



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0438

Issued Date: 10/24/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

While conducting a review of Use of Force, the complainant, a supervisor within the Department, was not able to find In-Car Video (ICV) for the two Named Employees.

## **COMPLAINT**

The complainant was unable to locate any In-Car Videos (ICV) for the Named Employee during review of a Use of Force. This was the case, even though both had ICV from earlier in their shifts, had reported that they believed their ICVs were activated at the time, and had also reported that they uploaded their videos at the end of their shifts.

## **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
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

When asked about the absence of video at his OPA interview, Named Employee #1 indicated that he did, in fact, record ICV on that date. (See NE#1 OPA Interview, at p. 2.) Named Employee #1 stated that even though he did so, when he later reviewed the ICV system there was no record of the video. (See id. at p. 3.) That changed, however, during his last review of the system prior to his OPA interview. (See id.) At that time, Named Employee #1 found an approximately one minute video from the date and time in question. (See id.) This video was ultimately not playable. (See id.)

From OPA's review of Named Employee #1's system log, Named Employee #1 did initiate a recording at approximately 01:06:46 hours via his wireless microphone and stopped the recording at 01:30:57 hours. (See Email Correspondence between OPA and Seattle IT.) Named Employee #1's system log indicated that the video was uploaded at 03:10:50 hours. (See id.) However, the log indicated that shortly thereafter, at 3:13:49 hours, there appeared to be an upload failure for that same video. (See id.) The video appeared to again be successfully uploaded 9 seconds later. (See id.) However, entries at 03:13:58 hours indicated that no data was recorded or was cut and that the video failed to properly upload. (See id.) There were no further indications of a later successful upload and the system was shut down by Named Employee #1 at 03:14:44 hours. (See id.) These errors were confirmed by Seattle IT personnel consulted by OPA. (See id.)

There was very clearly an error with Named Employee #1's system. Based on Named Employee #1's OPA interview, there is no indication that he was aware of this issue. This was a technical malfunction that OPA needed the assistance of IT to understand. As such, in the OPA Director's opinion, it seemed unreasonable to fault Named Employee #1 for not catching and remedying this error.

Moreover, the system log did, in fact, demonstrate that Named Employee #1 acted in accordance with policy by properly activating his ICV. That a video was not ultimately generated was the fault of Named Employee #1's system, not Named Employee #1 himself.

As with Named Employee #1, there appeared to be technical errors that prevented Named Employee #2's ICV from recording.

Named Employee #2, like Named Employee #1, contended that he did, in fact, activate his ICV on the date and time in question. Named Employee #2 stated that he turned on his ICV when he left the precinct to begin law enforcement activities. (See NE#2 OPA Interview, at p. 2.) He stated that he turned it on via his wireless microphone. (See id. at p. 3.) Named Employee #2 stated that he did not initiate an IT ticket for service for his ICV system because he was not aware that there was a failure to record until he was notified of this issue by the complainant. (See id. at pp. 3-4.)

From information provided to OPA by Seattle IT personnel, the failure to record could likely be traced to two root causes. The first was Named Employee #2's failure to properly input the event type and case identification number for a prior recorded incident. (See Email Correspondence between OPA and Seattle IT.) According to IT, this could have caused a failure to record because the system would not be operational until the above referenced information was entered. (See id.) The second possibility was that the failure to record was related to an error message on Named Employee #2's system log indicating that there was "not enough space on the disk." (See id.) IT confirmed that a lack of disk space could have caused no video to be recorded. (See id.)

SPD Policy 16.090-POL-1(12) requires that officers "enter data for recorded events." If Named Employee #2 failed to do so and this failure caused the absence of a recording, this would be a technical violation of policy. If, however, the failure to record was based on a lack of disk space, this would be matter outside of Named Employee #2's control and expertise. The OPA Director was unable to determine which was the ultimate cause of the failure to record.

However, the OPA Director requested that Named Employee #2 be counseled to remember to properly enter data for recorded events as required by policy.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

A preponderance of the evidence showed that there was very clearly an error with Named Employee #1's system that he was unaware of. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Employees Will Record Police Activity*.

**Named Employee #2**

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: Employees Will Record Police Activity*.

*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.*