

**Office of Professional Accountability (OPA)  
Commendations & Complaints Report  
August – September - October 2010**

**Commendations:**

Commendations Received in July—September: 15

Commendations Received to Date: 49

Unknown Officer	The Executive Director of a local language school commends an officer, who could not be identified, for assisting an Arabic language instructor from the school to get to class on time after the instructor had an unexpected problem. The Director wanted to thank the “kind officer” for her assistance.
Officer Dean Shirey	The moderator of a Metro Safety Summit commends Officer Shirey for his “wonderful” presentation at the summit.
All SPD Employees	Citizen writes in to say, regardless of what the media is reporting, SPD is doing a great job.
Officer Bradley Richardson	Citizen commends Officer Richardson – and several other unidentified officers working the Bite of Seattle event – for his “graciousness” and for “making that a wonderful day for me and my family” by answering questions and just being friendly and welcoming.
Officer Ian Walsh	An investigator for a public defender agency commends Officer Walsh for his “professional manner” in dealing with a verbally abusive and assaultive suspect whom he was attempting to calm and control.
Officers Adam Losleben and Nicholas A. Evans	A friend of a rape victim commends Officers Losleben and Evans for their “professionalism, patience, compassion, and thoroughness” while investigating and documenting the crime against her friend.
Traffic Section	A motorist commends the effort of the Seattle Police Department’s Traffic Section to address motorists who use the express lanes unlawfully.
Officer Kevin O’Neill	A motorist whom Officer O’Neill cited for a traffic infraction commends Officer O’Neill for his professionalism, stating, “I felt he treated me with respect and was very fair in writing me a citation.” This motorist wanted to commend Officer O’Neil for treating the public with “respect and courtesy.”
Parking Enforcement Officer Renee Boss	A passerby commends PEO Boss for “guiding a blind woman across the street and into the Library for the Blind,” noting, “it’s always great to see random acts of kindness by SPD employees.”

**Commendations:**

Unknown Officers	A representative of Children's Hospital thanks the Seattle Police Department for its assistance in helping to remove a "very ill child with cancer from his parents due to neglect" after the parents had refused to surrender the child to the hospital, Child Protective Service, and other social service agencies. The officers are commended for their calm and prudent manner that "spared so many other families in our waiting area and clinic from being exposed to the incident."
Detective Sheldon Robinson	The Principal of a private high school commends Officer Robinson for resolving an incident of vandalism to the school's buses and notes he was "especially helpful in working with the offending teenagers, their families, and our administration" by facilitating a meeting among all the parties that resulted in restitution for the damage and a positive experience for all.
Officer Mike Mehrens	A motorist whose car broke down in traffic thanks Officer Mehrens for pushing the disabled car to the side of the road and notes, "He was most pleasant and made my harrowing experience as good as it could be."
Officer Michelle Vallor	Citizen commends Officer Vallor for her pleasant and professional conduct when his vehicle became disabled on SR 99 near the Alaskan Way Viaduct. Complainant states that Officer Vallor made sure they stayed safe from passing traffic and she also didn't hesitate to get down on the ground to try and fix the problem.
Officer David Gordon	A community member expressed gratitude to Officer David Gordon for his polite, friendly concern regarding a noise complaint she had with a nearby business. Officer Gordon contacted the business managers and discussed with them the neighborhood noise complaint. The community member states that Officer Gordon did a fantastic job advocating for the community.
Officer Jon Girtch 911 Dispatcher Kelsi Wolph	Citizen wrote in to thank 911 Dispatcher Wolph and Officer John Girtch for their help, concern and professionalism when his mother's car was stolen and eventually located. Citizen states both the dispatcher and officer were very professional and seemed genuinely concerned over the unfortunate circumstance.

