



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0711

Issued Date: 01/26/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (5) In-Car Video System: Employees Will Log in and Perform a System Check (Policy that was issued February 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued February 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<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	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
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	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a scene where a vehicle pursuit had ended.

COMPLAINT

The complainant, the Force Review Board, alleged that the Named Employees did not have functioning portable microphones when they responded to an incident. Upon review, OPA intake revealed Named Employee #1 may have failed to do an In-Car Video (ICV) Systems Check and fully record police activity as required by policy.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Named Employee #1 and Named Employee #2 were both assigned to SWAT and indicated during their OPA interviews that they were on their way to the Range for a training day, driving an unmarked SWAT vehicle equipped with ICV. Named Employee #1 and #2 indicated they did not intend to get involved in any activities which would require the activation of ICV so they did not conduct a system and microphone check before heading to the Range. While en-route they self-initiated to a pursuit call in case they were needed, especially for a Pursuit Intervention Technique (PIT) to end the pursuit, since Named Employee #2 was the only person on duty at the time who was PIT trained. Even though these officers did not expect to get involved in an incident requiring the use of ICV, if they were going to operate an ICV-equipped vehicle while on-duty they needed to log-in and perform the system check so they would be ready to use ICV if needed, as was demonstrated in this case.

Both Officers did the right thing by logging into the ICV system and activating it when they diverted from their route to respond to the scene of the pursuit. As a result, they were able to video record their activities. However, because they did not have their portable microphones with them, they were unable to record audio outside the car. This failure to have a portable microphone and record audio outside the car could be best addressed through a training referral.

Named Employee #1 and #2 failed to bring portable microphones with them because they were only driving to the Range and did not anticipate needing it. Both Officers should be reminded that, given the nature of police work and their assignment to SWAT, they cannot count on not getting involved in police activity and needing to audio and video record it.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Employees Will Log in and Perform a System Check.*

Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Employees Will Record Police Activity.*

Allegation #3

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone.*

Required Training: The Named Employee should be reminded of his obligation, whenever he is operating an ICV-equipped vehicle on duty, to log in and perform a system check, be in some form of uniform and have a portable microphone with him.

Named Employee #2

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone.*

Required Training: The Named Employee should be reminded of his obligation, whenever he is operating an ICV-equipped vehicle on duty, to log in and perform a system check, be in some form of uniform and have a portable microphone with him.

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.