



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-1184

Issued Date: 03/23/2017

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	<b>Not Sustained</b> (Inconclusive)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee authorized units on the scene of an Officer Involved Shooting to deactivate their In-Car Videos (ICV).

#### **COMPLAINT**

The complainant, the Force Review Unit, alleged the Named Employee violated policy by authorizing units on scene to deactivate their ICV before the conclusion of an event.

## **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 evidence was clear that the Named Employee was asked for permission to allow officers to turn off their ICV. It was also clear that the sergeant who asked this question believed he received an affirmative response from the Named Employee. This all could be heard on audio from ICV recordings. However, it was not clear whether the Named Employee actually understood what he was being asked and intended to give all officers on-scene permission to de-activate ICV. It was also not clear whether the Named Employee knew that the Force Investigation Team (FIT) had been activated at the time the sergeant asked the Named Employee for authorization to turn off ICV. This incident was a very unusual one, the first officer-involved shooting of a dog under the FIT protocol. The record showed there was debate and consultation about whether this was a FIT situation. Finally, SPD policy permits on-scene incident commanders to authorize the de-activation of ICV for perimeter units in some cases when FIT has not been called and other on-scene units when the event has been concluded. In this particular case, the event had been concluded by the time the sergeant asked permission to turn off ICV. Given the unusual nature of this event, the lack of clarity regarding when FIT had actually agreed to respond, and the uncertainty regarding the Named Employee's understanding of an actual response to the request, the OPA Director found the allegation was not proven by a preponderance of the evidence.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

*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.*