

**OFFICE OF PROFESSIONAL ACCOUNTABILITY
COMPLAINTS REPORT
June - July 2011
OPA Director's Monthly Message**

The Office of Professional Accountability's monthly report provides information about police misconduct complaints. The report includes summaries as to cases closed during June and July 2011, along with data on the number and classification of complaints filed, with a comparison to last year. There are charts showing the percentage of cases closed with different types of findings and information about mediation and policy recommendations.

Prior monthly OPA reports included summaries of commendations that officers received, along with information on misconduct complaints. Commendations will now be handled by the Audit, Accreditation & Policy Section and will be reported and posted on the SPD webpage in the near future.

June and July 2011 Highlights

- The total number of complaints filed for the year to date is down slightly, from 338 to 300.
- 117 cases filed through July 2011 were classified for full investigation, either by the OPA Investigations Section or through the Line of Command, as compared to 122 cases during the same time period in 2010. The remaining complaints were referred to the named employee's supervisor for handling.
- 12% of cases closed through July 2011 were Sustained, while 25% resulted in a Supervisory Intervention (training referral). These figures are up from those reported through May 2011 (11% Sustained and 23% Supervisory Intervention).

Complaints Involving Civilian Employees and Retired Police Officers

Through oversight of the complaint investigation process and by making policy and training recommendations, OPA works to ensure that the Police Department provides services that are respectful of citizens' rights, in conformance with SPD policy, and in line with best practices in policing. While most complaints filed with the OPA involve allegations of misconduct by police officers, the OPA also investigates concerns raised about civilian employees at SPD, along with retired officers working in a policing capacity, such as traffic flagging.

This report contains examples of complaints involving an SPD civilian employee and a retired officer. In both situations, there were Sustained findings that the individuals named had engaged in misconduct. Ultimately, whether investigating a current officer, an SPD civilian employee, or a retired officer, OPA works with the Department to ensure that all uphold the values of integrity, ethical decision making and respect for citizen rights.

**Office of Professional Accountability (OPA)
Complaints Report
June - July 2011**

June-July Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

EMPLOYEE CONDUCT: LAWS

| Synopsis | Action Taken |
|---|--|
| <p>Named officer's minor child reported to school personnel that her mother, the named officer, had injured her shoulder by yanking it.</p> | <p>Allegation and Finding: Administrative Violation of Law (domestic violence assault) – Unfounded</p> <p>The evidence, including investigation by Child Protective Service and review by the King County Prosecutor's Office, demonstrated that the misconduct alleged did not occur.</p> |
| <p>Complainant, a representative of a racial/ethnicity rights organization who was not present during the incident, alleged on behalf of the victim of a possible theft, that the named officers, who had been dispatched to investigate the possible theft, inappropriately asked the victim for her "papers" and, without justification, looked in a bag in the possession of the victim.</p> | <p>Allegations and Findings: Named officer #1: Administrative Violation of Law (immigration papers) – Unfounded Named officer #2: Improper Search – Supervisory Intervention</p> <p>The evidence demonstrated that the named officers and the victim of the crime, in the course of discussing the reported theft, did not understand each other while attempting to ascertain the identity of the victim in order to complete the reporting of the crime, i.e., the officers were asking the victim to identify herself for their report; the victim thought the officers were asking for immigration papers. The evidence also demonstrated that named officer #2 lacked justification to look into the bag in the victim's possession. Again, the evidence demonstrated that this improper search also may have, in part, resulted from miscommunication.</p> <p>Corrective action: Named officer #2 counseled regarding ensuring clear communication when basing a search upon the consent of the person in possession of the item to be searched.</p> |

