

Denver fix for mistaken-identity arrests: ID before lockup

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By Christopher N. Osher
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Denver officials, facing criticism for hundreds of mistaken-identity arrests, say they have hit on a way to reduce the number of people wrongly jailed: make sure they have the right suspect before the person is booked.

"The big paradigm shift is that we have been booking first and then identifying," said Dave Edinger, the city's chief performance officer. "We want to identify first and then book them. How that plays out, I don't know, but that's what we're challenging folks to come up with."

Edinger said a group of city officials continues to study the problem of mistaken-identity arrests and will probably make recommendations by the end of January.

Officials in the group have reviewed procedures they admire in Jefferson County and undertaken a detailed analysis of arrest and booking procedures in Denver, Edinger said.

One possible solution involves moving the Denver Police Department's identification bureau over to the Denver Sheriff Department, Police Chief Robert White said.

The identification bureau checks the fingerprints of those who say they've been wrongly arrested against the fingerprints of suspects listed on warrants. The Sheriff Department books inmates into the jail.

White said officials now suspect keeping those operations separate adds to delays in clearing people who are the victims of mistaken-identity arrests.

"The Police Department does some things and the Sheriff's Department does some things," White said. "If the entire booking process were under one agency as opposed to being blenderized, it would make it more efficient in terms of getting people in and out of jail, and it would do a more effective and efficient job in terms of identification."

Denver Mayor Michael Hancock also thinks streamlining the system will help reduce the errors.

"You can't have a bifurcated system and expect it to be efficient and expect that it won't cost you a lot of resources," Hancock said. "It's costing us in human as well as financial resources. And then there are these costly errors that are impacting individuals, disrupting their lives by making mistakes. The more you promote that bifurcated system, the greater opportunity there is for mistakes."

Lawsuit over wrong IDs

City officials are trying to come up with a fix while a federal lawsuit filed by the American Civil Liberties Union of Colorado is pending in U.S. District Court in Denver. The lawsuit alleges Denver officials failed to solve "pervasive problems" related to incarcerating those mistaken for someone else.

Three people represented by the ACLU have reached settlements with the city. Four others continue to press their cases.

Records filed in connection with the lawsuit revealed that at least 503 wrongful incarcerations had occurred in Denver's jails from 2002 into 2009.

The wrongful jailings occurred for a variety of reasons. Often those booked had the same names as criminals, but authorities failed to check their dates of births or appearance. There are examples of people being arrested even though the suspect was a different race or gender. Some were arrested because their identities had been stolen.

Often it took days, even weeks, before authorities realized they had the wrong person.

Mistaken-identity jailings account for a small fraction of the more than 33,000 inmates incarcerated at the Van Cise-Simonet Detention Facility annually. But for those affected, the results can be enormous: Court records include examples of people pleading guilty to crimes they didn't commit.

City officials note they have tried to tackle the problem by implementing a procedure in 2008 that required the Sheriff Department to alert the police identification bureau whenever an inmate complained he had been jailed on another person's warrant.

In October, Edinger tasked jail and police officials with taking another look at the issue, and they decided further improvements were needed.

"The general concept is to start the identification process as early as possible and preferably out in the field shortly after arrest," he said.

"The way it starts now is we don't start that process until they show up at the Sheriff's Department and are getting booked, and it can then take anywhere from 15 minutes to four hours to accurately identify them," Edinger said.

Edinger said those involved in the latest review think the city hasn't been using technology it already owns to its fullest extent. Electronic fingerprint scanners, for example, could be used in troublesome cases where a suspect doesn't have a valid identification. Perhaps officers could take suspects in such instances to a district police station for scanning of their fingerprints, which could then be forwarded on to jail officials, he said.

"We are trying to get the identification to occur before booking," Edinger said. "You don't book them into the jail until you know who they are. "

He added that the group of officials studying the issue also wants more comprehensive information included on warrants for arrests. Low-level citations often don't require that a fingerprint be taken, he said. Officers might start taking fingerprints for more low-level citations, Edinger said.

Jeffco scans eyes, prints

In Jefferson County, jail officials scan the irises of all inmates and also scan their fingerprints.

In that county, people who complain their identities have gotten mixed up with the true suspect's are placed in a special cell while authorities ask the Colorado Bureau of Investigation to check the scanned fingerprints.

CBI officials usually are able to resolve discrepancies in a matter of minutes when an expedited review is requested, said Jacki Kelley, spokeswoman for the Jefferson County Sheriff's Office.

Denver is not the only jurisdiction that struggles with mistaken-identity arrests. Los Angeles County Sheriff Lee Baca recently created a task force to tackle the issue after news reports revealed that in the past five years, wrongful incarcerations occurred there nearly 1,500 times.

Mobile, electronic fingerprint-scanning devices might help reduce such problems, said Cmdr. James Hellmold of the Los Angeles County Sheriff's Office.

He said it likely would be too costly to arm all police officers and sheriff's deputies with those devices, but perhaps a system that gives them to higher-ranking officers and officials could minimize mistakes, he said.

"Even one wrongful arrest is too many," Hellmold said.