

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

Commendations:

Commendations Received in May: 29

Commendations Received to Date: 100

<i>Alberg, Catherine</i>	Parking Enforcement Officer Catherine Alberg received a commendation letter for her help when a car became immobile. She gave the citizen a ride to work and issued only a courtesy ticket; the citizen was so grateful for the time and assistance given.
<i>Belshay, Richard</i>	Captain Richard Belshay received a letter celebrating a citizen's 25 years of sobriety due to being stopped 25 years ago by then Officer Richard Belshay for a DUI. The citizen has had a great life of sobriety, a great job and a wonderful husband, all of which she attributes to Belshay.
<i>Bouldin, Denise</i>	Officer Bouldin received a commendation extolling the hard work, dedication, and commitment to a case and to the victim from a Prosecuting Attorney.
<i>Brown, Robert Sharp, Jeffrey</i>	Officers Robert B. Brown and Jeff Sharp received a letter of appreciation from the Pasadena Police Department for their assistance in the arrest and prosecution of a murder suspect.
<i>Byrd, Samuel</i>	Officer Byrd was given a letter of thanks for his professional and compassionate conduct during the primary investigation of a rape victim.
<i>Crumb, John</i>	Detective John Crumb received a commendation for the recovery of a reported stolen computer equipped with theft recovery software which identified an IP address.
<i>Curtis, Randall Eagle, Louis Gracy, Paul O'Neal, Donna O'Quin Jr, Verner Williamson, Craig</i>	A letter of thanks was given to several sworn officers assigned to a corporate shareholders meeting. The shareholders and company executives received security and the sworn officers demonstrated outstanding professionalism and superior interaction with the public.
<i>DeBella Jr, Ernest</i>	Officer Ernest DeBella received a letter of thanks for his help in resolving a property crime. Officer DeBella's calm and friendly demeanor was comforting and he really made a difference with how much help he gave.
<i>Devore, Timothy</i>	Detective Tim DeVore received a letter of commendation from a King County Prosecutor who was very impressed with Detective DeVore and credited him with the successful conclusion of three cases involving a single suspect.
<i>Sullivan, David</i>	Officer Sullivan received a commendation for helping locate a missing citizen who had been missing for several hours.

Drummond, Jason	Officer Drummond received a letter of commendation for helping locate an appropriate report to assist a couple visiting from Singapore. To help the visiting couple he filled the insurance report when they needed to file an insurance claim for lost property. Officer Drummond also assisted the visitors with travel directions; his professional and thoughtful conduct was much appreciated.
Foster, Ian Verhaar, Peter	Sergeants Ian Foster and Peter Verhaar received a letter of thanks for assisting the Dallas Police Department with their 2008 Sergeant Assessment Center. As assessors, both Sergeants represented the City of Seattle and the department in such a way that made the City of Dallas Police Department appreciate that the level of customer service, technical expertise, and police leadership is extremely high in Seattle.
Frese, James	Detective James Frese received a letter of gratitude from the Seattle Animal Shelter for the work he did on a case that involved a pet that was shot with an arrow.
Guzley Jr, Nicholas	Officer Nicholas Guzley received a note of thanks for his kind assistance that was greatly appreciated by a victim.
Long, Ryan Ogard, David Vanbrunt, Bryan	Detective' Ogard and VanBrunt and Detective Sergeant Ryan Long received a commendation from a citizen/parent whose daughter had become involved with a man who was running a prostitution ring and went missing. All involved worked countless hours with a commitment and obvious passion and belief in the value of their work. This has forever altered the perspective on law enforcement for the parent/citizen.
Pierce, Linda	Assistant Chief Linda Pierce received a letter expressing sincere appreciation for her participation at the Los Angeles Police Department's Board of Inquiry into the Special Weapons and Tactics (SWAT) unit. Assistance Chief Pierce's experience and practical knowledge proved invaluable to this entire process, which should serve to improve SWAT operations not only in Los Angeles, but on a national level as well.
Sloan, Harvey	Detective Sloan received a letter of thanks for his work in assisting the Washington State Task Force Against the Trafficking of Persons.
Sweetland, Joel	Sergeant Joel Sweetland received a letter of praise for his assistance with a parking issue at a citizen's residence. He demonstrated excellent people skills including listening and having great judgment in determining which party was being unreasonable.
Freese, Michael	Officer Freese received a commendation from a citizen who did a ride-a-long with him. The citizen was very impressed with his genuine approach and leadership qualities. Officer Freese was friendly, informative and professional.