EMPLOYEE CONDUCT: LAWS

| Synopsis | Action Taken |
|--|--|
| <p>Complainant, a confidential informant for a neighboring police jurisdiction and an illegal drug dealer, alleged that the named officer forced the complainant to forgive an \$8,000 debt that the named officer's child owed him for illegal drugs that the child had purchased for personal use and that the named officer demanded that the complainant give him \$10,000. The complainant alleged that the named officer insinuated that the complainant and the complainant's family would be at risk if the complainant did not pay the money.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Extortion) – Unfounded 2. Misuse of Authority – Supervisory Intervention <p>The evidence, including a criminal investigation by the Federal Bureau of Investigation, demonstrated that the named officer did not engage in any illegal conduct. The evidence also demonstrated that the named officer told the complainant to stop selling illegal drugs to the named officer's child and to stop attempting to contact his child while he was in a substance rehabilitation program. The evidence demonstrated that the named officer was understandably attempting to protect his son from a predatory illegal drug dealer who was persistently pursuing him but that a protracted investigation could have been avoided had the named officer promptly reported the conduct of the complainant/illegal drug dealer to authorities for more appropriate attention.</p> <p>Corrective action: A supervisor of named employee will review case and discuss the importance to err on the side of bringing in other law enforcement in such situations to avoid the potential for perceived or real misuse of authority.</p> |

EMPLOYEE CONDUCT: INTEGRITY

| Synopsis | Action Taken |
|---|---|
| <p>Complainant alleged that the named employee, a civilian employee of the Department, provided false or altered evidence during both an investigation being conducted by another city department and an internal investigation being conducted by the Office of Professional Accountability.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Integrity – Sustained 2. Honesty – Sustained <p>The evidence demonstrated that the named employee provided false or altered evidence to both the city department investigating his conduct and to the Office of Professional Accountability conducting its investigation.</p> <p>Corrective action: The Chief of Police proposed a disciplinary action of termination however, the named employee resigned from employment prior to the Chief of Police imposing final discipline.</p> |

EMPLOYEE CONDUCT: HONESTY

| Synopsis | Action Taken |
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| Complainant alleged that the named officers violated Department policy regarding the approval of DUI arrest reports. | <p>Three named officers and same allegations against each officer. Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Honesty – Supervisory Intervention 2. Arrest Procedure – Supervisory Intervention <p>The evidence demonstrated that while the substance of the arrests made by the named officers was not at issue, the named officers failed to comply with a Department policy regarding the approval of their DUI arrests.</p> <p>Corrective action: Traffic Section supervisors discussed with the officers the importance of complying with Department policy and the Department instituted regular audits of DUI arrests by the Traffic Section.</p> |

EMPLOYEE CONDUCT: MISUSE OF AUTHORITY

| Synopsis | Action Taken |
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| Complainant alleged that the named officer inappropriately appeared in court to testify on behalf of a defendant in a criminal proceeding. | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Misuse of Authority – Supervisory Intervention 2. Court Appearance – Supervisory Intervention <p>The evidence demonstrated that the named officer had been actively involved with the care of an adult relative suffering from severe mental health issues, that the relative became involved in criminal activity, that the named officer appeared once in court in civilian clothes to testify on behalf of his relative but that on another occasion appeared similarly but while wearing his Seattle Police uniform.</p> <p>Corrective action: Named officer counseled to avoid wearing his uniform under circumstances that could be perceived as a conflict of interest.</p> |

EMPLOYEE CONDUCT: COMMUNICATIONS/CONFIDENTIALITY

| Synopsis | Action Taken |
|--|---|
| Complainant alleged that the named officer failed to properly route to the court numerous traffic citations that she had issued, resulting in the inability of the court to address these matters due to many of the citations being beyond the statute of limitations binding the authority of the court. | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Communication and Confidentiality – Supervisory Intervention 2. Citation Processing – Supervisory Intervention <p>The evidence demonstrated that the named officer on multiple occasions failed to ensure that the traffic citations that she had issued were properly routed to the court, which resulted in many citations not being processed. These allegations would have occurred outside of the 3 year limitation in the Seattle Police Officer's Guild Contract and thereby not subjecting the named employee to discipline.</p> <p>Corrective action: Counseled regarding the importance of ensuring compliance with procedures for the proper routing of traffic citations to the court.</p> |

