

## Office of Professional Accountability (OPA) Commendations & Complaints Report Aug 2008

### Commendations:

Commendations Received in Aug: 37

Commendations Received to Date: 195

<b><i>Arulaid, Stephan</i></b>	Officer Arulaid received a letter of commendation for his assistance regarding a burglary incident July 27 <sup>th</sup> . His advise regarding improved security enhancements proved very helpful. The citizen thanked Officer Arulaid for his candor, wisdom and experience concerning storefront break-ins.
<b><i>Bassett, Jill</i></b>	Officer Bassett received a letter of commendation for her assistance with victims of a car prowler. Officer Bassett went above and beyond in helping and was very sympathetic to their situation. It was a really great interaction on every level and the citizens were really grateful to Officer Bassett for providing them with a positive experience in an otherwise very unhappy situation.
<b><i>Bernstein, Alan Bruce, Walter Bright, Bryan Harner, Marshall Kowalchuk, Joseph Palacol, Juan Rand, Byron Schubeck, Eugene Shaub, William Thomas, Brian</i></b>	A letter of thanks was received by several police officers and Sergeant Bernstein for their prompt response to an incident at the Washington Poison Center that would have escalated if they had not arrived so quickly. The employees were commended on their professionalism and ability to show empathy with the parties.
<b><i>Boyland, Weldon</i></b>	Officer Boyland received an e-mail of appreciation for the manner in which he turned a traumatic experience into a calm one, when a victim was involved in a three-way car crash.  Officer Boyland received a second commendation for his exceptional assistance and contribution towards the successful recovery of a prototype handset.
<b><i>Brown, Steven Eagle, Louis Fitzgerald, James Gracy, Paul Wilson, Ronald</i></b>	Several SPD personnel received a letter of commendation for their exceptional assistance during the Bite of Seattle. Gratitude was expressed for the outstanding leadership, service and support, and especially for the coordination, communication and all the details that created a strong team effort and working relationship that in the end helped ensure public safety.
<b><i>Christophersen, Randy</i></b>	A letter of thanks was received for Detective Christiansen's diligence in locating the person suspected of threatening a local reporter.

<b><i>Gordon, Angela Heller, Thomas Wendling, Robert Whalen, Terry</i></b>	Sergeant Gordon and Officers Heller, Whalen and Wendling received a letter of commendation for their professionalism and kindness provided to a spouse the night her husband died at their home.
<b><i>Hagemann, Clark Hillan, Bridget</i></b>	Officers Hageman and Hillan received a note of appreciation for the way they handled a burglary of a business. The two officers responded quickly, were extremely thorough, were very friendly, gave lots of advice on how to prevent or deter a repeat event, and were very efficient.
<b><i>Hanf, Mark</i></b>	Detective Hanf received a thank you card for his outreach to a local school where he talked with the kids and gave them a great idea of how to use math and science skills for something interesting such as police work.
<b><i>Kane, Micheline Kibbee, Todd Schoenberg, Brett</i></b>	Officers Kane and Kibbee and Student Officer Schoenberg received a letter of commendation from a citizen for their professional, considerate, and helpful approach when responding to an attempted burglary of a home. The Officers took the time to reassure the citizen, who is a single mother, that her home was secure.
<b><i>Larned, Michael Norton, Derek</i></b>	Officers Larned and Norton received a letter of thanks and appreciation for their efforts in reaching out to the Sheikh Abdul Qadir Idriss Mosque Islamic Center of Washington at its annual appreciation barbeque. The officers were very professional, polite and friendly. Their presence was reassuring and people felt comfortable around them. The children were thrilled to be able to meet and talk with real police officers and appreciated the junior police stickers.
<b><i>Oshikawa-Clay, Kevin Seavey, Robert</i></b>	Officers Oshikawa and Seavey received a letter of commendation for making a difference with an out-of-control tenant. The tenant was thought to be on drugs and had a history of violence and was displaying destructive behavior. The compassion shown by the officers for the tenant and trust and respect helped resolve a very frustrating and dangerous situation.
<b><i>Robinson, Randall</i></b>	Officer Robinson received e-mail for his help in dealing with a mobile methadone clinic. A business was having a huge problem with the patients of the methadone clinic and Officer Robinson took it upon himself to speak with the staff and resolve the possible conflict.
<b><i>Sylvester, David</i></b>	Officer Sylvester received a letter of commendation for rescuing a family whose car engine had died. Officer Sylvester was friendly and considerate; he acted as a true professional of the Seattle Police Department.
<b><i>Washburn, Michael</i></b>	Captain Washburn received a letter of praise for his efforts in making a difference and improvement in the Fremont Community. Captain Washburn's professionalism, accountability, responsiveness, and especially his approachability and openness, was extremely appreciated.

