

# Police Internal Audit Report



## Colorado Criminal Justice Records Act



# Contents

<b>Auditor’s Conclusion</b> .....	3
<b>Audit Profile</b> .....	4
<b>City Manager Response</b> .....	5
Milestone 2 Report .....	6
Milestone 3 Report .....	7
ISS.1 – Define roles and responsibilities .....	8
ISS.2 – Request tracking needs improvement .....	9
ISS.3 - Prioritization .....	11
ISS.4 - Policies and procedures lacking .....	12
ISS.5 - CCJRA requests .....	17
ISS.6 - Training.....	17
ISS.7 - Quality Assurance .....	18
ISS.8 - Performance Measures.....	18
Milestone 4 Report .....	20
ISS.9 - Monitoring badge access .....	21
Fieldwork Report .....	22
ISS.11 - Non-compliance with rules and regulations .....	23
ISS.12 – Redactions need improvement .....	24
ISS.13 - Request forms need improvement.....	25
ISS.14 - Review fees.....	26
ISS.15 - Improve webpage .....	28
ISS.16 – Completion of requests .....	29
Appendix .....	30

## Auditor's Conclusion

December 13, 2021

Internal Audit has completed the Police Colorado Criminal Justice Records Act (CCJRA) engagement. We conducted this engagement as part of our 2021 Police Annual Audit Plan.

The audit objectives were:

- Determine the degree to which policies and procedures ensure consistent compliance with state and local laws and best practices.
- Determine the degree to which the process is accessible and transparent.
- Determine the extent to which APD tracks records requests and fulfillments and complies with state and local laws.

To these ends, Internal Audit:

- Interviewed APD management and staff;
- Reviewed APD Policy and any laws related to CCJRA;
- Reviewed leading practices where available;
- Reviewed the current processes for tracking and fulfilling requests;
- Evaluated compliance with CCJRA and internal policies on a limited review basis; and,
- Evaluated the accessibility of the APD requests webpage.

Based on the results of our engagement procedures, we conclude that policies and procedures address some but not all aspects of the CCJRA: the current request process needs improvement to increase accessibility and transparency, and APD did not always comply with rules or regulations. We have detailed our issues and recommendations in the Issue Details section of this report. We want to acknowledge the cooperation of the Records Unit and the Public Records Coordinator throughout this engagement.

*Wayne Sommer*

Wayne C. Sommer, CPA, CGMA  
Internal Audit Manager

## Audit Profile

### *Audit Team*

Wayne Sommer, CPA, CGMA – Internal Audit Manager  
Michelle Crawford, M. Acct, CIA, CFE, CRMA – Police Auditor

### *Background*

It is the general policy of the Aurora Police Department that information can and will be released unless it is contrary to statute, a court order, or to the public interest. The potential disclosure of any record requires the examination and consideration of regulatory requirements and department and City policies and procedures.

The Aurora Police Department receives requests for records; most of these requests are for criminal justice information and fall under the Colorado Criminal Justice Act (CCJRA.) The Department has two units responsible for handling these requests: the Records Unit under the Business Services Section and the Public Records Detail (Open Records Coordinator) under the Chief’s office.

### *Scope*

Due to limitations in the available documentation, the scope of work covered processes in place as of March 2021 and requests received in 2021. As noted in our report below, APD does not have a system to track record requests. In addition, the request forms for all requests were not retained. As such, we could not ensure a complete population of all requests for our review. We limited the scope of our review to when we began our engagement through our fieldwork.

## Milestone Reports

Milestone 1 Engagement Letter  
Milestone 2 and 3 Client Evaluation  
and Process Controls and Efficiency  
Milestone 4 Risks  
Milestone 5 Revised Engagement Letter (if issued)  
Fieldwork

## Issued Date

March 2, 2021  
  
August 17, 2021  
December 13, 2021  
None issued  
December 31, 2021

## City Manager Response

I have reviewed The Police Internal Audit Report regarding the Police Department's handling of requests for records under the Colorado Criminal Justice Act (CCJRA). These records may take many forms, for example, photos, body worn camera videos, reports, digital evidence, and policies among others. The timing of this audit was fortuitous in that while the audit was ongoing a budget request from the department for additional personnel in this unit was made. At that time I already had some indication that there were issues with processes, policies, and recordkeeping in this workgroup. With that knowledge I believed that before adding employees it would be prudent to know more about how the unit performs its job and whether with process improvements and other changes the need for additional employees could potentially be reduced, if not eliminated. I sought the assistance from the City's Innovation Design Team (IDT), a cross functional group of employees, some of whom have training in Six Sigma style continuous or process improvement. I asked a small group from the IDT to evaluate some of the issues in the records unit and look for quick wins that could make improvements. The IDT group worked in different sections and identified some recommendations. However, because each member had their own full time job they could not devote the time necessary to make the number and complexity of the changes required. Their recommendation was that we hire a consultant to help with this effort, which we are pursuing.

After reading the Report, the Management Responses, and Estimated Implementation Dates I am convinced that professional, outside assistance will be needed to make the improvements necessary. The problems this section faces did not occur over a short period of time, are numerous and in some cases complex. I do not believe present management has the capacity to satisfactorily resolve all the challenges outlined in the Report in the timeframes cited. We have approved some additional hiring for the section because the backlog they face is so large. My charge to the outside expert, in addition to process improvements, better recordkeeping, definition of roles and all the other recommendations from the Report will be to advise us on how we make the improvements sustainable and how the section should be organized and structured to maintain the records request system to be responsive, transparent and comply with the law.

