



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0144

Issued Date: 12/01/2017

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	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

Named Employee #1 responded to back-up officers on a stolen trailer recovery call where the suspects were still at the scene. The investigation of that incident resulted in a OPA complaint in which Named Employee #1 was listed as witness employee.

COMPLAINT

In the course of its investigation of allegations of potential misconduct in a separate case, OPA reviewed evidence including Named Employee #1's ICV. During that review, OPA determined that Named Employee #1 had not activated her In-Car Video (ICV) system upon her arrival at the scene. OPA then initiated a new complaint for this allegation.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the other OPA complaint
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

On the date in question, officers were investigating a suspected stolen trailer. The officers responded to the address where the trailer had last been seen and where an individual had been observed backing the trailer into an alley.

While both the officers activated their ICV systems prior to contacting the subject, Named Employee #1 did not do so until approximately three minutes after contact was made.

Officer #1 exited his vehicle and approached the primary subject, who was driving a truck. (Poblocki ICV at 17:58:49.) Three seconds later, Officer #2, who was behind Officer #1 in another police vehicle, stated over the radio that the subject had previously attempted to set a police vehicle on fire. (Id. at 17:58:52.) Officer #1 did not appear to hear this transmission, and Officer #2 stopped his vehicle, exited, and yelled to get Officer #1's attention. (See id. at 17:59:02.) Officer #2 approached the subject, engaged him in conversation, and asked him to shut off his truck. (See id. at 17:59:13 – 18:00:11.)

At around that same time, Named Employee #1 approached the truck, walking towards it on the sidewalk. (Id. at 17:59:24.) While she approached, Named Employee #1's hand was resting on her equipment belt, but she did not draw or reach towards her firearm. (Id. at 17:59:24 – 17:59:39.) Named Employee #1 walked slowly and took the time to call in the license plate number of the subject's truck. (See id.) At no point did Named Employee #1 appear to be acting with any urgency. (See id.) Named Employee #1 did not activate her ICV at this time.

The subject got out of the truck and began speaking with Officer #2, Officer #1 and another subject. (Stewart ICV, at 17:59:38.) Named Employee #1 was also present for this conversation. (Id.) From a review of video, there appeared to be no danger to the officers at that point. This conclusion was based on the conduct of the two subjects, the demeanor of the officers, and the fact that there were three officers present at the scene. (See id. at 17:59:38 – 18:02:00.) Less than a minute after Named Employee #1 approached the primary subject, Officer #2 stated over the radio that the scene was under control. (Poblocki ICV, at 18:00:13.)

Named Employee #1 continued to watch the conversation between Officer #2, Officer #1, and the two subjects. On at least two occasions, Named Employee #1 communicated on her radio. (Stewart ICV, at 17:59:53 – 17:59:56; 18:01:17 – 18:01:31; Poblocki ICV, at 17:59:29 –

17:59:34.) Named Employee #1 did not appear to act with any urgency at this time, and still failed to activate her ICV.

After more than two minutes of observing the conversation, Named Employee #1 accepted a piece of paper from Officer #2 (Stewart ICV, at 18:02:00), and walked to Officer #2's vehicle. (Poblocki ICV, at 18:02:00 – 18:02:13.) Named Employee #1 entered the vehicle (Id. at 18:02:10 – 18:02:13), and, while in the vehicle, activated her ICV at approximately 18:03 hours.

Manual Policy 16.090-POL-1(6) mandates that “employees will record policy activity.” The policy further requires that, when responding to dispatched calls, employees begin their recording “starting before the employee arrives on the call...”

Here, Named Employee #1 failed to both activate her ICV system before she arrived at the scene or when she was actually at the scene. At her OPA interview, Named Employee #1 stated that, based on Officer #2's radio transmission and the fact that Officer #1 did not appear to hear it and was walking towards the primary subject's truck, she was worried about Officer #1's safety. Named Employee #1 contended that this concern made it not feasible for her to timely activate her ICV system. The OPA Director found, however, that not only did Named Employee #1 not display a sense of urgency on the video, but that she had ample time to activate the video after the scene was secured and there was no longer any potential threat to the officers.

Even were there mitigating circumstances for the failure to activate her ICV, the Named Employee was required to document the lack of video in a call update and any related report. Moreover, if SPD policy “requires that an event be recorded, and there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.” (Manual Policy 16.090-POL-1(11).)

Here, it was undisputed that policy required that this incident be recorded. There was no evidence, however, that the Named Employee documented the delay in recording in a call update (see CAD Call Report #2016-347060) and she did not complete a related report. (See General Offense Report #2016-347060.) The Named Employee also did not generate any report explaining in writing why the start of the recording was delayed as required by 16.090-POL-1(11).

ICV use is an important element of police work and a fundamental tool to ensure community trust and confidence in SPD. Moreover, given the City's and Department's obligations under the Consent Decree and specifically those concerning the need to properly and accurately report and document incidents, the failure to activate ICV as required is not a minor error.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee failed to both activate her ICV system before she arrived at the scene or when she was actually at the scene. Therefore a **Sustained** finding was issued for *In-Car Video System: Employees Will Record Police Activity*.

Discipline Imposed: Written 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.