



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 17, 2018

CASE NUMBER: 2018OPA-0371

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Not Sustained (Lawful and Proper)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that Named Employee #1 failed to properly activate In-Car Video. It was further alleged that Named Employee #2 covered his Body Worn Video with his ballistic vest, thus preventing recording of video.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity

The Named Employees both responded to a call of a man who was walking on the street while brandishing a firearm. Named Employee #1 (NE#1) had just completed roll call at the precinct and responded immediately to the scene. He stated that he believed that he synched his In-Car Video (ICV) system and properly activated it, but he did not generate a recording for this incident. He told OPA that he did not know that he failed to record until he received the notice of this OPA complaint.

SPD Policy 16.090-POL-1(5) concerns when Department employees are required to record police activity. SPD Policy 16.090-POL-1(5)(b) sets forth the categories of activity that must be recorded. It is indisputable that NE#1 was required to record ICV during his respond to this incident. Had he failed to do so, it would constitute a violation of policy.

During its investigation, OPA contacted City IT to determine whether there were any malfunctions with NE#1’s ICV system on the date in question. OPA was informed that there was a “disk space error” with NE#1’s system that would have prevented any recording from being saved.



As the failure to generate a recording appeared to be based on a malfunction with NE#1's system rather than due to any inaction on his part, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegation #1

16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity

Named Employee #2 (NE#2) also responded to the scene in the role of a negotiator. NE#2 was equipped with Body Worn Video (BWV), which he activated. However, he was wearing a ballistic vest at the time that blocked the BWV. As such, while it recorded audio, it did not record any video.

NE#2 told OPA that, since this incident, he obtained a clip to allow him to attached his BWV to his vest. This ensured, from NE#2's perspective, that what occurred in this case will not take place again.

Ultimately, NE#2 did properly activate and record on his BWV. He simply made a mistake when he placed his ballistic vest over the camera. Based on NE#2's actions after the fact, OPA is confident that he has learned from this incident and will not make the same mistake moving forward.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**