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Police Auditor

Weapon Display Inspection

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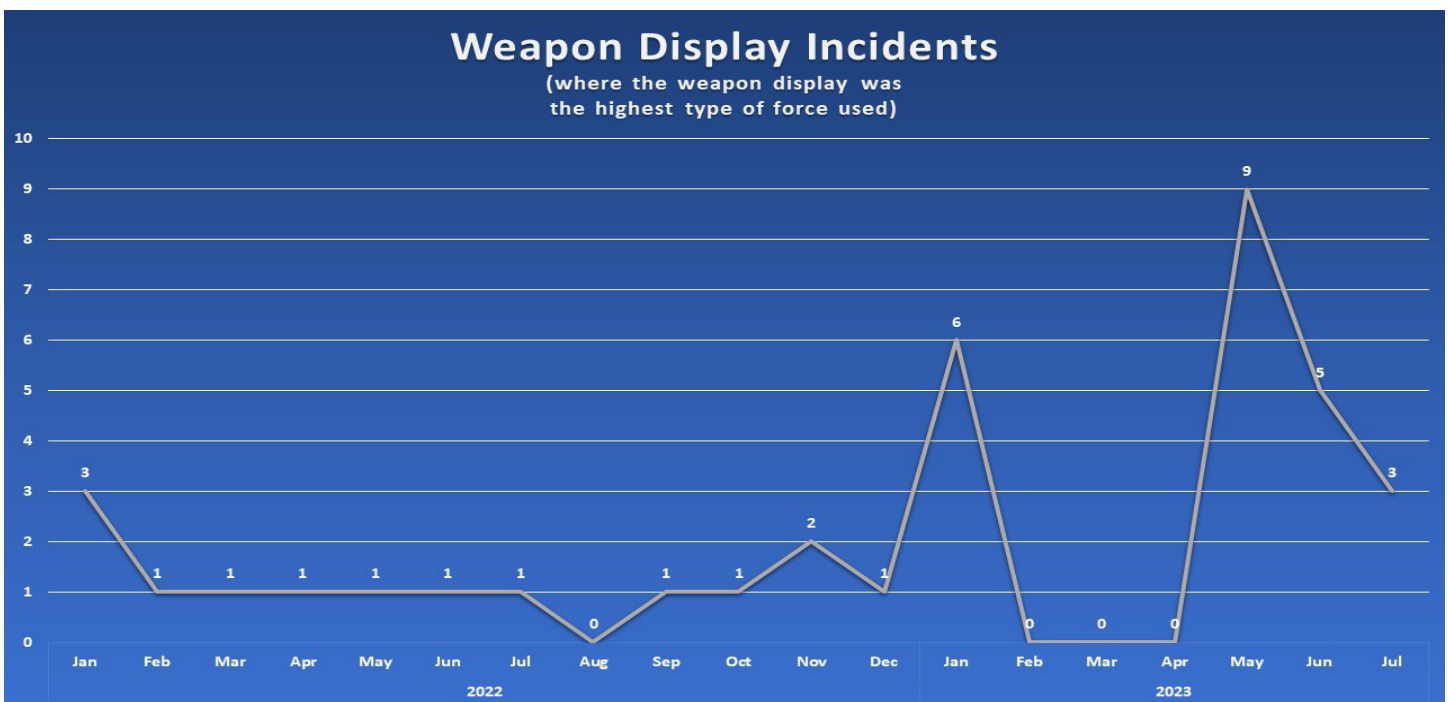
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Introduction

Police officers are afforded a tremendous amount of power in their daily duties. They have the ability to stop, detain, search, and arrest individuals. While carrying out these duties, officers are able to use force which can include low level control holds up through lethal force. Strong oversight and accountability is necessary to ensure officers do not abuse their power.

The Police Auditor releases a monthly report that details Alameda Police Department (APD) officer activity in a number of areas. The creation of the report involved collecting data going back to the beginning of 2022 in each area. During the data collection on use of force incidents, it was noted that there were zero incidents during the months of February, March, and April 2023 where a weapon display was the highest level of force. A weapon display is defined as “the pointing of any firearm or Taser at a person” (Training Bulletin 16-04).



The three month period represented an outlier when taking into account the data from prior months and the data since. Although the three months were outliers, they did not immediately present a cause for concern. A number of factors can influence an officer’s decision to use force and as can be seen in the graph, in 2022, most months only had one weapon display incident. Rather, the three month period with zero incidents was used as an indicator to point the Police Auditor in the direction of an area that could use additional review.

For the current inspection, the Police Auditor concentrated on identifying whether weapon displays occurred during the three month period. Body worn camera (BWC) footage was viewed to determine whether weapon displays occurred.

