

**Office of Professional Accountability (OPA)
Commendations & Complaints Report
October/Nov 2007**

Commendations:

Commendations Received in October/November: 48

Commendations Received to Date: 167

<p><i>Foster Jr, Eugene Savas, Keith Shilling Jr, Robert Stangeland, Donna Stevenson, Anthony Webster, Richard Welch, Richard</i></p>	<p>A letter of commendation was received by various detectives in the Sexual Assault Unit for treating a victim with warmth, dignity, urgency, diplomacy, and respect. They were highly professional in their appearance and interpersonal demeanor, which communicated a keen awareness of the victims' needs. Each detective expressed empathy for the victim's situation and communicated a commitment to responding to the situation as quickly as possible. The team gathered and reviewed evidence, established grounds for an arrest, executed a search warrant, and obtained a full confession from the suspect.</p>
<p><i>Briskey, Jacob Shepherd, Adley</i></p>	<p>A reported stolen vehicle equipped with a silent alarm was tracked and recovered within five minutes of activation. The officers were commended for their quick response. It was abandoned, ignition damaged, and four wheels missing.</p>
<p><i>Rice, Steven</i></p>	<p>A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Rice was commended for his quick response. The vehicle was located in a grocery store parking lot abandoned and did not appear to have any damage.</p>
<p><i>Sullivan, David</i></p>	<p>Officer Sullivan was commended for his response to a burglary call. He was polite, professional, and thorough throughout the investigation. He methodically went through the residence inside and out, asked clarifying questions, and quickly identified a number of items that would be suitable for fingerprinting.</p>
<p><i>Schubeck, Eugene Bright, Bryan</i></p>	<p>Two officers were commended for their great job in handling a difficult situation where a neighbor was reacting poorly to a combination of prescribed medications and clearly out of control. They acted quickly, carefully, and fairly to subdue and protect him.</p>

McLeod, Amber Toman, Christopher	Two officers were commended for their investigation on an armed robbery call. During the investigation, they found two individuals who matched the description provided by the victim and subsequently, arrested and booked the suspects into jail. These officers exemplify the core values of the Department: prevent crime, enforce the law, and support quality Public Safety.
Cavin Jr, Robert	Officer Cavin received a note of appreciation for patrolling at a nearby school's crosswalk. His visible presence had a noticeable and remarkable impact on drivers following speed limits and increased their awareness of safety issues in a school zone.
Clark, Stephen	Officer Clark received a letter of commendation for handling a domestic situation with compassion and professionalism.
Hansen, James	Sergeant Hansen was commended for his involvement with the Radio Controlled Improvised Explosive Devices - Electronic Countermeasures Steering Group. The work he performed was essential to the continued development of the vital national program for countering terrorist use of IEDs that include radio-controlled features.
Bailey, Jack Roufs, Heather	Officer's Roufs and Bailey received a letter of commendation for helping to remove an unwanted tenant and his belongings. Each officer did an outstanding job, each was courteous and professional and, each was knowledgeable of the law. This helped in making the handling of the tense situation very helpful.
Burns, Thomas Smith, Donald Smith, Ronald	A commendation was sent to three Sworn employees for their effort and outstanding job in helping train over eighty officers from multiple local agencies in civil disturbance tactics.
Diaz, John	Deputy Chief Diaz received an expression of gratitude for making the first meeting of the Northwest Police Accreditation Coalition CEO Roundtable a success. His participation was of integral value and the information given invaluable.
Etter, Rita Liggins, Lester Riccobuono, Kristi	A letter of Commendation was received for one Sworn employee and two Civilian employees for their assistance with fingerprinting and background checks for the youth volunteers at the First African Methodist Episcopal Church. Their professionalism and sense of humor made the process welcoming and educational for the 54 people who attended. This has insured the children a safe environment that could not have been done without the assistance of the members of the Seattle Police Department.
Friend Gray, Sheila	Sheila Friend Gray received an expression of gratitude for her response and help with data on the Click It or Ticket Campaign.
Friesen, Wesley Zwaschka, Andrew	Officers Wesley Friesen and Andrew Zwaschka, for the assistance they provided to locate a person thought to be

