



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1035

Issued Date: 01/05/2016

Named Employee #1	
Allegation #1	Seattle Police Department Manual 16.090 (6) In Car Video System: Employees Will Record Police Activities (Policy that was issued 02/01/2015)
OPA Finding	Not Sustained (Management Action)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was one of several officers dispatched to a disturbance at a park. Officers arrived, located a female victim, and later arrested the suspect at a nearby location.

COMPLAINT

The complainant, the Force Review Board, alleged that the named employee did not have In-Car Video (ICV) for the incident.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

The investigation showed that another officer's In Car Video (ICV) had captured the named employee at the incident. The named employee did not specifically remember responding to this incident but believed that he was dispatched and arrived on the scene for an "administrative" purpose, not to take any law enforcement action. The named employee stated that his understanding of the policy was that he was only required to record events when he was taking law enforcement action.

FINDINGS

Named Employee #1

Allegation #1

The evidence shows that the named employee was following the policy as he had been directed by a superior officer. Therefore a finding of **Not Sustained (Management Action)** was issued for *In Car Video System: Employees Will Record Police Activities*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

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.



City of Seattle

Office of Professional Accountability

December 29, 2015

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2015OPA-1035)

Dear Chief O'Toole:

In the course of reviewing the results of a recent OPA investigation (2015OPA-1035), it became clear that some confusion exists within the SPD command structure regarding the intent of SPD's In Car Video Policy with respect to supervisors. Specifically, we have heard that some employees are not certain when supervisors operating a vehicle equipped with ICV are obligated under SPD Policy 16.090 to record. Subsection 6 of this policy uses both the terms "employees" and "officers." OPA does not believe that the Department intended to exempt sergeants and above from the obligation of recording "all police activity." We understand that some lieutenants and sergeants have been told that "supervisory activities" are not subject to mandatory audio and video recording. In addition, OPA has heard that some have broadened this exclusion even farther by interpreting the use of the term "police activity" to exclude administrative activities of any employee, even if associated with a 911 call or any of the other events listed in 16.090(6). The exclusion of both supervisory and administrative activities from the clear requirements established in 16.090 runs contrary to OPA's understanding of the purpose and intent of the framers of the policy and those who contributed to its development, including the Monitor, the Community Police Commission, the OPA Auditor and OPA.

Recommendation: Universal compliance with the Department's expectation that all police activities will be recorded regardless of the rank or role of the employee equipped with the capability to audio and video record is essential to the public's faith in the Department's accountability systems. I strongly recommend that an immediate clarification be sent to the entire Department in the form of a Directive and that the wording of SPD Policy 16.090 be reviewed and modified where necessary.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,

Pierce Murphy
Director, Office of Professional Accountability