EMPLOYEE CONDUCT: PROFESSIONALISM

| Synopsis | Action Taken |
|---|--|
| <p>The following three cases involve the same named retired employee:</p> <p>Complainant alleged the named retired officer working as a traffic flagger at a construction site, was rude, used inappropriate language, and failed to identify himself when he contacted her as she momentarily stopped her car to drop off a passenger.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Lack of Courtesy – Sustained 2. Use of Profanity – Sustained 3. Failure to Identify – Sustained <p>The evidence demonstrated that the named officer was discourteous, used profanity, and failed to identify himself.</p> <p>Corrective action: Revocation of the named officer's retired officer's extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p> |
| <p>Complainant alleges named officer was discourteous to his two children when he made contact with them while working a traffic post.</p> | <p>Allegation and Finding:</p> <p>Lack of Courtesy – Sustained</p> <p>Corrective action: Revocation of the named officer's retired officer's extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p> |
| <p>Third party complainant alleges that named officer was observed speaking discourteously toward a jaywalker and used force to push the jaywalker out of the street and back onto the sidewalk.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Sustained 2. Lack of Courtesy – Not Sustained <p>The evidence established that the named officer used unnecessary force when he pushed jaywalker back onto the sidewalk. The allegation of lack of courtesy was neither proved nor disproved by a preponderance of the evidence.</p> <p>Corrective action: Revocation of the named officer's retired officer's extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p> |
| <p>Complainant alleged that the named officers, who had reviewed a security camera video tape from a private business, should have recognized the conduct recorded on the video tape as misconduct by the officer recorded and should have reported the conduct, as such, to the OPA or to their respective supervisors.</p> | <p>Two named officers</p> <p>Same allegation and finding for both named officers:</p> <p>Failure to Report Misconduct – Not Sustained</p> <p>The evidence demonstrated that the video tape had been reviewed by prosecuting attorneys without apparent concern being noted and was inconclusive regarding whether the conduct captured on the video tape constituted misconduct.</p> |

EMPLOYEE CONDUCT: PROFESSIONALISM

| Synopsis | Action Taken |
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| <p>Complainant, a tenant in a house owned by named officer #2, alleged that named officer #2 misused his police authority when interacting with her in their landlord-tenant relationship and that named officer #1 was discourteous toward her when, while on-duty in a stand-by to assure the peace role, accompanying named officer #2 as named officer #2 inspected his house in his role as the landlord.</p> | <p>Two named officers Allegations and Findings: Named officer #1: 1. Lack of Courtesy – Exonerated Named officer #2: 1. Unauthorized Absence from Duty – Supervisory Intervention 2. Misuse of Authority – Unfounded 3. Misuse of Department E-mail – Exonerated</p> <p>The evidence demonstrated that named officer #2 was interacting with the complainant, off-duty, in their relationship as landlord-tenant and that he did not use his authority as a police officer in this relationship. The evidence demonstrated that named officer #2's use of the Department's e-mail system was within policy. The evidence demonstrated that named officer #2 did overextend his lunch break on one occasion to take care of personal business related to his secondary employment as a landlord. The evidence demonstrated that named officer #1 acted appropriately in his role as a police officer when he on one occasion accompanied named officer #2 to stand-by as named officer #2 checked on his house in his role as the landlord. Named officer #1 acted in the capacity of any other officer who would have been dispatched to such a situation.</p> <p>Corrective action: Named officer #2 was counseled regarding ensuring that he complies with Department policy regarding work breaks.</p> |

EVIDENCE & PROPERTY

| Synopsis | Action Taken |
|--|--|
| <p>Complainants, whom the named officers had been dispatched to evict from their hotel room, alleged that the named officers were sarcastic, rude, misidentified themselves, and misplaced some personal property of theirs.</p> | <p>Two named officers Allegations and Findings: Named officer #1: 1. Mishandling Property – Exonerated 2. Lack of Courtesy – Supervisory Intervention Named officer #2: 1. Mishandling Property – Exonerated 2. Lack of Courtesy – Supervisory Intervention 3. Honesty – Supervisory Intervention 4. Failure to Identify – Sustained</p> <p>The evidence demonstrated that the named officers were rude to the complainants and that named officer #2, when asked for his name by the complainants, sarcastically pointed to the name tag on his uniform (which was his true name) and stated his name was other than what his name tag noted. The evidence demonstrated that the named officers did not mishandle the complainant's personal property. Note: the honesty allegation derives from named officer #2 sarcastically not providing his true name when asked and nothing more.</p> <p>Corrective action: Verbal reprimand.</p> |

