



## **CLOSED CASE SUMMARY**

ISSUED DATE: FEBRUARY 15, 2018

CASE NUMBER: 2017OPA-0973

### **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	Sustained

**Imposed Discipline**

Written Reprimand
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***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

While completing work on intake for another OPA complaint, it was discovered that the Named Employee may not have properly utilized his In-Car Video when he arrived on scene to screen a use of force.

### **ANALYSIS AND CONCLUSIONS:**

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

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

While investigating another complaint (2017OPA-0910), OPA discovered that Named Employee #1 (NE#1) may have failed to initiate his In-Car Video (ICV) when dispatched to a use of force incident. This potential violation was discovered by an OPA investigator on September 19, 2017. The 180-day timeframe identified in the collective bargaining agreement runs from the date the investigator became aware of the missing ICV. Nevertheless, in this case and in an abundance of caution and for purposes of avoiding a dispute about the timeline, OPA is treating the 180-day deadline as running from the date of the incident, August 24, 2017.

At his OPA interview, NE#1 asserted that he activated his ICV when he was dispatched to the scene. He further stated that, during his drive to the scene, he learned on the radio that a supervisor had been requested to screen a use of force. He also received a phone call from a K9 officer under his supervision on that day, who was at the scene. He then received a call from the supervisor on scene. NE#1 claimed that he made the decision to turn off his ICV system so that he could take the call through the Bluetooth in his car. The concurrent ICV prevented him from doing so and he thought it was safer to not hold his phone in his hand while driving. According to NE#1’s account, this all occurred on his way to the call, not after he had already responded. He claimed that this was the reason why he had no ICV of his involvement in the call. He further stated that he forgot to reinitiate his ICV once at the scene.

When OPA conducted a search for NE#1’s ICV from that date, all OPA could locate was an approximate one-minute-long video that was initiated at 21:16:48 hours and lasted until 21:17:59. However, NE#1 was dispatched to the scene at 20:29:54 and was on the scene as early as 20:42 hours as verified by his appearance on the K9 officer’s ICV.



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As such, the actual video he generated on his ICV was initiated and terminated well after NE#1's dispatched response to the call and arrival at the scene. It seems likely to OPA that NE#1 was confused with the timeframes involved in this case. While the one-minute video did include a ringing telephone at the end, this call was received after NE#1 had responded and, apparently, departed the call.

Simply stated, the CAD log, the K9 officer's ICV, and NE#1's own ICV recording establish by a preponderance of the evidence that NE#1 failed to properly activate his ICV when dispatched to the call and, thus, that he violated SPD Policy 16.090-POL-5. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**