I appreciate the Police Department's desire to be responsive to the Report and to set lofty goals for implementation of improvements. I also credit Chief Wilson for acknowledging that the Records Section needs help and the ask for additional employees. As I've mentioned above, this situation didn't happen overnight and I believe she inherited much of it. As management we are committed to improving this operation beyond the issues identified in the Report and making it a model of efficiency and responsive to the needs of our community.

James Twombly  
Aurora City Manager



Milestone 2 Report  
Colorado Criminal Justice Records Act

August 17, 2021

**BACKGROUND**

In Milestone 2, we gain a deeper understanding of the client's operating environment and client issues that may affect the engagement objectives and influence subsequent engagement procedures. We accomplish this by reviewing policies and procedures, and performance measures.

<b>PROCEDURES</b>	<b>CONCLUSIONS</b>
<ul style="list-style-type: none"><li>Review policies and procedures</li></ul>	Policies address some, but not all areas of the Colorado Criminal Justice Records Act (CCJRA) and leading practices. See recommendations below.
<ul style="list-style-type: none"><li>Review performance measures</li></ul>	Performance measures for the department, and the Records unit relating to records requests do not exist. The Open Records Coordinator's performance measure began in 2021. See recommendation below.



Milestone 3 Report  
Colorado Criminal Justice Records Act

August 17, 2021

**Internal Controls**

In Milestone 3, we determine whether appropriate process controls exist for key processes and whether processes are efficient. We accomplish this by flowcharting key processes, then identifying missing controls and process inefficiencies.

PROCEDURES	CONCLUSIONS
<ul style="list-style-type: none"><li>Flowchart key processes. Evaluate key processes for missing or weak internal controls, efficiency issues, and IT-related issues.</li></ul>	Key processes are inefficient and have weak or missing internal controls. See recommendations below.
<ul style="list-style-type: none"><li>Determine any impact on testwork procedures.</li></ul>	Our testwork included reviewing statistics related to staffing and outstanding requests where the data was available.

## Issue Details

### ISS.1 – Define roles and responsibilities

The Public Records Detail (Open Records Coordinator) and Records Section that handle criminal justice record requests lack clearly defined roles and responsibilities. No policies or procedures address the Public Records Detail practices.

Directive 8.22.7, updated May 2021, states:

Routine requests for information are processed and distributed/referred/denied by a Records Technician or Supervisor in the Records Unit. Requests for basic Traffic Accident Photos may be processed by the Digital Records Unit. If it is found that there are review considerations or factors, the request is routed to the Public Records Detail for review. Complex/high profile requests including reports, digital evidence, internal affairs investigations and other records are processed and distributed/referred/denied by the Open Records Coordinator.

The Directive does not define “routine” or “complex” requests.

#### Public Records Detail

This unit consists of one full-time employee and a second part-time grant funded position. In addition, another grant request is outstanding for a second full-time grant funded position. (The part-time position is vacant but moving through the recruitment process.) The unit reports to the Executive Officer in the Chief’s Office. The Open Records Coordinator position handles record requests for body-worn camera videos (BWC), photos, third party video, halo and mesh cameras, directives, policies, statistics, 911 audio, Internal Affairs, disciplinary files, and requests from the media. The Open Records Coordinator position was created and staffed in 2019.

#### Records Management Unit

The Records Management Unit (RMU) is within the Records and Support Services Section which reports to the Business Services Manager. The Records Manager created this unit in 2021 to focus on CCJRA requests among other tasks. There are seven full-time technician positions and one supervisor position within this unit. This unit handles record requests for reports, background checks/arrest histories, address histories, Computer Aided Dispatch/incident reports, and requests for booking photos from the public. The RMU sends all other requests to the Open Records Coordinator. This unit is also responsible for transcription, phone calls, and other duties. (See ISS. 3 Prioritization.)

Our understanding is that the Department created the Open Records Coordinator position to handle sensitive or complicated requests needing a more thorough review. This position currently processes requests outside that description, such as requests for body-worn camera footage for vehicle accidents.



Without clear expectations from management regarding their responsibilities, the request assignments may be unclear or could burden one unit over another. Additionally, a staffing disparity could result in longer wait times for requestors, which may have the appearance of stalling request fulfillment.

## Recommendation

We recommend the following:

- APD clearly defines the roles and responsibilities related to processing records requests. The roles clarified should include the Open Records Coordinator, Records Management Unit, supervisors, and command staff responsibilities for reviewing requests.
- APD defines the request types and creates a flow chart or process map distinguishing responsibilities for the request types for each unit and the workflow to process them.
- APD develops SOPs for the Open Records Coordinator.

## Management Response

The Public Records Detail and the Records Unit will collaborate to define roles and responsibilities for the CCJRA and related operational processes. The Executive Officer will develop SOPs for the Public Records Detail and Open Records Coordinator.

*Estimated Implementation Date:* December 31, 2021

*Issue Owner:* Manager of Records and Executive Officer

*Issue Final Approver:* Deputy Chief of Police

## ISS.2 – Request tracking needs improvement

Aurora Police currently have no department method for tracking record requests. While APD has attempted to procure solutions to assist with tracking, to date no solution has been acquired.