DEPARTMENT OVERSIGHT: PUBLIC & INTERNAL COMPLAINT PROCESS

| Synopsis | Action Taken |
|--|--|
| Complainant, who was at one time along with her husband, close friends with named employee, alleged that the named employee, whom she had previously filed an OPA complaint was now harassing her because of the previous complaint. | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Retaliation – Administratively Inactivated 2. Lack of Courtesy – Administratively Inactivated <p>The evidence demonstrated that the present allegation of misconduct likely was residue remaining from the previously investigated matter and that the complainant, after having made the subsequent allegations, decided not to pursue them. Due, in part, to the thoroughness of the previous investigation involving the same parties, the present case was inactivated pending further information that would warrant re-opening the investigation.</p> |

DEPARTMENT INFORMATION SYSTEM: CRIMINAL RECORDS

| Synopsis | Action Taken |
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| Complainant, a patrol supervisor, alleged that the named officers improperly accessed WACIC/NCIC databases to determine whether two handguns that they were considering buying on an on-line auction website were stolen or not. | <p>Two named officers, same allegations and findings for each</p> <p>Allegations and Findings: Violation of Department Criminal Records Policy – Supervisory Intervention</p> <p>The evidence, including the admissions of the named officers, demonstrated that the named officers, for a reason not related to their duties, accessed the WACIC/NCIC databases to check the stolen status of two items they were interested in buying from an on-line auction website.</p> <p>Corrective action: Counseled regarding the inappropriateness of using Department databases for personal business.</p> |

PATROL OPERATIONS: IN-CAR VIDEO

| Synopsis | Action Taken |
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| Complainant alleged that, as he was walking across the street, named officer #2 used the patrol car public address system to advise him regarding jaywalking and that, in response, he “flipped off” the officer with his middle finger. The complainant alleged that, at this point, the named officers exited their patrol car, inappropriately “frisked” him, called him inappropriate names, and issued him a pedestrian citation for failing to obey a pedestrian traffic control device. OPA added an allegation that the named officers did not properly use their in-car video system. | <p>Two named officers</p> <p>Allegations and Findings:</p> <p>Named officer #1:</p> <ol style="list-style-type: none"> 1. Failure to Use In-Car Video – Supervisory Intervention <p>Named officer #2:</p> <ol style="list-style-type: none"> 1. Use of Derogatory Language – Not Sustained 2. Unnecessary Use of Force – Unfounded 3. Failure to Use In-Car Video – Supervisory Intervention <p>The evidence demonstrated that, while the named officers had justification to temporarily detain the complainant for a suspected pedestrian violation, they did not properly use their in-car video system. The evidence further demonstrated that named officer #2 did not use unnecessary force on the complainant and the evidence was inconclusive regarding whether named officer #2 used inappropriate language toward the complainant.</p> <p>Corrective action: Named officers were counseled regarding ensuring that they comply with Department policy regarding the use of in-car video.</p> |