	missing, received a commendation. The quick assessment, rapid search of the surrounding area, courtesy, and professionalism displayed by the two officers helped calm this stressful situation and resulted in the person being located.
Gingrey, Joel Hagemann, Clark Kinney, Tanya Martin, Marcus Stankovich, Joseph	Multiple employees received commendations for their efforts to recover stolen vehicles equipped with silent alarms.
Girtch, Jon Yama, Shane	Officer's Yama and Girtch received a commendation letter for their tremendous compassion and patience in resolving an incident that involved a disadvantaged man (blind and deaf) who was being escorted off hotel property.
Haag, Devlin	Officer Devlin Haag received a letter of commendation for participating in the Street Law Class held at Ballard High School. Positive feedback was given from the students' perspectives.
Leavitt, Grant Willoughby, Tad Yama, Shane	An expression of gratitude was received for Officers Shane Yama, Grant Leavitt and Tad Willoughby for their help in locating a runaway juvenile. Their efforts were instrumental in locating the runaway.
McNulty, Gary Newsom, Dianne	Detective Dianne Newsom and Officer Gary McNulty received a letter of commendation for their extraordinary dedication on working on closing down a drug house in the RossPark/Fremont neighborhood. Their police presence and vigilance, and ability to think outside of the box, helped those attending the Neighborhood Meeting feel empowered to take a more creative and constructive course of action.
Pendergrass, Mary	A commendation was sent to Officer Pendergrass for her dedication to public service and child passenger safety.
Shilling Jr, Robert	Detective Robert A. Shilling received an expression of gratitude for his presentation at the Association of Chief Police Officers for England, Wales and Ireland.
Webster, Richard Young, Christopher	Both Officers Christopher Young and Richard Webster received a commendation for their fine investigational work, where they showed great skill, judgment and composure while listening to a personal testimony in an attempted rape case.
Wall, Philip	A commendation was received by Detective Wall for obtaining a court document required to recover stolen computer equipped and software. His diligence, investigative skills, and quick and efficient response in obtaining the court document helped in a full recovery of the stolen property.

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

October/November 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
<p>The complainant, a passenger in a vehicle stopped by named employee #1 for a traffic violation, alleged named employee #1 without lawful justification, asked him for identification, unlawfully removed him from the vehicle; arrested him for urinating in public; and transported him to a police precinct, then to the police headquarters for fingerprinting for purposes of identification necessary to issue him a citation; and subsequently transported complainant to jail for booking on a warrant that was discovered after he was fingerprinted.</p> <p>The complainant further alleged that named employee #2 grabbed his neck and banged his head against a wall at the police precinct while asking him to tell employees his true name. The complainant admits he verbally gave employees an alias at the scene of the traffic stop, knowing he had an</p>	<p>A preponderance of the evidence demonstrated named employee #1 in asking complainant, a passenger in a vehicle in which another passenger had been lawfully arrested and not in apparent violation of any laws himself, for identification, while likely lawfully unjustified and a violation of Department policy, did not engage in willful misconduct. Further, a preponderance of the evidence demonstrates training and counseling on criminal procedure related to vehicle stops, the differences between violations and crimes, and the law of “stop/frisk”, i.e., “Terry Stops” or temporary detentions, will assist named employee #1 in addressing similar situations he may encounter in his work as a patrol officer. Finding Rules/Regulations—SUPERVISORY INTERVENTION.</p> <p>A preponderance of the evidence demonstrated the alleged use of force by named employee #2 did not occur as alleged. Finding Force—UNFOUNDED.</p>

