

Transcript of audio recording of Officer Kasi Beutel's stop and Tasing and foot pursuit of Michael Kenny on August 22nd, 2009. The relevant interchange between Beutel and Kenny begins 2:26 into the recording.

BEUTEL: Mr. Kenny, can I have you step out of the car for just a minute?

KENNY: Ma'am, what for?

BEUTEL: Yeah, I smell a little bit of alcohol and I want to evaluate you out here. I was waiting for my cover officer to arrive. So I just want to make sure you are okay. I know you said you haven't had anything to drink and its possible you haven't, but I would just like to check your eyes out here at a straight angle, which is easier for me than in the car.

KENNY: Okay.

BEUTEL: Okay, so if I can have you step out of the car I'd appreciate it.

KENNY: Well, at this point I would like to ask you to either cite me, release me, or...

BEUTEL: At this point, what we have an option of doing...

KENNY: (intelligible)

BEUTEL: Okay, but that's what I'm going to have you do, I'm going to have you step out so I can check you, to make sure you're not too impaired to drive. Okay?

KENNY: Um, not necessarily.

BEUTEL: Well, you don't really have an option. If you'd like me to call the supervisor to come and hang out with us on scene while we do this, I can. But right now, you are being detained because I want to make sure that you're okay to drive because I smell a little bit of alcohol. Okay?

KENNY: Um, can I call an attorney?

BEUTEL: No. You don't have a right to call an attorney right now. You're simply being detained. You are certainly not under arrest right now...

At this point at about 3:22 into the recording there is a decided break, both in tone and content. While Kenny's voice remains calm as he sits inside his truck, Beutel becomes suddenly agitated. We hear what sounds like Kenny attempting to comply with Beutel's request that he get *out* of the vehicle, but her voice level and direction take a radical turn:

BEUTEL: No, no, no, no!. No. You're about to get yourself Tased or in trouble. Hand me the keys. Hand me the keys!

KENNY: Oh really, you're going to Tase me?

BEUTEL: Hand me the car keys! Hand me the car keys! Hand me your car keys!

KENNY: You're really going to Tase me?

BEUTEL: Right now I'm at the point where I feel like ... Hand me the car keys! Hand me your car keys!

KENNY: Really? My sister works for the District Attorney's Office.

BEUTEL: Hand me your car keys.

KENNY: Are you sure you want to?

BEUTEL: *Hand* me your car keys.

Kenny's small grey dog, who is in the front seat of the truck, starts barking. At this point at 3:48 into the tape, Beutel asks fellow officer Gina Battaglia to call for a supervisor. The Dispatch Log shows that Battaglia called in a "Code 3 and Supervisor" at 9:26 p.m.

BEUTEL : (to Battaglia) Call for cover. (to Kenny) Hand me your keys! (to Battaglia) For a supervisor!

KENNY: This isn't legal.

BATTAGLIA: (calling it in) Code three.

KENNY: It's not legal.

BEUTEL: Hand me the car keys! Hand me the car keys. Hand me the car keys. You're about to get arrested for resisting arrest.

KENNY: You're about ready to break the law!

BEUTEL: You're about to get arrested for resisting arrest.

KENNY: I'm not resisting arrest.

At this point, by Battaglia's account in her report, she was still on the driver's side, attempting to assist Beutel. Then suddenly, Heather Vaughn, Kenny's passenger, exits the truck on the passenger side and Beutel screams at her:

BEUTEL: Stay in the car! Stay in the car!

BATTAGLIA: Do you want me to go get her?

BEUTEL (to Battaglia) Yup. Now I want you to go open the door right there.

KENNY: I haven't been arrested... I haven't done anything wrong.

BEUTEL: Nope. You're being detained. Open the car.

At this point Kenny is still in the driver's seat.

BEUTEL: O.K. You drive away...

KENNY: I want to call my sister.

At this moment 4:17 into the tape, Beutel seems bent on keeping Kenny from driving away.

BEUTEL: (to Kenny) Stay here, stay here.

There appears to be another break in the tape. We hear several seconds of dead air and then:

BEUTEL: Good god.

BATTAGLIA: We're not breaking the law.

KENNY: Yeah, you are breaking the law. I'd be happy to step out of the car.

Now, in the space of several seconds on the tape, Beutel goes from demanding that Kenny get *out* of the vehicle to ordering him to stay *inside*.

BEUTEL: Nope. Nope. You're gonna stay right there right now until we have a supervisor.

At this point, by Kenny's account, he began exiting via the driver's side door.

BEUTEL (shouting) Stay there! Stay there! Stay there!

KENNY: You can go ahead and Tase me if you'd, like ...

BEUTEL: Stay there! Stay in the car! Stay in the car, you're gonna get ...

The Taser goes off.

KENNY: Ouch!

BEUTEL: (screaming) Get down, get down, get down on the ground!

At this point Kenny pulls the two Taser leads from his chest and takes off running with his dog as Beutel gives chase, calling in her location on her radio.

BEUTEL: (running) Foot pursuit down La Marina! Foot pursuit! Affirmative. Foot pursuit down La Marina towards the beach!