SEARCH & SEIZURE: SEARCHES-GENERAL

| Synopsis | Action Taken |
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| <p>Two complainants allege that the named officer lacked justification to temporarily detain and "frisk" (pat down search) them and that this detention caused them to miss a bus for which they were waiting.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unjustified Temporary Detention – Supervisory Intervention 2. Unjustified Search – Supervisory Intervention <p>The evidence demonstrated that the named officer, though subjectively believing that the complainants may have been involved in criminal activity, could not adequately and objectively articulate his justifications for both temporarily detaining and searching the complainants for weapons or contraband.</p> <p>Corrective action: Counseled regarding the need to adequately articulate the reasonable suspicion necessary to justify both an investigative detention and a pat down for weapons.</p> |
| <p>Complainant alleged that for no reason the named officers stopped him as he was walking along the sidewalk, pinned him to the hood of their patrol car, and violated his civil rights, putting him in fear of his life.</p> | <p>Two named officers, same allegations and findings for each.</p> <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Improper Investigative Detention – Exonerated 2. Unnecessary Use of Force – Not Sustained 3. Failure to Use In-Car Video – Supervisory Intervention <p>The evidence demonstrated that the named officers had a reasonable suspicion to believe that the complainant had just been involved in a street-level illegal drug transaction, was possibly armed (the apparent handgun in the complainant's waistband turned out to be a box cutter with a handle that looked like an ammunition magazine from a Glock handgun), and was attempting to elude the named officers by zig-zagging his way through a grocery store parking lot as he walked quickly away from the named officers. The evidence also demonstrated that while the named officers described the force they used as minimal, necessary, and reasonable, the complainant described it as forceful and causing him injury (no evidence other than the complainant's assertion that he was injured). The evidence regarding the unnecessary use of force was inconclusive. The evidence demonstrated that the named officers failed to activate the in-car video system as required by Department policy.</p> <p>Corrective action: Named officers counseled regarding the use of the in-car video system.</p> |

SEARCH & SEIZURE: USE OF FORCE

| Synopsis | Action Taken |
|---|---|
| <p>A local news station broadcast a segment related to the arrest of several robbery suspects out of which arose a widely publicized allegation of misconduct that was investigated by the OPA and reviewed by the King County Prosecuting Attorney. Because this news story, though based upon the same incident that had been previously investigated, involved a different complainant from the earlier investigation, it was again reviewed by the OPA.</p> | <p>Two named officers and a third unknown officer Allegations and Findings: Unnecessary Use of Force – Administratively Unfounded</p> <p>The evidence demonstrated that the assertions of misconduct by the complainant could not be established or did not occur as alleged.</p> |
| <p>Complainant and her companions were at a nightclub when they discovered upon returning to their car that someone had apparently broken into their car and attempted to report it to nearby officers, the named officers in this case. Complainant alleged that the named officers told her to report the damage via telephone. The complainant further alleged that when she and her companions then returned to their car, they were confronted and assaulted by several suspects and that the named officers did not do enough to assist her and her companions in addressing this matter, noting that the named officers used profanity toward her and pushed her away.</p> | <p>Two named officers Allegations and Findings: Named officer #1: 1. Unnecessary Use of Force – Unfounded 2. Failure to Investigate – Exonerated 3. Use of Profanity – Not Sustained Named officer #2: 1. Unnecessary Use of Force – Unfounded 2. Failure to Investigate – Exonerated</p> <p>The evidence demonstrated that the named officers did not use force against the complainant and that they acted appropriately when investigating the matter. The evidence was inconclusive regard whether named officer #1 used inappropriate language toward the complainant.</p> |
| <p>Complainant, who was among a large group of people involved in a fight disturbance in front of the complainant's house to which the two named officers, four other officers, and a sergeant were dispatched, alleged that the two named officers used unnecessary force on him in breaking up the fight disturbance.</p> | <p>Two named officers Same allegation and finding for each: 1. Unnecessary Use of Force – Administratively Exonerated</p> <p>The evidence demonstrated that the force used was reasonable and necessary under the circumstances. The complainant did not complain of the misconduct until two months after the event.</p> |

