

**Audits of Body Worn Camera Footage
Pursuant to City Code 2.10.200
February 2022**

SUMMARY

This memorandum constitutes a random audit, pursuant to City Code 2.10.200.E, of body worn camera recordings for the month of February 2022. 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 one matter where there may be material non-compliance with City Code, State law, and/or Department policy and that matter will be referred pursuant to City Code 2.10.200.E.

BODY WORN CAMERA REVIEWS

Case No. 1

Summary

Officer assists on a traffic stop involving a juvenile driver. Officers ask the juvenile to exit the vehicle and they conduct a *Terry* frisk before allowing him to sit on the curb. The subject officer stays with the juvenile while officers conduct a search of the passenger compartment of the vehicle. One officer pulls out a very large bong and places it on the trunk of the vehicle.

After some discussion with the juvenile about other individuals who are known to the officers, the bong is seized and the driver is given a warning and allowed to leave. The subject officer concludes the call.

Finding

This matter should be referred pursuant to City Code 2.10.200.E to determine whether the search complied with Fourth Amendment and Departmental policy requirements. From the perspective of the body camera recording that was viewed (which was not from the officer conducting the vehicle search), it remains unclear whether the juvenile consented to the search of the vehicle or if there were Fourth Amendment warrantless search exceptions that allowed the search of the passenger compartment (e.g., plain view search). Further review is important because it may provide information that will assist a determination of whether this search complied with law and policy.

Case No. 2

Summary

Officers respond to security at St. Vincent's on an apparent call about an assault. The officers cannot find the victim of the assault, nor a suspect. Officers concede that they can't do much else at this point without witnesses and the call concludes.

Finding

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

Case No. 3

Summary

Officers appear to be looking for a stolen vehicle in a Smith's parking lot. They do not see it and call is concluded.

Finding

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

Case No. 4

Summary

Officer arrives to assist fellow officers with handling a minor traffic accident. The officer provides forms for the drivers to exchange information. Near the end of the recording, the officer mutes his body camera without providing a reason but continues to speak with a fellow officer. After speaking with the fellow officer, the officer returns to his vehicle and unmutes his camera. He enters his vehicle and the call concludes.

Finding

The officer appears to materially comply with State and City Codes and Departmental Policy. The officer's muting of his body camera without providing a reason likely constitutes a technical violation because he appears to be conferring with a fellow officer, which can be a permissible reason under State Code to deactivate a body camera. The officer should be reminded that he is allowed to mute his body camera "to consult with a supervisor or another officer."

Case No. 5

Summary

Officers respond to a call from a mother about her daughter who has not returned home over the last couple of days. Officers obtain information from the mother to help them locate her and conclude the call.

Finding

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

CONCLUSION

One matter will be referred pursuant to the body camera ordinance to determine whether the search of a vehicle complied with Fourth Amendment and Departmental policy requirements. From the perspective of the single body camera recording that was viewed (which was not from the officer who conducted the search), it remains unclear if the driver consented to the search or whether there may have been Fourth Amendment warrantless search exceptions that would allow for the search (e.g., the bong was in plain view, etc.). Additional information should assist a determination about whether this search was compliant with law and policy.