The Records Unit provided the breakout of pending requests as of June 8, 2021 below:

<b>Number of requests</b>	<b>Type of request</b>
<b>173</b>	In person requests
<b>412</b>	Emails to process for payment
<b>42</b>	Emails to release reports that are paid
<b>411</b>	Email requests awaiting payment
<b>101</b>	Mailed in requests
<b>3,212</b>	LexisNexis 2020 requests
<b>4,500</b>	LexisNexis 2021 requests <sup>1</sup>
<b>8,851</b>	<b>Total Records requests</b>

<sup>1</sup> This company requests information regarding accidents and any report where a citizen has filed a claim with their insurance company. Insurance companies use LexisNexis as a report resource.

Per the Open Records Coordinator, as of June 4<sup>th</sup>, there were 250 requests pending.

#### Request tracking

The Aurora Police Department does not have a system or standardized process to track CCJRA requests. Without a method to track requests, APD cannot accurately assess how many requests are outstanding or ensure that no requests are lost. Untimely responses could result in the appearance that the department is purposefully unresponsive.

#### Request statuses

Additionally, there is no easy way for requestors to review the status of their requests. Utilizing a system would allow staff, and potentially requestors, to see and check their request status.

#### Request transfers

If the wrong unit or department receives a request, the receiver must forward the request to the correct department. One system across the City would allow for more effortless and trackable transfers of requests.

A record request application would increase operational efficiency, allow for better request tracking, and increase accountability. Utilizing a system whenever possible instead of paper forms increases efficiency by reducing staff time spent re-entering information into the system as well as processing and storing paper. A centralized citywide system would allow for a single point of entry for any city customer requesting records. The City Clerk's office is currently implementing a new solution for record request tracking.

The Department should also include in Policy how to handle requests that may require additional accommodations outside of a tracking system.

### Recommendation

We recommend APD work with IT and the City Clerk's office to utilize their record request tracking software. APD should also evaluate options such as a kiosk and alternative methods to accommodate requests and reduce the use of paper forms wherever possible.

### Management Response

APD agrees and is currently working with IT and the City Clerk's Office to accomplish this task. We will review and implement a system request & fulfillment management system that best fits the operations of APD and the reporting and tracking of recommendations for performance measuring.

*Estimated Implementation Date:* December 31, 2021

*Issue Owner:* Manager of Records and Executive Officer

*Issue Final Approver:* Deputy Chief of Police

### ISS.3 - Prioritization

There are no written procedures to prioritize requests or staff assignments to fulfill CCJRA requests. Aurora Police currently have hundreds of requests requiring fulfillment. To meet the demands, the department should develop a prioritization for completing requests.

Options could include processing the oldest requests first (first-in, first-out), requests from victims, or time-sensitive requests among other methods. Currently, the Records Unit verbally instructs staff to handle requests on a first-in, first-out basis.

The Records Management Unit uses a weekly schedule to divide assignments, however, staff may still be assigned multiple duties. The unit does not have any service level standards in place to assist with developing weekly assignment schedules. Understanding the expectations for the different tasks, including on average, how many can be processed in a given time period, would allow for a data driven approach to assignments.

Documenting the approach to assignments by policy ensures consistent treatment during changes in staff or under heavy volumes. Additionally, developing service level standards and using that data for staffing may assist in decreasing the backlog.

By prioritizing requests, APD can better assess resources needed to fulfill the backlog.

### Recommendation

We recommend that APD determine and document the policies and procedures for prioritizing requests including the priority for working on CCJRA requests in the Records Management Unit amongst their other duties.

### Management Response

*Executive Officer Response:* The Open Records Coordinator will work on creating a prioritization system for time-sensitive requests, giving priority to requests that are required by law to be produced within a certain timeframe and internal request (requests from the City Attorney's Office).

*Business Services Manager Response:* Agree with recommendation to review priority of request fulfillment and operational procedures in assigning team resources for accomplishing services level standards. Agree with the importance of using a data driven approach to assignment and staffing.

*Estimated Implementation Date:* January 31, 2022

*Issue Owner:* Manager of Records and Executive Officer

*Issue Final Approver:* Deputy Chief of Police

## ISS.4 - Policies and procedures lacking

Aurora Police policies, procedures, and training do not address all aspects of the Colorado Criminal Justice Records Act (CCJRA) and related leading practices. APD policies consist of Directives and Standard Operating Procedures (SOPs.) Directives serve as the policies that provide the guiding principles for critical activities across the Department. SOPs serve as the procedures stipulating how to implement the directives. The CCJRA governs criminal justice records. Below are the critical sections of the Colorado Revised Statute (CRS) sections related to CCJRA and their treatment within the directives and SOPs.

A *Policy* is a direct link between an organization’s *Vision* and its day-to-day operations. Policies identify the key activities and provide a general strategy to decision-makers to handle issues as they arise. Policies accomplish this by providing limits and recommending alternatives that staff can use to guide the decision-making process for overcoming problems.

