

**Office of Professional Accountability (OPA)  
Commendations & Complaints Report  
February 2007**

**Commendations:**

Commendations Received in February: 33

Commendations Received to Date: 38

<b>Barnes, Timothy Britt, James Grossfeld, Steven Miller, Rebecca Shilipetar, George</b>	Four reported stolen vehicles equipped with silent alarms were tracked by following audio and visual cues and recovered within minutes of activation. Officers were commended for their quick response.
<b>Bisson, Mark Cross, Michael Eugenio, David Fitzgerald, James Guzley, Nicholas Hall, Christopher Hoffman, Henry Ibuki, Fred Ives, Stephen Lang, Chriseley Lopez, Alfredo Monzon, Philip Roberts, Robin Schenck, Scott Stevens, Johney Turnbull, Shareen Wendt, Patricia Yama, Shane</b>	Multiple Officers and PEOs from the West Precinct received a commendation for their actions in assisting to locate a missing elderly person. They were all very compassionate and empathetic and were quick to respond to the call.
<b>Crumb, John Hayes, Patricia Rispoli, Ronald Smith, Ron</b>	A sergeant and three detectives were commended for their investigation into an employee theft of store inventory. Due to their investigation, the case has progressed to the point where the King County Prosecutors Office can file charges.
<b>Foster Jr, Eugene Sharp, Jeffrey</b>	Officer Sharp and Detective Foster were commended for the assistance they gave an assault victim. They were both professional and helpful to the victim and her family.
<b>Hatzenbuehler, Scott</b>	Officer Hatzenbuehler was commended for his exemplary, well written Mental Health contact report. The report covered all of the basics and provided a solid tool in ensuring that the patient's needs were ultimately met.
<b>Leslie, Donald</b>	A letter was received by the Department regarding the outstanding work of Officer Leslie while assigned to the West Precinct/First Watch. Officer Leslie's accomplishment in connecting with community members in the International District serves the men and women of the Seattle Police Department well. His cultural sensitivity and non-judgmental attitude allow him to interact smoothly with the community, both patrons and businesses. His genuine concern for the residents in the International District has won their trust and respect.

<b>Mahar, Joseph Williams, Justin</b>	Two officers were thanked for the kindness and assistance shown to the victim of an auto theft.
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\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## February 2007 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: INTEGRITY

Synopsis	Action Taken
The complainant alleged that named employee used profanity during traffic violation.	There was no evidence to prove or disprove the allegations or corroborate statements. Finding—NOT SUSTAINED.
It is alleged that the named officer created a conflict of interest when he advised an acquaintance on how to interact with SPD during a criminal investigation and this conduct negatively impacted the open investigation and reflects poorly on the officer and the Department.	The allegations of misconduct were neither proved nor disproved by a preponderance of the evidence. Finding—NOT SUSTAINED.

### STANDARDS OF CONDUCT: LAWS/POLICIES/PROCEDURES

Synopsis	Action Taken
The complainant alleged that the named employee committed domestic violation assault in another jurisdiction. The named employee was arrested for a violation of law.	All criminal charges in this case were dismissed. The administrative misconduct investigation could neither prove nor disprove the allegations. Finding—NOT SUSTAINED.

### STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
It is alleged that the named employee threatened the complainant while he was being held in the precinct holding cell and used profanity during the contact.	There was no independent testimony or evidence that would allow investigators to either prove or disprove the allegations.  Finding Courtesy & Profanity—NOT SUSTAINED.

<p>The complainant alleged that the named employee stopped him for a pedestrian violation he denies he committed. When the officer was called away to another call, he is alleged to have used derogatory language.</p>	<p>The allegations of misconduct were neither proved nor disproved by a preponderance of the evidence. Finding-NOT SUSTAINED.</p>
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### UNNECESSARY FORCE

Synopsis	Action Taken
<p>The complainant alleged that the named employees had used excessive force and had kicked her in the stomach during her arrest. The complainant also alleged that the employees used derogatory language during the incident.</p>	<p>The investigation determined that the complainant violently resisted as officers attempted to detain her. The level of force was determined to be reasonable and appropriate for the threat potential of the struggle. There was no evidence that the complainant was kicked during the struggle. Finding Unnecessary Force—EXONERATED.</p> <p>There was no evidence supporting the allegation of the inappropriate language. Finding Professionalism—UNFOUNDED.</p>
<p>The complainant alleged that while he attempted to drive his vehicle away from a large disturbance, he was blocked in the parking lot by a police car, and for no reason, an unknown employee sprayed him with OC/pepper spray through an open window while making an inappropriate comment.</p>	<p>The investigation determined that the complainant's recollection of the incident was flawed. The evidence did not support the allegations. Finding—NOT SUSTAINED.</p>
<p>The complainant alleged that the named employees kicked him in the back of his knees and tased several times during a disturbance.</p>	<p>The evidence supported that no unnecessary force was used during the arrest of the complainant. There was no evidence of officer misconduct. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees forced his arms behind his back, grabbed his hair and pulled his head back, and kicked him in the face three times, while he was being held on the ground during his arrest.</p>	<p>The evidence revealed that while the description of the type and extent of the force used differed between the complainant and the officer, significant force was used. The investigation determined that the force used was appropriate and necessary to bring the complainant under control. Finding—EXONERATED.</p>

