



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1149

Issued Date: 03/31/2017

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 March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.100 (I.A.4.) Operations Bureau Individual Responsibilities: Patrol Officers: Responsibilities: Update MDT/CAD log to include: (Policy that was issued July 20, 2010)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee arrived on scene during an arrest.

COMPLAINT

The complainant, a supervisor within the Department, alleged the Named Employee failed to log onto a call and also failed to activate In-Car Video (ICV) as per policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

The preponderance of the evidence from this investigation showed that the Named Employee engaged in police activity and failed to audio and video record that activity as required by policy 16.090(6). This same section of policy provides for an exemption: "If circumstances prevent recording with ICV at the beginning of an event, the employee shall begin recording as soon as practical." When the Named Employee arrived on scene, he could see that two officers were in a physical struggle with a subject. The Named Employee immediately stopped his patrol car, got out and went to the aid of the officers. This could be seen on the ICV from a different police car. It was reasonable for the Named Employee to have been focused on assisting the two other officers with a fighting subject rather than activating the ICV in his car. However, once the situation was under control, the Named Employee was obligated to activate his ICV either in the car or via his portable microphone. The circumstances were such that it was reasonable for the Named Employee to delay activation of the ICV when he arrived, and the Named Employee had no OPA record of prior allegations concerning a failure to audio record.

The preponderance of the evidence from this investigation showed that the Named Employee arrived at the scene of this incident and was not logged into the incident in Computer Aided Dispatch. The Named Employee told OPA he was very certain he attempted to update Communications via radio that he was on scene but may have been overridden by the transmissions of other officers. The audio recording of radio traffic associated with this incident confirmed there were multiple officers transmitting at about the same time the Named Employee arrived. There was not a preponderance of evidence to either prove or disprove the Named Employee's recollection that he attempted to log to the call via radio.

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 Record Police Activity*.

Required Training: The supervisor should remind the Named Employee of the importance of activating the ICV when arriving on scene or as soon as possible if extenuating circumstances prevented him from doing so upon arrival.

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation.

Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Operations Bureau*

Individual Responsibilities: Patrol Officers: Responsibilities: Update MDT/CAD log to include:.

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.