

**Audits of Body Worn Camera Footage
Pursuant to City Code 2.10.200
August 2024**

SUMMARY

This memorandum constitutes a random audit, pursuant to City Code 2.10.200.E, of body worn camera recordings for the month of August 2024. 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 (BWC) recording based on a particular timeframe. Because of that limitation, a random number generator was used to identify 5 case numbers (out of 5,654 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 that officers appeared to materially comply with City Code, State law, and Department policies. However, there is one instance where an officer may have committed a technical violations of Department policy related to the muting of his BWC.

Body Worn Camera Reviews

Case No. 1

Summary

Subject Officer is in his patrol car in a parking lot speaking with a caller. The caller informed the Subject Officer that she received a phone call from a hospital nurse regarding a patient who was at a concert in Salt Lake City but does not recall the past several hours. The patient is requesting a sexual assault examination but the nurse requires a case number from the Subject Officer.

The Subject Officer asked the caller for the patient's name and DOB and once he received the information, he provided the caller with a case number. Another officer, the Subject Officer's training officer, informed the caller that she should provide a case number to the patient and the nurse and ask the patient if she wants SLCPD to investigate. The training officer then provided the caller with information on how the case may proceed. The caller stated that she is at a Hospital in Davis County and requested for a SLCPD officer to collect the evidence. BWC is turned off.

Finding

Officers appeared to comply with State and City Codes and Police Department policy.

Both officers showed empathy towards the patient and provided necessary information to the caller for the patient if she decides to pursue the case.

Case No. 2

Summary

Subject Officer is in a patrol car and he calls a person on phone and eventually is able to speak with her. The female, the complainant, informs Subject Officer that a person, an ex-boyfriend, is calling her and she does not want to be contacted by him anymore. Subject Officer collects basic information from complainant and asks her to explain the situation. The complainant said she recently started to spend time with the ex-boyfriend and was thinking of possibly dating him again, but he is now acting in a way that scares her, such as yelling at her and slamming doors (but not physically violent to her). The complainant describes a situation that occurred that morning where she was recording her ex-boyfriend yelling at her with her phone and that he then took the phone away from her. Subject Officer asked how she got the phone back and she said that she simply took it back from him.

The Subject Officer confirms with the caller that the phone incident did not amount to an assault and she was not using the phone in an attempt to call for assistance. The complainant tells the Subject Officer that her parents recommended that she call the police. The complainant says that she would just like for PD to call the ex-boyfriend to inform him that she does not want him to contact her anymore.

Subject Officer gets the ex-boyfriend's name, phone number, DOB and address. Subject Officer asks complainant if both her and the ex-boyfriend were in a consensual sexual relationship in the past and the complainant says "yes." Subject Officer informs the complainant that the case will be reported as a non-criminal domestic dispute and provides her the case number.

Subject Officer informs the complainant that he will call the ex-boyfriend and inform him that she does no longer wants him to contact her. Subject Officer informs complainant that he will call her back if the ex-boyfriend does not answer.

Subject Officer calls ex-boyfriend several times but each time the call goes to voicemail. Subject Officer finally leaves a message on the phone and identifies himself as a police officer and explains that the complainant does not want to be contacted by him again. Subject Officer also says that he will again call in a few minutes. Subject Officer calls ex-boyfriend several times but again, only receives his voicemail.

Subject Officer calls complainant and informs her that the ex-boyfriend did not answer but he did leave the ex-boyfriend a message regarding no-contact. Complainant asks Subject Officer if she should avoid her ex-boyfriend's phone calls if he calls her. Subject Officer informs complainant that if she avoids the ex-boyfriend's phone calls, the ex-boyfriend may stop contacting her or he may still call her again and again. Subject Officer also informs the complainant that if she answers the ex-boyfriend's phone call, she should tell him that she does not want to see him again, which he may or may not stop. Subject Officer does tell the complainant that if the ex-boyfriend gets violent with her to immediately call the police.

Subject Officer ends call with complainant and says that he is turning off BWC.

Finding

Subject Officer appeared to comply with State and City Codes and Police Department policy.

Subject Officer is very patient and empathetic with the complainant. Subject Officer is professional when eliciting information to determine legal protection and other policy considerations. The Officer established that a "cohabitant" relationship existed and asked investigative questions to ensure there was no criminal element to this situation. The Officer also balanced his advice as a police officer and as a person, ensuring that his suggestions were not misinterpreted as unlawful commands.

Case No. 3

Summary

Subject Officer walks behind a vehicle, which appears to have been the subject of a traffic stop and asks driver to unlock the car doors, which he does. Another officer asks a male who is sitting on the back seat to get out of the car and he proceeds to place him in handcuffs. Subject Officer informs the driver that the male in handcuffs, the detainee, was wanted for warrants.

Subject Officer asks other passengers in back seat to come out and sit on curb. Subject Officer informs other persons that detainee is a drug dealer. Subject Officer speaks to another officer about a possible drug transaction occurring before stop. Subject Officer asks driver if any bags in car and driver says "no."

