



State of Rhode Island and Providence Plantations

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January 20, 2016

Chief Sheriff David DeCesare
Rhode Island Division of Sheriffs
670 New London Avenue
Cranston, RI, 02920

Dear Chief DeCesare:

The Bureau of Audits has completed its performance audit of the Rhode Island Department of Public Safety, Division of Sheriffs' practices and procedures. The audit was conducted in accordance with Rhode Island General Laws (RIGL) §35-7-3. The recommendations included herein have been discussed with members of management, and we considered their comments in the preparation of this report.

RIGL §35-7-3(b), entitled *Audits performed by bureau of audits*, states that, "Within twenty (20) days following the date of issuance of the final audit report, the head of the department, agency or private entity audited shall respond in writing to each recommendation made in the final audit report..." Accordingly, management submitted its response to the audit findings and recommendations on December 18, 2015, and such response is included in this report. Pursuant to this statute, the Bureau may follow up regarding recommendations included in this report within one year following the date of issuance.

We would like to express our sincere appreciation to the staff of the Division of Sheriffs for the cooperation and courtesy extended to the members of our team during the course of this audit.

Respectfully yours,

Dorothy Z. Pascale, CPA, CFF
Chief

c—Lt. Colonel Kevin M. Barry, Commanding Officer, Department of Public Safety and Training
Michael DiBiase, Director, Department of Administration
Honorable Daniel DaPonte, Chairperson, Senate Committee on Finance
Honorable Raymond Gallison, Chairperson, House Finance Committee
Dennis Hoyle, CPA, Auditor General



AUDIT Executive Summary

Why the Bureau Did This Review

The Office of Management and Budget requested the Bureau review the Division of Sheriffs' operations and assess the Division's efficiency and effectiveness in fulfilling its mission.

Background Information

The Rhode Island's Division of Sheriffs' mission is to provide the highest level of service for the Judiciary and Rhode Island Criminal Justice System through security and protection.

Under Rhode Island General Law (RIGL), Section 42-7.3-3.2 the Division of Sheriffs is responsible for courtroom security and cellblocks in all State courthouses, training of personnel, transportation of individuals charged with crimes and special operations. The Division was consolidated within the Rhode Island Department of Public Safety in July 2011.

To Improve Controls, the Bureau of Audits Recommends:

- The Division of Sheriffs updates the Civil Unit policy to include procedures for the monitoring disposition of undeliverable writs.
- All currently undeliverable writs should be returned to the originator for further action.
- The Civil Unit maintains updated records that reflect the current status of all writs received and refunds issued.
- Any suggested security issue improvements are communicated separately to the Division due to the sensitive nature.

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Introduction

The Rhode Island Division of Sheriffs (Sheriffs) is tasked with three main functions:

- 1.) Prisoner transport to court
- 2.) Protection of State courts and judges
- 3.) Delivery of writs and other due process documents

The Division has approximately 170 employees and operates out of headquarters located at the Rhode Island Traffic Tribunal. The Division's mission is to provide the highest level of service for the Judiciary and Rhode Island Criminal Justice System through security and protection. The Division was consolidated within the Rhode Island Department of Public Safety in July 2011.

The Bureau reviewed the procedures adhered to by the Division of Sheriffs within the Civil, Prisoner Transport Operation, and Court Operation Units. Included within these units are administrative job responsibilities, as well as extraditions and hospital details.

Recommendations for Improved Controls and Management Responses

Ensure Timely Delivery of Writs

The Civil Unit is responsible for the distribution of writs, inclusive of all types. Rhode Island General Law §42-29-22 Execution of writs and precepts states that:

A deputy sheriff shall serve and execute all writs and as directed wherever he or she may be authorized by law, or by special order of the court issuing the writ or precept.

According to the Division of Sheriffs' internal policy for the Civil Unit, "if after the third attempt the deputy sheriff is unable to serve the civil process, then it may be deemed as "non-deliverable" or "unable to deliver" by the Officer-In-Charge."

There is no electronic database to record writs and the associated fees. The Division utilizes a spreadsheet to track writs, and records all writs received on a daily basis. The status of the writ as delivered, returned or still pending is noted within the tracking sheet. As of November 2015, the Sheriffs have nine writs outstanding from January 2015 through June 2015.

For the outstanding writs, the plaintiffs are not receiving appropriate service. Further, there is untimely notification to the defendants of actions they must take to comply with the rules of the court. Writ delivery is not monitored consistently; and as a result, writs may not be delivered or returned timely.

Recommendation:

- 1.) Monitor the writ process to ensure timely delivery.
- 2.) Update the Civil Unit policy to include a time period that requires outstanding writs be returned as undeliverable.
- 3.) Return all currently outstanding writs in accordance with the updated policy.

