



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1222

Issued Date: 04/11/2017

| Named Employees #1, #2, #3 and #4 | |
|-----------------------------------|---|
| Allegation #1 | <u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 03/01/2016) |
| OPA Finding | Not Sustained (Training Referral) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

Named Employees #3 and #4 located a suspect and engaged in a short foot pursuit, and Named Employees #1 and #2 responded to the area and assisted with apprehending the suspect.

COMPLAINT

The complainant, the Force Review Unit, alleged that the Named Employees potentially violated SPD policy by failing to have In-Car Video (ICV) for an incident, and then failed to activate their ICV for a subsequent on-view interaction when flagged down by a citizen complainant reporting possible criminal activity.

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 working together as partners assigned to the same police vehicle. Both officers usually worked independently as a one-officer car. However, due to national events at the time involving what appeared to be pre-mediated attacks on single officers assigned to a squad car, the Department had, at the time of this incident, mandated that all officers at certain times of day be deployed in two-officer cars. This was the case with Named Employee #1 and Named Employee #2. Since neither of these officers was accustomed to working with another officer in the car and since they were not used to working with each other, it appeared neither officer had discussed with the other which of them was responsible for activating ICV from inside the car before they arrived at a call or at the time of an on-view incident. Both Named Employee #1 and Named Employee #2 had portable ICV microphones attached to their persons with a remote start button for the ICV on the microphone. When Named Employee #1 and Named Employee #2 heard the radio traffic indicating that Named Employees #3 and #4 were engaged in a foot pursuit nearby, they immediately responded. The policy required that the ICV in Named Employee #1's car be activated by the time he and Named Employee #2 arrived at the scene of the foot pursuit. Named Employee #1 told OPA that the call of a foot pursuit in progress only a block or so away came unexpectedly and he immediately began to drive to that location. Named Employee #2 was in the passenger seat. Named Employee #1 said his whole attention was on driving through a busy intersection, listening to directional information on the police radio and scanning the area to see either the suspect or the pursuing officers. Given all of this, Named Employee #1 told OPA, he was unable to take the time and divert his attention to activating the ICV. Named Employee #1 also told OPA that, once he saw the running suspect and officers following, he stopped the police car, got out quickly and ran to assist the other officers. Once the situation was safe and the suspect in custody, Named Employee #1 saw that his ICV was not on and activated it. Named Employee #1 made a persuasive case that, as the driver of the police car responding to a nearby foot pursuit in the middle of the night, he did not have the ability to activate the ICV until the situation was under control. For this reason, the OPA Director decided not to recommend a sustained finding. However, had Named Employee #1 and Named Employee #2 taken a few moments at the beginning of their shift to agree on a division of responsibilities between them as a two-officer car, it would have been more likely that Named Employee #2 would have activated the ICV during the short time they were driving to the foot pursuit.

While Named Employee #2 was not the driver of the police car that responded to the foot pursuit, it should be noted that neither he nor Named Employee #1 had spoken with each other about whose job it was to turn on the ICV when they were dispatched to a call or in the case of an on-view incident. In addition, Named Employee #2 completed his Field Training only three weeks before this incident and had very little experience as a police officer.

Named Employee #3 and Named Employee #4 were working together as partners assigned to the same police vehicle. They had been told by a passing motorist that someone was spray painting graffiti about one block away. The two officers drove to the area indicated by the motorist and at first saw two people not engaged in any criminal activity and no signs of graffiti. As they were driving away, they spotted a person spray painting and immediately began to make contact. While the OPA Director agreed with the assessment of the supervisor who originally reviewed this matter that the unexpected discovery of the graffiti tagger called for immediate action by the officers, it would have been wise for the officers to have activated the ICV on their way to look for the crime reported to them. It would have been reasonable to expect there was some likelihood of engaging in police activity under the circumstances. In addition, it could be argued that, once the two officers began searching for the crime in progress in response to a citizen's report, they were engaged in police activity as defined by policy and, therefore, were obligated to activate their ICV. The OPA Director had taken into account that Named Employee #3 had been out of Field Training only three weeks before this incident and had very little experience as a police officer, as well as the fact that Named Employee #3 and Named Employee #4 were not accustomed to working together in a two-officer car.

FINDINGS

Named Employees #1, #2, #3, and #4

Allegation #1

The evidence showed that the Named Employees 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 for Named Employee #1: The supervisor should provide Named Employee #1 with counseling regarding the importance, when working with another officer in a two-officer car, to establish a clear understanding of which officer has the responsibility of activating the ICV before arriving at a call as required by policy.

Required Training for Named Employee #2: The supervisor should provide Named Employee #2 with counseling regarding the importance, when working with another officer in a two-officer car, to establish a clear understanding of which officer has the responsibility of activating the ICV before arriving at a call as required by policy.

Required Training for Named Employee #3: The supervisor should provide Named Employee #3 with counseling regarding the importance of activating the ICV as soon as

possible to ensure it is on when needed. Also, NE#3 should be reminded that, when working with another officer in a two-officer car, it is important to establish a clear understanding of which officer has the responsibility of activating the ICV before arriving at a call as required by policy.

Required Training for Named Employee #4: The supervisor should provide Named Employee #4 with counseling regarding the importance of activating the ICV as soon as possible to ensure it is on when needed. Also, NE#4 should be reminded that, when working with another officer in a two-officer car, it is important to establish a clear understanding of which officer has the responsibility of activating the ICV before arriving at a call as required by policy.

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.