



# City of Seattle

## Office of Police Accountability

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March 9, 2018

Chief Carmen Best  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2017OPA-0270)

Dear Chief Best:

OPA investigated an allegation that an officer improperly shut off his In-Car Video (ICV) prior to concluding his law enforcement activity. When interviewed by OPA, the officer explained that he turned off his ICV in order to show supervisors of a King County Metro employee the video of an interaction he had just had. Regardless of his reasons, however, his actions in shutting off the video were inconsistent with policy. The officer raised the concern that the ICV policy was flawed in that it failed to allow for such conduct.

After considering the facts and circumstances of this case and evaluating the officer's reasoning for why he believed it to be necessary to turn off his ICV, I believe he raises a compelling argument. Under the current iteration of the ICV policy, officers are not permitted to turn off their ICV systems until the conclusion of their law enforcement activities related to an incident. No exception exists to this policy directive. As such, an officer would not be permitted to turn off ICV to, for example, review a statement or to determine whether conduct rose to the level of a criminal violation before making an arrest. Notably, such an exception exists for Body Worn Cameras (BWC). Officers are permitted to stop recording on a BWC as long as the employees "state on the recording their intention to stop recording and explain the basis for that decision." (SPD Policy 16.090-POL-1(5)(h).) Officers who stop their BWCs must also document the reasons for doing so in the General Offense Report and/or CAD update. (*Id.*)

It is unclear to me why a similar exception is not built into the ICV policy. There are certainly numerous foreseeable scenarios in which it would be reasonable, if not advantageous, to allow this. Practically, an officer can shut off the ICV system, upload a previously recorded video, and then restart the system virtually immediately thereafter. Because of the built-in recording buffer, no video and only seconds of audio would be lost. Officers could be instructed, as with BWC, to provide the reasons for why the video is being turned off while the ICV system is still recording, as well as to later document their reasoning and actions in a report.

I recognize that this proposal, like any exception to policy, could be subject to abuse. However, I believe that with the right language and with clear training this could potentially be avoided. I further recognize that the Department may have reasons why this exception was not already memorialized in policy. As such, I only ask that the Department consider this suggestion and, to

the extent the Department chooses *not* to move forward, provide OPA with the reasons underlying its decision.

Thank you very much for your prompt attention to this matter. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Please also feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'AM', is positioned above the typed name.

Andrew Myerberg  
Director, Office of Police Accountability

cc: Assistant Chief Lesley Cordner, Standards and Compliance, Seattle Police Department  
Rebecca Boatright, Senior Police Counsel, Seattle Police Department  
Fe Lopez, Executive Director, Community Police Commission  
Tito Rodriquez, OPA Auditor  
Josh Johnson, Assistant City Attorney, Seattle City Attorney's Office  
Tonia Winchester, Deputy Director, Office of Police Accountability