<p>outstanding arrest warrant, to avoid being arrested.</p>	
<p>An off-duty employee driving a personal vehicle was arrested by another jurisdiction for DUI. The arresting agency observed the employee driving erratically. The named officer provided BAC readings of .139 and .137. The named officer entered into an Order of Deferred Prosecution with the local jurisdiction.</p>	<p>The evidence establishes that the arresting agency had probable cause to arrest the named employee for operating a motor vehicle while under the influence of intoxicants; that the named officer cooperated fully with the arresting officer, that the named officer forthrightly acknowledges his behavior, and that the named officer voluntarily entered into an Order of Deferred Prosecution and is complying with its provisions. Finding—SUSTAINED.</p>
<p>Complainant reports that the named employee, while off duty, operated a private vehicle while under the influence of intoxicants.</p>	<p>The evidence demonstrates that probable cause existed to arrest the named officer for the crime of DUI. The named officer pleaded guilty to the crime of Reckless Driving. The employee was sentenced to one day in jail and fined \$1,103.00. Additionally, the Washington State Department of Licensing suspended his privilege to drive for 30-days. Finding—SUSTAINED.</p>
<p>Complainant reports that the named officer, while off duty was cited and released by police officers for the crimes of Obstructing a Law Enforcement Officer and Disorderly Conduct.</p>	<p>Named officer entered into a Stipulated Order of Continuance with Conditions with the Municipal Court of record. The order provides the charge of Obstruction will be dismissed upon successful compliance with the provisions of the order. Finding—SUSTAINED.</p> <p>The investigation also determined that the named officer was on sick leave at the time of the incident and away from her “place of recovery” in violation of Departmental policy. Finding—SUSTAINED</p> <p>The investigation further concluded that her conduct towards the arresting officer was inappropriate. Finding Courtesy—Sustained.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>The complainant alleged the named employee used profanity when contacting the complainant’s 16-year-old son during a traffic stop.</p>	<p>A preponderance of the evidence demonstrated a disagreement over the exact phraseology used by the named employee, but the employee admits to using a profane word during his contact with the complainant’s son. The employee used this</p>

	<p>offensive word in an attempt to speak with the son and his passengers in a vernacular the employee believed would assist him in conveying to the teenagers the importance of driving safely. Named employee forthrightly admits, in hindsight, his usage was “unprofessional.” Finding—SUPERVISORY INTERVENTION.</p>
<p>The complainant alleged the named employee refused to take a police report of an assault on the complainant and his brother.</p>	<p>The evidence shows the allegation has no merit and that the named employee did write an incident report and handled the incident within Department guidelines. Finding—UNFOUNDED.</p>

STANDARDS OF CONDUCT: RULES/EXPECTATIONS

Synopsis	Action Taken
<p>It is alleged named officer, without authorization, while on-duty, drove his patrol car outside the city limits of Seattle for personal use.</p>	<p>The named officer admitted that he drove his patrol car outside the city limits of Seattle to pick up his daughter at one location to transport her to another and that this constituted a violation of Department policy. Finding—SUSTAINED.</p>
<p>Complainant alleges that the named officers lacked a legal basis for taking him into custody, including transporting him to multiple precincts in order to have him fingerprinted, because the named officers doubted the identity that he had provided.</p>	<p>A preponderance of the evidence demonstrated that the named officers initially had a legal basis to detain complainant in order to determine whether he was a suspect in a disturbance/assault. However, when the named officers determined that he was not a criminal suspect, their purpose for temporarily detaining him evaporated, and he should have been free to leave.</p> <p>The evidence further showed that the named officers, though acting without malice and in good faith, maintained custody of complainant significantly longer that would be expected, approximately 1½ hour.</p> <p>The officers’ supervisor, who had the facts of the situation, failed to recognize the legal limitations and improperly screened the arrest.</p> <p>Finally, a preponderance of the evidence established that the named officers, in violation of Department policy, did not complete an Incident Report documenting their custody and processing of the complainant until approximately 6 weeks after the incident.</p>

	<p>Finding Notification of a Supervisor—SUSTAINED.</p> <p>Finding Rules/Regulations—SUSTAINED.</p>
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STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
<p>Complainant alleges that the named officers unlawfully took temporary possession of two hand guns which he possessed and then returned the hand guns unloaded and disassembled. The complainant alleges this temporary seizure and disassembly of his guns is unlawful because he possessed a valid concealed weapons permit.</p>	<p>A preponderance of the evidence establishes that named officers had a lawful basis for contacting complainant because of his actions and that complainant did possess a valid Carrying a Concealed Weapons permit. The existence of a permit does not preclude officers from temporarily seizing a weapon in order to secure their safety and the safety of others. The complainant's conduct and language raised a reasonable fear in the minds of the named officers that complainant's judgment could be seriously impaired and his emotional state unpredictable, thereby creating a significant risk of harm to the officers and other persons nearby. The named officers acted reasonably and lawfully by unloading and disassembling complainant's weapons and promptly returning them to complainant, undamaged, at the conclusion of their contact. Finding—EXONERATED.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
<p>The complainant alleged that the named employees used unnecessary physical force while arresting the complainant, her daughter, and adult son for assault.</p>	<p>A preponderance of the evidence clearly demonstrated that the unreasonable, unjustified, aggressive, and assaultive conduct of the complainant and her adult children toward the named employees necessitated the use of physical force by the employees in order to defend themselves and subdue their aggressors. The force used was lawful, necessary, and reasonable under the circumstances and the employees thoroughly and properly documented their actions. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees used unnecessary force when they arrested him, in</p>	<p>The investigation determined that the force used to take the complainant into custody was reasonable, appropriate and within policy. The complainant's injuries during this arrest were</p>

