



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 7, 2019

CASE NUMBER: 2019OPA-0246

### 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 (Training Referral)
# 2	16.090 - In-Car and Body-Worn Video 7. Employees Will Document the Existence of Video or Reason for Lack of Video	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:

It was alleged that the Named Employee failed to record In-Car Video and did not document the absence of video as required by policy.

#### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegations #1**

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

While reviewing Department video for another OPA investigation, OPA determined that Named Employee #1 (NE#1) did not record In-Car Video (ICV). She did, however, record Body Worn Video (BWV). OPA also determined that NE#1 did not update the CAD Call Log to reflect the lack of video or document the absence of video in an appropriate report. Given the lack of documentation, OPA initiated this investigation.

As part of its investigation, OPA contacted Seattle IT and determined that there were no technical issues with NE#1’s ICV system that prevented recording. OPA further confirmed from a review of the COBAN log that NE#1 did not record video for this incident.

OPA also interviewed NE#1. She stated that she did not know why she did not record ICV during this incident. She stated that it was a mistake and indicated that she did not intentionally fail to record.

SPD Policy 16.090-POL-1(5) concerns when Department employees are required to record police activity. SPD Policy 16.090-POL-1(5)(b) sets forth the categories of activity that must be recorded, which include: responses to dispatched calls starting before the employee arrives on the scene; arrests and seizures; and questioning victims, suspects, or witnesses. In addition, SPD Policy 16.090-POL-1(7) requires that Department employees document the existence of video or the reason for the lack of video. Officers are required to note the failure to record in an update



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to the CAD Call Report, as well as to provide an explanation for the lack of a recording in an appropriate report. (SPD Policy 16.090-POL-1(7).)

Based on OPA's review of the record, it appears evident that NE#1's failure to record video was inadvertent. Notably, she did have BWV and, thus, her law enforcement activity during this incident was fully captured. Moreover, NE#1 does not have a prior history of not recording video, which provides further evidence that her failure to do so here was a mistake. Lastly, it appears that she was not aware of the lack of video until she received her notice of this OPA investigation. As such, she could not have reasonably documented what she did not know about. For these reasons, I conclude that this allegation should be Not Sustained and issue the below Training Referral.

- **Training Referral:** NE#1 should receive retraining and counseling from her chain of command concerning the requirement of recording Department video and the obligation to document a failure to record. To the extent this retraining and counseling has already been provided, no further action needs to be taken by the chain of command.

Recommended Finding: **Not Sustained (Training Referral)**

**Named Employee #1 - Allegation #2**

***16.090 - In-Car and Body-Worn Video 7. Employees Will Document the Existence of Video or Reason for Lack of Video***

I recommend that this allegation be Not Sustained and refer to the above Training Referral (see Named Employee #1, Allegation #1).

Recommended Finding: **Not Sustained (Training Referral)**