



The City of San Diego

Staff Report

DATE ISSUED: 9/21/2022

TO: City Council

FROM: Office of the City Auditor

SUBJECT: Performance Audit of San Diego Police Department's (SDPD) Use Of Body Cameras And Management Of Body Camera Videos

Primary Contact: Matthew Helm Phone: (619) 533-3007

Secondary Contact: Andy Hanau Phone: (619) 533-3108

Council District(s): Citywide

OVERVIEW:

The Office of the City Auditor conducted a performance audit of the San Diego Police Department's (SDPD) use of body cameras and management of body camera videos. The objectives of this audit were to determine (1) if SDPD's policies and procedures regarding body worn camera usage, management, and release are in line with best practices and local, state, and federal regulations and (2) if internal controls are in place to ensure policies and procedures are followed and body worn camera footage is properly collected, maintained, monitored, and released by appropriate personnel. This audit had four findings: (1) officers likely did not record many enforcement encounters as required by SDPD procedure; (2) in many cases, officers did not appear to record the entire incident, as required; (3) officers generally categorized videos correctly, but some changes would minimize the risk of deleting videos too soon; and (4) SDPD does not have a detailed policy on when it releases body camera video, which creates confusion among the public and City Council. We made 7 recommendations to address these findings.

PROPOSED ACTIONS:

This item is for information only.

DISCUSSION OF ITEM:

SDPD officers can face dangerous situations while on duty, and public interactions with officers can result in injury or even death of a member of the public or an officer. As a result, body cameras are used to improve officer safety, provide primary evidence of police encounters with the public, and are essential evidence collection and accountability tools. We conducted this audit to determine (1) if SDPD's policies and procedures regarding body worn camera usage, management, and release are in line with best practices and local, state, and federal regulations and (2) if internal controls are in place to ensure policies and procedures are followed and body worn camera footage is properly collected, maintained, monitored, and released by appropriate personnel. The following sections summarize our audit findings.

**FINDING 1:** Officers likely did not record many enforcement encounters as required. SDPD procedures requires officers to record incidents that are likely to become enforcement encounters. We were unable to find record of a body camera video for 15 to 40 percent of officers dispatched to enforcement encounters from October 2020 through September 2021. For example, 29 percent of officers dispatched

to incidents that ended in arrest did not have record of a body camera video. Approximately 4 percent of enforcement encounters likely had no body camera video recorded by any officer dispatched. While SDPD's procedure requires officers to determine if a call is likely to become an enforcement encounter, many other major cities simply require officers to begin recording while on the way to all calls for service, making it easier for officers to comply and ensure videos are captured when required.

**FINDING 2:** In many cases, officers did not appear to record the entire incident as required. Officers began recording on the way to an incident, as required, in 70 percent of the body camera videos we reviewed. Officers stopped recording before the incident appeared to conclude in 38 percent of the videos we reviewed. SDPD procedure does not clarify when officers can stop recording.

**FINDING 3:** Officers generally categorized videos correctly. Just 4 percent of the videos we reviewed were categorized incorrectly. The vast majority of videos (98 percent) were kept as long as required and not deleted too soon. SDPD procedure keeps videos categorized as accidentally recorded for just one week but should keep them for a minimum of 60 days and should have supervisors review them to ensure they are accurately categorized as accidental.

**FINDING 4:** SDPD does not have a detailed policy on when it releases body camera video, which creates confusion for users of the information. For the officer involved shootings in our scope, SDPD released the critical incident videos within 10 days and the videos included the most pertinent body camera video footage. We did not find any additional video footage in the underlying body camera video footage that would have substantially changed the impact or conclusions of the critical incident video. We did find that the underlying body camera footage in some situations held additional context, such as the events that led up to the officer involved shooting or additional angles of the incident. For the applicable California law that requires SDPD release body camera videos for officer involved shootings and uses of force that result in great bodily injury or death, we found SDPD releases the videos it determines are the most relevant.

#### **Recommendations:**

We made seven recommendations to improve officer compliance with SDPD's body camera policy and increase transparency in the requirements and timelines of the release of body camera video. Those recommendations are to:

- Require officers to record all dispatched calls and calls for service, rather than just enforcement encounters;
- Require existing supervisor reviews of body camera videos to ensure officers recorded a video for all dispatched calls videos;
- Clarify in procedure when officers can stop recording because an incident has finished;
- Require existing supervisor reviews of body camera videos to ensure officers turned the camera off in line with procedure;
- Require supervisors to review all videos categorized as Body Worn Camera (BWC) Training/Accidental to ensure the videos are accidental recordings;
- Require SDPD to keep accidentally recorded videos for 60 days; and
- Detail in policy what body camera videos SDPD releases and when, including critical incident videos.

SDPD agreed to all seven recommendations.

#### City of San Diego Strategic Plan:

N/A – This item does not have a connection to the Strategic Plan.

#### Fiscal Considerations:

N/A

#### Charter Section 225 Disclosure of Business Interests:

N/A; there is no contract associated with this action.

#### City Strategic Plan Goal(s)/Objective(s):

## Trust & Transparency

### Environmental Impact:

This activity is not a project pursuant to CEQA Guidelines Section 15378(b)(5), as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. As such, this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

### Climate Action Plan Implementation:

N/A; This item does not have a connection to the CAP.

### Equal Opportunity Contracting Information (if applicable):

### Previous Council and/or Committee Actions:

Item was heard at July 27, 2022 Audit Committee.

Motion by Vice Chair Moreno to accept the report and forward it to the Public Safety and Livable Neighborhoods Committee and then to the City Council as an informational item. Second by Committee Member Halpern.

Passed by the following vote:

Yea: Stephen Whitburn, Vivian Moreno, Stewart Halpern, Andy Maffia, Toufic Tabshouri

Nay: (None)

### Planning Commission Action:

N/A (if the item was not heard by the Planning Commission)

### Key Stakeholders and Community Outreach Efforts:

N/A

Andy Hanau \_\_\_\_\_

City Auditor