SEARCH & SEIZURE: USE OF FORCE

| Synopsis | Action Taken |
|--|---|
| <p>Complainant alleged that multiple officers involved in the stop and arrest of several armed robbery suspects used unnecessary force, failed to report the use of force, used inappropriate language, failed to report misconduct, and failed to properly use the in-car video system. Complainant also alleged a supervisor at the scene failed to adequately manage the scene.</p> | <p>Seven named officers Allegations and Findings: Named officer #1: 1. Unnecessary Use of Force – Supervisory Intervention 2. Failure to Report Use of Force -- Sustained 3. Use of Derogatory Language – Sustained 4. Use of Profanity -- Sustained Named officer #2: 1. Failure to Use In-Car Video – Supervisory Intervention Named officer #3: 1. Failure to Report Misconduct – Supervisory Intervention Named officer #4: 1. Failure to Report Misconduct – Supervisory Intervention Named officer #5: 1. Failure to Supervise – Sustained 2. Failure to Report Use of Force – Supervisory Intervention Named officer #6: 1. Failure to Report Misconduct – Supervisory Intervention 2. Use of Profanity – Supervisory Intervention Named officer #7: 1. Unnecessary Use of Force – Exonerated 2. Failure to Report Use of Force – Sustained 3. Use of Profanity – Supervisory Intervention</p> <p>The evidence demonstrated that some of the actions of the named officers in this highly publicized case constituted misconduct.</p> <p>Corrective action: Named officer #1 received a 30-day suspension without pay, a disciplinary transfer of assignment, mandatory training on racial issues, and mandatory participation in some of the Department’s social justice outreach efforts. Named officer #5 received a 10-day suspension without pay, retraining on supervisory responsibility, and training on racial issues. Named officer #7 received a written reprimand.</p> |
| <p>Complainant, who was in a crowd of about 100 people crossing the street after a large sporting event at a stadium, alleged that the named officer used inappropriate language toward him, used unnecessary force against him by tugging on his arm to pull him from traffic, and failed to identify himself when the complainant asked him for his name.</p> | <p>Allegations and Findings: 1. Unnecessary Use of Force – Unfounded 2. Failure to Identify – Exonerated 3. Use of Profanity – Sustained</p> <p>The evidence demonstrated that the named officer adequately identified himself and did not use unnecessary force against the complainant, but did use a pejorative word to refer to the complainant.</p> <p>Corrective Action: Oral reprimand</p> |

SEARCH & SEIZURE: USE OF FORCE

| Synopsis | Action Taken |
|---|---|
| <p>The complainant, whom officers had arrested for several outstanding warrants, alleged that officers handled her roughly and inappropriately touched her during the arrest process.</p> | <p>Unknown officer(s) (because the complainant was so intoxicated and vague with her allegations, it was determined that to name any individual officer was not warranted)</p> <p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force- Administratively Unfounded 2. Lack of Courtesy – Administratively Unfounded <p>The evidence demonstrated that three officers were involved in the arrest of the complainant and that no reportable force was used by the officers. Additionally, one of the named officers knew the complainant because of a previous professional contact and was bantering with her regarding the previous contact. It was chuckling by one of the officers during this bantering that the complainant described as “discourteous.”</p> |
| <p>Complainant, whom the named officer had contacted for throwing a lit cigarette to the ground, alleged that the named officer used unnecessary force when moving the complainant from where he had tossed the lit cigarette to the named officer’s patrol car which was nearby.</p> | <p>Allegation and Finding: Unnecessary Use of Force – Not Sustained</p> <p>The evidence demonstrated that the named officer, while acting as a back-up officer for other officers responding to a noise disturbance at an apartment complex, became involved with the complainant who was standing nearby him and flipped a lit cigarette to the ground. The evidence demonstrated that the named officer was justified in contacting the complainant regarding the tossing of the lit cigarette to the ground. The evidence regarding whether the named officer used unnecessary force in controlling the complainant is inconclusive.</p> |
| <p>The complainants, to whose apartment the named officers had been dispatched at 4:00 AM to address a noise disturbance, including a woman screaming, alleged that the named officers used unnecessary force and refused to identify themselves to the complainants.</p> | <p>Three named officers Same allegations and findings for each named officer:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Exonerated 2. Failure to Identify – Unfounded <p>The evidence demonstrated that the named officers used minimal, necessary, and reasonable force to control the complainants, i.e., grasping them to guide their movements (evidence demonstrated that the complainants were intoxicated) and ensure that the complainants, whose behavior was already uncooperative and escalating, did not escalate the situation into something more serious. The evidence demonstrated that the named officers adequately identified themselves, including leaving a business card with the complainants.</p> |

