



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0384

Issued Date: 10/17/2017

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 March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee transported two suspects from the precinct to the jail.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee did not verify that the In-Car Video (ICV) was working by watching the system check.

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

In the course of a review of a Type II use of force, an Administrative Lieutenant identified that Named Employee #1's ICV failed to video record his law enforcement activities. Specifically, while the ICV was activated and while Named Employee #1 completed a system check, it appeared that Named Employee #1 did not verify that the ICV system was completely functional by performing a play back of the recording. Had Named Employee #1 done so, he would have observed that the ICV was not video recording as required. The Administrative Lieutenant subsequently referred this matter to OPA and this investigation was commenced.

SPD Policy 16.090-POL-1(5) instructs officers to log into the ICV system and do a system check of their ICV at the beginning of their shifts. The specific elements of this system check are outlined in SPD Policy 16.090-TSK-1 and includes, among other requirements: "verifying the audio and video are captured." As a general matter, this verification is done by performing a "playback." In lay terms, this means that an officer turns on the ICV, records his voice and image, stops recording, and then turns back on and views the ICV to ensure that both the audio and visual components are properly functioning. Named Employee #1 stated that, to the best of his recollection, he performed such a test on the date in question to determine that his ICV was fully functional and was recording audio and video. (See NE#1 OPA Interview, at p. 2-3.) Named Employee #1 further stated that it was his "habit" to do so. (See id. at p. 3.)

During its investigation, OPA obtained the Named Employee #1's ICV shift log for the date in question. While the log indicated that Named Employee #1 did a system check of his ICV, there was no "In Car Playback" entry. (See COBAN-ICV Shift Log.) This established by a preponderance of the evidence that Named Employee #1 failed to play back the ICV to verify that it was both audio and video recording as required by policy.

It was important to note that, here, Named Employee #1 activated his ICV and used it to record his later law enforcement activities. He made, however, a technical error when he failed to conduct a play back to ensure that the ICV was video recording. The OPA Director did not believe that such a technical error should result in a Sustained finding, particularly where Named Employee #1 did everything else that he was required to do and, as far as the OPA Director could tell from his review, acted in good faith.

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*.

Training Referral: Named Employee #1 should be retrained as to the requirements of the ICV policy. Specifically, Named Employee #1 should be reminded of the steps involved in conducting a system check, including performing a play back to verify that both audio and video are being properly recorded.

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.