



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0388

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	Sustained
Final Discipline	Had the Named Employee not resigned, discipline would have been imposed.

INCIDENT SYNOPSIS

The Named Employee transported a suspect to the precinct.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee violated SPD policy regarding the use of in-car video when he transported a DUI suspect to the precinct and he turned his In-Car Video (ICV) off prior to placing the suspect into a holding cell.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 turned his ICV off prior to concluding his law enforcement activities. (See Original Case Summary.) Specifically, the complainant alleged that Named Employee #1 deactivated his ICV when he reached the gate of the precinct sally port (a secured vehicle entryway into the precinct) instead of after the subject was taken into the precinct. (See id.)

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.)

Named Employee #1’s General Offense Report indicated that he did have further interaction with the subject prior to de-activating his ICV. Namely, he walked the subject into the precinct and then read him implied consent warnings prior to seeking a breath sample on the BAC Datamaster. (See NE#1 General Offense Report.) While this may be a technical violation, the policy is in place to ensure the recording of events to document contact between officers and civilians. Had there been a use of force or some other misconduct alleged in the sally port, there would no video evidence available to either exonerate the officer or to establish that misconduct occurred. The usage of ICV consistently and in accordance with policy is a priority of the Department and is essential to maintain the public trust.

Since this incident occurred, Named Employee #1 has left the employ of the Department. OPA contacted Named Employee #1 at what it believed was his personal email account and his home address in order to schedule an interview. However, Named Employee #1 did not respond to either request. As such, OPA was not able to obtain his reasoning for why he turned off his ICV, which very well could have been persuasive.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee turned his ICV off prior to concluding his law enforcement activities. Therefore a **Sustained** finding was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

Discipline Imposed: Had the Named Employee not resigned, discipline would have been imposed.

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.