


Issued Date: September 30, 2025

From: Interim Director Bonnie Glenn
Office of Police Accountability



Case Number: 2024OPA-0402

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 5.001 - Standards and Duties, 5.001-POL 2. Employees Must Adhere to Laws, City Policy, and Department Policy**
Finding: Sustained
 2. **Allegation #2: 5.001 - Standards and Duties, 5.001-POL 10. Employees Will Strive to be Professional**
Finding: Sustained
 3. **Allegation #3: 16.090 - In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 4. Recording in Residences and Private Areas**
Finding: Allegation Removed
 4. **Allegation #4: 16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 6. Sworn Employees Will Document the Existence of Video or Reason for Lack of Video**
Finding: Allegation Removed
 5. **Allegation #4: 16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 7. Sworn Employees Will Initiate Upload of Recorded Video and Recharging of Equipment Before Going Out of Service**
Finding: Sustained
- **Proposed Discipline: 36 Hours (4 Days) to 54 Hours (6 Days) Suspension**
 - **Imposed Discipline: 54 Hours (6 Days) Suspension**
-

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

Executive Summary:

An SPD Captain (Complainant) alleged Named Employee #1 (NE#1) secretly and unlawfully recorded the interior of an SPD Precinct building and other SPD members without their consent.

Administrative Note:

On June 13, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated by reviewing the Blue Team complaint, SPD Criminal Investigation Reports and Documents, Computer-Aided Dispatch (CAD) call report, BWV recording, BWV audit information, laws and policies, email correspondence, and training records. OPA also interviewed two witness employees and NE#1.

1. Complaint Summary

The Complainant filed an internal Blue Team complaint with OPA. The Complainant noted NE#1 had recorded a BWV of approximately eleven hours on September 28, 2024. The recording “almost exclusively” captured the sergeants’ area in the interior of a Precinct Building. The recording captured multiple conversations. The Complainant summarized the content of the BWV, then noted several concerning factors. First, NE#1 appeared to “deliberately manipulate” his BWV into “Stealth Mode”—a recording feature where the BWV is recording audio and video but does not prominently display lights or make any sounds to indicate the device is active.¹ Second, there was no obvious reason to activate the BWV. Third, after activating his BWV, NE#1 entered the Precinct Building and walked past the BWV docking stations,² even though he appeared to have concluded his workday. Fourth, NE#1 transferred his BWV device onto his external vest carrier, which was attached in such a way as to face the sergeants’ area. Fifth, after transferring his BWV, NE#1 initiated a conversation with Witness Employee #1 (WE#1). The conversation

¹ Axon BWV devices display a blinking light and occasional vibrations to indicate when they are recording. “Stealth Mode” is most often used for tactical situations—where lights or sound could give away officer positions—or when dealing with members of the public who express light or sound sensitivity, phobias, or paranoias. Officers may also use Stealth Mode in dark or nighttime settings where the BWV light could be distracting.

² BWV devices must be “docked” at the end of each shift to recharge and initiate an upload of their recorded video. See SPD Policy 16.090-POL-1(7).

concerned a recent disagreement the two had. The Complainant opined that NE#1 appeared to “press” the discussion. Sixth, NE#1 then left without stopping the BWV recording or docking his BWV, as required by policy.

2. SPD Criminal Investigation

Washington’s wiretapping statute makes it a gross misdemeanor to record “private conversations” without the consent of “all the persons engaged in the conversation.”³ In accordance with OPA policy and the SPOG Collective Bargaining Agreement (SPOG CBA), OPA referred this matter to SPD for criminal investigation.

Detective #1 conducted a criminal investigation. Detective #1 took initial investigative steps, reviewing the original complaint, the BWV “Audit Trail,” and searching—without result—for similar recordings or “Stealth Mode” activations by NE#1.

Detective #1 summarized the relevant portions of NE#1’s BWV as follows. NE#1 sat in the driver’s seat of his vehicle and appeared to manipulate the BWV device in his hands. NE#1 affixed the BWV to his yellow traffic jacket, exited his vehicle, and walked into the Precinct Building. As he did so, he answered a short call on his cellphone and returned his vehicle keys before proceeding to the sergeants’ office.⁴ The office appeared unoccupied. NE#1 went to his desk in the center of the room. NE#1’s vest carrier was hanging on a rack at this area. NE#1 moved the panels of the vest carrier to expose the BWV mount affixed to the vest carrier. NE#1 removed his BWV from his traffic jacket—which he was still wearing—and affixed the BWV to the mount on his vest carrier. As he did this, WE#1’s voice could be heard; NE#1 and WE#1 greeted each other cordially. NE#1 removed his traffic jacket and appeared to hang it on the coatrack.⁵ NE#1 stepped aside, showing that NE#1’s BWV had a recording view centered toward the rear corner of the room. WE#1’s desk was in full view. WE#1 was sitting at his desk. NE#1 then initiated a conversation with WE#1.⁶ The two discussed a recent disagreement they had on a

