



CLOSED CASE SUMMARY

ISSUED DATE: MAY 8, 2018

CASE NUMBER: 2017OPA-1233

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:

The complainant, a Department sergeant, alleged that the Named Employee failed to activate her In-Car Video system as required by SPD policy.

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

On the date in question, Named Employee #1 (NE#1) responded with her K-9 unit to a call concerning a possible forced residential burglary. The caller was the homeowner who was inside at the time. NE#1 drove to the location but was unfamiliar with the area and could not immediately find the home. As such, she did not activate her patrol vehicle’s light bar at the time to both ensure that she did not inadvertently alert the subject or create a scenario where she had to go hands-on with the subject without any backing units.

NE#1 reported that, at this time, she observed the subject attempting to kick in the door of the residence. NE#1 stated that, as soon as other officers arrived at the scene, she assisted in the arrest. After the arrest, and upon returning to her patrol vehicle, NE#1 realized that she had failed to activate her In-Car Video (ICV) system.

NE#1 immediately notified her supervisor concerning her failure to record ICV. She also thoroughly documented the lack of video and the reason for this in her General Offense Report. However, pursuant to policy, NE#1’s supervisor referred this matter to OPA and the instant investigation was initiated.

SPD Policy 16.090-POL-5 requires that officers record various law enforcement activity, including responses to dispatched calls. Here, it is undisputed that NE#1’s conduct during this incident was required to be reported. NE#1 explained that, as a K-9 officer, she virtually always responds to incidents with her patrol vehicle’s lights and sirens activated. As such, this automatically turns on her ICV. She told OPA that it was rare for her to manually activate her system. In this case, however, she did not activate her vehicle’s emergency equipment for the reasons detailed above. NE#1 further explained to OPA that, during this incident, she was concerned with and focused on what she perceived to be an imminent threat to property and potentially to safety. She stated that she was preparing herself



for what she believed was going to be a confrontation with the subject and she simply did not think to manually activate her ICV. NE#1 recognized that she made a mistake and confirmed to OPA that she did not intentionally fail to activate her ICV.

While NE#1 violated SPD policy by failing to activate her ICV, I believe that this was a mistake and was not intentional. I further note that NE#1 virtually immediately notified her supervisor of the failure to activate ICV as soon as she realized it and that she documented her error in her General Offense Report. Lastly, I find that NE#1 was very honest and forthcoming at her OPA interview and accepted responsibility for her actions with making any excuses. These factors inform my conclusion that a Sustained finding is not warranted under the circumstances. Instead, I recommend that NE#1 receive a Training Referral.

- **Training Referral:** NE#1 should receive additional training concerning the elements of this section of the policy and the requirement that she properly activate her ICV. She should be reminded of the importance of recording ICV and of the Department's expectation that she will do so going forward. NE#1's chain of command should, however, commend her for taking ownership of her mistake, immediately reporting her failure to record to a supervisor, properly documenting this matter in her General Offense Report, and her forthcoming and honest interview with OPA. This training and associated counseling should be memorialized in Blue Team.

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