



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0779

Issued Date: 02/13/2017

Named Employee #1	
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 March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (9) In-Car Video System: Employees Notify Persons of Recording (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee responded to a burglary call.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee may have violated SPD Policy 16.090, In-Car Video System.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The preponderance of evidence from this investigation showed that the Named Employee shut off his ICV twice; once when he left the victim's residence in order to drive to the suspect's residence and again when he left returned to the victim's residence in order to return the stolen items. The Named Employee told OPA he shut off his ICV in between both residences because it was a bit of distance between them. The Named Employee thought he could turn off his ICV while in transit because he was not transporting or contacting anyone. The Named Employee made certain each time he arrived at the new location he restarted his ICV. Although the Named Employee did not continuously record throughout his police activity related to this 911 call, the OPA Director found the failure to record was based on a good faith attempt to comply with the policy based on a misinterpretation of its requirements.

The preponderance of evidence from this investigation showed that the Named Employee failed to inform both the victim and the suspect of the fact they were being audio and video recorded. The Named Employee thought he had done so and the error appeared to be inadvertent.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

Required Training: The Named Employee should be reminded of his obligation to record the entire incident even if he is driving from one location to another related to the same incident.

Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Employees Notify Persons of Recording*.

Required Training: The Named Employee should be reminded of his obligation to notify all persons as soon as feasible that they are being audio and video recorded.

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.