³ RCW 9.73.030 (unlawful to record private conversations without consent of all parties); RCW 9.73.080 (violating RCW 9.73.030 is a gross misdemeanor).

⁴ Detective #1 did not reference NE#1 walking past the BWV docking station in his BWV summary. The Complainant referenced this in his complaint and OPA confirmed it occurred in NE#1’s BWV.

⁵ OPA notes that NE#1’s traffic jacket did not obstruct NE#1’s BWV, which continued to clearly record.

⁶ OPA notes that the audio of the conversation, while mostly understandable, was not always clear. This was particularly true when NE#1 spoke, potentially due to the direction he faced and/or the register of his voice.

prior day. In summary, on a prior day, NE#1 took a vehicle to work an overtime event. WE#1 was frustrated because patrol was short vehicles that day, which impacted their ability to respond to calls most effectively. NE#1 explained he wanted to get to the bottom of the issue. The two continued discussing the matter before fist bumping and concluding their conversation. NE#1 departed and, later, WE#1 departed. NE#1's BWV continued recording throughout the night. The next morning, Witness Employee #2 (WE#2) entered the office and sat at his desk. WE#2 then got up from his chair, walked over to NE#1's BWV, and removed it. WE#2 brought the BWV to the common area and asked other officers, "Someone tell me if this is on." The officers determined that NE#1's BWV was in Stealth Mode and at 2% battery life. Officers opined the BWV may have been recording all day. WE#2 docked the BWV.

Detective #1 summarized NE#1 and WE#1's work schedules. NE#1 worked overtime events on both September 13 and 28, 2024. These were the only relevant dates NE#1 and WE#1 overlapped.

Detective #1 interviewed a lieutenant at the precinct (Watch Commander). The Watch Commander recalled the WE#1 being upset with NE#1 for taking a vehicle for an overtime event on a day the precinct was short vehicles. The Watch Commander recalled WE#1 felt NE#1 should have checked in with a patrol sergeant before doing so. The Watch Commander asked WE#1 if he spoke with NE#1 about his concern. WE#1 responded he had not, believing NE#1 did not like him because WE#1 worked as a permanent acting sergeant despite not being on the sergeant promotion list. The Watch Commander later spoke with NE#1 and advised him to work out the issue with WE#1 and document the resolution. NE#1 forwarded the Watch Commander an email NE#1 sent WE#1 on September 16, 2024.⁷ When the

⁷ The email read:

Watch Commander checked in with NE#1 later, he learned WE#1 had not responded to the email. The Watch Commander took several days off. When he returned, he learned about NE#1's 11-hour long BWV recording.

Detective #1 interviewed WE#1. WE#1 described initially having no issues with NE#1. However, WE#1 described that he began working as a permanent acting sergeant. WE#1 stated that NE#1—who at the time was a police officer on the sergeant promotion list—confronted him about this because WE#1 did not think it was fair. WE#1 described feeling animosity between him and NE#1, who he said stopped returning his greetings in the hallways. WE#1 also described becoming irritated on the evening NE#1 took a patrol vehicle to work an overtime event. WE#1 said the Watch Commander saw him later and could see he was frustrated. WE#1 described venting to the Watch Commander in a low moment. WE#1 described later receiving NE#1's email and a follow up email asking for a response. WE#1 said he felt the email had a negative tone and he did not want to respond as he was on vacation.⁸ WE#1 described NE#1 initiating conversation with him about the vehicle issue on September 28, saying the two had a lengthy discussion about it before they departed. WE#1 expressed no suspicion that NE#1 would intentionally try to record him, describing their conflict as low level, and noting that NE#1 was dealing with larger precinct conflicts at the time. WE#1 expressed a desire to move on and not press a complaint as a "victim" with the prosecutor's office.

Subject: Vehicle Use

Body:

[WE#1's Last Name],

Sorry I'll miss you over the next few days, but I wanted to drop you a quick note. I spoke with Lt. [REDACTED] and he mentioned your concerns about me using a sergeant's car for overtime details. I really didn't mean to cause any issues, and I want to keep things smooth between us.