*Procedures* provide a clear, required, and easily understood plan of action for implementing a policy. A well-written procedure will help eliminate common misunderstandings by identifying responsibilities and establishing boundaries for those charged with execution. Good procedures allow managers to control events in advance and prevent the organization (and employees) from making costly mistakes.<sup>2</sup>

State Statute reference	Statute information	Reference to where addressed or details on what is not addressed
<b>24-72-302 Definitions</b>		
	The statute defines terminology such as basic identification information, arrest and criminal records information, criminal justice records, etc.	Policies and training define some but not all frequently used words. Policy should define terms or reference the statute’s definitions.
<b>24-72-303 Records of official actions required - open to inspection - applicability</b>		
<i>Section 1</i>	Records of official actions shall be maintained by the criminal justice agency which took the action and shall be open for inspection by any person at reasonable times. The custodian may make rules and regulations for the inspection of such	Directive 8.22

<sup>2</sup> <http://www.pcg-services.com/are-your-policies-and-procedures-a-barrier-to-growing-yourcompany/>

	records.	
<i>Section 2</i>	If a record is not in the custodian’s custody and if requested by the applicant, the custodian shall notify in writing that the record is not in their custody or control and detail the agency with custody or control to the best of their knowledge.	Neither procedures nor training address how to handle these requests.
<i>Section 3</i>	If the record of official action is in active use or storage and not available at the time it was requested, the custodian is to notify the applicant of this in writing and, if requested, set a date and hour within three working days at which time the record will be available for inspection.	Neither procedures nor training address how to handle these requests.
<i>Section 4a</i>	Upon completing an internal investigation, including appeals, the investigation file is open for public inspection upon request. The Custodian may first provide a summary of the investigation file.	The procedures do not address the process for opening the entire investigation file upon request (once available per statute) or the method for providing a summary of the investigation file in place of the entire file.
<i>Section 4b-4d</i>	Process for redacting and removing certain information from investigative files.	The procedures do not address redacting or removing information from the investigation file in accordance with state statutes.
<i>Section 4e</i>	Custodian may deny inspection of investigative file if there is an ongoing criminal investigation or criminal case related to the investigation. File must be open for public inspection upon the dismissal of all charges or upon a sentence for a conviction.	The procedures do not address the process for opening the entire investigation file upon dismissal or conviction.
<i>Section 4f</i>	Any person denied access to information in a completed internal affairs file may file in court to show cause why the withheld or redacted information should not be made available.	Directive 10.4.2
<i>Section 4g</i>	If prohibited by Colorado Supreme Court or court order, the custodian may deny inspection of the file.	The procedures do not address the process for denying access to the internal

		investigation file if prohibited by Colorado Supreme Court or court order.
<i>Section 4h</i>	This section of the statute is only applicable to internal investigations initiated after April 12, 2019.	Policies and procedures do not address this distinction.
<b>24-72-304 Inspection of criminal justice records</b>		
<i>Section 1</i>	Custodian may make rules and regulations for the inspection of all criminal justice records at reasonable times.	Directive 8.22
<i>Section 2</i>	Requires, if requested by the applicant, that the custodian shall notify in writing the reason for the absence of records from their custody or control, their location, and what person has custody or control of the records.	Neither procedures nor training address how to handle these requests. Current practice is to notify requestor if the records are not available.
<i>Section 3</i>	If records are in the custody and control of a central repository, the custodian shall forward the request to the central repository.	Neither procedures nor training address how to handle these requests.
<i>Section 4</i>	Details redacting information and requirements for records related to Sexual Assaults.	SOP REC 2.3b and SOP REC 2.3c
<b>24-72-305 Allowance or denial of inspection - grounds - procedure – appeal</b>		
<i>Sections a and b</i>	Denial of records allowed when inspection is contrary to state statute or prohibited by supreme court rules or court order.	SOP REC 2.07 and SOP REC 1.1.15
<i>Section 1.5</i>	Denial of access to chemical biological substance testing records allowed when inspection is contrary to public interest.	Directive 8.22
<i>Section 5</i>	Denial of access to investigation, intelligence, or security records when inspection is contrary to public interest.	SOP REC 2.07 and SOP REC 1.1.15
<i>Section 6</i>	If the custodian denies access to any criminal justice record, applicant may require a written statement of the grounds of the	Directive 8.22

	denial which shall be provided within 72 hours.	
<i>Section 8</i>	Allowance or denial of the right to inspect criminal justice records that contain specialized details of security arrangements or investigations shall be governed by section 24-72-204.	Policies do not address denials relating to security arrangements or investigations.
<b>24-72-305.5 Access to records - denial by custodian - use of records to obtain information for solicitation - definitions</b>		
<i>Section 1</i>	Records of official action or criminal justice records and information within shall not be used by any person for soliciting business for pecuniary gain.	SOP REC 2.7.3

<b>24-72-306 Copies, printouts, or photographs of criminal justice records - fees authorized</b>		
<i>Section 1</i>	Agencies may assess reasonable fees, not to exceed actual costs, including but not limited to personnel and equipment for the search, retrieval, and redaction of criminal justice records.	REC SOP 1.1.15 and SOP REC 1.2.12
<i>Section 3</i>	Provisions of this section do not apply to discovery materials an agency is required to provide in a criminal case.	Directive 3.5.3