**Aug 2008 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.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
The complaint alleged that the named employee, in the course of dealing with a large and hostile crowd, used inappropriate language in the presence of a 12yr old girl.	The preponderance of the evidence established that the employee did use the language as alleged, but that it was not directed to the young girl. The investigation further established that the language was intended to shock the complainant into calming down and was parroting language being used by the complainant. A supervisor responded to the scene and spoke all involved parties. It was determined that the best resolution for this complaint was additional training and counseling. Finding—SUPERVISORY INTERVENTION
The complainant states that the employee refused to take a report and used inappropriate language during the interaction.	The investigation determined that while no requirement existed for the mandatory taking of a report, the employee could have easily done so and better assisted the citizen. Finding—SUPERVISORY INTERVENTION.  The investigation also determined that, considering the circumstances, the language used by the employee was not inappropriate. Finding--EXONERATED
It was alleged that named employees discouraged a victim from making a report as a result of one of the employee's on-going relationship with the victim.	The preponderance of the evidence indicated that the alleged acts of misconduct did not occur. The victim also contradicted the allegations. None of the available facts lent any credence to the anonymous complaint. Finding—ADMINISTRATIVELY UNFOUNDED

**STANDARDS OF CONDUCT: INTEGRITY**

Synopsis	Action Taken
The complaint alleged that the named employee inappropriately attempted to persuade another employee to revise a report in a manner that would benefit a known associate.	The investigation determined that the employee did violate policy through both a misuse of his authority and by engaging in conduct that created a conflict of interest. Counseling and training will be used to address the situation. Finding—SUPERVISORY INTERVENTION

**VIOLATION OF LAW**

Synopsis	Action Taken
The complainant alleged that the named employee committed a violation of law by making harassing phone calls to her.	Significant medical issues prevented the employee from participating in the investigation. All criminal charges against the employee were dismissed in the interest of justice. Finding—ADMINISTRATIVELY INACTIVATED

**UNNECESSARY FORCE**

Synopsis	Action Taken
The complaint alleged that the named employee used unnecessary force on a subject in custody. Further, in the course of the investigation, an additional allegation of failure to cooperate with the investigation was added to the original complaint.	The investigation determined that the named employee exceeded the amount of force necessary and reasonable and that other possible alternatives were available that were not taken. Finding—SUSTAINED  The named employee exhibited an apparent lack of candor in the course of the investigation and the investigation determined that the employee was in violation of the SPD Policy manual section requiring that the employee answer truthfully and render complete, material and relevant statements. Finding-Policy Violation--SUSTAINED
The mother of a subject called to complain that unnecessary force was used while her son was being arrested on two separate occasions.	While the subject's mother was not present at either arrest, the evidence convincingly contradicted the subject's versions of the incidents. The evidence established that the force used in both incidents was reasonable, necessary and consistent with departmental policy. Finding--EXONERATED
The complaint alleged that the named employee used excessive force by pushing the complainant as he was being interviewed by private security at an event.	The complainant himself, and other witnesses, all admit that the complainant was intoxicated at the time of the incident. The complainant further admitted that the force used was intended only to control him and it was not delivered in a "fighting" manner. The force used was determined to be minimal, reasonable and necessary. Finding--EXONERATED
The complainant states that the named employee, for no reason and without lawful justification, pulled him from his vehicle injuring his back.	Two issues were examined in this investigation. The first issue is the legal basis for the initial contact. The investigation determined that the named employee lacked a reasonable and articulable basis for a detention. With this lack of reasonable suspicion to detain the complainant, any force, even though minimal, would be considered unnecessary. Had the stop been justified, the force used would have been found to be justified and reasonable. Because it is difficult to always identify a bright line as to reasonable suspicion to detain, training and counseling was deemed appropriate. FINDING—Both Allegations—SUPERVISORY INTERVENTION

The complainant alleged that the named employee struck him in the head after he was handcuffed.	The investigation determined that the named employee did unintentionally strike the complainant with his arm while assisting in the complainant's apprehension. The employee did not know the complainant had been handcuffed and the complainant was still struggling at the time of his intervention. While the inadvertent strike as the employee dove onto the complainant was unfortunate, it was not considered unreasonable or excessive. Finding— ADMINISTRATIVELY EXONERATED
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### **EVIDENCE & PROPERTY**