Just to make sure we're on the same page, could you let me know what your expectations are regarding vehicle use? I want to be sure I'm respecting your preferences.

Appreciate your help with this!

Take care,

[NE#1's Nickname]

⁸ Detective #1 noted WE#1 received the email on September 16, and that WE#1 worked September 16 and 17 before going out on vacation.

Detective #1 offered NE#1 the opportunity to participate in a voluntary interview. On request, Detective #1 provided NE#1 and his attorney a list of questions to respond to in writing. After receiving these questions, NE#1 declined to provide any responses.

Detective #1 concluded his investigation and conferenced it with his chain of command. Detective #1 and his superiors determined there was “insufficient evidence to support filing a criminal case,” due to a lack of evidence concerning NE#1’s mental state when leaving his BWV activated.

Per a Memorandum of Agreement between OPA, SPD, the Seattle City Attorney’s Office (SCAO), and King County Prosecuting Attorney’s Office, the case was referred to SCAO for prosecutorial review in March 2025. In April 2025, the City Attorney’s Office issued a declination notice noting SPD’s determination of “insufficient evidence to support a criminal case and that this would be handled internally.”

3. BWV Summary

OPA independently reviewed NE#1’s BWV. OPA found it to be consistent with Detective #1’s summary but noted additional specific information.

First, NE#1 appeared to manipulate his BWV device for about a minute before exiting his patrol vehicle to enter the precinct. Second, NE#1 walked past the BWV docking stations about a minute and a half after exiting his patrol vehicle. Third, NE#1 adjusted his external vest on the coat rack in such a way that his BWV, as mounted on the vest carrier, would have an unobstructed view. Fourth, as NE#1 began to speak with WE#1, NE#1 appeared to glance back in the direction of his BWV. Fifth, the following day, immediately before walking over to NE#1’s BWV, WE#2 appeared to be looking at his cell phone while sitting at his desk.

4. BWV Audit Information

OPA reviewed NE#1’s BWV Audit Log from SPD IT Section. OPA also corresponded with a member of the IT Section to assist with interpreting some of the information contained therein. It showed the following.

On September 28, 2024, at about 4:16pm, NE#1's BWV was powered off and at 92% battery life.

On September 28, 2024, starting at about 10:43pm, NE#1's BWV was at 90% battery life when it was powered on and the volume up and down buttons were pressed approximately 34 times. Less than 30 seconds later, Stealth Mode activated on the BWV. There were additional button presses after Stealth Mode was activated. At about 10:44pm, BWV recording started due to the button being depressed. About 11 hours of video was recorded.

The BWV was stopped the next day at 9:50am. BWV battery life was at 2%. The BWV was also docked at 9:50am.

The BWV audit showed no evidence of NE#1 reviewing the BWV recording.

5. OPA Interviews

OPA interviewed WE#1, WE#2, and NE#1.

a. Witness Employee #1

WE#1 stated he was unsure why his conversation with NE#1 may have been recorded. WE#1 provided background information about the vehicle dispute he had with NE#1. He also described his conversation with NE#1. WE#1 explained that, prior to the conversation, NE#1 had emailed him about the dispute, but he did not respond. WE#1 also explained that, previously, NE#1 expressed he did not agree with WE#1 serving as a permanent acting sergeant. WE#1 also described not wanting to press the issue as a criminal investigation.

WE#1 spoke at length about his concerns with recording BWV in the sergeant's office and the expectation of privacy therein. WE#1 described this as rooted in the need to have confidential conversations as a supervisor with subordinates. WE#1 described the level of trust it takes for officers to speak candidly with supervisors, particularly to ask for help with sensitive personal or wellness issues. WE#1 also described the negative impact to trust if officers felt their conversations could be recorded and subject to public disclosure. He stated such a violation would feel, "like they got run over by a Mack truck."

b. Witness Employee #2

WE#2 stated he was working as an acting sergeant and texting with NE#1 about the acting sergeant roll. WE#1 stated that, during the text conversation, NE#1 asked him to dock his BWV that he left on his vest in the office. WE#2 stated he walked to the vest, observed the BWV, removed it from the vest, and—after evaluating it—was unsure whether it was on or not before he deactivated and docked the device. WE#2 said NE#1 did not inform him it was recording. WE#2 said he did not report the BWV was on to a supervisor. WE#2 said he made a joking statement to NE#1 that the BWV camera was left on, but he did not have any other conversations about the BWV with anyone else.

c. Named Employee #1

NE#1 described working overtime on September 28, 2024. NE#1 recalled having his BWV with him for the overtime shift, but he did not recall using it.

