



CLOSED CASE SUMMARY

ISSUED DATE: MAY 22, 2018

CASE NUMBER: 2017OPA-1297

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 4. Employees Address and Note System Malfunctions	Not Sustained (Lawful and Proper)
# 2	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Sustained

Imposed Discipline

Oral Reprimand

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:

While reviewing another case (2017OPA-1260), it was determined that Named Employee #1 (NE#1) failed to record In-Car Video (ICV) in potential violation of policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

16.090 - In-Car and Body-Worn Video 4. Employees Address and Note System Malfunctions

SPD Policy 16.090-POL-4 details that “[a]t the start of the shift, employees will prepare ICV and BWV systems as outlined in the training and 16.090-TSK-1.” Previous versions of the policy required a formal ICV “system check” prior to beginning a shift; however, this is no longer required. This policy also concerns ICV system malfunctions. The policy instructs that where such a malfunction occurs, an officer is required to contact SPD IT for troubleshooting, note the malfunction in a CAD update, and notify a supervisor as soon as practicable. (SPD Policy 16.090-POL-4.)

NE#1’s COBAN log indicated that he logged into his ICV system. There was no evidence that he performed a system check, but, as indicated above, he was not required by policy to do so. NE#1 told OPA that he complied with the requirement that he prepare his ICV system by checking his portable microphone battery, synching his wireless microphone, turning his system on via his wireless microphone, checking the ICV camera view on his MDT, and turning the ICV system off using his MDT screen.

Moreover, as discussed below, it is undisputed that NE#1 did not record ICV on the date in question. There is no evidence, however, that this was due to a malfunction of his system. Given this, NE#1 was not required to comply with the elements of SPD Policy 16.090-POL-4 concerning documenting and addressing malfunctions. I note that, under SPD Policy 16.090-POL-7, NE#1 had an independent requirement to document the lack of video and the reason for this in an appropriate report and to notify a supervisor. He did not comply with this policy, but his



argument for why he did not do so is that he did not know that he failed to record until he received notification of the OPA complaint in this case.

Based on the above, the evidence in this case – specifically, the COBAN log and NE#1’s OPA interview – supports NE#1’s assertion that he performed the requisite preparation of his ICV system prior to beginning his shift. Moreover, as there was no evidence of any malfunction of NE#1’s ICV system during this incident, he was not required to fulfill the elements of this policy. For these reasons, I find that he complied with this section of the policy and I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity

SPD Policy 16.090-POL-5 requires that officers record certain law enforcement activity. Specifically, officers must record responses to dispatched calls. (See SPD Policy 16.090-POL-5(b).)

While GPS confirmed that NE#1 responded to the incident, he did not generate any ICV. Moreover, a review of the COBAN log established that there were no attempts made to activate NE#1’s ICV at that time.

At his OPA interview, NE#1 verified that he responded to the scene but did not record video. NE#1 stated that he did not know why ICV was not recorded. He stated that his failure to record was not purposeful and that he had never intentionally failed to record ICV.

As indicated by the above, NE#1 failed to activate his ICV and record his law enforcement activity as required by policy. Accordingly, and even if NE#1 did not act with ill intent – which I believe, this conduct violated policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**