



## CLOSED CASE SUMMARY

ISSUED DATE:      JANUARY 30, 2018

CASE NUMBER:     2017OPA-0912

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity	Sustained

**Imposed Discipline**

Oral Reprimand
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**EXECUTIVE SUMMARY:**

The Complainant, a Department supervisor, was conducting a use of force investigation and determined that Named Employee #1 (NE#1) may have failed to activate his In-Car Video (ICV) system potentially in violation with policy. The supervisor referred this matter to OPA and this investigation ensued.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity***

SPD Policy 16.090-POL-5(b) sets forth when officers are required to record their actions. The policy indicates that officers must record their responses to dispatched calls. (SPD Policy 16.090-POL-5(b)). In such cases, the recording must be commenced “before the employee arrives on the call-in order to ensure adequate time to turn on cameras.” (*Id.*) The exception to this mandate is where there are exigent circumstances that justify a delayed activation. (*Id.*)

Here, it is undisputed that NE#1 was dispatched to a call and, accordingly, he was required to activate his ICV. (*See CAD Call Log.*) It is further undisputed that NE#1’s ICV did not timely record his police activity on this date. (*See NE#1 OPA Interview.*) NE#1 arrived on scene at 18:08 hours (*see CAD Call Log*), but did not activate his ICV until 18:15:11 hours. NE#1 indicated that he believed that he timely activated his ICV and affirmed that he did not have exigent circumstances for failing to begin his recording prior to his arrival on the scene. (*See NE#1 OPA Interview.*) NE#1 stated that it was his practice to activate his system via his wireless mic and that he believed that he did so here. (*See id.*) NE#1 opined that the failure to immediately record could have been a technical malfunction. (*See id.*)

Based on his assertion that the failure to record could have been caused by a technical error, OPA contacted SPD IT to determine whether there were any malfunctions with NE#1’s ICV system on this date. (*See Email Correspondence with SPD IT.*) SPD IT confirmed that there were no such malfunctions and that NE#1’s ICV system was activated via his wireless mic without any problems at 18:15:11 hours. (*See id.*)



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Evaluating the totality of the record and applying a preponderance of the evidence standard, I find that NE#1 failed to timely activate his ICV system as required by policy. The policy requires activation before the officer arrives at the scene of the call, but here NE#1 did not initiate his ICV system until five minutes into the call. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**