<b>24-72-307 Challenge to accuracy and completeness - appeals</b>		
<i>Section 1</i>	Any person in interest who is provided access to any criminal justice records pursuant to this part 3 shall have the right to challenge the accuracy and completeness of records to which he has been given access, insofar as they pertain to him, and to request that said records be corrected.	Procedures lack a process to handle challenges to the accuracy and completeness of records.
<i>Section 2</i>	If the custodian refuses to make the requested correction, the person in interest may request a written statement of the grounds for the refusal, which statement shall be furnished forthwith.	When the Department denies a correction, the procedures lack a process to provide a written statement.
<i>Section 3</i>	In the event that the custodian requires additional time to evaluate the merit of the request for correction, he shall so notify the applicant in writing forthwith. The custodian shall then have thirty days from the date of	The procedures lack a process for complying within the time frame and communicating with the requestor.

	his receipt of the request for correction to evaluate the request and to make a determination of whether to grant or refuse the request, in whole or in part, which determination shall be forthwith communicated to the applicant in writing.	
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**Additional areas**

Leading practices included addressing redaction, communicating with the requestor, fee structure, handling requests, and requests outside normal channels. SOP REC 2.07 addresses redaction and SOP 1.1.15 addresses fees. We did not find anything in the procedures or training related to managing communication with the requestor, handling requests, or requests outside normal channels.

Written policies and procedures that conform with statutory requirements and leading practices ensure that they meet or exceed minimum standards. They provide a basis for smooth transitions and consistent application when personnel changes occur, allowing new personnel to be aware of current requirements.

**SOPs need updating**

- SOP REC 2.1 on training was last updated in 2002.
- SOP REC 1.5 on handling funds refers to the Section Lieutenant; that position has not existed in several years.
- SOP REC 1.2.10, last updated in 2014, references a Records Release Manual that is no longer in use.
- SOP REC 1.1.15 references a release tracking tool but does not specify it is for Reports only.

**Recommendation**

We recommend updating policies and procedures to align existing processes with the relevant sections of the statute and leading practices. SOPs should also address communicating with the requestor and handling requests outside normal channels.

**Management Response**

Executive Officer Response: There are currently no SOP’s in place for the Public Records Detail (Open Records Coordinator). APD will create SOP’s for that detail and position.

*Business Services Manager Response:* Records Manager and team to assess updates to Directives and SOPs in accomplishing compliance necessary. Additional system support will be required to manage response tracking and monitoring with information tracking to accomplish these recommendations/requirements.



*Estimated Implementation Date:* February 28, 2022  
*Issue Owner:* Manager of Records and Executive Officer  
*Issue Final Approver:* Deputy Chief of Police

## ISS.5 - CCJRA requests

There are no established criteria on what information someone must provide to submit a records request. Directive 8.22.6 states, "All public requests for criminal justice information require enough information to properly research the request and a signed pecuniary gain statement."

Both unit processes include reviewing *all necessary information* before starting a request. Still, policy and training do not specify what constitutes *necessary or enough information*. Without clear and documented requirements, individuals requesting records may not provide all necessary information, resulting in extended times to process and fulfill requests.

### Recommendation

Establish the minimum required information for requests in Policy and ensure that information is easily accessible by requestors.

### Management Response

APD will work with the APD Legal Advisor to develop operational forms, webpage content and SOPs language to fulfill this recommendation for requests.

*Estimated Implementation Date:* December 31, 2021  
*Issue Owner:* Manager of Records and Executive Officer  
*Issue Final Approver:* Deputy Chief of Police

## ISS.6 - Training

The Police department lacks a formal training program for all employees who handle various aspects of records requests. There is no formal training for individuals outside of Records who may be involved in reviewing requests before release. A standardized training program ensures that all individuals handling records requests have the appropriate training.

### Recommendation

Develop a formal training program for reviewers, including their roles and responsibilities for CCJRA requests.

### Management Response

*Executive Officer Response:* The Executive Officer will create a formal training program for the Open Records Coordinator.

*Business Services Manager Response:* Agree with standardized training program for outside members fulfilling requests within CCJRA guidelines.

*Estimated Implementation Date:* April 30, 2022  
*Issue Owner:* Manager of Records and Executive Officer  
*Issue Final Approver:* Deputy Chief of Police

## ISS.7 - Quality Assurance

The Records Unit does not conduct any quality assurance reviews before releasing documents.

The Open Records Coordinator identifies types of requests, including documentation that requires a higher level of review. For these requests, the unit Lieutenant, Public Information Officers, or the Deputy Chief of Police review requests before release. The Records Unit has no similar processes.

Periodic reviews focused on higher-risk areas ensure that the department complies with laws and policies. In addition, periodic spot checks ensure that staff fully understand and properly apply the CCJRA rules to requests.

## Recommendation

The Records Unit develops procedures to periodically spot check records requests for compliance with laws and policies.

## Management Response

Employees that perform this function will complete a training review for CCJRA information release every 2 years. In addition, random sample review of report releases will be conducted by supervisor(s) annually for review of conformance to rules.

*Estimated Implementation Date:* April 30, 2022  
*Issue Owner:* Manager of Records  
*Issue Final Approver:* Business Services Manager

## ISS.8 - Performance Measures

The Police Department lacks performance measures for processing record requests. The Records Unit lacks internal goals and performance measures for processing records requests. On the APD website the Records Unit posts the approximate turnaround time for requests.

In 2021, the Open Records Coordinator unit established an internal goal of a 45-day turnaround for requests. While each request may be unique, we believe that goals and measures serve as standards against which to measure productivity and assist in decision-making. Performance measures can help when establishing standards; they can be useful in identifying strengths and weaknesses in processes as well as highlighting when and where processes may be breaking down or being overwhelmed.