<p>that they pulled him from the car, at which time he struck his face on the door frame, and that they then threw him to the ground and repeatedly punched and kicked him, even after he was handcuffed.</p> <p>The complainant further alleged that the employees told the responding supervisor that he had been resisting arrest, but he said that he was suffering from a diabetic reaction and could not have been doing so.</p>	<p>minimal and consistent with the force used. There was no evidence that the complainant was repeatedly kicked and punched. The complainant did advise that he was suffering a diabetic reaction and Seattle Fire Department medics were requested and his medical issues were attended to. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees, while arresting him for an outstanding DUI warrant and Child Endangerment, punched, kicked, pepper sprayed, and hog-tied him without legal justification, causing injury to his head and upper body.</p>	<p>A preponderance of evidence demonstrated that the named employees used only reasonable and necessary force to address the complainant, who continually acted in a physically aggressive and threatening manner toward the employees. The complainant’s actions, alone, are the cause of his injury. He head-butted a patrol car window and broke it, spit at the employees, and was physically aggressive towards them. Consequently, the use of physical force was necessary to control the complainant and protect others from harm. The incident and use of force was reported, documented, and screened by a supervisor. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees, without legal justification or explanation, approached the complainant while he was walking alone down a sidewalk in his neighborhood. They then allegedly wrestled him to the ground, and punched him five times in the face for no reason.</p>	<p>A preponderance of the evidence demonstrated that the named employees were responding to an assault and that the 911 broadcast included a suspect description that was similar to the complainant’s appearance. Employees attempted to contact the complainant, but he ran and actively resisted their verbal and physical efforts to stop, control, and detain him.</p> <p>Complainant’s assertion that named employees punched him in the face is unsupported by the facts and contradicted by the evidence, including observations by a third-party witness. The incident and use of force was reported, documented, and screened by a supervisor.</p>

	Finding—EXONERATED.
The complainant alleged that the named employees used unnecessary force when removing the complainant from his vehicle after complainant had led employees on an extended high-speed vehicle pursuit.	A preponderance of the evidence demonstrated that the named employees used reasonable and necessary force to arrest the complainant for conduct that placed the safety of others, including the employees, in jeopardy and that the complainant vigorously resisted the effort of the employees to control him. The incident and use of force was reported, documented, and screened by a supervisor. Finding—EXONERATED.
The complainant alleged that the named employees placed a plastic bag over his head; pepper sprayed him, and struck him with a stick.	The named employees responded to a disturbance, where they encountered the intoxicated complainant. All attempts to gain voluntary compliance went ignored by the complainant. The employees had a duty and responsibility to check on the safety and welfare of the home's occupants due to the reported physical disturbance that had occurred inside the residence. The subject's noted injuries were minimal. The amount of force used by the employees to secure his arrest was deemed to have been reasonable. Finding—EXONERATED.
The complainant alleged that the named employees grabbed him around the neck and threw him to the ground without lawful justification. The complainant further alleged that named employee #2 failed to identify herself when asked.	A preponderance of the evidence demonstrated that neither named employee used reportable force upon the complainant, and that they had acted reasonably and lawfully throughout their contact with the complainant. Further, named employee #2 properly identified herself to the complainant by providing a business card. Finding Force—UNFOUNDED; Duty to Identify—UNFOUNDED.