## July – August – September 2010 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: VIOLATION OF LAWS

Synopsis	Action Taken
An anonymous complainant alleged that named officer engaged in an act of domestic violence against a co-worker officer.	<p>Allegation: Administrative Violation of Law (Domestic Violence) – NOT SUSTAINED</p> <p>The evidence demonstrated that, while off-duty, both officers were involved in a heated dialog with one another while both were likely under the influence of alcohol. The evidence demonstrated that the named officer had a handgun in a duffle bag within his control while in this heated discussion but the evidence was inconclusive regarding whether named officer displayed a handgun during this discussion</p>
Named officer was stopped for a traffic violation and subsequently processed for DUI. County Prosecuting Attorney's Office declined to file charges. OPA conducted an administrative investigation into the incident.	<p>Allegation: Administrative Violation of Law (DUI) – SUSTAINED</p> <p>The evidence demonstrated that while the evidence of DUI against the named officer may not have risen to the level required to convict in a criminal case, it was sufficient to support a finding of sustained for the administrative case. Corrective action: Oral reprimand</p>
Complainant alleged two unidentified/unknown Seattle Police Department officers were involved in the trafficking of under aged prostitutes.	<p>Allegation: Administrative Violation of Law (Human Trafficking) – ADMINISTRATIVELY UNFOUNDED</p> <p>The evidence established no credible information for the allegation made. The accompanying criminal investigation into this allegation established that the complainant has a long history of making similar, groundless allegations against various local, county, and federal law enforcement organizations. The complainant could provide no specific evidence and the only evidence of the alleged misconduct was the complainant's unsubstantiated, uncorroborated assertions.</p>

**STANDARDS OF CONDUCT: HONESTY**

Synopsis	Action Taken
<p>The complainant, whom the named officer had arrested for DUI, alleged the named officer failed to safeguard a sum of money and several items of property taken into custody at the time of the arrest and then lied in court about the existence of this money and these items.</p>	<p>Allegation #1: Dishonesty – UNFOUNDED            Allegation #2: Mishandling Evidence/Property – UNFOUNDED</p> <p>The evidence established that the alleged misconduct simply did not occur.</p>

**STANDARDS OF CONDUCT: INTEGRITY**

Synopsis	Action Taken
<p>Complainant alleged named employee used a Department car for personal business, specifically to drive around checking rental properties owned by the employee.</p>	<p>Allegation: Integrity – UNFOUNDED</p> <p>The evidence established the alleged misconduct simply did not occur.</p>
<p>The complainant, a real estate agent, alleged the named officer called the complainant's office, under the guise of conducting a criminal investigation, to demand information from the complainant's business assistant regarding a real estate foreclosure purchase the named officer had made from complainant.</p>	<p>Allegation: Misuse of Authority – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated that the named officer, though having made the effort to review and understand Department policy regarding the use of his police authority before interacting with the real estate agent and his assistant, appeared to have failed to accurately understand and apply that policy, including failing to convey to the complainant the true intent of his inquiry.            Corrective action: the named officer and his supervisor will discuss relevant Department policy on Misuse of Authority.</p>
<p>Complainant alleged that named employee engaged in an affair with his now ex-wife, threatened raids on his home and that named employee was keeping a "dossier" on the complainant and that named employee would bankrupt the complainant.</p>	<p>Allegation: Integrity-Employee Conduct -- UNFOUNDED</p> <p>Evidence established that named employee, a non-sworn, married employee engaged in a relationship with complainant's ex-wife. The only evidence of the named employee's alleged threats to have the police raid the complainant's house and financially bankrupt him is the assertion of the complainant, unsupported by any other evidence.</p>

**STANDARDS OF CONDUCT: COMMUNICATIONS/CONFIDENTIALITY**

Synopsis	Action Taken
<p>It is alleged that two Dispatchers in the Communications Center acted unprofessionally when, in electronic communications between employees, a personal message of a potentially offensive nature was inadvertently attached to a criminal investigation.</p>	<p>Two named employees            Allegation: Communication and Confidentiality/Correspondence – SUSTAINED for both named employees.</p> <p>The evidence established both named employees communicated inappropriate comments via the Department's communication network.            Corrective Action: For both named employees, a written reprimand and review with their supervisors the Department's policy on use of internal communications systems.</p>

**STANDARDS OF CONDUCT: RULES/REGULATION**

Synopsis	Action Taken
<p>Complainant alleged named officer was parking unlawfully on the street while engaged in secondary employment. The OPA investigation into this complaint raised another issue regarding whether the named officer possessed a required secondary employment permit for the job he was working.</p>	<p>Allegation #1: Failure to Possess a Secondary Employment Permit – SUSTAINED</p> <p>Allegation #2: Professionalism/Exercise of Discretion – SUPERVISORY INTERVENTION</p> <p>The evidence established named officer did not possess a secondary employment permit for the job he was working.            Corrective action: Written reprimand and work with assigned supervisor to draft a directive to address Secondary Employment Policy issues.</p> <p>The evidence established named officer was parking in an area reserved for construction workers and not for his use, though he had relied on casual comments from construction workers that he could park where they did.            Corrective action: Supervisor will provide employee training on the decision making under these circumstances.</p>
<p>During an investigation with the State Department of Labor &amp; Industry, it came to light that neither named officer #1 nor named parking enforcement officer #2 appeared to be in compliance with the Department's policy regarding secondary employment permits.</p>	<p>Named employee #1:            Allegation: Failure to Possess a Secondary Employment Permit – SUSTAINED</p> <p>Named employee #2:            Allegation: Failure to Possess a Secondary Employment Permit – EXONERATED</p> <p>The evidence established that while named employee #1 possessed secondary employment permits for similar jobs he had been working, he did not possess one for the job in question.            Corrective action: written reprimand.</p> <p>The evidence established that named employee #2 was not in violation of the Department's secondary employment policy.</p>

