



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0587

Issued Date: 06/26/2017

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	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 11.020 (10) Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees (Policy that was issued December 19, 2012)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (10) In-Car Video System: Employees Will Turn Off the AM/FM Vehicle Radio During ICV Recordings (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 11.020 (10) Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees (Policy that was issued December 19, 2012)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<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 #3	<u>Seattle Police Department Manual</u> 16.090 (10) In-Car Video System: Employees Will Turn Off the AM/FM Vehicle Radio During ICV Recordings (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 Trespass call for service.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employees did not properly activate their In-Car Video (ICV) until after they arrived at the incident. While the ICV was activated the AM/FM radio was still on, and the Named Employees also did not put a seat belt on the suspect during transport.

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 two Named Employees in this incident were paired together in a two-officer car. Both officers were not accustomed to working as a two-officer unit and regularly worked as solo officers in a car. The evidence from the OPA investigation appeared to indicate that one or both of the two officers improperly “synched” the wireless ICV microphone which may have caused the ICV system to fail. The evidence also showed that the two officers manually activated the ICV once they realized it had not been recording as they had assumed.

The preponderance of the evidence showed that the prisoner was not properly secured with a seatbelt in the back of the police car in which both Named Employees were assigned. There was some indication that the prisoner had been uncooperative, however, there was not a preponderance of evidence to show she was enough of a risk to warrant the lack of seat belting. Also, it appeared this was an inadvertent and unintentional lapse on the part of one or both of the two officers.

The preponderance of the evidence showed that the AM/FM radio was audible in the police car assigned to the two Named Employees while the ICV system was recording. The evidence also showed this was not the regular car assigned to either officer and, as an older model car, it was not equipped with the automatic radio mute function installed in the police cars the two Named Employees were more accustomed to operate.

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 *Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees*.

Allegation #3

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 Turn Off the AM/FM Vehicle Radio During ICV Recordings*.

Required Training: Named Employee #1 should receive specific coaching and counseling from his supervisor regarding the following.

- How to conduct an ICV system check and wireless microphone synch in a two-person car, both as a driver and as the passenger.

- To verify that the AM/FM radio is turned off inside the police car when the ICV is recording
- To restrain all prisoners with a seatbelt before transporting unless to do so would be unsafe for either the officer or the prisoner. If a conscious decision is made to not seatbelt a prisoner, this must be documented in the GOR.

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 *Transportation of Detainees: Officers will use the Transport Vehicle's Seat Belts to Secure Detainees.*

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 Record Police Activity.*

Allegation #3

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 Turn Off the AM/FM Vehicle Radio During ICV Recordings.*

Required Training: Named Employee #2 should receive specific coaching and counseling from his supervisor regarding the following.

- How to conduct an ICV system check and wireless microphone synch in a two-person car, both as a driver and as the passenger.
- To verify that the AM/FM radio is turned off inside the police car when the ICV is recording
- To restrain all prisoners with a seatbelt before transporting unless to do so would be unsafe for either the officer or the prisoner. If a conscious decision is made to not seatbelt a prisoner, this must be documented in the GOR.

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.