Policy

Members that use force are required to document the force in a report (300.5) and notify their supervisor (300.5.1). Supervisors are responsible for entering the information into the Risk Management Reporting Portal (Portal) by the end of the next business day. Per Training Bulletin 16-04 which was updated on 10/14/2022, weapon displays are included in the list of uses of force that need to be entered into the Portal for a compliance finding.

Methods

This inspection includes three different reviews in an attempt to identify weapon displays:

- A review of body camera footage for specific arrest types.
- A review of stop data.
- A review of automatic Taser and firearm tags placed on videos where a taser or firearm was drawn.

Arrests

Arrest data was used to determine incidents where there was a higher chance of a weapon display. Discussions with APD personnel allowed for the identification of the below crimes that occurred between February and April 2023. The count represents the number of people arrested for the violation during the review period. Since an individual can be charged with multiple violations, the number of individuals arrested for the violations exceeds the total number of people arrested for those violations.

Crime Description	# of Individuals Arrested for the Crime Feb-Apr 2023
Take vehicle w/o owners consent/vehicle theft - Motor vehicle theft (F)	20
Outside Warrant Arrest (F)	17
Possess stolen vehicle/vessel/etc (F)	10
APD Bench Warrant (F)	3
Burglary - Burglary/breaking and entering (F)	3
Burglary: first degree - Burglary/breaking and entering (F)	3
Burglary: first degree - From motor vehicle (F)	3
Robbery (F)	3
Assault w/deadly weapon: not f/arm - Aggravated (F)	2
Assault with firearm on person - Aggravated (F)	2
Minor possess handgun (M)	2
Alter/change/etc imitation firearm to look like a firearm (M)	1
Burglary: first degree (F)	1
Carry concealed weapon in vehicle (F)	1
Carry loaded firearm on/in person/vehicle: public place (M)	1
Carry loaded firearm with intent to commit a felony (F)	1
Exhibit deadly weapon other than firearm - Weapon law violations (M)	1

Crime Description	# of Individuals Arrested for the Crime Feb-Apr 2023
Felon/addict/possess/etc firearm (F)	1
Possess stolen vehicle/vessel/etc (M)	1
Robbery: first degree (F)	1
Shoot at inhabited dwelling/vehicle/etc (F)	1
Take vehicle w/o owners consent/vehicle theft - All other larceny (F)	1
Use F/Arm in Commission of a Felony	1

Two-hundred and twenty one individuals were arrested or cited during the review period. Of those, 63 were arrested for one of the above offenses.

Due to the small population (63) of arrests that met the criteria, selecting a sample was not necessary. All 63 arrests were included in the inspection. For every arrest, body camera footage was reviewed to determine whether a weapon display occurred. If no footage was available, due to the arrest being made by an outside agency for example, reports were reviewed to make a determination.

Stop Data

One way to identify uses of force that were reported in a report but not in the Risk Management Reporting Portal is to review stop data. A stop data form is required to be completed when an individual is searched or detained. Officers are required to select the actions taken during the stop. For this inspection, the Police Auditor filtered for stops with any of the following actions taken: Firearm Discharged or Used, Firearm Pointed at a Person, and Electronic Control Device Used.

Signal Sidearm and Taser

Axon provides body cameras, Tasers, and cloud storage of footage to the APD. One optional feature Axon provides is to put signals on firearms and tasers which when activated, automatically turn on nearby cameras. APD is in the process of installing this feature on their firearms and holsters so whenever a firearm is removed from its holster, all cameras within approximately 30 feet begin recording. This feature is already being used when a Taser is powered on. When these types of activations occur, a tag is placed on each video at the time of occurrence. These tags can be searched and all videos with the tags will populate. Additionally, the APD has its body worn cameras set to prerecord meaning that when a camera is in standby mode and activated, there will be 30 seconds of footage without sound prior to the activation. For this inspection, videos with the following tags were reviewed: Firearm Signal, Taser Weapon Triggered, Taser Weapon Armed, and Taser Weapon Arced.

Results

Arrests

Thirty-four of the 63 arrests included body camera footage that captured the moment of contact between officers and the arrestee. One of the arrests (Arrest 1) involved a firearm display by multiple officers that was not entered into the Risk Management Reporting Portal as directed by the Chief of Police per Training Bulletin 16-04 (updated 10/12/2022). The firearm displays were properly documented in incident reports and in the stop data form.

There was one additional arrest where the Police Auditor could not determine whether the officer pointed their firearm at the arrestee. Officers were sweeping a building for a trespasser with their flashlights and firearms drawn. Body camera footage shows the firearm raised along with the flashlight while conducting the sweep when officers came upon the subject sleeping and covered in blankets. It is unclear whether the officer pointed their firearm at the arrestee. This incident was referred to the APD for further review.