**STANDARDS OF CONDUCT: RULES/REGULATION**

Synopsis	Action Taken
<p>Named officers responded to complainant's residence after receiving a 911 hang-up call. Upon arriving named officers entered the home and observed a handgun lying on a table near complainant, escorted the complainant away from the gun and temporarily placed him in handcuffs, while they performed a cursory sweep of the residence in response to the 911 hang-up call. Subsequently, the complainant alleged named officers forced their way into his residence and used unnecessary force on him and failed to identify themselves.</p>	<p>Both named officers            Allegation #1: Failure to Identify Themselves to Complainant – EXONERATED            Allegation #2: Improper Search – EXONERATED            Allegation #3: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence established named officers, in full uniform, clearly identified themselves to the complainant; were justified in conducting a cursory sweep of complainant's residence in response to the 911 hang-up call (and given the presence of a handgun within easy reach of the complainant); and that named officers were justified in temporarily handcuffing the angry and agitated complainant to ensure their safety and to control him as they conducted their cursory sweep of his residence.</p>
<p>Complainant alleged that the named officers entered his residence without proper authority when responding to a noise complaint at his residence.</p>	<p>Two named officers            Officer #1:            Allegation: Improper Search – RESOLVED BY MEDIATION            Officer #2:            Allegation: Improper Search – EXONERATED</p> <p>Named officer #1 accepted the option of meeting face-to-face with the complainant, using a mediator, to resolve the allegation. It was a successful mediation for both parties.</p> <p>Named officer #2 did not choose mediation but wanted the allegation against him investigated by OPA. The evidence demonstrated that named officer #2 acted appropriately and in accordance with Department policy when responding to this incident.</p>

**STANDARDS OF CONDUCT: RULES/REGULATION**

Synopsis	Action Taken
<p>It is alleged that named employee has worked off-duty without obtaining extended authority authorization through a Retired Police Officer's Commission. Additionally, it is alleged that named employee failed to obtain a Secondary Employment Permit for off-duty assignments.</p>	<p>Allegation #1: Secondary Employment-Policy – SUPERVISORY INTERVENTION Allegation #2: Secondary Employment-Permits – EXONERATED</p> <p>It was established that named employee did not possess an extended authority authorization and assumed a LEOSA and/or Retired Special Commission Card were sufficient to work off-duty.</p> <p>Evidence showed that named employee had other Secondary Employment permits, including some close to where named employee was working; therefore, it is reasonable to believe that named employee was justified and within policy to work this location.</p> <p>Corrective action: Supervisor discussed with named employee the importance to fully understand and appreciate the rights and responsibilities of his civilian verses former sworn status.</p>

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
<p>Named officer investigated a one-car vehicle accident, processed the driver for DUI, and released the driver to her mother after processing. The next day, complainant (the driver's mother) reported that her daughter had a lacerated liver from the collision and that she believed the named officer should have discovered that and had it treated before processing her daughter for DUI.</p>	<p>Allegation: Professionalism/Discretion-Failure to Take Appropriate Action – EXONERATED</p> <p>The evidence established that the named officer appropriately processed the DUI accident and that the complainant's daughter did not complain of injury at the scene. Additionally, a Seattle Fire Department Medic Unit responded to the accident and examined complainant's daughter, finding no injury of note. The evidence demonstrates that the information available to the named officer at the time did not make it apparent that the complainant's daughter had a lacerated liver. Notably, the injury to complainant's daughter apparently did not manifest itself until the day after the accident.</p>
<p>Complainant alleged the named officers failed to protect her from being assaulted and robbed after she asked them prior to the incident to protect her from her potential assailants.</p>	<p>Both named officers Allegation: Professionalism/Exercise of Discretion – EXONERATED</p> <p>The evidence established that the named officers acted reasonably and appropriately based upon the information they had at the time of the incident.</p>

