

**Audits of Body Worn Camera Footage
Pursuant to City Code 2.10.200
October 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 October 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 4,627 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 one matter where there may be material non-compliance with City Code, State law, and/or Departmental policy and that matter will be referred pursuant to City Code 2.10.200.E.

BODY WORN CAMERA REVIEWS

Case No. 1

Summary

Officers respond to a call by security for Twyst Lounge at Exchange Place. It appears that there might have been a fight involving some patrons of Twyst, but it had cleared out by the time officers arrived. After speaking with security, the officers leave the call.

Finding

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

Case No. 2

Summary

Recording begins in hospital room where a field training officer ("FTO") is present with medical personnel for an apparent blood draw of an arrestee who is handcuffed to a gurney. The subject officer is an officer in training. After medical services are rendered, the suspect is removed from the gurney, with handcuffs now applied to both hands and he is walked to a patrol vehicle by both officers for transport to the Jail.

The officer in training sits in the front passenger seat and begins writing the police report. The FTO drives them toward the Jail. During the drive, the FTO asks the suspect questions that may elicit an incriminating response (How often are you using drugs? What drugs do you use? Are you still dealing drugs? Why do you have prescription medication that belongs to another? Did you run from us because

you had drugs on you?). The officers debrief the encounter that led to the arrest. Before officers arrive at the Jail, the body worn cameras are deactivated.

Finding

This matter should be referred pursuant to City Code 2.10.200.E to determine whether the officers had *Mirandized* the suspect (and the suspect waived *Miranda*) in earlier interactions (the single body camera recording viewed does not capture those earlier interactions). The officers were asking questions of the suspect that were likely to elicit an incriminating response.

Furthermore, it is recommended that the Department examine whether the officer in training should have activated his body camera earlier. It appears that this officer was part of the encounter that led to the detention of the suspect, so it is unclear whether there are portions of that encounter that should have been recorded.

Case No. 3

Summary

Officers were dispatched to an apartment complex on an apparent complaint of a domestic dispute (a neighbor heard something that indicated a domestic dispute). Officers conduct a visual inspection of the exterior of the unit, and then knock on the door multiple times. There is no response and officers leave.

Finding

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

Case No. 4

Summary

Officer responds to a hit and run call. Officer speaks to the victim driver, obtains information, provides a link where the driver can upload dashcam video footage of the vehicle that hit him. After providing relevant information, the officer returns to his patrol vehicle and the call concludes.

Findings

The officer appears to materially comply with State and City Codes and Departmental Policy.

Case No. 5

Summary

Officers respond to a home to investigate a call about potential domestic violence. Officers knock on door and eventually a reluctant woman opens the door and briefly speaks to officers to tell them that she is not interested in speaking to them. One officer sees a black eye on the woman. Woman shuts the door on officers. Officers attempt to coax her out to speak with them, but she does not respond. There does not appear to be any evidence of a domestic violence incident actively occurring that would justify entry into the residence.

Finding

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

CONCLUSION

The matter involving the transport of the arrestee to Jail will be referred pursuant to the body camera ordinance to determine whether officers *Mirandized* the arrestee (and the arrestee waived *Miranda*) before asking questions likely to elicit an incriminating response and whether the officer should have activated his body camera earlier.

It should be noted that this audit reviewed only a single body camera recording for the above-described matter, 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.