NE#1 also stated he was informed by Detective #1 that he was being investigated for the incident. He said Detective #1 told him he worked overtime, activated his camera, placed it on a coat rack, and spoke with WE#1.

NE#1 said the following day, WE#2 contacted him to inform him that his camera was on. NE#1 stated he typically docks his BWV near the Precinct Building entrance and uploads his video before leaving work, but he admitted there were times he forgot to do so for “whatever reason.” He said he did not remember why he did not dock his BWV that day and would not speculate.

NE#1 denied intentionally placing his BWV in stealth mode before activating it to record. The OPA investigator then showed NE#1 the first five minutes of his BWV recording, including the portions before he began speaking with WE#1. After reviewing this portion of the BWV, NE#1 stated it was possible he was supposed to work the Mayor’s Detail afterwards and so retained his BWV.

NE#1 stated he was not aware his BWV was in Stealth Mode at the time of the recording. When OPA showed NE#1 the audit log evidence that the buttons on his BWV were pressed about 34 times prior to going into Stealth Mode, NE#1 stated he could not recall a reason for this as the incident occurred about 8 months prior.

NE#1 stated he was never trained on this specific version of the BWV device and so was not aware of its full functionality.

NE#1 stated he did not recall why he activated his BWV at the end of his overtime shift before walking into the Precinct Building. He stated he did not have an “exact memory” of why he did so, but speculated it was possible he was supposed to work the Mayor’s detail afterwards but then did not do so. He stated he was unaware of how to place the BWV into Stealth mode and had not received training on this specific BWV device. He said he had no memory of activating the BWV device prior to entering the Precinct Building.

When asked why he walked past the BWV docking stations without docking his BWV, NE#1 stated he received a phone call while walking into the Precinct Building, which may have distracted him. NE#1 also reiterated his thought that he may have been scheduled to work another overtime shift but instead decided to go home.

NE#1 denied intentionally directing his BWV to point at WE#1’s desk. He also denied intending to record his conversation with WE#1. Instead, NE#1 said he was unaware his BWV was recording until WE#2 contacted him the next day to inform him his BWV was on. When OPA showed NE#1 WE#2’s recollection—that it was NE#1 who asked him to dock his BWV—NE#1 stated he had no memory of it.

NE#1 stated he did not document his BWV recording because he was unaware it occurred. He acknowledged he did not ask WE#1 for permission to record the conversation, nor did he inform WE#1 of the recording. He admitted the sergeants’ area of the Precinct Building is a private area, not open to the public.

NE#1 stated he does not know WE#1 personally and has had limited professional interactions with him. He briefly described the vehicle dispute the two had.

NE#1 stated he had not viewed the BWV recording of the incident until his OPA interview. He stated that a lieutenant informed him people were talking about the video and that he learned of the criminal investigation when he was contacted by Detective #1.

Analysis and Conclusions:

Named Employee #1 — Allegation #1

5.001 - Standards and Duties, 5.001-POL 2. Employees Must Adhere to Laws, City Policy, and Department Policy.

The Complainant alleged that NE#1 violated the law by surreptitiously recording a private conversation with WE#1.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Washington's wiretapping statute is a "two-party consent" system, making it unlawful to record any "private conversation" unless consent is first obtained from "all persons engaged in the conversation." RCW 9.73.030(1). The statute specifies that consent "shall be considered obtained" if one party announces to all other parties engaged in the communication or conversation, "in any reasonably effective manner," that the communication is about to be recorded. RCW 9.73.030(3). The statute contains four specific exemptions requiring the consent of only one party, where the communication is, (1) of an emergency nature such as reporting a fire or crime, (2) conveying a threat or extortion, blackmail, bodily harm, or other unlawful request or demand, (3) made anonymously and repeatedly at an inconvenient hour, or (4) related to hostage taking or a barricaded person as defined under the law. RCW 9.73.030(2).

OPA finds by more than a preponderance of the evidence that NE#1 violated this policy.

Central to resolving these allegations is whether NE#1 knew he activated his BWV and that he placed it in Stealth Mode. OPA finds by more than a preponderance of the evidence that the answer to both questions is yes.