Management's Response: *The Division of Sheriffs is developing a strategy to better manage the writ process using a computer program offered in a record management database known as IMC. DOS, along with other DPS entities, have been approved to research the purchasing of such technology. Once implemented, every civil process deputy will be responsible for electronically managing their assigned writs with general oversight by the unit supervisor. This programming will ensure that sensitive writs are given priority and will keep track of the number of attempts made on each writ (day/time stamped) and the duration the writ has been outstanding. This will ensure the writ is served or returned in a timely manner to the courts or plaintiff.*

Currently, there are no outstanding writs.

The Civil Unit policy will be updated to identify a time frame that requires outstanding writs be returned as undeliverable within three (3) days of the court date. Therefore, three (3) attempts of service must be completed prior to the third day preceding the scheduled court date.

There has been a turnover of personnel assigned to the civil process unit that has made for a better accounting and delivery of writs. The civil process unit has been short staffed by deputies out on IOD/WC that has impacted the timely service and return of writs.

The Division is hopeful that some of these deputies' cases will be adjudicated soon and we will be in a position to replace them or get them back to work.

Due to budgetary constraints, the Division has eliminated Saturday service of writs due to overtime expenses. Saturday service proves vital in some instances as most people are home on Saturdays, making service to them less laborious. Weekday service is often more difficult due to most people being at work and unavailable during our normal work schedules.

Responsible Party: Securing this software will be the responsibility of the Department of Public Safety's IT Division. Once obtained, the program will be managed by the Division of Sheriffs' Operation Manager. The civil process unit supervisor will be responsible to monitor data entry, writ service and writ returns. Chief Sheriff David DeCesare

Estimated Completion date: 12/31/2015 The procurement of the IMC records management system will hopefully be completed in FY16.

Maintain Updated Writ Log and Fee Schedules

As noted above, the Civil Unit distributes and tracks all writs.¹ Numerous issues with the accuracy of the writ log include the following:

- Inaccurate status of writs, i.e., whether service was rendered
- Refunds not consistently noted
- Body attachments² recorded on a separate spreadsheet which is not updated

¹ The tracking sheet includes all pertinent information such as date issued, writ number, plaintiff name, defendant name, type of writ, check number, service fee, service rendered and date, location, sheriff assigned and refund issued.

² A writ of body attachment is a process issued by the court directing the authorities to bring a person who has been in civil contempt before the court. The Division of Sheriffs collects a \$100 fee for this writ.

In order to reflect the current status of writs, the tracking spreadsheet should be consistently and timely updated. Without timely updating, the Sheriffs cannot readily identify which writs are outstanding.

Recommendations:

- 4.) Continually update the writ log to reflect the current status of all writs received and refunds issued.
- 5.) Maintain all information in a centralized spreadsheet to easily identify outstanding writs.

Management's Response: Since being presented with these inaccuracies, the Division has modified one deputy sheriffs' daily schedule to have her dedicate the latter hours of her work day to updating the writ log with the day's activities. This task has been assigned to one deputy to alleviate any confusion or inaccurate reporting. In her absence, the supervisor in the unit will maintain the log and oversee the modifications made to the status of writs and body attachments. This will include the status of refunds and outstanding body attachments. Refunds are not consistently reported because they happen infrequently. They are documented as they occur.

Body attachments are maintained on a separate spreadsheet because there are so few in comparison to writs. It is easier to maintain two distinct lists than to combine them into one. The Division is committed to conducting monthly sweeps to apprehend individuals wanted on outstanding body attachments. The Division has dedicated a full-time member to the Rhode Island State Police Violent Fugitive Task Force to assist in this initiative. As the body attachments come in, they are added to the list and as they are effectuated, they are removed from the list.

Responsible Party: Members of the Civil Process unit will be responsible for updating and maintaining a daily, centralized spreadsheet to monitor and tack writs and body attachments. The unit supervisor will assure the data is recorded accurately and timely. Chief Sheriff David DeCesare

Estimated Completion date: 12/31/2015 Information is currently being maintained manually but will begin to be recorded and monitored electronically upon the installation of a progressive records management system.

Security Enhancements

Due to the sensitive nature of this subject matter, it has been redacted from this public audit report.

Objective and Scope

The Bureau of Audits (“Bureau”) conducted an audit of the Division of Sheriffs. The purpose of this engagement was to assess the effectiveness and efficiency of operations.

Methodology

As part of our audit work, we gained an understanding of the processes employed by the Division of Sheriffs. To address our audit objective, we performed the following for each unit within the Division of Sheriffs:

- Reviewed applicable state laws, regulations, and Division procedures.
- Performed walkthroughs of the processes conducted daily.
- Researched best practices.
- Reviewed overtime expenditures.