<p>The complainant alleged that the named employees used excessive force, including the use of a Taser, while taking him into custody.</p>	<p>The subject was given ample opportunity to stop and speak with the named employees, who had been dispatched to investigate an assault in-progress. The complainant observed the employees arriving at the scene and entered a nearby restaurant, subsequently fleeing through the back door. The employees had probable cause to pursue the subject based on the information given and his subsequent failure to obey their lawful order to stop. Additionally, the employees applied a reasonable escalation of force based on the subject's actions and demeanor. The subject ignored verbal directions and attempts at physical control were met with combative resistance, which resulted in the injury of three employees. It was the subject's own admitted actions that led to the taser application. The subject was subsequently arrested and booked for Investigation of Assault and on a felony warrant. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employee stopped her boyfriend as they were walking away from a disturbance at a nearby drugstore in which they were not involved. Specifically, the complainant alleged that her boyfriend was only walking down the street when the employee, without saying anything, grabbed the boyfriend's arm and immediately tased him.</p>	<p>A preponderance of the evidence demonstrated that the named employee had a lawful justification for stopping the complainant's boyfriend and that the force used by the employee was reasonable and necessary. The incident and use of force was reported, documented, and screened by a supervisor. Finding—ADMINISTRATIVELY EXONERATED.</p>
<p>The complainant alleges that the named officers used unnecessary force when they arrested him including tasing, kicking, and striking the subject several times long after he had given up the fight.</p>	<p>There were multiple witnesses to this incident who provided varying accounts of what they observed or later remembered. The evidence overwhelming supported the officers' version of the incident. Evidence supports that the very combative and highly aggressive subject put up quite a struggle. The force the officers used was appropriate and necessary to overcome his struggling and to take him into custody. Finding—EXONERATED.</p>
<p>Complainant alleges that he</p>	<p>A preponderance of the evidence demonstrated</p>

<p>observed named officers use unnecessary force in subduing a suspect they had apprehended after a foot pursuit.</p>	<p>that the named officers, under the circumstances, used reasonable and necessary force to subdue a combative individual and that they properly documented the incident and their use of force was consistent with Departmental policy. Both a patrol sergeant and lieutenant screened their actions. Finding—EXONERATED.</p>
<p>Complainant alleges named officer #1 used unnecessary force by slapping him in the face and that named officer #2 unnecessarily placed him in a “head lock” while he was handcuffed.</p>	<p>The evidence demonstrated that the named officers, working a uniformed bicycle emphasis patrol monitoring activity around nightclubs in the Belltown area, initially made a “social contact” with the complainant. The evidence demonstrated the “social contact” evolved into a Terry Stop when officer #1 determined the complainant was in physical control of a vehicle while under the influence of a controlled substance.</p> <p>As the complainant was attempting to exit his car, the officer observed a box cutter on complainant’s lap. The employee immediately and reasonably perceived the presence of this box cutter as an imminent threat to himself and others present.</p> <p>The evidence demonstrated that the named officer acted reasonably when force was used to overcome the complainant’s resistance and deny the complainant further access to the box cutter.</p> <p>The evidence demonstrated that the force used by officer #2 in assisting officer #1 with handcuffing the complainant was reasonable and did not rise to the level of a reportable use of force.</p> <p>The evidence, other than complainant’s assertion, did not support the allegation that officer #2 made the alleged comment to the complainant. Finding Force—EXONERATED.</p>
<p>The subject alleges that during a traffic stop, the officer used unnecessary force to move him to the back of the subject’s car. This caused an injury to the subject’s arm.</p>	<p>The subject describes a typical over the trunk detention of someone who is being patted down for weapons and briefly detained, in this situation for a Department of Corrections status check, after the complainant was stopped for driving erratically. The subject states the officer was calm and he was treated normally until the DOC status was discovered.</p>

	<p>The conduct of the employees was determined to be reasonable and appropriate considering the totality of the facts at the time of the stop. Finding—EXONERATED.</p>
<p>The complainant alleges the named employee used unnecessary force while taking her into custody for running away from school.</p>	<p>There was no evidence to support that the officer did anything more than what was reasonable in this situation. The officer's use of force packet is consistent with both his training and in what had been reported on behalf of the subject juvenile. The officer's action merely describes control techniques used to detain the youth from running away. Finding—ADMINISTRATIVELY EXONERATED.</p>

October/November Cases Mediated:

- The complainant had been detained by retail security after merchandise was observed in his backpack. The complaint involved concerns that the employee could have communicated better with the complainant at the time of the incident.
- During a large local event, a foot pursuit ensued and multiple event participants were run into and suffered minor injuries. The complaint alleged that as the incident was being cleared, employees used inappropriate language, failed to identify themselves when asked, and failed to check on those bumped for injuries.
- The complaint alleged that the named employee was rude and disrespectful to him during a traffic incident.
- Complainant alleged that the named employee treated her daughter rudely during a contact. She also stated that the employee used unprofessional language and acted inappropriately.