Wong, Mark	A reported stolen vehicle equipped with a silent alarm was tracked by following audio and visual cues. Officer Mark Wong received a commendation for the recovery of the vehicle.
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May 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 complaint alleged that an employee was discourteous and had used inappropriate language during an out-of-city traffic stop on the east side of Snoqualmie Pass.	All investigative leads were exhausted without identifying the employee or any record of the event. Without additional information, the investigation could not move forward. Finding—ADMINISTRATIVELY INACTIVATED
Complainant alleges that the named employee called him an inappropriate name and treated him rudely during a traffic stop.	The evidence, which included patrol car video footage, showed that the contact was handled professionally and appropriately. Finding—ADMINISTRATIVELY UNFOUNDED
The allegation stated that the named employee, while working as a crossing guard, may have acted in an inappropriate manner and may have also made inappropriate comments that were construed as having been overly familiar.	It was determined that the employee may not have understood that his comments were perceived differently than intended. There was no evidence that the employee intended any disrespect or anything inappropriate with his behavior or communications; it appeared he was making an effort to be friendly with the people with whom he interacts. It was, however, determined that there should be a discussion between the employee and his supervisor about how his comments and behavior had been perceived. Finding—SUPERVISORY INTERVENTION

<p>The complaint states that three individuals were ejected from a Seahawks game without cause or a proper investigation and were denied the ability to retrieve their personal property.</p>	<p>The investigation determined that the behavior and misconduct had been properly investigated and screened prior to the ejection. It was further determined that the subject was unhappy with the decision and escalated the debate and dialog, further adding to the need for the ejection. Additionally, there were procedures in place for the event security to retrieve the belongings of the parties being ejected, but it was not brought to their attention at the time that there was property in need of retrieval. Finding—UNFOUNDED</p>
<p>The complainant was arrested for shoplifting and alleges that the named employee was discourteous and used inappropriate and profane language.</p>	<p>The investigation was unable to either prove or disprove the allegation by a preponderance of the evidence. There were no independent means or witnesses to support differing recollections of the incident. Finding—NOT SUSTAINED.</p>
<p>The complainant's wife was in a multiple car collision and the complainant, who was not present at the accident, made multiple allegations that the accident had not been properly investigated, that parties who should have been arrested for a DOC warrant were not, and that the employee and immediate supervisor had been dismissive to his spouse at the scene and rude to him in subsequent conversations.</p>	<p>The investigation determined that there had been no misconduct as alleged surrounding the accident investigation and actions taken at the scene. Finding—UNFOUNDED</p> <p>The investigation was unable to either prove or disprove the allegation of the rudeness and dismissive behavior by a preponderance of the evidence. Finding—NOT SUSTAINED.</p> <p>The evidence further determined that the supervisor interacted with the complainant in a reasonable, responsive and courteous manner during subsequent conversations. Finding--EXONERATED</p>
<p>The complaint alleges that the named employee forcefully entered the complainant's apartment at the request of the landlord over concerns of inappropriate conduct.</p>	<p>The investigation determined that the named employee believed the apartment was in fact vacant and that the employees' entry was only minimally intrusive and made in good faith in an attempt to alleviate tension between the landlord and the tenants. The allegation stated that the employee "<i>forcefully</i>" entered the apartment that could not be proven by a preponderance of the evidence. Finding—NOT SUSTAINED</p>
<p>The complaint states that a named employee failed to respond to a dispatch call and that there was subsequent insubordination when resolving the incident with a supervisor.</p>	<p>The investigation determined the conduct occurred as alleged. The employee's failure to respond to the dispatch call left the crime victim feeling very unsatisfied with the department's response to his property loss. It further may have impacted the appropriate follow up unit response. The insubordination was also determined to have occurred as reported. Finding on both allegations--SUSTAINED</p>
<p>The complainant was arrested and alleges that the named employees were discourteous and inappropriately harsh in their tone and language.</p>	<p>The evidence conclusively established that the allegations of misconduct simply did not occur. Finding--UNFOUNDED</p>

