



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 22, 2018

CASE NUMBER: 2017OPA-1087

### 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	Not Sustained (Training Referral)

***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 investigating a separate case (2017OPA-1054), OPA discovered that the Named Employee did not utilize his In-Car Video when he was on scene looking for a domestic violence suspect.

### 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***

During an investigation into another case, OPA determined that Named Employee #1 (NE#1) had failed to activate his In-Car Video (ICV). This was the case even though he had been dispatched to an incident and was required to activate and record ICV pursuant to policy. (See SPD Policy 16.090-POL-5(b).) At his OPA interview, NE#1 admitted that he failed to activate his ICV. He further admitted that it was safe and practical to do so, there were no circumstances that prevented recording at the beginning of the event, and that there was no malfunction with his ICV system. He further noted that he did not document his failure to record ICV as he did not know that he had not done so until he received notice of this OPA complaint.

NE#1 acknowledged that he had violated policy in this regard. He explained that, at the time of the incident, he had recently been transferred to Patrol after being a Detective for several years. He explained that he was still getting used to ICV and made a mistake because of his lack of familiarity with the system and given that he was getting accustomed to his new role. NE#1 asserted that when he failed to activate his ICV in this case, he had been back in Patrol for less than a month. He further stated that he had learned from this incident and now makes sure to comply with this policy.

Generally, the unjustified failure to activate ICV results in a sustained finding. Here, however, I credit NE#1’s assertion that he made a mistake because he was still getting used to his new role in Patrol. I further note that NE#1 has no sustained findings on his record and has not previously violated the ICV policy. As such and under the specific circumstances of this case, I do not believe that a Sustained finding is warranted or necessary. Instead, I recommend that NE#1 receive a Training Referral.



- 
- **Training Referral:** NE#1 should receive additional training from his chain of command concerning the requirement that he activate his ICV pursuant to policy. From his statements to OPA, it appears as if NE#1 is committed to doing so going forward. He should be instructed that, if this is not the case, future unjustified failures to activate his ICV will likely result in a Sustained finding.

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