



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1306

Issued Date: 05/25/2017

Named Employees #1 and #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<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	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a request for assistance with an eviction process.

COMPLAINT

OPA received a complaint from the subject alleging Named Employee #1 harassed her and stole property from her home as she was being evicted. While OPA did not investigate the original complaint of harassment and stolen property due to inability to contact the subject for additional information, during the intake investigation OPA discovered the Named Employees didn't have In-Car Video (ICV) in violation of Department policy, and failed to conduct a property systems 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

The evidence clearly showed that Named Employees #1 and #2 did not begin recording via the ICV in their police car by the time they arrived at the housing complex in response to a request for assistance from the King County Sheriff's Office with an eviction process. The evidence also showed that Named Employee #1 did not record any of his police activity at the scene until just two minutes before he left the area, and Named Employee #2 did not record any of his police activity at the scene. Named Employee #1 told OPA that he decided not to start recording until after members of the housing complex management and the Sheriff's Deputies all arrived on scene. Named Employee #1 said he and Named Employee #2 got out of their police car and walked into the housing management office where they waited for the others. Once the management people and the deputies arrived, Named Employee #1 attempted to activate the ICV recording function via his wireless microphone which he had on his uniform. However, this was not effective for some reason. Named Employee #1 told OPA he later activated the recording once he was outside of the building and in sight of his police car. Named Employee #2 told OPA that he did not have his wireless microphone with him at this time; it was back at the Precinct. Named Employee #2 also said that he was not a regular partner in a two-officer car with Named Employee #1. They just decided to ride together to this particular call.

Although the preponderance of the evidence showed that Named Employees #1 and #2 did not record their police activity in connection with this incident starting before they arrived at the location of the call as required by SPD Policy 16.090(6), the Named Employees reasonably, but incorrectly, believed their police activity connected with this incident was not going to begin until all those to be involved had assembled in the housing management office. Prior to that point, Named Employees #1 and #2 viewed their activity as social in nature. Given the unique nature of this particular situation, the OPA Director believed this would best be addressed through training and counseling by the Named Employee's supervisor.

The preponderance of the evidence showed that Named Employees #1 and #2 did not at the beginning of their shift conduct the ICV Log-in, System Check and wireless microphone synch as required by SPD Policy 16.090(5). ICV system records showed no evidence of any such log-in, check or synch. Named Employee #1 told OPA he thought he had done this and he routinely does this at the beginning of every shift. OPA considered this failure to perform an administrative task to fall into the category of "minor misconduct" and believed this would best be addressed through training and coaching by the Named Employees' supervisor.

FINDINGS

Named Employee #1

Allegation #1

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: Employees Will Record Police Activity*.

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: Employees Will Log in and Perform a System Check*.

Required Training: The Named Employee should receive clear training and counseling from his supervisor regarding his obligations under SPD Policy 16.090, including the requirement to properly conduct a log-in and ICV system check at the beginning of his shift or when he gets assigned a different vehicle during a shift. In addition, it needs to be made clear that the policy requires ICV to be recording by the time the officer arrives at the scene of a call, regardless of what is actually happening (or not happening) at that time.

Named Employee #2

Allegation #1

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: Employees Will Record Police Activity*.

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: Employees Will Log in and Perform a System Check*.

Required Training: The Named Employee should receive clear training and counseling from his supervisor regarding his obligations under SPD Policy 16.090, including the requirement to properly conduct a log-in and ICV system check at the beginning of his shift or when he gets assigned a different vehicle during a shift, and that he have a wireless microphone attached to his uniform at all times when on-duty. In addition, it needs to be made clear that the policy requires ICV to be recording by the time the officer arrives at the scene of a call, regardless of what is actually happening (or not happening) at that time.

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.