



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1242

Issued Date: 05/15/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #3	
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)
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 March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #5	
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)
Final Discipline	N/A

Named Employee #6	
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 (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were involved in a vehicle pursuit.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employees may have violated SPD In-Car Video (ICV) System policy during the course of their involvement in an investigation.

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 the evidence from the OPA investigation showed that Named Employee #1 did not audio and video record his police activity associated with this incident as required by policy. Named Employee #1 offered OPA two explanations why there was no recording. The first was that he does not log into the Lieutenant's vehicle he operates until he goes out into the field. In this particular case, Named Employee #1 told OPA, he believed it was more important to get to the scene of the pursuit quickly than to take the time necessary to log in and get the ICV system going. Named Employee #1 also told OPA he believed there was an exception in the ICV policy when discussing tactical matters. Since he was to be the Incident Commander, Named Employee #1 believed this exception applied to him. No such exception is present in the ICV policy; nor has there been any such exception for at least three years.

The preponderance of the evidence from the OPA investigation showed that Named Employee #2 responded to the scene of police activity in an ICV-equipped police vehicle and did not audio and video record his associated police activity. Named Employee #2 told OPA he did not record because he was only conducting administrative functions. No such exemption exists in the ICV policy. OPA took note of the fact that a previous South Precinct Commander had mistakenly communicated to the supervisors in that precinct that the ICV policy did not require supervisors to audio and video record when they were only engaged in supervisory or administrative duties. When this was discovered in the course of an OPA investigation, Training Referrals were issued to a number of South Precinct supervisors who had failed to record because they were following this incorrect guidance from their Precinct Commander. A search of Named Employee #2's history showed that he was not among those who received this notice in the past.

The preponderance of the evidence showed that Named Employees #3 and #4 stopped their ICV recording function before their involvement in the event had concluded. However, the evidence also showed that the Named Employees did this for a legitimate and urgent law enforcement purpose. Named Employees #3 and #4 stopped the ICV recording to play back the previously recorded portion in order to determine if a suspect had fled from a vehicle. Given the public safety considerations present in this situation, this decision was the appropriate one to make. However, once the video had been reviewed and the public safety need met, Named Employees #3 and #4 should have re-started the recording function for the rest of the time they were at the scene.

The preponderance of the evidence from the OPA investigation showed that Named Employee #5 turned off the ICV recording in his assigned police vehicle before the event had concluded. At the time of this incident, Named Employee #5 was a Student Officer working in a two-officer car with a Field Training Officer (FTO), Named Employee #6. It appeared that Named Employee #5 was not clear on how long he needed to keep the ICV recording while he and his FTO were on containment for an incident. Named Employee #5 asked the FTO if he could “just kill this [the ICV] for now” and received an affirmative response. The FTO told OPA he did not realize that Named Employee #5 was talking about the ICV and did not intend to tell him to turn the ICV off. Named Employee #5 then turned off the ICV. Once the FTO realized that the ICV had been turned off, he turned it back on.

The preponderance of the evidence from the OPA investigation showed that Named Employee #6 was not the one who turned off the ICV in the two-officer car in which he was riding and did not intend to direct his student officer to do so. The evidence also showed that Named Employee #6 re-activated the ICV recording once he realized that his partner, Named Employee #5, had turned it off.

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: Employees Will Record Police Activity*.

Required Training: Named Employee #1’s supervisor should provide him with appropriate training and counseling to make it clear that the ICV policy has no exceptions and that he is expected to log into his assigned police vehicle and ICV system at the beginning of his shift so he can comply with the requirements of the ICV policy when responding from the Precinct to emergent situations.

Named Employee #2

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: Employees Will Record Police Activity*.

Required Training: Named Employee #2's supervisor should provide him with appropriate training and counseling on the policy concerning In-Car Video and Audio Recording (16.090). It should be made clear to Named Employee #2 that he is obligated without exception to record all police activity as required.

Named Employee #3

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: Named Employee #3's supervisor should provide him appropriate training and counseling to make it clear that should exigent circumstances in the future require him to briefly stop and review his ICV, he must re-start the recording once the necessary review has been completed.

Named Employee #4

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: Named Employee #4's supervisor should provide him with appropriate training and counseling to make it clear that should exigent circumstances in the future require him to briefly stop and review his ICV, he must re-start the recording once the necessary review has been completed.

Named Employee #5

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: Named Employee #5's supervisor should provide him with appropriate training and counseling regarding all the requirements of the ICV policy (16.090).

Named Employee #6

Allegation #1

A preponderance of the evidence showed that Named Employee #6 was not the one who turned off the ICV, did not intend to direct his student officer to do so. Therefore a finding of **Not Sustained** (Unfounded) 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.