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
<p>Complainant alleged that the named officer was rude to her when warning her about walking across a construction work zone. During the OPA investigation, it came to light that the named officer may not have had a secondary work permit for the job he was working at the time of the incident.</p>	<p>Allegation #1: Professionalism/Courtesy – NOT SUSTAINED Allegation#2: Failure to Possess Secondary Work Permit – SUSTAINED</p> <p>The evidence established that the complainant was walking through a construction zone off- limits to pedestrians when the named officer, working off-duty but in uniform, gave her a verbal warning instead of a citation. The complainant believed the named officer’s voice was too loud and that he was being sarcastic when he wished her a “nice day” when they concluded their encounter. The complainant states she, too, replied in kind to the named officer but felt the named officer was rude. The evidence was insufficient to determine whether the named officer was rude to the complainant, as alleged.</p> <p>The evidence established the named officer did not possess a secondary employment permit for the job he was working at the time of the incident.</p> <p>Corrective action: verbal reprimand to comply with Department policy on this issue.</p>
<p>Complainant alleged that named officer, while responding to and investigating a potential domestic violence incident, failed to take a report and transported complainant’s daughter to the residence of complainant’s estranged husband in violation of the provisions of a custody order.</p>	<p>Allegation: Professionalism/Discretion – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated that the named officer was dealing with a complicated situation and did not engage in misconduct but could have addressed the matter differently.</p> <p>Corrective action: the named officer and his supervisor will discuss relevant Department policy and explore other options that could have been chosen to address the situation.</p>
<p>It is alleged the named employee, a 911 Dispatcher, inappropriately processed an in-coming 911 call involving a domestic violence incident and failed to dispatch a patrol unit to the call.</p>	<p>Allegation: Professionalism/Discretion-Failure to Take Appropriate Action – SUPERVISORY INTERVENTION</p> <p>The evidence, including the forthright admissions of the named employee, established that the named employee was not sufficiently familiar with the applicable Department policy for handling this type of call for service, which involved a possible domestic violence incident from the day prior to the 911 call received by the named employee.</p> <p>Corrective action: Supervisor and named employee will review policy and procedures surrounding this event.</p>

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
<p>The complainant alleged the named officers, who were working a uniformed off-duty job, failed to assist her when she attempted to explain to them she was being threatened by people.</p>	<p>Two named officers</p> <p>Allegation for both named officers: Professionalism/Discretion-Failure to Take Appropriate Action – EXONERATED</p> <p>The evidence demonstrated that the named officers acted appropriately when they explained to the complainant that they would not be taking a report but advised her that other on-duty officers would be responding to assist her and complete the investigation and would report her situation.</p>
<p>The complainant alleges that named officer used inappropriate language when interacting with him while officer was issuing him a pedestrian violation citation.</p>	<p>Allegation: Professionalism/Courtesy – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated the complainant admitted that he baited the officer in an attempt to escalate this minor pedestrian violation into a more serious confrontation because the complainant was annoyed at having been detained for a matter he considered trivial. The named officer should have been more prudent than he was in being drawn in by the complainant's taunting and baiting comments.</p> <p>Corrective action: The named officer will be counseled by supervisor on how to handle negative comments made by citizens.</p>
<p>Complainant alleges that named officers were discourteous and used unnecessary force when they responded to a noise disturbance.</p>	<p>Two named officer</p> <p>Allegations for both named officers:</p> <p>Allegation: Professionalism/Courtesy – SUPERVISORY INTERVENTION</p> <p>Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>Named employee #2 responded to a noise disturbance, instructed complainant to turn down volume on radio, and while officer was driving away, complainant turned volume back up. Officer activated in-car video and waited for back up. Named employee #1 arrived and complainant was uncooperative; in addition, complainant's relatives/associates at the scene were contacting others because more individuals arrived at the location as the incident progressed. Named employee #1 admitted to making inappropriate comments to complainant. Named employee #2 was not discourteous to the point of misconduct; however, there was indication that some of his actions were not the standards of best practices. The In-car video showed that complainant was not physically placed on the hood of her vehicle as she claimed. Soreness to complainant's wrists due to being handcuffed does not raise this to the level of reportable force.</p> <p>Corrective action: Named officers will review the appropriate policies with a supervisor and reinforce the need to at times be watchful in the choice of language used in emotionally charged situations.</p>

**STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE**

Synopsis	Action Taken
<p>Named officers contacted the complainant because the complainant was wanted on a homicide warrant. The facts are not disputed that the complainant possessed a wallet that contained money and that named officer #2 had taken possession of it. In the course of processing the complainant at the scene, named officers discovered complainant's wallet was missing and neither could determine what had happened to it. The wallet and its contents were never located.</p>	<p>Named officer #1: Allegation: Mishandling Evidence/Property – EXONERATED</p> <p>Named officer #2: Allegation: Mishandling Evidence/Property – SUPERVISORY INTERVENTION</p> <p>The evidence established that named officer #1 never had contact with the missing wallet and named officer #2 forthrightly admitted that he took custody of complainant's wallet but somehow lost track of what happened to it and could not find it. Corrective action: named officer #2 will discuss with supervisor the importance of safeguarding property or evidence that comes into his custody.</p>
<p>Complainant alleged the named officers, who had arrested her for an outstanding warrant, took custody of 2 TV remote control devices in her possession at the time of her arrest but the devices could not be accounted for upon complainant's release from jail.</p>	<p>Both named officers Allegation: Failure to Secure Evidence/Property – NOT SUSTAINED</p> <p>The available evidence was insufficient to make a determination of whether the property at issue existed and, if so, what may have happened to it along the way as the complainant was being arrested, transported, and booked into the jail.</p>
<p>The complainant, an earlier passenger in a car stopped by the named officer for traveling the wrong way on a one-way street, came back to the car after it had been stopped and alleged the named officer removed her briefcase from her friend's car and never returned it to her. It is further alleged the named officer failed to adequately investigate the driver of the car for DUI, failed to properly document the traffic stop, and intentionally failed to audio record all of his conversation with the driver.</p>	<p>Allegation #1: Failure to Secure Evidence/Property – UNFOUNDED Allegation #2: Professionalism/Discretion – SUPERVISORY INTERVENTION Allegation #3: Failure to Follow the In-Car Video Policy – SUSTAINED</p> <p>The evidence, including in-car video, established that the named officer never reached inside the car to remove anything or ever had a briefcase or any other property of the complainant in his possession.</p> <p>The evidence demonstrated that the named officer had at least ambiguous information that the driver may have been DUI and may have been justified in following up with further investigation and that the officer should have completed a traffic contact report for the verbal warning he gave the driver. The named officer admitted to temporarily turning off the audio portion of his in-car audio/video system when talking with the driver of the car because he wanted to spare the driver the embarrassment of having a discussion with the driver about the woman passenger, whom the driver had expressed concern about being associated with.</p> <p>Corrective action: Written reprimand</p>

**STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE**

Synopsis	Action Taken
<p>Named Detectives arrested complainant on an outstanding felony warrant. Complainant alleged the named detectives took or misplaced money stored in his apartment and that named officers improperly searched his apartment without a warrant.</p>	<p>Four named detectives Same allegations for each named detective Allegation #1: Failing to Safeguard Evidence/Property – UNFOUNDED for each named detective. Allegation #2: Improper Search – EXONERATED for each named detective</p> <p>The evidence, including the complainant's retraction of allegation #1 and admission that someone other than the named detectives took his money, established that the misconduct in allegation #1 simply did not occur. The evidence demonstrated that the named detectives had justification to conduct a protective sweep of complainant's residence at the time of his arrest but did not search the residence until after subsequently obtaining a search warrant. The evidence established the named detectives acted appropriately in searching the complainant's residence under the authority of the search warrant.</p>
<p>Complainant alleged named officer #1 mishandled an item of property belonging to him and that named officer #2, without justification, used force on him, when the named officers temporarily detained him as a suspect in a recent break in and theft of property from a car.</p>	<p>Named officer #1 Allegation: Mishandling Evidence/Property – UNFOUNDED Named officer #2: Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence demonstrated that the named officers had justification to temporarily detain the complainant as a suspect in a recent crime; that named officer #1 did momentarily touch a lap top computer in the complainant's backpack; and that named officer #2 did at one point in the interaction with the complainant touch complainant's arm to position him while the named officers were talking with him regarding his possible involvement in the recent break in and theft of property from a car. The evidence demonstrated that the misconduct alleged by the complainant did not occur.</p>
<p>Complainant alleged that named employees were responsible for submitting cash into evidence, and that when the content of the envelope was counted by bank employees there was a shortage of money.</p>	<p>2 Named Officers Same allegation for each named officer Allegation #1: Evidence &amp; Property-Policy – SUPERVISORY INTERVENTION Allegation #2: Evidence Money Submission – SUPERVISORY INTERVENTION</p> <p>The two named officers were responsible to count and enter into evidence cash that was obtained on a narcotics search warrant. The two named employees admit they had problems getting their totals to match. Named officer #2 decided to use the department's record system to calculate currency. Upon entering currency totals into record system both named employees agreed with systems total without verifying the entries. It was later discovered there was a double entry for the 20 dollar currency. Corrective action: Named employees and supervisor will go over the necessary steps on properly securing currency into evidence.</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>Complainant phoned 911 to report a domestic violence situation involving himself, his wife, and their adult son. Named officers responded to the call and arrested complainant's wife based upon the evidence. Complainant became upset when named officers handcuffed his wife to arrest her and attempted to physically intervene. Complainant alleged named officers used unnecessary force against him.</p>	<p>Named officer #1: Allegation: Unnecessary Use of Force -- EXONERATED</p> <p>Named officer #2: Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence established that named officer #1 justifiably used reasonable and necessary force to control an agitated and aggressive complainant and that named officer #2 was not involved in the use of force.</p>
<p>Complainant alleged named officer walked up to her while she and a passenger were legally parked in her car; grabbed her arm for no reason; and spoke to her in a loud voice, again, for no reason.</p>	<p>Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Professionalism/Courtesy – NOT SUSTAINED</p> <p>The evidence established that complainant was sitting in the driver's seat of her legally parked car with one passenger seated in the front seat with her, while a group of individuals were loitering next to and around her car. The named officer and his partner, both uniformed patrol bicycle officers, recognized the passenger as a convicted felon active in the illegal drug trade. The evidence established complainant and her passenger were parked in the Belltown area of downtown Seattle at a location known to officers working the area as an area of high illegal narcotics activity. The evidence established named officer offered the complainant several opportunities to discontinue her cell phone but she declined to comply and cooperate with the named officer. The evidence demonstrated the named officer simply used his hand to move the complainant's cell phone away from him as he believed the complainant could have used it as a weapon against him. The evidence is mixed regarding the language used by the named officer and the circumstances suggest loud, direct, and forceful language could have been used by all parties, though the evidence does not support a finding of misconduct.</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>The 14-year old complainant, after having been arrested during a narcotics emphasis operation for allegedly engaging in several hand-to-hand illegal drug transactions in downtown Seattle, alleged the named officers, who were involved in the operation as an arrest team, used unnecessary force on complainant when they arrested her.</p>	<p>Both named officers            Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence, including the fact that complainant was in possession of 16 “rocks” of suspected cocaine and about \$150.00 at the time of her contact with the named officers, demonstrated that complainant was likely engaged in illegal narcotics dealing at the time she encountered the named officers. The evidence demonstrated that the named officers used only minimal, reasonable, and necessary force when they arrested and handcuffed the complainant. Notably, the complainant did not complain of any unnecessary use of force at the time of her arrest but only mentioned it 2 weeks later when elicited from her by employees of the Youth Service Center.</p>
<p>Complainant alleged the named officer used unnecessary force against her when responding to a disturbance.</p>	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established the complainant was armed with a screwdriver at the time the named officer encountered her and would not drop it in response to multiple commands from the named officer, which necessitated the named officer quickly removing the screwdriver from her possession for the safety of everyone involved. Repeated medical examinations sought by the complainant failed to reveal any injury attributable to the force applied by the named officer to disarm and control the complainant.</p>
<p>The complainant, who had been stopped for a pedestrian violation by one of the named officers -- and joined by the three other named officers after the initial stop -- alleged the named officers used inappropriate physical force to control and detain him.</p>	<p>Four named officers            Allegation for each named officer: Unnecessary Use of Force – EXONERATED for all named officers</p> <p>The evidence established that the one named officer had a legitimate justification for stopping complainant for a pedestrian violation and that the force used to control and detain the complainant was reasonable and necessary under the circumstances. The three additional named officers who responded after the initial stop was due to a “help the officer” request from 911 dispatch after a bystander called to report witnessing a struggle between the complainant and the officer.</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>Complainant is a 13-year old female who was on court ordered home detention, with an electronic monitoring device for the crime of Assault 2<sup>nd</sup> degree domestic violence. Complainant was a runaway from home and truant from school when named officers encountered her for running away. Complainant alleged named officers used unnecessary force on one occasion when chasing after her as she ran from them and used rude comments to her.</p>	<p>Named officer #1            Allegation #1: Unnecessary Use of Force – EXONERATED            Allegation #2: Professionalism/Courtesy – EXONERATED</p> <p>Named officer #2            Allegation #1: Unnecessary Use of Force – NOT SUSTAINED            Allegation #2: Professionalism/Courtesy – NOT SUSTAINED</p> <p>The evidence demonstrated that the complainant was a teenager who continually failed to comply with the legal restraints placed upon her due to her criminal conduct, including continually running away from home, disregarding her home detention order, and being truant from school. The named officers were familiar with the complainant from having interacted with her several times. The complainant could not be specific with her allegations against both named officers. On one occasion, when the complainant ran from the named officers after they saw her on the street and attempted to take her into custody, named officers placed her on the ground and checked her hands, thinking she may have been armed with a knife. Complainant also alleged the named officers spoke rudely about her in front of her 9-year old brother. The evidence demonstrated the named officers were discouraging complainant from pretending to be a gang member and explaining the potential consequences to her of associating with a criminal gang. The evidence established named officer #1 acted appropriately. Because of assertions offered by the complainant and complainant's mother that could not be overcome with other evidence, the evidence supports a finding of Not Sustained for named officer #2.</p>