<p>The complainant alleged that the named employees racially profiled him and stopped him without cause for a disturbance call nearby. He also alleged that the named employees injured his wrist, damaged his shoulder bag, and made biased comments during the contact.</p>	<p>No independent evidence was developed that could either prove or disprove the force or profanity allegations. The complainant and employees offer drastically different summaries of the event. Finding Force—NOT SUSTAINED. Finding Profanity—NOT SUSTAINED.</p> <p>The investigation did determine that the stop of the complainant was based on probable cause and was appropriate. Finding Unbiased Policing—UNFOUNDED.</p>
<p>The complainant alleged the named employee, prior to arresting him for playing in the street, tased him without warning and failed to provide his name when requested.</p>	<p>The investigation determined that the complainant was behaving in a manner that placed him and others in danger. After multiple attempts to have the complainant comply with officers' instructions, officers attempted to assist the complainant from the street. The complainant resisted and additional force was necessary. The force used was determined to be appropriate and necessary. Finding Force—EXONERATED.</p> <p>It was also determined that the complainant addressed the named employee multiple times by name and had full knowledge of the name of the involved employee. Finding Duty to Identify—UNFOUNDED.</p>
<p>The complainant alleged that the named officers pushed him to the ground and kicked out his feet from under him, while he was handcuffed and standing, during this arrest. The complainant also alleged that the named employees slammed his head into the wall, choked him, and used profanity during the contact.</p>	<p>The investigation determined that the force used was necessary and appropriate to control and arrest the complainant who was involved in a large fight/disturbance. No evidence was developed to indicate that the complainant was inappropriately taken to the ground while handcuffed or that he had his head slammed into a wall or was choked while in custody. Finding Force— EXONERATED.</p> <p>Regarding the issue of profanity, there was no independent testimony or evidence that would allow investigators to either prove or disprove the allegation. Finding Profanity—NOT SUSTAINED.</p>

<p>The complainant alleged that the named employee used unnecessary force when he arrested her for illegal consumption.</p>	<p>Significant problems with the complainant's recollection of the events were encountered during the investigation. There was no evidence developed that supported officer misconduct. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees roughly ejected him from a business and suffered an "epileptic nocturnal seizure," which caused him to blackout. He claims the named employees deliberately pushed him down a flight of steps inside the establishment, injuring him, and refused to identify themselves when requested once outside.</p>	<p>Evidence and witnesses clearly supported the employee's version of the events. No evidence of misconduct was determined. Finding Force—UNFOUNDED.</p> <p>The investigation determined that the employees' provided identifying information on business cards to the complainant (including the contact information for OPA). Finding Duty to Identify—UNFOUNDED.</p>
<p>The complainant alleged that the named employee allowed his money to fall to the ground and did not retrieve it. The complainant also alleged that the named employee settled his tab with his money without consent. In addition, the complainant alleged that the named employee grabbed and slammed his face into the patrol car. Lastly, the complainant alleged that the named employee roughed him up by bouncing his head on the car and/or then punching and kicking him while he was on the ground.</p>	<p>Significant inconsistencies with the complainant's description of the event and the other facts determined in the investigation revealed that none of the allegations could be supported. Finding Force &amp; Evidence Handling--UNFOUNDED.</p>
<p>It is alleged that while another detective was arresting the complainant's son, the named detective took the complainant to the floor and put his knee on her back, while pulling her arms roughly behind her, and causing her pain during her arrest for Obstruction.</p>	<p>The investigation determined that the complainant was attempting to stop officers from arresting her son. In doing so, officers were required to use force to bring her under control and subsequently arrest her for Obstruction. There was no evidence that the force was not necessary or appropriate. Finding—EXONERATED.</p>

<p>The complainant alleged that the named employee unnecessarily grabbed the subject, while he was skateboarding in the street, pulling him off his board, grabbing him by his throat, and pinning him against a chain link fence. The complainant also alleged that the employee was rude, arrogant, and intimidating.</p>	<p>The investigation determined that the force used to contain and cite the subject was both appropriate and necessary. Finding Force—UNFOUNDED.</p> <p>No specific evidence to support that the employee was rude, arrogant or intimidating was ever uncovered. It was opined that while these opinions may in fact be the impressions of the complainant, there was no evidence to support them. Finding Courtesy—UNFOUNDED.</p>
<p>The complainant alleged that the named employee slammed him onto the ground during his arrest, injuring his right elbow, and refused his request for a bandage.</p>	<p>The investigation determined that the complainant had a minor abrasion to his elbow, but the evidence as to the cause of the injury was inconclusive. The evidence also supported that what force was used to make the arrest was appropriate and justified. Further, the evidence supported that the complainant was offered an antiseptic wipe and band-aid for the abrasion. Finding—EXONERATED.</p>

