

**Office of Professional Accountability (OPA)
Commendations & Complaints Report
December 2008**

Commendations:

Commendations Received in December: 8

Commendations Received to Date: 273

<i>Burrows, David</i>	Officer Burrows received a letter of commendation for the kindness and professionalism he displayed during a distressing time for a citizen who had her purse stolen.
<i>Catalano, Maris Etter, Rita Ann</i>	Ms. Catalano and Ms. Etter received a letter of thanks for their participation in the oral board interviews for the position of finger print examiner with the King County Sheriff's Office. Their time, effort, professionalism, technical expertise, and enthusiasm for the interview process were greatly appreciated.
<i>Haag, Devlin Johnson, Jeffrey</i>	Officers Haag and Johnson received a letter of commendation for their investigation of a car prowler. Their investigation and professional manner was greatly appreciated.
<i>Low, Neil</i>	Captain Low received a letter of thanks for his assistance to the Washington Concerns of Police Survivors December membership meeting/holiday. Everyone appreciated Captain Low for being the keynote speaker, giving a tour of the precinct and arranging for the location.
<i>Pruitt, Dustina</i>	Accounting technician Pruitt received a letter of appreciation, which stated that she does research, provides answers and has an upbeat attitude, all of which make working with her a pleasure.
<i>Hendrix, Duane</i>	Sergeant Hendrix received a letter of appreciation for his assistance in the valuable training that the National Center for Missing and Exploited Children provided.

December 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 complainant alleged that the named employee used derogatory language, failed to identify himself and attempted to bait the complainant into a physical confrontation.	The evidence was inconclusive when determining if the named employee had used inappropriate language during the contact. Finding—NOT SUSTAINED The evidence further concluded that the employee had not desired to identify himself as the complainant had made threats to both the employee and the employee's family. The officer did tell the complainant to come back after he had calmed down and that he would then identify himself. Finding—EXONERATED The evidence also determined that it was the complainant who had escalated the situation and that it was the complainant, not the employee who was challenging and looking for the fight. Finding—UNFOUNDED
The complaint alleged that the named employee had acted unprofessionally and had "chest bumped" the complainant down the sidewalk threatening to handcuff him and arrest him.	The investigation determined that the employee had not met the Department's expected standards of being respectful, neutral, objective and unbiased. The employee exhibited a lack of discretion when interacting with the complainant. Finding—SUSTAINED No preponderance of the evidence existed to resolve the force issue described in the complaint. Finding—NOT SUSTAINED
The complaint alleged that the named employee failed to properly transport a prisoner to Harborview Medical Center after refusal of booking at the King County Jail.	Video from the Medical Center verified that the employee did transport the subject to the facility as he stated he had. The preponderance of the evidence indicated that the named employee fulfilled his duties and that the misconduct did not occur as alleged. Finding—ADMINISTRATIVELY UNFOUNDED
The complainant stated that she attempted to report that she had been assaulted, unlawfully imprisoned, that someone was after her, and that the employee refused to help her. Further, she advised that she asked the employee for a ride home and he stated he was not a taxi and left her stranded.	This entire incident was captured on the employee's in-car camera video recorder. The video and audio soundly refute the complainant's recollection of the contact. The evidence conclusively contradicts the complainant's assertions and there was no evidence of any misconduct. Finding—ADMINISTRATIVELY UNFOUNDED

The complaint stated that the employee acted unprofessionally and was aggressive and insulting.	The allegation of misconduct was neither proved nor disproved by a preponderance of the evidence. Finding—NOT SUSTAINED
The allegation stated that a Parking Enforcement Officer was engaging in “selective enforcement.”	The investigation determined that the area of concern was a highly congested and densely populated area with significant traffic concerns. The employee’s actions were determined to be reasonable and proper in addressing the issues. Finding—UNFOUNDED

