

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

**Commendations:**

Commendations Received in March: 1

Commendations Received to Date: 39

<b>Marley, David</b>	A commendation and a letter of thanks was received by Officer Marley for his outstanding work in addressing issues in the area north of the University of Washington campus. Officer Marley came in with fresh and innovative ideas and immediately went to work. He spoke with homeowners in the area that have multiple tenants, community members, and with the University of Washington. The group is extremely impressed and appreciative of his hard work.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

**March 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: LAWS/POLICY/PROCEDURES**

Synopsis	Action Taken
The complainant alleged that the named employee improperly entered a residence and used excessive force when taking the complainant into custody.	It was determined that the step taken by the employee was not the "preferred" action, but the intervention was not misconduct, rather a training issue. Finding Improper Search—SUPERVISORY INTERVENTION.  The force used to arrest the complainant was determined to be appropriate and the officer's actions were within the Department's policies and guidelines. Finding Unnecessary Force—EXONERATED.

**UNNECESSARY FORCE**

Synopsis	Action Taken
<p>The complainant alleged that the named employees stopped him “for no reason” and tried to force his mouth open, while striking him in the ribs. Following their stop and release of the complainant, the named employees failed to return his identification.</p>	<p>During the contact, officers’ believed that the complainant was hiding drugs in his mouth. Minimal and appropriate force was used in an attempt to have the complainant open his mouth after he refused verbal orders to do so. When the complainant swallowed the contents in his mouth, the force was ended. Finding Force—EXONERATED.</p> <p>The employees state that they returned the identification and had placed it with other papers in the control of the complainant. The investigation determined that they could have done more to help the complainant locate his identification. Finding Evidence Handling— SUPERVISORY INTERVENTION.</p>
<p>The complainant is an employee at the King County Youth Service Center. She received information from the subject, that the named employee assaulted him while he was being arrested.</p>	<p>The investigation determined that the complainant was arrested for a very serious crime and a violent struggle ensued. The evidence showed that the complainant was clearly the aggressor and that the amount of force used was necessary for the officers’ to defend themselves and apprehend a very violent subject. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees used excessive force when they arrested him by using a taser on him, pulling his hair, and twisting his arms.</p>	<p>Independent witnesses confirmed that SPD employees’ were attempting to control the complainant, who was bleeding profusely and refusing treatment. The complainant struggled and officers used the minimal and appropriate force to bring him under control. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees used excessive force when taking her daughter into custody during an arrest for an assault on an officer. It is further alleged that the named employees acted in a biased manner when they handcuffed one of the subjects at the scene and not the other.</p>	<p>The investigation determined that the force used was appropriate and the officers’ actions were justified. Finding Force—Exonerated.</p> <p>There is no evidence to support the allegation of biased policing. One subject was initially considered a witness and placed into the back seat of the patrol car for her safety, while the officer provided assistance to the second employee, who was attempting to arrest the second subject. Finding Unbiased Policing—Unfounded.</p>

<p>The complainant alleged that the named employee kicked the subject in the head, while he was attempting to surrender to police.</p>	<p>The investigation determined that the employee's actions were not a willful violation, and that the violation did not amount to misconduct. There were training issues identified that would be beneficial to address and correct with the named employee. Finding—SUPERVISORY INTERVENTION.</p>
<p>The complainant alleged that the named employees used unnecessary force when they pulled his hair, tearing out a lock of it, and slammed his head into a wooden stage during his arrest. The complainant further alleged that his arrest was racially motivated.</p>	<p>The investigation determined that the employee's actions were prudent and reasonable. The force used to take the complainant into custody was considered minimal and proper. Finding Force—EXONERATED.</p> <p>There was no evidence found to support the allegation that the employees' took action based on racial motivation. Finding Unbiased Policing—UNFOUNDED.</p>
<p>The complainant alleged the named employees put his handcuffs on too tightly and refused to loosen them. Additionally, an unknown officer pushed the complainant against a police car, which almost caused him to fall. The complainant raised his leg while catching his balance, and then an officer grabbed it and twisted it, causing injury to his knee.</p>	<p>The investigation determined that the highly intoxicated complainant kicked at officers' who were attempting to take him into custody. The force used was determined to be appropriate and necessary. Finding—EXONERATED (one officer);</p> <p>There was no evidence developed to support the allegations that the complainant was pushed while outside by the patrol car or that the handcuffs were on too tight and the employee failed to loosen them. Finding--UNFOUNDED (one officer).</p>
<p>It is alleged that excessive force was used during the arrest of the complainant and another subject.</p>	<p>Officers were attempting to take into custody an uncooperative and intoxicated subject. The force used was determined to be both necessary and appropriate. Finding—EXONERATED (one officer);</p> <p>There was no evidence that supported the allegation of inappropriate force being used on the second subject. UNFOUNDED (three officers).</p>

**VIOLATION OF LAW**

Synopsis	Action Taken
The complaint alleged that the named employee threatened to burn down the residence he shares with a witness.	The facts in this case did not support the reported allegation. Finding—UNFOUNDED.
The subject's relative called 911, believing she was being assaulted by her husband, the named employee. The witnesses would not cooperate with the investigation.	The investigation determined that the allegations of misconduct could be neither proved nor disproved by a preponderance of the evidence Finding—NOT SUSTAINED.
The complainant alleged that during her arrest for prostitution, an SPD detective told her, "You're lucky that we didn't go ahead and have sex with you before we arrested you because some detectives are doing that."	The investigation determined that it was more likely than not that the alleged incident did not occur as reported. Finding—Unfounded.