NE#1 manipulated his BWV for over a minute before exiting his patrol vehicle. In that time, he pressed the up and down volume buttons about 34 times. On NE#1's version of the BWV device, the button sequence for "Stealth mode on" is "Press Volume Down for three seconds." The button sequence for "Stealth mode off" is "Press Volume Up [button symbol] or Volume Down [button symbol] for three seconds." See "Get to know your camera," Body 4 Camera User Guide, in SPD Criminal Investigation File. Absent another explanation—which NE#1 did not provide, and OPA cannot readily infer—OPA finds this behavior most consistent with ensuring the device was in Stealth Mode. OPA does not find NE#1's denial that he intentionally put the device in Stealth

Mode credible based on the evidence provided.⁹ But even if OPA did credit that denial, NE#1 also activated his BWV to record. Given the routine nature of using BWV for a patrol officer, NE#1 was surely familiar with this function. Not only does OPA find it highly unlikely under these circumstances that NE#1 unintentionally activated his BWV, but—given that NE#1 had concluded his overtime shift and was about to enter the Precinct Building—it is unusual that NE#1 would not ensure his BWV was deactivated having manipulated it for about a minute. Considered together, OPA finds the BWV and Audit Information on their own would be sufficient to find NE#1 intentionally placed his BWV in Stealth mode and activated his BWV to record. But additional evidence further supports these conclusions.

After walking into the Precinct Building, NE#1 bypassed the BWV docking stations. Having just manipulated his BWV for over a minute and placed it back on his jacket, this was a very strong reminder to dock his BWV. OPA recognizes it is at least plausible that NE#1 forgot to do so because he received a phone call. But NE#1 also remembered to return his vehicle keys around this time and—more importantly—he removed his BWV from his traffic jacket and placed it on his external vest carrier less than a minute after walking past the BWV docking stations. Also, NE#1's uncertain recollection that he might have been scheduled to work the Mayor's Detail afterwards, but then just decided—for whatever reason—not to do so was somewhat troubling. Furthermore, OPA also observed that NE#1 appeared to take time to rearrange his vest carrier such that the side with the BWV mount would have an unobstructed view. Taken together, this evidence further supports the conclusions that NE#1 knew his BWV was activated, in Stealth Mode, and he intentionally did not dock it as he concluded his shift.

Finally, several other facts, while not conclusive on their own, further support these conclusions. First, NE#1 appeared to initiate and drive the conversation with WE#1 immediately after mounting his BWV on his vest carrier. Nor was the nature of the conversation innocuous; it specifically concerned a dispute the two recently had. This suggests an intent to have this specific conversation recorded. OPA also noted NE#1 appeared to look back at his BWV before engaging the conversation. While hardly conclusive, this also weighs in the totality of circumstances suggesting NE#1 was aware his BWV was on. Second, NE#1 and WE#1's shifts did not appear to regularly overlap unless NE#1 was working a Mariners overtime event: September 28 was the first such instance immediately after their vehicle dispute occurred on September 13. This suggests that NE#1 would have expected at least the possibility of running into WE#1 in the sergeants' area that evening. Third, WE#2 recalled—and BWV appeared to corroborate—that NE#1 asked him to dock his camera and not that WE#2 observed that NE#1's camera was on and texted NE#1 about it. This suggests NE#1 knew his camera was not docked but activated and recording. Had NE#1 forgotten to dock his BWV altogether, as he claimed, it seems less likely he would have spontaneously remembered to tell WE#2 to do so the next morning.

⁹ OPA opened a separate case, 2025OPA-0220, concerning the truthfulness and completeness of NE#1's responses to OPA's questions during this interview. OPA is reserving judgment on whether NE#1 was intentionally dishonest during his OPA interview until the conclusion of that investigation. However, OPA must, by necessity, weigh the credibility of NE#1's explanations against all the other evidence to reach its findings in this case.

Having found that NE#1 knew his BWV was recording and in Stealth Mode, OPA also finds by more than a preponderance of the evidence that NE#1 violated RCW 9.73.030(1). NE#1 set his BWV up in a position to have an unobstructed view of the sergeants' office—specifically WE#1's desk area—before NE#1 initiated a conversation regarding a dispute the two recently had. No one else was present in the sergeants' office—a space both NE#1 and WE#1 acknowledged was considered private—nor did NE#1 give WE#1 any indication he was recording their conversation or seek consent to do so. None of the exceptions to the notification and consent requirements of the statute appear to apply. This one conversation alone violated the law and policy. But NE#1 also left his BWV recording for about 11 hours longer, capturing WE#1 as he continued to work and all the subsequent conversations that took place in the sergeants' office.

