



City of Seattle

Office of Police Accountability

December 5, 2017

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2017OPA-0504)

Dear Chief O'Toole:

OPA investigated an allegation that two officers failed to activate their ICV in violation of Department policy. The officers were involved in the arrest of a subject who, after being arrested, was secured on a gurney and transported to the King County Jail. The officers, who were working together in the same patrol vehicle, followed the ambulance. At that time, the officers indicated on their ICV that they were following the ambulance to the jail and then made the decision to turn their system off.

At their OPA interviews, both employees argued that, at the time that they turned off their ICV, they were not engaging in law enforcement activity that was required to be recorded. Specifically, the officers contended that while the transport of subjects needed to be recorded generally, they themselves were not actually transporting the subject, but were only following the ambulance.

I believe that an officer could plausibly read the ICV policy as only requiring recording when officers are transporting a subject in their own vehicle, as opposed to when they are following another vehicle that is transporting the subject.

I ask the Department to consider whether it is the intent of the policy to require officers who are not themselves transporting a subject, but who are following another vehicle that is doing so, to record that law enforcement activity on ICV. I suggest that the Department also evaluate the current policy's list of law enforcement activity that must be recorded to determine whether that list should be amplified or clarified to eliminate such confusion in the future.

Thank you very much for your prompt attention to this matter. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Please also feel free to contact me with any questions or concerns.

Sincerely,

Andrew Myerberg
Director, Office of Police Accountability

cc: Deputy Chief Carmen Best, Seattle Police Department
Assistant Chief Lesley Cordner, Standards and Compliance, Seattle Police Department
Rebecca Boatright, Senior Police Counsel, Seattle Police Department
Fe Lopez, Executive Director, Community Police Commission
Tito Rodriguez, OPA Auditor
Josh Johnson, Assistant City Attorney, Seattle City Attorney's Office
Tonia Winchester, Deputy Director, Office of Police Accountability