

**Audits of Body Worn Camera Footage
Pursuant to City Code 2.10.200
July 2021**

SUMMARY

This memorandum constitutes a report of the audit, pursuant to City Code 2.10.200.E, of body worn camera recordings for the month of July 2021. The ordinance requires that any findings of material non-compliance with state law, City Code and Police Department policy to be referred to the Chief of Police, the Mayor, the Council Chair, the Mayor's Chief of Staff, and the City Attorney.

The system used by the Department, at the time this audit was conducted, cannot randomly generate a body worn camera recording based on a particular timeframe. Because of that limitation, a random number generator was used to identify 5 case numbers (out of 4,592 case numbers) from the month. If a case number had multiple recordings for that case number, a recording was randomly selected for review.

Of the five matters that were reviewed, the audit found two matters where there may be material non-compliance with City Code, State law, and/or Department policy and those matters will be referred pursuant to City Code 2.10.200.E. Of the matters referred, additional review is necessary to draw a conclusion regarding compliance with City Code, State law and/or Department Policy.

BODY WORN CAMERA REVIEWS

Case No. 1

Summary

Officers respond to an apartment building to investigate a telephone complaint that a female was punched in the head by a male. Officers ascertain that the address provided by dispatch appears to be erroneous as their questioning of various tenants from different units in the building does not yield any information that matches what was described in the telephone complaint.

Finding

Officers appear to materially comply with State and City Codes and Departmental policies.

Case No. 2

Summary

Officers respond to a domestic call where they encounter a man who had called them because he had a confrontation with his girlfriend, with whom he shares an apartment, where she was upset and had thrown boxes, and then left with a bottle of vodka and their cat. The man states that she takes medication for depression and anxiety. The man said he was hoping that the officers would help keep the peace. Officers advise the man that if his girlfriend returns and remains volatile that he should call them.

Finding

Officers appear to materially comply with State and City Codes and Departmental policies.

Case No. 3

Summary

This recording involves an officer who appears to be assisting with a traffic accident on a busy City street. The officer appears to be watching a non-work related video tutorial on his Mobile Data Terminal (MDT) computer and, while driving, inputs keystrokes on the MDT which pauses the video and brings up other windows on his computer. He parks his vehicle and assists officers with the accident.

After assisting officers, he returns to his vehicle and moves it to a spot that does not block traffic. After parking, he restarts the video tutorial and after approximately two minutes, he turns his body camera off.

Finding

This matter should be referred pursuant to City Code 2.10.200.E. because the officer's use of the MDT may violate Departmental policies involving the use of an MDT and public property.

Case No. 4

Summary

Subject officer responds to an apartment complex and, with other officers, heads toward a specific apartment. There appears to be an active search for an individual. Officers knock on the door of the apartment and announce their presence, but there is no response. Another officer twists the doorknob and pushes slightly on the door and he indicates that the door is not locked. The officers knock and announce again. There is no response. Officers shine lights into the windows. Another officer then briefly and slightly opens the front door, peeks in, shuts the door, and makes a comment that there may be a chair blocking the door and it might have been forced open.

Officers then move to the exterior rear of the apartment and encounter additional officers. One officer is lifting blinds in the open window and shining a light into the apartment. The officers encounter a person in the parking lot who says that he saw two individuals flee out the rear of the apartment, one of whom was wearing a red shirt.

The officers then encounter two individuals in the complex, one of whom is wearing a red shirt and carrying a laptop computer. Officers conduct a brief detention and *Terry* frisk of the person in the red shirt. During questioning, the person in the red shirt offers that he's on probation for aggravated robbery. Officers ask the person in the red shirt if they could run a search in a database to determine if his laptop computer was stolen. He consents and the search does not yield anything.

During the encounter, the apartment management informs officers that they would like to trespass the person in the red shirt from the grounds. Officers advise as such and do not issue a citation or make an arrest.

Finding

This matter should be referred pursuant to 2.10.200.E. to determine if officers complied with laws and policies regarding the brief opening of the front door and visual observation of the residence, as well as lifting blinds in an open window to look inside the apartment. From the recording, the reasons officers were dispatched on the call is not readily apparent, and it is unclear if the officers' actions are

permissible under law and policy without additional information. Additional review is important because it may glean additional facts necessary to determine compliance with law and policy.

Case No. 5

Summary

The body worn camera recording begins with Officer 1 in his vehicle. He opens the door, exits the vehicle, and then approaches two other officers outside an apartment building. It is unclear from this recording the reason for the call, but the officers are conferring with each other and Officer 1 mentions something about “no damage.” All three officers enter the apartment building, approach a unit, and knock on the door. There is no response and the officers leave the building.

Finding

Officers appear to materially comply with State and City Codes and Departmental policies.

CONCLUSION

Two matters will be referred pursuant to the body camera ordinance: (1) the matter involving the officer’s use of the MDT, and (2) the matter involving the opening of the door and window of the apartment during the apparent search for an individual.

It should be noted that this audit reviewed only a single body camera recording for each of the above-described matters, and that additional body camera recordings and police reports may provide additional context to what was observed. In other words, an apparent material violation of law or policy may not be such a violation when viewed with additional information from a case.