



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0555

Issued Date: 02/24/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (5) In-Car Video System: Employees Will Log in and Perform a System Check (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (5) In-Car Video System: Employees Will Log in and Perform a System Check (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued March 1, 2016)

OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees assisted another unit in an operation.

### **COMPLAINT**

The complainant, a supervisor within the Department, reported that after an arrest, but while still investigating an incident, the Named Employee allegedly took the In-Car Video (ICV) microphone off his person. The complainant also reported that the same Named Employee and a second Named Employee allegedly did not complete their required ICV microphone check.

### **INVESTIGATION**

The OPA investigation included the following actions:

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

### **ANALYSIS AND CONCLUSION**

Named Employee #1 and Named Employee #2 were in a police vehicle which was not their usually assigned one. They were under time pressure to get quickly to the scene of an operation and the circumstances made it unreasonable for them to perform a system check before proceeding.

Named Employee #1 was never separated from his portable microphone and did not turn it off before he was allowed to do so.

While Named Employee #2 believed there was an exception under the circumstances to the obligation to record his police activity, he was mistaken. No such exemption existed. This confusion would best be addressed through supervisory coaching and training.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed it would have been unreasonable for the Named Employee to perform a system check in their situation. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Employees Will Log in and Perform a System Check*.

#### Allegation #2

A preponderance of the evidence showed that the Named Employee was never separated from his portable microphone and did not turn it off before he was allowed to do so. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

### **Named Employee #2**

#### Allegation #1

A preponderance of the evidence showed it would have been unreasonable for the Named Employee to perform a system check in their situation. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Employees Will Log in and Perform a System Check*.

#### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

**Recommended Training:** Named Employee #2 should be counseled by his supervisor that there is no exemption to the ICV recording requirement that applied to this situation and that he should consult with a supervisor first before deciding to stop audio or video recording.

*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.*