



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1892

Issued Date: 07/07/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/2015)
OPA Finding	<b>Sustained</b>
Final Discipline	Written Reprimand

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (10) In Car Video System: Employees Will Turn off the AM/FM Radio During ICV Recordings (Policy that was issued 02/01/2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employees responded to assist on a SWAT callout.

## **COMPLAINT**

The complainant, the Force Review Board, alleged that Named Employee #1 did not use his portable microphone during the call and alleged that employee #2 did not turn off the vehicle AM/FM radio when operating In-Car Video (ICV).

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 responded from home to assist on a SWAT callout as a K9 officer. SPD Policy § 16.090(6) requires uniformed officers in In-Car Video (ICV) equipped cars to activate the ICV and both audio and video record police activity. The preponderance of the evidence from this investigation shows that Named Employee #1 failed to audio record his police activity at the scene of the incident. Named Employee #1 told OPA he left his portable microphone at home and had no time to get a spare. Named Employee #2 responded to assist on a SWAT callout. SPD Policy § 16.090(10) requires uniformed officers to turn off the AM/FM radio inside the police car while the car's ICV was recording. The preponderance of the evidence from this investigation shows that the AM/FM radio was audible and on while the ICV was recording and Named Employee #2 failed to turn it off. Named Employee #2 told OPA he became focused on responding safely to the incident and did not pay attention to the fact that the radio was on. This is a relatively minor violation of policy and is usually handled with a Supervisor Action (SA) in the first instance. At intake, OPA noted that Named Employee #2 had received a previous SA for the same thing, failure to turn down the AM/FM radio. However, further investigation shows that Named Employee #2 received counseling for the SA incident 13 days after the date of the incident under review in this case.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence supports that Named Employee #1 violated the policy. Therefore a **Sustained** was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline imposed: Written Reprimand

## **Named Employee #2**

### Allegation #1

The evidence showed that Named Employee #2 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In Car Video System: Employees Will Turn off the AM/FM Radio During ICV Recordings*.

**Required Training:** Named Employee #2 should be reminded by his supervisor of the importance of following all policies and mandatory procedures, in particular those related to operation of the ICV system.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*