




## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 17, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0355

### 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 b. When Employees Record Activity | Not Sustained - Inconclusive |

*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 is alleged that Named Employee #1 (NE#1) failed to activate his body-worn video (BWV) equipment as required.

### ADMINISTRATIVE NOTE:

During its certification review, the Office of Inspector General noted NE#1's BWV was sparse from 03/23/2022 to 06/03/2022 and 07/28/2021 to 01/2022. OPA opened an investigation, reviewing NE#1's BWV, audit logs, and training records. OPA also interviewed NE#1.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

#### ***16.090 In Car and Body Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity***

It was allegedly that NE#1 failed to activate BWV as required.

When safe and practical, employees will record policy activity, including traffic and *Terry* stops. SPD Policy 16.090-POL-5(b).

Here, at all relevant times, NE#1 worked in the Traffic Unit. From 07/28/2021 to 01/01/2022, OPA compared NE#1's citation issuances with his BWV activations and flagged several occurrences of NE#1 issuing citations without activating BWV.

- 7/30/21
- 8/4/21 (twice)
- 8/18/21
- 8/31/21 (seven times)



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- 9/3/21 (five times)
  - 9/8/21 (eight times)
  - 9/22/21 (seven times)
  - 10/1/21
  - 10/20/21
  - 10/21/21 (three times)
  - 11/22/21 (five times)
  - 11/23/21 (nine times)
  - 12/1/21 (seven times)
  - 12/7/21 (five times)
  - 12/8/21 (twice)
  - 12/15/21 (three times)

OPA also reviewed NE#1's BWV audit trails, which showed minimal activity and no equipment errors during that period. NE#1's training records showed he received 2017 BWV training, which outlined how to use BWV and the related department policy. However, NE#1's computer-aided dispatch history showed a possible BWV error on 3/23/22. Specifically, it showed 13 BWV activations when NE#1 was only dispatched four times. Further, NE#1 told OPA he received new BWV equipment after a sergeant notified him his equipment displayed an error.<sup>1</sup> Last, another officer's BWV showed NE#1's BWV equipment properly affixed during the 10/20/21 traffic stop. However, OPA could not determine from that footage whether it was activated.

Accordingly, where OPA could not determine whether NE#1 willfully violated policy or experienced faulty equipment, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

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<sup>1</sup> NE#1 was unable to pinpoint when he was issued new equipment.