



## **CLOSED CASE SUMMARY**

ISSUED DATE: JULY 23, 2018

CASE NUMBER: 2018OPA-0094

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	16.090 - In-Car and Body-Worn Video - 1. The Department Assigns ICV Microphones and BWV Cameras and Installs Chargers	Not Sustained (Training Referral)
# 2	9.030 - Equipment - 8. Department Personnel Shall Report Destroyed, Lost, or Stolen Equipment to Their Chain of Command	Sustained
<b>Imposed Discipline</b>		
Oral Reprimand		

***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 Employee was using a Body Worn Video camera that was not assigned to him. It was further alleged that the Named Employee lost Department property and did not report that loss to a supervisor as required by policy.

### **ANALYSIS AND CONCLUSIONS:**

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

***16.090 - In-Car and Body-Worn Video - 1. The Department Assigns ICV Microphones and BWV Cameras and Installs Chargers***

During his review of Body Worn Video (BWV) in another incident, the Complainant – a Department Lieutenant, identified that Named Employee #1 (NE#1) was operating a BWV camera that was not assigned to him. The Complainant asked NE#1’s sergeant to speak with him to determine why NE#1 was using that unassigned camera. The supervisor learned that NE#1 lost his BWV sometime in December 2017, over one month before this issue was learned about by the Complainant. The sergeant relayed this information to the Complainant. NE#1 was counseled by his chain of command and received a PAS entry. The Complainant referred this matter to OPA and this investigation ensued.

OPA interviewed NE#1 concerning this matter. NE#1 acknowledged that he was not responsible for assigning BWV. He stated a BWV was assigned to him by a supervisor, but that he lost this BWV in early December while working secondary employment. When he later returned to the precinct, he took a spare BWV and began using it. NE#1 did not notify a supervisor that he was using a spare BWV or that he lost the BWV assigned to him. He further did not receive permission from any supervisor to assign to himself and use this spare BWV.



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SPD Policy 16.090-POL-1 states that the Department assigns BWV to officers. It does not provide for officers to assign cameras to themselves. NE#1 did so in this case because he lost his BWV and, for whatever reason, did not notify a supervisor. As discussed below, I already recommend a Sustained finding based NE#1's behavior in this instance. For that reason, I do not believe it necessary to also sustain this allegation given that it stems from the same conduct. Instead, I recommend that NE#1 receive a Training Referral.

- **Training Referral:** The Complainant should be reminded as to the elements of SPD Policy 16.090-POL-1. He should be reminded that it is the responsibility of the Department, not individual officers, to assign BWV. As all of this stemmed from NE#1's failure to report the loss of the BWV in the first place, he should be counseled to notify a supervisor concerning lost Department property in the future. The failure to do so, even if not done deliberately for the purpose of concealing misconduct, provides the appearance of serious impropriety and an attempt to conceal the loss. NE#1 should be cognizant of how this incident appeared and ensure that this does not happen again in the future. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

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

**Named Employee #1 - Allegation #2**

***9.030 - Equipment - 8. Department Personnel Shall Report Destroyed, Lost, or Stolen Equipment to Their Chain of Command***

SPD Policy 9.030-POL-8 requires that Department employees report lost equipment to their chain of command. It is undisputed that NE#1 lost the BWV that was assigned to him. It is further undisputed that he failed to report that loss to anyone, including to his chain of command. Instead, NE#1 took and began to use a spare BWV.

When asked why he did not make such a notification, NE#1 stated that he intended to do so but forgot. He told OPA that, at the time, he got very busy. NE#1 also stated that he "honestly got used to using this spare." NE#1 did not tell anyone that he lost the BWV until he discussed the unassigned BWV with a supervisor. At that time, he completed a Lost Property Report.

SPD policy is clear that officers are required to report lost property. NE#1 did not do so and, as such, he violated this policy. NE#1 contended that he simply forgot to notify a supervisor. However, as discussed in the above Training Referral, even if NE#1 did not have bad intentions, his conduct had the appearance of serious impropriety – namely, that he was deliberately trying to conceal his actions.

Simply stated, it is unacceptable to fail to notify a supervisor of lost property, particularly where that lost property is technology such as BWV. Accordingly, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**