The complaint alleges that the employee failed to properly report and be available for standby assignment as directed.	Investigation determined that the employee had in fact complied with the instructions of his supervisor and was available, as he had been directed. Finding-UNFOUNDED
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EVIDENCE & PROPERTY

Synopsis	Action Taken
The complaint alleges that the complainant had \$500 in cash in her pocket at the time of her arrest that was not returned to her at the time of her release from custody.	The investigation could not develop any credible evidence that the complainant had \$500 in her possession at the time of her arrest. The complainant's story changed during multiple interviews, and it was determined that the cash in the possession of the complainant (\$154,02) had been properly documented and accounted for at the time of the arrest. Finding--UNFOUNDED
The complainant believed that the employee failed to properly safeguard evidence from a hit and run traffic collision.	The investigation determined that the employee had initiated the proper documentation of the incident and had made a discretionary decision regarding the evidentiary value of the items offered by the complainant. The employee had not engaged in any misconduct. Finding--EXONERATED
The complaint alleges that the named employees failed to adequately secure \$8,000 that she had hidden in a hollowed out book that was in her vehicle at the time of her arrest.	The investigation determined that the employees had no knowledge that any money may have been hidden in the car. The complainant provided contradictory and changing statements during the conduct of the investigation and describes her condition at the time of her arrest as "distraught" and "suicidal." Her arrest was for driving under the influence of drugs. The evidence raised significant doubt as to the credibility of the complainant. Finding--UNFOUNDED

STANDARDS OF CONDUCT--HONESTY

Synopsis	Action Taken
The complainant states that he received a letter, which stated that the named employee had been in contact with him to resolve an incident. The complainant states that the employee had not contacted him. This raised two concerns: 1) had the employee been truthful, and 2) had the matter been resolved?	<p>The investigation was unable to either prove or disprove the allegation by a preponderance of the evidence. There were no independent means or witnesses to support differing recollections of the incident. Finding—NOT SUSTAINED.</p> <p>It was determined that the named employee would benefit in additional training on the issue of the actual resolution of the incident. Finding—SUPERVISORY INTERVENTION</p>

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that he was struck in the face while he was on the ground and being restrained.	The force used was deemed to have been appropriate and reasonable considering the situation. The force was reported and properly screened and it was determined that the employees acted with restraint and in a professional manner. Finding—ADMINISTRATIVELY EXONERATED

