director of the Division of Prison Operations and the IPP Director. As needed, additional metrics may be put into place.

## Finding 6 Recommendations

1. As in many state agencies, the Department's internal audit bureau is small, yet it is responsible for identifying areas of risk across all Department functions. Historically, their role has not included auditing the jail contract audits themselves, as this has appeared redundant. However, the Department will explore options for evaluating the work of jail contract monitors regularly via a third party either within or outside of the Department.

In closing, the Department wishes to again express appreciation to the State Auditor and his staff for the recommendations outlined in this audit. As noted, changes to processes and personnel related to the functioning of IPP was under way prior to and during this Audit. The recommendations within this Audit will serve to guide new management and improve the monitoring of jail contracts through IPP. It is the hope of this Department that the findings contained within the Audit do not create a perception that jails in Utah are not operating effectively and safely. To the contrary, the Department values its partnership with county Sheriffs across the state and believes those jails with which the state contracts for placement of state inmates are among the best managed in the nation.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Haddon", with a large, stylized flourish on the left side.

Mike Haddon, Executive Director  
Utah Department of Corrections

# Appendix A

As noted within the presentation, the full briefing regarding the Daggett County incident that was investigated in 2017 was provided multiple times to the Inmate Placement Program Director, as well as provided specifically to IPP staff. Reviewing the material covered within these briefings make clear they are not minimal or limited briefings. The incidents that occurred are not only unacceptable, but also incredibly troubling, offensive, and contrary to correctional staff behavior across our state.

With that said, the following is a summary of some of the information provided in the briefing with the IPP Director, as well as staff within IPP. As is evident, the briefing was not limited and is actually very comprehensive.

- *Alleged staff member received a set of golf clubs from a business associate who was a parolee in exchange for preferential treatment and a positive letter to the Board of Pardons and Parole (BOPP).*
  - This allegation was not substantiated but is included here as it is tied to another allegation related to a letter written to the BOPP. It appears the discussion occurred, but golf clubs were not exchanged and no letter to BOPP from the staff member was found.
- *Allegation that inmates worked on personal projects of jail employees*
  - Allegation was sustained, based on interviews the following are examples of what inmates did for jail staff
    - Personal vehicles washed
    - Minor repairs on staff personal vehicles
    - Refinishing a clothing dresser
    - Personalized woodworking projects/crafts
    - Pick-up truck liner installation
- *Allegation jail staff member allowed state inmates to use his personal cell phone*
  - Sufficient evidence to support allegation
  - Based on interviews, staff member did allow state inmates unauthorized and unmonitored phone calls from a personal cell phone
- *Allegation that an inmate rented a car for a jail staff member*
  - Evidence exists to support this allegation
- *Allegation jail staff member gave inmates extra items, creatine/vitamins, food and beverages and a memory card of music*
  - Evidence exists to support this allegation
- *Allegation jail staff member used a taser to drive stun five inmates*
  - Evidence exists to support this allegation
- *Allegation that two additional jail staff members were present when other jail staff member tased five inmates*
  - Evidence exists to support this allegation
  - Two additional jail staff members believed they did not need to report the incident as the jail staff member doing the tasing was their superior

- *Allegation jail staff member tased an inmate in the woodshop area*
  - Evidence exists to support this allegation – the tasing was said to be an initiation in order for the inmate to be employed on a work crew
- *Allegation jail staff member stole a taser belonging to another law enforcement agency*
  - Evidence exists to support this allegation
- *Allegation jail staff member gave a taser to an inmate to scare another staff member in the jail facility*
  - Evidence exists to support this allegation
- *Allegation jail staff member told two inmates not to disclose the tasing incidents to investigators*
  - Evidence exists to support this allegation
- *Allegation jail staff member pointed a taser at a civilian employee and discharged it without a cartridge*
  - Evidence exists to support this allegation
- *Allegation that several jail staff used tasers in control rooms to actually tase one another and to scare one another*
  - Evidence exists to support this allegation
- *Allegation jail employees regularly slept on duty, missed counts and skipped security checks*
  - Sufficient evidence to support this allegation
  - The skipped security checks while indicating a check had occurred led to what could be considered falsified documents or reports
- *Allegation jail employees regularly use a monitor in the control room to watch television*
  - Sufficient evidence to support this allegation
- *Allegation jail employees would bring in a gaming console to play video games, as well as bringing the console into inmate areas to allow inmates to play video games*
  - Sufficient evidence to support this allegation
- *Allegation jail employees would bring personal dogs to work and use county purchased dog food to feed personal dogs*
  - Sufficient evidence to support this allegation
- *Allegation jail staff member brought personal dog to the jail and the dog bit inmates on multiple occasions*
  - Evidence exists to support this allegation
- *Allegation jail staff member used inmates for K9 training purposes*
  - Evidence exists to support this allegation
- *Allegation jail staff member punched and wrestled with inmates*
  - Sufficient evidence to support this allegation
- *Allegation jail staff member took 42 inmates to the basketball court to play basketball when only supposed to take 14*
  - Evidence exists to support this allegation

It should be noted that other allegations were included in the 45 slide LEB briefing that were not substantiated and not included above. Further, the LEB briefing identified several areas of additional concern that surfaced during the course of their investigation.

## Appendix B

The following is a summary of three incidents that occurred in the same area of the Beaver County jail, as well as how the vulnerability was to be addressed. As is noted regarding the 2018 incident, IPP was intimately and immediately involved in the investigation and development of the corrective action plan to address the vulnerability:

- *October 2007* – an inmate escapes by scaling a pole in a recreation yard to gain access to the roof of the facility
  - Inmate was apprehended later the same day
  - IPP recommended razor wire be strategically placed in the area accessed by the inmate
  - IPP recommended an officer be posted to provide direct observation of the recreation yard while inmates are present
- *July 2014* – inmate scales the same pole in the recreation yard, but isn't able to get through the razor wire
  - IPP finds that per the previous incident, jail staff were not posted as required for direct observation of the recreation area when inmates are present
  - Razor wire served its purpose in defeating the inmate's escape attempt
- *November 2018* – inmate scales same pole in recreation yard and escapes from the facility
  - Inmate was apprehended later the same day
  - IPP, as well as other Department staff, responds immediately to the facility and is involved in the investigation of the escape
  - Immediate corrective action plan sent to the jail and all items on the corrective action plan were completed within the week