



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-1339

Issued Date: 05/25/2017

Named Employee #1	
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	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

Named Employee #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	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employees were on a routine patrol of an area known to have an on-going problem with illegally parked vehicles.

## **COMPLAINT**

During intake of a possible allegation of professionalism brought by the citizen complainant, OPA discovered that the Named Employees did not activate their In-Car Video (ICV) during the incident.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
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 his partner, Named Employee #2, were patrolling an area known to have an on-going problem with illegally parked vehicles, especially motor homes (RVs), parked in the same place beyond the time limit allowed by Municipal Ordinance. During routine patrol, the two officers spotted a RV that they believed had been parked in the same spot for four days, in excess of the time limit allowed by law. The officers stopped their police car next to the RV in order to check more closely. At that moment, a person exited the RV and asked the officers what was happening. The officers explained the Municipal Ordinance to him and spoke briefly with him concerning his use and parking of the RV. The officers did not issue a citation, formal warning, or take any other actions. They neither asked for nor received any identification or personal information from the subject. After a brief conversation, the two officers drove away. SPD Policy 16.090(6) states:

*“Employees will record the following police activity:*

- *Response to dispatched calls, starting before the employee arrives on the call and ending consistent with paragraph 8 below*
- *Terry stops*
- *Traffic stops*
- *On-View Infractions and Criminal Activity*
- *Arrests and seizures*
- *Searches and inventories of vehicles or persons*
- *Transports (excluding ride-alongs and passengers for meetings)*
- *Vehicle Eluding/Pursuits*
- *Questioning suspects or witnesses”*

Named Employees #1 and #2 told OPA they thought they were not engaging in “police activity” as defined by the above policy, but were merely engaging in a “social contact” with the person who came out of the RV. The basis for this assertion was the fact that they did not issue, nor

did they intend to issue, any citation to the person in the RV for the parking infraction. SPD policy does not define “police activity” as including routine patrol. In this particular case, the officers were not required to activate their ICV as they drove in the area looking for any cases of illegal parking. However, once the officers began to take action to address a specific instance of illegal parking, they began to engage in what the policy calls On-View Infractions and Criminal Activity. This was true whether or not the officers intended to take enforcement action of any kind. As such, this was police activity and the officers were required to activate their ICV. Named Employees #1 and #2 should have activated the ICV no later than when the subject exited the RV and began to interact with the officers. However, the OPA Director recognized the line between “routine patrol” and “police activity” could be difficult to distinguish.

## **FINDINGS**

### **Named Employees #1 and #2**

#### **Allegation #1**

The evidence showed that the Named Employees 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*.

**Required Training:** Named Employees #1 and #2 should be given appropriate training and direction from his Chain of Command regarding the Department’s expectations concerning when he is to record his activities using the ICV system in his police vehicle.

*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.*