



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 24, 2018

CASE NUMBER: 2016OPA-0792

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car Video System 6. Employees Will Record Police Activity	Not Sustained (Training Referral)

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:

Named Employee #1 (NE#1) self-reported an In-Car Video (ICV) violation to his supervisor. The supervisor counseled NE#1 and generated a PAS entry and, consistent with policy, also referred this matter to OPA.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.090 - In-Car Video System 6. Employees Will Record Police Activity

NE#1 responded to assist in an area check for an individual suspected engaging in a hit and run. NE#1 first activated his ICV at 5:44:57 hours and deactivated it at 5:46:13 hours. NE#1 again initiated his ICV approximately eight minutes later at 5:54:36 and deactivated it at 6:24:15 hours.

NE#1 explained that the first occasion that his ICV was activated was when he responded to conduct the area check and turned on his patrol vehicle’s light bar (which automatically turns on the ICV). NE#1 stated that he believed that he located the subject but soon after realized that this was not actually the subject. He then turned off his ICV and waited for other officers to arrive. Additional units came to NE#1’s location and the officers did, in fact, locate the subject. The officers, including NE#1, approached the subject and NE#1 reported attempting to activate his ICV via the wireless mic that was located on his belt. This attempt to activate the ICV was unsuccessful, and the ICV was not started until NE#1 later turned on his patrol vehicle’s light bar.

NE#1 self-reported his failure to continuously and timely record to his supervisor. As set forth in SPD policy, this matter was required to be reported to OPA by the supervisor and OPA initiated this investigation.

SPD Policy 16.090-POL-6 sets forth when officers are required to record their actions. The policy indicates that officers must record their responses to dispatched calls. (SPD Policy 16.090-POL-6). In such cases, the recording must be commenced “before the employee arrives on the call in order to ensure adequate time to turn on cameras.” (*Id.*) The exception to this mandate is where there are exigent circumstances that justify a delayed activation. (*Id.*) The policy further indicates that a recording cannot be stopped unless: (1) the employee has completed his or her active



part of the investigation; (2) there is little possibility that the employee will have further interaction with the suspect; and (3) the employee is leaving the area of the event. (SPD Policy 16.090-POL-8.)

NE#1 admittedly violated SPD's ICV policy. That being said, based on the unique facts and circumstances of this case, I find that a training referral is the more appropriate disposition. Among the factors influencing my decision are that: this was a technical violation of policy and NE#1 did activate his ICV twice during his response to this call; NE#1 commendably and self-reported his violation to a supervisor and was forthcoming with OPA at his interview; NE#1 has already been counseled by his chain of command and received a PAS entry relating to this incident; and that he has no prior sustained violations of this policy, or, for that matter any sustained findings on his record. Again, I commend NE#1 for self-reported this violation. This is the type of accountable and transparent behavior that the Department should encourage and support.

- **Training Referral:** NE#1 should receive additional training either from his chain of command or another appropriate entity in his chain of command's discretion concerning the elements of the ICV (and now Body Worn Video) policy. NE#1 should be counseled to ensure that he complies with all of the requirements of this policy in the future.

Recommended Finding: **Not Sustained (Training Referral)**