## Recommendation

We recommend the APD establish the average turnaround time for requests for the department and the two units handling requests. The units should report this information quarterly to the Chief's office.

## Management Response

*Executive Officer Response:* The Public Records Detail currently has the 45-day turnaround goal in place. The Executive Officer will begin reporting this information to the Deputy Chief of Police quarterly.

*Business Services Manager Response:* Agree with developing performance measures and setting goals based on implementing an information system to track and report. Performance turnaround timing for requests should be considered for prioritization where applicable.

*Estimated Implementation Date:* February 28, 2022

*Issue Owner:* Manager of Records and Executive Officer

*Issue Final Approver:* Deputy Chief of Police



Milestone 4 Report  
Colorado Criminal Justice Records Act

December 13, 2021

**Risk**

In Milestone 4, we assess the impact of identified risks on the engagement objectives, scope, and planned test work procedures. We accomplish this by discussing risk in critical areas with the client and comparing it to leading practices.

<b><i>PROCEDURES</i></b>	<b><i>CONCLUSIONS</i></b>
<ul style="list-style-type: none"><li>Assess IT Risk</li></ul>	Our review of IT risks identified a need for monitoring physical access; see the recommendation below. APD lacks a system for tracking record requests. IT risk is low as there is no record requests system currently in place.
<ul style="list-style-type: none"><li>Assess Fraud Risk</li></ul>	We did not identify any additional fraud risks or other general risks that would impact the planned audit objectives or test work procedures.

## Issue Details

Issues 1-8 were included in the Milestone 2 and 3 combined report.

### ISS.9 - Monitoring badge access

The Records unit needs to develop a process to review badge access periodically. The Records Unit is in police headquarters in an area with restricted access. Our review of badge access identified 40 employees outside of APD with access and ten users we could not identify.

The City Facilities division within Public Works grants and removes access to all city badge readers. Access is based on roles or granted individually, depending on the situation and request. The Records unit handles sensitive information, including criminal justice records; access should be restricted to authorized people with appropriate credentials. The risk of unauthorized access increases when management does not periodically review access permissions to make sure they are current and accurate.

### Recommendation

We recommend that the Records unit request and review access reader reports for appropriate access to the Records area at least annually.

### Management Response

*Records and Support Services Manager response:* Access reader update has been requested and the need for annual review will be added to policy.

*Estimated Implementation Date:* January 31, 2022

*Issue Owner:* Records Manager

*Issue Final Approver:* Business Services Manager



**Fieldwork Report**  
**Colorado Criminal Justice Records Act**

December 13, 2021

**Fieldwork**

In Fieldwork, we seek to obtain sufficient competent evidential matter to afford a reasonable basis for conclusions on the engagement objectives. We accomplish this by performing tests, data analysis, and any other means necessary.

<b>OBJECTIVES</b>	<b>CONCLUSIONS</b>
Determine the degree to which the process is accessible and transparent.	The current process can be improved to increase accessibility and transparency. See recommendations below.
Determine the extent to which APD tracks records requests and fulfillments and complies with state and local laws.	As noted in the preceding Milestone reports, APD lacks a system to track requests. Our review identified some areas of non-compliance with state laws. See recommendations below.

## Issue Details

Issues 1-10 were included in Milestones 2 through 4.

The Aurora Police Department (APD) receives records requests in person, via email, or by mail. Some requests are physical forms, and others are electronic. As noted in ISS. 1, APD does not use a system to track requests. Due to the current APD processes, we could not ensure a complete and accurate population of all requests from which to select a test sample. As a result, we chose to perform a limited scope review. We cannot statistically extrapolate the review results to the entire population; however, we saw enough issues within the sample items reviewed combined with our other findings to believe that these issues need management's immediate attention. In addition, the Department did not retain copies of all request forms, which further limited our review. Our limited scope review looked at compliance with rules and regulations and internal processes.

### ISS.11 - Non-compliance with rules and regulations

APD did not retain all CCJRA request forms and as a result, cannot demonstrate compliance with CRS 24-72-305.5.

The Colorado Revised Statutes includes a requirement, detailed below, that before releasing records of official action, a person must sign a statement affirming they will not use the record to directly solicit business for pecuniary gain.

24-72-305.5. Access to records - denial by custodian - use of records to obtain information for solicitation - definitions.

(1) Records of official actions and criminal justice records and the names, addresses, telephone numbers, and other information in such records shall not be used by any person for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain.

Aurora Police documents their compliance with this section of the statute by requiring a signature and date on the request form with the following: *Your signature affirms that the requested information will not be used for solicitation of business for monetary or pecuniary gain and acknowledges such a violation is a misdemeanor and is punishable by a fine and/or imprisonment per **C.R.S. 24-72-305.5 & 24-72-309***. However, APD does not retain all of the forms. Without the request forms that include the signed statement related to pecuniary gain, the Department cannot demonstrate it has complied with the statute in all cases.

## Recommendation

APD should retain all request forms to comply with statutes; until a system is in place, these forms can be stored in physical file folders or digitally.

## Management Response

*Executive Officer response:* The Public Records Detail will establish SOP's regarding the retention of CCJRA request forms. Until the department acquires automated software, request forms will continue to be saved electronically.

