



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 4, 2019

CASE NUMBER: 2019OPA-0258

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	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 did not record Department video and further failed to document the lack of a recording 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

Named Employee #1 (NE#1) assisted another officer on a traffic stop. At the time, she was equipped with Body Worn Video (BWV) and she was driving a patrol vehicle that had In-Car Video (ICV). She did not, however, activate either during her response to this incident. She further did not self-report the failure to record Department video, update the CAD Call Log, or document the lack of video and the reason for this in an appropriate report.

Where officers inadvertently fail to record video but comply with the requirements for self-reporting and documentation, OPA has not investigated those incidents and has sent them back to the officers’ chains of command to be handled as Supervisor Actions. However, where, as here, there was no self-reporting or documentation, OPA proceeds with a full investigation.

As part of the investigation in this case, OPA interviewed NE#1. She stated that, upon first responding to the call, she did not believe that she would be interacting with the suspect. As such, she did not activate her video at that time. She was required to quickly assist the other officer in securing the suspect. However, she did not turn on her video prior to or after doing so. NE#1 told OPA that she was later informed of the lack of video by her Sergeant. She acknowledged that she failed to self-report or document the absence of video prior to that point.

Ordinarily, under the circumstances presented in this case, OPA would issue NE#1 a Training Referral, but this case is complicated by the fact that NE#1 had one previous Sustained finding for failing to activate ICV in 2015. However,



given that this occurred approximately four years ago and given that, since then, NE#1 has had no OPA investigations or Sustained findings for failing to activate Department video, OPA declines to recommend a Sustained finding here. Instead, OPA recommends that NE#1 receive the below Training Referral. OPA notes that, to the extent NE#1 again fails to activate Department video and/or to self-report and document the lack of video, OPA will recommend a Sustained finding.

- **Training Referral:** NE#1 should be reminded to activate her Department video whenever required by policy. NE#1 should further be reminded that, where she does not do so, she should self-report, update the CAD Call Log, and document the lack of video in an appropriate report. NE#1 should be notified by her chain of command that any future failures to comply with this policy will likely result in a recommended Sustained finding being issued by OPA.

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

For the same reasons as stated above, OPA recommends that this allegation be Not Sustained and references the Training Referral set forth in Allegation #1.

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