VIOLATIONS OF RULES AND REGULATIONS

Synopsis	Action Taken
It was alleged that the named employee was contacted in the scope of her duties and used that contact to promote her own side business.	The evidence demonstrated that the employee was acting in what was believed to be compliance with a long-established, Department-sanctioned practice. The employee also possessed a secondary work permit. Finding—EXONERATED.
The complainant advised that he had been contacted as part of a drug interdiction operation and that the named employees had inappropriately seized a large amount of cash from him.	The investigation determined that the complainant had consented to the contact and that a narcotics drug dog had activated on the cash in the possession of the complainant. The money was seized and the complainant was advised on how to contest the seizure. The complainant elected to not participate in the investigation and did not file a request for a hearing to contest the seizure. Finding--UNFOUNDED
The complaint alleged that the named employee failed to assist store employees in capturing a fleeing shoplifter	The investigation determined that the employee was working at a construction site and was focusing his attention on traffic and pedestrian issues as he was guiding a large tractor-trailer onto the construction site. The employee was completely unaware of the theft or of the employees seeking assistance. Finding—UNFOUNDED
The complaint states that employees unlawfully searched the subject’s property and illegally seized evidence. Further, there was an allegation that supervisors failed in their duties.	The investigation determined that the employees were acting at the direction of the named supervisors, but should have had a better understanding of the law surrounding search and seizure. Finding—SUPERVISORY INTERVENTION The investigation determined that the on-scene supervisors also had an unclear understanding of the legal issues. This resulted in the supervisors directing a search and seizure inconsistent with the applicable law. Finding--SUSTAINED
It was alleged that the named employees failed to take appropriate action and make appropriate notifications to supervisors at a crime scene.	The investigation determined that the employees believed they were assisting SFD in a medical emergency. There was no indication that misconduct occurred. Finding--EXONERATED
The complaint alleged that the named employee had failed to safeguard evidence that was seized during an arrest and not returned.	The investigation determined that the employee had a responsibility to maintain custody of the evidence and failed to adequately safeguard the property. Finding--SUSTAINED

The complaint stated that the named employee improperly seized a legally possessed firearm during a traffic stop.	The investigation determined that the complainant possessed a concealed weapons permit but that the officer's temporary relocation from the complainant's immediate control was reasonable. The employee promptly returned the firearm at the conclusion of their encounter. Finding--EXONERATED
---	--

VIOLATION OF LAW

Synopsis	Action Taken
The allegation advised that the employee had engaged and paid a known prostitute for services while out of state. It further alleged that he had attempted to look for prostitutes in Seattle in a Department vehicle.	The evidence and the employee's candid admission established that the employee had engaged in the misconduct as alleged. Finding—SUSTAINED The evidence in the second allegation established that the employee was involved in a work related assignment and had not engaged in any misconduct. Finding--UNFOUNDED
The complaint alleged that the named employee inappropriately touched the complainant while she was being taken into custody.	The evidence convincingly established that the named employee followed department policy and training standards. The evidence showed that the conduct did not occur as alleged. Finding--UNFOUNDED

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant stated that the named employees used excessive and unnecessary force while arresting her during the Torchlight Parade.	The evidence revealed that the complainant had unjustifiably inserted herself into the officers' Terry Stop and became combative with the employees when they attempted to prevent the interference. The force used was determined to be reasonable and necessary. Finding—ADMINISTRATIVELY EXONERATED
The complainant advised that arresting officers used unneeded force while arresting her and that the transport officer acted unprofessionally and threatened her.	The investigation determined that there was no evidence to support the allegations. The employees used appropriate and necessary force to escort the highly intoxicated subject into custody. Finding—EXONERATED The transport officer spoke reasonably and understandably to the complainant about the consequences of continued criminal behavior. Finding--UNFOUNDED
The subject's mother alleged that the named employees used unnecessary force when they handcuffed her son in the process of having him involuntarily committed for a psychological evaluation.	The evidence demonstrated that the employees used only minimal and necessary force to restrain the subject in order to protect all the parties present while awaiting medical transportation. Finding--EXONERATED
Complainant states that officers used excessive force and used racially insensitive language when responding to a disturbance call.	The investigation determined that the complainant's unreasonable and unjustified conduct resulted in the employee's using reasonable and necessary force to control the complainant. Finding—EXONERATED What were alleged to have been racially motivated inappropriate comments were determined not to be racist, rude or abusive. Finding--UNFOUNDED

The complainant advised that employees used unnecessary force when taking a subject into custody.	The investigation determined that the subject was intoxicated, uncooperative and combative. The force used was reasonable and necessary and it was the conduct of the subject that necessitated the force used. Finding-- EXONERATED
---	---

December Cases Mediated:

No mediations were scheduled in December

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.

