



P.O. Box 309  
Durham, NC 27702

February 3, 2022

RE: General Public Release of Body Camera Footage From Wrongful RPD Home Raid in May 2020

Dear Raleigh City Council:

We write to you in the wake of a Superior Court Judge's decision on February 2, 2022, to deny an application for general release of body camera footage from a serious incident of police misconduct in your jurisdiction in May 2020.

This incident was an illegal and wrongful execution of a "No Knock" warrant on the households of Kenya Walton and Yolanda Irving, two innocent civilian mothers, and their children. The raid was the result of a warrant containing a wrong address, which did not match the photograph of the premises, and that was based on fabricated evidence provided by officer Omar Abdullah and his confidential informant.

These families were terrified and traumatized when their homes were invaded by police with guns drawn, and they never received an apology for the error.

The decision to block release of the footage came on the same day that the court decided to release body camera footage of the police shooting of Daniel Turcios in January 2022. These disparate decisions were widely reported on, including in the *News & Observer* and *ABC 11*, and appeared to rely upon a distinction related to whether or not an incident is "critical" in nature.

ABC 11 reported:

When Raleigh police officers first strapped on body cameras back in 2018, community activists celebrated the move as a win for transparency and police accountability. But there was mixed reaction Wednesday to the result of the city's latest high-profile

body camera hearing. Two different cases. Two different results. And RPD's argument in each case is not sitting well with some.

Raleigh Police successfully blocked the public release of RPD bodycam footage of the wrongful SWAT-team-style raid [first reported](#) Tuesday night by ABC11.

Minutes after the judge blocked the public release of the raid video, RPD then argued in favor of the public release of the fatal police shooting of Daniel Turcios on the Raleigh Beltline last month. The department's attorney, Sherita Walton, seemed to make a transparency distinction between the non-fatal encounter at Yolanda Irving's home and the deadly incident on the highway.

There is in those (fatal) cases, and that's seen across the nation, a significant compelling interest in fostering transparency with those kinds of cases," Walton argued.

The Raleigh Police manual defines "critical incidents" to include officer-involved shooting, an in-custody death, a motor vehicle crash involving a police vehicle that results in death or serious physical injury, or any action on the part of an officer that results in the death or serious physical injury of a resident. It is not a requirement of the body camera release statute, however, that an incident be a "critical incident" before the footage be released to the public. Rather, the key question is whether the release would advance "a compelling public interest," without compromising the administration of justice. *See* N.C. Gen. Stat. § 132-1.4A(g).

The Raleigh City Council is entitled to petition for general and public release of the body camera footage if it believes it would advance the public interest, including the public's interest in transparency. Indeed, the [Durham City Council](#) has recently petitioned for release in two incidents, one in which police pointed guns at children at the Rochelle Manor Apartments and another taking place at a convenience store near Hillside High School.

On February 2, the judge specifically stated that his decision was without prejudice to a future motion to unseal the footage. A motion from the Raleigh City Council would demonstrate to the court that the public does have an interest in its release and in full transparency regarding wrongful acts the Raleigh Police undertakes with tax dollars. The victimized families want the incident to be public and there are no ongoing investigations that release would compromise.

We respectfully request that the Raleigh City Council petition for general release of the body camera footage from this incident.

Sincerely,

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