



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 18, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0194

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Employees Record Activity	Not Sustained - Training Referral

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:

Named Employee #1 (NE#1) responded to a barricaded suspect incident. The Complainant alleged that NE#1—a lieutenant—failed to activate his in-car video (ICV) while driving to the incident location.

ADMINISTRATIVE NOTE:

On September 13, 2024, the Office of Inspector General certified the investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On April 22, 2024, the Complainant—an SPD lieutenant—submitted an OPA complaint, writing that NE#1 may have forgotten to activate his ICV while driving to an incident location.

OPA investigated the complaint by reviewing the supplement report, global positioning system (GPS), computer-aided dispatch (CAD) call report, body-worn video (BWV), and ICV records. OPA also interviewed NE#1.

NE#1's supplement report stated that on March 17, 2024, at 10:55 PM, he self-dispatched to an incident involving a barricaded suspect. NE#1's patrol vehicle's GPS showed NE#1 traveling from the South Precinct to the incident location, averaging 25 to 30 MPH, with a maximum 35 MPH speed logged. The CAD call report did not show updates from NE#1, indicating that his ICV malfunctioned.

An audit of NE#1's BWV and ICV for March 17-18, 2024, recovered BWV footage but no ICV footage. NE#1's BWV captured him driving to the incident location. NE#1's vehicle light bar was not activated.

On July 31, 2024, OPA interviewed NE#1. NE#1 said he forgot to activate his ICV while driving to the location. NE#1 said he was accustomed to activating ICV when "running code" or ICV automatically activating when he was near other patrol vehicles "running code." NE#1 said the ICV automatically activates when the patrol vehicle reaches 70 MPH.



However, NE#1 said he neither activated his emergency lights while driving to the location nor drove at 70 MPH. NE#1 said he was unaware of his failure to activate ICV until the Complainant mentioned it, so he did not document it. NE#1 said he was used to relying on ICV being automatically activated based on its proximity to other patrol vehicles.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Employees Record Activity

The Complainant alleged that NE#1 failed to activate his ICV while driving to the incident location.

When safe and practical, sworn employees will record police activity, even if the event is out of view of the camera. SPD Policy 16.090-POL-2(2). Police activity includes, among other things, dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras. *See id.* If circumstances prevent recording at the start of an event, the employee will record as soon as practical. *Id.* Sworn employees will record the entire event to its conclusion unless specifically instructed otherwise by SPD policy. *Id.*

A preponderance of the evidence established NE#1's failure to activate his ICV. OPA could not locate NE#1's ICV records, and NE#1 acknowledged forgetting to activate his ICV. NE#1 also attributed his omission to being accustomed to ICV automatically activating under certain circumstances.

NE#1's failure to activate his ICV for this incident constitutes a third violation of this policy. However, the most recent prior violation occurred around seven years ago. While failing to activate ICV constitutes a serious policy violation, NE#1's activating his BWV somewhat mitigated the impact of his oversight. *See* SPD Policy 5.002-POL-5(a) (requiring supervisors to refer "serious policy violations" to OPA, including the "[f]ailure to use ICV when required").

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral:

- Required Training: NE#1's chain of command should discuss OPA's findings with NE#1 and provide appropriate counsel and retraining. Any counseling or retraining shall be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**