<p>The complainant, a third party, alleged that excessive force was used during an arrest resulting in an injury to the subject that required surgery.</p>	<p>The investigation determined that the subject of the arrest was reportedly armed and under the influence of alcohol. The subject was non-cooperative and struggled with officers attempting to bring him under control. The force used was determined to be necessary and appropriate. Finding--EXONERATED</p>
<p>The complainant states that he was inappropriately threatened with the use of a Taser.</p>	<p>This complaint involved two employees. The first employee was not armed with a Taser and presumably would not threaten to use force. Finding—UNFOUNDED</p> <p>The second employee did display and prepare to use his Taser as a result of the complainant's agitated state and possible threat. This was determined to be a reasonable use of the TASER and within department guidelines. Finding--EXONERATED</p>
<p>The complaint alleges that multiple employees used unnecessary force while arresting him for a domestic violence assault.</p>	<p>The investigation determined that the complainant was under the influence of intoxicants and was "absolutely uncontrollable". The complainant threatened employees while punching and kicking at the patrol car. The complainant was a danger to himself and others. The force used was determined to be necessary, appropriate and well documented. Finding (all employees)--EXONERATED</p>
<p>The complainant states that the employee pulled him over for no reason, spit on him, and transported him to the precinct where he was strip-searched and punched.</p>	<p>The investigation determined that the complainant was arrested for having sold cocaine to an undercover officer. The complainant was transported to the precinct and was strip-searched, and both actions were consistent with department policy and procedures. The employee's version of the events was supported by witness testimony. Finding--UNFOUNDED</p>
<p>The complainant states that employees used excessive force while arresting him.</p>	<p>The investigation determined that the complainant had been severely beaten by a large group of club patrons, as they believed he had actually stabbed one of the patrons. A review of video footage shows the complainant getting hit in the head with a sandwich board and that the named employee was actually helping the complainant and possibly prevented further injury. There was no evidence of any misconduct on the part of SPD employees. Finding—ADMINISTRATIVELY UNFOUNDED</p>
<p>The complaint alleges that the named employee used unnecessary force while removing the underage complainant from a 21 and older facility.</p>	<p>The investigation determined that the complainant was being escorted from the premise when she struck the employee. The employee used necessary and appropriate force to bring the complainant under control and restrain her. Finding-EXONERATED</p>
<p>The complainant states that he was removed from his vehicle without lawful authority whereupon unnecessary force was used, including the unjustified application of a Taser.</p>	<p>The investigation determined that the employee was reasonable and within policy as he investigated suspicious circumstances. The complainant then became uncooperative and threatening and refused to follow the instructions of the officer. The employee used reasonable force to overcome the complainant's threatened aggression and to take the complainant into custody. FINDING--EXONERATED</p>

<p>It is alleged that the named employee was off duty and punched the complainant in the face several times while attempting to take him into custody for a jaywalking incident. The complainant also alleges that the employee used inappropriate language.</p>	<p>The investigation determined that the subject had jaywalked in front of his vehicle and that the subject escalated the situation by becoming confrontational and spitting into the face and mouth of the employee. When the employee attempted to call 911 and report the incident, the subject approached him with what appeared to be either a knife or brass knuckles. The employee then drew his weapon and identified himself as a police officer, which caused the complainant to leave. Responding units and the off-duty employee arrested the subject and took him into custody. The force used was determined to be appropriate and necessary. Finding—UNNECESSARY FORCE—UNFOUNDED. The issue of the inappropriate language was also considered to have been acceptable considering the situation. Finding--UNFOUNDED</p>
<p>The complaint states that the named officer allegedly bruised the complainant's left arm while escorting her from a concert event after being ejected by event staff.</p>	<p>The investigation determined that the event staff had ejected the complainant from the venue and that the complainant repeatedly attempted to re-enter. The force used by the employee was minimal, reasonable and necessary to get the complainant to leave the building. Finding--EXONERATED</p>

May Cases Mediated:

- The complainant, a student at Seattle University (SU) was in his vehicle in a SU parking lot with a power cord into a SU building charging his laptop computer. SPD employees responded to a suspicious circumstances call from SU Security. Complainant alleged that the employees insulted, humiliated, embarrassed him and used inappropriate language. Complainant alleges the employees abused their power.

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	37	14	7	0	2	19	15	72	61
2/16-3/15	25	22	6	9	1	1	13	11	45	43
3/16-4/15	20	20	3	5	2	1	14	5	39	31
4/16-5/15	37	21	10	5	1	2	12	14	60	42
5/16-6/15	31	22	7	2	1	0	7	11	46	35
6/16-7/15	41		9		1		13		64	
7/16-8/15	30		9		1		15		55	
8/16-9/15	27		14		1		14		56	
9/16-10/15	16		10		0		13		39	
10/16-11/15	22		6		1		14		43	
11/16-12/15	21		8		3		15		47	
12/16-12/31	6		1		2		3		12	

2007 Cases Closed to Date

