



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0507

Issued Date: 12/11/2017

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 (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee

COMPLAINT

The complainant, a supervisor within the Department, alleged that Named Employee #1 failed to activate his In-Car Video (ICV) system as required by SPD policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV) and Log
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

During an arrest, officers used force on the subject, which resulted in injuries. This force was reviewed administratively by the officers' chain of command. During that review, the administrative lieutenant discovered that while Named Employee #1 responded to the underlying incident and was present at the scene for approximately 73 minutes, his initial response to the scene was only recorded on ICV for one minute and 24 seconds. The administrative lieutenant referred this apparent failure to record ICV to OPA and this investigation was commenced.

OPA determined that Named Employee #1 conducted a system check of his ICV at the beginning of his shift and that his system was functioning properly. At his OPA interview, Named Employee #1 stated that he did not recall whether he activated his ICV on the date in question. He noted that, as a matter of practice, he turns off his AM/FM radio when he activates his ICV and when he returned to his patrol vehicle after the conclusion of this incident his radio was off. From the OPA Director's reading of Named Employee #1's OPA interview, his contention appeared to be that the absence of radio was circumstantial evidence that he did turn his ICV on, but that there was a malfunction outside of his control that prevented the full recording of the incident. OPA obtained this less than two-minute video and thus verified that Named Employee #1 did, in fact, initiate his ICV on the date in question. The OPA Director noted that from a review of this video, however, Named Employee #1's radio appeared to be on at the time his ICV was activated, contrary to his stated usual practice.

A system log provided to OPA by SPD IT (for unexplained reasons this information was not provided to OPA until 21 days after it was requested) indicated that Named Employee #1's ICV was activated when he turned on his patrol vehicle's light bar at 01:59:55 hours. This was confirmed by the ICV. The system log further indicated that the ICV's stop button was pressed at 02:01:50 hours, causing both the front and rear ICVs to stop recording. Based on the record available to OPA, it was unclear what caused this failure to record the entirety of Named Employee #1's response to the scene. Complicating this analysis was the fact that later that morning, at 02:21 hours, an anomaly was reported with Named Employee #1's ICV system. Specifically, the system log indicated that ICV was activated by Named Employee #1's wireless mic at that time, but on the ICV viewer it appeared that the wireless mic was not actually triggered.

Ultimately, based on the above, the OPA Director could not conclusively determine whether Named Employee #1 mistakenly turned off his ICV, whether he purposefully did so, or whether a system anomaly caused his ICV to prematurely cut short the recording.

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *In-Car Video System: Employees Will Record Police Activity*.

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.