

Denver Police Department body cameras were off for many uses of force during test run, report states

DPD says OIM used incorrect data in analysis

BY: Jennifer Kovalski (mailto:jennifer.kovalski@kmgh.com), Sandra Barry (mailto:sandra.barry@kmgh.com), Alan Gathright (mailto:alan.gathright@kmgh.com), Phil Tenser (mailto:philip.tenser@kmgh.com), Jaclyn Allen (mailto:jaclyn@thedenverchannel.com)

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DENVER - Denver Police officers participating in a pilot program for body-worn cameras were required to start recording whenever they were responding to situations involving weapons or violence -- however a recent city report finds that the cameras were activated in less than half of the appropriate situations.

In an examination of 80 use of force incidents involving the Denver Police Department's District 6 officer, the Denver Independent Monitor's annual report says body cameras should have been activated for 45 of the situations. However, the Independent Monitor states that "full, useable footage was available for just 21 uses of force, or 47% of the total."

For five incidents, the status of the recordings is unknown. In others, police said the situation progressed too quickly for them to safely activate their cameras. Technical errors, like empty batteries and downloading glitches, were blamed for other unrecorded incidents.

Another 35 reported incidents were not recorded because the officers or supervisors were working off-duty assignments and were instructed not to use the cameras at all. The Office of the Independent Monitor recommends changing that policy before the body cameras are deployed to other districts and specialized units.

Via Twitter, Denver Police replied (<http://twitter.com/denverpolice>) and argued that certain incidents included in the report did not occur during their pilot program in District 6. According to their numbers, 46 of 53 use of force incidents did have body camera video.

In a news conference Tuesday, Commander Magen Dodge said that the report was outside the scope and time frame of the pilot program, and that they are awaiting their own research before judging their pilot program.

Dodge said from 53 use of force incidents, there were four complaints of inappropriate use of force.

"Three of those four had body worn camera footage, and the complaints were declined because of the evidence contained on the body worn camera footage," said Dodge. "One of those was an officer who should have had the camera on and received disciplinary action because of that."

But the Independent Monitor stood behind his report, saying in a statement that it identified "significant gaps" in the pilot program, "including that sergeants and officers working off-duty were not assigned cameras, preventing uses of force involving those officers from being recorded. I understand that the DPD has indicated that 46 use of force incidents during the pilot "had body cam video." Yet, if the supervisor investigating a use of force noted that the camera was not on during the use of force (as opposed to being turned on after), we did not count that as a recorded use of force."

Other recommendations from the OIM for the body-camera program included:

- Revising policies to keep the cameras on until the actual conclusion of the situation
- Requiring supervisors to provide more thorough documentation to explain why cameras were not used
- Provide notice of the possible penalties for failing to adhere to body-camera policy
- Developing policies on video retention and recording in private areas
- Solicit community and officer input on the program

The OIM report did find instances where available body camera footage exonerated officers from allegations of misconduct and also instances where it demonstrated that misconduct did occur.

--Complaints of police using excessive force jumped 64 percent in 2014--

Another chapter of the report analyzes the complaints against the Police Department during 2014.

During that year, the OIM writes, overall community complaints against officers increased about 3 percent. Complaints involving an inappropriate use of force increased by 64 percent.

"One possible factor," the report states, "is that the national and local attention on police use of force following the shooting of Michael Brown in Ferguson, Missouri on August 9, 2014 led to increased vigilance by the public in reporting police uses of force that were perceived to be inappropriate."

Demographic data contained in the report indicates that 38 percent of complaints against the police department comes from black citizens. The next largest group of reports, 26 percent, did not have demographic data. Twenty-two percent of the complaints were filed by white citizens and Hispanics accounted for 12 percent.

Given the national atmosphere surrounding the intersecting issues of race and police use of force, the OIM recommends stronger prohibitions against racial profiling. The report also suggests that the Police Department adjusts its policies to adhere to federal guidelines released by President Barack Obama's administration.

"Current DPD policy does not fully adhere to these federal guidelines, as it prohibits racial profiling only if it is the sole basis upon which police are making enforcement decisions. DPD's policy also does not prohibit profiling based on gender identity. The DPD is currently reviewing its policy, and the OIM recommends that the DPD follow the federal government's lead by incorporating more stringent prohibitions against profiling."

--Troubled Sheriff Department improving international investigations--

The Denver Sheriff Department, where the city paid out multimillion-dollar settlements in lawsuits over deputies using excesses force against jail inmates last year, "took an important step towards improving the efficiency and quality of IAB (Internal Affairs Bureau) investigations in 2014," the monitor's report says.

In a first, the Internal Affairs Bureau hired a number of civilian employees to join its investigative team and the monitor sees "improvements in the investigative performance" of internal affairs.

The report found:

- There was a 45 percent increase in the total number of complaints recorded against sheriff's deputies in 2014, from 292 in 2013 to 424 in 2014.
- The most common complaints reported against deputies last year were related to improper procedure (45%), improper conduct (16%) and excessive force (16 percent).
- Eight deputies were fired in 2014, with an additional four deputies resigning or retiring while an investigation or discipline was pending against them.
- In 2014, issues with the quality and completeness of the Sheriff Department's internal affairs data presented several challenges to the independent monitor's reporting and monitoring processes. "We observed significant inconsistencies in complaint, allegation and complainant data. We are working with DSD IAB to address these concerns in 2015."

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