



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 9, 2018

CASE NUMBER: 2017OPA-1010

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car Video System 6. Employee Will Record Police Activity	Sustained

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car Video System 6. Employee Will Record Police Activity	Sustained

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

### EXECUTIVE SUMMARY:

While investigating an unrelated complaint, OPA was unable to locate In-Car Video for the Named Employees.

### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegation #1**

**16.090 - In-Car Video System 6. Employee Will Record Police Activity**

While investigating another complaint, OPA discovered that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) failed to record In-Car Video (ICV) for an incident that they were dispatched to. The CAD Call Log indicated that the Named Employees were dispatched to the call as a secondary unit. Moreover, another officer’s ICV indicated that both of the Named Employees were present at the scene. However, a search of the COBAN system did not yield any ICV generated by the Named Employees during their response to this incident.

OPA interviewed both of the Named Employees. NE#1 vaguely remembered the call, but had no explanation for why she had no ICV video. She opined that it could have been based on a malfunction of the system. However, the Named Employees performed a system check at the beginning of their shift that indicated that their ICV system was functioning appropriately and without malfunction. Moreover, the Named Employees recorded ICV both before and after their response to this call. NE#2 also remembered responding to this call and recalled activating his ICV by pushing the wireless mic that was located on his chest. However, the COBAN records clearly indicate that no video was generated.

SPD Policy 16.090-POL-5(b) sets forth when officers are required to record their actions. The policy indicates that officers must record their responses to dispatched calls. (SPD Policy 16.090-POL-5(b)). In such cases, the recording must be commenced “before the employee arrives on the call in order to ensure adequate time to turn on



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cameras.” (Id.) The exception to this mandate is where there are exigent circumstances that justify a delayed activation. (Id.)

It is undisputed that the Named Employees were dispatched to a call and, accordingly, they were required by policy to activate their ICV before they arrived on scene. While NE#2 contended that he recalled initiating his ICV, the COBAN records suggest otherwise. Moreover, while NE#1 opined that there could have been a malfunction that prevented the recording, their ICV system was functioning on that day and other videos were recorded both before and after their response to this incident. As such, and applying a preponderance of the evidence standard, I find that the Named Employees failed to initiate their ICV in this case in violation of policy. I thus recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #1**

***16.090 - In-Car Video System 6. Employee Will Record Police Activity***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**