



## Officer-Involved Shooting

On January 7, in an effort to determine whether the conduct of the New Year's Eve officer-involved shooting was consistent with policy, OPA initiated an investigation. This decision was based on various factors, including receipt of multiple public complaints and a memo from FIT indicating further review of the audio revealed a previously unheard statement made by the subject moments before the shooting.

On January 9, OPA also recommended that SPD seek an independent review of the incident by an outside law enforcement agency to determine whether any criminal conduct occurred.

These steps should not be construed as anything other than OPA trying to ensure the legitimacy of the process. The investigations will provide a thorough and impartial evaluation of the facts, which are critical not only for evaluating the case, but for ensuring transparency and maintaining public confidence in SPD and the police accountability system. This is particularly important given the recent passage of I-940 and its mandate for external investigations, regardless of whether the law is technically in effect.

OPA released an [official statement](#) about this issue earlier today, but also wanted to share the information with you directly via this publication.

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## Recording in "Sensitive Areas"

In case [2018OPA-0165](#), the Named Employees were assisting with a resistive arrestee at Harborview Medical Center (HMC). They did not activate their BWV because they thought they were prohibited from recording inside a hospital, which is defined in policy as a "sensitive area."

The policy states that officers may record in a "sensitive area" where there is a "direct law enforcement purpose" for doing so. The policy does not define what this is but provides an example scenario where there is potential ongoing criminal activity. While one of the Named Employees said he would have recorded had he known there was going to be a use of force in the hospital, two others contended they were only allowed to record in HMC if there was an active crime. The Training Sergeant responsible for overseeing BWV instruction told OPA that officers are trained to activate their BWV in "sensitive areas" when there is potential criminal activity. The Training Sergeant agreed, however, that this did not mean that there were no other scenarios – such as a use of force – where recording would be appropriate.

OPA issued a recommend finding of [Not Sustained – Management Action](#). The recommendation called for additional guidance on: (1) when officers may record in "sensitive areas"; and (2) whether responses to resistant arrestees, ongoing, or impending uses of force, and other like activity constitute such a "direct law enforcement purpose." The purpose of the recommendation was to make clear to officers, both in policy and training, that there are multiple other scenarios where recording would be appropriate. It is OPA's understanding that these changes are currently being implemented by the Department.

If you have questions, feedback, content requests, or to add/remove your name from this distribution list, please email [andrew.myerberg-OPA@seattle.gov](mailto:andrew.myerberg-OPA@seattle.gov) or [anne.bettesworth@seattle.gov](mailto:anne.bettesworth@seattle.gov).