

Office of Professional Accountability (OPA) Commendations & Complaints Report July 2009

Commendations:

Commendations Received in June: 3

Commendations Received to Date: 71

Officer Leigh A. Fiedler # 7433	Officer Fiedler received a commendation for her actions and compassion when a citizen ran out of gas on the viaduct. The citizen felt overwhelmed with gratitude for the actions and compassion that Officer Fiedler showed. Officer Fiedler showed her concern for the citizen's safety by pushing her car off the Viaduct to a safe location.
Officer Rik Hendrik Hall # 6154	Detective Hall received a letter of commendation for his friendly professional demeanor and strong work ethic that has earned him the respect and admiration of his fellow agents and task force officers with the Joint Terrorism Task Force (JTTF).
Officer Terry Stephen Whalen #6879	Officer Terry Whalen received a letter of commendation for his hospitality and warm welcoming to a citizen who did a ride-along with him. The citizen was amazed with Officer Whalen's professional treatment with the suspects, passion and commitment, and continued efforts understanding the depth of the issues.

July 2009 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: LAWS/POLICY/PROCEDURES

Synopsis	Action Taken
The Seattle Police Department's Human Resources Section suspected named officer, a former Seattle Police Officer (who had resigned for unrelated reasons before this suspected misconduct came to light), submitted the forged signature of a physician on a leave request form in an attempt to improperly obtain Family Medical Leave status.	<p>Violation of Law Administrative (Forgery): ADMINISTRATIVELY UNFOUNDED</p> <p>A criminal investigation conducted by the Seattle Police Department's Fraud, Forgery & Financial Exploitation Unit concluded there was no evidence of criminal misconduct and that the physician whose signature was in question, authenticated it.</p>

STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

<p>Four cases involved the same named sergeant and intertwined, multiple issues of alleged misconduct. Complainant alleged named sergeant, a friend, harassed her, caused her to be prosecuted for a crime in another jurisdiction, misused NCIC to obtain information with no legitimate law enforcement purpose to access, and improperly disseminated the NCIC information accessed. OPA added an allegation that named sergeant was dishonest or not forthcoming in the administrative investigation.</p>	<p>1. Violation of Law Administrative (Harassment): NOT SUSTAINED 2. Violation of Law Administrative (Malicious Prosecution): NOT SUSTAINED 3. Professionalism-Discretion: NOT SUSTAINED</p> <p>1. Violation of Law Administrative (Malicious Prosecution): NOT SUSTAINED 2. Professionalism-Discretion: SUSTAINED</p> <p>1. Criminal Records Misuse of NCIC: SUSTAINED 2. Violation of Law Administrative/Dissemination of Criminal History Information: SUSTAINED</p> <p>Honesty: NOT SUSTAINED</p> <p>The evidence did not establish by a preponderance of the evidence that named sergeant engaged in certain of the allegations alleged. However, the evidence did establish named sergeant both accessed and disseminated criminal history information from the NCIC system absent a legitimate law enforcement purpose. Named sergeant was also found to have failed to report an incident that was witnessed, resulting in a sustained finding on the issue of Professionalism-Discretion.</p>
<p>Complainant alleged named officer issued him a traffic citation without justification and wrote "Bad Attitude" in bold letters on the front of the citation given to complainant. OPA added an allegation named officer failed to activate his in-car video system during the stop.</p>	<p>1. Traffic Enforcement/Demeanor-Courtesy: SUPERVISORY INTERVENTION 2. In-Car Video Policy: EXONERATED</p> <p>The evidence established named officer had not yet been trained in the operation of the newer in-car video system and was not capable of using it. The evidence did establish, and named officer forthrightly admitted, that the comment "Bad Attitude" should not have been written on the front of the citation form, but on the reverse of the form in an area designated for narrative regarding the driver's conduct.</p>
<p>Complainant alleged named officers failed to protect him from unknown individuals whom complainant alleges assaulted him on New Year's Eve in Pioneer Square.</p>	<p>Professionalism/Standards and Duties: EXONERATED</p> <p>The evidence established named officers acted reasonably when attempting to understand and address complainant's report that unknown persons had assaulted him. The evidence established complainant was under the influence of an unknown substance, had recently been ejected by bouncers from a nearby bar for unacceptable conduct inside the bar, and was inconsistent in his statements to officers, leading them to believe complainant was an intoxicated New Year's Eve reveler causing a disturbance and not the victim of an assault.</p>

STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

<p>Complainant alleged named officers were dispatched to a single car accident, failed to recognize the driver was intoxicated, and mistakenly transported the driver to an address he provided, which turned out to be the residence of a former domestic partner of the driver's who had a domestic violence protection order active against the driver. Shortly after named officers dropped off the driver at this residence, other officers responded to a reported domestic violence disturbance involving the driver and his former partner.</p>	<p>Professionalism/Failure to Take Appropriate Action against both named officers: SUPERVISORY INTERVENTION</p> <p>The evidence established the two, relatively inexperienced, officers attempted to evaluate the sobriety of the driver in the accident and reasonably concluded, albeit possibly wrongly, he was not legally impaired.</p> <p>The evidence established the named officers used their in-car computers to access various records and documents related to the driver in the course of investigating the traffic accident, were aware of the existence of the domestic violence order and the address of the petitioner on the order but, because this information was contained in different areas of the various data bases they were accessing, they did not notice the connection between the order and the address.</p> <p>The evidence established the named officers acted reasonably, though missed the connection between the order and the address, and could benefit from more experience and familiarity with the formats of the various data fields they were reviewing.</p>
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USE OF FORCE

Synopsis	Action Taken
<p>Complainant alleged that two years ago named officer, for no reason, used a flashlight or baton to strike him about the back, arms, knees, and ribs while complainant was simply walking along the sidewalk.</p>	<p>Unnecessary Use of Force: ADMINISTRATIVELY EXONERATED</p> <p>The evidence, including detailed reporting by named officer at the time, established named officer arrested complainant for hit and run driving after a witness pointed out complainant attempting to walk away from the accident he had caused. Complainant suffered minor abrasions from the force named officer used when arresting him but this force and the minor nature of the injury were well-documented at the time. The evidence established named officer used only minimal, reasonable, and necessary force to arrest complainant.</p>
<p>Complainant alleged named officer pushed him when named officer was escorting him from a food bank at the request of the food bank manager, who told officer complainant was disrupting the operation of the food bank.</p>	<p>Unnecessary Use of Force: EXONERATED</p> <p>The evidence established named officer used only minimal, reasonable, and necessary force to guide complainant out of the food bank after the food bank manager had requested named officer to remove complainant because he was disrupting the operation of the food bank with his conduct. The evidence also established complainant greatly exaggerated and misrepresented the action of named officer.</p>

<p>Complainant, a passerby, observed two named officers arresting a person on a city sidewalk and thought the arresting officers used too much force in making the arrest.</p>	<p>Both named officers Unnecessary Use of Force: Named officer #1: EXONERATED Named officer #2: UNFOUNDED The evidence established named officer #1 was making a narcotics arrest of a potentially violent offender and used only reasonable and necessary force to apprehend suspect. The only evidence of named officer #2 using any force was complainant's assertion, which was unsupported by other evidence.</p>
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Mediation:

No mediations were conducted in July.

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	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
1/1-2/15	38	18	9	3	1	1	16	15	64	37
2/16-3/15	24	14	8	6	2	2	12	8	46	30
3/16-4/15	30	16	4	3	0	6	9	15	43	40
4/16-5/15	26	15	4	6	2	5	15	12	47	38
5/16-6/15	23	20	2	10	1	3	12	9	38	42
6/16-7/15	17	14	2	9	3	3	14	8	36	34
7/16-8/15	27		9		3		25		64	
8/16-9/15	19		7		2		16		44	
9/16-10/15	23		11		2		14		50	
10/16-11/15	20		6		1		11		38	
11/16-12/15	23		6		2		9		40	
12/16-12/31	8		3		0		5		16	
Totals	278	97	71	37	20	20	158	67	527	221



