



CLOSED CASE SUMMARY

ISSUED DATE: MAY 31, 2018

CASE NUMBER: 2017OPA-1291

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity	Sustained
Imposed Discipline		
Oral Reprimand		

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:

The Complainant alleged that the Named Employee may have failed to activate his In-Car Video system as required by Department policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity

Officers, including Named Employee #1 (NE#1), were dispatched to a “shots fired” incident. NE#1 was assigned as a containment officer and was tasked with manning the perimeter of the scene. Ultimately, the incident was investigated by the Department’s Force Investigation Team (FIT). Once it took control of the scene, FIT ordered the officers present to de-activate their In-Car Video (ICV) systems. During FIT’s later investigation of the incident, it was determined that NE#1 had failed to activate his ICV for the majority of his response to the incident prior to FIT’s arrival and FIT’s order to turn off ICV. NE#1 only had two recordings that lasted a combined three minutes. Accordingly, and consistent with policy, FIT forwarded this matter to OPA and OPA initiated this investigation.

As a threshold matter, SPD Policy 16.090-POL-5(b) compelled that NE#1’s dispatched response to this incident be recorded on ICV. At his OPA interview, NE#1 stated that he realized that he had failed to activate his ICV as required when he received the order from FIT at the scene to turn off ICV. However, even though he realized his error at that time, he did not report this matter to a supervisor or note his failure to activate his ICV in an appropriate report.

NE#1 asserted to OPA that his failure to activate ICV constituted a mistake and that he did not do so intentionally. I see no evidence in the record to the contrary. That being said, NE#1 did not accept responsibility for this policy violation until his OPA interview. While I commend him for doing so at that time, Department policy required that he notify a supervisor when he became aware of the failure to activate ICV – which was the date of the incident – and to properly document that failure. He did not do either here. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**