



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0617

Issued Date: 03/12/2018

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	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

While investigating another incident, OPA discovered that Named Employee #1 failed to timely activate his In-Car Video (ICV) system.

COMPLAINT

The complainant, the Office of Police Accountability, alleged that Named Employee #1 may have been in violation of the Department's In-Car Video policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of In-Car Videos (ICV)
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

On the date in question, Named Employee #1 on-viewed a subject who had an open warrant. Named Employee #1 eventually arrested the subject. Named Employee #1 was logged to the on-viewed warrant at 15:52:58 hours, but did not activate his ICV until 16:12:59 hours, a gap of approximately 20 minutes. At the time he did so, the subject was already under arrest and was seated in the rear of Named Employee #1's patrol vehicle. The video depicted Named Employee #1 performing an inventory search in front of his vehicle. The failure to timely activate his ICV and the lack of video for 20 minutes was not documented by Named Employee #1 in the General Offense Report he generated concerning the subject's arrest.

At his OPA interview, Named Employee #1 stated that he observed the subject, who he knew had an open warrant, get out of a vehicle and enter a residence. Named Employee #1 then called in his observations and location, as well as requested additional units to set up containment and potentially talk the subject out of the residence. Named Employee #1 explained that he was so focused on his immediate task and what he believed to be the active threat presented by the subject that he forgot to activate his ICV. When asked whether he documented the delay in activating his ICV, he stated that he did not recall whether he did so or not.

SPD Policy 16.090-POL-1(6) instructs that "employees will record police activity." Among the activity that is required to be recorded includes: on-view infractions and criminal activity; arrests and seizures; and searches and inventories of vehicles and persons. (SPD Policy 16.090-POL-1(6).) The policy states that: "if circumstances prevent recording with ICV at the beginning of an event, the employee shall begin recording as soon as possible." (Id.) SPD Policy 16.090-POL-1(11) requires that where the policy mandates that video be recorded and where video is not recorded either in full or in part, officers must document the reason for the lack of a recording.

Here, Named Employee #1's activity surrounding the arrest of the subject was required to be recorded under SPD policy. While Named Employee #1 appeared to assert that there were exigent circumstances that prevented him from immediately activating his ICV, the OPA Director disagreed. While the subject may have been a dangerous individual, he was inside of a residence at the time Named Employee #1 commenced law enforcement activity and did not present an immediate threat to Named Employee #1. Further, all Named Employee #1 had to do was simply press a button to activate his ICV. If he had enough time to radio in his position and request additional units, he certainly had enough time to turn on his ICV. Moreover, even had there been exigent circumstances that excused Named Employee #1's failure to timely record, he was additionally required to document the delay in recording. It was undisputed that he did not do so.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1's activity surrounding the arrest of the subject was required to be recorded under SPD policy. Therefore a finding of **Sustained** finding was issued for *In-Car Video System: Employees Will Record Police Activity*.

Discipline Imposed: Written Reprimand

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.