*Records and Support Services Manager Response:* This was a preaudit finding in Records prompting the creation of the Records Management Unit. Agree with determination and resolution into the issue has been initiated by the Records Management Unit Supervisor.

*Estimated Implementation Date:* December 31, 2022

*Issue Owner:* Records Manager

*Issue Final Approver:* Business Services Manager

## ISS.12 – Redactions need improvement

The Police Department needs to standardize practices related to redaction. Unredacted social security numbers (SSN) were released, reasons for redactions were not always documented, and the method for documenting the redaction reason varied amongst employees.

Two reports released by the Records unit included unredacted social security numbers. In addition, one of the reports did not have the redacted copy in the Versadex system. The Records unit places a copy of redacted reports into their system so they can be used for future requests; failing to replace the unredacted copy could have resulted in the release of unredacted information.

According to Records staff, all reports released with redactions (other than redacted ORI<sup>3</sup>) should include the statute or regulation on the report copy. Most reports reviewed did not include this information. While some request forms did include reasons for redactions, these are not provided back to the requestor. As a result, it is unclear if Records staff is consistently providing requestors the reason for redactions. Additionally, Records staff was not consistent in documenting a reason for redacting the ORI. The Police department needs to develop guidelines for staff to ensure consistent handling of redactions.

## Recommendation

We recommend that APD complies with all rules and regulations to redact restricted information and develops guidelines to standardize the redaction process including reasons and how the ORI is handled.

## Management Response

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<sup>3</sup> Originating Agency Identifier, this is used to identify the organization (APD) during NCIC/CCIC searches.



*Executive Officer Response:* The Public Records Detail will collaborate with the Records Unit to establish guidelines to standardize the redaction process including reasons and how the ORI is handled.

*Records and Support Services Manager Response:* This was a preaudit finding in Records prompting the creation of the Records Management Unit. Agree with determination and resolution into the issue has been initiated by the Records Management Unit Supervisor. The NextRequest system has auto-redaction capabilities that will improve the ability to catch items that may have been missed.

*Estimated Implementation Date:* December 31, 2021

*Issue Owner:* Records Manager

*Issue Final Approver:* Business Services Manager

### ISS.13 - Request forms need improvement

The police record request forms need improvement.

#### Driver's license number

The police department uses two forms for CCJRA requests, one for the Records Unit and another for the public records detail (open records coordinator.) The Records Unit form includes a line asking for a driver's license number. During our limited scope review of requests, we saw three instances where a request form from one request was attached to a report that was then provided to someone else, resulting in a requestor receiving another requestor's name and driver's license number. A driver's license number is personally identifiable information and, if improperly released, could result in liability for the City.

Additionally, some individuals may not have access to a driver's license or government-issued ID. Our understanding from staff is that they included the driver's license line to validate the requestor's identity to ensure they are releasing a report in accordance with statute. The statute requires redactions or not releasing certain reports depending on who is requesting it, such as a victim, juvenile's parent, etc. However, employees do not verify that the DL number provided on the form is valid. While we understand the concerns of the staff, collecting personally identifiable information that is not legally required increases the city's liability when that information is not properly handled.

Our review of other Denver metro agency forms showed that while some requested a driver's license number, others included a check box for staff that they verified an ID, and others did not have any ID requirements. Potential alternatives to asking for a DL number include using a check box that staff verified identification, (including internal procedures for verifying that identification) or adding legal language someone must sign affirming their identification and requiring a legible name. The determination of the best method for validating someone's identity should be made by APD while working closely with the City Attorney's Office.

### Multiple forms

A requestor must navigate the APD webpage to self-select which form fits their request. (See ISS.15 regarding webpage.) Using one form would simplify the process for a requestor. As noted in ISS 1, APD has not defined what information is necessary or required for a CCJRA request. Once this information is determined, APD can use that information to collaborate and develop one form that fits the needs of both units.

### Recommendation

We recommend that the Records Unit and the Open Records Coordinator collaborate with the City Attorney to develop one form that does not include collecting a driver's license number. This collaboration should include determining an effective alternative for validating the identity of requestors.

### Management Response

*Executive Officer Response:* The Public Records Detail will collaborate with the Records Unit and City Attorney's Office on the creation of a single records request form that does not require the requestor's driver's license number.

*Records and Support Services Manager Response:* Agree with this determination. We will work with the City Attorney's office to develop a single form. Identification verification will be based on statutory requirements for release and could involve varying levels.

*Estimated Implementation Date:* December 31, 2021

*Issue Owner:* Records Manager

*Issue Final Approver:* Business Services Manager

### ISS.14 - Review fees

Fees charged for reports may not be covering actual labor costs to process requests. Additionally, the fee schedule on the APD website isn't complete and does not easily reference fees to the types of requests on the request form.