Subject Officer speaks to the female that was in the car separate from other persons and asks her what she was doing with persons in car and casually speaks with her. Subject Officer informs her that the detainee is a well-known drug dealer and asks if she saw him do anything. She says some people would come up and ask him something and detainee

would just say “I don’t have anything.” Subject Officer asks if he can search her purse and she agrees. Subject Officer searches purse and does not find drugs. Subject Officer asks if he can search her bags in vehicle and she initially says “no.” Subject Officer says she does not have to let him search bags and all up to her. Subject Officer asks female to identify which are her bags and as she moves her bag, she opens it up and some paraphernalia is seen in her bag.

Subject Officer speaks with another officer about searching the vehicle. Officers take several bags out of the vehicle and put them on hood of patrol car.

Subject Officer provides driver his phone number and asks him to call if he finds any drugs for contraband in the car at a later time. Driver informs Subject Officer that he thinks that detainee may have hid something in his socks. Subject Officer lets driver go.

Female approaches Subject Officer and tells him that she didn’t do anything and is afraid to be arrested. Subject Officer informs her that he just wants her to be honest. Female says she’s been in jail three times and is presently on probation.

Subject Officer mutes BWC to consult with another officer. Subject Officer unmutes the BWC and informs other officer that female has contraband in her bag. Officers search bags. Officers place money and paraphernalia into evidence bags.

Subject Officer separates female from other persons and tells her she is not arrested but he is asking her some questions that may be incriminating. Subject Officer then reads her Miranda. Subject Officer asks if she is willing to speak with him. She says “I’ll hear you out.” Subject Officer describes a bag and asks if it is hers or the detainee’s and she says it is the detainee’s bag. Subject Officer asks if she does anything for him and she says “no.” Subject Officer asks for her phone number, address, and where she is on probation.

Subject Officer mutes BWC to consult with other officers. BWC shows officers counting & documenting money but the audio is still muted. BWC shows Subject Officer walk with detainee next to patrol car and appears to be reading Miranda to the detainee but the audio is still muted. A female officer arrives and talks with officers and then goes to search female but the audio is still muted. Female officer returns to speak with other officers but the audio is still muted.

Subject Officer unmutes BWC and speaks to the female and says that she claims that drugs are not hers and detainee claims drugs are not his. Subject Officer informs her that the case will be “screened” for drug distribution and will be charging both her and the detainee but she is not being arrested at that time. Subject Officer informs the female that the money and drugs will be kept as evidence and that the case will be referred to the DA. The detainee will be transported to jail for his outstanding warrants. Detainee allows the female, who is released in the field, to take his belongings. BWC is turned off.

Finding

It appears that the officers involved in this case materially complied with all State Law and City Codes. There is a technical violation of Police Department policy. The Subject Officer did not state the reason for muting the audio before muting the audio recording during a conference with other officers. Additionally, Subject Officer forgot to unmute the audio once the conference was ended, which included several minutes when Subject Officer was speaking with the detainee and possibly reading Miranda.

Subject Officer did a great job engaging the female, treating her with respect. Officers worked well together investigating this complex case that involved several officers that were at the site and also off site.

Case No. 4

Summary

Subject Officer approaches a home on foot. Fire Department is on scene. A firefighter speaks to the Subject Female, who is sitting on a gurney, telling her that “we trusted you and you tried to run away.” The firefighter provided the Subject Female with two options: going in the ambulance on the gurney or going with the the Subject Officer. Subject female replied that she would go with the ambulance.

Another firefighter informs the Subject Officer that the Subject Female was intoxicated with suicidal ideation and family want her to be committed and Subject Female refused. Subject Officer informs the firefighters that he will follow the ambulance but first wants to get information about the Subject Female from persons who are outside house, presumably family members.

Subject Officer asked a female for Subject Female’s name and date of birth and if the Subject Female was trying to hurt herself. The female provides the name of the Subject Female and the date of birth, which makes the Subject Female approximately 30 years old. The female informs the Subject Officer that her cousin will know more about the situation. The cousin informs Subject Officer that Subject Female asked for a knife and went to the bathroom alone, but she fell and hurt her forehead and lip. The cousin also informs the Subject Officer that Subject Female has attempted suicide in the past. The Subject Officer asks a firefighter if “keep her involuntary” and the firefighter responds “absolutely.” Subject Officer informs firefighter that he will follow the ambulance. Subject Officer turns off BWC.

Finding

Subject Officer appeared to comply with State and City Codes and Departmental Policy. Because the officer arrived well after firefighters were on scene handling the situation and therefore the body camera recording may not have provided a full picture of the matter, it may be helpful to review the facts that gave rise to emergency personnel recommending an involuntary commitment.

Case No. 5

Summary

Subject Officer walked to the front of a house. A female opens the door and Subject Officer says a person called regarding someone yelling. The female said that it might have been her husband and she leaves to get him to talk with the Subject Officer. The husband came to speak with the Subject Officer and said that he was yelling about issues related to money and work. Subject Officer asked the husband if it was just yelling but nothing physical or nothing broken. The husband says it was only yelling and Subject Officer confirms that it was just a verbal altercation. Subject Officer gets husband's and wife's information for the report. Subject Officer returns to his patrol car and turns off BWC.

Finding

Subject Officer appeared to comply with State and City Codes and Police Department policy.

CONCLUSION

In four of the five cases that were reviewed, the audit found that police officers appeared to materially comply with City Code, State law, and Police Department policies. However, in one case, a Subject Officer appeared to be in a technical violation of Police Department Policy by not stating the reasons for muting his BWC and for failing to unmute his BWC (it was later unmuted).