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.

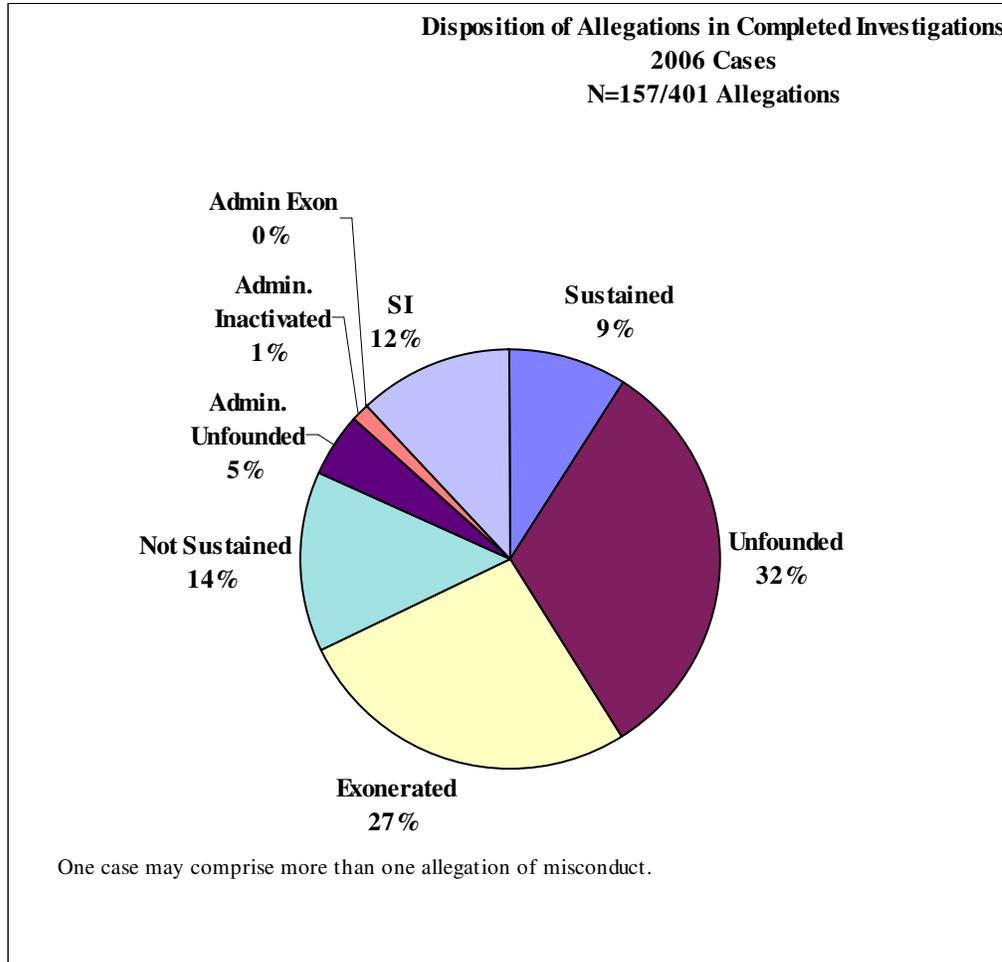
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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	Jan-Dec 2006
Preliminary Investigation Reports	282
Cases Assigned for Supervisory Review	86
Cases Assigned for Investigation (IS;LI)	157*
Commendations	397

*includes 2006 cases closed in 2007



2007 Contacts	Nov 2007	Jan-Nov 2007
Preliminary Investigation Reports	32	303
Cases Assigned for Supervisory Review	13	96
Cases Assigned for Investigation (IS;LI)	28	155
Commendations	48	167