



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 14, 2018

CASE NUMBER: 2017OPA-0635

ALLEGATIONS OF MISCONDUCT & DIRECTOR’S FINDINGS:

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In Car Video System 8. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded	Not Sustained (Training Referral)
Discipline Imposed:		N/A

EXECUTIVE SUMMARY:

The Complainant, a Department Acting Captain, was reviewing a use of force witness report generated by Named Employee #1 as part of a force review. During his review, the Acting Captain identified that Named Employee had turned off his In-Car Video System while still engaged in law enforcement activity, in potential violation of SPD policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

Video and Audio Recording - 16.090 - In Car Video System 8. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded

On the date of the incident, Named Employee #1 (NE#1) was dispatched to a “help the officer” call. NE#1 proceeded to the location of the call and activated his In-Car Video (ICV) system by turning on the light bar of his patrol vehicle. While driving to the scene, NE#1 received further information that the vehicle had fled northbound on Martin Luther King Jr. Boulevard and that officers had lost sight of the vehicle. NE#1 drove to the intersection of 31st Avenue South and East Yesler Way, and waited there to see whether the vehicle would drive by. When he did so, NE#1 turned off his emergency lights and siren and manually deactivated his ICV. Approximately three minutes later, NE#1 heard over the radio that the subject vehicle had been spotted driving northbound on Martin Luther King Jr. Boulevard. NE#1 again activated his vehicle’s emergency equipment, as well as his ICV, and proceeded to the intersection of Martin Luther King Jr. Boulevard and East Yesler Way. Upon arrival at that location, NE#1 observed the subject vehicle drive past. NE#1 then assumed the lead position in a pursuit after the subject vehicle.

From a review of NE#1’s COBAN log, his ICV was turned on and off three separate times during this incident.

His ICV was first activated at 2:08:24 when he turned on his lights and siren on his way to 31st Avenue South and East Yesler Way. His lights and siren were deactivated at 2:10:13 when he stopped at the intersection, and his ICV was manually turned off via the “stop” button at 2:10:35.

NE#1 next activated his ICV at 2:20:22 (because of the buffer, it began recording at 2:19:22) when he engaged in a pursuit of the subject vehicle. His ICV was manually turned off a second time at 3:01:26, when he was still at the scene of the subject’s arrest.



After being turned off for approximately eight minutes, NE#1's ICV was activated for a third time at 3:09:19 and captured his leaving the scene of the subject's arrest in his patrol vehicle. He turned it off manually at 3:10:48.

SPD Policy 16.090-POL-1(8) states that "once recording has begun, employees shall not stop recording until the event has concluded." While NE#1 may have been justified in de-activating his ICV on the first occasion, he should not have done so again when he was at the scene of the arrest. That being said, I find that NE#1 largely acted appropriately when he used his ICV on the date in question. Accordingly, I believe that a training referral, rather than a sustained finding, is warranted.

- **Training Referral:** NE#1 should receive additional training from his chain of command concerning the requirements surround what law enforcement activity he must record on his ICV and when it is appropriate to de-activate his ICV. He should also receive counseling from his chain of command concerning how his actions in this instance fell short of the Department's expectations. This re-training and associated counseling should be memorialized in a PAS entry.

Recommended Finding: **Not Sustained (Training Referral)**