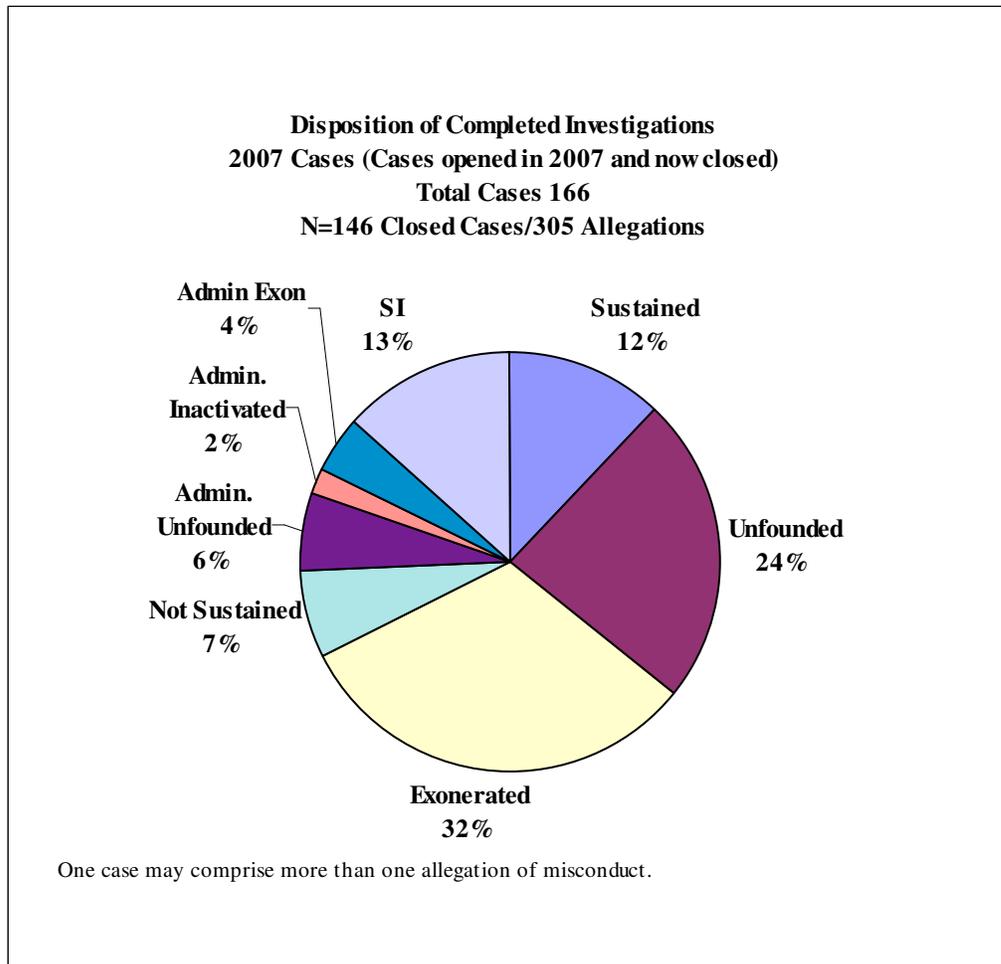
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