Twenty-eight of the 63 arrests did not have footage of the initial contact between officers and the arrestee. In 24 of the 28, the arrest was made by an outside agency and did not involve APD officers. Three arrests involved juveniles who received Notices to Appear. One arrest involved an individual already detained in juvenile hall.

Finally, there was one arrest with body camera footage that did not capture the first interaction between officers and the arrestee because of a late camera activation as required by policy 450.2. Additionally, there was no supplemental report written by the officer who first made contact with the arrestee to provide details on what occurred as required by policy 344.2.1. The main incident report indicated no force was used and the demeanor of the arrestee and officer when the camera was activated also do not indicate there was a weapon display or other force. However, it is impossible to know for sure due to the late activation since no other officer was at the location when contact was made to provide additional footage. The information for this incident was provided to APD.

Stop Data

For the review period, 1,048 stop data forms were completed by officers. Filtering for the specific actions taken listed in the methods section, one stop was identified that listed "Firearm Pointed at a Person". That stop form corresponds to the arrest listed above where the force was appropriately documented in the incident and stop data report but not in the Risk Management Reporting Portal (Arrest 1).

Signal Sidearm and Taser

There were 304 body camera videos for the review period that included one of the automatic activation tags. All videos were reviewed. None of the videos involved a firearm or a Taser being pointed at an individual. For the firearm tags, most of the videos involved officers from other agencies at Santa Rita Jail removing their firearm prior to entry to the facility which automatically created tags in APD officers' videos. For the Taser tags, most involved activations within the APD building or parking lot. Officers are required to perform a function test prior to the start of their shift. This activates their camera or the camera of officers nearby.

Signal Type	Total # of Videos
Firearm Signal	31
Taser Weapon Triggered	46
Taser Weapon Armed	226
Taser Weapon Arced	1

Conclusions and Recommendations

Between February and April 2023, this inspection did not identify any weapon displays (where the weapon display was the highest level of force) that were completely unreported. This inspection did find:

- One incident where the weapon display was documented in the incident and stop data reports but not entered into the Risk Management Reporting Portal (as required by Training Bulletin 16-04). This incident has since been entered into the Portal for a compliance finding.
- One incident where it could not be confirmed a weapon display did not occur due to a late body worn camera activation by the officer who made the first contact with the arrestee (as required by policy 450.2). Additionally, this officer did not complete a supplemental report to provide additional detail (as required by policy 344.2.1). This information was provided to APD and they are investigating.
- One incident where officers did have their firearms raised while sweeping a building, however, the Police Auditor could not definitively determine if the officer's firearm was pointed directly at the arrestee. Command staff reviewed the footage and met with the officer. It was determined the firearm was not directly pointed at the arrestee.

The Police Auditor did not identify any systemic issues during this inspection. However, they did identify some policy clarifications that should be provided to potentially prevent issues in the future.

- For the weapon display incident that was not entered into the Risk Management Reporting Portal, the stop data form was created and reviewed by the same supervisor. There is no APD policy that prohibits supervisors from approving their own stop forms which was the case in this incident. From January to August 2023, 5% (209/4,264) of stop forms were reviewed by the individual who created the form. Reviewing one's own work creates accountability and oversight issues and makes it less likely data entry errors will be identified. It is recommended that employees are not allowed review and approve their own reports.

Once notified of the recommendation, the Chief of Police immediately put out a directive that requires review of all documents requiring a review, to be conducted by personnel of a higher rank.

- Policy 450 details requirements around portable audio and video recorders. It states “it is the policy of this department that members should activate their BWC and in-car cameras when activating in an official capacity with member of the public” (APD Policy Manual, 450.2). Policy 450.6 additionally states, “officers shall record public contacts, whether in person or through telephonic means, in situations where they are operating in an official law enforcement capacity.” Though the Police Auditor did not identify any systemic issues with activating body worn cameras, it is suggested that a reminder is sent to all members detailing when during an interaction BWCs must be activated (Ex. prior to making contact with a member of the public).

Upon receiving this recommendation, the Chief of Police committed to sending out a refresher training to all members in the form of a training bulletin.

- Policy 344.2.1 dictates what types of incidents need to be documented in a written report. Beyond the main report, it does not specify when officers need to author a supplemental report. The APD should determine whether there needs to be policy modifications or additional guidance.

Upon receiving this recommendation, the Chief of Police determined the policy was clear, however, the employee who failed to complete a supplemental report after detaining an individual will receive additional training.