



Seattle Office of Police Accountability

November 29, 2018

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number(s)

- 2018OPA-0165

Topic

- In-Car and Body-Worn Video

Summary

- It was alleged that the Named Employee violated SPD Policy 16.090 – *In-Car and Body-Worn Video* by failing to activate BWV.

Analysis

- The Named Employees responded to assist officers dealing with a resistive arrestee at Harborview Medical Center. They did not activate their BWV because they thought they were prohibited from recording inside a hospital, which is defined as a “sensitive” area per policy 16.090-POL-5(d). However, the policy states that officers may record in a “sensitive” area where there is a “direct law enforcement purpose” for doing so.
- While one of the Named Employees explained that he would have recorded had he known there was going to be a use of force in the hospital, two others contended they were only allowed to record in HMC if there was an active crime.
- The Training Sergeant responsible for overseeing BWV instruction told OPA that officers are trained to activate their BWV in “sensitive areas” when there is potential criminal activity. OPA believes that this is too narrow of an interpretation and is inconsistent with the plain language of the policy.

Recommendation(s)

- Amplify training on policy 16.090-POL-5(d) to provide additional guidance on when officers may record in “sensitive areas.” In addition, articulate whether responses to resistant arrestees, ongoing or impending uses of force, and other like activity constitute such a “direct law enforcement purpose,” and include relevant examples in the training. It is OPA’s understanding that these changes may already have been implemented. Please let us know if that is the case.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability



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