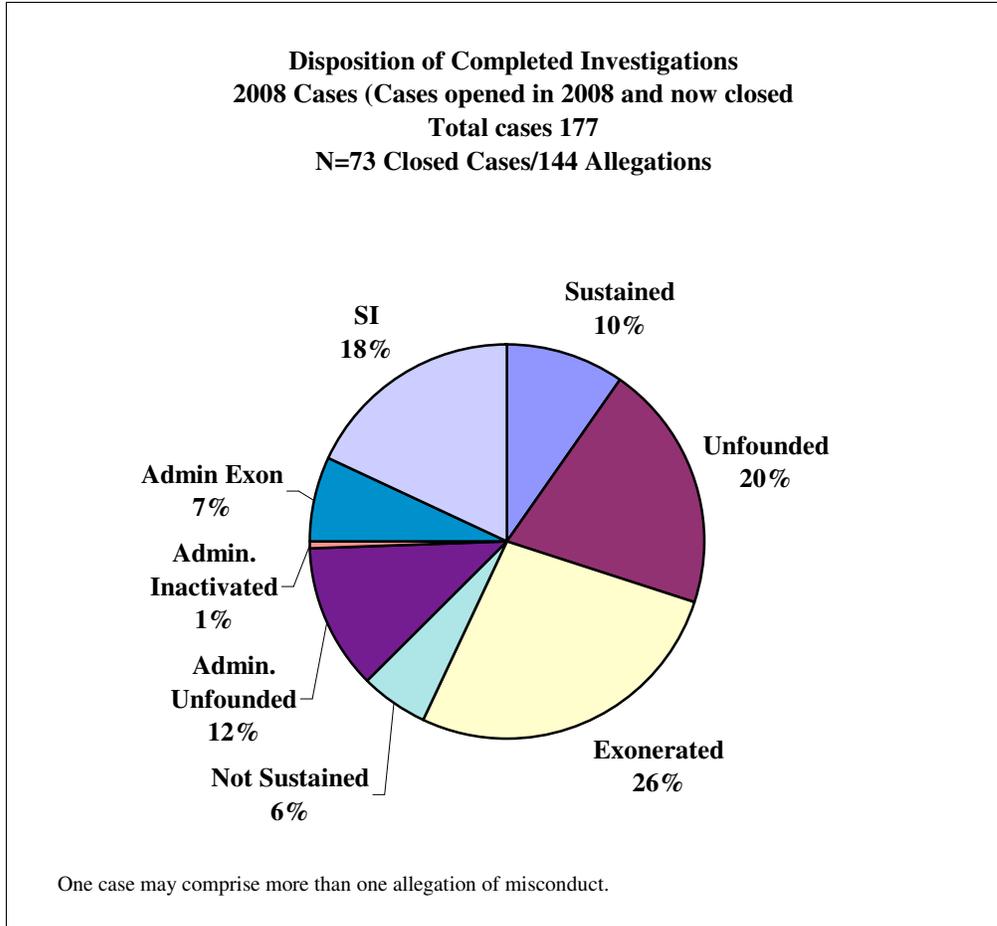
Cases Opened (2007/2008 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
1/1-2/15	39	38	14	9	0	1	19	16	72	64
2/16-3/15	25	24	6	8	1	2	13	12	45	46
3/16-4/15	20	30	3	4	2	0	14	9	39	43
4/16-5/15	37	26	10	4	1	2	12	15	60	47
5/16-6/15	31	23	7	2	1	1	7	12	46	38
6/16-7/15	41	17	9	2	1	3	13	14	64	36
7/16-8/15	30	27	9	9	1	3	15	25	55	64
8/16-9/15	27	19	14	7	1	2	14	16	56	44
9/16-10/15	16	23	10	11	0	2	13	14	39	50
10/16-11/15	22	20	6	6	1	1	14	11	43	38
11/16-12/15	21	23	8	6	3	2	15	9	47	40
12/16-12/31	6	8	1	3	2	0	3	5	12	16
Totals	315	278	97	71	14	19	152	158	578	526

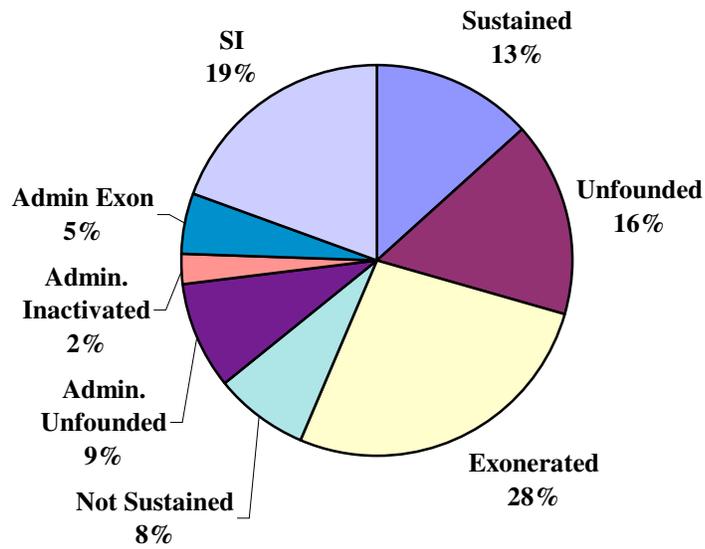
2007 Cases Closed to Date



2008 Cases Closed to Date



Disposition of Completed Investigations
Open as of 1 Jan, 2008 and Closed as of December 31, 2008
N=144 Closed Cases/257 Allegations



One case may comprise more than one allegation of misconduct.