

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

Commendations:

Commendations Received in April: 27

Commendations Received to Date: 63

Compton, John Crumb, John Dotson, Tori Larsen, Bruce	A stolen computer equipped with a silent alarm was tracked and recovered. Officers were commended for their prompt and professional service.
Cook, Glen	Officer Cook received a letter of commendation for his helpfulness and courtesy in unlocking a car door for a citizen who had accidentally locked her keys in her car with the motor running.
Ditusa Jr, Salvatore Hirjak Jr, Stephen Miller, Scott	Acting Sergeant Hirjak and Officers Miller and Ditusa received a commendation for their help when there were problems with cars parked in front of a wedding reception.
Fowler, John	The department was notified that Mr. Fowler received the Washington Mediation Association President's Award for Excellence for his efforts in managing the Office of Professional Accountability's Mediation Program. Mr. Fowler also received a letter of thanks from the Superintendent of the Professional Standards Division of the Dorchester, United Kingdom, Police Department for the assistance he provided during an official visit.
Freutel, Nicole Leenstra, Jacob Moss, Wendy Wong, Mark	A stolen vehicle equipped with a silent alarm was tracked and recovered. Officers were commended for their assistance and expertise; their help resulted in the arrest of the individual responsible for the theft.
Harner, Marshall Kowalchuk, Joseph Miller, William Thomas, Brian Towne, Leon	Several officers received a letter of commendation for their assistance to a disturbance call involving family members. The parties feel the officers are true heroes and that their kind words and compassion were instrumental in resolving the problem.
Johnson, Donald Lim, Ponha Willoughby, Tad	Bicycle Officers Johnson, Lim and Willoughby received a commendation. They were "phenomenal" in the assistance with the family who almost had their son abducted at the Pike Place Market, and arrested the suspect.
Kimerer, Clark	Deputy Chief Kimerer received a letter of thanks for giving his time and talent at the Mobile Education Seminar sponsored by the Center for Homeland Defense and Security at Wayne State University. Deputy Chief Kimerer received a letter of thanks for his contributions to the meeting of the Christian Regenhard Center for Emergency Response Studies Advisory Board.

Maxwell, Randy Strong, Kipp	Officers Maxwell and Strong received a commendation letter for their important role in helping build a solid case for the Washington State Liquor Board to use against a licensee that allowed two youths to purchase alcohol at his convenience store using false ID.
Moore, Dennis	Officer Moore received a letter of commendation from a citizen who appreciated the officer's compassion, thoughtfulness and willingness to explain the matter, which helped him through a difficult time.
Pieper, Peter	Sergeant Pieper received a letter of appreciation for giving reassurance and assistance in what was a difficult and distressing situation. A driver's car ran out of gas on the West Seattle Bridge but she was able to roll her car down into the First Avenue intersection where it died. Sergeant Pieper came and positioned his car so her car would be safe. He further helped locate a tow company and stayed until it came.
Pinkerton, Jeremy	Officer Pinkerton received a letter of commendation for his assistance when a citizen's car stalled at 2nd and Spring Streets. Officer Pinkerton stopped and created a safe environment for the citizen, pedestrians and other traffic. The citizen wished to commend him for his service, professionalism, and general exemplary behavior.

April 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: PROFESSIONALISM

Synopsis	Action Taken
The complaint centered on the identity of a citizen ride-a-long participant and if the employee knew the true identity of the participant.	It was determined that while the allegations could be neither proved nor disproved, there was the appearance of impropriety. This resulted in a recommendation of counseling for the employee to ensure he was aware of his obligations. Finding—SUPERVISORY INTERVENTION
The complainant states that the employee berated him for merely asking a question. Further, the complainant states that the employee failed to identify himself.	This incident was captured on in-car video and the footage established that the incident did not occur as the complainant alleged. Finding—ADMINISTRATIVELY UNFOUNDED