<p>The complainant alleged the named officer threw her to the ground for no reason after he had arrested her for a domestic violence assault.</p>	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established that both the complainant and the complainant's girlfriend had called 911 to report the other had assaulted her and that named officer, a student officer at the time, was one of the officers dispatched to handle the call. The evidence established that the complainant was arrested for the domestic violence assault and that while being escorted to a patrol car in handcuffs, she forcefully kicked backward at named officer, striking him squarely in the thigh. In response to the kick, the named officer pushed complainant to the ground to stop the assault and gain better control of her. The evidence established the named officer used only reasonable and necessary force in the process.</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>Complainant alleged the named officers, for no reason, used force on him while they were talking with him on the street.</p>	<p>Both named officers            Allegation #1: Unnecessary Use of Force – EXONERATED            Allegation #2: Failure to Report the Use of Force – EXONERATED</p> <p>The evidence established that the named officers used minimal, reasonable, and necessary force to take control of an agitated, uncooperative, and increasingly threatening complainant in order to quickly deescalate a potentially volatile situation in which the complainant was exhibiting signs of becoming increasingly violent toward the named officers. Additionally, the evidence demonstrated that the officers' minimal use of force did not meet the Department's policy requiring the reporting of a use of force.</p>
<p>Complainant, whom named officers had arrested for allegedly damaging the property of his neighbor, alleged named officers used unnecessary force when handcuffing him, that named officer #1 lacked probable cause to arrest him, and that officer #2 laughed at him.</p>	<p>Named officer #1            Allegation #1: Unnecessary Use of Force – EXONERATED            Allegation #2: Professionalism/Discretion – UNFOUNDED</p> <p>Named officer #2            Allegation #1: Unnecessary Use of Force – EXONERATED            Allegation #2: Professionalism/Courtesy – NOT SUSTAINED</p> <p>The evidence established that complainant was in an on-going dispute with his neighbor and that named officers had a legal basis to arrest complainant for damaging his neighbor's property. The evidence established that named officers used minimal, reasonable, and necessary force when guiding an emotionally upset and uncooperative complainant to the lawn to handcuff him. Complainant alleged that named officer #2 was inappropriately laughing at him because of the complainant's on-going dispute with his neighbor; named officer #2 denied inappropriately laughing at complainant and because there was no preponderance of the evidence, a not sustained finding was entered.</p>
<p>Complainant alleged the named officers used unnecessary force when arresting him during a disturbance that he was involved in.</p>	<p>Four named officers            Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officers responded to a reported fight disturbance involving 10 – 14 people, some armed with shovels and rocks. Upon arrival at the scene, the named officers located the complainant, the complainant's mother, and the complainant's brother, along with 2 other individuals bleeding from injuries. Named officers arrested the complainant based upon information gathered at the scene. The evidence, including statements from third-party witnesses, support a finding that the complainant was uncooperative, resistive, and physically aggressive toward the officers and that the force used was reasonable and necessary under the circumstances</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>Complainant alleged named officers, while investigating the scene of an explosion in a parking lot adjacent to an apartment building in which the complainant was a tenant, pushed her face first into a wall, dragged her face across the wall for a few feet, and threw her to the ground when she entered the crime scene while walking her dog.</p>	<p>Two named officers            Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence, including video from a security camera, demonstrated that the complainant knowingly passed under crime scene tape into a crime scene being actively investigated, refused to comply with commands to immediately leave the scene, and grossly exaggerated the actions of the officers to guide her out of the scene. The evidence, including the security video, demonstrated the complainant fell to the ground on her own and had no injuries to her face as she alleged.</p>
<p>The complainant, whom the named officer had arrested, alleged that the named officer placed handcuffs on him too tight, tore up a legal document complainant had in his possession, and arrested him based upon the authority of a No Contact Order that had been dismissed.</p>	<p>Allegation #1: Unnecessary Use of Force – UNFOUNDED            Allegation #2: Mishandling Evidence/Property – UNFOUNDED            Allegation #3: Professionalism/Exercise of Discretion – EXONERATED</p> <p>Other than the assertion by the complainant that his handcuffs were too tight, there is no other evidence to support his assertion. Conversely, the evidence, including in-car video and the observation of another officer, demonstrate that the named officer placed the handcuffs on complainant reasonably and with minimal force. Again, other than the complainant's assertion, unsupported by any other evidence that the named officer tore up a legal document in his possession at the time of his arrest, there is no evidence to support allegation #2. Regarding the validity of the No Contact Order, the evidence established that the named officer verified the existence of the order via police radio, and only later was it established that the order had been dismissed but not entered into the appropriate data bases in a timely manner.</p>
<p>Complainant alleges the named officer used excessive and unnecessary force against subject resulting in an injury to subject's lip.</p>	<p>Allegation: Unnecessary Use of Force – NOT SUSTAINED</p> <p>Named officer along with several other officers responded to a disturbance in a youth residential facility. Once order was restored, the named officer escorted subject into his room. There is contradictory evidence regarding whether named employee used any force and the subject refused to cooperate with investigators therefore misconduct was neither proved nor disproved. A review of policy and procedures regarding SPD's role in such facilities was recommended by OPA.</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>It is alleged that two named officers used unnecessary force and profanity while detaining the complainant on a traffic stop.</p>	<p>Named officer #1:            Allegation #1: Unnecessary Use of Force-EXONERATED            Allegation #2: Professionalism-Courtesy-UNFOUNDED            Named officer #2:            Allegation #1: Unnecessary Use of Force-UNFOUNDED            Allegation #2: Professionalism-Profanity-SUSTAINED</p> <p>In car video (ICV) showed that named officer #1 placed a hand on complainant's arm and then moved it to his head in an effort to guide complainant back into his vehicle. Video also shows complainant then entered and sat in his vehicle under his own power and that officer # 2 did not have any physical contact with complainant. ICV shows named officer #1 and complainant in verbal discussion but officer #1 did not use profanity during the contact. Officer #2 did admit to using profanity in an effort to end the verbal discussion that was taking place in the street with high vehicle traffic.            Corrective action: Written reprimand</p>
<p>Two complainants allege the named officer used unnecessary force when he removed each of their sons from a vehicle in which they were passengers.</p>	<p>Allegation: Unnecessary Use of Force – NOT SUSTAINED</p> <p>Officers responded to a call of a fight disturbance and located an injured, uncooperative victim. The subjects were stopped in a vehicle which was driving away from the scene. There was conflicting testimony concerning the allegation; subject #1 stated he was struck with night stick, witnesses did not observe any evidence of a strike, and subject #2 did not assist in the investigation. There is not a preponderance of evidence to determine the exact circumstances of this case.</p>

