



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 16, 2018

CASE NUMBER: 2018OPA-0482

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	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:

It was alleged that the Named Employee failed to activate In-Car Video as required by policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

During a force review, a Department Lieutenant determined that Named Employee #1 (NE#1) had failed to activate In-Car Video (ICV). The Lieutenant, who is the Complainant in this case, noted that NE#1 documented the failure to record ICV in his Use of Force Report and provided the reason for the failure to activate. OPA further determined that NE#1 updated the CAD Call Log to note the failure to record.

SPD Policy 16.090-POL-1(5) concerns when Department employees are required to record police activity. SPD Policy 16.090-POL-1(5)(b) sets forth the categories of activity that must be recorded, which include: responses to dispatched calls starting before the employee arrives on the scene; traffic and Terry stops; on-view infractions and criminal activity; arrests and seizures; searches and inventories of vehicles, persons, or premises; and questioning victims, suspects, or witnesses. SPD Policy 16.090-POL-1(7) requires that Department employees document the existence of video or the reason for the lack of video. Officers are required to note the failure to record in an update to the CAD Call Report, as well as to provide an explanation for the lack of a recording in an appropriate report. (SPD Policy 16.090-POL-1(7).)

While NE#1 was required to record ICV during his law enforcement response to the underlying incident and while he did, in fact, fail to record, OPA does not believe that a Sustained finding is warranted. This is due to the following findings: the failure to activate appeared to be inadvertent; it was a high-intensity event; and, most important, NE#1 self-reported the failure to activate, updated the CAD Call Log, and documented the reason for the lack of video in his report. Given the above, I instead recommend that NE#1 receive a Training Referral.



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- **Training Referral:** NE#1 should be reminded of the obligation to record ICV and should be counseled concerning his failure to do so here. Based on OPA's review of NE#1's interview, he is aware of his missteps in this case and it does not appear as if he will make the same mistakes again. NE#1 should be commended for self-reporting and properly documenting this matter. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

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