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DENVER AND THE WEST

# Denver police union files lawsuit over body camera program

Police union says new body camera policy is flawed

By Noelle Phillips

*The Denver Post* (<mailto:nphillips@denverpost.com?subject=The Denver Post:> )

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## DPTV: Denver's police union files a lawsuit against its own department over new body cam policy



The Denver police union has filed a lawsuit against the police department over its new body camera program, saying it was illegally developed because the administration ignored collective bargaining rules.

The Denver Police Protective Association said in a news release it does not oppose officers wearing body cameras. But the union said the policy that was put in place in September is ill-conceived ([http://www.denverpost.com/news/ci\\_28859368/denver-police-moving-toward-body-camera-use-moonlighting](http://www.denverpost.com/news/ci_28859368/denver-police-moving-toward-body-camera-use-moonlighting)), and the union's lawsuit questions multiple aspects of the program, including how it will affect officers' workloads when wearing them on off-duty security jobs.

"An ill-conceived body camera program breeds distrust amongst community members and the officers expected to operate this important policing tool," the news release said. "Unfortunately, an ill-conceived body camera program is exactly what we face in the City of Denver."

The department plans to deploy the first cameras to officers later this month, Chief Robert White said Monday at the city's annual public-safety luncheon.

Officers in District 6, which covers downtown, and the gang unit will be among the first to wear them.

The department has been forming its plan for body cameras since District 6 officers participated in a pilot program in 2014. The policy continues to evolve as the public weighs in with its expectations for officers who wear them.

This fall, White announced that he was working on a plan for officers to wear the cameras while working off-duty assignments, something that had been recommended by Nick Mitchell, Denver's independent monitor.

In off-duty assignments, officers are paid by private organizations to work security but they wear their uniforms, use department-issued equipment and are bound by department regulations.

### Oct 13:

- [Denver police sergeants to wear new body cameras, chief says](http://www.denverpost.com/news/ci_28963601/denver-police-sergeants-wear-new-body-cameras-chief-says) ([http://www.denverpost.com/news/ci\\_28963601/denver-police-sergeants-wear-new-body-cameras-chief?source=pkg](http://www.denverpost.com/news/ci_28963601/denver-police-sergeants-wear-new-body-cameras-chief?source=pkg))

### Sep 22:

- [Denver police moving toward body camera use for moonlighting officers](http://www.denverpost.com/news/ci_28859368/denver-police-moving-toward-body-camera-use-moonlighting?source=pkg) ([http://www.denverpost.com/news/ci\\_28859368/denver-police-moving-toward-body-camera-use-moonlighting?source=pkg](http://www.denverpost.com/news/ci_28859368/denver-police-moving-toward-body-camera-use-moonlighting?source=pkg))

### Sep 8:

- [Civil rights groups criticize new Denver police policy on body cameras](http://www.denverpost.com/news/ci_28776598/denver-police-release-draft-body-camera-policy-public?source=pkg) ([http://www.denverpost.com/news/ci\\_28776598/denver-police-release-draft-body-camera-policy-public?source=pkg](http://www.denverpost.com/news/ci_28776598/denver-police-release-draft-body-camera-policy-public?source=pkg))

### Jul 7:

- [Body cameras for Denver Police to cost \\$6.1 million over five years](http://www.denverpost.com/news/ci_28445800/body-cameras-denver-police-cost-6-1-million?source=pkg) ([http://www.denverpost.com/news/ci\\_28445800/body-cameras-denver-police-cost-6-1-million?source=pkg](http://www.denverpost.com/news/ci_28445800/body-cameras-denver-police-cost-6-1-million?source=pkg))

### Mar 28:

- [Use of body cameras by Denver police was spotty during pilot program](http://www.denverpost.com/news/ci_27802012/use-body-cameras-by-denver-police-was-spotty-during-pilot-program) ([http://www.denverpost.com/news/ci\\_27802012/use-body-cameras-by-denver-police-was-spotty?source=pkg](http://www.denverpost.com/news/ci_27802012/use-body-cameras-by-denver-police-was-spotty?source=pkg))

### Mar 12:

- [Denver cop's body cam footage captures excessive force case](http://www.denverpost.com/news/ci_27700440/denver-cops-body-cam-footage-captures-excessive-force?source=pkg) ([http://www.denverpost.com/news/ci\\_27700440/denver-cops-body-cam-footage-captures-excessive-force?source=pkg](http://www.denverpost.com/news/ci_27700440/denver-cops-body-cam-footage-captures-excessive-force?source=pkg))

In its lawsuit, the union questioned a proposal for officers to upload footage from their homes after completing an off-duty assignment. That plan could impact chain-of-custody requirements for evidence in crimes and it could affect labor laws.

The union in July demanded that the administration bargain over the cameras' use, and the demand was denied in October, the lawsuit said.

Nick Rogers, president of the union, which represents 1,310 officers, said the city charter specifies that matters of personal safety and health equipment for officers are mandatory bargaining points. The cameras fall under those categories, Rogers said.

"I am the bargaining agent for the Denver Police Department and they did not contact me," he said.

The police union's lawsuit, filed in Denver District Court, also expressed concern over other aspects of the department's new policy, including protecting people's privacy; using the cameras around confidential informants; vagueness on where the cameras should be mounted; and vagueness over when an officer is allowed to use discretion in turning the cameras off.

Deputy Police Chief Matt Murray on Wednesday said the department could not comment on specifics of the lawsuit, but it will move forward with its plans to begin deploying the cameras to officers in the field.

"What we're going to say is we understand the PPA has a position and they have every right to litigate that position through the courts and that's the choice they are making," Murray said.

The department also involved officers as well as the general public in testing cameras and developing the policy, Murray said.

"We've really tried hard for everybody to have an opportunity to express their opinion about the policy," he said.

Denver will be one of the first large metropolitan departments in the country to field body cameras. The city signed a [\\$6.1 million, five-year contract](http://www.denverpost.com/news/ci_28445800/body-cameras-denver-police-cost-6-1-million) ([http://www.denverpost.com/news/ci\\_28445800/body-cameras-denver-police-cost-6-1-million](http://www.denverpost.com/news/ci_28445800/body-cameras-denver-police-cost-6-1-million)) with Taser International to provide the cameras and store data.

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