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

Synopsis	Action Taken
<p>IS 06-0404 The complainant alleged that the named employee failed to properly protect his bicycle during his arrest and subsequently lost his driver's license and social security card.</p>	<p>The investigation determined that the employee admitted to losing the complainant's license and social security card. It was also determined that the loss was inadvertent and not misconduct. The officer is new to the department and was unsure of the policy regarding the proper handling of the property. The officer elected to hold onto the property only to lose it. Finding—SUPERVISORY INTERVENTION.</p>

## February 2007 Cases Mediated:

The complainant alleged that the named employees conducted biased policing by conducting a traffic stop on she and her witness solely because they are an interracial couple.

### 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.

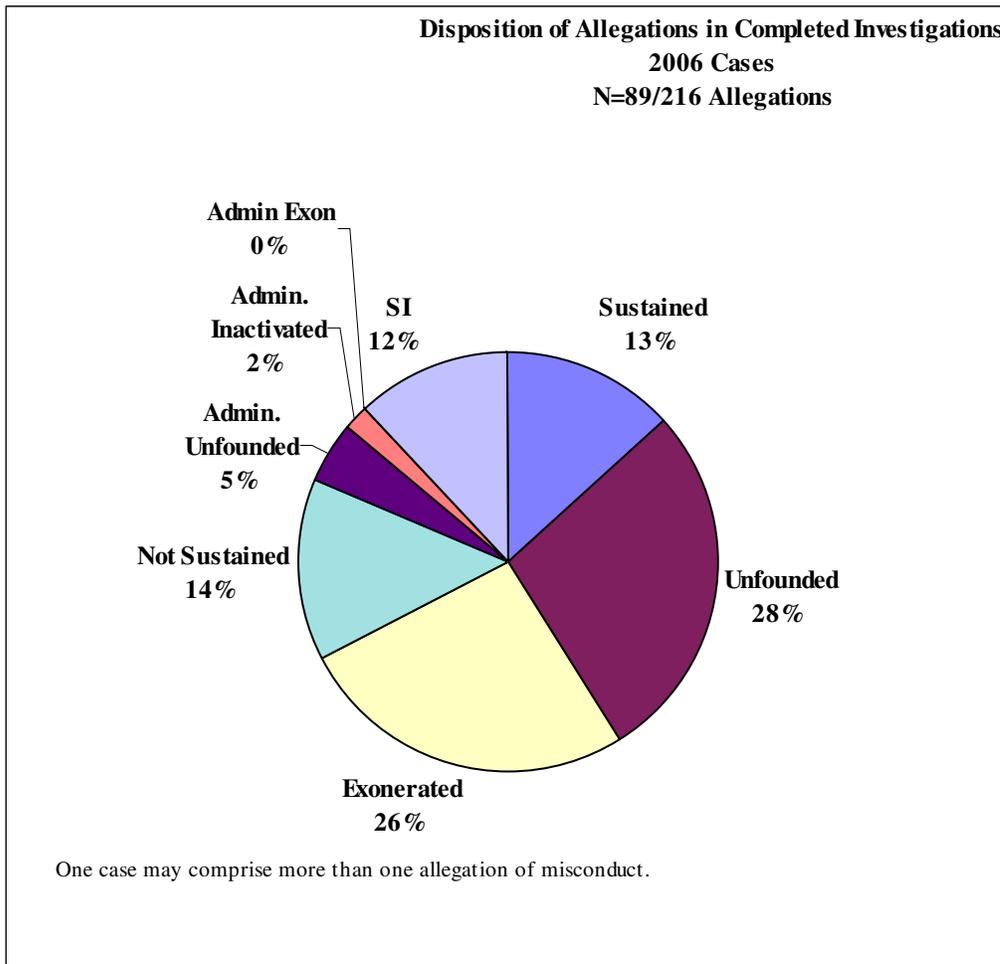
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

**Status of OPA Contacts to Date:  
2006 Contacts**

	<b>Dec 2006</b>	<b>Jan-Dec 2006</b>
Preliminary Investigation Reports	14	284
Cases Assigned for Supervisory Review	5	83
Cases Assigned for Investigation (IS;LI)	10	89*
Commendations	21	397

\*includes 2006 cases closed in 2007



**2007 Contacts**

	<b>Feb 2007</b>	<b>Jan-Dec 2007</b>
Preliminary Investigation Reports	24	61
Cases Assigned for Supervisory Review	6	19
Cases Assigned for Investigation (IS;LI)	14	30
Commendations	33	38