**STANDARDS OF CONDUCT: COMMUNICATIONS/CONFIDENTIALITY**

Synopsis	Action Taken
The complainant alleged that the named employee failed to properly investigate and report an assault that had occurred against him. The complainant further alleged that the named employee did not provide his name or a case number to him.	<p>The preponderance of evidence indicates the alleged assault did not occur as reported. Finding Discretion—UNFOUNDED.</p> <p>The employee states that the complainant never asked for his name or report number. The employee was in complete uniform with his nametag on his outer garment. Finding Duty to Identify—UNFOUNDED.</p>

## March 2007 Cases Mediated:

No complaints were mediated in March.

### 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.

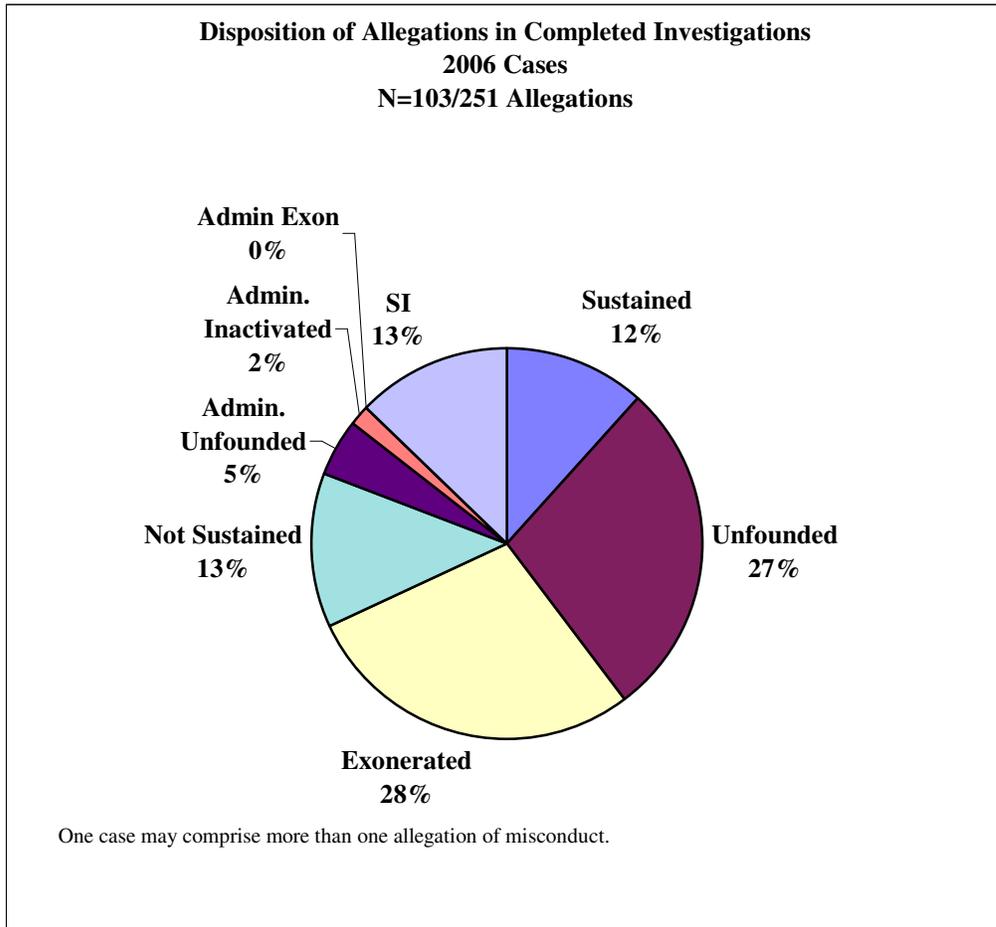
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

<b>2006 Contacts</b>	<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	103*
Commendations	21	397

\*includes 2006 cases closed in 2007



<b>2007 Contacts</b>	<b>March 2007</b>	<b>Jan-Dec 2007</b>
Preliminary Investigation Reports	6	67
Cases Assigned for Supervisory Review	3	22
Cases Assigned for Investigation (IS;LI)	10	40
Commendations	1	39