Colorado Revised Statute 24-72-306 states:

(1) Criminal justice agencies **may assess reasonable fees, not to exceed actual costs**, including but not limited to personnel and equipment, for the search, retrieval, and redaction of criminal justice records requested pursuant to this part 3 and may waive fees at their discretion. In addition, criminal justice agencies may charge a fee not to exceed twenty-five cents per providing a copy, printout, or photograph of a criminal justice record in a format other than a standard page. Where fees for certified copies or other copies, printouts, or photographs of criminal justice records are specifically prescribed by law, such specific fees shall apply. Where the criminal justice agency is an agency or department of any county or **municipality, the amount of such fees shall be established by the governing body of the county or municipality in accordance with this subsection (1).**

## **(Emphasis added.)**

### Fee structure

The Records unit charges fees for reports and redaction based on the number of pages of the report, not the actual time spent reviewing or redacting the information. Other law enforcement agencies in the state charge an hourly rate for requests, and some agencies waive the first 15 minutes or hour. The use of an hourly fee may better capture the actual costs incurred by the Department. By better capturing costs, the increased revenues could contribute to the cost of increased staffing needed to process requests on time.

### Fee schedule online

APD has information on their "Get a Police Record" webpage for Record request fees. The page states: "**NOTICE:** Report Fees for 2021 can be found [here](#)."

The fee schedule does not include the hourly fees charged by the Public Records Detail. This fee information is available on the city-wide fee schedule, which is not listed or linked to on the APD website. Additionally, the records request form includes options for person contact history and CAD/dispatch notes. However, the posted fee schedule does not clearly outline these fees. Per Records, these requests are charged the same price as police offense report fees. The fee schedule posted and referenced online should include all fees and be easily understood by a customer.

### Waiving fees

The department is not consistent when fees are waived. The department waives some fees for certain victims or as a matter of customer service. The reasons for waiving fees are not documented, and it is unclear if staff waive fees consistently.

## Recommendation

We recommend that APD works with the city Service Fee Group to evaluate whether the current fee structure for Records reports covers the costs of the service provided or if an hourly fee would better cover those costs. Additionally, we recommend that APD update its online fee schedule to include all related fees including any that cover multiple areas. APD should also develop guidance for staff regarding when and how reasons fees are waived and documented.

## Management Response

*Executive Officer Response:* The Public Records Detail will collaborate with the Business Services Manager and Records Unit Manager to evaluate the current fee structure.

*Records and Support Services Manager Response:* Agree that fees and information should be easily available, understandable and a process time addition would be beneficial. The Records Management Unit will work with the City Service Fee Group on the recommendation and establish guidance on waiving fees for addition to policy.

*Estimated Implementation Date:* February 28, 2022  
*Issue Owner:* Business Services Manager  
*Issue Final Approver:* Deputy Chief of Police

## ISS.15 - Improve webpage

Aurora Police could better organize their current webpage for report requests to improve ease of use.

On the City website, the steps to navigate requesting a police record are straightforward. However, once you select "Get a Police Record," a customer must navigate through paragraphs of text. The text includes information that is unnecessary, such as a paragraph on reasons for increased turnaround times. Information should be clear and concise.

The web page includes two different sections detailing how to request records, with two separate forms. (See ISS.13 forms.) The first section references "a button below." However, the button is at the bottom of the page. Navigation buttons should be noticeable. APD could improve the website's layout by moving the buttons to the top and only including information necessary for customers to complete their requests.

The City of Denver's police records request page is easy to navigate and could be an example for APD to follow. Leading practices include designing a site for usability, including ease of use and user experience. Seeking input from community groups and frequent requestors would ensure that the updated site meets customer needs.

## Recommendation

We recommend that APD improves the layout and information on the records request page to enhance its accessibility and usefulness. In addition, the Department should consider using a survey or reaching out to community groups to identify suggested updates or changes.

## Management Response

*Executive Officer Response:* The Media Relations Detail (police webpage administrators), with collaboration from the Records Unit and Public Records Detail will review and make necessary changes to the "Get a Police Report" webpage to improve ease of use and user experience. They will seek recommendations and feedback from the department's Community Policing Advisory Team (advisory team of community members to the Chief of Police) regarding updates and changes.

*Records and Support Services Manager Response:* Agree that we want our website to be as user friendly as possible for community members to navigate.

*Estimated Implementation Date:* April 29, 2022

*Issue Owner:* Executive Officer  
*Issue Final Approver:* Deputy Chief of Police

## ISS.16 – Completion of requests

Requests for multiple records may not have been fulfilled or transferred for completion.

Our review saw several requests for multiple records. The department lacks documentation to ascertain whether a record was not available or was just not provided to a requestor. In addition, one request included items that should have been transferred from the Records Unit to the Public Records Detail. We saw no documentation that the request was forwarded.

Without documentation explaining why a record was not provided or documenting if a request was forwarded to another unit, the department may not be providing all requested materials or information. A lack of explanation may create the appearance that the department is not being transparent.

## Recommendation

We recommend APD clearly documents why a requested record is not provided and develops tracking procedures to ensure requests are forwarded to the appropriate unit when necessary.

## Management Response

*Executive Officer Response:* The Public Records Detail will establish procedures for the tracking of requests sent to other internal units for processing and production of records. The detail will also establish procedures to document the final disposition of all records requests.

*Records and Support Services Manager Response:* The Records Management Unit will add a 'transferred to' field to its intake tracking form. Clear consistent documentation was a preaudit finding in Records prompting the creation of the Records Management Unit. Agree with determination and resolution into the issue has been initiated by the Records Management Unit Supervisor.

*Estimated Implementation Date:* March 31, 2022

*Issue Owner:* Records Manager

*Issue Final Approver:* Business Services Manager

## Appendix

Organization chart for the Public Records Detail (Open Records Coordinator) and the Records Section.

