



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 30, 2018

CASE NUMBER: 2017OPA-1131

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 (Management Action)

Named Employee #2

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 (Management Action)

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:

It was alleged that the Named Employees failed to utilize their In-Car Video system as required by policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

During its investigation, OPA determined that upon arrival to the scene, the Named Employees determined that they would be following an ambulance to Harborview Medical Center (HMC) and that the subject was already secured in the ambulance and its back door was closed. While, Named Employee #2 initially activated their vehicle’s In-Car Video (ICV) system, the officers agreed to deactivate it after they responded to the scene and determined what they were tasked with. Both Named Employees explained that they did not have any interaction with the subject before he was secured in the ambulance and that they would not have any interaction with him at all until they arrived at HMC. The officers further explained that they would not have been permitted to record in HMC under policy and, as such, it was appropriate to turn their ICV off. Lastly, the Named Employees contended that they were not, themselves, transporting the subject as he was inside of an ambulance. They stated that they were instead simply following the ambulance, which they asserted was not a law enforcement activity that specifically needed to be recorded under the policy.

SPD Policy 16.090-POL-1(5)(b) requires that Department personnel record delineated activity, including responses to dispatched calls and “transports.” A reading of the plain language of the policy does not exempt from recording situations where an officer is following an ambulance with the subject secured inside. That being said, I believe that the officers’ contention that the policy is ambiguous in this regard is not unreasonable. Indeed, this is the third case



that OPA has seen with these same facts. In the first such case – 2017OPA-0504, OPA issued a Management Action Recommendation requesting that the Department clarify this policy. Specifically, OPA requested that the Department make clear whether it expected officers to record in the situations raised by these cases and asked that the Department consider whether the list of delineated law enforcement activities that are required to be recorded needed to be amplified or otherwise clarified. OPA reiterated this Management Action Recommendation in the second case involving this scenario (2017OPA-0751).

For the same reasons as articulated in these other cases, I refer to the Management Action Recommendation that was previously issued and that is reiterated below.

- **Management Action Recommendation:** The Department should consider whether it is the intent of the ICV policy to require officers who are not themselves transporting a subject, but who are following another vehicle that is transporting the subject, to record that law enforcement activity on ICV. The Department should specifically consider this question in the context of officers following ambulances when they are assured that they will almost certainly not have subsequent recordable contact with the subject.

Recommended Finding: **Not Sustained (Management Action)**

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Management Action and I refer to the above Management Action Recommendation.

Recommended Finding: **Not Sustained (Management Action)**