Synopsis	Action Taken
The complaint alleged that the named employee stole \$260 from him at the time of his arrest.	The allegations could not be corroborated and the preponderance of the evidence established that the misconduct did not occur as alleged. Finding-- UNFOUNDED

### **Aug Cases Mediated:**

No mediations were conducted in August

## 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.

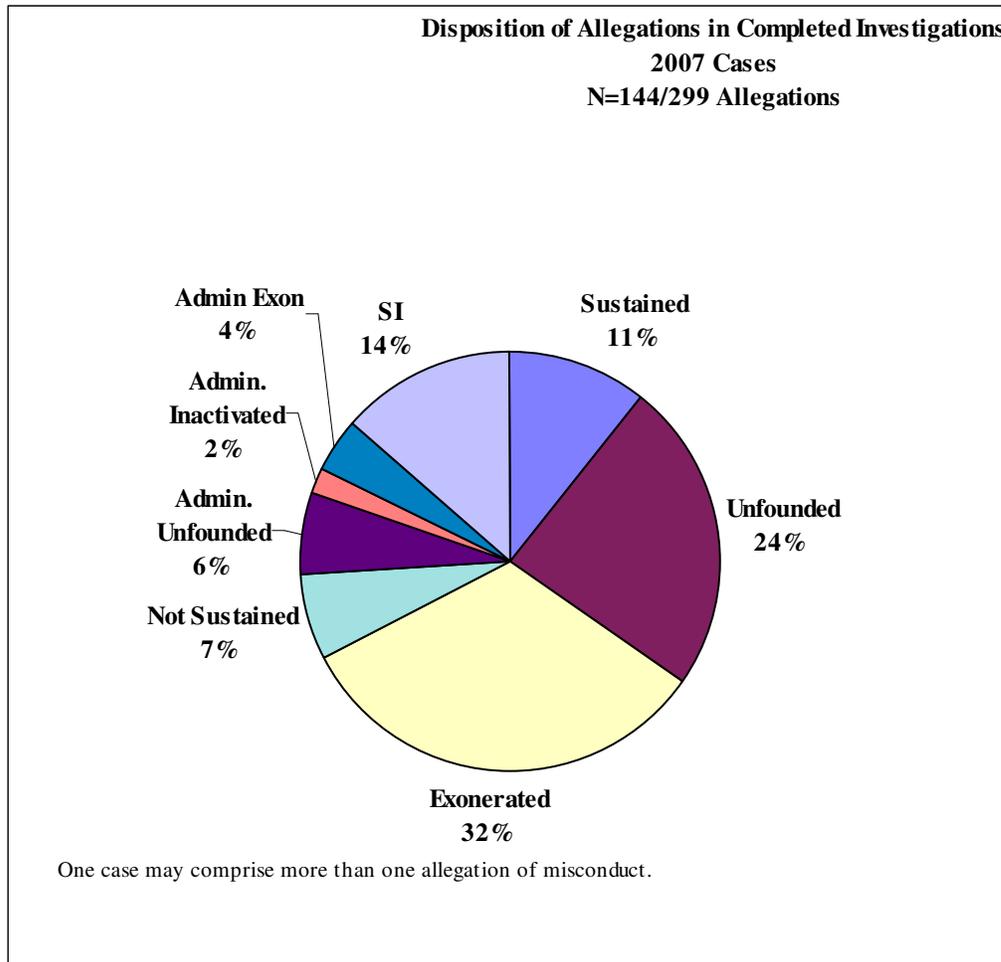
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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.

Cases Opened (2007/2008 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
1/1-2/15	39	37	14	7	0	2	19	15	72	61
2/16-3/15	25	22	6	9	1	1	13	11	45	43
3/16-4/15	20	20	3	5	2	1	14	5	39	31
4/16-5/15	37	21	10	5	1	2	12	14	60	42
5/16-6/15	31	22	7	2	1	0	7	11	46	35
6/16-7/15	41	10	9	2	1	2	13	10	64	24
7/16-8/15	30	25	9	8	1	3	15	23	55	59
8/16-9/15	27	17	14	6	1	2	14	14	56	39
9/16-10/15	16		10		0		13		39	
10/16-11/15	22		6		1		14		43	
11/16-12/15	21		8		3		15		47	
12/16-12/31	6		1		2		3		12	
<b>Totals</b>	<b>316</b>	<b>174</b>	<b>97</b>	<b>44</b>	<b>14</b>	<b>13</b>	<b>152</b>	<b>103</b>	<b>579</b>	<b>334</b>

2007 Cases Closed to Date



2008 Cases Closed to Date

