



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0458

Issued Date: 10/24/2017

| Named Employee #1 |   |
|-------------------|---|
| Allegation #1     | <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 Employee responded to a call of an active residential burglary.

#### **COMPLAINT**

Named Employee #1 was alleged to have violated the Department's In-Car Video (ICV) policy when he turned off his ICV without authorization, prior to leaving the area of the event.

#### **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

Named Employee #1, who was a Field Training Officer, and the student officer that he was supervising responded to a call of an active residential burglary. During the incident, force was used by officers, which resulted in the Force Investigation Team (FIT) being notified and responding to the scene. FIT then conducted an investigation at the scene. During that time, Named Employee #1 remained in his patrol vehicle completing incident-related paperwork. Named Employee #1 was aware that he was required to go to the FIT office to further participate in FIT's investigation. In preparation for doing so, Named Employee #1 turned off his ICV at approximately 08:32:54 hours. Named Employee #1 made the unilateral decision to do so and this decision was not authorized by an order of a supervisor or FIT commander. Notably, the FIT Lieutenant did eventually order officers to turn off their ICVs, but this order was not issued until approximately 09:36 hours.

After turning off his ICV, Named Employee #1 subsequently learned that FIT needed to conduct further investigation at the scene and that he needed to assist. At 09:01:37 hours, Named Employee #1 reactivated his ICV. Approximately 29 minutes elapsed between the time that Named Employee #1 turned off and re-activated his ICV. During this time, Named Employee #1's trainee was standing across the street. Based on Named Employee #1's understanding, his trainee was not engaging in any law enforcement actions at that time but had been separated from other officers based on his involvement in the use of force. However, as a function of turning off his ICV, Named Employee #1 also turned off his trainee's ICV as they were assigned to the same car.

SPD Policy 16.090(8) requires that "once recording has begun, employees shall not stop recording until the event has concluded." The policy provides that, as a general matter, an event has concluded if the following elements are met: (1) the employee has completed his part of the investigation; (2) there is little possibility that the employee will have further interactions with the subject; and (3) the employee is leaving the area of the event. (Id.)

At his OPA interview, Named Employee #1 stated that he turned off his ICV because he thought he was leaving the scene to go to the FIT office. Named Employee #1 asserted that this was an "oversight," and had he not had this mistaken belief he would not have shut off his ICV. Based on a reading of the policy and on a review of Named Employee #1's admitted conduct, in shutting off his ICV, he engaged in a technical violation. However, given that Named Employee #1 recognized that he made a mistake when he shut off his ICV and given that his conduct, while in error, appeared to be in good faith, the OPA Director believed that a training referral was the appropriate result.

## **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: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

**Required Training:** Named Employee #1 should be provided with additional training on the requirements of SPD's ICV policy and specifically when it is appropriate to turn his camera off after conducting law enforcement activities.

*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.*