



## **CLOSED CASE SUMMARY**

ISSUED DATE: JUNE 5, 2019

CASE NUMBER: 2019OPA-0160

### **Allegations of Misconduct & Director’s Findings**

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car and Body-Worn Video 7. Employees Will Document the Existence of Video or Reason for Lack of Video	Not Sustained (Unfounded)
# 2	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Not Sustained (Lawful and Proper)

***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:**

It was alleged that the Named Employee failed to activate In-Car Video and that he further did not document the lack of a recording.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

#### ***16.090 - In-Car and Body-Worn Video 7. Employees Will Document the Existence of Video or Reason for Lack of Video***

OPA verified that Named Employee #1 (NE#1) was working on the date in question, and that he arrived at his assigned location at 1727 hours and cleared from that assignment at 2007 hours. However, he did not record In-Car Video (ICV) during this time even though he was required to do so.

NE#1 wrote a statement that outlined his having conducted traffic control on the outer perimeter of a police scene. In that report, he did not mention or document the fact that there was no ICV from his vehicle.

OPA checked with SPD’s Information Technology Office (IT) about NE#1’s ICV. IT stated that it is increasingly common for ICV not to record even though the light bar was activated, which otherwise indicates that the system is operating properly. IT added that NE#1’s ICV system had the type of error that causes the ICV not to record even



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though the light was activated. IT confirmed that NE#1 would not have known that his ICV did not record unless he tried to view the video at a later time. IT provided OPA with a service ticket documenting that NE#1's unit was malfunctioning.

SPD Policy 16.090-POL-1(7) requires that Department employees document the existence of video or the reason for the lack of video. Officers are required to note the failure to record in an update to the CAD Call Report, as well as to provide an explanation for the lack of a recording in an appropriate report. (SPD Policy 16.090-POL-1(7)).

As described above, NE#1's ICV was malfunctioning on the night of this incident in such a way that NE#1 would never have known it was not properly functioning and recording. As such, OPA finds that NE#1 did not act contrary to the requirements of this policy and I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #1 - Allegation #2**

***16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity***

SPD Policy 16.090-POL-5 requires that officers recorded In-Car Video when appropriate. Here, as discussed above, NE#1 turned on his emergency lights which should have activated his ICV. This did not happen; however, this was not due to any fault or malfeasance on NE#1's part. To the contrary, NE#1 did exactly what he was supposed to do but his ICV still did not activate.

For these reasons, I find that NE#1 complied with policy even if he ultimately did not record ICV. As such I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**