



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0942

Issued Date: 02/20/2018

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 (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
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 (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees observed a crime in progress while they were conducting a courtesy visit.

COMPLAINT

The complainant, a supervisor within the Department, noted during review of a Force Investigation Team (FIT) investigation that the Named Employees failed to timely activate their ICV system in possible violation of SPD 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

On the date in question, the Named Employees were tasked with conducting a courtesy visit to a charitable organization to provide the name of a suspect who had been arrested the previous day. When they arrived at that location, they saw a crime in progress that they believed required an immediate response. Specifically, the officers observed two males chasing another male, which evolved into an assault. They quickly exited their vehicles and attempted to stop the assault. In the process of doing so, the officers used Type 2 force on one of the subjects who, as a result, hit his head against a pole.

Once the situation was under control, the officers realized that they had failed to activate their In-Car Video (ICV) system. Named Employee #1 activated the ICV remotely by using his wireless microphone. Due to the fact that the officers used Type 2 force that resulted in a potential head injury, the Department's Force Investigation Team (FIT) was notified. The Named Employees were interviewed by FIT on the same day as the incident and, during those interviews, both disclosed their failure to timely activate their ICV.

SPD Policy 16.090-POL-1(6) requires that employees record police activity on ICV and sets forth a list of law enforcement actions that must be recorded.

Here, the Named Employees contended that their courtesy visit was not police activity that was required to be recorded on ICV. The OPA Director agreed. The Named Employees were not dispatched to that location and were not engaging in any of the other law enforcement activity delineated in the policy as needing to be recorded until they on-viewed criminal activity. While their response to the assault in progress was required to be recorded, the Named Employees explained that they needed to act quickly and did not have time to activate their ICV. The OPA Director found their actions in this regard to have been reasonable. The Director concluded that there were exigent circumstances that prevented immediate activation of the Named

Employees' ICV and that, as required by policy, they began recording as soon as was practicable.

The OPA Director noted that the Named Employees did not document their failure to timely record in a later report, as contemplated by SPD Policy 16.090-POL-1(11). However, because their force resulted in a FIT callout, they were ultimately required to participate in perceptual interviews instead of being tasked with generating paperwork. During their interviews, both of the Named Employees properly reported to FIT that they failed to timely activate their ICV and explained why.

FINDINGS

Named Employees #1 and #2

Allegation #1

A preponderance of the evidence showed that there were exigent circumstances that prevented immediate activation of the Named Employees' ICV and that, as required by policy, they began recording as soon as was practicable. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Employees Will Record Police Activity*.

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.