



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0528

Issued Date: 12/13/2016

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)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (2) In Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)
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 saw a possible warrant suspect, who fled on foot. The Named Employees gave chase on foot.

COMPLAINT

The complainant, a supervisor within the Department, stated that when the Named Employees gave chase to a possible warrant suspect, their In-Car Video (ICV) should have been activated prior to the contact.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 and #2 failed to activate their ICVs while attempting to arrest a felony warrant subject. Named Employee #1 and #2 were working a two-person car. The Named Employees had knowledge that a known subject had a felony warrant for his arrest. They spotted the subject walking on the sidewalk. When the subject saw the officers he immediately started running. The Named Employees chased the subject, eventually taking him into custody. Officers are required to activate their ICV prior to taking law enforcement action. However, certain law enforcement priorities may take precedence over the requirement to activate ICV. In this particular incident, a felony warrant subject attempted to escape immediately upon seeing the officers. Had there been additional time available under different circumstances, Named Employee #1 and #2 would have been expected to activate their ICV prior to contacting the subject. In this case, the urgency of capturing the subject outweighed the requirement to activate the ICV system.

The complainant alleged that Named Employee #1 did not have his microphone as required by policy. Named Employee #1 initially had his microphone on his person as required by policy when he began to chase the subject. While in the foot pursuit, Named Employee #1's microphone holder broke and the microphone was lost. This was beyond the control of the Named Employee and it would not have been reasonable to expect him to stop and pick up the microphone in the middle of a foot pursuit.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the urgency of capturing the subject outweighed the requirement to activate the ICV system. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In Car Video System: Employees Will Record Police Activity*.

Allegation #2

A preponderance of the evidence showed that it would have been unreasonable to expect Named Employee #1 to stop and pick up the microphone in the middle of a foot pursuit. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In Car Video System: All Employees Operating ICV Must be in Uniform and Wear a Portable Microphone*.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that the urgency of capturing the subject outweighed the requirement to activate the ICV system. 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.