OPA recognizes that Detective #1 conferenced his investigation with his own chain of command, and the group, “determined that there was insufficient evidence to support filing a criminal case with the city or county prosecutors’ offices for a violation of RCW 9.73.030.” The group based this decision specifically on their assessment that they had insufficient evidence to support NE#1 “knowingly activated” and recorded on his BWV or intended to record WE#1 or others. This case is one where the distinction between the criminal burden of proof (beyond a reasonable doubt) and OPA’s lower burden (“more than preponderance” in termination cases for stigmatizing offenses, SPOG CBA article 3.1) is important. More importantly, OPA has access to at least one important piece of evidence that was unavailable during SPD’s criminal investigation: NE#1’s compelled, criminally immunized statement. Confronted with his BWV and Audit Information, NE#1 was unable to provide any compelling explanations or exonerating evidence concerning his behavior during this incident.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: Sustained

Named Employee #1 — Allegation #2

5.001 - Standards and Duties, 5.001-POL 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10.

For the reasons set forth above at Allegation #1, OPA finds NE#1 violated SPD policy by violating RCW 9.73.030(1). That alone is sufficient to sustain a professionalism allegation. However, even if the evidence were insufficient to prove every technical element of that criminal charge by the elevated standard articulated in SPOG CBA 3.1—which it is not—the evidence would still support sustaining the professionalism allegation. SPD’s professionalism policy requires employees to treat “all people with dignity.” SPD Policy 5.001-POL. This includes treating coworkers with dignity.

Surreptitiously recording conversations with coworkers, your coworkers, or your shared workspace seriously undermines the dignity of those colleagues.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: Sustained

Named Employee #1 – Allegation #3

16.090 - In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 4. Recording in Residences and Private Areas

The Complainant alleged that NE#1 recorded in a private area without consent.

Sworn employees are required to ask for consent before recording in private areas “not open to the public” unless there is a crime in progress or other circumstance that would allow their presence without a warrant. SPD Policy 16.090-POL-2(4). The request for consent and any response must be recorded. *Id.* If any person with legal standing denies permission to record, the sworn employee must stop recording within the private area. *Id.*

NE#1 and WE#1 both described the sergeants’ office as a private area “not open to the public.” However, NE#1 was also allowed to be lawfully present in the sergeants’ office without a warrant. OPA recognizes this policy appears directed towards SPD officers’ interactions with the public and is less applicable to the specific circumstances present here. Moreover, this behavior is fully covered by Allegations #1-2 above.

Accordingly, OPA recommends this allegation be removed.

Recommended Finding: Allegation Removed

Named Employee #1 – Allegation #4

16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 6. Sworn Employees Will Document the Existence of Video or Reason for Lack of Video

The Complainant alleged that NE#1 failed to document the existence of his BWV recording.

Sworn employees are required to document the existence or absence of BWV and ICV in any related paperwork. SPD Policy 16.090-POL-1(6).

As with Allegation #3, OPA’s review of this policy suggests it is more applicable to a sworn employee’s engagement with the public in their official capacity. OPA is not aware of any “related paperwork” that would be required for this incident. Under the totality of the circumstances here, this policy appears inapposite.

Accordingly, OPA recommends this allegation be removed.

Recommended Finding: Allegation Removed

Named Employee #1 — Allegation #5

16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 7. Sworn Employees Will Initiate Upload of Recorded Video and Recharging of Equipment Before Going Out of Service

The Complainant alleged that NE#1 failed to dock his BWV before going out of service.

SPD Policy 16.090-POL-1(7) requires that sworn employees dock their BWV cameras to initiate a video upload before their end of shift, or else notify a supervisor.

For the same reasons articulated above at Allegation #1, OPA finds by a preponderance of the evidence for this allegation that NE#1 was aware his BWV was recording and in Stealth Mode. Based on the evidence provided and in review of the totality of the circumstances, NE#1's failure to dock his BWV does not support an absentminded mistake. In review of the evidence, NE#1 would have more likely than not recognized his error when he moved his BWV from his traffic jacket to his external vest carrier. Instead, NE#1's failure to dock his BWV at the end of his shift was an intentional violation of policy, constituting serious misconduct. See SPD Policy 5.002-POL-5(a) (defining serious policy violations to include "violations of any policy that are intentional or reckless").

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: Sustained