



City of Seattle

Office of Professional Accountability

November 5, 2015

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2015OPA-0652)

Dear Chief O'Toole:

As you are well aware, the public places an extremely high value on the transparency created by the presence of in-car video systems in marked Seattle Police Department (SPD) vehicles. Tremendous progress has been made by SPD in the last year to be certain that its officers are audio and video recording all police activity as required by SPD Policy 16.090 (6) that became effective on February 1, 2015.

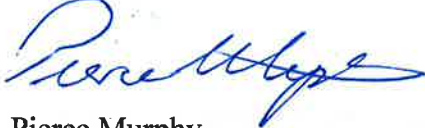
Arising out of an incident in which members of the SPD SWAT Team did not fully audio and video record all of their police activities, OPA became aware of the fact that SWAT and HNT both believed they were exempt from the requirement. Research on our part found that there had been a long-standing practice of not requiring SWAT and HNT to record while they were tactically deployed. However, under the current in-car video policy, such exemptions must be specifically sought and granted. Paragraph 7 of that same policy (16.090) anticipates the probability that some activities of certain specialty units may be such that using the in-car video system would be impractical. In such a case, the Chief of Police has the authority, upon request, to grant an exemption to the requirements of 16.090 (6). Such exemptions are to be limited to one year with the possibility of renewal by the Chief. The process by which the Chief would evaluate and consider requests for exemptions is not spelled out in policy, nor is there any requirement that the Chief consult with others, such as the OPA Director, OPA Auditor or community representatives (such as the Community Police Commission), all of whom provided extensive input to the existing in-car video system policy as it was being formulated and considered. Given the key role that in-car video plays in SPD's accountability systems (Force Review, OPA, etc.), it seems to me that the current reactive approach to considering exemptions to the requirement to record all police activities should be changed.

Recommendation: It is my recommendation that the in-car video system policy (16.090) be revised with respect to the exemptions contemplated in section 7. Those units for whom the nature of their activities makes it impractical to use their in-car video system, should be listed in the policy, along with the specific activities of any such units who are being exempted. Moving unit level exemptions into the policy will ensure that there is a full public discussion about the benefits and costs of granting any such exemptions. In addition, I recommend that the policy create a process by which the Chief or her designee could grant a one-time, limited duration and scope exemption for a specific operation or activity.

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Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,



Pierce Murphy
Director, Office of Professional Accountability