The complainant alleged that the named employee had made inappropriate comments that he construed as threatening and intimidating.	The evidence determined that the named employee had acted reasonably when attempting to explain to the complainant the importance of improving his behavior so to avoid unpleasant conditions that may result from his immature, irresponsible and unreasonable actions. The employee's comments were not intended to, or could be reasonably viewed as intended to, intimidate the complainant. Finding--UNFOUNDED
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VIOLATION OF LAW

The complaint states that the employee, while off duty, was observed driving his personal vehicle and smoking from a device commonly used to smoke marijuana and other illegal substances.	The investigation determined that the employee has a medical condition that occasionally requires him to use an assisted breathing device. The investigation determined that the device appears to have been mistaken for a marijuana pipe. There was no evidence that the employee was unlawfully using controlled substances. Finding—ADMINISTRATIVELY UNFOUNDED
The complaint alleged that the named employee had unwanted physical contact with her while both were on-duty.	Insufficient evidence existed to establish a crime and/or that misconduct had occurred. The evidence available could neither prove nor disprove the allegation. Finding—NOT SUSTAINED

POLICY/PROCEDURES

The complainant alleged that the named employee failed to appropriately document a complaint and implied that the complaint would not be taken seriously, nor properly resolved.	The investigation determined that the alleged misconduct did not occur as reported. Finding--UNFOUNDED
The complainant stated that he was arrested for merely failing to identify himself and that the arrest was unlawful. Further, a supervisor screened and approved the unlawful arrest.	The investigation determined that the evidence did not support the complainant's assertion. The arrest was lawful and properly screened and approved by the supervisor. Finding--EXONERATED

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant states that unnecessary force was used when employees responded to a temporary housing encampment at a request from the camp's manager to remove her.	This incident was captured on the employee's in-car video system. A review of the video showed that the complainant was hysterical, out of control and physically aggressive. It further revealed overwhelmingly that the employees used only minimal, reasonable and non-reportable force to control the complainant and take her into custody. Finding--EXONERATED
The complainant alleged that the named employee used excessive force while investigating a DV incident.	The investigation determined that the complainant had exaggerated and fabricated the degree of force used by the employee and attributed the force that had been used during the DV incident to the employee. Finding--UNFOUNDED

<p>The allegation stated that while being processed for a DUI arrest, the named employee slammed the complainant to the concrete floor fracturing the complainant's tailbone.</p>	<p>The evidence revealed that the complainant's injury more than likely occurred from her intoxication and inability to stand than from any action from the employee. Further, the complainant was caught on in-car video making threats to the employee to make unfounded allegations to retaliate for her arrest. The misconduct did not occur as alleged. Finding--UNFOUNDED</p>
<p>The complainant states that the employee pulled her from her doorway and pushed her against a wall while serving an anti-harassment protection order.</p>	<p>The evidence available demonstrated that the complainant was either fabricating or exaggerating the degree of force used by the employee. The employee's explanation was logical, reasonable and consistent with the evidence. Finding--UNFOUNDED</p>
<p>The complainant stated that the named employees grabbed him, punched him and struck him with a baton while taking him into custody.</p>	<p>The investigation determined that when responding officers arrived to investigate a complainant, the complainant immediately became unreasonably disruptive and threatening, requiring the employees to handcuff him for the safety of themselves and others. Observations by third-party witnesses and the audio portion of the in-car video camera system corroborate the employees' version of the incident while strongly refuting the complainant's assertions. Finding--Exonerated</p>
<p>The complaint alleges that unnecessary force was used while detaining a suspect for possible drug activities.</p>	<p>The evidence determined that the employee used reasonable, non-reportable force in response to the actions of the subject. The description of force provided by the complainant was found to be exaggerated and the misconduct did not occur as alleged. Finding--UNFOUNDED</p>

April 2009 Cases Mediated:

No cases were mediated in April

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	37
4/16-5/15	26	15	4	6	2	5	15		47	41
5/16-6/15	23		2		1		12		38	
6/16-7/15	17		2		3		14		36	
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	63	71	18	20	14	158	50	527	145



