



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0520

Issued Date: 01/17/2017

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	<b>Sustained</b>
Final Discipline	Oral Reprimand

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	<b>Sustained</b>
Final Discipline	Oral Reprimand

#### **INCIDENT SYNOPSIS**

The Named Employees assisted with an operation that was tasked to pick up known warrant subjects.

## **COMPLAINT**

The complainant, a supervisor within the Department, alleged the Name Employees who self-reported that they didn't activate their In-Car Video (ICV) until after the subject was in custody and the scene was under control, had a reasonable amount of time to activate their ICV prior to engaging the subject and attempting to arrest him and there was no exigency that would have prohibited them from utilizing their ICV prior to arriving on-scene.

## **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 #2 failed to audio and video record police activity as required by policy. The preponderance of the evidence showed Named Employee #1 and his partner, Named Employee #2 were in a two-person car and assisting another unit in looking for known subjects with active arrest warrants. The Named Employees were in a defined area and then directed to a specific location where another officer has seen a person with a warrant park a vehicle on the street. The Named Employees responded to that location in their police car equipped with ICV. Both Named Employees had previously logged onto the ICV system and their microphones had been synced. Named Employee #1 told OPA that, when he and Named Employee #2 arrived and stopped in front of the parked suspect vehicle, he observed a subject in the driver's seat who looked right at Named Employee #1 and then "dove" into the back seat of the car. Named Employee #1 said he was afraid the subject might be accessing a weapon. Both Named Employees immediately exited their police car and approached the suspect vehicle with their handguns drawn. The driver of the suspect vehicle got back into the driver's seat and attempted to drive away, but was blocked by another police car. The suspect was taken into custody. After the suspect was taken into custody, Named Employee #2 realized the ICV for him and his partner, Named Employee #1, had not been activated. Named Employee #2 activated the ICV immediately after this discovery. Both Named Employee #1 and Named Employee #2 took immediate steps, once they were finished with this event, to recover the failsafe video (no failsafe audio is recorded) from their vehicle's ICV hard drive. They were successful in this effort. In addition, Named Employee #1 and Named Employee #2 reported their late activation of ICV to their supervisor at the earliest opportunity. SPD Policy requires all uniformed officers in SPD vehicles equipped with ICV to activate the recording function before their arrival at a call to which they have been dispatched. In this particular instance, both Named Employee #1 and Named Employee #2 had sufficient time to activate the ICV in their vehicle before they arrived at the location where the suspect vehicle had reportedly parked. Activating the record function on the way would have enabled

them to focus on any threats present and would have captured both audio and video of the entirety of their police activity as required by policy.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #1 did not record police activity as required by policy. Therefore, a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline Imposed: Oral Reprimand

### **Named Employee #2**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #2 did not record police activity as required by policy. Therefore, a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline Imposed: Oral Reprimand

*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.*