

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

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**SUMMARY**

This memorandum constitutes a random audit, pursuant to City Code 2.10.200.E, of body worn camera recordings for the month of November 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 4,706 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.

**BODY WORN CAMERA REVIEWS**

**Case No. 1**

***Summary***

Officers respond to an apartment building that has a loud fire/smoke alarm activated, which is unrelated to the officers' call. Officers head toward a particular apartment unit and knock on the door. The resident answers and officers ask if she would like to go outside to make a report so that they can avoid the smoke and loud alarm and the resident agrees.

The resident recounts a threat she received from another tenant of the building. She indicates that she wants a police report to give to management and that she would like officers to speak with the woman who made the threat. Officers indicate that unless there is an immediate threat to the resident's safety, they would not be attempting contact tonight given the alarm and smoke coming from the apartment building, but that they would create a report.

The resident thanks the officers and asks for their names. The officers provide their badge numbers and indicate that they no longer give out their names because of threats that have been made to officers. Officers shake hands with the resident and the call concludes.

***Finding***

This matter should be referred pursuant to City Code 2.10.200.E. While the concern to personal safety is understandable, current Departmental policies require officers to identify themselves to members of the public and to wear nameplates that display the officers' last names.

## **Case No. 2**

### ***Summary***

Officers walk into a hotel complex on a complaint that people have broken into a room and stayed there without paying for it. The manager wants the people trespassed if they are found. The manager walks the officers to the room and there is visible damage to the lock. The officers continue to get additional information from the manager for their report. After obtaining the information, the officer concludes the call.

### ***Finding***

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

## **Case No. 3**

### ***Summary***

The recording begins with the officer taking the arrestee to jail for what appears to be a domestic violence incident. The officer is telling the arrestee that he needs to find another way to handle his frustrations with his wife other than by striking her. The conversation is eliciting potentially incriminating statements from the arrestee. It is unclear if the arrestee earlier was *Mirandized* or waived his privilege against self-incrimination. It does appear from the recording that the arrestee previously made incriminating statements to another officer (which may indicate a previous waiver of *Miranda*).

The officer arrives at the jail, drives through the bay doors, and parks his vehicle.

### ***Finding***

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

Furthermore, it is unclear why the body camera began recording part way through the trip to the Jail. It is recommended that the Department examine whether the officer should have activated his body camera earlier or if there was a hardware issue that prevented the camera from capturing the interaction before the recording began.

## **Case No. 4**

### ***Summary***

Body camera recording appears to be accidentally activated. The recording begins with the officer driving on Redwood Road and it does not appear that the officer is going to a call for service. The officer might realize the activation and states that he is going off camera while driving but does not give reasons. The recording ends.

### ***Findings***

The officer appears to materially comply with State and City Codes and Departmental Policy. It remains unclear why the body camera activated (it appears that it could have been accidental), but it does not appear that a law enforcement encounter was occurring that would require activation.

## **Case No. 5**

### ***Summary***

Officers arrive at Smith's Marketplace and encounter a man who was in distress. The man indicates that he is overheating, has anxiety, feels weird, sees a fire when he closes his eyes, and is suicidal. The lead officer very calmly informs him that they're going to get him help. An ambulance arrives and the EMTs begin assessing the man. The officer remains on scene while they continue to assess him. The man is transported to a hospital.

### ***Finding***

Officers appear to materially comply with State and City Codes and Departmental Policy. The officers do a commendable job of keeping the man calm until medical arrives.

## **CONCLUSION**

Two matters will be referred pursuant to the body camera ordinance: (1) the matter where officers provided their badge numbers instead of their names to an appreciative citizen who asked their names, and (2) the matter involving the transport of the arrestee to the Jail to determine whether officers *Mirandized* the arrestee (and the arrestee waived *Miranda*) before asking questions likely to elicit an incriminating response and whether the body camera should have activated earlier.

It should be noted that this audit reviewed only a single body camera recording for 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.