



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0653

Issued Date: 03/17/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 13.010-TSK-1 Collisions Involving Department Vehicles: Department Employee Involved in a Collision (Policy that was issued August 1, 2015)
OPA Finding	Sustained
Final Discipline	Oral Reprimand

INCIDENT SYNOPSIS

The Named Employee responded to a call for a hit and run.

COMPLAINT

The complainant, a supervisor within the Department, alleged the Named Employee stopped his In-Car Video (ICV) recording during the call and then restarted the ICV recording, and that the Named Employee did not notify a supervisor of the collision, even though a supervisor arrived on his call.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged the Named Employee responded to a hit and run call for service. He located the abandoned, suspect vehicle. He talked with witnesses and based on their descriptions, believed the suspect had crossed in front of his patrol vehicle while on scene. When asked by a fellow officer if he had a description for the suspect, he stopped his ICV for approximately one minute to review his ICV. According to the Named Employee, he felt that obtaining a more accurate description of the suspect would lessen the likelihood of an officer stopping the wrong person during the area search for the suspect. During his interview the Named Employee said that he felt stopping the ICV momentarily for this reason outweighed the benefit of continuously recording ICV until the event had been completed. The Named Employee had a legitimate law enforcement purpose for stopping the video and it was reasonable for him to make a brief interruption of the recording to identify a hit and run suspect.

While backing up in order to leave the suspect vehicle and look for the suspect, the Named Employee collided with a traffic island, causing minor damage to his patrol vehicle. The Named Employee admitted he was aware he had been involved in a collision. However, he thought attempting to locate the suspect was more important than notifying his supervisor. The Named Employee continued his search and then notified his supervisor after he returned to the Precinct. The Named Employee was required to notify a supervisor immediately so the collision could be investigated, including recovery of evidence, photographing any damage to the SPD vehicle or private property and creating an accurate record of what happened. The Named Employee believed that locating the suspect outweighed the Department's interests in his relatively minor collision, especially since no other vehicle or person was involved. However, the Named Employee had a number of opportunities to notify his supervisor about his (the Named Employee's) minor collision long before the Named Employee returned to the Precinct, including telling the supervisor over a radio channel, calling the supervisor on a cell phone or speaking with the supervisor when he came to the scene and spoke with the Named Employee. Any of these options would have allowed the supervisor to make the determination whether he (the supervisor) should continue with the search or conduct an accident investigation. By waiting to report his own collision to his supervisor at the Precinct, the Named Employee left his supervisor with no opportunity to conduct an investigation.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee had a legitimate law enforcement purpose for stopping the video. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In-Car Video System: Employees Shall Not Stop Recording Until the Event Has Concluded*.

Allegation #2

A preponderance of the evidence showed that by waiting to report his own collision to his supervisor at the precinct, the Named Employee left his supervisor with no opportunity to conduct an investigation. Therefore a **Sustained** finding was issued for *Collisions Involving Department Vehicles: Department Employee Involved in a Collision*.

Discipline Imposed: Oral Reprimand

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.