SEARCH & SEIZURE: USE OF FORCE

| Synopsis | Action Taken |
|---|---|
| <p>Named officers had been dispatched to multiple reports of a man peering in the windows of residences and exposing himself to female occupants. The named officers saw the complainant, suspected him of being the suspect, and called for him to stop. Complainant refused to comply and ran from the officers. The named officer pursued the complainant on foot and eventually caught up with him. The complainant alleged that the named officers used unnecessary force on him, were discourteous, and failed to identify themselves to him.</p> | <p>Five named officers Same allegations and findings for each named officer</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Administratively Exonerated 2. Failure to Identify – Administratively Unfounded <p>The evidence demonstrated that the named officers acted reasonably and justifiably, properly and thoroughly reported the incident, and ensured that the incident was promptly and thoroughly screened by a patrol supervisor.</p> |
| <p>Complainant, who was not present when the named officers were investigating a reported disturbance at a nightclub involving a friend of the complainant, responded to the scene and alleged that the named officers used unnecessary force on her, were discourteous toward her, and threatened to arrest her for merely observing her friend and the officers.</p> | <p>Two named officers Same allegations and findings for each named officer:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Exonerated 2. Lack of Courtesy – Not Sustained 3. Interfering with Observation of Police – Unfounded <p>The evidence demonstrated that the named officers used minimal, necessary, and reasonable force to guide the actions of the complainant as they interfered with the actions of the named officers attempting to investigate the disturbance to which the complainant was not a party but into which she was attempting to insert herself. The evidence demonstrated that the named officers did not interfere with the complainant's effort to observe them. The evidence was inconclusive regarding whether the named officers were discourteous toward the complainant.</p> |

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not Sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Mediation Program:

The OPA Director selected 12 cases to be resolved through the Mediation Program during June and July of 2011.

Of the 12 cases selected for the Mediation Program, 5 complainants declined to participate. In 2 cases the complainants both withdrew their complaints and thanked OPA for following up and taking their complaints serious. OPA has not made contact with the complainant in 1 case and 1 complainant will contact OPA with her decision. 3 cases are scheduled for mediation.

Cases Opened (2010/2011 by Month Comparison)

| Date | PIR | | SR | | LI | | IS | | TOTAL | |
|---------------|------------|------------|------------|-----------|-----------|-----------|------------|------------|------------|------------|
| | 2010 | 2011 | 2010 | 2011 | 2010 | 2011 | 2010 | 2011 | 2010 | 2011 |
| 1/1-1/31 | 8 | 9 | 8 | 8 | 1 | 1 | 12 | 19 | 29 | 37 |
| 2/1-2/28 | 18 | 19 | 9 | 5 | 1 | 1 | 16 | 17 | 44 | 42 |
| 3/1-3/31 | 30 | 12 | 6 | 7 | 1 | 3 | 16 | 10 | 53 | 32 |
| 4/1-4/30 | 31 | 17 | 9 | 14 | 3 | 6 | 13 | 17 | 56 | 54 |
| 5/1-5/31 | 15 | 25 | 10 | 12 | 3 | 2 | 23 | 17 | 51 | 56 |
| 6/1-6/30 | 25 | 16 | 14 | 13 | 1 | 1 | 13 | 14 | 53 | 44 |
| 7/1-7/31 | 23 | 17 | 10 | 9 | 1 | 2 | 18 | 7 | 52 | 35 |
| 8/1-8/31 | 20 | | 6 | | 3 | | 12 | | 41 | 0 |
| 9/1-9/30 | 16 | | 9 | | 4 | | 17 | | 46 | 0 |
| 10/1-10/31 | 13 | | 9 | | 5 | | 17 | | 44 | 0 |
| 11/1-11/30 | 12 | | 16 | | 8 | | 19 | | 55 | 0 |
| 12/1-12/31 | 18 | | 13 | | 2 | | 13 | | 46 | 0 |
| Totals | 229 | 115 | 119 | 68 | 33 | 16 | 189 | 101 | 570 | 300 |

Complaint Classification

Preliminary Investigation Report (PIR) complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.

Supervisory Referral (SR) complains are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.

Line Investigations (LI) complaints involving minor misconduct are investigated by the officer's chain of command.

Investigation Section (IS) complaints are more complex and involve more serious allegations and are investigated by OPA-IS.

