



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0344

Issued Date: 10/26/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (2) In-Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone (Policy that was issued February 1, 2015)
OPA Finding	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee responded to a large-scale event with an armed suspect.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee left his In-Car Video (ICV) microphone in his vehicle during an incident. The Named Employee self-reported the ICV violation.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The preponderance of the evidence in this investigation showed the Named Employee responded to a dispatched call of an armed subject who then committed a carjacking. When the Named Employee arrived at the command location to meet with the SWAT Commander for a briefing, the Named Employee intentionally removed the ICV portable microphone from his belt and left it in his vehicle while he went to speak with the SWAT Commander. The Named Employee returned to his vehicle and responded to a report that the same subject had committed another carjacking. By the time the Named Employee arrived at the eventual final incident scene, there had just been an officer-involved shooting and he began to assume command duties at the scene. The Named Employee told OPA, due to the distraction of the rapidly evolving and dangerous situation, he (the Named Employee) did not remember to reattach the ICV portable microphone to his belt. The Named Employee realized this oversight when he returned to his police car to shut down the ICV system so the hard drive could be preserved for the force investigation. The Named Employee self-reported his failure to audio record outside of the police car in his written Use of Force witness statement for the force investigation. The Named Employee told OPA he thought he was not supposed to audio record any “tactical debrief with the SWAT Commander.” The Named Employee also told OPA his understanding was that officers must record when “on duty and engaged in enforcement action.” There was no indication the Named Employee knowingly violated policy. His decision not to audio record his activity when speaking with the SWAT Commander was based on a mistaken understanding of current SPD Policy, which no longer includes an exemption from audio recording tactical conversations, even with SWAT. This misunderstanding, along with the Named Employee’s use of a term from a previous version of the ICV policy when stating his understanding of when officers must record on the ICV, pointed to a need for the Named Employee to obtain additional familiarization with the current ICV policy.

FINDINGS

Named Employee #1

Allegation #1

The evidence supported that Named Employee #1 violated the policy. Therefore a finding of **Sustained** was issued for *In-Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone*.

Discipline imposed: Written Reprimand

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.