**Mediation Program:**

The OPA Director selected 29 cases to be resolved through the Mediation Program during the months of July through September 2010.

Of the 29 cases selected for the Mediation Program, 14 complainants declined to mediate, 2 officers declined to mediate after complainant had agreed. In 5 cases the complainant did not respond to contacts made by OPA. 4 cases were successfully mediated, 1 case was scheduled for mediation but complainant cancelled due to personal business that needed his attention. 1 mediation session is scheduled in October and 2 mediation sessions are in the scheduling process.

## 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 (2008/2009 by Month Comparison)**

Date	PIR		SR		LI		IS		TOTAL	
	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010
1/1-1/31	18	8	3	8	1	1	15	12	37	29
2/1-2/28	14	18	6	9	2	1	8	16	30	44
3/1-3/31	16	30	3	6	6	1	15	16	40	53
4/1-4/30	15	31	6	9	5	3	12	13	38	56
5/1-5/31	20	15	10	10	3	3	9	23	42	51
6/1-6/30	14	25	9	14	3	1	8	13	34	53
7/1-7/31	16	23	11	10	0	1	17	18	44	52
8/1-8/31	16	20	9	6	1	3	14	12	40	41
9/1-9/30	21	16	9	9	1	4	16	17	47	46
10/1-10/31	21		8		1		13		43	0
11/1-11/30	23		10		3		14		50	0
12/1-12/31	19		4		0		7		30	0
<b>Totals</b>	213	186	88	81	26	18	148	140	475	425



