



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0395

Issued Date: 10/25/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 11.020 (10) Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees (Policy that was issued December 19, 2012)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued February 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 11.020 (10) Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees (Policy that was issued December 19, 2012)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued February 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees arrested a suspect (the subject) and transported him to the precinct.

COMPLAINT

The complainant, the Force Review Unit, alleged that Named Employee #1 and #3 failed to use a seatbelt on a subject they transported in the rear seat of their patrol vehicle and there was no documentation explaining the circumstances why the seatbelt was not used.

The complainant further alleged Named Employee #2 and #4 stopped their vehicle's In-Car Video (ICV) twice during the call. The second time the ICV was stopped, to screen the arrest with the sergeant in the field, was ruled as a possible policy violation.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged Named Employee #1 and #3 failed to secure the subject with a seat belt prior to transporting him in a police car. SPD policy requires officers to “use the transport vehicle’s seat belts to secure detainees.” The same policy contains an exception to this requirement “if the circumstances do not allow the officer to safely secure the detainee, then the detainee is transported unsecured in the vehicle.” The OPA investigation found that Named Employee #1 was not the officer who placed the subject in the back seat of the police car and, as a result, was not responsible to make certain the seat belt was secured. The OPA investigation found Named Employee #3 was the officer who placed the subject in the back seat of the police vehicle prior to transport. As such, Named Employee #3 was responsible for making certain the subject was secured with a seat belt. The preponderance of the evidence also showed the subject was not secured by a seat belt as required and there was no known circumstance that would have made it unsafe to secure the seat belt as required. At the same time, there was no reason to believe Named Employee #3’s failure to secure the subject was willful or purposeful. Named Employee #3 told OPA he was not aware of the requirement and was not thinking of it at the time he placed the subject in the back of the police car. Nonetheless, the safety of detainees is the responsibility of those detaining and transporting them. Applying a seat belt can prevent serious injury or death in the case of a collision, rapid acceleration or sudden braking.

The complainant alleged Named Employee #2 and #4 stopped the ICV in their assigned police car twice prior to completing police activity at the scene of an incident. The OPA investigation found the ICV was stopped the first time so Named Employee #2 and #4 could watch the video of the scene to identify a suspect. The ICV system does not allow replay of recorded video while the unit is still in the record function. OPA recognized a legitimate law enforcement need existed in this case. At the same time, current policy does not specifically permit officers to stop recording for this reason. The Department has acknowledged the need to modify the ICV policy to allow officers to stop recording for legitimate law enforcement purposes. For these reasons, the OPA Director did not consider this action by Named Employee #2 and #4 a disciplinary matter. The ICV recording was stopped a second time as the two officers were leaving the scene of the incident. Policy allows officers to stop recording as they depart the scene at the completion of police activity. The two officers later returned to the scene to collect evidence and started recording again as required by policy.

FINDINGS

Named Employee #1

Allegation #1

The investigation found that Named Employee #1 was not the officer who placed the detainee in the back seat of the police car. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees.*

Named Employee #2

Allegation #1

The investigation found the ICV was stopped the first time so Named Employee #2 could watch the video of the scene to identify a suspect, and it was stopped a second time as the two officers were leaving the scene of the incident. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded.*

Named Employee #3

Allegation #1

The preponderance of the evidence showed there was no reason to believe Named Employee #3's failure to secure the detainee was willful or purposeful. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees.*

Required Training: The Named Employee's supervisor should remind Named Employee #3 of his obligation under SPD policy to apply a seat belt to all detainees prior to transport. Similarly, Named Employee #3's supervisor should remind Named Employee #3 he will need to justify any failure to apply a seat belt with the specific facts making it unsafe to apply the seat belt.

Named Employee #4

Allegation #1

The investigation found the ICV was stopped the first time so Named Employee #2 could watch the video of the scene to identify a suspect, and it was stopped a second time as the two officers were leaving the scene of the incident. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded.*

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.